

[DISCUSSION DRAFT]

113TH CONGRESS
2ND SESSION

H. R. _____

To amend the Federal Lands Recreation Enhancement Act to improve consistency and accountability in the collection and expenditure of Federal recreation fees, and for other purposes.

SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title- This title may be cited as the 'Federal Lands Recreation Enhancement Act'.

(b) Table of Contents- The table of contents of this Act is as follows:

- Sec. 801. Short title and table of contents.
- Sec. 802. Definitions.
- Sec. 803. Recreation Fee Authority.
- Sec. 804. Day Use Fees.
- Sec. 805. Entrance Fees.
- Sec. 806. Recreation Fees.
- Sec. 807. Special Recreation Permit Fees.
- Sec. 808. Public Participation.
- Sec. 809. Recreation Passes.
- Sec. 810. Cooperative Agreements.
- Sec. 811. Special account and distribution of fees and revenues.
- Sec. 812. Expenditures.
- Sec. 813. Reports.
- Sec. 814. Volunteers.
- Sec. 815. Enforcement and Protection of Receipts.
- Sec. 815. United States Army Corps of Engineers.
- Sec. 817. Repeal of superseded admission and use fee authorities.
- Sec. 818. Relation to other laws and fee collection authorities.
- Sec. 819. Limitation on use of fees for employee bonuses.
- Sec. 820. Sunset provision.

SEC. 802. DEFINITIONS.

In this Act:

- (1) ENTRANCE FEE- The term 'entrance fee' means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.
- (2) FEDERAL LAND MANAGEMENT AGENCY- The term 'Federal land management agency' means the National Park Service, the United

States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(3) FEDERAL RECREATIONAL LANDS AND WATERS- The term `Federal recreational lands and waters' means lands or waters managed by a Federal land management agency.

(4) FEE.—The term `fee' relates to all fees established by this Act, including day-use fees, entrance fees, recreation fees, and special recreation permit fees.

(5) DAY-USE FEE.—The term `day-use fee' means the fee authorized to be charged in section 804.

(6) UNIT —The term "unit" means a park, forest, refuge, or comparable organizational unit.

(7) PASSOWNER- The term `passowner' means the person who is issued a recreation pass.

(8) RECREATION FEE.—The term `recreation fee' means the recreation fee authorized by section 806.

(9) RECREATION PASS- The term `recreation pass' means the America the Beautiful – the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by section 809.

(10) SECRETARY- The term `Secretary' means--

(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

(B) the Secretary of Agriculture, with respect to the Forest Service.

(11) SECRETARIES- The term `Secretaries' means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

(12) SPECIAL ACCOUNT- The term `special account' means the special account established in the Treasury under section 811 for a Federal land management agency.

(13) SPECIAL RECREATION PERMIT FEE- The term `special recreation permit fee' means the recreation fee authorized by section 807.

SEC. 803. RECREATION FEE AUTHORITY.

(a) SOLE RECREATION FEE AUTHORITY. - Recreation fees authorized under this Act shall be in lieu of fees charged for the same purposes under any other provision of law including, but not limited to, section 3(g) of Public Law 91-383 (16 U.S.C. 1(a)2(g)) and 31 USC 9701.

(b) AUTHORITY OF THE SECRETARY.—All fees established pursuant to this Act shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the visitor, the public policy,

or interest served, the economic and administrative feasibility of fee collection, and other pertinent factors, specifically the following:

- (1) The Secretaries shall consult with appropriate Federal, State, tribal, and local government agencies, and nongovernmental organizations representing local tourism and recreation interests before setting fees.
- (2) Fees shall be comparable to those charged by other public agencies and private sector operators for sites with similar resources and amenities, in the same geographic area.
- (3) The Secretary shall establish the minimum number of fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.
- (4) The secretary shall, to the extent practicable, use technology and automation to increase accountability, efficiently and the convenience of paying fees.

(c) MISCELLANEOUS ADMINISTRATIVE PROVISIONS REGARDING FEES AND RECREATION PASSES.—

- (1) NOTICE OF FEES AND PASSES.—The Secretary shall post clear notice of any fee and available recreation passes at appropriate locations in each unit or area of Federal recreation lands or waters where any fee is charged. The Secretary shall include such notice in publications distributed at the unit or area and on agency Web sites
- (2) NOTICE OF FEE PROJECTS.—To the extent practicable, the Secretary shall post clear notice of locations where work is performed using fee or recreation pass revenues collected under this Act.

