

Ramseyer for 16 USC Ch. 87: FEDERAL LANDS RECREATION ENHANCEMENT

From Title 16—CONSERVATION

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CHAPTER 87—FEDERAL LANDS RECREATION ENHANCEMENT

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§6801. Definitions

In this chapter this title:

~~(1) Standard amenity recreation fee~~

The term "~~standard amenity recreation fee~~" means the recreation fee authorized by section 6802(f) of this title.

(2) ~~Expanded amenity recreation fee~~

The term "~~expanded amenity recreation fee~~" means the recreation fee authorized by section 6802(g) of this title.

(1) DAY USE FEE.—The term ‘day use fee’ means the recreation fee authorized by section 803(f).

(2) AMENITY FEE.—The term ‘amenity fee’ means the recreation fee authorized by section 803(g).”

(3) 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.

(4) Federal land management agency

The term "Federal land management agency" or ‘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.

(5) Federal recreational lands and waters

The term "Federal recreational lands and waters" means lands or waters managed by a Federal land management agency.

(6) National Parks and Federal Recreational Lands Pass

The term "National Parks and Federal Recreational Lands Pass" means the interagency national pass authorized by ~~section 6804~~ section 805 of this title.

(7) Passholder

The term "passholder" means the person who is issued a recreation pass.

(8) Recreation fee

The term "recreation fee" means an entrance fee, ~~standard amenity recreation fee, expanded amenity recreation fee~~ day use fee, amenity fee, or special recreation permit fee.

(9) Recreation pass

The term "recreation pass" means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by ~~section 6804~~ section 805 of this title.

(10) RECREATION SERVICE PROVIDER.—The term ‘recreation service provider’ means any entity that provides any recreation service on Federal recreational lands and waters for which the provider charges a fee for the service.

(10 11) 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 12) Secretaries

The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

(12 13) Special account

The term "special account" means the special account established in the Treasury under ~~section 6806~~ section 807 of this title for a Federal land management agency.

(13 14) Special recreation permit fee

The term "special recreation permit fee" means the fee authorized by ~~section 6802(h)~~ section 803(h) of this title.

(15) UNIT.—The term ‘unit’ means an individual unit of the National Park System, National Forest System, National Wildlife Refuge System, or similar area.

(Pub. L. 108–447, div. J, title VIII, §802, Dec. 8, 2004, 118 Stat. 3377.)

§6802. Recreation fee authority

(a) Authority of Secretary

Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters **only** as provided for in this section.

(b) Basis for recreation fees

Recreation fees shall be established in a manner consistent with the following criteria:

- (1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.
- (2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.
- (3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.
- (4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

~~(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in section 6803(d) of this title.~~

~~(6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.~~

(5) The Secretary shall consider access to recreation opportunities.

(c) Special considerations

The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.

(d) Limitations on recreation fees

(1) Prohibition on fees for certain activities or services

The Secretary shall not charge any ~~standard amenity recreation fee or expanded amenity recreation fee~~ **day use fee or amenity fee** for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under ~~this chapter~~ **this title** for any of the following:

~~(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.~~

~~(B) For general access unless specifically authorized under this section.~~

~~(C) For dispersed areas with low or no investment unless specifically authorized under this section.~~

~~(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.~~

~~(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).~~

~~(F) For use of overlooks or scenic pullouts.~~

(A) For any site, area, or activity, except as specifically authorized under this section.

~~(G)~~ (B) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a ~~part of the Federal-aid System~~ Federal-aid highway, as defined in section 101 of title 23,¹ which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this chapter.

~~(H)~~ (C) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this chapter.

~~(I)~~ (D) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

~~(J)~~ (E) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

~~(K)~~ (F) For special attention or extra services necessary to meet the needs of the disabled.

(2) Relation to fees for use of highways or roads

An entity that pays a special recreation permit fee or similar permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 537 of this title.

(3) Prohibition on fees for certain persons or places

The Secretary shall not charge an entrance fee or ~~standard amenity recreation fee~~ day use fee for the following:

(A) Any person under 16 years of age.

(B) Outings conducted for noncommercial ~~educational purposes by schools or bona fide academic institutions,~~ non-recreational educational purposes by schools or bona fide academic institutions when the students are pursuing academic credit and the Secretary has provided prior approval for a fee waiver.

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

(D) The Flight 93 National Memorial.

(E) Entrance on 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.

(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

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

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96–487).

(I) 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 718b of this title.

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

(4) No restriction on recreation opportunities

Nothing in **this chapter** **this title** shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) Entrance fee

(1) Authorized sites for entrance fees

The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument administered by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) POLICIES.—The Secretary shall—

(A) treat a motorcycle or snowmobile, when used as transportation to enter a unit, as a motor vehicle for the purposes of collecting entrance fees and shall charge a consistent per vehicle rate; and

(B) determine, by agency, a nationally consistent entrance fee policy and corresponding rate structure, including a schedule for general visitors, commercial and non-commercial recreational tours or groups, and commercial air tours.

(3) TRANSPORTATION SERVICES.—At a unit of the National Park System where the Secretary provides a transportation service, either as a Government service or through agreement or contract, the Secretary may charge transportation users a transportation fee alone (consistent with section 501 of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5981) and other authorities) or in combination with an entrance fee. However, the transportation fee or combined transportation and entrance fee may not exceed the entrance fee charged at other similar units as identified in the national entrance fee policy under paragraph(2)(B).

(2) Prohibited sites

The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(f) Standard amenity recreation fee

Except as limited by subsection (d), the Secretary may charge a standard amenity recreation fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service, but only at the following:

(1) A National Conservation Area;

(2) A National Volcanic Monument;

(3) A destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media;

(4) An area—

(A) that provides significant opportunities for outdoor recreation;

(B) that has substantial Federal investments;

(C) where fees can be efficiently collected; and

(D) that contains all of the following amenities:

(i) Designated developed parking;

(ii) A permanent toilet facility;

(iii) A permanent trash receptacle;

(iv) Interpretive sign, exhibit, or kiosk.

~~(v) Picnic tables.~~

~~(vi) Security services.~~

(f) DAY USE FEE.—

(1) AUTHORIZED SITES FOR DAY USE FEES.—

The Secretary may charge a day use fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service at the following:

(A) A National Conservation Area.

(B) A National Volcanic Monument.

(C) A destination visitor or interpretive center that provides a broad range of interpretative services, programs and media.

(D) Sites of concentrated public use that are managed primarily for outdoor recreation purposes where there has been a substantial Federal investment in facilities and services that are necessary to accommodate heavy public use, public access to the site is provided in such a manner that fees can be effectively collected at one or more centralized locations, the site has regularly serviced and well maintained toilet facilities and contains at least four of the following:

(i) Designated developed parking.

(ii) Trash collection.

(iii) Permanent interpretative materials.

(iv) Picnic tables.

(v) Routine presence of agency personnel.

(2) SINGLE FEE FOR MULTIPLE SITES.—If there are two or more sites of concentrated public use located within one-half mile of each other, the Secretary may charge a single day use fee for the sites and the area between the sites.

