

108TH CONGRESS
1ST SESSION

H. R. 3283

To improve recreational facilities and visitor opportunities on Federal recreational lands by reinvesting receipts from fair and consistent recreational fees and passes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2003

Mr. REGULA (for himself, Mr. WAMP, Mr. SHERWOOD, Mr. SOUDER, Mr. PETRI, Mr. PETERSON of Pennsylvania, and Mr. HOBSON) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve recreational facilities and visitor opportunities on Federal recreational lands by reinvesting receipts from fair and consistent recreational fees and passes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.— This Act may be cited as the
5 “Federal Lands Recreation Enhancement Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Purposes and principles.
- Sec. 3. Definitions.
- Sec. 4. General recreation fee authority.
- Sec. 5. Basic recreation fee.
- Sec. 6. Expanded recreation fee.
- Sec. 7. Special recreation permit fee.
- Sec. 8. General recreation pass authority.
- Sec. 9. America the Beautiful—the National Parks and Federal Recreational
 Lands Pass.
- Sec. 10. Other recreation passes.
- Sec. 11. Miscellaneous administrative provisions regarding recreation fees and
 recreation passes.
- Sec. 12. Volunteers.
- Sec. 13. Special accounts and distribution of recreation fees and recreation pass
 revenues.
- Sec. 14. Expenditures from special accounts.
- Sec. 15. Enforcement and protection of receipts.
- Sec. 16. Repeal of superseded admission and use fee authorities.
- Sec. 17. Relation to other laws and fee collection authorities.

3 **SEC. 2. PURPOSES AND PRINCIPLES.**

4 (a) PURPOSES.—The purposes of this Act are—

- 5 (1) to enhance visitor opportunities regarding
 6 Federal public lands by creating a seamless Federal
 7 system of recreation opportunities;
- 8 (2) to enhance the visitor experience by invest-
 9 ing recreation fees in improving recreation opportu-
 10 nities regarding Federal public lands;
- 11 (3) to reduce the huge deferred maintenance
 12 backlog that adversely affects visitor use and enjoy-
 13 ment of Federal recreational facilities and lands, by
 14 focused use of visitor fee revenues;
- 15 (4) to help protect and enhance the natural re-
 16 source, historic, cultural, and other special values of

1 Federal public lands and National Parks that at-
2 tract hundreds of millions of visitors every year;

3 (5) to establish a permanent recreation fee pro-
4 gram that allows the fees to be used primarily at the
5 site of collection;

6 (6) to establish a permanent recreation fee pro-
7 gram so that important investments in technology
8 may be made;

9 (7) to streamline, simplify, and improve the
10 recreation fee program; and

11 (8) to streamline, simplify, and improve the
12 interagency national recreation pass program.

13 (b) PRINCIPLES.—The following principles apply to
14 the recreation fee program authorized by this Act:

15 (1) BENEFICIAL TO THE VISITING PUBLIC.—A
16 majority of the revenue generated by recreation fees
17 should be retained and used at the site where the
18 fees are collected to benefit the visiting public by en-
19 hancing the resources, facilities, activities, services,
20 and programs used by the visiting public. Recreation
21 fees should be designed to provide the sites with ade-
22 quate resources to enhance and supply visitor serv-
23 ices, reduce the backlog of deferred maintenance,
24 and restore and enhance impacted or endangered re-
25 sources.

1 (2) FAIR AND EQUITABLE.—Recreation fees
2 should also be affordable for the visiting public and
3 not significantly impact visitation levels. Recreation
4 fees should be reasonable and based on a consistent
5 and sound rationale. Recreation fee systems should
6 consider and address the relationship between who
7 pays the fee and who benefits from the resources, fa-
8 cilities, activities, services, and programs provided by
9 a recreation program.

10 (3) EFFICIENT.—Recreation fees should be col-
11 lected and administered in a cost efficient, enforce-
12 able, and business-like manner.

13 (4) COLLABORATIVE.—Recreation fees should
14 be developed with input from local communities and
15 other interested persons. Wherever possible or ap-
16 propriate, Federal land management agencies should
17 coordinate fees with private entities and local, State,
18 and other Federal agencies so as to minimize over-
19 lapping costs and simplify fees for the visiting pub-
20 lic.

21 (5) CONVENIENT.—Recreation fees should be
22 convenient to pay and recreation passes should be
23 easy to obtain. A variety of payment and purchase
24 location options (including credit card, internet,

1 automated fee machines, and vendor sales) should be
2 available as appropriate and feasible.

3 (6) ACCOUNTABLE.—Federal land management
4 agencies should collect data and publish annually
5 public documentation showing how the recreation fee
6 program is administered. Agencies should evaluate
7 the recreation fee program to consider cost of collec-
8 tion, adherence to policy, use of revenues, fiscal safe-
9 guards, and how well the program achieves organiza-
10 tional, site, and community goals.

11 (7) CONSISTENT.—The visiting public should
12 expect a similar fee for similar resources, facilities,
13 activities, services, and programs across Federal
14 land management agencies or in a given geographic
15 area. The costs and benefits associated with a recre-
16 ation fee or recreation pass should be clearly illus-
17 trated and easily understood by the visiting public.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) BASIC RECREATION FEE.—The term “basic
21 recreation fee” means the fee authorized by section
22 5.

23 (2) EXPANDED RECREATION FEE.—The term
24 “expanded recreation fee” means the fee authorized
25 by section 6.