(d) DISCOUNTED OR FREE ADMISSION DAYS OR USE.—The Secretary may provide for discounted or free admission days or use of Federal recreational lands and waters.

SEC. 804. DAY-USE FEES.

(a) DAY-USE FEES.—

- (1) IN GENERAL.—For the Forest Service and Bureau of Land Management per-vehicle, day-use fees may be charged at:
 - (A) Sites of concentrated public use
 - (B) Areas of concentrated public use
 - (C) A National Conservation Area
 - (D) A National Volcanic Monument
- (2) SITES OF CONCENTRATED PUBLIC USE.— For purposes of paragraph (1)(A), the term 'sites of concentrated public use' means a site that is managed primarily for outdoor recreation purposes, where facilities and services necessary to accommodate heavy public use are

provided, public access to the site is provided in such a manner that fees can be efficiently collected at one or more centralized locations, the site has regularly serviced and well maintained toilet facilities and contains at least 3 of the following amenities:

- (A) Trash collection.
- (B) Permanent interpretive materials.
- (C) Picnic tables.
- (D) Routine presence of agency law enforcement.

(3) AREAS OF CONCENTRATED PUBLIC USE - For purposes of paragraph (1)(B), the term 'areas of concentrated public use' means 2 or more "sites of concentrated use," with not more than one half mile between the sites, where a day use fee may be charged for the sites and the area in between and around the sites.

(4) PUBLIC NOTICE AND COMMENT.—Not later than 180 days after the date of enactment of this section, the Secretaries shall publish notice in the Federal Register of all sites where day-use fees are proposed to be collected and seek a 60-day public comment period. The Secretaries shall also publish such notice in local newspapers in the affected areas. Not later than 90 days after the close of the public comment period, the Secretaries shall post the final list of sites where day-use fees are to be collected in the Federal Register and on the agencies' web sites.

(5) TRANSITION.—The Secretaries may continue to collect fees in effect on the date of enactment of this section for a period not to exceed 180 days from the date the final list of sites required by paragraph (3) is posted in the Federal Register.

(6) PROOF OF PAYMENT - Users within a site or area where a Day Use Fee is charged are required to pay the fee. Upon payment of a Day Use Fee, the secretary shall issue a nontransferable receipt, or other form of proof of payment, valid for entry and reentry into the same site or area for a period of no less than 24 hours, and no more than 7 consecutive days.

(b) PROHIBITION ON DAY-USE FEES FOR CERTAIN PERSONS OR PLACES.—The Secretaries shall not charge a day-use fee for the following purposes or to the following people:

- (1) Roadside scenic overlooks and pullouts.
- (2) Services necessary to accommodate visitors with special needs.
- (3) Any person below the age of 16.
- (4) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions where the agency has provided prior approval for a fee waiver.

(5) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(6) Nonrecreational activities related to the exercise of First Amendment rights, agency authorized research, access to private property or inholdings, officials engaged in local, State, tribal, or Federal business.

(c) **PROCESS FOR ALTERING LIST OF DAY-USE FEES.**—After not less than 2 years, the Secretaries may alter the list of locations where day-use fees are charged. The Secretaries shall publish a notice in the Federal Register of all proposed changes to the list of sites where day use fees are collected and seek a 60-day public comment period. The Secretaries shall also publish such notice in local newspapers in the affected areas, both when a day use fee is added or removed. Not later than 60 days after the close of the public comment period, the Secretaries shall post the new list of sites where day-use fees are to be collected in the Federal Register and on the agencies' Web sites.

SEC. 805. ENTRANCE FEES.

(a) **ENTRANCE FEES.**—Entrance fees may be charged only at designated units of the National Park System, the National Wildlife Refuge System, and the Bureau of Reclamation as provided in this section.

(b) **ENTRANCE FEE POLICIES.**—The Secretary—

(1) shall, upon payment of an entrance fee, issue a nontransferable receipt, or other form of proof of payment, valid for entry and reentry of the same area for a period of no less than 24 hours, and no more than 7 consecutive days;

(2) shall treat a motorcycle or snowmobile, when used as transportation into enter an unit, as a motor vehicle for the purposes of collecting entrance fees and shall be charged a rate of 75% of the normal vehicle rate rounded to the nearest whole dollar;

(3) shall determine—

(A) a nationally consistent entrance fee policy and rate structure including a schedule for general visitors; commercial and noncommercial recreational groups and commercial air tours;

(B) the conditions under which an educational group entering an entrance fee area authorized under section 805(b) may be exempted from paying an entrance fee.

