

“Interagency Implementation Handbook for Federal Lands Recreation Enhancement Act”

Keeping with the intent of the law, this interagency agreement on common definitions and policy guidance will establish a basis for consistency in actions and enable common reporting by each of the agencies implementing the Federal Lands Recreation Enhancement Act (REA).

The Secretary delegates to the individual agencies sections of the law for policy development and implementation. Each agency will provide the Department with the written policy guidance that incorporates these standard definitions and overarching policy guidelines. The following policy guidelines provide the Departmental level guidance identified by the law and may be tailored and expanded upon to fit specific agency situations or requirements. This guidance will be revised over time as appropriate.

TITLE VIII--FEDERAL LANDS RECREATION ENHANCEMENT ACT

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

1(a) *Short Title*.--This title may be cited as the “Federal Lands Recreation Enhancement Act”.

1(b) *Table of Contents*.--The table of contents of this Act is as follows:

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

Sec..2..Definitions.

Sec..3..Recreation fee authority.

Sec..4..Public participation.

Sec..5..Recreation passes.

Sec..6..Cooperative agreements.

Sec..7..Special account and distribution of fees and revenues.

Sec..8..Expenditures.

Sec..9..Reports.

Sec..10..Sunset provision.

Sec..11..Volunteers.

Sec..12..Enforcement and protection of receipts.

Sec..13..Repeal of superseded admission and use fee authorities.

Sec..14..Relation to other laws and fee collection authorities.

Sec..15..Limitation on use of fees for employee bonuses.

SEC. 2. DEFINITIONS.

In this Act:

Definition: *Area vs. Site*

The terms “area” and “site” are used interchangeably in the Act; therefore, where the term “site” is used, refer to the definition of “area” provided under Section 3(f)(4).

2(1) **STANDARD AMENITY RECREATION FEE**.--The term “standard amenity recreation fee” means the recreation fee authorized by section 3(f).

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

2(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.

2(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.

2(5) FEDERAL RECREATIONAL LANDS AND WATERS.--The term "Federal recreational lands and waters" means lands or waters managed by a Federal land management agency.

Definition: Section 2(5)

Jurisdiction vs. Managed Lands: The Act limits the agency's **jurisdiction** under Section 3(f) to Federal lands and waters identified as **managed** in Section 2(5) by a Federal land management agency, which includes the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service (as per Section 2(4)).

2(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 5.

2(7) PASSHOLDER.--The term "passholder" means the person who is issued a recreation pass.

2(8) RECREATION FEE.--The term "recreation fee" means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

2(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 5.

2(10) SECRETARY.--The term "Secretary" means--

2(10)(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

2(10)(B) the Secretary of Agriculture, with respect to the Forest Service.

2(11) SECRETARIES.--The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

2(12) SPECIAL ACCOUNT.--The term "special account" means the special account established in the Treasury under section 7 for a Federal land management agency.

2(13) SPECIAL RECREATION PERMIT FEE.--The term "special recreation permit fee" means the fee authorized by section 3(h).

SEC. 3. RECREATION FEE AUTHORITY.

3(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.

3(b) Basis for Recreation Fees.--Recreation fees shall be established in a manner consistent with the following criteria:

3(b)(1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.

3(b)(2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.

3(b)(3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.

3(b)(4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

3(b)(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in section 4(d).

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

3(c) *Special Considerations.*--The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.

Policy: Section 3(b)(1)-(6) and Section 3(c)

Each agency, using the authority given in the Act, shall ensure that recreation fees are established in a manner consistent with the criteria set out under Sections 3(b)(1-6) and 3(c) for all of its units collecting recreation fees. Each agency will identify the appropriate management tool (business plan or implementation plan) to be used by each of its units and will include an explanation of how recreation fees are consistent with these criteria.

3(d) *Limitations on Recreation Fees.*—

Policy: Section 3(d)

Each agency must ensure that applicable prohibitions are included and adhered to in their respective guidelines.

3(d)(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 for any of the following:

3(d)(1)(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

Definition: Section 3(d)(1)(A)

Parking: Parking that does not immediately support and/or adjoin a fee site or area.

3(d)(1)(B) For general access unless specifically authorized under this section.

3(d)(1)(C) For dispersed areas with low or no investment unless specifically authorized under this section.

3(d)(1)(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.

Policy: Section 3(d)(1)(D)

This prohibition does not apply to special recreation permit holders (i.e., outfitting, guiding permits, and individual use of special areas).

3(d)(1)(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

3(d)(1)(F) For use of overlooks or scenic pullouts.

3(d)(1)(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.

3(d)(1)(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.

3(d)(1)(I) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

3(d)(1)(J) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

3(d)(1)(K) For special attention or extra services necessary to meet the needs of the disabled.

3(d)(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(d)(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:

3(d)(3)(A) Any person under 16 years of age.

3(d)(3)(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

3(d)(3)(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.

3(d)(3)(D) The Flight 93 National Memorial.

3(d)(3)(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.

3(d)(3)(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

3(d)(3)(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.

3(d)(3)(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).

3(d)(3)(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).

3(d)(3)(J) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

3(d)(4) **NO RESTRICTION ON RECREATION OPPORTUNITIES.**--Nothing in this Act shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

3(e) *Entrance Fee.*—

Policy: Section 3(e)

Entrance Fee: Each agency must ensure that an applicable definition for this term is included in their respective guidelines.

3(e)(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.

3(e)(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.

3(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:

Definition: Section 3(f)

Jurisdiction vs. Managed Lands: The Act limits the agency's **jurisdiction** under Section 3(f) to Federal lands and waters identified as **managed** in Section 2(5) by a Federal land management agency, which includes the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service (as per Section 2(4)).

Policy: Section 3(f)

Standard Amenity Recreation Fee: Each agency must ensure that an applicable definition is included in their respective guidelines.

3(f)(1) A National Conservation Area.

3(f)(2) A National Volcanic Monument.

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

Definition: Section 3(f)(3)**Visitor or Interpretive Center:**

- Provides a central location for communicating a specific theme and important stories to the public;
- Provides a direct visual or physical link to the resources;
- Provides basic public services such as emergency telephone; and
- Often contains a variety of interpretive media such as exhibits, audiovisual programs, resource libraries, observation areas, interpretive programs, and trailheads.

