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**23. LAND AND WATER CONSERVATION FUND ACT OF  
1965 (AND RELATED LAWS)**

[As Amended Through P.L. 109-59, August 10, 2005]

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January 27, 2006

**23. LAND AND WATER CONSERVATION FUND ACT OF  
1965 (AND RELATED LAWS)**

**A. Land and Water Conservation Fund Act of 1965<sup>1</sup>**

AN ACT To establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**TITLE I—LAND AND WATER CONSERVATION PROVISIONS**

**SHORT TITLE AND STATEMENT OF PURPOSES**

**SECTION 1. [16 U.S.C 460l-4]** (a) **CITATION; EFFECTIVE DATE.**—This Act may be cited as the “Land and Water Conservation Fund Act of 1965” and shall become effective on January 1, 1965.

(b) **PURPOSES.**—The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

**CERTAIN REVENUES PLACED IN SEPARATE FUND**

**SEC. 2. [16 U.S.C 460l-5] SEPARATE FUND.**—During the period ending September 30, 2015, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the “fund”, the following revenues and collections:

(a) **SURPLUS PROPERTY SALES.**—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under au-

<sup>1</sup>The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4—460l-11), as set forth herein, consists of Public Law 88-578 (Sept. 3, 1964) and amendments thereto. Pursuant to section 2(b) of the Act of August 8, 1953 (16 U.S.C. 1c(b)), the provisions of the Land and Water Conservation Fund Act of 1965 apply to all areas of the National Park System to the extent the provisions are not in conflict with specific provisions applicable to a particular unit of the National Park System.

thority of those provisions of law set forth in section 485(b)(e),<sup>1</sup> title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(b) **MOTORBOAT FUELS TAX.**—The amounts provided for in section 201 of this Act.

(c)(1) **OTHER REVENUES.**—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than \$300,000,000 for fiscal year 1977, and \$900,000,000 for fiscal year 1978 and for each fiscal year thereafter through September 30, 2015.

(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided*, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act.

**SEC. 3. [16 U.S.C 460l-6] APPROPRIATIONS.**—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys made available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.

ADMISSION AND USE FEES; ESTABLISHMENT AND REGULATIONS

**SEC. 4. [16 U.S.C 460l-6a]**

**[Subsections (a)–(g), and (i) (except for paragraph (1)(C)) was repealed by section 813(a) of the Federal Lands Recreation Enhancement Act (Division J of Public Law 108–447), as amended by section 132(a) of Public Law 109–54.]**

**(h) [Repealed by section 1081(f) of Public Law 104–66 (109 Stat. 721).]**

**[(i)]**

**[(1)]**

<sup>1</sup>The reference in section 2(a) is set forth as it appears in the original public law. The reference was probably intended to refer to subsections (b) through (e) of section 485.

(C) UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

(i) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (16 U.S.C. 4601-6a note; Public Law 105-83), the Secretary of the Interior shall withhold from the special account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a)) 100 percent of the fees and charges collected in connection with any unit of the National Park System at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

(ii) USE OF AMOUNTS.—Amounts withheld under clause (i) shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary for the unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.

(j)(1) 10 percent of the funds made available to the Director of the National Park Service under subsection (i) in each fiscal year shall be allocated among units of the National Park System on the basis of need in a manner to be determined by the Director.

(2) 40 percent of the funds made available to the Director of the National Park Service under subsection (i) in each fiscal year shall be allocated among units of the National Park System in accordance with paragraph (3) of this subsection and 50 percent shall be allocated in accordance with paragraph (4) of this subsection.

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

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

(5) Amounts allocated under this subsection to any unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that unit until expended.

(k) When authorized by the head of the collecting agency, volunteers at designated areas may sell permits and collect fees authorized or established pursuant to this section. The head of such agency shall ensure that such volunteers have adequate training regarding—

(1) the sale of permits and the collection of fees,

(2) the purposes and resources of the areas in which they are assigned, and

(3) the provision of assistance and information to visitors to the designated area.

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

(1)(1) Where the National Park Service provides transportation to view all or a portion of any unit of the National Park System, the Director may impose a charge for such service in lieu of an admission fee under this section. The charge imposed under this paragraph shall not exceed the maximum admission fee under subsection (a).

(2) Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the unit of the National Park System at which the service was provided. The remainder shall be covered into the special account referred to in subsection (i) in the same manner as receipts from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at such units.

(m) Where the primary public access to a unit of the National Park System is provided by a concessioner, the Secretary may charge an admission fee at such units only to the extent that the total of the fee charged by the concessioner for access to the unit and the admission fee does not exceed the maximum amount of the admission fee which could otherwise be imposed under subsection (a).

(n)(1) In the case of each unit of the National Park System for which an admission fee is charged under this section, the Secretary of the Interior shall establish, by October 1, 1993, a commercial tour use fee to be imposed on each vehicle entering the unit for the purpose of providing commercial tour services within the unit. Fee revenue derived from such commercial tour use fees shall be deposited into the special account established under subsection (i).

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

(A) \$25 per vehicle with a passenger capacity of 25 persons or less, and

(B) \$50 per vehicle with a passenger capacity of more than 25 persons.

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

(4) The commercial tour use fee imposed under this subsection shall not apply to either of the following:

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

(B) Any vehicle entering a park system unit pursuant to a contract issued under the Act of October 9, 1965 (16 U.S.C. 20-20g) entitled "An Act relating to the establishment of concession policies in the areas administered by the National Park Service and for other purposes."

(5)(A) The provisions of this subsection shall apply to aircraft entering the airspace of units of the National Park System identified in section 2(b) and section 3 of Public Law 100-91 for the specific purpose of providing commercial tour services within the airspace of such units.

(B) The provisions of this subsection shall also apply to aircraft entering the airspace of other units of the National Park System for the specific purpose of providing commercial tour services if the Secretary determines that the level of such services is equal to or greater than the level at those units of the National Park System specified in subparagraph (A).

ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE  
AND FEDERAL PURPOSES

SEC. 5. [16 U.S.C 460l-7] ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. Not less than 40 per centum of such appropriations shall be available for Federal purposes. Those appropriations from the fund up to and including \$600,000,000 in fiscal year 1978 and up to and including \$750,000,000 in fiscal year 1979 shall continue to be allocated in accordance with this section. There shall be credited to a special account within the fund \$300,000,000 in fiscal year 1978 and \$150,000,000 in fiscal year 1979 from the amounts authorized by section 2 of this Act. Amounts credited to this account shall remain in the account until appropriated. Appropriations from the special account shall be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifth Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries, as aforesaid, of—

- (1) the National Park System;
- (2) national scenic trails;
- (3) the National Wilderness Preservation System;
- (4) federally administered components of the National Wild and Scenic Rivers System; and
- (5) national recreation areas administered by the Secretary of Agriculture.

FINANCIAL ASSISTANCE TO STATES

SEC. 6. [16 U.S.C 460l-8] GENERAL AUTHORITY; PURPOSES.—  
(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the

States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) Forty per centum of the first \$225,000,000; thirty per centum of the next \$275,000,000; and twenty per centum of all additional appropriations shall be apportioned equally among the several States; and<sup>1</sup>

(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

(3) The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 10 per centum of the total amount allocated to the several States in any one year.

(4) The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection.

(5) For the purposes of paragraph (1) of this subsection, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (when such islands achieve Commonwealth status) shall be treated collectively as one State, and shall receive shares of such apportionment in proportion to their populations. The above listed areas shall be treated as States for all other purposes of this title.

(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the

<sup>1</sup>In subsection (b)(1) a period probably should replace “; and”.



Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act: *Provided*, That no plan shall be approved unless the Governor of the respective State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the Governor. The plan shall contain—

(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

For fiscal year 1988 and thereafter each comprehensive statewide outdoor recreation plan shall specifically address wetlands within that State as an important outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the Director of the National Park Service, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority conservation plan developed under section 301 of the Emergency Wetlands Resources Act or, if such national plan has not been completed, consistent with the provisions of that section<sup>1</sup>

(e) PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.—In addition to assistance for planning projects, the Sec-

<sup>1</sup> At the end of subsection (d), there should be a period.

retary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) ACQUISITION OF LAND AND WATERS.—For the acquisition of land, waters, or interests in land or waters, or wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

Whenever a State provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1984) and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

(2) DEVELOPMENT.—For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more: *Provided*, That no assistance shall be available under this Act to enclose or shelter facilities normally used for outdoor recreation activities, but the Secretary may permit local funding, and after the date of enactment of this proviso not to exceed 10 per centum of the total amount allocated to a State in any one year to be used for sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use thereby made possible justifies the construction of such facilities.

(f) REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.—(1) Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

(2) Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated

by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and or reasonably equivalent usefulness and location.<sup>1</sup> *Provided*, That wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.

(4) No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

(5) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(6) The Secretary, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

(7) [Paragraph (7) was repealed by section 814(d)(1)(H) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4196)]

(8) With respect to property acquired or developed with assistance from the fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

(g) COORDINATION WITH FEDERAL AGENCIES.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701

<sup>1</sup> In paragraph (3), the period should not appear before the proviso.

of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—

(1) AVAILABILITY OF FUNDS.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed \$15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

(A) increase lighting within or adjacent to public parks and recreation areas;

(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

(C) increase security personnel within or adjacent to public parks and recreation areas; and

(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

(2) ELIGIBILITY.—In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall be dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

(3) FEDERAL SHARE.—Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by any State for the purposes described in this subsection, and the remaining share of the cost shall be borne by the State.

#### ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

SEC. 7. [16 U.S.C 460l-9] (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes:

(1) For the acquisition of land, waters, or interests in land or waters as follows:

NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the National Park System now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

NATIONAL FOREST SYSTEM.—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas

of national forests as the boundaries of those forests exist on the effective date of this Act, or purchase units approved by the National Forest Reservation Commission subsequent to the date of this Act, all of which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary, not to exceed three thousand acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund: *Provided further*, That except for areas specifically authorized by Act of Congress, not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

NATIONAL WILDLIFE REFUGE SYSTEM.—Acquisition for (a) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973; (b) areas authorized by section 2 of the Act of September 28, 1962, as amended (16 U.S.C. 460k-1); (c) national wildlife refuge areas under section 7(a)(5) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and wetlands acquired under section 304 of the Emergency Wetlands Resources Act of 1986; (d) any areas authorized for the National Wildlife Refuge System by specific Acts.

(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(3) Appropriations allotted for the acquisition of land, waters, or interests in land or waters as set forth under the headings “NATIONAL PARK SYSTEM; RECREATIONAL AREAS” and “NATIONAL FOREST SYSTEM” in paragraph (1) of this subsection shall be available therefor notwithstanding any statutory ceiling on such appropriations contained in any other provision of law enacted prior to the convening of the Ninety-fifth Congress or, in the case of national recreation areas, prior to the convening of the Ninety-sixth Congress; except that for any such area expenditures may not exceed a statutory ceiling during any one fiscal year by 10 per centum of such ceiling or \$1,000,000, whichever is greater.

(b) ACQUISITION RESTRICTION.—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law: *Provided, however*, That appropriations from the fund may be used for preacquisition work in instances where authorization is imminent and where substantial monetary savings could be realized.

(c)(1) BOUNDARY CHANGES: DONATIONS.—Whenever the Secretary of the Interior determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of an area of the national park system, he may, following timely notice in writing to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate of his intention to do so, and by publication of a revised boundary map or other descrip-

tion in the Federal Register, (i) make minor revisions of the boundary of the area, and moneys appropriated from the fund shall be available for acquisition of any lands, waters, and interests therein added to the area by such boundary revision subject to such statutory limitations, if any, on methods of acquisition and appropriations thereof as may be specifically applicable to such area; and (ii) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, lands, waters, or interests therein adjacent to such area, except that in exercising his authority under this clause (ii) the Secretary may not alienate property administered as part of the national park system in order to acquire lands by exchange, the Secretary may not acquire property without the consent of the owner, and the Secretary may acquire property owned by a State or political subdivision thereof only by donation. Prior to making a determination under this subsection, the Secretary shall consult with the duly elected governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of such proposed action, and he shall also take such steps as he may deem appropriate to advance local public awareness of the proposed action. Lands, waters and interests therein acquired in accordance with this subsection shall be administered as part of the area to which they are added, subject to the laws and regulations applicable thereto.

(2) For the purposes of clause (i) of paragraph (1), in all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under such clause (i) shall apply only if each of the following conditions is met:

(A) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.

(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

(C) The sum of the total appraised value of the lands, waters, and interests therein to be added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed \$750,000.

(D) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.

(E) The proposed boundary has been subject to a public review and comment period.

(F) The Director of the National Park Service obtains written consent for the boundary modification from all property owners whose lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein, will be added to or deleted from the area by the boundary modification.

(G) The lands are adjacent to<sup>1</sup> other Federal lands administered by the Director of the National Park Service. Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress.

FUNDS NOT TO BE USED FOR PUBLICITY

SEC. 8. [16 U.S.C 460l-10] Moneys derived from the sources listed in section 2 of this Act shall not be available for publicity purposes: *Provided, however,* That in each case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Land and Water Conservation Fund. Such signing may indicate the per centum and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes moneys derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of such signing to assure consistency of design and application.

SEC. 9.<sup>1</sup> [16 U.S.C 460l-10a] Not to exceed \$30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 7(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

SEC. 10. [16 U.S.C 460l-10b] The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed \$500,000

<sup>1</sup>Paragraph (2)(G) was added to section 7(c) of the Land and Water Conservation Fund Act of 1965 by section 814(b)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4194). Section 129 of Public Law 106-176 (114 Stat. 30) sought to amend paragraph (2)(G), but instead of amending section 7(c)(2)(G) of the Land and Water Conservation Fund Act of 1965, it referred to section 814(b)(2)(G) of Public Law 104-333, which doesn't exist. The amendment is as follows:

**SEC. 129. BOUNDARY REVISIONS.**

Section 814(b)(2)(G) of Public Law 104-333 is amended by striking "are adjacent to" and inserting "abut".

<sup>1</sup>The paragraph under the heading "LAND AND WATER CONSERVATION FUND (RESCISSION)" in title I of the Department of the Interior and Related Agencies Appropriations Act, 2002 (Public Law 107-63; 115 Stat. 425), provides as follows "The contract authority provided for fiscal year 2002 by 16 U.S.C. 460l-10a [this section 9] is rescinded.". Similar provisions have appeared in previous appropriations Acts.

of the sum authorized to be appropriated from the fund by section 3 of this Act may be expended by the Secretary in any one fiscal year for such options.

SEC. 11. [16 U.S.C 460l-10c] There is hereby repealed the third paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 7, 1928 (45 Stat. 238) and the second paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195) is further amended by deleting ", without charge," in the third sentence from the end thereof. All other provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charge authorized by this Act or that restrict the expenditure of funds if such fees or charges are collected are hereby also repealed: *Provided*, That no provision of any law or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer.

SEC. 12. [16 U.S.C 460l-10d] Within one year of the date of enactment of this section, the Secretary is authorized and directed to submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives a comprehensive review and report on the needs, problems, and opportunities associated with urban recreation in highly populated regions, including the resources potentially available for meeting such needs. The report shall include site specific analyses and alternatives, in a selection of geographic environments representative of the Nation as a whole, including, but not limited to, information on needs, local capabilities for action, major site opportunities, trends, and a full range of options and alternatives as to possible solutions and courses of action designed to preserve remaining open space, ameliorate recreational deficiency, and enhance recreational opportunity for urban populations, together with an analysis of the capability of the Federal Government to provide urban-oriented environmental education programs (including, but not limited to, cultural programs in the arts and crafts) within such options. The Secretary shall consult with, and request the views of, the affected cities, counties, and States on the alternatives and courses of action identified.

SEC. 13. [16 U.S.C. 460l-10e] (a) The President shall appoint an advisory commission to review the opportunities for enhanced opportunities for water-based recreation which shall submit a report to the President and to the Committee on Energy and Natural Resources of the Senate and to the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives within one year from the date of enactment of this section.

(b) The members of the Commission shall include—



- (1) the Secretary of the Interior, or his designee;
- (2) the Secretary of the Army, or his designee;
- (3) the Chairman of the Tennessee Valley Authority, or his designee;
- (4) the Secretary of Agriculture, or his designee;
- (5) a person nominated by the National Governor's Association; and
- (6) four persons familiar with the interests of the recreation and tourism industry, conservation and recreation use, Indian tribes, and local governments, at least one of whom shall be familiar with the economics and financing of recreation-related infrastructure.

(c) The President shall appoint one member to serve as Chairman. Any vacancy on the Commission shall be filled in the same manner as the original appointment. Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties. The Secretary of the Interior shall provide all financial, administrative, and staffing requirements for the Commission, including office space, furnishings, and equipment. The heads of other Federal agencies are authorized, at the request of the Commission, to provide such information or personnel, to the extent permitted by law and within the limits of available funds, to the Commission as may be useful to accomplish the purposes of this section.

(d) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable: *Provided*, That, to the maximum extent possible, the Commission shall use existing data and research. The Commission is authorized to use the United States mail in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) The report shall review the extent of water-related recreation at Federal man-made lakes and reservoirs and shall develop alternatives to enhance the opportunities for such use by the public. In developing the report, the Commission shall—

- (1) review the extent to which recreation components identified in specific authorizations associated with individual Federal man-made lakes and reservoirs have been accomplished;

- (2) evaluate the feasibility of enhancing recreation opportunities at federally managed lakes and reservoirs under existing statutes;

- (3) consider legislative changes that would enhance recreation opportunities consistent with and subject to the achievement of the authorized purposes of Federal water projects; and

- (4) make recommendations on alternatives for enhanced recreation opportunities including, but not limited to, the establishment of a National Recreation Lake System under which specific lakes would receive national designation and which would be managed through innovative partnership-based agreements between Federal agencies, State and local units of government, and the private sector.

Any such alternatives shall be consistent with and subject to the authorized purposes for any man-made lakes and reservoirs and

shall emphasize private sector initiatives in concert with State and local units of government.

TITLE II—MOTORBOAT FUEL TAX PROVISIONS

TRANSFERS TO AND FROM LAND AND WATER CONSERVATION FUND

SEC. 201. [16 U.S.C 4601-11] (a) There shall be set aside in the Land and Water Conservation Fund in the Treasury of the United States provided for in title I of this Act the amounts specified in section 9503(c)(4)(B) of the Internal Revenue Code of 1954 (relating to special motor fuels and gasoline used in motorboats).

(b) There shall be paid from time to time from the land and water conservation fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before October 1, 2012, under section 6421 of the Internal Revenue Code of 1954 (relating to amounts paid in respect of gasoline used for certain non-highway purposes or by local transit systems) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before October 1, 2011; and

(2) 80 percent of the floor stocks refunds made before October 1, 2012, under section 6412(a)(2) of such Code with respect to gasoline to be used in motorboats.

**42. FEDERAL LANDS RECREATION ENHANCEMENT ACT**

Title VIII of division J of the Consolidated Appropriations Act, 2005 (Public Law  
108-447)

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VIII—FEDERAL LANDS RECREATION ENHANCEMENT ACT

**SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **[16 U.S.C. 6801 note] SHORT TITLE.**—This title may be cited as the “Federal Lands Recreation Enhancement Act”.

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

- Sec. 801. Short title and table of contents.
- Sec. 802. Definitions.
- Sec. 803. Recreation fee authority.
- Sec. 804. Public participation.
- Sec. 805. Recreation passes.
- Sec. 806. Cooperative agreements.
- Sec. 807. Special account and distribution of fees and revenues.
- Sec. 808. Expenditures.
- Sec. 809. Reports.
- Sec. 810. Sunset provision.
- Sec. 811. Volunteers.
- Sec. 812. Enforcement and protection of receipts.
- Sec. 813. Repeal of superseded admission and use fee authorities.
- Sec. 814. Relation to other laws and fee collection authorities.
- Sec. 815. Limitation on use of fees for employee bonuses.