(c) **PROHIBITION ON ENTRANCE FEES FOR CERTAIN PERSONS OR PLACES.**—The Secretary shall not charge an entrance fee for the following:

(1) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions where the agency has provided prior approval for a fee waiver.

(2) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, the Flight 93 National Memorial, the Statue of Liberty National Monument, or Arlington House-Robert E. Lee National Memorial.

(3) Entrance by other routes into the Great Smoky Mountains National Park or any part thereof unless fees are charged for entrance into that park on main highways and thoroughfares.

(4) Entrance to units of the National Park System containing deed restrictions or other legislative prohibitions on charging fees.

(5) An area or unit of the National Park System covered under section 203 of the Alaska National Interest Lands Conservation Act (Public Law 19 96-487; 16 U.S.C. 410hh-2), with the exception of Denali National Park and Preserve.

(6) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act.

(7) Entrance by any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(8) Nonrecreational activities related to the exercise of First Amendment rights, agency authorized research, access to private property or inholdings, or officials engaged in local, State, tribal, or Federal business.

(9) Travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between 2 places either or both of which are outside any unit or area at which recreation fees are charged under this Act.

(10) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (16 U.S.C. 718b; commonly known as the Duck Stamp Act).

(d) ALLOWABLE FOR TRANSPORTATION SERVICES.—At a unit of the National Park System where the Secretary provides, either as a Government service or through agreement or contract, a transportation service, riders on such transportation services may be charged an transportation fee alone, consistent with section 501 of the National Park Omnibus Management Act of 1998 (166 U.S.C. 5981) and other authorities, or in combination with an entrance fee; however the transportation fee or combined transportation and entrance fees may not exceed the entrance fee of other similar areas as identified in the national entrance fee policy established in (b)(3)(A).

SEC. 806. RECREATION FEES.

(a) RECREATION FEES.—The Secretaries may charge a recreation fee under the following conditions:

(1) DEVELOPED BOAT LAUNCH FACILITIES.—

(A) Any fee for developed boat launch facilities shall be valid for a period of no less than 24 hours, and no more than 7 consecutive days, from the date of purchase.

(B) Fees for developed boat launch facilities shall only be charged when the facility contains:

- (i) A developed boat launch ramp or mechanical or hydraulic boat lifts;
- (ii) Regularly serviced and well maintained toilet facilities;
- (iii) Routine presence of agency law enforcement;
- (iv) Boarding floats or docks.

(C) A fee for developed boat launch facilities shall not be charged within areas where an entrance fee or day-use fee is charged.

(2) DEVELOPED CAMPGROUNDS.—

(A) Fees for developed campgrounds shall be limited to when the campground contains at least 5 of the following 7 amenities:

- (i) Developed tent or trailer spaces.
- (ii) Picnic tables.
- (iii) Drinking water.
- (iv) trash collection.
- (v) regularly serviced and well maintained toilet facilities..
- (vi) Simple devices for containing a campfire.
- (vii) Routine presence of agency law enforcement.

(B) A per-site, per-night fee may be charged for camping at developed group campsites, regardless of the amenities provided.

(3) FACILITY RENTAL.—Short-term rental of cabins, boats, stock animals, fire lookouts, historic structures, group day-use or group overnight sites, target range sites, duck blinds, or other facilities for recreational, purposes.

(4) EQUIPMENT RENTAL.—Short-term rental of audio tour devices, portable sanitation devices, binoculars, or other recreational equipment for recreational, noncommercial purposes.

(5) SERVICES:

(A) overnight use of docks and moorages;

- (B) sewage dump station when the user has not paid a camping fee (a)(2) the prior night;
- (C) luggage storage lockers;
- (D) water, sewer or electrical hookups when provided at a campsite, dock or moorage and corrals.

(6) INTERPRETIVE PROGRAMS –

(A) Before charging an interpretive fee at a unit, the secretary shall develop a simple interpretive services plan that identifies basic interpretive programs and services that will be offered free of charge and expanded programs that will have a fee.

(i) The Secretary may charge a fee for highly specialized interpretive programs, guided walks, talks, and tours, and other services where the government incurs significant costs, programs require specialized equipment, programs of substantial length, non-public programs or_____.

(ii) A fee shall not be charged for basic interpretive programs that provide visitor orientation, are required to provide basic access to a primary resource in a national park unit or_____.

