

under section 5981 of this title before the fees are received.

(Pub. L. 105-391, title IV, §412, Nov. 13, 1998, 112 Stat. 3515; Pub. L. 106-113, div. B, §1000(a)(3) [title I, §143], Nov. 29, 1999, 113 Stat. 1535, 1501A-171; Pub. L. 106-291, title I, §139, Oct. 11, 2000, 114 Stat. 949; Pub. L. 107-63, title I, §122, Nov. 5, 2001, 115 Stat. 440.)

#### AMENDMENTS

2001—Subsec. (b). Pub. L. 107-63 substituted “2002” for “2001”.

2000—Subsec. (b). Pub. L. 106-291 substituted “2001” for “2000”.

1999—Pub. L. 106-113 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

#### § 5962. Use of nonmonetary consideration in concessions contracts

Section 1302 of title 40, relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this subchapter.

(Pub. L. 105-391, title IV, §413, Nov. 13, 1998, 112 Stat. 3515.)

#### CODIFICATION

“Section 1302 of title 40” substituted in text for “Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

#### § 5963. Recordkeeping requirements

##### (a) In general

Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessions contract have been and are being faithfully performed, and the Secretary and any duly authorized representative of the Secretary shall, for the purpose of audit and examination, have access to such records and to other books, documents, and papers of the concessioner pertinent to the contract and all terms and conditions thereof.

##### (b) Access to records

The Comptroller General or any duly authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent books, papers, documents and records of the concessioner or subconcessioner related to the contract or contracts involved.

(Pub. L. 105-391, title IV, §414, Nov. 13, 1998, 112 Stat. 3515.)

#### § 5964. Promotion of sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts

##### (a) In general

Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of units of the National Park System is encouraged, and the Secretary shall ensure that there

is a continuing effort to enhance the handicraft trade where it exists and establish the trade in appropriate areas where such trade currently does not exist.

##### (b) Exemption from franchise fee

In furtherance of these purposes, the revenue derived from the sale of United States Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this subchapter.

(Pub. L. 105-391, title IV, §416, Nov. 13, 1998, 112 Stat. 3516.)

#### § 5965. Regulations

As soon as practicable after the effective date of this subchapter, the Secretary shall promulgate regulations appropriate for its implementation. Among other matters, such regulations shall include appropriate provisions to ensure that concession services and facilities to be provided in a unit of the National Park System are not segmented or otherwise split into separate concessions contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concessions contract below \$500,000. The Secretary shall also promulgate regulations which further define the term “United States Indian, Alaskan Native, and Native Hawaiian handicrafts” for the purposes of this subchapter.

(Pub. L. 105-391, title IV, §417, Nov. 13, 1998, 112 Stat. 3516.)

#### REFERENCES IN TEXT

The effective date of this subchapter, referred to in text, probably means the date of enactment of this subchapter, which was approved Nov. 13, 1998.

#### § 5966. Commercial use authorizations

##### (a) In general

To the extent specified in this section, the Secretary, upon request, may authorize a private person, corporation, or other entity to provide services to visitors to units of the National Park System through a commercial use authorization. Such authorizations shall not be considered as concessions contracts pursuant to this subchapter nor shall other sections of this subchapter be applicable to such authorizations except where expressly so stated.

##### (b) Criteria for issuance of authorizations

###### (1) Required determinations

The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on resources and values of the unit of the National Park System and are consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations.

###### (2) Elements of authorization

The Secretary shall—

(A) require payment of a reasonable fee for issuance of an authorization under this section, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;