3(f)(4) An area-

Definition: Section 3(f)(4)

Area: An area of recreation may be a site, complex of sites, or a high impact recreation area that, at a minimum, meets all of the conditions 3(f)(4)(A-D).

Further Definition: Section 3(f)(4)

Recreation Area, Geographic area, or Waterway Corridor: A recreation area or geographic area or waterway corridor of concentrated recreation use which includes a variety of developed sites providing a similar recreation opportunity. Such areas may incur significant expenditures for restoration, public safety, sanitation facilities, education, maintenance, and other activities necessary to protect the health and safety of visitors, cultural resources and the natural environment. Heavy use may result in environmental impacts such as noticeable litter, vandalism, soil compaction, or erosion. These areas require intensive management to enhance visitor experiences, address environmental impacts, and manage conflicting uses. A recreation area, geographic area, or waterway corridor is not an administrative unit such as a National Forest, Bureau of Land Management Field Office, or Reclamation Project. In addition, it is a contiguous area directly associated with clearly identified places, activities, or special, natural, or cultural features that is the focal point of recreation use and has clearly defined access points and clearly described area boundaries.

3(f)(4)(A) that provides significant opportunities for outdoor recreation;

3(f)(4)(B) that has substantial Federal investments;

3(f)(4)(C) where fees can be efficiently collected; and

3(f)(4)(D) that contains all of the following amenities:

3(f)(4)(D)(i) Designated developed parking.

Definition: Section 3(f)(4)(D)(i)

Designated Developed Parking: A parking area that has a graded surface, clearly delineated boundaries, and natural or constructed surfacing.

3(f)(4)(D)(ii) A permanent toilet facility.

Definition: Section 3(f)(4)(D)(ii)

Permanent Toilet: A toilet building that is permanently affixed or that is available year after year during the primary season of use, but is mobile due to environmental or weather concerns.

3(f)(4)(D)(iii) A permanent trash receptacle.

Definition: Section 3(f)(4)(D)(iii)

Permanent Trash Receptacle: A garbage container, or waste management system, of durable design and construction that is permanently available during the primary season of use, or that is moved in the off-season due to environmental or weather concerns. This can also include pack-it-out equipment and information where wildlife management requires this type of management.

3(f)(4)(D)(iv) Interpretive sign, exhibit, or kiosk.

Definition: Section 3(f)(4)(D)(iv)

Interpretive Sign, Exhibit or Kiosk: Each site or area must contain at least one public display designed to enhance the public's enjoyment and understanding of the natural or cultural environment. This requirement is in addition to facilities needed to inform visitors of recreation opportunities and/or facilities in the area and applicable regulations and/or restrictions.

3(f)(4)(D)(v) Picnic tables.

3(f)(4)(D)(vi) Security services.

Definition: Section 3(f)(4)(D)(vi)

Security Services: Public safety services routinely provided by designated security personnel (e.g., Federal employee, campground host, on-site volunteer; routine scheduled visits by law enforcement or other Federal employee; a reliable communication to a law enforcement officer, Federal employee, or an after hours emergency call service). The level of security services provided should be commensurate with the use levels, and security service facilities such as gates, fences, security lighting etc., may be appropriate.

3(g) *Expanded Amenity Recreation Fee.*—**Policy: Section 3(g)**

Expanded Amenity Recreation Fee: Each agency must ensure that an applicable definition for this term is included in their respective guidelines.

3(g)(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.

3(g)(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:

3(g)(2)(A) Use of developed campgrounds that provide at least a majority of the following:

Definition: Section 3(g)(2)(A)

Majority: At least five of the nine facilities stated in Section 3(g)(2)(A)(i-ix).

3(g)(2)(A)(i) Tent or trailer spaces.

3(g)(2)(A)(ii) Picnic tables.

3(g)(2)(A)(iii) Drinking water.

3(g)(2)(A)(iv) Access roads.

3(g)(2)(A)(v) The collection of the fee by an employee or agent of the Federal land management agency.

Definition: Section 3(g)(2)(A)(v)

Federal employee or agent of the Federal land management agency: A Federal employee or agent includes campground host, volunteer, recreation technician, and automated self-service fee/drop box fee stations.

3(g)(2)(A)(vi) Reasonable visitor protection.

Definition: Section 3(g)(2)(A)(vi)

Reasonable visitor protection: Reasonable visitor protection includes:

- Federal employee, campground host, on-site volunteer;
- A routine scheduled, but not published visit by law enforcement or other Federal employee; or
- Reliable communication to law enforcement, Federal employee, or after hours emergency call service.

3(g)(2)(A)(vii) Refuse containers.

3(g)(2)(A)(viii) Toilet facilities.

3(g)(2)(A)(ix) Simple devices for containing a campfire.

3(g)(2)(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.

Further Definition: Section 3(g)(2)(B)

In addition to the facilities identified, the following contribute to identification as “highly developed boat launches with specialized facilities or services:”

- Lighting for parking and ramp use;
- Security services;
- Changing rooms;
- Boarding floats or docks which includes any floating or fixed facility such as a dock, deck, quay, or pier designed to allow people to transfer from land or shore onto a vessel;
- Mooring floats/buoys, moorage dock; and
- Refuse containers.

3(g)(2)(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.

Definition: Section 3(g)(2)(C)

Lookout: Lookouts are defined as lookout towers.

Definition: Section 3(g)(2)(C)

Portable Sanitation Devices: Portable Sanitation Devices are self-contained portable toilets.

Further Definition: Section 3(g)(2)(C)

An addition to the facilities listed under Section 3(g)(2)(C) is trail shelters.

3(g)(2)(D) Use of hookups for electricity, cable, or sewer.

3(g)(2)(E) Use of sanitary dump stations.

3(g)(2)(F) Participation in an enhanced interpretive program or special tour.

3(g)(2)(G) Use of reservation services.

3(g)(2)(H) Use of transportation services.

Policy: Section 3(g)(2)(H)

Transportation Systems and Pass Acceptance: There are two situations where the America the Beautiful—The National Parks and Federal Recreational Lands Pass must be accepted for transportation fees:

- If the transportation system is mandatory to access the primary resource of the site; or
- If the transportation fee is collected in combination with the entrance or standard amenity fee.