(iii) A fee shall not be charged for access to a visitor center or visitor center exhibits in public facilities on federal properties. Subject to valid existing rights, the Secretaries shall not enter into agreements with private for-profit or nonprofit organizations that intend to charge a fee for visitors to access a visitor center or visitor center exhibit.

(7) LIFEGUARD SERVICES –

(8) MEDICAL SERVICES –

(9) DEVELOPED HOT SPRINGS - Hot springs which are highly developed and contain a majority of the following amenities:

- (A) Bathhouse with showers and flush toilets.
- (B) Trash collection.
- (C) Picnic tables.
- (D) Developed or designated parking.
- (E) Attendants, including lifeguards.
- (F) Floats encompassing the swimming area or a swimming pool.
- (G) Swimming deck.

(10) DEVELOPED WINTER SPORTS SITES - Winter sports sites which are highly developed and contain a majority of the following amenities:

- (A) Regular mechanical grooming.
- (B) Lighting.
- (C) A system of designated and mapped trails.
- (D) regularly serviced and well maintained toilet facilities.
- (E) Developed or designated parking.
- (F) Routine presence of agency law enforcement.
- (G) trash collection.

(b) PROHIBITION ON RECREATION FEES.—Except as provided for in section 804, 805, 806 and 807, recreation and special recreation permit fees shall not be charged for the following private, noncommercial activities:

- (1) Camping outside of developed campgrounds.
- (2) Cross-country skiing, snowshoeing, or other nonmotorized winter sports or access for the same.
- (3) Access to a snow play area.
- (4) Equestrian trail use or access.
- (5) River rafting, canoeing, kayaking, or similar access.
- (6) Wildlife viewing.
- (7) Hunting or fishing.
- (8) Biking.

SEC. 807. SPECIAL RECREATION PERMIT FEES.

(a) SPECIAL RECREATION PERMIT FEE.—The Secretaries may issue a special recreation permit and charge a special recreation permit fee in order to recover some or all the costs associated with the following specialized recreation uses, where they are otherwise authorized:

- (1) Off-highway vehicle use.
- (2) Snowmobile use.
- (3) Permits for group gatherings (such as weddings, sporting events, rallies, competitive gatherings, and reunions).
- (4) outfitting and guiding.
- (5) Recreational mining activities.
- (6) Harvesting of Christmas trees.
- (7) Backcountry and wilderness permits-
 - (A) Under the following conditions:
- (8) River Rafting, Canoeing, Kayaking and Similar Activities-
 - (A) Under the following conditions:
- (9) Biking-

(A) Under the following conditions:

(b) COST RECOVERY.—In setting the fee for Special Recreation Permits the Secretaries may consider the costs associated with the activities authorized under 807(a), including—

- (1) trail and facility construction;
- (2) maintenance;
- (3) natural and cultural resource monitoring;
- (4) restoration;
- (5) emergency response and law enforcement;
- (6) signage and user education;
- (7) permit administration.

(c) RELATION TO OTHER FEES.—Special recreation fees may be charged in addition to day-use fees, entrance fees, and recreation fees, in areas where those fees apply.

(d) STEWARDSHIP CREDITS.—

(1) Not less than 1 year after the enactment of the act the Secretaries shall establish a pilot program for Forest Service and Bureau of Land Management Lands, at not less than 20 units, where groups are issued a credit against any required special recreation permit fee in exchange for otherwise unreimbursed maintenance and resource protection work performed in agreement with the land manager upon the public lands where the special recreation permit fee applies when the group:

- (A) submits to the fee unit their qualifications to adequately and safely maintain or improve trail or river access;
- (B) submits to the fee unit or area an itemized accounting of labor and materials costs associated with such maintenance or improvements;
- (C) is willing to offset or share the costs with the Secretary.
- (D) receives, from the fee unit manager, permission to maintain or improve access;

(2) Three years after the enactment of the act the Secretary will provide the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a status report of the pilot program, including the number of participating sites, total amount of the credits offered and suggestions for revising the program.

SEC. 808. PUBLIC PARTICIPATION.

(a) In General- The Secretary shall provide the public with opportunities to participate in the development of or changing of all fees established under this Act.