**SEC. 802. [16 U.S.C. 6801] DEFINITIONS.**

In this Act [this title]:

(1) **STANDARD AMENITY RECREATION FEE.**—The term “standard amenity recreation fee” means the recreation fee authorized by section [80]3(f).

(2) **EXPANDED AMENITY RECREATION FEE.**—The term “expanded amenity recreation fee” means the recreation fee authorized by section [80]3(g).

(3) **ENTRANCE FEE.**—The term “entrance fee” means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.

(4) **FEDERAL LAND MANAGEMENT AGENCY.**—The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(5) **FEDERAL RECREATIONAL LANDS AND WATERS.**—The term “Federal recreational lands and waters” means lands or waters managed by a Federal land management agency.

(6) NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—The term “National Parks and Federal Recreational Lands Pass” means the interagency national pass authorized by section [80]5.

(7) PASSHOLDER.—The term “passholder” means the person who is issued a recreation pass.

(8) RECREATION FEE.—The term “recreation fee” means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

(9) RECREATION PASS.—The term “recreation pass” means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by section [80]5.

(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 [80]7 for a Federal land management agency.

(13) SPECIAL RECREATION PERMIT FEE.—The term “special recreation permit fee” means the fee authorized by section [80]3(h).

**SEC. 803. [16 U.S.C. 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 [80]4(d).

(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 collec-

tion 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 Act [this title] for any of the following:

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

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

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

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

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

(F) For use of overlooks or scenic pullouts.

(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, United States Code, 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 Act [this title].

(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 Act [this title].

(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 6 of Public Law 88-657 (16 U.S.C. 537; commonly known as the Forest Roads and Trails Act).

(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.

(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 2 of the Act of March 16, 1934 (16 U.S.C. 718b; commonly known as the Duck Stamp Act).

(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 Act [this title] shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) ENTRANCE FEE.—

(1) AUTHORIZED SITES FOR ENTRANCE FEES.—The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument administered by the National Park Service, or for a unit of the National Wildlife Refuge System.

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

**SEC. 804. [16 U.S.C. 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 Act [this title].

(b) **ADVANCE NOTICE.**—The Secretary shall publish a notice in the Federal Register of the establishment of a new recreation fee area for each agency 6 months before establishment. The Secretary shall publish notice of a new recreation fee or a change to an existing recreation fee established under this Act [this title] 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 Act [this title].

(C) EXCEPTION.—The Secretary shall not establish a Recreation Resource Advisory Committee in a State if the Secretary determines, in consultation with the Governor of the State, that sufficient interest does not exist to ensure that participation on the Committee is balanced in terms of the points of view represented and the functions to be performed.

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

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

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

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

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

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

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

(5) COMPOSITION OF THE ADVISORY COMMITTEE.—

(A) NUMBER.—A Recreation Resource Advisory Committee shall be comprised of 11 members.

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

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

(D) BROAD AND BALANCED REPRESENTATION.—In appointing the members of a Recreation Resource Advisory Committee, the Secretary shall provide for a balanced and broad representation from the recreation community that shall include the following:

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

(I) Winter motorized recreation, such as snowmobiling.

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

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

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

(V) Hunting and fishing.

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

(I) Motorized outfitters and guides.

(II) Non-motorized outfitters and guides.

(III) Local environmental groups.

(iii) Three persons, as follows:

(I) State tourism official to represent the State.

(II) A person who represents affected Indian tribes.

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

(6) TERM.—

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

(B) EFFECT OF VACANCY.—The Secretary shall make appointments to fill a vacancy on a Recreation Resource Advisory Committee as soon as practicable after the vacancy has occurred.

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

(7) CHAIRPERSON.—The chairperson of a Recreation Resource Advisory Committee shall be selected by the majority vote of the members of the Committee.

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

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

(10) COMPENSATION.—Members of the Recreation Resource Advisory Committee shall not receive any compensation.

(11) PUBLIC PARTICIPATION IN THE RECREATION RESOURCE ADVISORY COMMITTEE.—

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

(B) RECORDS.—A Recreation Resource Advisory Committee shall maintain records of the meetings of the Recreation Resource Advisory Committee and make the records available for public inspection.

(12) FEDERAL ADVISORY COMMITTEE ACT.—A Recreation Resource Advisory Committee is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

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

(1) NOTICE OF ENTRANCE FEES, STANDARD AMENITY RECREATION FEES, AND PASSES.—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of a Federal land management agency where an entrance fee or a standard amenity recreation fee is charged. The Secretary shall include such notice in publications distributed at the unit or area.

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

**SEC. 805. [16 U.S.C. 6804] RECREATION PASSES.**

(a) AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—

(1) AVAILABILITY AND USE.—The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the “America the Beautiful—the National Parks and Federal Recreational Lands Pass”, which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

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

and used as a means to educate the American people about Federal recreational lands and waters.

(3) NOTICE OF ESTABLISHMENT.—The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

(4) DURATION.—The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age and disability discounted passes issued under subsection (b).

(5) PRICE.—The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public.

(6) SALES LOCATIONS AND MARKETING.—

(A) IN GENERAL.—The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.

(B) USE OF VENDORS.—The Secretary may enter into fee management agreements as provided in section [80]6.

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

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

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

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

(b) DISCOUNTED PASSES.—

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

(2) **DISABILITY DISCOUNT.**—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge, to any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 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 and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the passholder.

(c) **SITE-SPECIFIC AGENCY PASSES.**—The Secretary may establish and charge a fee for a site-specific pass that will cover the entrance fee or standard amenity recreation fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

(d) **REGIONAL MULTIENTITY PASSES.**—

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

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

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

(f) **EFFECT ON EXISTING PASSPORTS AND PERMITS.**—

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

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

**SEC. 806. [16 U.S.C. 6805] COOPERATIVE AGREEMENTS.**

(a) **FEE MANAGEMENT AGREEMENT.**—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a fee management agreement, including a contract, which may provide for a reasonable commission, reimbursement, or discount, with the following entities for the following purposes:

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

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

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

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

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

**SEC. 807. [16 U.S.C. 6806] SPECIAL ACCOUNT AND DISTRIBUTION OF FEES AND REVENUES.**

(a) **SPECIAL ACCOUNT.**—The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency.

(b) **DEPOSITS.**—Subject to subsections (c), (d), and (e), revenues collected by each Federal land management agency under this Act [this title] shall—

(1) be deposited in its special account; and

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

(c) **DISTRIBUTION OF RECREATION FEES AND SINGLE-SITE AGENCY PASS REVENUES.**—

(1) **LOCAL DISTRIBUTION OF FUNDS.**—

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

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

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

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

(d) DISTRIBUTION OF NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS REVENUES.—Revenues collected from the sale of the National Parks and Federal Recreational Lands Pass shall be deposited in the special accounts established for the Federal land management agencies in accordance with the guidelines issued under section [80]5(a)(7).

(e) DISTRIBUTION OF REGIONAL MULTIENTITY PASS REVENUES.—Revenues collected from the sale of a regional multientity pass authorized under section [80]5(d) shall be deposited in each participating Federal land management agency's special account in accordance with the terms of the region multientity pass agreement for the regional multientity pass.

**SEC. 808. [16 U.S.C. 6807] EXPENDITURES.**

(a) USE OF FEES AT SPECIFIC SITE OR AREA.—Amounts available for expenditure at a specific site or area—

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

(2) may be distributed agency-wide; and

(3) shall be used only for—

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

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

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

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

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

(F) a fee management agreement established under section [80]6(a) or a visitor reservation service.

(b) LIMITATION ON USE OF FEES.—The Secretary may not use any recreation fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 for listed or candidate species.

(c) ADMINISTRATION, OVERHEAD, AND INDIRECT COSTS.—The Secretary may use not more than an average of 15 percent of total revenues collected under this Act [this title] for administration,



overhead, and indirect costs related to the recreation fee program by that Secretary.

(d) **TRANSITIONAL EXCEPTION.**—Notwithstanding any other provision of this Act [this title], the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with—

(1) the National Parks and Federal Recreational Lands Pass during the 5-year period beginning on the date the joint guidelines are issued under section [80]5(a)(7); and

(2) a regional multientity pass authorized section [80]5(d) during the 5-year period beginning on the date the regional multientity pass agreement for that recreation pass takes effect.

**SEC. 809. [16 U.S.C. 6808] REPORTS.**

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

**SEC. 810. [16 U.S.C. 6809] SUNSET PROVISION.**

The authority of the Secretary to carry out this Act [this title] shall terminate 10 years after the date of the enactment of this Act.

**SEC. 811. [16 U.S.C. 6810] VOLUNTEERS.**

(a) **AUTHORITY TO USE VOLUNTEERS.**—The Secretary may use volunteers, as appropriate, to collect recreation fees and sell recreation passes.

(b) **WAIVER OR DISCOUNT OF FEES; SITE-SPECIFIC AGENCY PASS.**—In exchange for volunteer services, the Secretary may waive or discount an entrance fee, standard amenity recreation fee, or an expanded amenity recreation fee that would otherwise apply to the volunteer or issue to the volunteer a site-specific agency pass authorized under section [80]5(c).

(c) **NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.**—In accordance with the guidelines issued under section [80]5(a)(7), the Secretaries may issue a National Parks and Federal Recreational Lands Pass to a volunteer in exchange for significant volunteer services performed by the volunteer.

(d) **REGIONAL MULTIENTITY PASSES.**—The Secretary may issue a regional multientity pass authorized under section [80]5(d) to a volunteer in exchange for significant volunteer services performed by the volunteer, if the regional multientity pass agreement under which the regional multientity pass was established provides for the issuance of the pass to volunteers.