(3) POLICY.—The Secretary shall determine, by agency, a nationally consistent day use fee policy and rate structure.

(4) INITIAL IMPLEMENTATION.—

(A) INITIAL LIST OF FEE SITES.—No later than 180 days after the date of the enactment of the Federal Lands Recreation Enhancement Modernization Act, the Secretary shall—

(i) publish in the Federal Register and on the agency's website a list of all sites for which day use fees are proposed to be collected; and

(ii) provide a 60-day public comment period regarding such list.

(B) FINAL LIST OF FEE SITES.—No later than 120 days after the close of the public comment period required by subparagraph (A)(ii), the Secretary shall publish in the Federal Register and on the agency's website the final list of sites for which day use fees are to be collected.

(5) TRANSITION.—The Secretary may continue to collect fees in effect on the date of the enactment of Federal Lands Recreation Enhancement Modernization Act for a period not to exceed 180 days from the date the final list of day use fee sites is published pursuant to paragraph (4)(B). However, the Secretary may not increase or impose new fees using this transition authority.

(g) ~~Expanded amenity recreation~~ **Amenity fee**

~~(1) NPS and USFWS authority~~

~~Except as limited by subsection (d), the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service or the United States Fish and Wildlife Service when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.~~

(2) Other Federal land management agencies

Except as limited by subsection (d), the Secretary may charge an ~~expanded amenity recreation fee, either in addition to a standard amenity fee~~ **amenity fee, either in addition to a day use fee or entrance fee** or by itself, at Federal recreational lands and waters ~~under the jurisdiction of the Forest Service, the Bureau of Land Management, or the Bureau of Reclamation, but only~~ for the following facilities or services:

(A) Use of developed campgrounds that provide at least a majority of the following:

(i) ~~Tent~~ **Developed tent** or trailer spaces.

(ii) Picnic tables.

(iii) Drinking water.

(iv) Access roads.

(v) The collection of the fee by an employee or agent of the Federal land management agency.

(vi) Reasonable visitor protection.

~~(vii) Refuse containers.~~

~~(viii) Toilet facilities.~~

~~(ix) Simple devices for containing a campfire.~~

(vii) Trash collection.

(viii) Regularly serviced and well maintained toilet facilities.

(B) Use of highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms and other improvements such as boarding floats, loading ramps, or fish cleaning stations.

(C) Rental of cabins, boats, stock animals, lookouts, historic structures, group day-use or overnight sites, audio tour devices, portable sanitation devices, binoculars or other equipment.

(D) Use of hookups for electricity, cable, or sewer.

(E) Use of sanitary dump stations when the user has not paid an amenity fee under subparagraph (A) the prior night.

~~(F) Participation in an enhanced interpretive program or special tour.~~

(F) Highly specialized interpretive programs; guided walks, talks, and tours of substantial length; programs that require specialized equipment; specialized non-public programs; and other interpretive services for which the Secretary incurs significant costs. However, before the Secretary may charge a fee for interpretive programs, the Secretary shall identify basic interpretive programs and services, including tours required to provide basic visitor access to a primary resource in a unit, that will be provided free of charge.

(G) Use of reservation services.

(H) Use of transportation services subject to subsection (e)(3).

(I) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the Federal Government.

(J) Use of developed swimming sites or hot spring that provide at least a majority of the following:

(i) Bathhouse with showers and flush toilets regularly serviced and well maintained toilets.

(ii) Refuse containers Trash collection.

(iii) Picnic areas.

- (iv) Paved parking.
- (v) Attendants, including lifeguards or swimming instructors.
- (vi) Floats encompassing the swimming area.
- (vii) Swimming deck.

(2) NATIONAL PARK SERVICE AND UNITED STATES FISH AND WILDLIFE SERVICE ADDITIONAL AUTHORITY.—Except as limited by subsection (d), the Secretary may charge an additional amenity fee at Federal recreational lands and waters under the jurisdiction of the National Park Service and the United States Fish and Wildlife Service when the Secretary determines that the visitor uses a specific or specialized facility, equipment, or service not otherwise included under paragraph (1).

~~(h) Special recreation permit fee~~

~~The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.~~

(h) SPECIAL RECREATION PERMIT AND FEE.—

(1) IN GENERAL.—The Secretary may—

- (A) issue a special recreation permit for Federal recreational lands and waters; and
- (B) charge a special recreation permit fee in connection with the issuance of the permit.

(2) SPECIAL RECREATION PERMITS.—The Secretary may issue special recreation permits in the following circumstances:

- (A) For specialized individual and group use of Federal facilities and Federal recreational lands and waters, such as, but not limited to, use of special areas or areas where use is allocated, motorized recreational vehicle use, and group activities or events.
- (B) To recreation service providers who conduct outfitting, guiding, and other recreation services on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bureau of Reclamation, and the United States Fish and Wildlife Service.
- (C) To recreation service providers who conduct recreation or competitive events, which may involve incidental sales on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bureau of Reclamation, and the United States Fish and Wildlife Service.

(3) REDUCTION IN FEDERAL COSTS.—To reduce Federal costs in administering this subsection, the issuance of a new special recreation permit for activities under paragraph (2)(B) that have been considered under previous analysis or that are similar to existing uses or are not inconsistent with approved uses and will not substantially increase the use of an area shall not constitute a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) SINGLE PERMITS.—The Secretary may issue a single permit, administered by one agency (including the National Park Service), to authorize a recreation service provider to provide services or for an event on lands managed by multiple agencies. The authorized official in the agency issuing the permit under this authority must have a delegation of authority for the administration of the permit from the other relevant agencies and must comply with the applicable laws of each relevant agency. Nothing in this subsection shall alter, expand, or limit the applicability of any public law or regulation to lands administered by the participating agencies.

(5) GUIDELINES AND PERMIT FEE CALCULATION.—

(A) GUIDELINES AND EXCLUSION OF CERTAIN REVENUES.—The Secretary shall publish guidelines in the Federal Register for how recreation permit fees shall be established that will provide appropriate deductions for revenue from goods, services, or activities provided by the recreation service provider outside Federal recreational lands and waters and a deduction for fees to paid for other Federal lands if separate permits are issued for a single event.

(B) REVENUE EXCLUSIONS.—Revenue exclusions under subparagraph (A) shall include, but not be limited to, revenue from goods or services provided by the recreation service provider outside the Federal recreational lands and waters, such as—

(i) costs for transportation, lodging, and other services before or after a trip begins;

(ii) deductions for activities outside public lands or on other Federal lands if separate permits are issued.

(C) FEE CONDITIONS.—The fee charged by the Secretary for a permit issued under paragraph (2)(B) shall not exceed 3 percent of the recreational service provider's annual gross revenue for activities authorized by the permit, plus applicable revenue additions, minus applicable revenue exclusions or a similar flat per person fee. The fee charged by the Secretary for a permit issued under paragraph (2)(C) shall include appropriate reductions and additions based on the direct costs incurred by the Secretary for management of the event.