(b) Public Involvement- The Secretary shall provide opportunity for public involvement by:

- (1) Publishing notice in the Federal Register of the proposed establishment of day-use fees, entrance fees, recreation fees, or special recreation permit fees;
- (2) publishing notice of a new or increase to an existing fee in local newspapers, on the agencies' web sites, at proposed and established collection points, social media applications and publications distributed near the site at which the fee would be established or changed;
- (3) providing an opportunity for public comment for 60 days after notice of a new or increased fee;
- (4) publishing notice of a new or increase to an existing fee in local newspapers, on the agencies' web sites, at proposed and established collection points, social media applications and publications distributed near the site at which the fee would be established or changed 180 days before the implementation of any new or increased fee;
- (5) not less than every other year, soliciting public comment for 60 days on how fee revenue should be spent at a unit.

SEC. 809. RECREATION PASSES.

(a) America the Beautiful--the National Parks and Federal Recreational Lands Passes-

- (1) AVAILABILITY AND USE- The Secretaries shall establish a national pass program to be known as the 'America the Beautiful--the National Parks and Federal Recreational Lands Pass Program', The passes shall cover entrance and day use fees for all Federal recreational lands and waters for which an entrance fee or day use fee is charged.
- (2) IMAGE COMPETITION - The Secretaries may hold an annual competition to select the image to be used on the Passes for a year.
- (3) PRICE ADJUSTMENTS.—The Secretaries shall adjust the price of the America the Beautiful the National Parks and Federal Recreational Lands Passes once every 3 years to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) over the same period, rounding figures so as to increase or decrease the price in even \$5 increments.
- (6) SALES LOCATIONS AND MARKETING-
 - (A) IN GENERAL- The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a day use fee is charged and at such other locations as the Secretaries consider appropriate and feasible.

(B) USE OF VENDORS- The Secretary may enter into fee management agreements as provided in section 810.

(C) MARKETING- The Secretaries may take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.

(7) ADMINISTRATIVE GUIDELINES- The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for age and disability discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) DEVELOPMENT AND IMPLEMENTATION AGREEMENTS- The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

(9) PROHIBITION ON OTHER NATIONAL RECREATION PASSES- The Secretary may not establish any national recreation pass or discount pass, except as provided in this section.

(b) Annual Pass

(1) ELIGIBILITY.-

(2) DURATION.- The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passowner.

(3) PRICE.—The price of the National Parks and Federal Recreational Lands Pass shall be \$80 per year.

(c) International Pass.

(1) ELIGIBILITY.-

(2) DURATION.-

(3) PRICE.—

(d) United States Military Pass.

(1) ELIGIBILITY.-

(2) DURATION.-

(3) PRICE.—

(e) Age Discount Pass.

(1) ELIGIBILITY. - The Secretary shall make an America the Beautiful – the National Parks and Federal Recreational Lands Pass available to

any United States citizen or person domiciled in the United States who is ___ years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency.

(2) DURATION.- The National Parks and Federal Recreational Lands Pass shall be valid for _____.

(3) PRICE.—The price of the National Parks and Federal Recreational Lands Pass shall be _____.

(f) Disability Discount Pass.

(1) ELIGIBILITY. - The Secretary shall make an America the Beautiful – the National Parks and Federal Recreational Lands Pass available to:

(A) any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 7(20)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person provides written documentation of the disability and such citizenship or residency;

(B) any veteran with a service-connected disability, as defined in section 101 of title 38, United States Code if the veteran provides written documentation of the disability,

(2) DURATION.- The National Parks and Federal Recreational Lands Pass shall be valid for _____.

(3) PRICE.—The price of the National Parks and Federal Recreational Lands Pass shall be _____.

(g) APPLICABILITY OF AGE AND DISABILITY DISCOUNT PASSES.—

(A) IN GENERAL.—In addition to covering entrance fees and day-use fees, the passes issued under paragraphs (a)(1) and (a)(2) shall provide for a discount on camping fees for the bearer;

(B) RATE.—The amount of the discount under subparagraph (A) shall be determined by the Secretaries and shall be comparable to discounts offered by other public agencies and private sector operators for sites with similar resources and amenities and shall be clearly noted on the pass.

(C) ACCEPTANCE BY CONCESSIONAIRES.— Except for valid existing rights, the Secretaries shall require that private operators of recreation sites on Federal recreational lands and waters accept the America the Beautiful – the National Parks and Federal Recreational Lands Pass for a discount on their facilities and services if acceptance is included in the terms and conditions of an applicable contract, permit, agreement or similar instrument at the time of its initial issuance or renewal.