Exceptions to this guideline may be permitted on a case by case basis and will be coordinated through an interagency workgroup. As new transportation systems are implemented and/or new concessions authorizations are negotiated, acceptance of passes should be part of transportation plans as deemed financially feasible.

Definition: Section 3(g)(2)(H)

Transportation Services: Vehicles designed to move (shuttle) visitors between a parking lot and the destination recreation area and/or to move (shuttle) visitors around from one location or attraction to another.

3(g)(2)(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.

Definition: Section 3(g)(2)(I)

Emergency Medical or First-aid Services: At least one certified emergency medical person on site during hours of operation and reliable communication to an emergency facility.

3(g)(2)(J) Use of developed swimming sites that provide at least a majority of the following:

Definition: Section 3(g)(2)(J)

Majority: At least four of the seven facilities listed in Section 3(g)(2)(J)(i-vii).

3(g)(2)(J)(i) Bathhouse with showers and flush toilets.

3(g)(2)(J)(ii) Refuse containers.

3(g)(2)(J)(iii) Picnic areas.

Definition: Section 3(g)(2)(J)(iii)

Picnic Areas: An area with tables normally used for short periods of time.

3(g)(2)(J)(iv) Paved parking.

3(g)(2)(J)(v) Attendants, including lifeguards.

3(g)(2)(J)(vi) Floats encompassing the swimming area.

Definition: Section 3(g)(2)(J)(vi)

Floats Encompassing the Swimming Area: Any on-site marker may be used as long as it **encompasses** the swimming area.

3(g)(2)(J)(vii) Swimming deck.

3(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.

Definition: Section 3(h)

Special Recreation Permit Fees (SRP): SRPs are authorizations which allow specified recreational use of the public lands and related waters. They shall be issued only where applicable. SRPS are issued in order to:

- Control visitor use;
- Protect recreational, natural, and cultural resources; and
- Provide for the health and safety of visitors.

SRPs are also a mechanism to authorize:

- Commercial and vending use;
- Competitive events;
- Organized group activities and events; and
- Individual or group use of special areas.

SEC. 4. PUBLIC PARTICIPATION.

4(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.

4(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 in local newspapers and publications located near the site at which the recreation fee would be established or changed.

4(c) Public Involvement.--Before establishing any new recreation fee area, the Secretary shall provide opportunity for public involvement by--

4(c)(1) establishing guidelines for public involvement;

4(c)(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

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

4(d) Recreation Resource Advisory Committee.--

4(d)(1) ESTABLISHMENT.--

4(d)(1)(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).

4(d)(1)(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.

4(d)(1)(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.

4(d)(1)(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).

4(d)(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--

4(d)(2)(A) the implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;

4(d)(2)(B) the elimination of a standard amenity recreation fee or an expanded amenity recreation fee; or

4(d)(2)(C) the expansion or limitation of the recreation fee program.

4(d)(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(d)(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.

4(d)(5) **COMPOSITION OF THE ADVISORY COMMITTEE.**--

4(d)(5)(A) **NUMBER.**--A Recreation Resource Advisory Committee shall be comprised of 11 members.

4(d)(5)(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).

4(d)(5)(C) **APPOINTMENT.**--The Secretary may appoint members of the Recreation Resource Advisory Committee from the list as provided in subparagraph (B).

4(d)(5)(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:

4(d)(5)(D)(i) Five persons who represent recreation users and that include, as appropriate, persons representing the following:

4(d)(5)(D)(i)(I) Winter motorized recreation, such as snowmobiling.

4(d)(5)(D)(i)(II) Winter non-motorized recreation, such as snowshoeing, cross country and down hill skiing, and snowboarding.

4(d)(5)(D)(i)(III) Summer motorized recreation, such as motorcycles, boaters, and off-highway vehicles.

4(d)(5)(D)(i)(IV) Summer nonmotorized recreation, such as backpacking, horseback riding, mountain biking, canoeing, and rafting.

4(d)(5)(D)(i)(V) Hunting and fishing.

4(d)(5)(D)(ii) Three persons who represent interest groups that include, as appropriate, the following:

4(d)(5)(D)(ii)(I) Motorized outfitters and guides.

4(d)(5)(D)(ii)(II) Non-motorized outfitters and guides.

4(d)(5)(D)(ii)(III) Local environmental groups.

4(d)(5)(D)(iii) Three persons, as follows:

4(d)(5)(D)(iii)(I) State tourism official to represent the State.

4(d)(5)(D)(iii)(II) A person who represents affected Indian tribes.

4(d)(5)(D)(iii)(III) A person who represents affected local government interests.

4(d)(6) **TERM.**--

4(d)(6)(A) **LENGTH OF TERM.**--The Secretary shall appoint the members of a Recreation Resource Advisory Committee for staggered terms of two and three years beginning on the date of the members are first appointed. The Secretary may reappoint members to subsequent two- or three-year terms.

4(d)(6)(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.

4(d)(6)(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.

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

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

4(d)(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.

4(d)(10) **COMPENSATION.**--Members of the Recreation Resource Advisory Committee shall not receive any compensation.

4(d)(11) **PUBLIC PARTICIPATION IN THE RECREATION RESOURCE ADVISORY COMMITTEE.**--

4(d)(11)(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.

4(d)(11)(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.

4(d)(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.).

4(e) *Miscellaneous Administrative Provisions Regarding Recreation Fees and Recreation Passes.*--

4(e)(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.

4(e)(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.

SEC. 5. RECREATION PASSES.

Policy: Section 5

Collection of Data on Pass Use: The agencies will establish a pass use data collection procedure in order to improve program management and facilitate consistent policy across the participating agencies. These procedures may vary across agencies or site characteristics. However, the agencies will work to establish consistency in data collection methods and data elements collected.