(6) STEWARDSHIP PROGRAM.—

(A) ESTABLISHMENT.—Within 18 months after the date of the enactment of the Federal Lands Recreation Enhancement Modernization Act, the Secretary shall establish, at no fewer than 20 sites located on Federal recreational lands and waters administered by the Forest Service and the Bureau of Land Management, a stewardship program for recreation service providers involving credit against a required special recreation permit fee in exchange for otherwise unreimbursed maintenance and resource protection work performed with the permission of the relevant Federal agency.

(B) ELIGIBILITY.—Under the stewardship program required by this paragraph, a recreation service provider shall submit to the Secretary—

(i) the provider's qualifications to adequately and safely perform the proposed maintenance and resource protection work;

(ii) an itemized accounting of labor and material costs associated with such maintenance and resource protection work;

(iii) a commitment to share the costs of the proposed maintenance and resource protection work; and

(iv) permission from the relevant Federal agency to perform the proposed maintenance and resource protection work.

(C) REVIEW AND APPROVAL.—The Secretary shall review promptly a proposal submitted to participate in the stewardship program and approve any such submission that the Secretary finds adequately meets the eligibility criteria specified in subparagraph (B).

(7) DISCLOSURE OF FEES.—A holder of a special recreation permit may inform its customers of the various fees charged by the Secretary under this title.

(i) NOTICE OF RECREATIONAL FEES AND RECREATION PASSES.—The Secretary shall post clear notice of any fee and available recreation passes at appropriate locations at each site of Federal recreational lands and waters for which any fee is charged. The Secretary shall include such notice in publications distributed at the unit and on agency websites.

(j) USE OF TECHNOLOGY.—To the extent practicable, the Secretary shall use technology and automation to increase accountability, efficiency, and the convenience of paying recreation fees.

(k) PLANS FOR REDUCTION OF TRAFFIC DELAYS AT ENTRANCE STATIONS.—The Secretaries shall—

(1) establish goals to reduce traffic delays at entrance stations of heavily visited units; and

(2) submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a plan to achieve such goals.

(1) PROCESS FOR IMPLEMENTATION OF PROPOSED ENTRANCE FEE, DAY USE FEE, OR AMENITY FEE CHANGES.—

(1) PROHIBITION ON NEW FEES OR FEE INCREASES.—Except in the manner provided in this subsection, the Secretaries may not—

(A) impose any new entrance fees, day use fees, or amenity fees; or

(B) increase any entrance fee, day use fee, or amenity fee above the rate in effect as of the date of the enactment of Federal Lands Recreation Enhancement Modernization Act.

(2) ANNUAL SUBMISSION OF PROPOSED FEE CHANGES.—Not later than June 1 of each year, the Secretaries shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a list of—

(A) all new entrance fees, day use fees, or amenity fees proposed to be imposed by Federal land management agencies for Federal recreational lands and waters; and

(B) all increases to existing entrance fees, day use fees, or amenity fees proposed to be made by Federal land management agencies for Federal recreational lands and waters.

(3) PUBLIC PARTICIPATION AND SUBMISSION TO LOCAL GOVERNMENTS.—

(A) PUBLIC PARTICIPATION.—Before including a new or increased entrance fee, day use fee, or amenity fee on the list submitted under paragraph (2) for a year, the Secretaries shall comply with the requirements of paragraphs (2), (3), and (4) of section 804(b) regarding providing public notice and an opportunity for public comment for at least 60 days.

(B) SUBMISSION TO LOCAL GOVERNMENTS AND REQUEST FOR COMMENTS.—Before including a new or increased entrance fee, day use fee, or amenity fee on the list submitted under paragraph (2) for a year, the Secretaries shall provide affected local governments with—

(i) a written notice of the proposed fee, including the amount of the fee or increase; and

(ii) a request for comments from the affected local government regarding the merits of the fee or increase and the economic impact of the fee or increase on the local community.

(C) TIME FOR SUBMISSION OF COMMENTS.—The period provided for submission of local comments under subparagraph (B)(ii) to the Secretaries may run concurrently with the period for public comments required by section 804(b)(3).

(D) INCLUSION OF COMMENTS.—The list submitted under paragraph (2) for a year shall include all comments received from affected local governments in response to the notice provided under subparagraph (A).

(E) AFFECTED LOCAL GOVERNMENTS DEFINED.—In this paragraph, the term ‘affected local government’ means the governing body of a political subdivision of a State—

(i) whose boundaries contain all or part of the Federal recreational lands and waters to be subject to the new or increased entrance fee, day use fee, or amenity fee; or

(ii) that the Secretary determines may be economically impacted by the new or increased fee.

(4) EMERGENCY SITUATIONS.—If the Secretaries determine that recreational opportunities on Federal recreational lands and waters would be severely curtailed or that an emergency affecting human health or unforeseen events exists, the Secretaries may submit notice of a proposed selective new or increased entrance fee, day use fee, or amenity fee to the congressional committees referred to in paragraph (2) outside of the annual list submitted under such paragraph.

(5) CONGRESSIONAL REVIEW AND APPROVAL.—A new or increased entrance fee, day use fee, or amenity fee proposed for Federal recreational lands and waters and included on a list submitted under paragraph (2) for a year or included in a notice submitted under paragraph (4) may not take effect unless such new fee or fee increase is approved by an Act of Congress enacted after the date of the submission of the list or notice.

(6) CERTAIN FEES EXCEPTED.—This subsection does not apply—

(A) to special recreation permit fees; or

(B) consistent with section 814(e) (16 U.S.C. 6813(e)), to fees charged by a third party for providing a good or service to a visitor of Federal recreational lands and waters.

(m) GRANDFATHERING EXISTING PERMITS.—Any special recreation permit issued under this title before the date of the enactment of the Federal Lands Recreation Enhancement Modernization Act shall continue—

(1) to be managed pursuant to this section, as in effect on the day before the date of the enactment of the Federal Lands Recreation Enhancement Modernization Act; and

(2) to be valid and remain in effect, under its terms and notwithstanding section 810, until the permit expires, is revoked, or is suspended according to the terms of the permit.

(Pub. L. 108–447, div. J, title VIII, §803, Dec. 8, 2004, 118 Stat. 3378.)

§6803. Public participation

(a) In general

As required in this section, the Secretary shall provide the public with opportunities to participate in the development of or changing of a recreation fee established under ~~this chapter~~ ~~this title~~.