(h) Site-Specific Agency Passes- The Secretary may establish and charge a fee for a site-specific pass that will cover entrance fees or day-use fees for

particular Federal recreational lands and waters for a specified period not to exceed 12 months.

(i) Regional Multientity Passes-

(A) PASSES AUTHORIZED- The Secretary may establish and charge a fee for a regional multientity pass that will be accepted by one or more Federal land management agencies or by one or more governmental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

(B) REGIONAL MULTIENTITY PASS AGREEMENT- In order to establish a regional multientity pass under this subsection, the Secretary shall enter into a regional multientity pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.

(j) Effect on Existing Passports and Permits-

(1) EXISTING PASSPORTS- A passport issued under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) or section 805 of this title title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms agreed to at the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

(2) PERMITS- A permit issued under section 4 of the Land and Water Conservation Fund Act of 1965 that was valid on the day before the date of the enactment of this Act shall be valid and remain in effect until expired, revoked, or suspended.

(k) POSTING OF CONCESSION SITES.—The Secretaries shall require clear and consistent posting of all privately operated sites that do not accept the America the Beautiful –the National Parks and Federal Recreational Lands Pass.

SEC. 810. COOPERATIVE AGREEMENTS.

(a) Fee Management Agreement- Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a fee management agreement, including a contract, which may provide for a reasonable

commission, reimbursement, or discount, with the following entities for the following purposes:

(1) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining fee collection and processing services, including visitor reservation services.

(2) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining emergency medical services.

(3) With any governmental entity, including those in a gateway community, to obtain law enforcement services.

(b) Revenue Sharing- A State or legal subdivision of a State that enters into an agreement with the Secretary under subsection (a) may share in a percentage of the revenues collected at the site in accordance with that fee management agreement.

(c) County Proposals- The Secretary shall consider any proposal submitted by a county to provide services described in subsection (a). If the Secretary decides not to enter into a fee management agreement with the county under subsection (a), the Secretary shall notify the county in writing of the decision, identifying the reasons for the decision. The fee management agreement may include cooperative site planning and management provisions.

SEC. 811. SPECIAL ACCOUNT AND DISTRIBUTION OF FEES AND REVENUES.

(a) Special Account- The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency.

(b) Deposits- Subject to subsections (c), (d), and (e), revenues collected by each Federal land management agency under this Act shall--

(1) be deposited in its special account; and

(2) remain available for expenditure, without further appropriation, until expended.

(c) Distribution of ENTRANCE FEES, RECREATION FEES, SPECIAL RECREATION PERMIT FEES, DAY-USE FEES and Single-Site Agency Pass Revenues-

(1) LOCAL DISTRIBUTION OF FUNDS-

(A) RETENTION OF REVENUES- Not less than 80 percent of the fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management agency shall remain available for expenditure, without further appropriation, until expended at that unit or area.

(B) REDUCTION- The Secretary may reduce the percentage allocation otherwise applicable under subparagraph (A) to a unit or area of a Federal land management agency, but not below 60 percent, for a fiscal year if the Secretary determines that the revenues collected at the unit or area exceed the reasonable needs of the unit or area for which expenditures may be made for that fiscal year.

(2) AGENCY-WIDE DISTRIBUTION OF FUNDS- The balance of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management and not distributed in accordance with paragraph (1) shall remain available to that Federal land management agency for expenditure on an agency-wide basis, without further appropriation, until expended.

(3) OTHER AMOUNTS- Other amounts collected at other locations, including recreation fees collected by other entities or for a reservation service, shall remain available, without further appropriation, until expended in accordance with guidelines established by the Secretary.

(d) Distribution of America the Beautiful – the National Parks and Federal Recreational Lands Pass Revenues- Revenues collected from the sale of the National Parks and Federal Recreational Lands Pass shall be deposited in the special accounts established for the Federal land management agencies in accordance with the guidelines issued under section 809(a)(7).

(e) Distribution of Regional Multientity Pass Revenues- Revenues collected from the sale of a regional multientity pass authorized under section 809(d) shall be deposited in each participating Federal land management agency's special account in accordance with the terms of the region multientity pass agreement for the regional multientity pass.

SEC. 812. EXPENDITURES.

(a) Use of fee revenue:

(1) Shall be used to enhance recreation opportunities;

(2) Shall directly benefit the users who have paid the fees;

(3) Shall be used only for --

(A) repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;

(B) interpretation, visitor information, visitor service, visitor needs assessments, and signs;

(C) habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;

(E) law enforcement related to public use and recreation;

(F) capital construction costs associated with the recreation fee program; and

(G) a fee management agreement established under section 6(a) or a visitor reservation service.

