

DISCUSSION DRAFT – RECREATION FEE LEGISLATION

The Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.) is amended by striking all and inserting the following

SEC. 1 – SHORT TITLE, PURPOSE, AND TABLE OF CONTENTS

(a) Short Title- This title may be cited as

(b) Purpose-

To amend the Federal Lands Recreation Enhancement Act to allow certain Federal Agencies, under strictly conforming and duly adopted guidelines, to establish certain nationally consistent fees on public lands where specified facilities are regularly available and regularly maintained for public use, and for certain special uses of public lands.

It is the intent of Congress, in this Act, to expand access for all Americans and visitors to healthy and active outdoor recreation activities and other benefits offered by a system of federally managed lands. Further, it is the intent of Congress that the recreation fee program authorized under this Act take into consideration that federal lands are public lands for which other funds are made available by Congress and fees are not intended to cover the entire cost of recreation management. Recreation fees are supplemental to funds provided by Congress and should only be imposed where there is a demonstrated need to provide supplemental benefits; thus fee revenues should be expended to directly benefit those who paid them.

Nothing in this Act shall be interpreted or implemented to allow recreation facility fees on public lands or waters where constructed facilities are not available or when the visitor does not use them. Nor shall anything in this Act be interpreted or implemented to allow fees on Federal lands or waters that do not or cannot meet the requirements of this Act.

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

Sec. 1. Short title, purpose, and table of contents.

Sec. 2. Definitions.

Sec. 3. Recreation fee authority.

Sec. 4. Entrance fees.

Sec. 5. Recreation facility fees.

Sec. 6. Special use permit fees.

Sec. 7. Prohibitions on fees.

Sec. 8. Public participation.

Sec. 9. Recreation passes.

Sec. 10. Reservation service agreements.

Sec. 11. Special account and distribution of fees and revenues.

Sec. 12. Expenditures.

Sec. 13. Reports.

Sec. 14. Volunteers.

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 Repeal of superseded admission and use fee authorities.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.
Sec. 18. Limitation on use of fees for employee bonuses.

SEC. 2. DEFINITIONS. In this Act:

1. ENTRANCE FEE- The term “entrance fee” means the fee authorized by Section 4 to be charged to enter onto lands or waters managed by the National Park Service or the United States Fish and Wildlife Service.
2. FEDERAL LAND MANAGEMENT AGENCY- The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.
3. FEDERAL RECREATIONAL LANDS AND WATERS- The term “Federal recreational lands and waters” means lands or waters managed under the authority of a Federal land management agency.
4. FEE- The term “fee” relates to the fees established by this Act, which are entrance fees, recreation facility fees, and special use permit fees.
5. NATIONAL PARKS PLUS PASS- The term “National Parks Plus Pass” means the interagency national pass authorized by Section 9(a).
6. PASSHOLDER- The term “passholder” means the person who is issued a recreation pass established under Section 9.
7. PERMANENT TOILET- The term “permanent toilet” means a pit, vault, or flush facility constructed in place for the purpose of depositing human waste in a sanitary manner.
8. RECREATION FACILITY FEE- The term “recreation facility fee” means the recreation fee authorized by Section 5.
9. RECREATION PASS- The term “recreation pass” means the National Parks Plus Pass or one of the other recreation passes available as authorized by Section 9.
10. SECRETARY- The term “Secretary” means –
 - (A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and
 - (B) the Secretary of Agriculture, with respect to the Forest Service.
11. SECRETARIES- The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.
12. SPECIAL ACCOUNT- The term “special account” means the special account established in the Treasury under Section 11 for a Federal land management agency.
13. SPECIAL USE PERMIT FEE- The term “special use permit fee” means the recreation fee authorized by Section 6.
14. UNIT- For the purposes of this Act, the term “unit” means - for the National Park Service a single park, monument, or other management unit; for the U.S. Fish and Wildlife Service a single National Wildlife Refuge; for the Bureau of Reclamation the recreation complex associated with a single project; for the Bureau of Land Management the area managed by a single field office, and for the Forest Service a single ranger district.

