

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;

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

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(D) have no authority under this section to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

(c) Limitations

Any authorization issued under this section 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 unit of the National Park System pursuant to such authorization;

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

(3) such uses by organized children's camps, outdoor clubs and nonprofit institutions (including back country use) and such other uses as the Secretary determines appropriate.

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

(d) Prohibition on construction

An authorization issued under this section shall not provide for the construction of any structure, fixture, or improvement on federally-owned lands within the boundaries of a unit of the National Park System.

(e) Duration

The term of any authorization issued under this section shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(f) Other contracts

A person, corporation, or other entity seeking or obtaining an authorization pursuant to this section shall not be precluded from also submitting proposals for concessions contracts.

(Pub. L. 105-391, title IV, §418, Nov. 13, 1998, 112 Stat. 3516.)

SUBCHAPTER IV—FEES FOR USE OF
NATIONAL PARK SYSTEM

§ 5981. Fees

Notwithstanding any other provision of law, where the National Park Service or an entity under a service contract, cooperative agree-

ment, or other contractual arrangement with the National Park Service provides transportation to all or a portion of any unit of the National Park System, the Secretary may impose a reasonable and appropriate charge to the public for the use of such transportation services in addition to any admission fee required to be paid. Collection of both the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements with public or private entities, who qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Such transportation fees collected as per this section shall be retained by the unit of the National Park System at which the transportation fee was collected and the amount retained shall be expended only for costs associated with the transportation systems at the unit where the charge was imposed.

(Pub. L. 105-391, title V, §501, Nov. 13, 1998, 112 Stat. 3518; Pub. L. 109-131, title I, §102(b), Dec. 20, 2005, 119 Stat. 2568.)

AMENDMENTS

2005—Pub. L. 109-131 substituted "service contract, cooperative agreement, or other contractual arrangement" for "service contract" in first sentence.

§ 5982. Repealed. Pub. L. 108-447, div. J, title VIII, § 813(d)(1), Dec. 8, 2004, 118 Stat. 3391

Section, Pub. L. 105-391, title V, §502, Nov. 13, 1998, 112 Stat. 3518, related to agreement by Secretaries of the Interior and Agriculture on apportionment of Golden Eagle Passport sales.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 19, 2006, see section 6812(d) of this title.

SUBCHAPTER V—NATIONAL PARK
PASSPORT PROGRAM

§§ 5991 to 5995. Repealed. Pub. L. 108-447, div. J, title VIII, § 813(d)(2), Dec. 8, 2004, 118 Stat. 3391

Section 5991, Pub. L. 105-391, title VI, §601, Nov. 13, 1998, 112 Stat. 3518, related to purposes of this subchapter.

Section 5992, Pub. L. 105-391, title VI, §602, Nov. 13, 1998, 112 Stat. 3519, related to establishment of the national park passport program.

Section 5993, Pub. L. 105-391, title VI, §603, Nov. 13, 1998, 112 Stat. 3519; Pub. L. 106-113, div. B, §1000(a)(3) [title I, §145], Nov. 29, 1999, 113 Stat. 1535, 1501A-171; Pub. L. 106-176, title III, §306, Mar. 10, 2000, 114 Stat. 33, related to administration of the national park passport program.

Section 5994, Pub. L. 105-391, title VI, §604, Nov. 13, 1998, 112 Stat. 3519, related to foreign sales of Golden Eagle Passports.

Section 5995, Pub. L. 105-391, title VI, §605, Nov. 13, 1998, 112 Stat. 3520, related to effect of the national park passport on other laws and programs.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 19, 2006, see section 6812(d) of this title.