1 (3) FEDERAL LAND MANAGEMENT AGENCY.—

2 The term “Federal land management agency”
3 means the National Park Service, the United States
4 Fish and Wildlife Service, the Bureau of Land Man-
5 agement, the Bureau of Reclamation, or the Forest
6 Service.

7 (4) NATIONAL PARKS AND FEDERAL REC-

8 REATIONAL LANDS PASS.—The term “National
9 Parks and Federal Recreational Lands Pass” means
10 the interagency national pass authorized by section
11 9.

12 (5) PASSHOLDER.—The term “passholder”
13 means a person who purchases or otherwise holds a
14 recreation pass.

15 (6) RECREATION FEE.—The term “recreation
16 fee” means the basic recreation fee, expanded recre-
17 ation fee, or special recreation permit fee.

18 (7) RECREATION PASS.—The term “recreation
19 pass” means the National Parks and Federal Rec-
20 reational Lands Pass or one of the recreation passes
21 available as authorized by section 10.

22 (8) SECRETARY CONCERNED.—The term “Sec-
23 retary concerned” means—

24 (A) the Secretary of the Interior, with re-
25 spect to the National Park Service, the United

1 States Fish and Wildlife Service, the Bureau of
2 Land Management, and the Bureau of Rec-
3 lamation; and

4 (B) the Secretary of Agriculture, with re-
5 spect to the Forest Service.

6 (9) SECRETARIES.—The term “Secretaries”
7 means the Secretary of the Interior and the Sec-
8 retary of Agriculture acting jointly.

9 (10) SPECIAL ACCOUNT.—The term “special ac-
10 count” means the special account established in the
11 Treasury under section 13 for a Federal land man-
12 agement agency.

13 (11) SPECIAL RECREATION PERMIT FEE.—The
14 term “special recreation permit fee” means the fee
15 authorized by section 7.

16 **SEC. 4. GENERAL RECREATION FEE AUTHORITY.**

17 (a) AUTHORITY TO ESTABLISH.—The Secretary con-
18 cerned shall provide for the establishment of basic recre-
19 ation fees, expanded recreation fees, and special recreation
20 permit fees that are fair and equitable.

21 (b) ESTABLISHMENT GUIDELINES.—The Secretary
22 concerned shall establish guidelines identifying the process
23 by which a Federal land management agency shall estab-
24 lish and change the amount charged for a basic recreation
25 fee, expanded recreation fee, or special recreation permit

1 fee. The guidelines shall contain a provision requiring that
2 Federal land management agencies coordinate with each
3 other, to the extent practicable, when establishing and
4 changing such fees.

5 (c) CONSIDERATIONS.—Before establishing and set-
6 ting a price for a recreation fee, the Secretary concerned
7 shall take into consideration the following:

8 (1) The benefits and services provided to visi-
9 tors paying the recreation fee.

10 (2) The public policy or management objectives
11 served.

12 (3) The effect of multiple fees charged to the
13 public.

14 (4) The direct and indirect cost to the Govern-
15 ment.

16 (5) The revenue benefits to the Government.

17 (6) Fees charged at comparable sites or by
18 other public agencies.

19 (7) The economic and administrative feasibility
20 of fee collection.

21 (8) The price of the National Parks and Fed-
22 eral Recreational Lands Pass.

23 (d) FEES FOR CERTAIN ACTIVITIES PROHIBITED.—
24 The Secretary concerned may not charge a basic recre-

1 ation fee, expanded recreation fee, or special recreation
2 permit fee—

3 (1) for travel by private, noncommercial vehicles
4 over any national parkway or any road or highway
5 established as a part of the National Highway Sys-
6 tem (as defined in section 101 of title 23, United
7 States Code) that is commonly used by the public as
8 a means of travel between two places either or both
9 of which are outside any unit or area of a Federal
10 land management agency at which fees are charged
11 under this Act;

12 (2) for travel by a person using a private, non-
13 commercial vehicle over any road or highway to any
14 land in which the person has any property right, if
15 the land is within any unit or area of a Federal land
16 management agency at which fees are charged under
17 this Act;

18 (3) for any person who has a right of access for
19 hunting or fishing privileges under a specific provi-
20 sion of law or treaty; or

21 (4) for any person who is engaged in the con-
22 duct of official Federal, State, or local government
23 business.

24 (e) WAIVER OR DISCOUNT OF FEES.—The Secretary
25 concerned may waive or discount a basic recreation fee,

1 expanded recreation fee, or special recreation permit fee,
2 as considered appropriate by the Secretary concerned.

3 (f) FEE MANAGEMENT AGREEMENTS.—Notwith-
4 standing chapter 63 of title 31, United States Code (com-
5 monly known as the Federal Grants and Cooperative
6 Agreements Act), the Secretary concerned may enter into
7 fee management agreements, including contracts, that
8 provide for reasonable commissions, discounts, or reim-
9 bursements, with any governmental or nongovernmental
10 entities to provide fee collection and processing services,
11 including visitor reservation services.