5(a) America the Beautiful--the National Parks and Federal Recreational Lands Pass.-**Policy: Section 5(a)**

The agencies will create a new look for the *America the Beautiful--the National Parks and Federal Recreational Lands Pass* program to distinguish it from previous passes. The concept for pass design includes a minimum of four distinct wallet-sized plastic cards and a decal to be used in open topped vehicles at un-staffed fee areas. The four separate pass types include (collectively hereinafter "the Passes"):

- The Annual Pass (hereinafter "Annual Pass");
- The Senior Pass for persons age 62 or older; (hereinafter "Senior Pass");
- The Access Pass for persons with disabilities hereinafter "Access Pass"); and
- The Volunteer Pass for volunteers who accrue 500 volunteer hours (hereinafter "Volunteer Pass").

The Passes will include: one or two signature lines (the Annual Pass will contain two signature lines; all other pass types will contain one signature line), a magnetic strip, a bar code, technologies for data collection, and an expiration date printed large enough to read through a windshield. Space permitting, agency logos may be included on the pass. The program will strive to ensure that the design of the passes provides convenience of use and features to minimize misuse. Appropriate technologies will also consider compatibility with existing and future Point of Sale systems.

Each agency, using the authority in the Act, shall ensure that the Passes, including any passes developed pursuant to section 5(b)(1-2) covers the entrance fee and standard amenity recreation fee in a manner consistent with the standard definitions and the criteria set out under Section 3 of the Act for all its units collecting recreation fees.

5(a)(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.

Policy: Section 5(a)(1)

Where entry to a Federal recreation site is vehicle based, the Passes will admit the pass holder and all occupants of a single non-commercial vehicle. Where entrance or standard amenity recreation fees are charged on a per person basis, the Passes will admit the pass holder and three accompanying adults age 16 and older. Children under age 16 are admitted at no charge.

The Passes are valid for entrance and standard amenity recreation fees only. In general, the passes are not valid for expanded amenity recreation fees except in limited circumstances that may improve customer service or meet other agency needs. Such limited circumstances shall be jointly identified by the participating agencies to ensure consistency and reduce visitor confusion.

Ownership Verification—Verification of pass ownership is a legitimate component of the fee operation. Photo identification may be requested to verify pass ownership.

Commercial Use of the Pass—The Passes are valid for private, non-commercial use only.

Forgotten, Lost, and Stolen Passes—Pass owners who arrive at a Federal recreation site and have forgotten their pass, or declare that their pass has been lost or stolen, will not be allowed free admission to the site. The entrance or standard amenity fee must be paid. At the site manager's discretion, a refund may be given if the pass is located within a reasonable amount of time (e.g., the same day or during the same trip, at the same site). If visitors later provide a copy of their pass (for example, by fax or mail), a refund will not be given.

Gift Purchases—The Annual Pass may be purchased as a gift for others. Gift passes are not valid until signed.

Transferability and Replacement of the Pass—The Passes are non-transferable and can only be used by the signer(s).

Open-top vehicles—The program will provide a decal that can be used with open-top vehicles (e.g., motorcycles, jeeps) in unstaffed areas. This decal will only be valid at unstaffed areas and only with open-top vehicles. Upon sale or provision to an individual, each open-top vehicle decal will be given the same expiration date as the pass owned by that individual. Thus, open-top vehicle decals will be sold or provided only to those who are holders of a valid pass.

5(a)(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.

Policy: Section 5(a)(2)

The front side of the Annual Pass will include an image that is selected through an annual contest as required by REA and as implemented via the MOU between the agencies to administer the image contest. The agencies may partner with non-governmental entities to administer the image contest. The Senior and Access Passes will display images that do not change over the life of the program. The image for the Volunteer Pass may be the same as that on the Annual Pass.

5(a)(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.

5(a)(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).

Policy: Section 5(a)(4)

The Passes shall be validated at the time of sale with a signature and expiration date punched. All Annual and Volunteer Passes will have an expiration date beyond which the pass will no longer be valid or exchanged.

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

Policy: Section 5(a)(5)

The Secretaries have initially established the price of the Annual Pass at \$80. For establishing the price of the pass the Secretaries considered the following information:

- Analysis of current entrance and standard amenity fees;
- Benchmarking from state park systems;
- Focus groups of recreational users;
- A survey of recreational users; and
- Other policy considerations.

The Secretaries will periodically reevaluate the price of the annual pass. Such reevaluation may include additional data collection, studies and analyses. Price adjustments to account for inflation will be considered.

The agencies may establish limits on the number of passes purchased by an individual during a single transaction.

Policy: Section 5 (a)(5)

Pass Upgrades and Refunds: In general, interagency upgrades of entrance and/or standard amenity recreation fees, site specific passes, and regional passes will not be permitted. However, individual agencies are delegated the authority to determine appropriate circumstances for refunds and upgrades.

As a general rule, refunds are not allowed and will be initiated only in limited situations.

5(a)(6) SALES LOCATIONS AND MARKETING.—

5(a)(6)(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.

5(a)(6)(B) USE OF VENDORS.--The Secretary may enter into fee management agreements as provided in section 6.

Policy: Section 5(a)(6)(B)

Third party vendors:

Wholesale pricing, discounts and commissions for third party vendors—The government may establish sales and marketing relationships with third party entities that wish to participate in the program and will encourage vendors to sell the Annual Pass as a convenience to their customers. All vendors shall sell the Annual Pass at face value. The Government may establish wholesale rates for the sale of passes.

Negotiation and approval of third party arrangements-- Management of third party agreements will be the responsibility of the pass program contractor or the pass program manager. Local third party agreements are the responsibility of the agency pass program manager or local pass program staff. The program manager will provide detailed guidelines for the negotiation and ongoing management of these agreements.

5(a)(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.

5(a)(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.

5(a)(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.

Policy: Section 5(a)(8)

The government recognizes the long-term, ongoing, and valued relationships with the National Fish and Wildlife Foundation, the National Forest Foundation, and the National Park Foundation. Subsequent to award, the Government anticipates working with these Congressionally Authorized Foundations and the pass program contractor to develop specific marketing strategies and collateral materials. As ongoing opportunities to work with the Foundations emerge, they will be considered.

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

5(b) Discounted Passes.—

Policy: Section 5(b)

Federal recreation sites should exchange paper Golden Age and Access cards for new plastic passes at no charge. Existing plastic Golden Age and Golden Access cards are valid for a lifetime and should not be exchanged free of charge.

