

amending section 460d, repealing section 14 of this title, and amending provisions set out as a note under section 120 of Title 23, Highways] may be cited as the ‘Land and Water Conservation Fund Act of 1965.’”

#### SURVEY OF ENTRANCE AND USER FEES

Secretary of the Interior required by section 4 of Pub. L. 91-308, July 7, 1970, 84 Stat. 410 to complete a survey as to policy to be implemented with regard to entrance and user fees and to report his findings to Senate and House Committees on Interior and Insular Affairs on or before Feb. 1, 1971.

### § 4601-5. Land and water conservation fund; establishment; covering certain revenues and collections into 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 authority of those provisions of law set forth in section 572(a) or 574(a)-(c) of title 40 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 chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this part 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 4601-11 of this title.

#### (c) Other revenues

(1) 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 4601-6 of this title, 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 part.

(Pub. L. 88-578, title I, § 2, Sept. 3, 1964, 78 Stat. 897; Pub. L. 89-72, § 11, July 9, 1965, 79 Stat. 218; Pub. L. 90-401, §§ 1(a), 2, July 15, 1968, 82 Stat. 354, 355; Pub. L. 91-308, § 2, July 7, 1970, 84 Stat. 410; Pub. L. 91-485, § 1, Oct. 22, 1970, 84 Stat. 1084; Pub. L. 94-273, § 2(7), Apr. 21, 1976, 90 Stat. 375; Pub. L. 94-422, title I, § 101(1), Sept. 28, 1976, 90 Stat. 1313; Pub. L. 95-42, § 1(1), June 10, 1977, 91 Stat. 210; Pub. L. 100-203, title V, § 5201(f)(1), Dec. 22, 1987, 101 Stat. 1330-267.)

#### REFERENCES IN TEXT

The provisions of the Independent Offices Appropriation Act, referred to in subsec. (a), are the provisions of Pub. L. 87-741, Oct. 3, 1962, 76 Stat. 716, appearing under the heading “Operating Expenses, Utilization and Disposal Service” which were not classified to the Code.

This part, referred to in subsecs. (a) and (c)(2), was in the original “this Act”, meaning Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which is classified principally to this part. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of this title and Tables.

The Outer Continental Shelf Lands Act, referred to in subsec. (c)(2), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, as amended, which is classified generally to subchapter III (§1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of Title 43 and Tables.

#### CODIFICATION

In subsec. (a), “Section 572(a) or 574(a)-(c) of title 40” substituted for “section 485(b)(e), title 40, United States Code,” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works.

In subsec. (a), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949, as amended” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

#### AMENDMENTS

1987—Pub. L. 100-203 substituted “2015” for “1989” in introductory provisions and in subsec. (c)(1).

1977—Subsec. (c)(1). Pub. L. 95-42 substituted “and \$900,000,000 for fiscal year 1978” for “\$600,000,000 for fiscal year 1978, \$750,000,000 for fiscal year 1979, and \$900,000,000 for fiscal year 1980”.

1976—Pub. L. 94-422 struck out “, and during such additional period as may be required to repay any advances made pursuant to section 4601-7(b) of this title” after “September 30, 1989” in provisions preceding subsec. (a).

Pub. L. 94-273 substituted “September” for “June” wherever appearing.

Subsec. (a). Pub. L. 94-422 reenacted subsec. (a) without change except for reference to section 485(b)(e) which as originally enacted read “section 485(b)-(e)”.

Subsec. (b). Pub. L. 94-422 reenacted subsec. (b) without change.

Subsec. (c)(1). Pub. L. 94-422 substituted “\$300,000,000 for fiscal year 1977, \$600,000,000 for fiscal year 1978, \$750,000,000 for fiscal year 1979, and \$900,000,000 for fiscal year 1980 and for each fiscal year thereafter through September 30, 1989.” for “\$200,000,000 for each of the fiscal years 1968, 1969, and 1970, and not less than \$300,000,000 for each fiscal year thereafter through September 30, 1989.”.