SEC. 3. RECREATION FEE AUTHORITY.

(a) **AUTHORITY OF THE SECRETARY**—All fees established pursuant to this Act shall be fair and equitable, taking into consideration the direct and indirect cost to the Government, the benefits to the visitor, the public policy or interest served, the economic and administrative feasibility of fee collection, and other pertinent factors. The Secretaries shall coordinate with appropriate Federal, State, tribal, and local government agencies, and nongovernmental organizations representing local tourism and recreation interests before setting fees. The Secretaries shall take into account that they are stewards for land that is held in common by all Americans, and shall consider their core mission to be providing nationally consistent and affordable access to healthy, active, outdoor recreation on federal recreational lands and waters. Fees shall not be set in comparison to those at non-federal recreational facilities, and shall not exceed actual costs.

(1) Fees collected by contractors, cooperators, concessionaires, or other nonagency personnel shall be set in the same manner and are subject to the same limits as those collected by the agency.

(2) The Secretary shall establish the fewest possible fees and shall avoid the collection of multiple or layered recreation fees.

(3) The establishment of a fee under this Act shall constitute final agency action subject to judicial review under the Administrative Procedure Act. (5 U.S.C. 702)

(b) **NOTICE OF FEES**—The Secretary shall post clear notice of any fee and available recreation passes at appropriate locations in each unit or area of Federal recreational lands or waters where a fee is charged. The Secretary shall include such notice in publications distributed at the unit or area.

(c) **DISCOUNTED OR FREE ADMISSION DAYS OR USE**—The Secretary shall provide one free day per month during the open operating season at each unit, and may provide additional discounted or free days for use of Federal recreational lands and waters.

SEC. 4. ENTRANCE FEES.

(a) **ENTRANCE FEE POLICIES**—

(1) **AUTHORIZED SITES FOR ENTRANCE FEES**- The Secretary of the Interior may charge an entrance fee for a unit managed by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) Upon payment of an entrance fee, the Secretary of the Interior shall issue a nontransferable receipt valid for entry and reentry of the same area for a period of no less than 24 hours, and no more than 7 consecutive days;

(3) Motorcycles, snowmobiles, and watercraft, when used as the means of entry, shall be considered as vehicles for the purposes of collecting per-vehicle entrance fees; and

(4) The Secretary of the Interior shall determine—

(A) a consistent entrance fee policy and schedule for commercial and noncommercial recreational groups; and

(B) the conditions under which an educational group entering an entrance fee area authorized under Section 4(b)(1) may be exempted from paying an entrance fee.

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

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

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

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

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

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

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

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

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

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

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

(c) FEES FOR TRANSPORTATION SERVICES—Where the Secretary requires visitors to a unit or portion of a unit where an entrance fee is established to use a government-provided transportation service in lieu of a private motor vehicle, no additional fee may be charged for the use of such required transportation service, whether provided as a government service or through agreement or contract. Where such transportation services are optional, riders may be charged an appropriate cost-recovery or other fee for the use of such service, consistent with Section 501 of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5981) and other authorities.

(d) FEES FOR INTERPRETIVE SERVICES—Where an entrance fee has been established, no additional charge shall be made for access to visitor centers or for interpretive programs and services that promote an understanding and appreciation of the values for which the unit was established. Reasonable fees may be charged for interpretive programs or services where no entrance fee has been established, or for extraordinary interpretive programs that exceed those related to the unit's core mission, so long as participation in such standalone or extraordinary interpretive activity is optional.

(e) WHITEWATER BOATING PERMIT FEE—Where the Secretary determines that a system of permits, limited in number, is necessary to equitably manage and provide special resource protection due to private noncommercial whitewater boating within a unit of the National Park Service or United States Fish and Wildlife Service, a fee may be charged for such permit. Whitewater boating permit fees may not exceed the actual cost of administering the permit system and managing whitewater boating use.