~~(b) Advance notice~~

~~The Secretary shall publish a notice in the Federal Register of the establishment of a new recreation fee area for each agency 6 months before establishment. The Secretary shall publish notice of a new recreation fee or a change to an existing recreation fee established under this chapter in local newspapers and publications located near the site at which the recreation fee would be established or changed.~~

~~(c) Public involvement~~

~~Before establishing any new recreation fee area, the Secretary shall provide opportunity for public involvement by—~~

~~(1) establishing guidelines for public involvement;~~

~~(2) establishing guidelines on how agencies will demonstrate on an annual basis how they have provided information to the public on the use of recreation fee revenues; and~~

~~(3) publishing the guidelines in paragraphs (1) and (2) in the Federal Register.~~

~~(d) Recreation Resource Advisory Committee~~

~~(1) Establishment~~

~~(A) Authority to establish~~

~~Except as provided in subparagraphs (C) and (D), the Secretary or the Secretaries shall establish a Recreation Resource Advisory Committee in each State or region for Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management to perform the duties described in paragraph (2).~~

~~(B) Number of Committees~~

~~The Secretary may have as many additional Recreation Resource Advisory Committees in a State or region as the Secretary considers necessary for the effective operation of this chapter.~~

~~(C) Exception~~

~~The Secretary shall not establish a Recreation Resource Advisory Committee in a State if the Secretary determines, in consultation with the Governor of the State, that sufficient interest does~~

not exist to ensure that participation on the Committee is balanced in terms of the points of view represented and the functions to be performed.

(D) Use of other entities

In lieu of establishing a Recreation Resource Advisory Committee under subparagraph (A), the Secretary may use a Resource Advisory Committee established pursuant to another provision of law and in accordance with that law or a recreation fee advisory board otherwise established by the Secretary to perform the duties specified in paragraph (2).

(2) Duties

In accordance with the procedures required by paragraph (9), a Recreation Resource Advisory Committee may make recommendations to the Secretary regarding a standard amenity recreation fee or an expanded amenity recreation fee, whenever the recommendations relate to public concerns in the State or region covered by the Committee regarding —

(A) the implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;

(B) the elimination of a standard amenity recreation fee or an expanded amenity recreation fee; or

(C) the expansion or limitation of the recreation fee program.

(3) Meetings

A Recreation Resource Advisory Committee shall meet at least annually, but may, at the discretion of the Secretary, meet as often as needed to deal with citizen concerns about the recreation fee program in a timely manner.

(4) Notice of rejection

If the Secretary rejects the recommendation of a Recreation Resource Advisory Committee, the Secretary shall issue a notice that identifies the reasons for rejecting the recommendation to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 30 days before the Secretary implements a decision pertaining to that recommendation.

(5) Composition of the Advisory Committee

(A) Number

A Recreation Resource Advisory Committee shall be comprised of 11 members.

(B) Nominations

The Governor and the designated county official from each county in the relevant State or Region may submit a list of nominations in the categories described under subparagraph (D).

(C) Appointment

The Secretary may appoint members of the Recreation Resource Advisory Committee from the list as provided in subparagraph (B).

(D) Broad and balanced representation

In appointing the members of a Recreation Resource Advisory Committee, the Secretary shall provide for a balanced and broad representation from the recreation community that shall include the following:

(i) Five persons who represent recreation users and that include, as appropriate, persons representing the following:

(I) Winter motorized recreation, such as snowmobiling.

(II) Winter non-motorized recreation, such as snowshoeing, cross country and down hill skiing, and snowboarding.

(III) Summer motorized recreation, such as motorcycles, boaters, and off-highway vehicles.

(IV) Summer nonmotorized recreation, such as backpacking, horseback riding, mountain biking, canoeing, and rafting.

(V) Hunting and fishing.

(ii) Three persons who represent interest groups that include, as appropriate, the following:

(I) Motorized outfitters and guides.

(II) Non-motorized outfitters and guides.

(III) Local environmental groups.

(iii) Three persons, as follows:

(I) State tourism official to represent the State.

(II) A person who represents affected Indian tribes.

(III) A person who represents affected local government interests.

(6) Term

(A) Length of term

The Secretary shall appoint the members of a Recreation Resource Advisory Committee for staggered terms of 2 and 3 years beginning on the date that the members are first appointed. The Secretary may reappoint members to subsequent 2- or 3-year terms.

(B) Effect of vacancy

The Secretary shall make appointments to fill a vacancy on a Recreation Resource Advisory Committee as soon as practicable after the vacancy has occurred.

(C) Effect of unexpected vacancy

Where an unexpected vacancy occurs, the Governor and the designated county officials from each county in the relevant State shall provide the Secretary with a list of nominations in the relevant category, as described under paragraph (5)(D), not later than two months after notification of the vacancy. To the extent possible, a vacancy shall be filled in the same category and term in which the original appointment was made.

(7) Chairperson

The chairperson of a Recreation Resource Advisory Committee shall be selected by the majority vote of the members of the Committee.

(8) Quorum

Eight members shall constitute a quorum. A quorum must be present to constitute an official meeting of a Recreation Resource Advisory Committee.

(9) Approval procedures

A Recreation Resource Advisory Committee shall establish procedures for making recommendations to the Secretary. A recommendation may be submitted to the Secretary only if the recommendation is approved by a majority of the members of the Committee from each of the categories specified in paragraph (5)(D) and general public support for the recommendation is documented.

(10) Compensation

Members of the Recreation Resource Advisory Committee shall not receive any compensation.

(11) Public participation in the Recreation Resource Advisory Committee

(A) Notice of meetings

All meetings of a Recreation Resource Advisory Committee shall be announced at least one week in advance in a local newspaper of record and the Federal Register, and shall be open to the public.

(B) Records

A Recreation Resource Advisory Committee shall maintain records of the meetings of the Recreation Resource Advisory Committee and make the records available for public inspection.

(12) Federal Advisory Committee Act

A Recreation Resource Advisory Committee is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(e) Miscellaneous administrative provisions regarding recreation fees and recreation passes

(1) Notice of entrance fees, standard amenity recreation fees, and passes

The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of a Federal land management agency where an entrance fee or a standard amenity recreation fee is charged. The Secretary shall include such notice in publications distributed at the unit or area.

(2) Notice of recreation fee projects

To the extent practicable, the Secretary shall post clear notice of locations where work is performed using recreation fee or recreation pass revenues collected under this chapter.

(b) ENTRANCE FEES, DAY USE FEES, AND AMENITY FEES.—For entrance fees, day use fees, and amenity fees, the Secretary shall—

(1) publish in the Federal Register notice of any unit that will be newly subject to an entrance fee, day use fee, or amenity fee;

(2) publish on the website recreation.gov or another similar interagency website, in local newspapers, on agency websites, at proposed and established collection points, on social media applications, and in publications distributed near the site for which the fee would be collected—

(A) any proposed new or increased fee;

(B) the unit and agency proposing the new or increased fee;

(C) the process by which to comment on the proposed new or increased fee; and

(D) subject to paragraph (3), when the opportunity for comment closes;

(3) allow at least 60 days public comment after publication of notice under paragraph (2);

(4) subject to section 803(1), at least 120 days before the implementation of the new or increased fee, publish notice of a decision to implement a new or increased fee in local newspapers, on the agency websites, at proposed and established collection points, on social media applications, and in publications distributed near the site for which the fee will be collected; and

(5) not less frequently than every other year, solicit public comment for at least 60 days on how fee revenue should be expended at each unit.

(c) SPECIAL RECREATION PERMIT FEES.—For special recreation permit fees authorized by section 803(h)(2)(A), the Secretary shall—

(1) if the fee is for reoccurring recreational uses for which standard fee rates can be established, follow the procedures in subsection (b); and

(2) if the fee is based on recovering the costs associated with issuing and managing the permit, establish guidelines for how fees will be established and publish the guidelines in the Federal Register.