Policy: Section 5(b)

Guidelines Specific to the Senior and Access Passes: The America the Beautiful--the National Parks and Recreational Lands Pass for persons 62 years of age or older (“the Senior Pass”) and for permanently disabled persons (“the Access Pass”) shall be available to the public only at Federal recreation sites and offices of the participating REA agencies. Senior and Access Pass holders are granted access to Federal recreation sites that charge an entrance fee or a standard amenity recreation fee, and may receive 50 percent discounts on some expanded amenity recreation fees. The following constitute guidelines for providing the 50 percent discount associated with the Senior and Access Passes:

- **Individual Campsites and Sites with Utility Hook Ups:** The discount only applies to the fee for the campsite physically occupied by the pass-holder, not to any additional campsite(s) occupied by members of the passport holder’s party or for utilities hook ups.
- **Group Campsites and Facilities (including, but not limited to, group facilities, picnic areas or pavilions):** There is no discount for group campsites and other group facilities that charge a flat fee. If the group campsite has a per person fee rate, only the passport holder receives a discount; others using the site pay the applicable fee.
- **Guided Tours:** Only the pass-holder receives a discount for guided tours.
- **Transportation Systems:** There is no discount when an optional transportation service is offered. However, the pass should be honored:
 - If the transportation system is mandatory to access the primary resource of the recreation site, OR
 - If the transportation fee is collected in combination with the entrance or standard amenity fee.
- **Concessioner Fees, Special Recreation, and Special Park Use Permit Fees:** Discounts do not apply to concessioner/contractor fees unless it is required as part of their concession/contractor authorization. Discounts do not apply to special recreation or special park use permits.

Although the U.S. Army Corps of Engineers (USACE) is not included in the REA, the agency will accept Senior and Access Passes consistent with its current policy; however, at present the USACE will not issue these passes.

5(b)(1) AGE DISCOUNT.--The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at a cost of \$10, 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.

Policy Section 5(b)(1): Where entry to a Federal recreation site is vehicle based, the Senior Pass will admit the pass holder and all occupants of a single non-commercial vehicle. The Senior Pass may be obtained only in person. The pass is not transferable and must be signed by the holder. Where entrance or standard amenity recreation fees are charged on a per person basis, the pass will admit the pass holder and three accompanying adults age 16 and older. Children under age 16 are admitted at no charge.

5(b)(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.

Definition: Section: 5(b)(2)

Permanent Disability: A permanent physical, mental, or sensory impairment that substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. See 7 C.F.R. §15e.103; see also 29 U.S.C. § 705(20).

Policy: Section 5(b)(2)

Issuing the America the Beautiful--the National Parks and Federal Recreational Lands Pass for permanently disabled persons (“the Access Pass”):

The Interagency Access Pass is a lifetime pass free of charge to U.S. citizens or permanent residents of the U.S. who are permanently disabled, regardless of age. Due to the eligibility requirements, the Interagency Access Pass may only be obtained in person at Federal recreation sites. To verify residency, the visitor must show a U.S. driver’s license, passport, birth certificate, or permanent resident card (green card).

The pass is not transferable and must be signed by the holder. Where entry to Federal recreation site is vehicle based, the Access Pass will admit the pass holder and all occupants of a single non-commercial vehicle. Where entrance or standard amenity recreation fees are charged on a per person basis, the Access Pass will admit the pass holder and three accompanying adults age 16 and older. Children under age 16 are admitted at no charge.

Eligibility-- Citizens or persons who are domiciled in the United States, regardless of age, are eligible if they have been medically determined to have a permanent disability.

A *permanent disability* is a permanent physical, mental, or sensory impairment that *substantially limits* one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. See 7 CFR. 15e.103; see also 29 U.S.C. 705(20).

Required Documentation-- The applicant must submit *one* of the following documents (a, b or c) *or* the applicant can complete the Statement of Disability Form as described in (d).

- a.** A statement signed by a licensed physician attesting that the applicant has a permanent physical, mental, or sensory impairment that substantially limits one or more major life activities, and stating the nature of the impairment;

OR

- b.** A document issued by a Federal agency, such as the Veteran’s Administration, which attests that the applicant has been medically determined to be eligible to receive Federal benefits as a result of blindness or permanent disability. Other acceptable Federal agency documents include proof of receipt of Social Security Disability Income (SSDI) or Supplemental Security Income (SSI);

OR

Continued next the page.

Policy: Section 5(b)(2) (continued)

Issuing the America the Beautiful--the National Parks and Federal Recreational Lands Pass for permanently disabled persons ("the Access Pass"):

c. A document issued by a State agency such as the vocational rehabilitation agency, which attests that the applicant has been medically determined to be eligible to receive vocational rehabilitation agency benefits or services as a result of medically determined blindness or permanent disability. *Showing a State motor vehicle department disability sticker, license plate or hang tag is not acceptable documentation;*

OR

d. If a person claims eligibility for the Access Pass, but cannot produce any of the documentation outlined in *a* through *c*, that person must read, sign, and date the Statement of Disability form (OBM 1024-0252) in the presence of the officer issuing the pass. If the applicant cannot read and sign, a designated representative may read, date, and sign the statement on their behalf in the applicant's presence and the presence of the officer issuing the pass.

The purpose of the Statement of Disability is to assist the issuing officer in providing a reasonable response that demonstrates good customer service and respect when an applicant arrives at a site without documented proof of a permanent disability.

In general, the issuing officer should offer the Statement of Disability only when documentation is not available. The Statement of Disability will not be advertised to the public on websites, brochures, or other handouts that describe the application process for obtaining the Interagency Access Pass.

The officer issuing the Access Pass must not evaluate whether an applicant is permanently disabled based upon the documentation submitted or signed by the applicant. The issuing officer may assess only whether adequate documentation or signature for the pass has been submitted by the applicant.

5(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.

Policy: Sections 5(c) and 5(d)

The Secretary delegates to the individual agencies the authority for policy development and implementation of site-specific and regional multientity passes. Each agency will identify the existing site-specific and regional multientity pass agreements, the terms of these agreements, and period covered by these agreements.

5(d) Regional Multientity Passes.--

5(d)(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.