12 **SEC. 5. BASIC RECREATION FEE.**

13 (a) FEE AUTHORIZED.—Except as provided in sub-
14 section (b), the Secretary concerned may charge a basic
15 recreation fee for the following locations:

- 16 (1) Units of the National Park System.
- 17 (2) National Conservation Areas.
- 18 (3) National Recreation Areas.
- 19 (4) National Monuments.
- 20 (5) National Volcanic Monuments.
- 21 (6) National Scenic Areas.
- 22 (7) Areas of substantial investment by a Fed-
23 eral land management agency, which refers to Fed-
24 eral lands or waters under the jurisdiction of the

1 Secretary concerned that are not specified in para-
2 graphs (1) through (6), but that—

3 (A) are managed for recreation purposes
4 or contain at least one major visitor attraction;
5 and

6 (B) have had substantial investments, as
7 determined by the Secretary concerned, made in
8 their facilities or services, in restoring resource
9 degradation in areas of concentrated public use,
10 including a visitor or interpretive center, a trail-
11 head facility, or a developed parking lot, or in
12 requiring the presence of personnel of a Federal
13 land management agency.

14 (b) LIMITATIONS ON FEES FOR CERTAIN PERSONS,
15 ACTIVITIES, AND LOCATIONS.—The Secretary concerned
16 may not charge a basic recreation fee with respect to any
17 of the following:

18 (1) A person under 16 years of age.

19 (2) Outings conducted for noncommercial edu-
20 cational purposes by schools or bonafide academic
21 institutions.

22 (3) The following National Park System units:

23 (A) U.S.S. Arizona Memorial.

24 (B) Independence National Historical
25 Park.

1 (C) Statue of Liberty National Monument.

2 (D) National Park System units in the
3 District of Columbia.

4 (E) The Arlington House—Robert E. Lee
5 National Memorial.

6 (F) Any National Park System unit cov-
7 ered by section 203 of the Alaska National In-
8 terest Lands Conservation Act (16 U.S.C.
9 410hh-2), other than Denali National Park and
10 Preserve.

11 (G) Any National Park System unit con-
12 taining a deed restriction on charging entrance
13 fees.

14 (4) For entrance on other routes into the Great
15 Smoky Mountains National Park, or any part there-
16 of, unless a basic recreation fee is charged for en-
17 trance into that park on main highways and thor-
18 oughfares.

19 (5) For any person who visits a unit or area
20 under the jurisdiction of the United States Fish and
21 Wildlife Service and is the holder of a valid migra-
22 tory bird hunting and conservation stamp issued
23 under section 2 of the Act of March 16, 1934 (16
24 U.S.C. 718b; commonly known as the Migratory
25 Bird Hunting Stamp Act or Duck Stamp Act).

1 (6) For any person engaged in a nonrec-
2 reational activity authorized under a valid permit
3 issued under any other Act, including a valid grazing
4 permit.

5 (c) FEE-FREE DAY.—At every unit or area of a Fed-
6 eral land management area that charges a basic recreation
7 fee, that Secretary concerned shall designate at least one
8 day annually during periods of high visitation as a “Fee-
9 Free Day” when no basic recreation fee is charged.

10 **SEC. 6. EXPANDED RECREATION FEE.**

11 (a) FEE AUTHORIZED.—The Secretary concerned
12 may charge an expanded recreation fee, either in addition
13 to a basic recreation fee or by itself, at Federal lands or
14 waters under the jurisdiction of a Federal land manage-
15 ment agency when the Secretary concerned determines
16 that the visitor to those lands or waters—

17 (1) receives or is provided a direct service;

18 (2) uses a specific or specialized facility or
19 equipment in association with the recreation activity;

20 (3) requires additional attention by staff, rep-
21 resentatives or contractors of the Federal land man-
22 agement agency; or

23 (4) participates in an activity that involves
24 more costs to the Federal land management agency

1 than the costs associated with the basic recreation
2 fee.

3 (b) LIMITATIONS ON FEES FOR CERTAIN PERSONS,
4 ACTIVITIES, AND LOCATIONS.—The Secretary concerned
5 may not charge an expanded recreation fee with respect
6 to any of the following:

7 (1) For general access to any Federal lands or
8 waters under the jurisdiction of a Federal land man-
9 agement agency.

10 (2) For access to any of the following:

11 (A) A visitor center.

12 (B) A dispersed area with low or no invest-
13 ment.

14 (C) A scenic overlook.

15 (D) A basic, core interpretive program.

16 (E) A backcountry byway.

17 (F) A wayside.

18 (G) A drinking fountain.

19 (H) A restroom.

20 (I) An undeveloped parking area.

21 (J) an individual picnic table.

22 (3) For special attention or extra services nec-
23 essary to meet the needs of individuals with disabil-
24 ities.

1 (4) For any person engaged in a nonrec-
2 reational activity authorized under a valid permit
3 issued under any other Act, including a valid grazing
4 permit.

5 (c) FACILITIES AND SERVICES.—In accordance with
6 subsection (a), but subject to subsection (b), an expanded
7 recreation fee may be charged for facilities and services,
8 including any of the following:

- 9 (1) A developed campground.
10 (2) A developed boat ramp.
11 (3) A facility rental.
12 (4) An equipment rental.
13 (5) An enhanced interpretive program.
14 (6) A reservation service.
15 (7) A transportation service.
16 (8) A special amenity.

17 **SEC. 7. SPECIAL RECREATION PERMIT FEE.**

18 (a) FEE AUTHORIZED.—The Secretary concerned
19 may require a special recreation permit, and charge a spe-
20 cial recreation permit fee, for a recreation use, including
21 any of the following:

- 22 (1) A group activity.
23 (2) A commercial tour, including commercial
24 aircraft tour.
25 (3) A recreation event.