**SEC. 812. [16 U.S.C. 6811] ENFORCEMENT AND PROTECTION OF RECEIPTS.**

(a) **ENFORCEMENT AUTHORITY.**—The Secretary concerned shall enforce payment of the recreation fees authorized by this Act [this title].

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

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

(d) LIMITATION ON PENALTIES.—The failure to pay a recreation fee established under this Act [this title] shall be punishable as a Class A or Class B misdemeanor, except that in the case of a first offense of nonpayment, the fine imposed may not exceed \$100, notwithstanding section 3571(e) of title 18, United States Code.

**SEC. 813. [16 U.S.C. 6812] REPEAL OF SUPERSEDED ADMISSION AND USE FEE AUTHORITIES.**

(a) LAND AND WATER CONSERVATION FUND ACT.—Subsections (a), (b), (c), (d), (e), (f), (g), and (i) of section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a et seq.) are repealed, except that the Secretary may continue to issue Golden Eagle Passports, Golden Age Passports, and Golden Access Passports under such section until the date the notice required by section [80]5(a)(3) is published in the Federal Register regarding the establishment of the National Parks and Federal Recreational Lands Pass.

(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.—Effective on the date the notice required by section [80]5(a)(3) is published in the Federal Register, the following provisions of law authorizing the establishment of a national park passport program or the establishment and sale of a national park passport, Golden Eagle Passport, Golden Age Passport, or Golden Access Passport are repealed:

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

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

(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 [80]7 and shall be available to the Secretary in accordance with this Act [this title]. A special ac-

count 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 [80]5(a)(3) shall be transferred to the special account of the National Park Service for use in accordance with this Act [this title]. The Secretary of the Interior may use amounts available in that special account to pay any outstanding administration, marketing, or close-out costs associated with the national parks passport.

(3) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Any funds collected in accordance with section 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 [this title].

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

(f) EFFECT OF REGULATIONS.—A regulation or policy issued under a provision of law repealed by this section shall remain in effect to the extent such a regulation or policy is consistent with the provisions of this Act [this title] until the Secretary issues a regulation, guideline, or policy under this Act [this title] that supersedes the earlier regulation.

**SEC. 814. [16 U.S.C. 6813] RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.**

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

(b) RELATION TO REVENUE ALLOCATION LAWS.—Amounts collected under this Act [this title], and the existence of a fee management agreement with a governmental entity under section

【80】6(a), may not be taken into account for the purposes of any of the following laws:

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

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

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

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

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

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

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

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

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

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

(11) The Federal Water Project Recreation Act (16 U.S.C. 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 【this title】.

(d) SOLE RECREATION FEE AUTHORITY.—Recreation fees charged under this Act 【this title】 shall be in lieu of fees charged for the same purposes under any other provision of law.

(e) FEES CHARGED BY THIRD PARTIES.—Notwithstanding any other provision of this Act 【this title】, a third party may charge a fee for providing a good or service to a visitor of a unit or area of the Federal land management agencies in accordance with any other applicable law or regulation.

(f) MIGRATORY BIRD HUNTING STAMP ACT.—Revenues from the stamp established under the Act of March 16, 1934 (16 U.S.C. 718 et seq.; commonly known as the Migratory Bird Hunting Stamp Act or Duck Stamp Act), shall not be covered by this Act 【this title】.

**SEC. 815. [16 U.S.C. 6814] LIMITATION ON USE OF FEES FOR EMPLOYEE BONUSES.**

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

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January 27, 2006

**C. Admission, Entrance, and Recreation Fees at Areas Administered by the Secretary of Agriculture**

Section 1401 of the Agricultural Reconciliation Act of 1993 (title I of Public Law 103-66; [16 U.S.C. 4601-6c])

**SEC. 1401. [16 U.S.C. 4601-6c] ADMISSION, ENTRANCE, AND RECREATION FEES.**

(a) DEFINITIONS.—As used in this section:

(1) AREA OF CONCENTRATED PUBLIC USE.—The term “area of concentrated public use” means an area administered by the Secretary that meets each of the following criteria:

(A) The area is managed primarily for outdoor recreation purposes.

(B) Facilities and services necessary to accommodate heavy public use are provided in the area.

(C) The area contains at least 1 major recreation attraction.

(D) Public access to the area is provided in such a manner that admission fees can be efficiently collected at 1 or more centralized locations.

(2) BOAT LAUNCHING FACILITY.—The term “boat launching facility” includes any boat launching facility, regardless of whether specialized facilities or services, such as mechanical or hydraulic boat lifts or facilities, are provided.

(3) CAMPGROUND.—The term “campground” means any campground where a majority of the following amenities are provided, as determined by the Secretary:

(A) Tent or trailer spaces.

(B) Drinking water.

(C) An access road.

(D) Refuse containers.

(E) Toilet facilities.

(F) The personal collection of recreation use fees by an employee or agent of the Secretary.

(G) Reasonable visitor protection.

(H) If campfires are permitted in the campground, simple devices for containing the fires.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) AUTHORITY TO IMPOSE FEES.—The Secretary may charge—

(1) admission or entrance fees at national monuments, national volcanic monuments, national scenic areas, and areas of concentrated public use administered by the Secretary; and

(2) recreation use fees at lands administered by the Secretary in connection with the use of specialized outdoor recreation sites, equipment, services, and facilities, including visitors’ centers, picnic tables, boat launching facilities, and campgrounds.

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(c) AMOUNT OF FEES.—The amount of the admission, entrance, and recreation fees authorized to be imposed under this section shall be determined by the Secretary.

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## **D. Recreational User Fees at Lakes and Reservoirs Administered by the Corps of Engineers**

Section 210 of the Flood Control Act of 1968

### **SEC. 210. [16 U.S.C. 460d-3] RECREATIONAL USER FEES.<sup>1</sup>**

(a) **PROHIBITION ON ADMISSIONS FEES.**—No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army.

(b) **FEES FOR USE OF DEVELOPED RECREATION SITES AND FACILITIES.**—

(1) **ESTABLISHMENT AND COLLECTION.**—Notwithstanding section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(b)), the Secretary of the Army is authorized, subject to paragraphs (2) and (3), to establish and collect fees for the use of developed recreation sites and facilities, including campsites, swimming beaches, and boat launching ramps but excluding a site or facility which includes only a boat launch ramp and a courtesy dock.

(2) **EXEMPTION OF CERTAIN FACILITIES.**—The Secretary shall not establish or collect fees under this subsection for the use or provision of drinking water, wayside exhibits, roads, scenic drives, overlook sites, picnic tables, toilet facilities, surface water areas, undeveloped or lightly developed shoreland, or general visitor information.

(3) **PER VEHICLE LIMIT.**—The fee under this subsection for use of a site or facility (other than an overnight camping site or facility or any other site or facility at which a fee is charged

<sup>1</sup> Section 208 of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3680; 16 U.S.C. 460d-3 note) provides as follows:

### **SEC. 208. RECREATION POLICY AND USER FEES.**

(a) **RECREATION POLICY.**—

(1) **IN GENERAL.**—The Secretary shall provide increased emphasis on, and opportunities for recreation at, water resources projects operated, maintained, or constructed by the Corps of Engineers.

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this Act [October 12, 1996], the Secretary shall transmit to Congress a report on specific measures taken to implement this subsection.

(b) **USER FEES.**—[Omitted Amendment]

(c) **ALTERNATIVE TO ANNUAL PASSES.**—

(1) **IN GENERAL.**—The Secretary shall evaluate the feasibility of implementing an alternative to the \$25 annual pass that the Secretary currently offers to users of recreation facilities at water resources projects of the Corps of Engineers.

(2) **ANNUAL PASS.**—The evaluation under paragraph (1) shall include the establishment on a test basis of an annual pass that costs \$10 or less for the use of recreation facilities, including facilities at Raystown Lake, Pennsylvania.

(3) **REPORT.**—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the evaluation carried out under this subsection, together with recommendations concerning whether annual passes for individual projects should be offered on a nationwide basis.

(4) **EXPIRATION OF AUTHORITY.**—The authority to establish an annual pass under paragraph (2) shall expire on the December 31, 2003.

for use of the site or facility as of the date of the enactment of this paragraph) for persons entering the site or facility by private, noncommercial vehicle transporting not more than 8 persons (including the driver) shall not exceed \$3 per day per vehicle. Such maximum amount may be adjusted annually by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(4) DEPOSIT INTO TREASURY ACCOUNT.—All fees collected under this subsection shall be deposited into the Treasury account for the Corps of Engineers established by section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)) and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of such Act at the water resources development project at which the fees were collected.

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**E. Authority for the Secretary of the Interior and the Secretary of Agriculture to Establish a Fee System for Commercial Filming Activities on Federal Land**

Public Law 106–206; approved May 26, 2000; 114 Stat. 314

**SECTION 1. [16 U.S.C. 4601–6d] COMMERCIAL FILMING.**

(a) **COMMERCIAL FILMING FEE.**—The Secretary of the Interior and the Secretary of Agriculture (hereafter individually referred to as the “Secretary” with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

- (1) The number of days the filming activity or similar project takes place on Federal land under the Secretary’s jurisdiction.
- (2) The size of the film crew present on Federal land under the Secretary’s jurisdiction.
- (3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(b) **RECOVERY OF COSTS.**—The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) **STILL PHOTOGRAPHY.**—(1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site’s natural or cultural resources or administrative facilities.

(d) **PROTECTION OF RESOURCES.**—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

- (1) there is a likelihood of resource damage;
- (2) there would be an unreasonable disruption of the public’s use and enjoyment of the site; or
- (3) that the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—(1) All fees collected under this Act shall be available for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104-134). All fees collected shall remain available until expended.

(2) All costs recovered under this Act shall be available for expenditure by the Secretary, without further appropriation, at the site where collected. All costs recovered shall remain available until expended.

(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.