SEC. 5. RECREATION FACILITY FEES —The Secretaries may charge a recreation facility fee on Federal recreational lands and waters under the jurisdiction of the National Park Service, United States Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, and Forest Service, but only for the following activities and under the following conditions:

(a) USE OF SPECIALIZED FACILITIES AT BOAT LAUNCHES.

(1) IN GENERAL—A fee may be charged on a per-watercraft basis for the use of the following specialized facilities for launching a watercraft:

(A) Mechanical or hydraulic boat lifts.

(B) Boarding float or mooring dock.

(2) No fee may be charged for access to a boat launch area if no specialized facilities as listed above are used.

(b) CAMPING IN DEVELOPED CAMPGROUNDS—

(1) Fees for camping shall be limited to developed campgrounds accessed by vehicle or watercraft.

(2) Fees shall only be charged at campgrounds that have a majority of the following facilities:

(A) Tent or trailer spaces.

(B) Picnic tables.

(C) Drinking water.

(D) Permanent trash facility.

(E) Permanent toilet facilities.

(F) Simple devices for containing a campfire.

(G) Reasonable visitor protection

(3) Fees for camping shall be charged on a per-night, per-site basis. No extra charge shall be made for extra vehicles so long as such vehicles can be accommodated within the assigned campsite or in a designated overflow parking area without causing resource damage.

(4) A limit of not less than six persons over the age of 16 may be imposed on the number of persons allowed per campsite.

(c) SHORT TERM RENTAL of cabins, fire lookouts, historic structures, group day-use or group overnight facilities, designated target range sites, duck blinds, or other constructed facilities for recreational, non-commercial purposes.

(d) SHORT TERM RENTAL of boats, stock animals, audio tour devices, portable sanitation devices, binoculars, or other recreational equipment for recreational, noncommercial purposes.

(e) USE OF mooring docks, sewage dump stations, luggage storage lockers, electrical hookups for recreational vehicles and boats, and corrals.

(f) ACCESS TO A DESTINATION VISITOR OR INTERPRETIVE CENTER that provides a broad range of interpretive services, programs, and media except that no fee shall be charged if the visitor or interpretive center lies within a larger area for which an entrance or recreation facility fee is charged.

SEC. 6. SPECIAL USE PERMIT FEES.

(a) IN GENERAL—The Secretaries may issue a special use permit and charge a special use permit fee on Federal recreational lands and waters under the jurisdiction of the National Park Service, United States Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, and Forest Service in order to recover a portion of the costs associated with the following special recreation uses, where they are otherwise authorized:

(1) Use by off-highway vehicles or snowmobiles of specialized areas that contain all of the following facilities:

(A) A system of designated and mapped off-highway vehicle or snowmobile trails.

(B) Developed designated parking that is routinely cleared of excess snow at snowmobile areas.

(C) Regular trail maintenance a majority of which is performed by federal employees or contractors. At snowmobile areas maintenance shall include trail grooming.

(D) Routine presence of agency law enforcement.

(E) Toilets.

(F) Refuse containers.

(2) Use by cross-country skiers or snowshoers of specialized areas that contain all of the following facilities:

(A) A system of designated and mapped trails.

(B) Developed designated parking that is routinely cleared of excess snow.

(C) Regular mechanical trail grooming a majority of which is performed by federal employees or contractors.

(D) Warming shelter.

(E) Toilets.

(3) Use of specialized swimming sites that contain all of the following facilities:

(A) Floats encompassing the swimming area.

(B) Bathhouse with showers and changing rooms.

(C) Developed designated parking.

(D) Attendants, including lifeguards.