(Pub. L. 108–447, div. J, title VIII, §804, Dec. 8, 2004, 118 Stat. 3382.)

§6804. Recreation passes

(a) America the Beautiful—the National Parks and Federal Recreational Lands Pass

(1) Availability and use

The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the "America the Beautiful—the National Parks and Federal Recreational Lands Pass", which ~~shall cover the entrance fee and standard amenity recreation fee~~ shall be available to United States citizens and permanent residents and cover the entrance fee and day use fee for all Federal recreational lands and waters for which an entrance fee or a ~~standard amenity recreation fee~~ day use fee is charged.

(2) Image competition for recreation pass

The Secretaries ~~shall hold an annual~~ may hold a competition to select the image to be used on the National Parks and Federal Recreational Lands Pass ~~for a year. The competition shall be open to the public and used as a means to educate the American people about Federal recreational lands and waters.~~

(3) Notice of establishment

The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

(4) 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 passholder, except in the case of the age and disability discounted passes issued under subsection (b).

(5) Price

The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public. The Secretaries shall adjust the price of the National Parks and Federal Recreational Lands Pass once every three 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 five-dollar 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 standard amenity recreation fee 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 6~~ section 6805 of this title.

(C) Marketing

The Secretaries shall 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 agreement on price, 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.

(10) PASS USE STUDY.—The Secretaries shall conduct a study to evaluate how, where, and the extent to which the National Parks and Federal Recreational Lands Pass is used and shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the results of the study.

(b) Discounted passes

(1) Age discount

The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at a cost of \$10.00, to any United States citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the pass holder.

(2) Disability discount

The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge, to any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 705(20)(B)(i) of title 29 or is a veteran with a service-connected disability, as defined in section 101 of title 38, United States Code, if the citizen or person provides adequate proof of the disability and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the passholder.

(3) UNITED STATES ARMED FORCES DISCOUNT.—The Secretary may make the National Parks and Federal Recreational Lands Pass available, without charge, to any member of the United States Army, Navy, Air Force, Marine Corps, and Coast Guard if such person presents a Common Access card or similar identification as determined by the Secretary.

(4) YOUTH VISITATION DISCOUNT.—The Secretary may provide one additional discount to promote youth visitation to Federal recreational lands and waters.

(5) AMENITY FEE DISCOUNT.—

(A) DISCOUNT AVAILABLE.—The National Parks and Federal Recreational Lands Pass made available under paragraphs (1) and

(2) shall include a discount on the amenity fee charged under section 803(g)(1)(A).

(B) EXCEPTION.—

(i) **NO-DISCOUNT DAYS ON AMENITY FEES.**—The Secretaries shall specify certain days during a calendar year on which a National Parks and Federal Recreational Lands Pass or other recreational pass issued under this section, issued under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a) or title VI of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5991 et seq.), or issued pursuant to the authority of section 813(a) will not be accepted to obtain a discount on an amenity fee. This exception does not apply to the Golden Age Passport and Golden Access Passport, which specifically require such a discount.

(ii) **INCLUSION OF CERTAIN DAYS.**— The no-discount days required by clause (i)—

(I) shall include Memorial Day (and the Saturday and Sunday immediately preceding Memorial Day), the Fourth of July, and Labor Day (and the Saturday and Sunday immediately preceding Labor Day); and

(II) may include up to two additional days specified by the Secretaries.

(iii) **PUBLIC NOTICE.**—The Secretaries shall provide notice of no-discount days on the website recreation.gov or another similar interagency website, in local newspapers, on agency websites, at proposed and established fee collection points, on social media applications, and in publications distributed near Federal recreational lands and waters.

(6) PROHIBITION ON OTHER DISCOUNTED PASSES.—The Secretary may not establish any discounted passes except as provided in this section.

(c) Site-specific agency passes

The Secretary may establish and charge a fee for a site-specific pass that will cover the entrance fee or ~~standard amenity recreation fee~~ day use fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

(d) Regional multientity passes

(1) 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.

(2) 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.

~~(e) Discounted or free admission days or use~~

~~The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.~~

(e) FREE ADMISSION DAYS.—The Secretary may provide for one or more free admission days for Federal recreational lands and waters.

(f) Effect on existing passports and permits

(1) Existing passports

A passport issued under section 100904 of title 54 or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391), 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 100904 of title 54 that was valid on the day before December 8, 2004, shall be valid and remain in effect until expired, revoked, or suspended.

(Pub. L. 108–447, div. J, title VIII, §805, Dec. 8, 2004, 118 Stat. 3385; Pub. L. 113–287, §5(d)(36), Dec. 19, 2014, 128 Stat. 3267.)

§6805. Cooperative agreements

(a) Fee management agreement

Notwithstanding chapter 63 of title 31, 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.

(Pub. L. 108-447, div. J, title VIII, §806, Dec. 8, 2004, 118 Stat. 3387.)

§6806. 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 chapter~~ **this title** shall—

(1) be deposited in its special account; and

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

(c) Distribution of recreation fees and single-site agency pass revenues

(1) Local distribution of funds

(A) Retention of revenues

Not less than ~~80 percent~~ 90 percent of the recreation 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. **The Secretary shall provide notice to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate whenever an allocation is being reduced.**

(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 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 5(a)(7)~~ section 6804(a)(7) of this title.

(e) Distribution of regional multientity pass revenues

Revenues collected from the sale of a regional multientity pass authorized under ~~section 5(d)~~ section 6804(d) of this title 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.

(Pub. L. 108–447, div. J, title VIII, §807, Dec. 8, 2004, 118 Stat. 3388.)

§6807. Expenditures

(a) Use of fees at specific site or area

Amounts available for expenditure at a specific site or area—

(1) shall be accounted for separately from the amounts collected;

(2) shall be used to develop and enhance existing recreation opportunities;

(3) shall directly benefit visitors to Federal recreational lands and waters;

(4) may be distributed agency-wide; and

(5) shall be used only for—

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

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

~~(E) direct operating or capital costs associated with the recreation fee program; and~~

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

(F) a fee management agreement established under section 6(a) section 6805(a) of this title or a visitor reservation service.

(b) Limitation on use of fees

~~The Secretary~~ (1) Use for Biological Monitoring Prohibited.—The Secretary may not use any recreation fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] for listed or candidate species.

“(2) USE TO REDUCE VISITOR ACCESS PROHIBITED.—The Secretary may not use any recreation fees to reduce or limit visitor access to Federal recreational lands and waters.

(3) FACILITY-RELATED PROHIBITIONS.—The Secretary may not use any recreation fees to remove or close a facility unless the facility is being replaced or updated.

(4) LAND OR WATER ACQUISITION PROHIBITED.—The Secretary may not use any recreation fees for the acquisition of lands or waters.

