

Par. (9). Pub. L. 118-234, §311(a)(9), added par. (9). Former par. (9) redesignated (8).

Pub. L. 118-234, §311(a)(5), prior to redesignation of par. (9) as (8), made technical amendment to reference in original act which appears in text as reference to section 6804 of this title.

Pars. (10), (11). Pub. L. 118-234, §311(a)(8), redesignated pars. (10) and (11) as (11) and (10), respectively.

Par. (12). Pub. L. 118-234, §311(a)(6), made technical amendment to reference in original act which appears in text as reference to section 6806 of this title.

Par. (13). Pub. L. 118-234, §311(a)(10), added par. (13). Former par. (13) redesignated (14).

Pub. L. 118-234, §311(a)(7), prior to redesignation of par. (13) as (14), substituted “section 6802(h)(2) of this title” for “section 6802(h) of this title”.

Par. (14). Pub. L. 118-234, §311(a)(8), redesignated par. (13) as (14).

Par. (15). Pub. L. 118-234, §311(a)(8), redesignated par. (1) as (15).

Par. (16). Pub. L. 118-234, §311(a)(11), added par. (16).

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116-205, §1, Dec. 3, 2020, 134 Stat. 996, provided that: “This Act [amending section 6804 of this title] may be cited as the ‘Wounded Veterans Recreation Act.’”

SHORT TITLE

Pub. L. 108-447, div. J, title VIII, §801(a), Dec. 8, 2004, 118 Stat. 3377, provided that: “This title [enacting this chapter, amending section 4607-6a of this title, repealing sections 3911, 5982, and 5991 to 5995 of this title, and repealing provisions set out as a note under 4607-6a of this title] may be cited as the ‘Federal Lands Recreation Enhancement Act.’”

§ 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 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.

(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 for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this chapter 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.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23,¹ 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) 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) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

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

(K) 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 for the following:

(A) Any person under 16 years of age.

¹ See References in Text note below.

(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

(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 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) 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.

(g) Expanded amenity recreation 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 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 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.

(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.

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

(G) Use of reservation services.

(H) Use of transportation services.

(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 that provide at least a majority of the following:

- (i) Bathhouse with showers and flush toilets.
- (ii) Refuse containers.
- (iii) Picnic areas.
- (iv) Paved parking.
- (v) Attendants, including lifeguards.
- (vi) Floats encompassing the swimming area.
- (vii) Swimming deck.

(h) Special recreation permits and fees

(1) Special recreation permits

(A) Applications

The Secretary—

- (i) may develop and make available to the public an application to obtain a special recreation permit described in clause (i) of section 6801(13)(A) of this title; and
- (ii) shall develop and make available to the public an application to obtain a special recreation permit described in each of clauses (ii) through (iv) of section 6801(13)(A) of this title.

(B) Issuance of permits

On review of a completed application developed under subparagraph (A), as applicable, and a determination by the Secretary that the applicant is eligible for the special recreation permit, the Secretary may issue to the applicant a special recreation permit, subject to any terms and conditions that are determined to be necessary by the Secretary.

(C) Incidental sales

A special recreation permit issued under this paragraph may include an authorization for sales that are incidental in nature to the permitted use of the Federal recreational lands and waters, except where otherwise prohibited by law.

(2) Special recreation permit fees

(A) In general

The Secretary may charge a special recreation permit fee for the issuance of a special recreation permit in accordance with this paragraph.

(B) Predetermined special recreation permit fees

(i) In general

For purposes of subparagraphs (D) and (E) of this paragraph, the Secretary shall establish and may charge a predetermined fee, described in clause (ii) of this subparagraph, for a special recreation permit described in clause (iii) or (iv) of section 6801(13)(A) of this title for a specific type of use on a unit of Federal recreational lands and waters, consistent with the criteria set forth in clause (iii) of this subparagraph.

(ii) Type of fee

A predetermined fee described in clause (i) shall be—

- (I) a fixed fee that is assessed per special recreation permit, including a fee with an associated size limitation or other criteria as determined to be appropriate by the Secretary; or
- (II) an amount assessed per visitor-use day.