- (E) Permanent toilets.
 - (F) Refuse containers.
 - (4) Commercial outfitting and guiding.
 - (5) Permits for organized gatherings of more than 20 people for such activities as weddings, sporting and competitive events, and rallies.
 - (6) Advance reservation of a free backcountry or wilderness permit pursuant to Section 7(b), subject to the following conditions:
 - (A) Advance reservation shall not be required as a condition of obtaining a free backcountry permit.
 - (B) At least ten percent of authorized permits for a particular backcountry or wilderness area shall be made available without a reservation on a first-come first-served basis.
 - (C) The reservation fee charged shall be per permit and permits shall be per party. The fee shall not exceed the actual cost of providing the reservation service.
 - (7) Recreational mining activities.
 - (8) Harvesting of Christmas trees for personal, non-commercial use. Trees harvested pursuant to a permit issued under this authority shall not be considered timber.
- (b) ANNUAL SITE-SPECIFIC AND REGIONAL PERMITS AUTHORIZED—
In order to provide more flexibility and lower-cost alternatives, the permits established under Section 6(a)(1), (2), and (3) in addition to being offered as a daily permit may also be issued on an annual or seasonal basis to allow unlimited use of the same area or a group of areas.
- (c) RELATION TO OTHER FEES—
- (1) Special use permit fees for organized group gatherings, commercial outfitting and guiding, advance reservation of backcountry or wilderness permits, recreational mining, and harvesting of Christmas trees may be charged in addition to entrance fees or recreation facility fees, in areas where those fees apply, except that no special use permit fee shall be charged for an organized group gathering under Section 6(a)(5) when a group facility rental fee has been paid in accordance with Section 5(c).
 - (2) Special use permit fees for use of specialized areas for off-highway vehicles, snowmobiles, cross-country skiing, snowshoeing, and swimming may not be charged in areas where an entrance fee or recreation facility fee is required, nor where a fee is charged by a non-federal entity in order to access the federal facilities.

SEC 7. PROHIBITIONS ON FEES —

- (a) IN GENERAL—Recreation facility fees and special use permit fees shall not be charged for the following private, noncommercial activities:
- (1) Camping outside of developed campgrounds.
 - (2) Cross-country skiing, snowshoeing, or other non-motorized winter sports or access for the same except at locations where a recreation facility fee or special use permit fee is established in accordance with this Act.

- (3) Off-highway vehicle or snowmobile use of a trail or road that is open to motorized travel, except at locations where a recreation facility fee or special use permit fee is established in accordance with this Act.
- (4) Access to, travel on, or use of rivers, lakes, beaches, and other shoreline areas.
- (5) Snow play.
- (6) Equestrian trail use.
- (7) Wildlife viewing.
- (8) For the use, either singly or in any combination, of drinking water, wayside exhibits, roads, overlook sites, scenic drives, toilet facilities, or picnic tables.
- (9) Hiking, walking, jogging, bicycling, or other non-motorized trail use.
- (10) Parking. However, nothing in this Act shall prohibit the Secretary from establishing a system of free parking restrictions to manage visitor parking, and subject to other terms and conditions as may be required to manage visitor use and provide for resource protection.
- (11) Any person below the age of 16.
- (12) Special attention or extra services necessary to meet the needs of the disabled.
- (13) Use of or access to designated wilderness or other backcountry or dispersed areas.

(b) **PROHIBITION ON BACKCOUNTRY PERMIT FEES GENERALLY**—The Secretaries shall not charge a fee pursuant to this or any other Act for any permit issued for private, noncommercial recreational use of wilderness or other backcountry or dispersed areas. The Secretaries may establish a system of free backcountry permits, limited in number and issued per party, and subject to other terms and conditions as may be required to equitably manage visitor use and provide for resource protection. Such permits shall only be required where necessary to meet the requirements of the Wilderness Act or where special management is necessary due to demand in excess of resource capacity.

SEC. 8 PUBLIC PARTICIPATION.

(a) **IN GENERAL**—The Secretary shall provide the public with opportunities to participate in the development or increasing of all fees established under this Act 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.