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## F. Fees for Use of National Park System

Title V of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 112 Stat. 3518; 16 U.S.C. 5981 and 5982)

# TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM

### SEC. 501. [16 U.S.C. 5981] FEES.

Notwithstanding any other provision of law, where the National Park Service or an entity under a service contract with the National Park Service provides transportation to all or a portion of any unit of the National Park System, the Secretary may impose a reasonable and appropriate charge to the public for the use of such transportation services in addition to any admission fee required to be paid. Collection of both the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements with public or private entities, who qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Such transportation fees collected as per this section shall be retained by the unit of the National Park System at which the transportation fee was collected and the amount retained shall be expended only for costs associated with the transportation systems at the unit where the charge was imposed.

### SEC. 502. [16 U.S.C. 5982] DISTRIBUTION OF GOLDEN EAGLE PASSPORT SALES.<sup>1</sup>

Not later than 6 months after the date of enactment of this title, the Secretary of the Interior and the Secretary of Agriculture shall enter into an agreement providing for an apportionment among each agency of all proceeds derived from the sale of Golden Eagle Passports by private vendors. Such proceeds shall be apportioned to each agency on the basis of the ratio of each agency's total revenue from admission fees collected during the previous fiscal year to the sum of all revenue from admission fees collected during

<sup>1</sup>Section 813(d) of the Federal Lands Recreation Enhancement Act (Public Law 108–447; 118 Stat. 3390) provides:

(d) NATIONAL PARK PASSPORT, GOLDEN EAGLE PASSPORT, GOLDEN AGE PASSPORT, AND GOLDEN ACCESS PASSPORT.—Effective on the date the notice required by section 5(a)(3) [probably should refer to section 805(a)(3) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(a)(3))] is published in the Federal Register, the following provisions of law authorizing the establishment of a national park passport program or the establishment and sale of a national park passport, Golden Eagle Passport, Golden Age Passport, or Golden Access Passport are repealed:

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

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

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**Sec. 502**                      **FEES FOR USE OF NATIONAL PARK SYSTEM**                      **23-28**

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the previous fiscal year for all agencies participating in the Golden Eagle Passport Program. \_\_\_\_\_

January 27, 2006

## G. National Park Passport Program

Title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 112 Stat. 3518; 16 U.S.C. 5991 et seq.)

### TITLE VI—NATIONAL PARK PASSPORT PROGRAM<sup>1</sup>

#### SEC. 601. [16 U.S.C. 5991] PURPOSES.

The purposes of this title are—

- (1) to develop a national park passport that includes a collectible stamp to be used for admission to units of the National Park System; and
- (2) to generate revenue for support of the National Park System.

#### SEC. 602. [16 U.S.C. 5992] NATIONAL PARK PASSPORT PROGRAM.

(a) PROGRAM.—The Secretary shall establish a national park passport program. A national park passport shall include a collectible stamp providing the holder admission to all units of the National Park System.

(b) EFFECTIVE PERIOD.—A national park passport stamp shall be effective for a period of 12 months from the date of purchase.

(c) TRANSFERABILITY.—A national park passport and stamp shall not be transferable.

#### SEC. 603. [16 U.S.C. 5993] ADMINISTRATION.

(a) STAMP DESIGN COMPETITION.—(1) The Secretary shall hold an annual competition for the design of the collectible stamp to be affixed to the national park passport.

(2) Each competition shall be open to the public and shall be a means to educate the American people about the National Park System.

(b) SALE OF PASSPORTS AND STAMPS.—(1) National park passports and stamps shall be sold through the National Park Service and may be sold by private vendors on consignment in accordance with guidelines established by the Secretary.

(2) A private vendor may be allowed to collect a commission on each national park passport (including stamp) sold, as determined by the Secretary.

<sup>1</sup>Section 813(d) of the Federal Lands Recreation Enhancement Act (Public Law 108-447; 118 Stat. 3390) provides:

(d) NATIONAL PARK PASSPORT, GOLDEN EAGLE PASSPORT, GOLDEN AGE PASSPORT, AND GOLDEN ACCESS PASSPORT.—Effective on the date the notice required by section 5(a)(3) [probably should refer to section 805(a)(3) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(a)(3))] is published in the Federal Register, the following provisions of law authorizing the establishment of a national park passport program or the establishment and sale of a national park passport, Golden Eagle Passport, Golden Age Passport, or Golden Access Passport are repealed:

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

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

(3) The Secretary may limit the number of private vendors of national park passports (including stamps).

(c) USE OF PROCEEDS.—

(1) The Secretary may use not more than 15 percent of the revenues derived from the sale of national park passports (including stamps) to administer and promote the national park passport program and the National Park System.

(2) Net proceeds from the sale of national park passports shall be deposited in a special account in the Treasury of the United States and shall remain available until expended, without further appropriation, for high priority visitor service or resource management projects throughout the National Park System.

(d) AGREEMENTS.—The Secretary may enter into cooperative agreements with the National Park Foundation and other interested parties to provide for the development and implementation of the national park passport program and the Secretary shall take such actions as are appropriate to actively market national park passports and stamps.

(e) FEE.—The fee for a national park passport and stamp shall be \$50.

**SEC. 604. [16 U.S.C. 5994] FOREIGN SALES OF GOLDEN EAGLE PASSPORTS.**

The Secretary of Interior shall—

(1) make Golden Eagle Passports issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(1)(A)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a note), available to foreign visitors to the United States; and

(2) make such Golden Eagle Passports available for purchase outside the United States, through commercial tourism channels and consulates or other offices of the United States.

**SEC. 605. [16 U.S.C. 5995] EFFECT ON OTHER LAWS AND PROGRAMS.**

(a) PARK PASSPORT NOT REQUIRED.—A national park passport shall not be required for—

(1) a single visit to a national park that charges a single visit admission fee under section 4(a)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(2)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a note); or

(2) an individual who has obtained a Golden Age or Golden Access Passport under paragraph (4) or (5) of section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)).

(b) GOLDEN EAGLE PASSPORTS.—A Golden Eagle Passport issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(1)(A)) or such Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note) shall be honored for admission to each unit of the National Park System.



(c) ACCESS.—A national park passport shall provide access to each unit of the National Park System under the same conditions, rules, and regulations as apply to access with a Golden Eagle Passport as of the date of enactment of this title.

(d) LIMITATIONS.—A national park passport may not be used to obtain access to other Federal recreation fee areas outside of the National Park System.

(e) EXEMPTIONS AND FEES.—A national park passport does not exempt the holder from or provide the holder any discount on any recreation use fee imposed under section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(b)) or such Recreational Fee Demonstration Program (16 U.S.C. 4601-6a note).

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January 27, 2006

## **H. Cabin User Fee Fairness Act of 2000**

Title VI of the Department of the Interior and Related Agencies Appropriations Act,  
2001 (Public Law 106-291; 114 Stat. 1014)

### **TITLE VI—USER FEES UNDER FOREST SYSTEM RECREATION RESIDENCE PROGRAM**

#### **SEC. 601. [16 U.S.C. 6201 note] SHORT TITLE.**

This title may be cited as the “Cabin User Fee Fairness Act of 2000”.

#### **SEC. 602. [16 U.S.C. 6201] FINDINGS.**

Congress finds that—

(1) cabins located on forest land have provided a unique recreation experience to a large number of cabin owners, their families, and guests each year since Congress authorized the recreation residence program in 1915; and

(2) the fact that current appraisal procedures have, in certain circumstances, been inconsistently applied in determining fair market values for residential lots demonstrates that problems exist in accurately reflecting market values.

#### **SEC. 603. [16 U.S.C. 6202] PURPOSES.**

The purposes of this title are—

(1) to ensure, to the maximum extent practicable, that the National Forest System recreation residence program is managed to preserve the opportunity for individual and family-oriented recreation; and

(2) to develop and implement a more consistent procedure for determining cabin user fees, taking into consideration the limitations of an authorization and other relevant market factors.

#### **SEC. 604. [16 U.S.C. 6203] DEFINITIONS.**

In this title:

(1) AGENCY.—The term “agency” means the Forest Service.

(2) AUTHORIZATION.—The term “authorization” means a special use permit for the use and occupancy of National Forest System land by a cabin owner under the authority of the program.

(3) BASE CABIN USER FEE.—The term “base cabin user fee” means the fee for an authorization that results from the appraisal of a lot as determined in accordance with sections 606 and 607.

(4) CABIN.—The term “cabin” means a privately built and owned recreation residence that is authorized for use and occupancy on National Forest System land.

(5) CABIN OWNER.—The term “cabin owner” means—

- (A) a person authorized by the agency to use and to occupy a cabin on National Forest System land; and
- (B) an heir or assign of such a person.
- (6) CABIN USER FEE.—The term “cabin user fee” means a special use fee paid annually by a cabin owner to the Secretary in accordance with this title.
- (7) CARETAKER CABIN.—The term “caretaker cabin” means a caretaker residence occupied in limited cases in which caretaker services are necessary to maintain the security of a tract.
- (8) CURRENT CABIN USER FEE.—The term “current cabin user fee” means the most recent cabin user fee that results from an annual adjustment to the base cabin user fee in accordance with section 608.
- (9) LOT.—The term “lot” means a parcel of land in the National Forest System—
- (A) on which a cabin owner is authorized to build, use, occupy, and maintain a cabin and related improvements; and
- (B) that is considered to be in its natural, native state at the time at which a use of the lot described in subparagraph (A) is first permitted by the Secretary.
- (10) NATURAL, NATIVE STATE.—The term “natural, native state” means the condition of a lot or site, free of any improvements, at the time at which the lot or site is first authorized for recreation residence use by the agency.
- (11) PROGRAM.—The term “program” means the recreation residence program established under the authority of the last paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497).
- (12) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.
- (13) TRACT.—The term “tract” means an established location within a National Forest containing 1 or more cabins authorized in accordance with the program.
- (14) TRACT ASSOCIATION.—The term “tract association” means a cabin owner association in which all cabin owners within a tract are eligible for membership.
- (15) TYPICAL LOT.—The term “typical lot” means a cabin lot, or a group of cabin lots, in a tract that is selected for use in an appraisal as being representative of, and that has similar value characteristics as, other lots or groups of lots within the tract.