(iii) Criteria

A predetermined fee under clause (i) shall—

- (I) have been established before January 4, 2025;
- (II) be established after January 4, 2025, in accordance with subsection (b);
- (III)(aa) be established after January 4, 2025; and
- (bb) be comparable to an amount described in subparagraph (D)(ii) or (E)(ii), as applicable; or
- (IV) beginning on the date that is 2 years after January 4, 2025, be \$6 per visitor-use day in instances in which the Secretary has not established a predetermined fee under subclause (I), (II), or (III).

(C) Calculation of fees for specialized recreational uses and large-group activities or events

The Secretary may, at the discretion of the Secretary, establish and charge a fee for a special recreation permit described in clause (i) or (ii) of section 6801(13)(A) of this title.

(D) Calculation of fees for single organized group recreation activities or events, competitive events, and certain recurring organized group recreation activities

If the Secretary elects to charge a fee for a special recreation permit described in section 6801(13)(A)(iii) of this title, the Secretary shall charge the recreation service provider, based on the election of the recreation service provider—

- (i) the applicable predetermined fee established under subparagraph (B); or
- (ii) an amount equal to a percentage of, to be determined by the Secretary, but not to exceed 5 percent of, adjusted gross receipts calculated under subparagraph (F).

(E) Calculation of fees for temporary permits and long-term permits

Subject to subparagraph (G), if the Secretary elects to charge a fee for a special recreation permit described in section 6801(13)(A)(iv) of this title, the Secretary shall charge the recreation service provider, based on the election of the recreation service provider—

- (i) the applicable predetermined fee established under subparagraph (B); or
- (ii) an amount equal to a percentage of, to be determined by the Secretary, but not to exceed 3 percent of, adjusted gross receipts calculated under subparagraph (F).

(F) Adjusted gross receipts

For the purposes of subparagraphs (D)(ii) and (E)(ii), the Secretary shall calculate the

adjusted gross receipts collected for each trip or event authorized under a special recreation permit, using either of the following calculations, based on the election of the recreation service provider:

(i) The sum of—

(I) the product obtained by multiplying—

(aa) the general amount paid by participants of the trip or event to the recreation service provider for the applicable trip or event (excluding amounts related to goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider); and

(bb) the quotient obtained by dividing—

(AA) the number of days of the trip or event that occurred on Federal recreational lands and waters covered by the special recreation permit, rounded to the nearest whole day; by

(BB) the total number of days of the trip or event; and

(II) the amount of any additional revenue received by the recreation service provider for an add-on activity or an optional excursion that occurred on the Federal recreational lands and waters covered by the special recreation permit.

(ii) The difference between—

(I) the total cost paid by the participants of the trip or event for the trip or event to the recreation service provider, including any additional revenue received by the recreation service provider for an add-on activity or an optional excursion that occurred on the Federal recreational lands and waters covered by the special recreation permit; and

(II) the sum of—

(aa) the amount of any revenues from goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider to the participants of the applicable trip or event;

(bb) the amount of any costs or revenues from services and activities provided or sold by the recreation service provider to the participants of the trip or event that occurred in a location other than the Federal recreational lands and waters covered by the special recreation permit (including costs for travel and lodging outside the Federal recreational lands and waters covered by the special recreation permit); and

(cc) the amount of any revenues from any service provided by a recreation service provider for an activity on Federal recreational lands and waters that is not covered by the special recreation permit.

(G) Exception

Notwithstanding subparagraph (E), the Secretary may charge a recreation service

provider a minimum annual fee for a special recreation permit described in section 6801(13)(A)(iv) of this title.

(H) Savings clauses

(i) Effect

Nothing in this paragraph affects any fee for—

(I) a concession contract administered by the National Park Service or the United States Fish and Wildlife Service for the provision of accommodations, facilities, or services; or

(II) a commercial use authorization or special use permit for use of Federal recreational lands and waters managed by the National Park Service.

(ii) Cost recovery

Nothing in this paragraph affects the ability of the Secretary to recover any administrative costs under section 8549 of this title.