(b) **ADVANCED NOTICE**—The Secretaries shall publish a notice and solicit public comment in the Federal Register before establishing a new fee or increasing an existing fee. Such publication shall occur during the peak use season of the unit or activity to which the fee will apply and at least one year before such establishment or increase. The Secretaries shall publish notice one year in advance of a new fee or a increase to an existing fee established under this

title in local newspapers and publications located near the site at which the fee would be established or increased, and continuously on the home page of the web site of the affected unit for one year before establishment or increase. Notification of a new or increased fee shall also be made one year in advance to the Senate Energy and Natural Resources Committee and the House Natural Resources Committee.

(c) PUBLIC SUPPORT—Before establishing any new recreation fee or increasing an existing fee, the Secretary shall document public support by:

- (1) Providing advanced notice and opportunity for public comment in accordance with Section 8(b);
- (2) Accepting comments from the public about the new or increased fee; and
- (3) Publishing the public comments received at the web site of the affected unit continuously for at least 30 days prior to establishing or increasing the fee.

(d) RECREATION FEES CHARGED BY CONCESSIONAIRES—Fees charged at federal recreation facilities that are managed by private contractors or permittees shall undergo the same public notice and involvement requirements specified in this Section as those at agency-managed facilities.

SEC. 9 RECREATION PASSES.

(a) The National Parks Plus Pass-

(1) AVAILABILITY AND USE- The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as “The National Parks Plus Pass,” which shall cover, for the passholder and all occupants of the same private, non-commercial vehicle, the entrance fee for all Federal recreational lands and waters for which an entrance fee is charged and all visitor center fees established under Sec. 5(f). Where such fees are charged on a per-person basis, the pass shall cover the passholder and up to three additional persons age 16 and over.

(2) IMAGE COMPETITION FOR NATIONAL PASS- The Secretaries may hold an annual competition to select the image to be used on the National Parks Plus Pass for a year.

(3) DURATION- The National Parks Plus 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 passes issued under subsection (b).

(4) PRICE- The price of the National Parks Plus Pass shall be set at \$60 per year.

(5) PRICE ADJUSTMENTS—The Secretaries may adjust the price of the National Parks Plus Pass by publishing their intended adjustment one year in advance in the Federal Register and continuously for one year on the home page of their agency websites. Notification of an adjustment shall be made one year in advance to the Senate Energy and Natural Resources Committee and the House Natural Resources Committee. Adjustments may occur no more often than every five years.

(6) SALES LOCATIONS AND MARKETING-

(A) IN GENERAL- The Secretaries shall sell the National Parks Plus Pass at all Federal recreational lands and waters at which an entrance fee is charged, and at such other locations as the Secretaries consider appropriate and feasible.

(B) USE OF VENDORS- The Secretaries may enter into agreements for sales of the National Parks Plus Pass by non-federal entities. Sales by such entities shall be at the same price and according to the same guidelines as those by federal agencies. The Secretaries shall account for any commission paid to non-federal entities on pass sales as a direct cost of each agency's fee program.

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

(7) ADMINISTRATIVE GUIDELINES- The Secretaries shall issue guidelines on administration of the National Parks Plus Pass, which shall include agreement on 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 the recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) ACCEPTANCE BY CONCESSIONAIRES –The Secretaries shall require that private operators of recreation facilities on Federal recreational lands and waters accept the National Parks Plus Pass under the terms and conditions specified in this Section. For contracts in effect at the date of enactment of this Act, this requirement shall become effective with the next contract issuance or renewal following enactment.

(9) MULTIAGENCY ADMISSION AND SPECIAL USE PASSES- The Secretaries may enter into revenue sharing agreements with other Federal or non-Federal governmental agencies to accept their annual passes and convey the same privileges, terms and conditions as offered under the auspices of the National Parks Plus Pass, to those passes.

(10) PROHIBITION ON OTHER NATIONAL RECREATION PASSES- The Secretary shall not establish any national recreation pass, except as provided in this Section.

(b) Discount Passes-

(1) AGE DISCOUNT- The Secretary shall make the National Parks Plus 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 Plus Pass made available under this subsection shall be valid for the lifetime of the passholder.