**SEC. 605. [16 U.S.C. 6204] ADMINISTRATION OF RECREATION RESIDENCE PROGRAM.**

The Secretary shall ensure, to the maximum extent practicable, that the basis and procedure for calculating cabin user fees results in a fee for an authorization that reflects, in accordance with this title—

- (1) the market value of a lot; and
- (2) regional and local economic influences.

**SEC. 606. [16 U.S.C. 6205] APPRAISALS.**

(a) REQUIREMENTS FOR CONDUCTING APPRAISALS.—In implementing and conducting an appraisal process for determining cabin user fees, the Secretary shall—

(1) complete an inventory of improvements that were paid for by—

- (A) the agency;
- (B) third parties; or
- (C) cabin owners (or predecessors of cabin owners),

during the completion of which the Secretary shall presume that a cabin owner, or a predecessor of the owner, has paid for the capital costs of any utility, access, or facility serving the lot being appraised, unless the Forest Service produces evidence that the agency or a third party has paid for the capital costs;

(2) establish an appraisal process to determine the market value of the fee simple estate of a typical lot or lots considered to be in a natural, native state, subject to subsection (b)(4)(A);

(3) enter into a contract with an appropriate professional appraisal organization to manage the development of specific appraisal guidelines in accordance with subsection (b), subject to public comment and congressional review;

(4) require that an appraisal be performed by a State-certified general real estate appraiser, selected by the Secretary and licensed to practice in the State in which the lot is located;

(5) provide the appraiser with appraisal guidelines developed in accordance with this title;

(6) notwithstanding any other provision of law, require the appraiser to coordinate the appraisal closely with affected parties by seeking information, cooperation, and advice from cabin owners and tract associations;

(7) require that the appraiser perform the appraisal in compliance with—

(A) the most current edition of the Uniform Standards of Professional Appraisal Practice in effect on the date of the appraisal;

(B) the most current edition of the Uniform Appraisal Standards for Federal Land Acquisitions that is in effect on the date of the appraisal; and

(C) the specific appraisal guidelines developed in accordance with this title;

(8) require that the appraisal report—

(A) be a full narrative report, in compliance with the reporting standards of the Uniform Standards of Professional Appraisal Practice; and

(B) comply with the reporting guidelines established by the Uniform Appraisal Standards for Federal Land Acquisitions; and

(9) before accepting any appraisal, conduct a review of the appraisal to ensure that the guidelines made available to the appraiser have been followed and that the appraised values are properly supported.

(b) SPECIFIC APPRAISAL GUIDELINES.—In the development of specific appraisal guidelines in accordance with subsection (a)(3),

the instructions to an appraiser shall require, at a minimum, the following:

(1) APPRAISAL OF A TYPICAL LOT.—

(A) IN GENERAL.—In conducting an appraisal under this section, the appraiser—

(i) shall not appraise each individual lot;

(ii) shall appraise a typical lot or lots, selected by the cabin owners and the agency in a manner consistent with the policy of the program; and

(iii) shall be provided, and give appropriate consideration to, any information contained in the inventory of improvements relating to the lot being appraised.

(B) ESTIMATE OF MARKET VALUE OF TYPICAL LOT.—

(i) IN GENERAL.—The appraiser shall estimate the market value of a typical lot in accordance with this title.

(ii) EQUIVALENCE TO LEGALLY SUBDIVIDED LOT.—

In selecting a comparable sale under this title, the appraiser shall recognize that the typical lot will not usually be equivalent to a legally subdivided lot.

(2) EXCEPTION FOR CERTAIN SALES OF LAND.—In conducting an appraisal under this title, the appraiser—

(A) shall not select sales of comparable land that are sales of land within developed urban areas; and

(B) should not, in most circumstances, select a sale of comparable land that includes land that is encumbered by a conservation or recreational easement that is held by a government or institution, except land that is limited to use as a site for 1 home.

(3) ADJUSTMENTS FOR TYPICAL VALUE INFLUENCES.—

(A) IN GENERAL.—The appraiser shall consider, and adjust as appropriate, the price of sales of comparable land for all typical value influences described in subparagraph (B).

(B) VALUE INFLUENCES.—The typical value influences referred to in subparagraph (A) include—

(i) differences in the locations of the parcels;

(ii) accessibility, including limitations on access attributable to—

(I) weather;

(II) the condition of roads or trails;

(III) restrictions imposed by the agency; or

(IV) other factors;

(iii) the presence of marketable timber;

(iv) limitations on, or the absence of, services such as law enforcement, fire control, road maintenance, or snow plowing;

(v) the condition and regulatory compliance of any site improvements; and

(vi) any other typical value influences described in standard appraisal literature.

(4) ADJUSTMENTS TO SALES OF COMPARABLE PARCELS.—

(A) UTILITIES, ACCESS, OR FACILITIES.—

(i) AGENCY.—Utilities, access, or facilities serving a lot that are provided by the agency shall be included as features of the lot being appraised.

(ii) CABIN OWNERS.—Utilities, access, or facilities serving a lot that are provided by the cabin owner (or a predecessor of the cabin owner) shall not be included as a feature of the lot being appraised.

(iii) THIRD PARTIES.—Utilities, access, or facilities serving a lot that are provided by a third party shall not be included as a feature of the lot being appraised unless, in accordance with subsection (a)(1), the agency determines that the capital costs have not been or are not being paid by the cabin owner (or a predecessor of the cabin owner).

(iv) WITHDRAWAL OF UTILITY OR ACCESS BY AGENCY.—If, during the term of an authorization, the agency or an act of God creates a substantial and materially adverse change in—

(I) the provision or maintenance of any utility or access; or

(II) a qualitative feature of the lot or immediate surroundings,

the cabin owner shall have the right to request, and, at the discretion of the Secretary, obtain a new determination of the base cabin user fee at the expense of the agency.

(B) ADJUSTMENT FOR EXCLUSION.—In a case in which any comparable sale includes utilities, access, or facilities that are to be excluded in the appraisal of the subject lot, the price of the comparable sale shall be adjusted, as appropriate.

(C) ADJUSTMENT PROCESS.—

(i) IN GENERAL.—The appraiser shall consider and adjust, as appropriate, the price of each sale of a comparable parcel for all nonnatural features referred to in subparagraph (A)(ii) that—

(I)(aa) are present at, or add value to, the comparable parcel; but

(bb) are not present at the lot being appraised; or

(II) are not included in the appraisal as described in subparagraph (A).

(ii) ADJUSTMENTS.—

(I) IN GENERAL.—In a case in which the price of a parcel sold is to be adjusted in accordance with subparagraph (B), the adjustment may be based on an analysis of market or cost information or both.

(II) COST INFORMATION.—If cost information is used as the basis of an adjustment under subclause (I), the cost information shall be supported by direct market evidence.

(iii) ANALYSIS OF COST INFORMATION.—An analysis of cost information under clause (ii)(I) should include

allowances, as appropriate, if the allowances are consistent with—

(I) the Uniform Standards of Professional Appraisal Practice in effect on the date of the analysis; and

(II) the Uniform Appraisal Standards for Federal Land Acquisition.

(D) REAPPRAISAL FOR AND RECALCULATION OF BASE CABIN USER FEE.—Periodically, but not less often than once every 10 years, the Secretary shall recalculate the base cabin user fee (including conducting any reappraisal required to recalculate the base cabin user fee).

**SEC. 607. [16 U.S.C. 6206] CABIN USER FEES.**

(a) IN GENERAL.—The Secretary shall establish the cabin user fee as the amount that is equal to 5 percent of the market value of the lot, as determined in accordance with section 606, reflecting an adjustment to the typical market rate of return due to restrictions imposed by the permit, including—

(1) the limited term of the authorization;

(2) the absence of significant property rights normally attached to fee simple ownership; and

(3) the public right of access to, and use of, any open portion of the lot on which the cabin or other enclosed improvements are not located.

(b) FEE FOR CARETAKER CABIN.—The base cabin user fee for a lot on which a caretaker cabin is located shall not be greater than the base cabin user fee charged for the authorized use of a similar typical lot in the tract.

(c) ANNUAL CABIN USER FEE IN THE EVENT OF DETERMINATION NOT TO REISSUE AUTHORIZATION.—If the Secretary determines that an authorization should not be reissued at the end of a term, the Secretary shall—

(1) establish as the new base cabin user fee for the remaining term of the authorization the amount charged as the cabin user fee in the year that was 10 years before the year in which the authorization expires; and

(2) calculate the current cabin user fee for each of the remaining 9 years of the term of the authorization by multiplying—

(A)  $\frac{1}{10}$  of the new base cabin user fee; by

(B) the number of years remaining in the term of the authorization after the year for which the cabin user fee is being calculated.

(d) ANNUAL CABIN USER FEE IN EVENT OF CHANGED CONDITIONS.—If a review of a decision to convert a lot to an alternative public use indicates that the continuation of the authorization for use and occupancy of the cabin by the cabin owner is warranted, and the decision is subsequently reversed, the Secretary may require the cabin owner to pay any portion of annual cabin user fees that were forgone as a result of the expectation of termination of use and occupancy of the cabin by the cabin owner.

(e) TERMINATION OF FEE OBLIGATION IN LOSS RESULTING FROM ACTS OF GOD OR CATASTROPHIC EVENTS.—On a determination by



the agency that, because of an act of God or a catastrophic event, a lot cannot be safely occupied and the authorization for the lot should accordingly be terminated, the fee obligation of the cabin owner shall terminate effective on the date of the occurrence of the act or event.

**SEC. 608. [16 U.S.C. 6207] ANNUAL ADJUSTMENT OF CABIN USER FEE.**

(a) **IN GENERAL.**—The Secretary shall adjust the cabin user fee annually, using a rolling 5-year average of a published price index in accordance with subsection (b) or (c) that reports changes in rural or similar land values in the State, county, or market area in which the lot is located.