- 1 (4) Use of a motorized recreation vehicle.
- 2 (5) A competitive event.
- 3 (6) An outfitting and guiding activity.
- 4 (7) An activity requiring an allocation of use.
- 5 (8) An activity for which a permit is required
- 6 to ensure public safety.

7 (b) PROCEDURES AND GUIDELINES.—If the Sec-
 8 retary concerned requires a special recreation permit for
 9 a recreation use, or charges a special recreation permit
 10 fee, the Secretary concerned shall establish procedures or
 11 guidelines to address the application and approval process
 12 for the special recreation permit and the special recreation
 13 permit fee levels.

14 **SEC. 8. GENERAL RECREATION PASS AUTHORITY.**

15 (a) EFFECT AND USE OF RECREATION PASSES.—A
 16 recreation pass shall cover the basic recreation fee at any
 17 unit or area of a Federal land management agency that
 18 charges a basic recreation fee for the passholder and—

- 19 (1) all persons traveling with the passholder in
- 20 a noncommercial motorized vehicle;
- 21 (2) up to three persons accompanying the
- 22 passholder and traveling by means other than a mo-
- 23 torized vehicle; or

1 (3) up to three persons accompanying the
2 passholder at walk-up units or areas of a Federal
3 land management agency.

4 (b) NONTRANSFERABLE.—A recreation pass is non-
5 transferable.

6 (c) CONSIDERATIONS.—Before establishing and set-
7 ting a price for a recreation pass, the Secretary concerned
8 shall take into consideration the following:

9 (1) The considerations specified in section 4(c).

10 (2) The visitor services and recreation opportu-
11 nities to be covered by the recreation pass.

12 (3) The price of, and impact on, other recre-
13 ation passes.

14 (4) Visitor confusion with respect to other
15 recreation passes.

16 (5) The impact on the incentive of a Federal
17 land management agency to sell the National Parks
18 and Federal Recreational Lands Pass.

19 (6) The impact on the overall collection of
20 recreation fees authorized by this Act.

21 (7) The basic recreation fees charged at units
22 or areas of the Federal land management agencies
23 covered by the recreation pass and the impact of the
24 recreation pass on those fees.

1 (d) PUBLIC NOTICE.—The Secretaries shall jointly
 2 take such steps as may be necessary to provide to the pub-
 3 lic information on the National Parks and Federal Rec-
 4 reational Lands Pass and other available recreation
 5 passes.

6 **SEC. 9. AMERICA THE BEAUTIFUL—THE NATIONAL PARKS**
 7 **AND FEDERAL RECREATIONAL LANDS PASS.**

8 (a) RECREATION PASS AUTHORIZED.—

9 (1) AVAILABILITY AND USE.—The Secretaries
 10 shall jointly establish, and may charge a fee for, an
 11 interagency national pass to be known as the
 12 “America the Beautiful—the National Parks and
 13 Federal Recreational Lands Pass”, which shall cover
 14 the basic recreation fee at all units and areas of the
 15 Federal land management agencies for which a basic
 16 recreation fee is charged.

17 (2) IMAGE COMPETITION FOR RECREATION
 18 PASS.—The Secretaries shall jointly hold an annual
 19 competition to select the image to be used on the
 20 National Parks and Federal Recreational Lands
 21 Pass for a year. The competition shall be—

22 (A) open to the public; and

23 (B) used as a means to educate the Amer-
 24 ican people about units and areas of the Fed-
 25 eral land management agencies.

1 (3) NOTICE OF ESTABLISHMENT.—The Secre-
2 taries shall jointly publish a notice in the Federal
3 Register when the National Parks and Federal Rec-
4 reational Lands Pass is first established and avail-
5 able for purchase.

6 (b) DURATION.—The National Parks and Federal
7 Recreational Lands Pass shall be valid for a period of 12
8 months from the date of the issuance of the recreation
9 pass to a passholder.

10 (c) PRICE.—The Secretaries shall jointly establish
11 the price at which the National Parks and Federal Rec-
12 reational Lands Pass will be sold to the public.

13 (d) SALES LOCATIONS AND MARKETING.—

14 (1) IN GENERAL.—The Secretary concerned
15 shall sell the National Parks and Federal Rec-
16 reational Lands Pass at all units or areas of the
17 Federal land management agencies at which a basic
18 recreation fee is charged and at such other locations
19 as the Secretaries consider appropriate and feasible.

20 (2) USE OF VENDORS.—The Secretary con-
21 cerned may enter into cooperative agreements or
22 contracts with private vendors to sell the National
23 Parks and Federal Recreational Lands Pass.

24 (3) MARKETING.—The Secretaries shall jointly
25 take such actions as are appropriate to provide for

1 the active marketing of the National Parks and Fed-
2 eral Recreational Lands Pass.

3 (e) DISCOUNTED PASSES.—

4 (1) AGE DISCOUNT.—The National Parks and
5 Federal Recreational Lands Pass shall be available,
6 at a 50 percent discount, to any citizen of, or person
7 domiciled in, the United States who is 62 years of
8 age or older, provides adequate proof of age, and
9 provides adequate proof of citizenship or residency.

10 (2) DISABILITY DISCOUNT.—The National
11 Parks and Federal Recreational Lands Pass shall be
12 available, without charge, to any citizen of, or person
13 domiciled in, the United States who has a physical
14 or mental impairment which substantially limits one
15 or more of the person's major life activities, as re-
16 quired by section 7(20)(B)(i) of the Rehabilitation
17 Act of 1973 (29 U.S.C. 701(20)(B)(i)), provides
18 adequate documentation of the such disability, and
19 provides adequate proof of citizenship or residency.