(4) Shall not be used to reduce or limit visitor access or remove or close visitor facilities, except, when those facilities are being replaced or updated.

(b) ADMINISTRATION -- The Secretaries may not spend more than 5 percent of total revenues collected annually under this Act for overhead and administrative costs.

(c) COLLECTION COSTS.—The Secretaries may not spend more than 20 percent of total revenues collected annually under this Act for direct fee collection costs.

SEC. 813. REPORTING.

(a) COST ACCOUNTING SYSTEMS.—The Secretaries shall develop and maintain cost accounting systems necessary to accurately track and report fee receipts and expenditures at the park, forest, refuge, or comparable organizational unit level. The Secretary may expend fee revenue to acquire and develop such systems as needed, as a direct operating or administration cost allowed under section 812(b) or (c).

(b) ANNUAL REPORT.—Not later than _____, and annually thereafter, the Secretaries shall compile, by each federal agency, a separate accounting of the preceding fiscal year. These reports shall list, broken down unit, total fee revenue collected under this Act by type, all expenditures from these accounts, a description of how each expenditure benefited visitors to the site, any new fees established, and any changes to existing fees.

(c) SUBMISSION OF REPORTS.—All reports required under this section shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and shall be prominently available to the public on each agency's Web site..

(d) AUDITS – The secretary shall develop a program of regular audits at fee collection units to ensure accountability of funds collected and expenditures.

SEC. 814. VOLUNTEERS.

(a) Authority to Use Volunteers- The Secretary may use volunteers, as appropriate, to collect recreation fees and sell recreation passes.

(b) Waiver or Discount of Fees; Site-Specific Agency Pass- In exchange for volunteer services, the Secretary may waive or discount an entrance fee, day use or recreation fee that would otherwise apply to the volunteer or issue to the volunteer a site-specific agency pass authorized under section 809(h).

(c) National Parks and Federal Recreational Lands Pass- In accordance with the guidelines issued under section 809(a)(7), the Secretaries may issue a National Parks and Federal Recreational Lands Pass to a volunteer in exchange for significant volunteer services performed by the volunteer.

(d) Regional Multientity Passes- The Secretary may issue a regional multientity pass authorized under section 809(d) to a volunteer in exchange for significant volunteer services performed by the volunteer, if the regional multientity pass agreement under which the regional multientity pass was established provides for the issuance of the pass to volunteers.

SEC. 815. ENFORCEMENT AND PROTECTION OF RECEIPTS.

(a) Enforcement Authority- The Secretary concerned shall enforce payment of the fees authorized by this Act.

(b) Evidence of Nonpayment- If the display of proof of payment of a required fee, or the payment of a fee within a certain time period is required, failure to display such proof as required or to pay the recreation fee within the time period specified shall constitute nonpayment.

(c) Joint Liability- The registered owner and any occupant of a vehicle charged with a nonpayment violation involving the vehicle shall be jointly liable for penalties imposed under this section, unless the registered owner can show that the vehicle was used without the registered owner's express or implied permission.

(d) Limitation on Penalties- The failure to pay a required fee established under this Act shall be punishable as an infraction, except that in the case of an offense of nonpayment, the fine imposed may not exceed \$100, notwithstanding section 3571(b) of title 18, United States Code.

SEC. 816. UNITED STATES ARMY CORPS OF ENGINEERS.

(a) Authority for the Secretary of the Army to charge and retain recreation fees.

SEC. 817. REPEAL OF SUPERSEDED ADMISSION AND USE FEE AUTHORITIES.

(a) Land and Water Conservation Fund Act- Subsections (a), (b), (c), (d), (e), (f), (g), and (j), (k), and (n), except (n)(5), of section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a et seq.) are repealed.

(b) Recreational Fee Demonstration Program- Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 460l-6a), is repealed.

(c) Admission Permits for Refuge Units- Section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is repealed.

(d) National Park Passport, Golden Eagle Passport, Golden Age Passport, and Golden Access Passport-:

(1) Section 502 of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5982) is repealed.

(2) Title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995) is repealed.