(b) **INITIAL INDEX.**—

(1) **IN GENERAL.**—For the period of 10 years beginning on the date of enactment of this title, the Secretary shall use changes in agricultural land prices in the appropriate State or county, as reported in the Index of Agricultural Land Prices published by the Department of Agriculture, to determine the annual adjustment to the cabin user fee in accordance with subsections (a) and (d).

(2) **STATEWIDE CHANGES.**—In determining the annual adjustment to the cabin user fee for an authorization located in a county in which agricultural land prices are influenced by the criteria described in section 606(b)(2), the Secretary shall use average statewide changes in the State in which the lot is located.

(c) **NEW INDEX.**—

(1) **IN GENERAL.**—Not later than 10 years after the date of enactment of this title, the Secretary may select and use an index other than the method of adjustment of a cabin user fee described in subsection (b)(2) to adjust a cabin user fee if the Secretary determines that a different index better reflects change in the value of a lot over time.

(2) **SELECTION PROCESS.**—Before selecting a new index, the Secretary shall—

(A) solicit and consider comments from the public; and

(B) not later than 60 days before the date on which the Secretary makes a final index selection, submit any proposed selection of a new index to—

(i) the Committee on Resources of the House of Representatives; and

(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) **LIMITATION.**—In calculating an annual adjustment to the base cabin user fee as determined by the initial index described in section (b), the Secretary shall—

(1) limit any annual fee adjustment to an amount that is not more than 5 percent per year when the change in agricultural land values exceeds 5 percent in any 1 year; and

(2) apply the amount of any adjustment that exceeds 5 percent to the annual fee payment for the next year in which the change in the index factor is less than 5 percent.

**SEC. 609. [16 U.S.C. 6208] PAYMENT OF CABIN USER FEES.**

(a) **DUE DATE FOR PAYMENT OF FEES.**—A cabin user fee shall be prepaid annually by the cabin owner.

(b) **PAYMENT OF EQUAL OR LESSER FEE.**—If, in accordance with section 607, the Secretary determines that the amount of a new base cabin user fee is equal to or less than the amount of the current base cabin user fee, the Secretary shall require payment of the new base cabin user fee by the cabin owner in accordance with subsection (a).

(c) **PAYMENT OF GREATER FEE.**—If, in accordance with section 607, the Secretary determines that the amount of a new base cabin user fee is greater than the amount of the current base cabin user fee, the Secretary shall—

(1) require full payment of the new base cabin user fee in the first year following completion of the fee determination procedure if the increase in the amount of the new base cabin user fee is not more than 100 percent of the current base cabin user fee; or

(2) phase in the increase over the current base cabin user fee in approximately equal increments over 3 years if the increase in the amount of the new base cabin user fee is more than 100 percent of the current base cabin user fee.

**SEC. 610. [16 U.S.C. 6209] RIGHT OF SECOND APPRAISAL.**

(a) **RIGHT OF SECOND APPRAISAL.**—On receipt of notice from the Secretary of the determination of a new base cabin user fee, the cabin owner—

(1) not later than 60 days after the date on which the notice is received, may notify the Secretary of the intent of the cabin owner to obtain a second appraisal; and

(2) may obtain, within 1 year following the date of receipt of the notice under this subsection, at the expense of the cabin owner, a second appraisal of the typical lot on which the initial appraisal was conducted.

(b) **CONDUCT OF SECOND APPRAISAL.**—In conducting a second appraisal, the appraiser selected by the cabin owner shall—

(1) have qualifications equivalent to the appraiser that conducted the initial appraisal in accordance with section 606(a)(4);

(2) use the appraisal guidelines used in the initial appraisal in accordance with section 606(a)(5);

(3) consider all relevant factors in accordance with this title (including guidelines developed under section 606(a)(3)); and

(4) notify the Secretary of any material differences of fact or opinion between the initial appraisal conducted by the agency and the second appraisal.

(c) **REQUEST FOR RECONSIDERATION OF BASE CABIN USER FEE.**—A cabin owner shall submit to the Secretary any request for reconsideration of the base cabin user fee, based on the results of the second appraisal, not later than 60 days after the receipt of the report for the second appraisal.

(d) **RECONSIDERATION OF BASE CABIN USER FEE.**—On receipt of a request from the cabin owner under subsection (c) for reconsider-

ation of a base cabin user fee, not later than 60 days after the date of receipt of the request, the Secretary shall—

- (1) review the initial appraisal of the agency;
- (2) review the results and commentary from the second appraisal;
- (3) determine a new base cabin user fee in an amount that is—

(A) equal to the base cabin user fee determined by the initial or the second appraisal; or

(B) within the range of values, if any, between the initial and second appraisals; and

- (4) notify the cabin owner of the amount of the new base cabin user fee.

**SEC. 611. [16 U.S.C. 6210] RIGHT OF APPEAL AND JUDICIAL REVIEW.**

(a) **RIGHT OF APPEAL.**—Notwithstanding any action of a cabin owner to exercise rights in accordance with section 610, the Secretary shall by regulation grant the cabin owner the right to an administrative appeal of the determination of a new base cabin user fee.

(b) **JUDICIAL REVIEW.**—A cabin owner that is adversely affected by a final decision of the Secretary under this title may bring a civil action in United States district court.

**SEC. 612. [16 U.S.C. 6211] CONSISTENCY WITH OTHER LAW AND RIGHTS.**

(a) **CONSISTENCY WITH RIGHTS OF THE UNITED STATES.**—Nothing in this title limits or restricts any right, title, or interest of the United States in or to any land or resource.

(b) **SPECIAL RULE FOR ALASKA.**—In determining a cabin user fee in the State of Alaska, the Secretary shall not establish or impose a cabin user fee or a condition affecting a cabin user fee that is inconsistent with 1303(d) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3193(d)).

**SEC. 613. [16 U.S.C. 6212] REGULATIONS.**

Not later than 2 years after the date of enactment of this title, the Secretary shall promulgate regulations to carry out this title.

**SEC. 614. [16 U.S.C. 6213] TRANSITION PROVISIONS.**

(a) **ASSESSMENT OF ANNUAL FEES.**—For the period of time determined under subsection (b), the Secretary shall charge each cabin owner an annual fee as follows:

(1) **LOTS NOT APPRAISED SINCE SEPTEMBER 30, 1995.**—For a lot that has not been appraised since September 30, 1995, the annual fee shall be equal to the amount of the annual fee in effect on the date of enactment of this title, adjusted annually to reflect changes in the Implicit Price Deflator-Gross National Product Index.

(2) **LOTS APPRAISED ON OR AFTER SEPTEMBER 30, 1995.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), for a lot that has been appraised on or after September 30, 1995, the annual fee shall be equal to the amount of the fee in effect on the date of enactment of this title, adjusted annually to reflect changes in the Implicit Price Deflator-Gross National Product Index.

## (B) APPRAISALS RESULTING IN BASE FEE INCREASE.—

(i) IN GENERAL.—Except as provided in clause (ii), for a lot that has been appraised on or after September 30, 1995, for which the appraisal resulted in an increase of the base fee by an amount greater than \$3,000, the annual fee shall be equal to the sum of \$3,000 plus the amount of the annual fee in effect on October 1, 1996, adjusted annually to reflect the percentage change in the Implicit Price Deflator-Gross National Product Index.

(ii) FEES PAID AFTER REQUEST OF NEW APPRAISAL OR PEER REVIEW.—If—

(I) the cabin owner of a lot described in clause (i) requests a new appraisal or peer review under subsection (c); and

(II) the base cabin user fee established as a result of the appraisal or peer review is determined to be an amount that is 90 percent or more of the fee in effect for the lot as determined by an appraisal conducted on or after September 30, 1995,

the Secretary shall charge the cabin owner, in addition to the annual fee that would otherwise have been due under section 609, the difference between the base cabin user fee determined through the conduct of the new appraisal or peer review and the annual fee that would otherwise have been due under section 609, to be assessed retroactively for each year beginning with the year in which the previous appraisal was conducted, and to be paid in 3 equal annual installments.

## (b) TERM.—

(1) LOTS NOT APPRAISED SINCE SEPTEMBER 30, 1995.—For a lot that has not been appraised since September 30, 1995, the Secretary shall charge fees in accordance with subsection (a)(2)(A) until—

(A) a base cabin user fee is determined in accordance with—

(i) this title; or

(ii) regulations and policies in effect on the date of enactment of this title; and

(B) the right of the cabin owner to a second appraisal under section 610 is exhausted.

(2) LOTS APPRAISED ON OR AFTER SEPTEMBER 30, 1995.—For a lot that has been appraised on or after September 30, 1995, the Secretary shall charge fees under subsection (a)(2) until—

(A) the cabin owner requests a new appraisal or peer review, and a base cabin user fee is established, under subsection (c); or

(B) in the absence of a request for a peer review or a new appraisal under subsection (c), the date that is 2 years after the date on which the Forest Service promulgates regulations and policies and develops appraisal guidelines under this title.

## (c) REQUEST FOR NEW APPRAISAL UNDER NEW LAW.—

(1) IN GENERAL.—Not later than 2 years after the promulgation of final regulations and policies and the development of appraisal guidelines in accordance with section 606(a)(5), cabin owners that are subject to appraisals completed after September 30, 1995, but before the date of promulgation of final regulations under section 613, may request, in accordance with paragraph (2), that the Secretary—

(A) conduct a new appraisal and determine a new base cabin user fee in accordance with this title; or

(B) commission a peer review of the existing appraisals in accordance with paragraph (4).

(2) APPRAISAL GROUPINGS BY TYPICAL LOT.—A request for a new appraisal or for a peer review of existing appraisals under paragraph (1) shall be made by a majority of the cabin owners in a group of cabins represented in the appraisal process by a typical lot.

(3) CONDUCT OF NEW APPRAISAL.—On receipt of a request for an appraisal and fee determination in accordance with paragraph (2), the Secretary shall conduct the new appraisal and fee determination in accordance with this title.