~~(c) Administration, overhead, and indirect costs~~

The Secretary may use not more than an average of 15 percent of total revenues collected under this chapter for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

(c) OVERHEAD, ADMINISTRATIVE, AND COLLECTION COSTS CAP.—

(1) OVERHEAD AND ADMINISTRATIVE COSTS.—The Secretary may not use more than five percent of total revenues collected annually under this title for overhead and administrative costs.

(2) COLLECTION COSTS.—The Secretary may not expend more than 20 percent of total revenues collected annually under this title for all direct fee collection costs.

(3) USE OF CERTAIN REVENUES.—Revenues from special recreation permits issued to recreation service providers under subparagraphs (B) and (C) of section 803(h)(1) shall be used—

(A) to partially offset the Secretary's direct cost of administering the permits; and

(B) to improve and stream-line the permitting process.

(d) Transitional exception

Notwithstanding any other provision of this chapter this title, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with—

(1) the National Parks and Federal Recreational Lands Pass during the 5-year period beginning on the date the joint guidelines are issued under ~~section 5(a)(7)~~ section 6804(a)(7) of this title; and

(2) a regional multientity pass authorized ~~section 5(d)~~ section 6804(d) of this title during the 5-year period beginning on the date the regional multientity pass agreement for that recreation pass takes effect.

(e) NOTICE OF FEE PROJECTS.—To the extent practicable, the Secretary shall post clear notice of locations where work is performed using recreation fee or recreation pass revenues collected under this title.

(Pub. L. 108-447, div. J, title VIII, §808, Dec. 8, 2004, 118 Stat. 3388; Pub. L. 111-11, title VII, §7116(h), Mar. 30, 2009, 123 Stat. 1203.)

§6808. Reports

~~Not later than May 1, 2006, and every 3 years thereafter, the Secretary shall submit to Congress a report detailing the status of the recreation fee program conducted for Federal recreational lands and waters, including an evaluation of the recreation fee program, examples of projects that were funded using such fees, and future projects and programs for funding with fees, and containing any recommendations for changes in the overall fee system.~~

(a) COST ACCOUNTING SYSTEMS.—The Secretaries shall develop and maintain cost accounting systems necessary to accurately track, manage, and report fee receipts and expenditures at each unit. The Secretaries may expend fee revenues to acquire and develop such systems as needed, as a direct operating or administration cost allowed under section 808(c).

(b) ANNUAL REVENUE AND EXPENDITURE REPORT.—No later than May 1, 2016, and annually thereafter, the Secretaries shall compile, for each Federal land management agency by unit, an accounting for the preceding fiscal year of—

(1) total recreational fee revenue collected by type;

(2) expenditures by project from the special accounts established pursuant to section 807(a);

(3) a description of how expenditure benefitted visitors to the unit;

(4) any new fees established; and

(5) any changes in existing fees.

(c) SUBMISSION.—No later than June 1 of each year, the Secretaries shall—

(1) display all information required under subsection (b) prominently on the website of each Federal land management agency and on the website recreation.gov or another similar interagency website; and

(2) provide notice of the availability of such information to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) AUDITS.—The Secretary shall develop a program of regular audits at fee collection units to ensure accountability of funds collected under this title and all expenditures under this title.

(Pub. L. 108–447, div. J, title VIII, §809, Dec. 8, 2004, 118 Stat. 3389.)

§6809. Sunset provision

The authority of the Secretary to carry out ~~this chapter~~ this title shall terminate ~~September 30, 2017~~ on December 31, 2022.

(Pub. L. 108–447, div. J, title VIII, §810, Dec. 8, 2004, 118 Stat. 3389; Pub. L. 113–235, div. F, title IV, §422, Dec. 16, 2014, 128 Stat. 2449; Pub. L. 114–53, §134, Sept. 30, 2015, 129 Stat. 509.)

§6810. 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, ~~standard amenity recreation fee, or an expanded amenity recreation fee~~ day use fee, or amenity fee that would otherwise apply to the volunteer or issue to the volunteer a site-specific agency pass authorized under ~~section 5(a)(7)~~ section 6804(c) of this title.

(c) National Parks and Federal Recreational Lands Pass

In accordance with the guidelines issued under section 6804(a)(7) of this title, 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 5(d)~~ section 6804(d) of this title 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.

(Pub. L. 108–447, div. J, title VIII, §811, Dec. 8, 2004, 118 Stat. 3389.)

§6811. Enforcement and protection of receipts

(a) Enforcement authority

The Secretary concerned shall enforce payment of the recreation fees authorized by ~~this chapter~~ this title.

(b) REQUIRED PAYMENT.—

(1) IN GENERAL.—Any person within a site or an area for which an entrance fee or day use fee is charged is required to pay the entrance fee or day use fee.

(2) EXCEPTION.—Paragraph (1) does not apply to a person who—

(A) is using a valid National Parks and Federal Recreational Lands Pass; or

(B) is a volunteer with a waiver or discount of fees under section 811(b).

(3) RECEIPT.—Upon payment of an entrance fee or day use fee by a person, the Secretary shall provide for the issuance to the person of 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 one day.

(b) (c) Evidence of nonpayment

If the display of proof of payment of a recreation fee, or the payment of a recreation 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) (d) 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) (e) Limitation on penalties

The failure to pay a recreation fee established under ~~this chapter~~ **this title** shall be punishable as a Class A or Class B misdemeanor, except that in the case of a first offense of nonpayment, the fine imposed may not exceed \$100, notwithstanding section 3571(e) of title 18.

(Pub. L. 108–447, div. J, title VIII, §812, Dec. 8, 2004, 118 Stat. 3390.)

§6812. Repeal of superseded admission and use fee authorities

(a) Land and Water Conservation Fund Act

Subsections (a), (b), (c), (d), (e), (f), (g), and (i) (except for paragraph (1)(C)) of section 4¹ of the Land and Water Conservation Fund Act of 1965 are repealed, except that the Secretary may continue to issue Golden Eagle Passports, Golden Age Passports, and Golden Access Passports under such section until the date the notice required by ~~section 5(a)(3)~~ **section 6804(a)(3)** of this

title is published in the Federal Register regarding the establishment of the National Parks and Federal Recreational Lands Pass.

(b) Recreational fee demonstration program

Section 315¹ of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134), is repealed.

(c) Admission permits for refuge units

Section 3911 of this title is repealed.

(d) National park passport, Golden Eagle Passport, Golden Age Passport, and Golden Access Passport

Effective on the date the notice required by ~~section 5(a)(3)~~ section 6804(a)(3) of this title is published in the Federal Register, the following provisions of law authorizing the establishment of a national park passport program or the establishment and sale of a national park passport, Golden Eagle Passport, Golden Age Passport, or Golden Access Passport are repealed:

(1) Section 502¹ of the National Parks Omnibus Management Act of 1998 (Public Law 105–391).

(2) Title VI¹ of the National Parks Omnibus Management Act of 1998 (Public Law 105–391).