5(d)(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.

5(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.

5(f) *Effect on Existing Passports and Permits.*--

5(f)(1) **EXISTING PASSPORTS.**--A passport issued under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-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.

Policy: Section 5(f)(1)

The Golden Eagle, Golden Age, Golden Access, and National Parks passports will not be sold once the Passes become established and available for purchase. Existing passports will continue to be valid in accordance with the terms agreed to at the time of issuance and remain in effect until the passport is expired, lost, or stolen. Golden Eagle Passports, National Parks Passports, National Parks Passports with the Golden Eagle sticker, and plastic versions of the Golden Age and Golden Access Passports should not be exchanged for the New Pass. Paper versions of the Golden Age and Golden Access Passports should be exchanged at no cost to the passport-holder.

5(f)(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. 6. COOPERATIVE AGREEMENTS.

6(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:

6(a)(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.

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

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

6(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.

6(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.

Policy: Section 6(a)-(c)

The Secretary delegates to the individual agencies the authority for policy development and implementation of cooperative agreements. Each agency will identify the appropriate management tool (business plan or implementation plan) to be utilized by each of its units to identify pending or signed cooperative agreements. Each agency will be prepared to identify for the Secretary the existing cooperative agreements, the terms of these agreements, and period covered by these agreements.

6(a) Fee Management Agreement – By exempting agencies from Title 31, Chapter 63 in the United States Code that deals with procurement contracts, grants, and cooperative agreements, this section grants broader latitude for agencies to enter into fee management agreements/contracts with governmental or nongovernmental entities, including those in gateway communities for fee collection, fee processing (including reservation services pursuant to Office of Budget and Management (OMB) Circular # M-03-03), and for emergency medical services. Agencies may enter into an agreement/contract with any governmental entity, including those in gateway communities for law enforcement services. Such agreement may provide a reasonable commission, reimbursement, or discount.

6(b) Revenue Sharing – A state or legal subdivision thereof (county, parish, borough, township, etc.) that enters into an agreement with a participating Federal agency may share the revenue collected on site as delineated in the fee management agreement.

6(c) County Proposals – The respective agency will send a written response within 2 months of the request to any county that submits a proposal as listed in Section 6(a)(1)-(3). The response will include reason(s) for any decision made to reject the proposal. Fee management agreements with counties may include cooperative site planning and management provisions.

SEC. 7. SPECIAL ACCOUNT AND DISTRIBUTION OF FEES AND REVENUES.

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

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

7(b)(1) be deposited in its special account; and

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

7(c) Distribution of Recreation Fees and Single-Site Agency Pass Revenues.--

7(c)(1) LOCAL DISTRIBUTION OF FUNDS.--

7(c)(1)(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.

7(c)(1)(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.

7(c)(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.

Policy: Section 7(c)

The Secretary delegates to the individual agencies the authority for policy development and implementation. The individual agencies will develop and implement policy for the following revenue distribution decisions:

7(c)(1)(A) Retention of Revenues-- The retention of revenues will not be less than 80 percent of the recreation fees and site-specific pass revenues at that unit;

7(c)(1)(B) Reduction-- Each agency will identify the metrics and benchmarks required to identify when a unit's revenue retention may be reduced to as low as 60 percent; and

7(c)(2) Agency-wide Distribution of Funds-- Each agency will identify the distribution method and report on the expenditure of any revenues retained for agency-wide use under Section 9: Budgetary Data.

7(c)(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.

7(d) Distribution of National Parks and Federal Recreational Lands Pass Revenues.--Revenues collected from the sale of the National Parks and Federal Recreational Lands Pass shall be deposited in the special accounts established for the Federal land management agencies in accordance with the guidelines issued under section 5(a)(7).

Policy: Section 7(d)**Distribution of Pass Revenues:****Short-Term Revenue Distribution Strategy--**

Revenue collected at agency sites: 100 Percent of the revenue collected at agency sites would remain in the agency. Agencies would set the policy for within-agency distribution.

Revenue collected through central sales: For the first 3-5 years, revenues derived from central sales of the pass will be used in the following order:

- Administrative costs of the pass program;
- Repayment of the amounts advanced by NPS to cover pass development costs (see Policy: Section 8(d)(1)); and
- Any remaining revenue will be split equally among the agencies.

Long-Term Revenue Distribution Strategy--

Revenue collected at agency sites: 100 Percent of the revenue collected at agency sites would remain in the agency. Agencies would set the policy for within-agency distribution.

Revenue collected through central sales: Revenue exceeding what is required to repay the amount advanced by NPS and the amounts needed for annual administrative costs will be distributed to the agencies based on a formula that takes into account the following:

- Data on pass use,
- Annual orders of passes, and
- Adverse impacts to agency entrance or standard amenity fee revenue related to the pass program.

The distribution of revenues may be reconsidered if:

- Central pass sales are greater or less than current sales projections;
- Agencies are experiencing significant adverse revenue impacts; and
- There are insufficient funds to cover the administrative costs of the program.

7(e) Distribution of Regional Multientity Pass Revenues.--Revenues collected from the sale of a regional multientity pass authorized under section 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.

Policy: Section 7(d) and Section 7(e)

Each agency will identify the distribution of funds and report on the sales of the Pass and regional multientity passes under Section 9: Budgetary Data.

SEC. 8. EXPENDITURES.**Policy: Section 8**

The Secretary delegates to the individual agencies the authority for policy development and implementation that ensures expenditures are within the identified expenditure categories and the definitions developed for this document.

8(a) Use of Fees at Specific Site or Area.--Amounts available for expenditure at a specific site or area--

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

Policy: Section 8(a)(1)

Each of the Department of Interior agencies will maintain a separate receipt account for collections and a separate expenditure account, in order to successfully track collections and track expenditures. The United States Forest Service does not use an identical accounting system, but is capable of accounting for collections and expenditures separately. An agency cannot spend from a receipt account, but only from an expenditure account.

8(a)(2) may be distributed agency-wide; and

8(a)(3) shall be used only for--

8(a)(3)(A) repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;

Definition: Section 8(a)(3)(A)

Health and Safety: The repetition of the term "visitor" in the language of the law leads to the determination that the intent is facility expenditures on visitor health and safety.