20 (f) ADMINISTRATIVE GUIDELINES.—The Secretaries
21 shall jointly issue guidelines on administration of the Na-
22 tional Parks and Federal Recreational Lands Pass, which
23 shall include agreement on price, the distribution of reve-
24 nues between the Federal land management agencies, the
25 sharing of costs, benefits provided, marketing and design,

1 adequate documentation for age and disability discounts,
2 and the issuance of that recreation pass to volunteers. The
3 Secretaries shall take into consideration all relevant visitor
4 and sales data available in establishing the guidelines.

5 (g) DEVELOPMENT AND IMPLEMENTATION AGREE-
6 MENTS.—The Secretaries may jointly enter into coopera-
7 tive agreements with governmental and nongovernmental
8 entities for the development and implementation of the
9 National Parks and Federal Recreational Lands Pass Pro-
10 gram.

11 (h) PROHIBITION ON OTHER NATIONAL RECREATION
12 PASSES.—The Secretary concerned may not establish any
13 national recreation pass, except as provided in this section.

14 **SEC. 10. OTHER RECREATION PASSES.**

15 (a) SITE-SPECIFIC AGENCY PASSES.—The Secretary
16 concerned may establish and charge a fee for a site-spe-
17 cific pass that will cover the basic recreation fee for a par-
18 ticular unit or area of a Federal land management agency
19 for a specified period not to exceed 12 months.

20 (b) REGIONAL MULTIENTITY PASSES.—

21 (1) PASSES AUTHORIZED.—The Secretary con-
22 cerned may establish and charge a fee for a regional
23 multientity pass that will be accepted by one or more
24 Federal land management agencies or by one or
25 more governmental or nongovernmental entities for

1 a specified period not to exceed 12 months. To in-
2 clude a Federal land management agency or govern-
3 mental or nongovernmental entity over which the
4 Secretary concerned does not have jurisdiction, the
5 Secretary concerned shall obtain the consent of the
6 head of such agency or entity.

7 (2) REGIONAL MULTIENTITY PASS AGREE-
8 MENT.—In order to establish a regional multientity
9 pass under this subsection, the Secretary concerned
10 shall enter into a regional multientity pass agree-
11 ment with all the participating agencies or entities
12 on price, the distribution of revenues between par-
13 ticipating agencies or entities, the sharing of costs,
14 benefits provided, marketing and design, and the
15 issuance of the pass to volunteers. The Secretary
16 concerned shall take into consideration all relevant
17 visitor and sales data available when entering into
18 this agreement.

19 **SEC. 11. MISCELLANEOUS ADMINISTRATIVE PROVISIONS**
20 **REGARDING RECREATION FEES AND RECRE-**
21 **ATION PASSES.**

22 (a) NOTICE OF BASIC RECREATION FEES AND
23 PASSES.—The Secretary concerned shall post clear notice
24 of the basic recreation fee and available recreation passes
25 at appropriate locations in each unit or area of a Federal

1 land management agency where a basic recreation fee is
2 charged. The Secretary concerned shall include such no-
3 tice in publications distributed at the unit or area.

4 (b) NOTICE OF RECREATION FEE PROJECTS.—To
5 the extent practicable, the Secretary concerned shall post
6 clear notice of locations where work is performed using
7 recreation fee or recreation pass revenues collected under
8 this Act.

9 **SEC. 12. VOLUNTEERS.**

10 (a) AUTHORITY TO USE VOLUNTEERS.—The Sec-
11 retary concerned may use volunteers, as appropriate, to
12 collect recreation fees and sell recreation passes.

13 (b) WAIVER OR DISCOUNT OF FEES; SITE-SPECIFIC
14 AGENCY PASS.—In exchange for volunteer services, the
15 Secretary concerned may waive or discount a recreation
16 fee that would otherwise apply to the volunteer or issue
17 to the volunteer a site-specific agency pass authorized
18 under section 10(a).

19 (c) NATIONAL PARKS AND FEDERAL RECREATIONAL
20 LANDS PASS.—In accordance with the guidelines issued
21 under section 9(f), the Secretaries may jointly issue a Na-
22 tional Parks and Federal Recreational Lands Pass to a
23 volunteer in exchange for significant volunteer services
24 performed by the volunteer.

1 (d) REGIONAL MULTIENTITY PASSES.—The Sec-
 2 retary concerned may issue a regional multientity pass au-
 3 thorized under section 10(b) to a volunteer in exchange
 4 for significant volunteer services performed by the volun-
 5 teer, if the regional multientity pass agreement under
 6 which the regional multientity pass was established pro-
 7 vides for the issuance of the pass to volunteers.

8 **SEC. 13. SPECIAL ACCOUNTS AND DISTRIBUTION OF**
 9 **RECREATION FEES AND RECREATION PASS**
 10 **REVENUES.**

11 (a) SPECIAL ACCOUNT.—The Secretary of the Treas-
 12 ury shall establish a special account in the Treasury for
 13 each Federal land management agency.