Subsec. (c)(2). Pub. L. 94-422 substituted “equivalent to the amounts” for “amount to \$200,000,000 or \$300,000,000 for each of such fiscal years, as”.

1970—Subsec. (a)(i). Pub. L. 91-308 purported to substitute “not more than \$10” for “not more than \$7”. See 1968 Amendment note below.

Subsec. (c)(1). Pub. L. 91-485, §1(a), substituted "fiscal years 1968, 1969, and 1970, and not less than \$300,000,000 for each fiscal year thereafter through June 30, 1989" for "five fiscal years beginning July 1, 1968, and ending June 30, 1973".

Subsec. (c)(2). Pub. L. 91-485, §1(b), substituted "\$200,000,000 or \$300,000,000 for each of such fiscal years, as provided in cl. (1)." for "\$200,000,000 for each of such fiscal years."

1968—Subsec. (a). Pub. L. 90-401, §1(a), redesignated subsec. (b) as (a). Former subsec. (a), except for the fourth paragraph thereof, established a system of admission and user fees for all Federal recreation areas and was eliminated. The fourth paragraph covering the repeal of provisions prohibiting the collection of recreation fees and user charges was redesignated as section 10 of Pub. L. 88-587 and is set out as section 4601-10c.

Subsecs. (b), (c). Pub. L. 90-401, §§1(a), 2, added subsec. (c) and redesignated former subsecs. (b) and (c) as (a) and (b), respectively.

1965—Subsec. (a). Pub. L. 89-72 substituted "notwithstanding any other provision of law:" for "notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury;" and "or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes" for "of any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law."

#### EFFECTIVE DATE OF 1968 AMENDMENT

Pub. L. 90-401, §1(d), July 15, 1968, 82 Stat. 355, as amended by Pub. L. 91-308, §1, July 7, 1970, 84 Stat. 410, provided that: "The provisions of subsections (a) and (c) of this section [amending this section] shall be effective December 31, 1971. Until that date revenues derived from the subsection (a) that is repealed by this section shall continue to be covered into the fund."

#### ELIMINATION OF SYSTEM OF ADMISSION AND USER FEES FOR FEDERAL RECREATION AREAS

Pub. L. 90-401, §1(b), July 15, 1968, 82 Stat. 354, relating to admission and user fees for Federal recreation areas and facilities, was repealed by Pub. L. 92-347, §1, July 11, 1972, 86 Stat. 459.

#### EX. ORD. NO. 11200. ESTABLISHMENT OF RECREATION USER FEES

Ex. Ord. No. 11200, Feb. 26, 1965, 30 F.R. 2645, provided: WHEREAS it is desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people; and

WHEREAS these resources are to a considerable extent located on lands administered by the Federal Government through the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority and the United States Section of the International Boundary and Water Commission (United States and Mexico); and

WHEREAS the Act of May 28, 1963, 77 Stat. 49 [sections 4601 to 4601-3 of the title], vested the Secretary of the Interior with legal authority to promote coordination of Federal plans and activities generally relating to outdoor recreation; and

WHEREAS it is fair and equitable that the users of certain recreation areas and facilities managed by such agencies pay a reasonable fee for the recreation benefits received; and

WHEREAS it is desirable to establish uniformity of practices among such Federal agencies regarding recreation user fees and related matters; and

WHEREAS the Congress, recognizing the need for urgent and effective action in this regard, enacted the Land and Water Conservation Fund Act of 1965, Public Law 88-578; 78 Stat. 897 [sections 4601-4 to 4601-11 of this title] (hereafter in this order referred to as "the Act");

NOW, THEREFORE, by virtue of the authority vested in me by the Act, by Section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Designation of areas for 1965.* (a) All areas administered by the National Park Service, Bureau of Land Management, Bureau of Sport Fisheries and Wildlife, Bureau of Reclamation, Forest Service, Corps of Engineers, Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico), at which entrance, admission, or other recreation user fees (hereafter in this order referred to as "recreation user fees") were collected directly by those Federal agencies during any part of 1964 are hereby designated, pursuant to Section 2(a) of the Act [subsec. (a) of this section], as areas at which recreation user fees shall be charged during 1965.