8(a)(3)(B) interpretation, visitor information, visitor service, visitor needs assessments, and signs;

8(a)(3)(C) habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;

8(a)(3)(D) law enforcement related to public use and recreation;

8(a)(3)(E) direct operating or capital costs associated with the recreation fee program;

Definition: Section 8(a)(3)(E)

Direct Costs: The direct operating or capital costs, also known as "cost of collection," associated with the recreation fee program are the costs that occur as a direct result of collecting, remitting, transporting, protecting, storing, or securing fee funds at a site. These expenses may include:

- Salaries, benefits, and training;
- Fee collection equipment and upkeep;
- Security services and equipment; and
- Communication needs such as signage and phones.

Section 8(a)(3)(E) establishes a distinct expenditure category for the direct operating cost or cost of collection for accountability in reporting.

Policy: Section 8(a)(3)(E)

Performance measures established for the Recreational Fee Demonstration Program for each agency in the Department of Interior include a target for cost of collection that is a percentage of the agencies annual fee receipts. Reclamation was not authorized to participate in the Fee Demo program and is thus not listed in the table below. The performance measure targets are:

Agency	FY 2006
Bureau of Land Management	15%
Fish and Wildlife	20%
National Park Service	26%

8(a)(3)(F) a fee management agreement established under section 6(a) or a visitor reservation service.

Definition: Section 8(a)(3)(F)

Fee Management Agreement: Section 8(a)(3)(F) establishes a distinct expenditure category for the cost of implementing a fee management agreement and a visitor reservation service, and will be accounted for and reported as a separate expenditure category.

8(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.

Definition: Section 8(b)

Limitation on Use of Fees: National Environmental Protection Act (NEPA) requires one-time actions termed survey, clearance, or inventory of the listed or candidate species as a part of the compliance process. These one-time actions are not considered monitoring as defined under the Endangered Species Act (ESA). Under the ESA, "monitoring" is defined as a distinct action with an established frequency or repetition, and monitoring is associated with recovery activities for listed or candidate species. Resulting from the NEPA process, mitigation actions may be required to insure that a project does not jeopardize the continued existence of an endangered or threatened species or result in the destruction or adverse modification of critical habitat.

Policy: Section 8(b)

Each participating agency will ensure that no recreation fees are being expended for actions on biological monitoring under the Endangered Species Act for listed or candidate species. By policy, the excluded activities associated with listed or candidate species under the Endangered Species Act are expanded to include the writing of ESA-required recovery plans and mitigation that is generated by the implementation of a recovery plan. By contrast, NEPA establishes a process that an agency must undertake prior to proceeding with certain visitor events or activities or with projects to enhance visitor facilities and services. In such cases, the definition and policy in this document allow for the use of recreation fees for surveys, inventories, and mitigation actions during an event, activity, or project execution that are required as a result of the NEPA process, even if the actions may be consistent with a recovery plan.

Exception to Policy on Recovery Plan Mitigation: Exceptions to the prohibition of using fees for ESA recovery plans include the use of the fees on expenditures specifically provided for under Section 8(a)(3). For example, recovery plans may include expenditures that also provide for "habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation or photography," an expenditure explicitly authorized in Section 8(a)(3)(C). Where such overlap occurs, an explanation should be provided that identifies the expenditure provision in the Act that authorizes the activity and how the expenditure enhances the visitor experience.

Each agency will require the information used to determine the use of this policy exception is documented in the justification and determination of approval of the expenditure. The agency will maintain and have readily available the documentation supporting the approval of the expenditure as within the law and the policy.

8(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 for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

Definition: Section 8(c)

15 Percent: The 15 percent includes only those costs not listed as separate expenditure activities under Section 8(a)(3)(A-F) and 8(d), but which are necessary for the administration of the recreation fee program. Examples of administration, overhead, and indirect costs include:

- Budget development and program planning to include the administration of regional and national recreation fee programs;
- Administrative support (e.g., procurement, contracting, office services, property management, preparation, and distribution of reports, and document control); and
- Public notification and information.

They do not include the costs which can be directly attributed to providing a specific service or executing a specific project such as a campground rehabilitation project.

Policy: Section 8(c)

Each agency will limit administration, overhead, and indirect costs to no more than 15 percent of their total revenues. The National Park Service will be reporting start-up costs and administrative support for the Pass under this category. During the first five years (transitional exception time period), the National Park Service may exceed 15 percent.

8(d) Transitional Exception.--Notwithstanding any other provision of this Act, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with—

Definition: Section 8(d)

Transitional Exception: Establishes a distinct expenditure category for the costs of implementing the Pass and for regional multientity passes. When guidelines and/or agreements are in place, these costs will be accounted for and reported as a separate expenditure category for the first 5 years after the guidelines and/or agreements are in place.

Policy: Section 8(d)

The Secretary will use amounts available in the special accounts of the National Park Service to support administration and marketing costs associated with the start-up of the Pass authorized under this Act until the Pass revenues are available. These support costs will be repaid to the National Park Service from the Pass centralized sales once the sales of the Pass generates enough revenue to repay the National Park Service in full.

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

Policy: Section 8(d)(1)

Administrative and Start-up Costs: Revenue collected from central sales of passes (internet, third party, etc.) will be used to pay the annual administrative costs for operating the pass program. NPS will advance funds to cover the \$2.396 million in start-up costs for the program. These funds will be reimbursed to NPS over the first 3-5 years of the program. Revenue in excess of amounts required to fund the administrative costs will be used to reimburse the NPS for advancing the start-up funds.

In the event that central pass sales are insufficient to cover annual program administrative costs and to repay the funds advanced by NPS to cover startup costs, agencies will share the costs of these based on the number of passes ordered annually by each agency as a percentage of the total number of passes ordered. Sharing of annual administrative costs will be based on the prior year's orders; repayment of the startup costs will be based on the average orders over the first three years of the program for each agency. Each agency will determine a funding strategy in the event that central sales revenue is insufficient to repay the NPS for start up costs in the first 3-5 years.

Additional agencies added to the pass program will be assessed appropriate startup costs and the cost share formula will be altered based on the new agency's impact on the pass administrative budget. The start-up cost assessment and the cost share formulas will be determined when a new agency begins participation in pass program.