14 (b) DEPOSITS.—Subject to subsections (c), (d), and
 15 (e), revenues collected by each Federal land management
 16 agency under this Act shall—

17 (1) be deposited in its special account; and

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

20 (c) DISTRIBUTION OF RECREATION FEES AND SIN-
 21 GLE-SITE AGENCY PASS REVENUES.—

22 (1) LOCAL DISTRIBUTION OF FUNDS.—

23 (A) RETENTION OF REVENUES.—Not less
 24 than 80 percent of the recreation fees and site-
 25 specific agency pass revenues collected at a spe-

1 cific unit or area of a Federal land management
2 agency shall remain available for expenditure,
3 without further appropriation, until expended at
4 that unit or area.

5 (B) REDUCTION.—The Secretary con-
6 cerned may reduce the percentage allocation
7 otherwise applicable under subparagraph (A) to
8 a unit or area of a Federal land management
9 agency, but not below 60 percent, for a fiscal
10 year if the Secretary concerned determines that
11 the revenues collected at the unit or area exceed
12 the reasonable needs of the unit or area for
13 which expenditures may be made under section
14 14 for that fiscal year.

15 (2) AGENCY-WIDE DISTRIBUTION OF FUNDS.—

16 The balance of the recreation fees and site-specific
17 agency pass revenues collected at a specific unit or
18 area of a Federal land management and not distrib-
19 uted in accordance with paragraph (1) shall remain
20 available to that Federal land management agency
21 for expenditure on an agency-wide basis, without
22 further appropriation, until expended.

23 (d) DISTRIBUTION OF NATIONAL PARKS AND FED-

24 ERAL RECREATIONAL LANDS PASS REVENUES.—Reve-

25 nues collected from the sale of the National Parks and

1 Federal Recreational Lands Pass shall be deposited in the
 2 special accounts established for the Federal land manage-
 3 ment agencies in accordance with the guidelines issued
 4 under section 9(f).

5 (e) DISTRIBUTION OF REGIONAL MULTIENTITY PASS
 6 REVENUES.—Revenues collected from the sale of a re-
 7 gional multientity pass authorized under section 10(b)
 8 shall be deposited in each participating Federal land man-
 9 agement agency’s special account in accordance with the
 10 terms of the multientity agreement for the regional multi-
 11 entity pass.

12 **SEC. 14. EXPENDITURES FROM SPECIAL ACCOUNTS.**

13 (a) TRANSFER AND USE OF FUNDS.—On request of
 14 the Secretary concerned, the Secretary of the Treasury
 15 shall transfer to the Secretary concerned from the special
 16 account for a Federal land management agency such
 17 amounts as the Secretary concerned considers necessary
 18 and appropriate. The Secretary concerned shall accept and
 19 use the transferred amounts in accordance with this sec-
 20 tion.

21 (b) USE OF FEES AT SPECIFIC UNIT OR AREA.—

22 (1) AUTHORIZED USES.—Amounts available
 23 under section 13(c)(1) for expenditure at a specific
 24 unit or area of a Federal land management agency
 25 may be used for the following purposes:

1 (A) Backlogged repair and maintenance
2 projects, including projects relating to health
3 and safety, and other maintenance.

4 (B) Interpretation and signage.

5 (C) Habitat or facility enhancement.

6 (D) Resource preservation.

7 (E) Law enforcement related to public use.

8 (F) Bonding of volunteers.

9 (G) Direct operating or capital costs asso-
10 ciated with the imposition and collection of
11 recreation fees and the issuance of recreation
12 passes.

13 (2) SEPARATE ACCOUNTING.—Amounts avail-
14 able under section 13(c)(1) for expenditure at a spe-
15 cific unit or area of a Federal land management
16 agency shall be accounted for separately from
17 amounts available under section 13(c)(2).

18 (c) USE OF FEES AGENCY-WIDE.—Amounts available
19 under section 13(c)(2) to a Federal land management
20 agency for expenditure agency-wide may be used for the
21 purposes described in subsection (b)(1) at units or areas
22 selected by the Federal land management agency.

23 (d) USE OF FEES FOR RECREATION PASS PRO-
24 GRAMS.—

1 (1) ADMINISTRATION AND MARKETING
2 COSTS.—Not more than 15 percent of the revenues
3 collected from the sale of a recreation pass may be
4 used to fund administration and marketing costs as-
5 sociated with that recreation pass.

6 (2) TRANSITIONAL EXCEPTION.—Notwith-
7 standing any other provisions of this Act, the Sec-
8 retary concerned may use amounts available in the
9 special account of a Federal land management agen-
10 cy to supplement administration and marketing
11 costs associated with—

12 (A) the National Parks and Federal Rec-
13 reational Lands Pass during the five-year pe-
14 riod beginning on the date the joint guidelines
15 are issued under section 9(f); and

16 (B) a regional multientity pass authorized
17 under section 10(b) during the five-year period
18 beginning on the date the regional multientity
19 pass agreement for that recreation pass takes
20 effect.

21 **SEC. 15. ENFORCEMENT AND PROTECTION OF RECEIPTS.**

22 (a) ENFORCEMENT AUTHORITY.—The Secretary con-
23 cerned shall enforce payment of the fees authorized by this
24 Act.

1 (b) EVIDENCE OF NONPAYMENT.—If the display of
2 proof of payment of a recreation fee, or the payment of
3 a recreation fee within a certain time period is required,
4 failure to display such proof as required or to pay the
5 recreation fee within the time period specified shall be con-
6 sidered prima facia evidence of nonpayment.