(iii) Special recreation permit fees and other recreation fees

The collection of a special recreation permit fee under this paragraph shall not affect the authority of the Secretary to collect an entrance fee, a standard amenity recreation fee, or an expanded amenity recreation fee authorized under subsections (e), (f), and (g).

(i) Disclosure of recreation fees and use of recreation fees

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

(A) In general

The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, expanded amenity recreation fee, and available recreation passes—

(i) at appropriate locations in each unit or area of Federal recreational land and waters at which an entrance fee, standard amenity recreation fee, or expanded amenity recreation fee is charged; and

(ii) on the appropriate website for such unit or area.

(B) Publications

The Secretary shall include in publications distributed at a unit or area or described in subparagraph (A) the notice described in that subparagraph.

(2) Notice of uses of recreation fees

Beginning on January 1, 2026, the Secretary shall annually post, at the location at which a recreation fee described in paragraph (1)(A) is collected, clear notice of—

(A) the total recreation fees collected during each of the 2 preceding fiscal years at the respective unit or area of the Federal land management agency; and

(B) each use during the preceding fiscal year of the applicable recreation fee or recreation pass revenues collected under this section.

(3) Notice of recreation fee projects

To the extent practicable, the Secretary shall post clear notice at the location at which

work is performed using recreation fee and recreation pass revenues collected under this section.

(4) Centralized reporting on agency websites

(A) In general

Not later than January 1, 2025, and not later than 60 days after the beginning of each fiscal year thereafter, the Secretary shall post on the website of the applicable Federal land management agency a searchable list of each use during the preceding fiscal year of the recreation fee or recreation pass revenues collected under this section.

(B) List components

The list required under subparagraph (A) shall include, with respect to each use described in that subparagraph—

- (i) a title and description of the overall project;
- (ii) a title and description for each component of the project;
- (iii) the location of the project; and
- (iv) the amount obligated for the project.

(5) Notice to customers

A recreation service provider may inform a customer of the recreation service provider of any fee charged by the Secretary under this section.

(j) Online payments

(1) In general

In addition to providing onsite payment methods, the Secretaries may collect payment online for—

- (A) entrance fees under subsection (e);
- (B) standard amenity recreation fees under subsection (f);
- (C) expanded amenity recreation fees under subsection (g); and
- (D) special recreation permit fees.

(2) Distribution of online payments

An online payment collected under paragraph (1) that is associated with a specific unit or area of a Federal land management agency shall be distributed in accordance with section 6804(c) of this title.

(Pub. L. 108-447, div. J, title VIII, §803, Dec. 8, 2004, 118 Stat. 3378; Pub. L. 118-234, title III, §§311(b), 322(c), Jan. 4, 2025, 138 Stat. 2893, 2910.)

Editorial Notes

REFERENCES IN TEXT

Section 101 of title 23, referred to in subsec. (d)(1)(G), was subsequently amended, and section 101 no longer defines “Federal-aid System”.

The Alaska National Interest Lands Conservation Act, referred to in subsec. (d)(3)(H), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

AMENDMENTS

2025—Subsec. (b)(5). Pub. L. 118-234, §311(b)(2), made technical amendment to reference in original act which appears in text as reference to section 6803(d) of this title.

Subsec. (d)(1), (4). Pub. L. 118-234, §311(b)(1), made technical amendment to references in original act

which appear in introductory provisions and two places in text of par. (1) and in text of par. (4) as references to this chapter.

Subsecs. (h), (i). Pub. L. 118-234, §311(b)(3), added subsecs. (h) and (i) and struck out former subsec. (h). Prior to amendment, text of subsec. (h) read as follows: “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.”

Subsec. (j). Pub. L. 118-234, §322(c), added subsec. (j).

Statutory Notes and Related Subsidiaries

PROHIBITION ON ENTRANCE FEE AT STATUE OF LIBERTY NATIONAL MONUMENT

Pub. L. 100-55, June 19, 1987, 101 Stat. 371, provided: “That, notwithstanding any other provision of law, after the date of enactment of this Act [June 19, 1987], the Secretary of the Interior shall not charge any entrance or admission fee at the Statue of Liberty National Monument, New Jersey and New York.”

§ 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.

(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.