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

SEC. 9. REPORTS.

Not later than May 1, 2006, and every three years thereafter, the Secretary shall submit to the 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.

Policy: Section 9

Each December, agencies will continue to annually report budgetary information including actual and planned obligations within the Act's expenditure categories (Section 8(a)(3)(A-F), Section 8(c) and Section 8(d)(1-2)) as part of the budget formulations process and per the Department of Interior's Recreation Fee Program Appendix.

The Secretary delegates to the individual agencies the authority for policy development and implementation that ensures their ability to prepare an Interagency Report to Congress on a 3-year cycle.

The data collected by each agency will include the following (these data represent information that *may* be used for the triennial reports):

- Budgetary Data
 - Revenue, obligations or expenditures, balances by agency by year;
 - Revenue, cost of collection, and obligations or expenditures by site by year; and
 - Visitation by site by year.
- REA Implementation
 - Narrative on how REA is being implemented; Policy and guidance issued;
 - Changes in the number of sites (introduced, eliminated, reconfigured);
 - Progress report on implementation of the New Pass;
 - Changes in multientity and regional passes;
 - Narrative on the enforcement of Section 8(b) and Section 15; and
 - Areas of law that need clarification and recommendations for changes in overall fee systems.
- Expenditures
 - By year, the number of projects and obligations in each of the REA categories as listed in Section 8(a)(3)(A-F), Section 8(c) and Section 8(d)(1-2);
 - 15 percent Overhead, Administrative, and Indirect Costs; and
 - Planned projects, services, and summary data tables/ graphs of 5-Year planned projects presented in an easy to understand format, such as tables and graphs.

SEC. 10. SUNSET PROVISION

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

SEC. 11. VOLUNTEERS.

11(a) Authority to Use Volunteers.--The Secretary may use volunteers, as appropriate, to collect recreation fees and sell recreation passes.

11(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 5(c).

11(c) National Parks and Federal Recreational Lands Pass.--In accordance with the guidelines issued under section 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.

Policy: Section 11(c)

The threshold number of hours to receive an America The Beautiful—The National Parks and Federal Recreational Lands Pass for volunteers (“the Volunteer Pass”) will be 500 cumulative hours for an individual volunteer. Once the threshold has been achieved, the volunteer will be required to accrue an additional 500 hours to be awarded another pass. Hours towards the Volunteer Pass start accruing as of January 1, 2007. Volunteers may accrue hours on a cumulative basis over an unlimited number of years, but they may not grandfather-in hours they accrued prior to January 1, 2007. The Volunteer Pass will be valid for one year and volunteers are eligible to receive only one pass within a year. The Volunteer Pass will not be transferable and may be used only by the volunteer, whose name will appear on the pass. The Volunteer Pass is not valid unless signed by the volunteer.

Where entry to Federal recreation site is vehicle based, the Volunteer Pass will admit the pass holder and all occupants of a single non-commercial vehicle. Where entrance or standard amenity recreation fees are charged on a per person basis, the Volunteer Pass will admit the pass holder and three accompanying adults age 16 and older. Children under age 16 are admitted at no charge.

Volunteers’ hours must be verified by the responsible volunteer coordinator. Agencies will provide passes to volunteers once they have accumulated 500 hours. Agencies and sites will be responsible for providing information to volunteers about how to participate in this program. The cost of volunteer passes will be paid for out of the overhead for the program.

11(d) Regional Multientity Passes.--The Secretary may issue a regional multientity pass authorized under section 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.

Policy: Section 11(d)

The Secretary delegates to the individual agencies the authority for policy development and implementation of issuance of regional multientity passes to volunteers.

SEC. 12. ENFORCEMENT AND PROTECTION OF RECEIPTS.

12(a) Enforcement Authority.--The Secretary concerned shall enforce payment of the recreation fees authorized by this Act.

12(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.

12(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.

12(d) Limitation on Penalties.--The failure to pay a recreation fee established under this Act 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. 13. REPEAL OF SUPERSEDED ADMISSION AND USE FEE AUTHORITIES.

13(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 5(a)(3) is

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

13(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. 460l-6a), is repealed.

13(c) *Admission Permits for Refuge Units.*--Section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is repealed.

13(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) 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:

Policy: Section 13(d)

The Golden Eagle, Golden Age, Golden Access, National Parks Passports, and the Golden Eagle sticker will not be sold once the New Pass becomes established and available for purchase.

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

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

13(e) *Treatment of Unobligated Funds.*--

13(e)(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. 460l-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 7 and shall be available to the Secretary in accordance with this Act. A special account established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 for a Federal agency that is not a Federal land management area, and the use of such special account, is not affected by the repeal of section 4 of the Land and Water Conservation Fund Act of 1965 by subsection (a) of this section.

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

13(e)(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. 460l-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.

13(e)(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.

13(f) *Effect of Regulations.*--A regulation or policy issued under a provision of law repealed by this section shall remain in effect to the extent such a regulation or policy is consistent with the provisions of

this Act until the Secretary issues a regulation, guideline, or policy under this Act that supersedes the earlier regulation.

SEC. 14. RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.

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

14(b) *Relation to Revenue Allocation Laws.*--Amounts collected under this Act, and the existence of a fee management agreement with a governmental entity under section 6(a), may not be taken into account for the purposes of any of the following laws:

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

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

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

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

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

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

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

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

14(b)(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.

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

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

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

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

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

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

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

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

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

14(e) *Fees Charged by Third Parties.*--Notwithstanding any other provision of this Act, 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.

14(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.

SEC. 15. LIMITATION ON USE OF FEES FOR EMPLOYEE BONUSES.

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

Policy: Section 15

Recreation fees collected under this program may not pay for employee bonuses. The Office of Personnel Management identifies two types of bonuses – recruitment and relocation. For the implementation of REA, the one-time payment of performance-based awards to an employee will be considered a bonus. A Quality Step Increase award will not be considered a bonus since they are embedded as recurring salary. This exception applies only to Quality Step Increase awards for those employees whose job is directly tied to the recreation fee program and whose salary is paid from recreation fee dollars.