7 (c) JOINT LIABILITY.—The registered owner and any
8 occupant of a vehicle charged with a nonpayment violation
9 involving the vehicle shall be jointly liable for penalties im-
10 posed under this section, unless the registered owner can
11 show that the vehicle was used without the registered own-
12 er's express or implied permission.

13 (d) PENALTIES.—Failure to pay a required recre-
14 ation fee shall be punishable as a Class B misdemeanor.

15 (e) THEFT OF FEES.—

16 (1) IN GENERAL.—It is unlawful to break into
17 forcibly, to attempt to break into forcibly, or to tam-
18 per with any device used to collect or store recre-
19 ation fees, or any structure used in whole or in part
20 to collect or store fees, with intent to commit lar-
21 ceny.

22 (2) PENALTIES.—Any violation under para-
23 graph (1) involving a loss to the United States of
24 less than \$1,000 shall be punishable as a Class B
25 misdemeanor. Any violation under paragraph (1) in-

1 volving a loss to the United States of \$1,000 or
 2 more, but less than \$5,000, shall be punishable as
 3 a Class A misdemeanor. Any violation under para-
 4 graph (1) involving a loss to the United States of
 5 \$5,000 or more shall be punishable as a Class D fel-
 6 ony.

7 **SEC. 16. REPEAL OF SUPERSEDED ADMISSION AND USE**
 8 **FEE AUTHORITIES.**

9 (a) LAND AND WATER CONSERVATION FUND ACT.—
 10 Section 4 of the Land and Water Conservation Fund Act
 11 of 1965 (16 U.S.C. 460l–6a) is repealed, except that the
 12 Secretary concerned may continue to issue Golden Eagle
 13 Passports, Golden Age Passports, and Golden Access
 14 Passports under such section until the date the notice re-
 15 quired by section 9(a)(3) is published in the Federal Reg-
 16 ister regarding the establishment of the National Parks
 17 and Federal Recreational Lands Pass.

18 (b) RECREATIONAL FEE DEMONSTRATION PRO-
 19 GRAM.—Section 315 of the Department of the Interior
 20 and Related Agencies Appropriations Act, 1996 (as con-
 21 tained in section 101(c) of Public Law 104–134; 16
 22 U.S.C. 460l–6a), is repealed.

23 (c) ADMISSION PERMITS FOR REFUGE UNITS.—Sec-
 24 tion 201 of the Emergency Wetlands Resources Act of
 25 1986 (16 U.S.C. 3911) is repealed.

1 (d) NATIONAL PARK PASSPORT, GOLDEN EAGLE
2 PASSPORT, GOLDEN AGE PASSPORT, AND GOLDEN AC-
3 CESS PASSPORT.—Effective on the date the notice re-
4 quired by section 9(a)(3) is published in the Federal Reg-
5 ister, the following provisions of law authorizing the estab-
6 lishment of a national park passport program or the estab-
7 lishment and sale of a national park passport, Golden
8 Eagle Passport, Golden Age Passport, or Golden Access
9 Passport are repealed:

10 (1) Section 502 of the National Parks Omnibus
11 Management Act of 1998 (Public Law 105–391; 16
12 U.S.C. 5982).

13 (2) Title VI of the National Parks Omnibus
14 Management Act of 1998 (Public Law 105–391; 16
15 U.S.C. 5991–5995).

16 (e) EFFECT ON EXISTING PASSPORTS AND PER-
17 MITS.—

18 (1) EXISTING PASSPORTS.—A passport issued
19 under section 4 of the Land and Water Conservation
20 Fund Act of 1965 (16 U.S.C. 460l–6a) or title VI
21 of the National Parks Omnibus Management Act of
22 1998 (Public Law 105–391; 16 U.S.C. 5991–5995)
23 that was valid on the day before the publication of
24 the Federal Register notice required under section
25 9(a)(3) shall be valid in accordance with the terms

1 agreed to at the time of issuance of the passport, to
2 the extent practicable, and remain in effect until ex-
3 pired, lost, or stolen.

4 (2) PERMITS.—A permit issued under section 4
5 of the Land and Water Conservation Fund Act of
6 1965 that was valid on the day before the date of
7 the enactment of this Act shall be valid and remain
8 in effect until expired, revoked, or suspended.

9 (f) TREATMENT OF UNOBLIGATED FUNDS.—

10 (1) LAND AND WATER CONSERVATION FUND
11 SPECIAL ACCOUNTS.—Amounts in the special ac-
12 counts established under section 4(i)(1) of the Land
13 and Water Conservation Fund Act of 1965 (16
14 U.S.C. 460l–6a(i)(1)) for Federal land management
15 agencies that are unobligated on the date of the en-
16 actment of this Act shall be transferred to the ap-
17 propriate special account established under section
18 13 and shall be available to the Secretary concerned
19 in accordance with this Act. A special account estab-
20 lished under section 4(i)(1) of the Land and Water
21 Conservation Fund Act of 1965 for a Federal agen-
22 cy that is not a Federal land management area, and
23 the use of such special account, is not affected by
24 the repeal of section 4 of the Land and Water Con-
25 servation Fund Act of 1965 by subsection (a).

1 (2) NATIONAL PARKS PASSPORT.—Any funds
2 collected under title VI of the National Parks Omni-
3 bus Management Act of 1998 (Public Law 105–391;
4 16 U.S.C. 5991–5995) that are unobligated on the
5 day before the publication of the Federal Register
6 notice required under section 9(a)(3) shall be trans-
7 ferred to the special account of the National Park
8 Service for use in accordance with this Act. The Sec-
9 retary of the Interior may use amounts available in
10 that special account to pay any outstanding adminis-
11 tration, marketing, or close-out costs associated with
12 the national parks passport.