(e) Treatment of unobligated funds

(1) Land and water conservation fund special accounts

Amounts in the special accounts established under section 4(i)(1)¹ of the Land and Water Conservation Fund Act of 1965 for Federal land management agencies that are unobligated on December 8, 2004, shall be transferred to the appropriate special account established under ~~section 7~~ section 6806 of ~~this chapter~~ this title and shall be available to the Secretary in accordance with ~~this chapter~~ this title. A special account established under section 4(i)(1)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 4¹ 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 VI¹ of the National Parks Omnibus Management Act of 1998 (Public Law 105–391) that are unobligated on the day before the publication of the Federal Register notice required under ~~section 5(a)(3)~~ section 6804(a)(3) of this title shall be transferred to the special account of the National Park Service for use in accordance with ~~this chapter~~ this title. 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 315¹ of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134), that are unobligated on the day before December 8, 2004, shall be transferred to the appropriate special account and shall be available to the Secretary in accordance with ~~this chapter~~ **this title**.

(4) Admission permits for refuge units

Any funds collected in accordance with section 3911 of this title that are available as provided in subsection (c)(A) of such section and are unobligated on the day before December 8, 2004, shall be transferred to the special account of the United States Fish and Wildlife Service for use in accordance with ~~this chapter~~ **this title**.

(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 chapter~~ **this title** until the Secretary issues a regulation, guideline, or policy under ~~this chapter~~ **this title** that supersedes the earlier regulation.

(g) TRANSITION.—The Secretaries may continue to collect other recreational fees in existence on the date of the enactment of the Federal Lands Recreation Enhancement Modernization Act for up to 18 months after the date of the enactment of such Act during which time the Secretaries shall bring their relevant recreation fee structures into compliance with the amendments made by such Act.

(Pub. L. 108–447, div. J, title VIII, §813, Dec. 8, 2004, 118 Stat. 3390; Pub. L. 109–54, title I, §132(a), Aug. 2, 2005, 119 Stat. 526; Pub. L. 113–287, §5(d)(37), Dec. 19, 2014, 128 Stat. 3268.)

§6813. Relation to other laws and fee collection authorities

(a) Federal and State laws unaffected

Nothing in ~~this chapter~~ **this title** 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 chapter~~ **this title**, and the existence of a fee management agreement with a governmental entity under ~~section 6(a)~~ **section 6805(a)** of this title, 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 1012 of title 7.
- (5) Title II of the Act of ~~August 8, 1937~~ **August 28, 1937**,¹ and the Act of May 24, 1939 (43 U.S.C. 1181f [1181f-1] et seq.).
- (6) Section 869-4 of title 43.
- (7) Chapter 69 of title 31.
- (8) Section 715s of this title.
- (9) The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note),¹ 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 618a of title 43.
- (11) The Federal Water Project Recreation Act (16 U.S.C. 460l-12 et seq.).
- (12) Section 391 of title 43.
- (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)¹.
- (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 chapter~~ **this title**.

(d) Sole recreation fee authority

Recreation fees charged under ~~this chapter~~ **this title** shall be in lieu of fees charged for the same purposes under any other provision of law.

(e) Fees charged by third parties

Notwithstanding any other provision of ~~this chapter~~ **this title**, 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.

(f) 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 chapter~~ **this title**.

(Pub. L. 108–447, div. J, title VIII, §814, Dec. 8, 2004, 118 Stat. 3392.)

§6814. Limitation on use of fees for employee bonuses

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

(Pub. L. 108–447, div. J, title VIII, §815, Dec. 8, 2004, 118 Stat. 3393.)

SEC. 111. CONFORMING AMENDMENTS TO REMAINING NATIONAL PARK SERVICE ADMISSION AND USE FEES AUTHORITIES UNDER OTHER LAWS AND TRANSITION PROVISION.

Title 54

§100904. Admission and special recreation use fees

(a) System Units at Which Entrance Fees or Admissions Fees Cannot Be Collected.-

(1) Withholding of amounts.-Notwithstanding section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105-83, 111 Stat. 1561), the Secretary shall withhold from the special account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a)) 100 percent of the fees and charges collected in connection with any System unit at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

(2) Use of amounts.-Amounts withheld under paragraph (1) shall be retained by the Secretary and shall be available, without further appropriation, for expenditure by the Secretary for the System unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.

(b) Allocation of Funds to System Units.-

(1) Allocation of funds on basis of need.-Ten percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units on the basis of need in a manner to be determined by the Director.

(2) Allocation of funds based on expenses and based on fees collected.-

(A) In general.-Forty percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units in accordance with subparagraph (B) of this subsection and 50 percent shall be allocated in accordance with subparagraph (C).

(B) Allocation based on expenses.-The amount allocated to each System unit under this paragraph for each fiscal year based on expenses shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the operating expenses at that System unit during the prior fiscal year by the total operating expenses at all System units during the prior fiscal year.

(C) Allocation based on fees collected.-The amount allocated to each System unit under this paragraph for each fiscal year based on fees collected shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the user fees and admission fees collected under this section at that System unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all System units during the prior fiscal year.

(3) Availability of amounts.-Amounts allocated under this subsection to any System unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that System unit until expended.

(c) Selling of Permits.-

(1) Authority to sell permits.-~~When authorized by the Secretary, volunteers at System units may sell permits and collect fees authorized or established pursuant to this section.~~ As provided in section 811(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6810(a)), the Secretary may use volunteers, as appropriate, to collect recreation fees and sell recreation passes authorized under such Act. The Secretary shall ensure that the volunteers have adequate training regarding-

(A) the sale of permits and the collection of fees;

(B) the purposes and resources of the System units in which they are assigned; and

(C) the provision of assistance and information to visitors to the System unit.

(2) Surety bond required.-The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the Service may be used to cover the cost of the surety bond. The Secretary may enter into arrangements with qualified public or private entities pursuant to which the entities may sell (without cost to the United States) annual admission permits ~~(including Golden Eagle Passports)~~ at any appropriate location. The arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of the permits at or before the Secretary delivers the permits to the entity for sale.

~~(d) Charge for Transportation Provided by Service for Viewing System Units.-~~

~~(1) Charge when transportation provided.-Where the Service provides transportation to view all or a portion of any System unit, the Director may impose a charge for the service in lieu of an admission fee under this section.~~

~~(2) Retention of charge and use of retained amount.-Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the System unit at which the~~

service was provided. The remainder shall be deposited in the same manner as receipts from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the System unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at those System units.

(e) Admission Fees.—Where the primary public access to a System unit is provided by a concessioner, the Secretary may charge an admission fee at the System unit only to the extent that the total of the fee charged by the concessioner for access to the System unit and the admission fee does not exceed the maximum amount of the admission fee that could otherwise be imposed.

(f) (d) Commercial Tour Use Fees.—

(1) Establishment.—In the case of each System unit for which an admission fee is charged under this section, the Secretary shall establish a commercial tour use fee to be imposed on each vehicle entering the System unit for the purpose of providing commercial tour services within the System unit.

(2) Amount.—The Secretary shall establish the amount of fee per entry as follows:

(A) Twenty-five dollars per vehicle with a passenger capacity of 25 individuals or less.

(B) Fifty dollars per vehicle with a passenger capacity of more than 25 individuals.