(2) DISABILITY DISCOUNT- The Secretary shall make the National Parks Plus 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 7(20)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person provides adequate proof of the disability and such citizenship or residency. The National Parks Plus Pass made available under this subsection shall be valid for the lifetime of the passholder.

(3) APPLICABILITY OF DISCOUNT PASSES –

(A) IN GENERAL-In addition to covering entrance fees and visitor center fees, the passes issued under paragraphs (1) and (2) shall provide for a discount on fees for camping in developed campgrounds. The discount shall apply to the passholder and all occupants of the same campsite.

(B) RATE – The amount of the discount under subparagraph (A) shall be 50%.

(c) In order to provide more flexibility and lower-cost alternatives, the Secretary may establish site-specific and regional passes that provide the same benefits as the National Parks Plus Pass on federal recreational lands and waters, but are limited to one or more particular sites or regions.

(1) Site-Specific Agency Passes- The Secretary may establish and charge a fee for a site-specific pass for a specified period not to exceed 12 months.

(2) Regional Passes-

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

(B) REGIONAL PASS AGREEMENT- In order to establish a regional pass under this subsection, the Secretary shall enter into a regional 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) Effect on Existing Passes and Permits-

(1) EXISTING PASSES-

(A) A pass issued under Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a), title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the enactment of this Act shall be valid in accordance with the

terms agreed to at the time of issuance of the passport and remain in effect until expired, lost, or stolen.

(B) An “America the Beautiful--the National Parks and Federal Recreational Lands Pass” issued under Section 805 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804), title VIII of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 16 U.S.C. 6801-6814) that was valid on the day before the enactment of this Act shall be valid in accordance with the terms agreed to at the time of issuance and remain in effect until expired, lost, or stolen.

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

SEC. 10. RESERVATION SERVICE AGREEMENTS.

(a) The Secretary may enter into an agreement, including a contract, with a governmental or nongovernmental entity for the purpose of obtaining visitor reservation services. The entity providing visitor reservation services may charge a reasonable fee for their services in accordance with such agreement or contract, and such fee shall not be considered a recreation fee under this Act.

(b) Of amounts due any Federal land management agency under a reservation service agreement or contract, not more than 15% may be used by the agency for administrative costs related to the contract or agreement. The remainder shall be distributed agency-wide for expenditure according to the purposes specified under Section 12(a).

SEC. 11. SPECIAL ACCOUNT AND DISTRIBUTION OF FEES AND REVENUES.

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

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

(1) be deposited in its special account; and

(2) remain available for expenditure, until expended.

(c) Distribution of Entrance Fees, Recreation Facility Fees, Special Use Permit Fees, and Site-specific Agency Pass Revenues-

(1) Retention and expenditure of revenues-

(A) With regard to the U.S. Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and Forest Service -

(i) Not less than 80 percent of fees collected under this Act shall remain available for expenditure by the collecting unit, without further appropriation, until expended.

(ii) Entrance fees shall be expended within the same unit where collected.

(iii) Recreation facility fees and site-specific agency pass revenues shall be expended at the same type of site where collected and within the same unit where collected.

(iv) Special use permit fees for use of specialized facilities under Section 6(a)(1), (2), and (3) shall be expended at the same facility where collected.

(v) Special use permit fees for group gatherings, reservation of backcountry permits, recreational mining, Christmas tree harvesting, and commercial outfitting and guiding under Section 6(a)(4), (5), (6) (7) and (8) shall be expended on administration of those permits and management of those activities.

(B) With regard to the National Park Service –

(i) Not less than 80 percent of amounts collected under this Act at a specific unit shall remain available for use at the specific unit, except that for those units of the National Park System that participate in a multiagency revenue sharing agreement under Section 9(a)(9) of this Act, not less than 90 percent of amounts collected at a specific unit shall remain available for use at that unit.

(ii) Monies payable to the Service as a result of multiagency pass revenue sharing agreements established pursuant to Section 9(a)(9) shall be distributed equally to all units of the National Park System in the specific States where the Park Service units that are parties to the revenue sharing agreement are located.