13 (3) RECREATIONAL FEE DEMONSTRATION PRO-
14 GRAM.—Any funds collected in accordance with sec-
15 tion 315 of the Department of the Interior and Re-
16 lated Agencies Appropriations Act, 1996 (as con-
17 tained in section 101(c) of Public Law 104–134; 16
18 U.S.C. 460l–6a), that are unobligated on the day be-
19 fore the date of the enactment of this Act shall be
20 transferred to the appropriate special account and
21 shall be available to the Secretary concerned in ac-
22 cordance with this Act.

23 (4) ADMISSION PERMITS FOR REFUGE UNITS.—
24 Any funds collected in accordance with section 201
25 of the Emergency Wetlands Resources Act of 1986

1 (16 U.S.C. 3911) that are available as provided in
 2 subsection (c)(A) of such section and are unobli-
 3 gated on the day before the date of the enactment
 4 of this Act shall be transferred to the special ac-
 5 count of the United States Fish and Wildlife Service
 6 for use in accordance with this Act.

7 (g) EFFECT OF REGULATIONS.—A regulation or pol-
 8 icy issued under a provision of law repealed by this section
 9 shall remain in effect to the extent such a regulation or
 10 policy is consistent with the provisions of this Act until
 11 the Secretary concerned issues a regulation, guideline, or
 12 policy under this Act that supersedes the earlier regula-
 13 tion.

14 **SEC. 17. RELATION TO OTHER LAWS AND FEE COLLECTION**
 15 **AUTHORITIES.**

16 (a) FEDERAL AND STATE LAWS UNAFFECTED.—
 17 Nothing in this Act shall authorize Federal hunting or
 18 fishing licenses or fees or charges for commercial or other
 19 activities not related to recreation, affect any rights or au-
 20 thority of the States with respect to fish and wildlife, or
 21 repeal or modify any provision of law that permits States
 22 or political subdivisions of States to share in the revenues
 23 from Federal lands or, except as provided in section 16,
 24 any provision of law that provides that any fees or charges
 25 collected at particular Federal areas be used for or cred-

1 ited to specific purposes or special funds as authorized by
2 that provision of law.

3 (b) RELATION TO REVENUE ALLOCATION LAWS.—

4 Amounts collected under this Act may not be taken into
5 account for the purposes of any of the following laws:

6 (1) The sixth paragraph under the heading
7 “FOREST SERVICE” in the Act of May 23, 1908
8 (16 U.S.C. 500).

9 (2) Section 13 of the Act of March 1, 1911 (16
10 U.S.C. 500; commonly known as the Weeks Act).

11 (3) The fourteenth paragraph under the head-
12 ing “FOREST SERVICE” in the Act of March 4,
13 1913 (16 U.S.C. 501).

14 (4) Section 33 of the Bankhead-Jones Farm
15 Tenant Act (7 U.S.C. 1012).

16 (5) Title II of the Act of August 8, 1937, and
17 the Act of May 24, 1939 (43 U.S.C. 1181f et seq.).

18 (6) Section 6 of the Act of June 14, 1926 (43
19 U.S.C. 869–4).

20 (7) Chapter 69 of title 31, United States Code.

21 (8) Section 401 of the Act of June 15, 1935
22 (16 U.S.C. 715s; commonly known as the Refuge
23 Revenue Sharing Act).

1 (9) The Secure Rural Schools and Community
2 Self-Determination Act of 2000 (Public Law 106–
3 393; 16 U.S.C. 500 note).

4 (10) Section 2 of the Boulder Canyon Project
5 Adjustment Act (43 U.S.C. 618a).

6 (11) The Federal Water Project Recreation Act
7 (16 U.S.C. 460l–12 et seq.).

8 (12) The first section of the Act of June 17,
9 1902, as amended or supplemented (43 U.S.C. 391).

10 (13) The Act of February 25, 1920 (30 U.S.C.
11 181 et seq.; commonly known as the Mineral Leas-
12 ing Act).

13 (14) Section 4(e) of the Southern Nevada Pub-
14 lic Land Management Act of 1998 (Public Law
15 105–263; 31 U.S.C. 6901 note).

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

18 (16) Any other provision of law relating to rev-
19 enue allocation.

20 (c) CONSIDERATION OF OTHER FUNDS COL-
21 LECTED.—Amounts collected under any other law may not
22 be disbursed under this Act.

23 (d) SOLE RECREATION FEE AUTHORITY.—Recre-
24 ation fees charged under this Act shall be in lieu of fees

1 charged for the same purposes under any other provision
2 of law.

3 (e) FEES CHARGED BY THIRD PARTIES.—Notwith-
4 standing any other provision of this Act, a third party may
5 charge a fee for providing a good or service to a visitor
6 of a unit or area of the Federal land management agencies
7 in accordance with any other applicable law or regulation.

8 (f) MIGRATORY BIRD HUNTING STAMP ACT.—Reve-
9 nues from the stamp established under the Act of March
10 16, 1934 (16 U.S.C. 718 et seq.; commonly known as the
11 Migratory Bird Hunting Stamp Act or Duck Stamp Act
12), shall not be covered by this Act.

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