(3) Adjustments.—The Secretary may periodically make reasonable adjustments to the commercial tour use fee imposed under this subsection.

(4) Nonapplicability.—The commercial tour use fee imposed under this subsection shall not apply to the following:

(A) Any vehicle transporting organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

(B) Any vehicle entering a System unit pursuant to a contract issued under subchapter II of chapter 1019 of this title.

(1) ESTABLISHMENT.—Section 803 of the Federal Lands Recreation Enhancement Act (16

25 U.S.C. 6802) shall apply with respect to the establishment of a commercial tour use fee for vehicles entering a System unit for the purpose of providing commercial tour services within the System unit.

(2) Applicability.-This subsection shall apply to aircraft entering the airspace of-

(A) Haleakalā Crater, Crater Cabins, the Scientific Research Reserve, Halemauu Trail, Kaupo Gap Trail, or any designated tourist viewpoint in Haleakalā National Park or of Grand Canyon National Park; or

(B) any other System unit for the specific purpose of providing commercial tour services if the Secretary determines that the level of the services is equal to or greater than the level at the System units specified in subparagraph (A).

TITLE II—REFORM OF NATIONAL FOREST CABIN FEES

SEC. 201. PILOT CABIN RENTAL PROGRAM FOR NATIONAL FOREST SYSTEM.

§6214. Cabin user and transfer fees

(a) In general

The Secretary of Agriculture (referred to in this section as the "Secretary") shall establish a fee in accordance with this section for the issuance of a special use permit for the use and occupancy of National Forest System land for recreational residence purposes.

(b) Interim fee

During the period beginning on January 1, 2014, and ending on the last day of the calendar year during which the current appraisal cycle is completed under subsection (c), the Secretary shall assess an interim annual fee for recreational residences on National Forest System land that is an amount equal to the lesser of-

(1) the fee determined under the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.), subject to the requirement that any increase over the fee assessed during the previous year shall be limited to not more than 25 percent; or

(2) \$5,600.

(c) Completion of current appraisal cycle

Not later than 1 year after December 19, 2014, the Secretary shall complete the current appraisal cycle, including receipt of timely second appraisals, for recreational residences on National Forest System land in accordance with the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) (referred to in this section as the "current appraisal cycle").

(d) Lot value

Only appraisals conducted and approved by the Secretary in accordance with the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) during the current appraisal cycle shall be used to establish the base value assigned to the lot, subject to the adjustment in subsection (e). If a second appraisal-

(1) was approved by the Secretary, the value established by the second appraisal shall be the base value assigned to the lot; or

(2) was not approved by the Secretary, the value established by the initial appraisal shall be the base value assigned to the lot.

(e) Adjustment

On the date of completion of the current appraisal cycle, and before assessing a fee under subsection (f), the Secretary shall make a 1-time adjustment to the value of each appraised lot on which a recreational residence is located to reflect any change in value occurring after the date of the most recent appraisal for the lot, in accordance with the 4th quarter of 2012 National Association of Homebuilders/Wells Fargo Housing Opportunity Index.

(f) Annual fee

(1) Base

After the date on which appraised lot values have been adjusted in accordance with subsection (e), the annual fee assessed prospectively by the Secretary for recreational residences on National Forest System land shall be in accordance with the following tiered fee structure:

Fee Tier	Approximate Percent of Permits Nationally	Fee Amount
Tier 1	6 percent	\$650
Tier 2	16 percent	\$1,150
Tier 3	26 percent	\$1,650
Tier 4	22 percent	\$2,150
Tier 5	10 percent	\$2,650
Tier 6	5 percent	\$3,150
Tier 7	5 percent	\$3,650
Tier 8	3 percent	\$4,150
Tier 9	3 percent	\$4,650
Tier 10	3 percent	\$5,150
Tier 11	1 percent	\$5,650.

(2) Inflation adjustment

The Secretary shall increase or decrease the annual fees set forth in the table under paragraph (1) to reflect changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a 5-year rolling average.

(3) Access and occupancy adjustment

(A) In general

The Secretary shall by regulation establish criteria pursuant to which the annual fee determined in accordance with this section may be suspended or reduced temporarily if access to, or the occupancy of, the recreational residence is significantly restricted.

(B) Appeal

The Secretary shall by regulation grant the cabin owner the right of an administrative appeal of the determination made in accordance with subparagraph (A) whether to suspend or reduce temporarily the annual fee.

(g) Periodic review

(1) In general

Beginning on the date that is 10 years after December 19, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that-

(A) analyzes the annual fees set forth in the table under subsection (f) to ensure that the fees reflect fair value for the use of the land for recreational residence purposes, taking into account all use limitations and restrictions (including any limitations and restrictions imposed by the Secretary); and

(B) includes any recommendations of the Secretary with respect to modifying the fee system.

(2) Limitation

The use of appraisals shall not be required for any modifications to the fee system based on the recommendations under paragraph (1)(B).

(h) Cabin transfer fees

(1) In general

The Secretary shall establish a fee in the amount of \$1,200 for the issuance of a new recreational residence permit due to a change of ownership of the recreational residence.

(2) Adjustments

The Secretary shall annually increase or decrease the transfer fee established under paragraph (1) to reflect changes in the Implicit Price Deflator for the Gross Domestic Product published by the Bureau of Economic Analysis of the Department of Commerce, applied on a 5-year rolling average.

(i) Effect

(1) In general

Nothing in this section limits or restricts any right, title, or interest of the United States in or to any land or resource in the National Forest System.

(2) Alaska

The Secretary shall not establish or impose a fee or condition under this section for permits in the State of Alaska that is inconsistent with [section 3193\(d\) of this title](#).

(j) Retention of fees

(1) In general

Beginning 10 years after December 19, 2014, the Secretary may retain, and expend, for the purposes described in paragraph (2), any fees collected under this section without further appropriation.

(2) Use

Amounts made available under paragraph (1) shall be used to administer the recreational residence program and other recreation programs carried out on National Forest System land.

(k) Repeal of Cabin User Fee Fairness Act of 2000

Effective on the date of the assessment of annual permit fees in accordance with subsection (f) (as certified to Congress by the Secretary), the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) is repealed.

(l) PILOT CABIN RENTAL PROGRAM.—

(1) PILOT PROGRAM AUTHORIZED.—The Secretary may conduct a pilot cabin rental program under which the Secretary will issue a special use permit for the use and occupancy of National Forest System land for recreational residence purposes at a fee greater than the incidental rental otherwise allowed under this section or the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.).

(2) PUBLIC COMMENT AND INVOLVEMENT.—

In developing the pilot program, the Secretary shall solicit comments from and seek the involvement of owners of recreational residences in the vicinity of the proposed pilot program site and the National Forest Homeowners association.

(3) FUNDING SOURCE.—Effective October 1, 2016, the Secretary may use fees referred to in subsection (j)(1) to administer the pilot program and to support other recreation opportunities in the vicinity of the pilot program.

(Pub. L. 113–291, div. B, title XXX, §3024, Dec. 19, 2014, 128 Stat. 3764 .)