

The words “As soon as practicable after the effective date of this subchapter” are omitted as obsolete.

SUBCHAPTER III—COMMERCIAL SERVICES AUTHORIZATION

Sec.¹

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CODIFICATION

The table of sections for subchapter III is set out preceding section 101931 as enacted by Pub. L. 114-289, and not as part of the chapter analysis preceding section 101901.

§ 101931. Contract authority

(a) GENERAL AUTHORITY.—Notwithstanding subchapter II, the Secretary may award and administer commercial services contracts (and related professional services contracts) for the operation and expansion of commercial visitor facilities and visitor services programs in System units. The commercial services contracts that may be awarded shall be limited to those that are necessary and appropriate for public use and enjoyment of the unit of the System in which they are located, and, that are consistent with the preservation and conservation of the resources and values of the unit.

(b) ADDITIONAL AUTHORITY.—Contracts may be awarded under subsection (a) without regard to Federal laws and regulations governing procurement by Federal agencies, with the exception of laws and regulations related to Federal government contracts governing working conditions and wage rates, including the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.), sections 3141–3144, 3146, and 3147 of title 40, United States Code (commonly known as the “Davis-Bacon Act”), and any civil rights provisions otherwise applicable thereto.

(c) USE OF COMMERCIAL SERVICES CONTRACTS.—

(1) IN GENERAL.—The Secretary may issue a commercial services contract under this subchapter when the Secretary determines that the contract meets the objectives of expanding, modernizing, and improving the condition of commercial visitor facilities and the services provided to visitors.

(2) EXCEPTIONS.—No contracts may be awarded under this subchapter—

(A) for the provision of outfitter and guide services described in section 101913(8); or

(B) to authorize the provision of facilities or services for which the Secretary has granted to an existing concessioner a preferential right of renewal as defined in sections 101911 and 101913.

(Added Pub. L. 114-289, title VII, § 701, Dec. 16, 2016, 130 Stat. 1492.)

REFERENCES IN TEXT

The Alaska National Interest Lands Conservation Act, referred to in subsec. (b), is Pub. L. 96-487, Dec. 2,

¹ Editorially supplied.

1980, 94 Stat. 2371. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

§ 101932. Award of commercial services contracts

(a) COMPETITIVE SELECTION PROCESS.—Except as provided in subsection (c), commercial services contracts shall be awarded by the Secretary through a competitive selection process.

(b) SOLICITATION OF PROPOSALS.—Before awarding a new commercial services contract, the Secretary shall publicly solicit proposals for the contract, except as provided in subsection (c). In connection with such solicitation, the Secretary shall prepare a request for proposals and shall publish notice of its availability.

(Added Pub. L. 114-289, title VII, § 701, Dec. 16, 2016, 130 Stat. 1493.)

§ 101933. Term of commercial services contracts

A commercial services contract entered into pursuant to this title shall be awarded for a term not to exceed 10 years.

(Added Pub. L. 114-289, title VII, § 701, Dec. 16, 2016, 130 Stat. 1493.)

§ 101934. Capital improvements

A person or entity awarded a contract under this subchapter shall receive no leasehold surrender interest, as defined in section 101915, in capital improvements constructed under the terms of the contract.

(Added Pub. L. 114-289, title VII, § 701, Dec. 16, 2016, 130 Stat. 1493.)

§ 101935. Financial management

(a) REVOLVING FUND.—There is established a revolving fund that shall be available to the Secretary without fiscal year limitation for—

(1) expenses necessary for the management, improvement, enhancement, operation, construction, and maintenance of commercial visitor services and facilities; and

(2) payment of possessory interest and leasehold surrender interest.

(b) COLLECTION OF FUNDS.—

(1) Funds collected by the Secretary pursuant to the contracts awarded under this subchapter shall be credited to the revolving fund.

(2) The Secretary is authorized to transfer to the revolving fund, without reimbursement, any additional funds or revenue in connection with the functions to be carried out under this subchapter.

(c) USE OF FUNDS.—Amounts in the revolving fund shall be used by the Secretary in furtherance of the purposes of this title. No funds from this account may be used to decrease the availability of services and programs to the public.

(Added Pub. L. 114-289, title VII, § 701, Dec. 16, 2016, 130 Stat. 1493.)

§ 101936. Regulations

As soon as practicable after the effective date of this subchapter, the Secretary shall promulgate regulations appropriate for its implementation.