(e) Treatment of Unobligated Funds-

(1) LAND AND WATER CONSERVATION FUND SPECIAL ACCOUNTS- Amounts in the special accounts established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)(1)) for Federal land management agencies that are unobligated on the date of the enactment of this Act shall be transferred to the appropriate special account established under section 7 and shall be available to the Secretary in accordance with this Act. A special account established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 for a Federal agency that is not a Federal land management area, and the use of such special account, is not affected by the repeal of section 4 of the Land and Water Conservation Fund Act of 1965 by subsection (a) of this section.

(2) NATIONAL PARKS PASSPORT- Any funds collected under title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995) that are unobligated on the day before the publication of the Federal Register notice required under section 5(a)(3) shall be transferred to the special account of the National Park Service for use in accordance with this Act. The Secretary of the Interior may use amounts available in that special account to pay any outstanding administration, marketing, or close-out costs associated with the national parks passport.

(3) RECREATIONAL FEE DEMONSTRATION PROGRAM- Any funds collected in accordance with section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a), that are unobligated on the day before the date of the enactment of this Act shall be transferred to the appropriate special account and shall be available to the Secretary in accordance with this Act.

(4) ADMISSION PERMITS FOR REFUGE UNITS- Any funds collected in accordance with section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) that are available as provided in subsection (c)(A) of such section and are unobligated on the day before the date of the enactment of this Act shall be transferred to the special account of the United States Fish and Wildlife Service for use in accordance with this Act.

(f) Effect of Regulations- A regulation or policy issued under a provision of law repealed by this section shall remain in effect to the extent such a

regulation or policy is consistent with the provisions of this Act until the Secretary issues a regulation, guideline, or policy under this Act that supersedes the earlier regulation.

SEC. 818. RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.

(a) Federal and State Laws Unaffected- Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, affect any rights or authority of the States with respect to fish and wildlife, or repeal or modify any provision of law that permits States or political subdivisions of States to share in the revenues from Federal lands or, except as provided in subsection (b), any provision of law that provides that any fees or charges collected at particular Federal areas be used for or credited to specific purposes or special funds as authorized by that provision of law.

(b) Relation to Revenue Allocation Laws- Amounts collected under this Act, and the existence of a fee management agreement with a governmental entity under section 6(a), may not be taken into account for the purposes of any of the following laws:

- (1) The sixth paragraph under the heading 'FOREST SERVICE' in the Act of May 23, 1908 (16 U.S.C. 500).
- (2) Section 13 of the Act of March 1, 1911 (16 U.S.C. 500; commonly known as the Weeks Act).
- (3) The fourteenth paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1913 (16 U.S.C. 501).
- (4) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).
- (5) Title II of the Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.).
- (6) Section 6 of the Act of June 14, 1926 (43 U.S.C. 869-4).
- (7) Chapter 69 of title 31, United States Code.
- (8) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s; commonly known as the Refuge Revenue Sharing Act).
- (9) The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), except that the exception made for such Act by this subsection is unique and is not intended to be construed as precedent for amounts collected from the use of Federal lands under any other provision of law.
- (10) Section 2 of the Boulder Canyon Project Adjustment Act (43 U.S.C. 618a).

(11) The Federal Water Project Recreation Act (16 U.S.C. 460I-12 et seq.).

(12) The first section of the Act of June 17, 1902, as amended or supplemented (43 U.S.C. 391).

(13) The Act of February 25, 1920 (30 U.S.C. 181 et seq.; commonly known as the Mineral Leasing Act).

(14) Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 31 U.S.C. 6901 note).

(15) Section 5(a) of the Lincoln County Land Act of 2000 (Public Law 106-298; 114 Stat. 1047).

(16) Any other provision of law relating to revenue allocation.

(c) Consideration of Other Funds Collected- Amounts collected under any other law may not be disbursed under this Act.

(d) Fees Charged by Third Parties- Notwithstanding any other provision of this Act, a third party may charge a fee for providing a good or service to a visitor of a unit or area of the Federal land management agencies in accordance with any other applicable law or regulation.

(e) Migratory Bird Hunting Stamp Act- Revenues from the stamp established under the Act of March 16, 1934 (16 U.S.C. 718 et seq.; commonly known as the Migratory Bird Hunting Stamp Act or Duck Stamp Act), shall not be covered by this Act.

SEC. 819. LIMITATION ON USE OF FEES FOR EMPLOYEE BONUSES.

Notwithstanding any other provision of law, fees collected under the authorities of the Act may not be used for employee bonuses.

SEC. 820. SUNSET PROVISION.

The authority of the Secretary to carry out this Act shall terminate 5 years after the date of the enactment of this Act.