(4) PEER REVIEW OF EXISTING APPRAISALS.—

(A) IN GENERAL.—On receipt of a request for peer review in accordance with paragraph (2), the Secretary shall obtain from an independent professional appraisal organization a review of the appraisal (including any report on the appraisal) that was used to establish the estimated fee simple value of the lots within the subject grouping.

(B) INCONSISTENCY.—If peer review described in subparagraph (A) results in a determination that an appraisal or appraisal report includes provisions or procedures that were implemented or conducted in a manner inconsistent with this title, the Secretary shall, as appropriate and in accordance with this title—

(i) revise an existing base cabin user fee; or

(ii) subject to an agreement with the cabin owners, conduct a new appraisal and fee determination.

(5) PAYMENT OF COSTS.—Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

(d) ASSUMPTION OF NEW BASE CABIN USER FEE.—In the absence of a request under subsection (c) for a new appraisal and fee determination from a cabin owner whose cabin user fee was determined as a result of an appraisal conducted after September 30, 1995, but before the date of promulgation of final regulations under section 613, the Secretary may consider the base cabin user fee resulting from the appraisal conducted between September 30, 1995 and the date of promulgation of the final regulations under section 613 to be the base cabin user fee that complies with this section.

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January 27, 2006

## **I. National Forest Organizational Camp Fee Improvement Act of 2003**

Title V of the Department of the Interior and Related Agencies Appropriations Act, 2003 (division F of Public Law 108–107; 117 Stat. 294)

### **TITLE V—NATIONAL FOREST ORGANIZATIONAL CAMP FEE IMPROVEMENT ACT OF 2003**

#### **SEC. 501. [16 U.S.C. 6231 note] SHORT TITLE.**

This title may be cited as the “National Forest Organizational Camp Fee Improvement Act of 2003”.

#### **SEC. 502. [16 U.S.C. 6231] FINDINGS, PURPOSE, AND DEFINITIONS.**

(a) **FINDINGS.**—Congress finds the following:

(1) Organizational camps, such as those administered by the Boy Scouts, Girl Scouts, and faith-based and community-based organizations, provide a valuable service to young people, individuals with a disability, and their families by promoting physical, mental, and spiritual health through activities conducted in a natural environment.

(2) The 192,000,0000 acres of national forests and grasslands of the National Forest System managed for multiple uses by the Forest Service provides an ideal setting for such organizational camps.

(3) The Federal Government should charge land use fees for the occupancy and use of National Forest System lands by such organizational camps that, while based on the fair market value of the land in use, also recognize the benefits provided to society by such organizational camps, do not preclude the ability of such organizational camps from utilizing these lands, and permit capital investment in, and maintenance of, camp facilities by such organizational camps or their sponsoring organizations.

(4) Organizational camps should—

(A) ensure that their facilities meet applicable building and safety codes, including fire and health codes;

(B) have annual inspections as required by local law, including at a minimum inspections for fire and food safety; and

(C) have in place safety plans that address fire and medical emergencies and encounters with wildlife.

(b) **PURPOSE.**—It is the purpose of this Act to establish a land use fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands by organizational camps that serve young people or individuals with a disability.

(c) **DEFINITIONS.**—In this Act:

(1) The term “organizational camp” means a public or semipublic camp that—

(A) is developed on National Forest System lands by a nonprofit organization or governmental entity;

(B) provides a valuable service to the public by using such lands as a setting to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues; and

(C) does not have as its primary purpose raising revenue through commercial activities.

(2) The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) The term “individual with a disability” has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)).

(4) The term “children at risk” means children who are raised in poverty or in single-parent homes or are subject to such circumstances as parental drug abuse, homelessness, or child abuse.

(5) The term “change in control” means—

(A) for a corporation, the sale or transfer of a controlling interest in the corporation;

(B) for a partnership or limited liability company, the sale or transfer of a controlling interest in the partnership or limited liability company; and

(C) for an individual, the sale or transfer or an organizational camp subject to this Act to another party.

**SEC. 503. [16 U.S.C. 6232] FEES FOR OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS AND FACILITIES BY ORGANIZATIONAL CAMPS.**

(a) **LAND USE FEE.**—

(1) **PERCENTAGE OF LAND VALUE.**—The Secretary shall charge an annual land use fee for each organizational camp for its occupancy and use of National Forest System lands equal to 5 percent of the product of the following:

(A) The total number of acres of National Forest System lands authorized for the organizational camp.

(B) The estimated per-acre market value of land and buildings in the county where the camp is located, as reported in the most recent Census of Agriculture conducted by the National Agricultural Statistics Service.

(2) **ANNUAL ADJUSTMENT.**—The land use fee determined under paragraph (1) for an organizational camp shall be adjusted annually by the annual compounded rate of change between the two most recent Censuses of Agriculture.

(3) **REDUCTION IN FEES.**—

(A) **TYPE OF PARTICIPANTS.**—The Secretary shall reduce the land use fee determined under paragraph (1) proportionate to the number of individuals with a disability and children at risk who annually attend the organizational camp.

(B) **TYPE OF PROGRAMS.**—After making the reduction required by subparagraph (A), the Secretary shall reduce



the remaining land use fee amount by up to 60 percent, proportionate to the number of persons who annually attend the organizational camp who participate in youth programs through organized and supervised social, citizenship, character-building, or faith-based activities oriented to outdoor-recreation experiences.

(C) RELATION TO MINIMUM FEE.—The reductions made under this paragraph may not reduce the land use fee for an organizational camp below the minimum land use fee required to be charged under paragraph (4).

(D) SPECIAL CONSIDERATIONS.—For purposes of determining the amount of the land use fee reduction required under subparagraph (A) or (B), the Secretary may not take into consideration the existence of sponsorships or scholarships to assist persons in attending the organizational camp.

(4) MINIMUM LAND USE FEE.—The Secretary shall charge a minimum land use fee under paragraph (1) that represents, on average, the Secretary's cost annually to administer an organizational camp special use authorization in the National Forest Region in which the organizational camp is located. Notwithstanding paragraph (3) or subsection (d), the minimum land use fee shall not be subject to a reduction or waiver.

(b) FACILITY USE FEE.—

(1) PERCENTAGE OF FACILITIES VALUE.—If an organizational camp uses a Government-owned facility on National Forest System lands pursuant to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the Secretary shall charge, in addition to the land use fee imposed under subsection (a), a facility use fee equal to 5 percent of the value of the authorized facilities, as determined by the Secretary.

(2) REDUCTION IN FEES PROHIBITED.—Notwithstanding subsection (d), the facility use fees determined under paragraph (1) shall not be subject to a reduction or waiver.

(c) FEE RELATED TO RECEIPT OF OTHER REVENUES.—If an organizational camp derives revenue from the use of National Forest System lands or authorized facilities described in subsection (b) for purposes other than to introduce young people or individuals with a disability to activities that they may not otherwise experience and to educate them on natural resource issues, the Secretary shall charge, in addition to the land use fee imposed under subsection (a) and the facility use fee imposed under subsection (b), an additional fee equal to 5 percent of that revenue.

(d) WORK-IN-LIEU PROGRAM.—Subject to subsections (a)(4) and (b)(2), section 3 of the Federal Timber Contract Payment Modification Act (16 U.S.C. 539f) shall apply to the use fees imposed under this section.

**SEC. 504. [16 U.S.C. 6233] IMPLEMENTATION.**

(a) PROMPT IMPLEMENTATION.—The Secretary shall issue direction regarding implementation of this Act by interim directive within 180 days after the date of the enactment of this Act. The Secretary shall implement this Act beginning with the first billing

cycle for organizational camp special use authorizations occurring more than 180 days after the date of the enactment of this Act.

(b) PHASE-IN OF USE FEE INCREASES.—In issuing any direction regarding implementation of this Act under subsection (a), the Secretary shall consider whether to phase-in any significant increases in annual land or facility use fees for organizational camps.

**SEC. 505. [16 U.S.C. 6234] RELATIONSHIP TO OTHER LAWS.**

Except as specifically provided by this Act, nothing in this Act supersedes or otherwise affects any provision of law, regulation, or policy regarding the issuance or administration of authorizations for organizational camps regarding the occupancy and use of National Forest System lands.

**SEC. 506. [16 U.S.C. 6235] DEPOSIT AND EXPENDITURE OF USE FEES.**

(a) DEPOSIT AND AVAILABILITY.—Unless subject to section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), use fees collected by the Secretary under this Act shall be deposited in a special account in the Treasury and shall remain available to the Secretary for expenditure, without further appropriation until expended, for the purposes described in subsection (c).

(b) TRANSFER.—Upon request of the Secretary, the Secretary of the Treasury shall transfer to the Secretary from the special account such amounts as the Secretary may request. The Secretary shall accept and use such amounts in accordance with subsection (c).

(c) USE.—Use fees deposited pursuant to subsection (a) and transferred to the Secretary under subsection (b) shall be expended for monitoring of Forest Service special use authorizations, administration of the Forest Service's special program, interpretive programs, environmental analysis, environmental restoration, and similar purposes.

**SEC. 507. [16 U.S.C. 6236] MINISTERIAL ISSUANCE, OR AMENDMENT AUTHORIZATION.**

(a) NEPA EXCEPTION.—The ministerial issuance or amendment of an organizational camp special use authorization shall not be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) RULE OF CONSTRUCTION.—For purposes of subsection (a), the ministerial issuance or amendment of an authorization occurs only when the issuance or amendment of the authorization would not change the physical environment or the activities, facilities, or program of the operations governed by the authorization, and at least one of the following apply:

(1) The authorization is issued upon a change in control of the holder of an existing authorization.

(2) The holder, upon expiration of an authorization, is issued a new authorization.

(3) The authorization is amended—

(A) to effectuate administrative changes, such as modification of the land use fee or conversion to a new special use authorization form; or

(B) to include nondiscretionary environmental standards or to conform with current law.

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