(3) AGENCY-WIDE DISTRIBUTION OF FUNDS- The balance of the recreation fees and site-specific agency pass revenues collected shall remain available to that Federal land management agency for expenditure on an agency-wide basis, without further appropriation, until expended.

(d) Distribution of National Parks Plus Pass Revenues-Revenues collected from the sale of the National Parks Plus Pass shall be deposited in the special accounts established for the Federal land management agencies in accordance with the guidelines issued under Section 11 and shall be distributed according to the agreement established under Section 9(a)(7).

(e) Distribution of Regional Pass Revenues- Revenues collected from the sale of a regional pass established under Section 9(c)(2) shall be deposited in each participating Federal land management agency's special account and distributed in accordance with the terms of the regional pass agreement established under Section 9(c)(2)(B).

SEC. 12. EXPENDITURES.

(a) ADMINISTRATION, CAPITAL AND OPERATING COSTS – The Secretaries may not spend more than 15 percent of total revenues collected annually under this Act for fee collection program direct, indirect, and administrative overhead. The cost of fee-collection materials, contracts with third parties for fee collection services,

and sales commissions to third party vendors of passes and permits shall be considered direct costs of the fee program.

(1) BACKLOGGED MAINTENANCE – Amounts available for expenditure shall first be used for repairs and maintenance of existing facilities directly related to visitor enjoyment, visitor access, and health and safety.

(2) At units where visitor facilities are in good repair and are open and available for visitor use and no backloged maintenance needs exist, amounts available for expenditure may be used for-

(A) Enhancement of visitor facilities;

(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) Natural resource or cultural resource preservation or management programs, except that fee revenue may not be used for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 for listed or candidate species;

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

(F) Retirement of possessory interest or leasehold surrender interest of concessionaires.

SEC. 13. REPORTS.

(a) ANNUAL REPORT – Not later than _____, and annually thereafter, the Secretaries shall submit to Congress a separate accounting of the preceding fiscal year for each Federal agency. These individual agency reports shall list, broken down by unit, the total fee receipts collected under this Act by type, all expenditures from these accounts, any new fees established, and any changes to existing fees for each agency during the preceding fiscal year. Each report shall also detail any unobligated funds remaining at these units at the end of the fiscal year, along with planned utilization of these funds during the next fiscal year.

(b) SUBMISSION OF REPORTS – All reports required under this Act shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and shall be available to the public on appropriate agency web sites at the same time the reports are made available to the Committees.

SEC. 14. 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 or recreation facility fee that would otherwise apply to the volunteer or issue to the volunteer a site-specific agency pass authorized under Section 9(c)(1).

- (c) National Parks Plus Pass- In accordance with the guidelines established under Section 9(a)(7), the Secretaries shall issue a National Parks Plus Pass to a volunteer in exchange for 20 hours of approved volunteer services performed by the volunteer.
- (d) Regional Passes- Where a regional pass is available, the Secretary shall issue a regional pass in accordance with the guidelines established under Section 9(a)(7) to a volunteer in exchange for 10 hours of approved volunteer services performed by the volunteer, if the regional pass agreement under which the regional pass was established provides for the issuance of the pass to volunteers.

SEC. 15. ENFORCEMENT AND PROTECTION OF RECEIPTS.

- (a) Enforcement Authority- The Secretary concerned shall enforce payment of the fees authorized by this Act.
- (b) Evidence of Nonpayment- If the display of proof of payment of a required fee, or the payment of a fee within a certain time period is required, failure to display such proof as required or to pay the recreation fee within the time period specified shall constitute evidence of nonpayment.
- (c) Responsible Party for payment of fees. —When a per-person fee is charged, each individual over the age of 16 years old will be responsible for payment of his or her personal fee. When a per-vehicle fee is charged, the operator of the vehicle will be responsible for payment.
- (d) Limitation on Penalties. —No penalty or service charge will be imposed without the admission or finding of guilt. Failure to pay a fee established under this Act shall be punishable as an infraction with a fine not to exceed \$100 notwithstanding Section 3571(b) of title 18, United States Code.

SEC. 16. REPEAL OF SUPERSEDED ADMISSION AND USE FEE AUTHORITIES.

The Federal Lands Recreation Enhancement Act, Public Law 108447, 16 U.S.C. § 6801, *et seq.*, is superseded in its entirety by this Act. In addition:

- (a) Land and Water Conservation Fund Act- Subsections (a), (b), (c), (d), (e), (f), (g), (i), (j), (k), and (n), except (n)(5) of Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a *et seq.*) are repealed.
- (b) Recreational Fee Demonstration Program- Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in Section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a), is repealed.
- (c) Admission Permits for Refuge Units- Section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is repealed.
- (d) National Park Passport, Golden Eagle Passport, Golden Age Passport, and Golden Access Passport:
 - (1) Section 502 of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5982) is repealed.
 - (2) Title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995) is repealed.
- (e) Treatment of Unobligated Funds-
 - (1) LAND AND WATER CONSERVATION FUND SPECIAL ACCOUNTS-Amounts in the special accounts established under Section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C.

4601-6a(i)(1)) for Federal land management agencies that are unobligated on the date of the enactment of this Act shall be transferred to the appropriate special account established under Section 11 and shall be available to the Secretary in accordance with this Act. A special account established under Section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 for a Federal agency that is not a Federal land management area, and the use of such special account, is not affected by the repeal of Section 4 of the Land and Water Conservation Fund Act of 1965 by subsection (a) of this Section.

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

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

(4) FEDERAL LANDS RECREATION ENHANCEMENT ACT- Any funds collected in accordance with Title VIII Section 805 of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 16 U.S.C. 6801-6814) that are unobligated on the day before the enactment of this Act shall be transferred to the appropriate special account and shall be available to the Secretary in accordance with this Act.

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

(f) Effect of Regulations- A regulation or policy issued under a provision of law repealed by this Section shall remain in effect to the extent such a regulation or policy is consistent with the provisions of this Act until the Secretary issues a regulation, guideline, or policy under this Act that supersedes the earlier regulation.

SEC. 17. RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.

(a) Federal and State Laws Unaffected- Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not

related to recreation, affect any rights or authority of the States with respect to fish and wildlife, or repeal or modify any provision of law that permits States or political subdivisions of States to share in the revenues from Federal lands or, except as provided in subsection (b), any provision of law that provides that any fees or charges collected at particular Federal areas be used for or credited to specific purposes or special funds as authorized by that provision of law.

(b) Relation to Revenue Allocation Laws- Amounts collected under this Act, and the existence of a reservation service agreement with a governmental entity under Section 10 (a), may not be taken into account for the purposes of any of the following laws:

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

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

(3) The fourteenth paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1913 (16 U.S.C. 501).

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

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

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

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

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

(9) The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), except that the exception made for such Act by this subsection is unique and is not intended to be construed as precedent for amounts collected from the use of Federal lands under any other provision of law.

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

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

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

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

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

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

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

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

(d) Migratory Bird Hunting Stamp Act- Revenues from the stamp established under the Act of March 16, 1934 (16 U.S.C. 718 et seq.; commonly known as the

Migratory Bird Hunting Stamp Act or Duck Stamp Act), shall not be covered by this Act.

(e) Sole Recreation Fee Authority- Recreation fees charged under this Act shall be in lieu of fees charged for the same purposes under any other provision of law.

(f) Fees Charged by Third Parties- A third party providing recreation management services on Federal lands and waters under a permit, contract or agreement may not charge any fee that is not in accordance with this Act.

(g) Non-compliant fees- Any fee in effect on the date of enactment of this Act that is not in compliance with this Act shall be eliminated no later than 180 days after enactment.

SEC. 18. LIMITATION ON USE OF FEES FOR EMPLOYEE BONUSES.

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