(b) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Board of Directors of the Tennessee Valley Authority, and the Commissioner, United States Section of the International Boundary and Water Commission (United States and Mexico), or their designees, shall, by April 1, 1965, designate any additional areas under their respective jurisdictions at which recreation user fees are to be charged during 1965.

(c) Recreation user fees for such areas shall be prescribed as provided in Section 5 of this Order.

SEC. 2. *Designation of areas for years after 1965.* (a) Subject to the provisions of subsection (b) of this section, the areas designated by Section 1(a), or pursuant to Section 1(b), of this Order are hereby designated as areas for which recreation user fees shall be charged for years after 1965.

(b) The officials described in Section 1(b) of this Order shall, before January 1, 1966, and at least annually thereafter, review all areas then under their respective jurisdictions, including those described in subsection (a) of this section, to determine (1) whether any additional areas should, in accordance with the designation criteria prescribed by Section 3 of this Order (or under those designation criteria as revised by the Secretary of the Interior pursuant to Section 6(c) of this Order), be designated as areas for which recreation user fees shall be charged, or (2) whether the recreation user fee for any area theretofore designated should be increased, reduced, or eliminated under the designation criteria then in effect.

(c)(1) Whenever, in accordance with subsection (b) of this section, it is determined that the recreation user fee for an area should be reduced or eliminated, such action shall be taken forthwith.

(2) Whenever, in accordance with subsection (b) of this section, it is determined that a recreation user fee should be charged with respect to an area with respect to which no such fee has theretofore been charged, such new fee shall be charged only after the posting requirements of Section 4 of this Order have been satisfied.

SEC. 3. *Criteria for designation of areas.* Areas shall, in accordance with Section 1(b) and Section 2(b) of this Order and to the extent permitted by the Act, be designated as areas at which recreation user fees shall be charged if the following conditions are found to exist concurrently:

(1) The area is administered by any of the eight agencies specified in Section 1(a) of this Order;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that fee collection is administratively and economically practical.

(b) Areas designated as those at which recreation user fees shall be charged shall hereafter in this Order be referred to as "designated areas."

SEC. 4. *Posting of designated areas.* The heads of administering agencies and departments shall provide for the posting of signs at all designated areas such as will clearly notify the visiting public that recreation user fees are charged therein. All areas designated pursuant to Sections 1 and 2 of this Order shall be so posted prior to the beginning of the recreation season or as soon as practicable following designation. No recreation user fee established pursuant to this Order shall be effective with respect to any designated area until that designated area has been posted.

SEC. 5. *Establishment of fees.* (a) Each official described in Section 1(b) of this Order shall, subject to the criteria prescribed by the Secretary of the Interior, establish a recreation user fee for each designated area administered under his jurisdiction by selecting from a schedule of fees, prescribed by the Secretary of the Interior pursuant to Section 6 of this Order, the fee which is appropriate for each such designated area under criteria prescribed by the Secretary pursuant to that section. Each such official shall also specify which designated areas shall be excluded from the coverage of the annual fee described in Section 2(a)(1) of the Act [subsec. (a)(i) of this section] and which, as a result of that exclusion will be subject to the fee described in Section 2(a)(iii) of the Act [subsec. (a)(iii) of this section]. The range of recreation user fees to be charged and the criteria for their selection shall be established under the procedures prescribed by Section 6 of this Order.

(b) The Secretary of the Interior shall prescribe the procedures for the production, distribution, and sale of the Land and Water Conservation Fund Sticker, which shall be issued to those individuals who elect to pay the annual fees. The Secretary of the Interior shall also prescribe the manner in which the Sticker shall be displayed. The conditions under which it may be used shall be determined under the procedures prescribed by Section 6 of this Order.

SEC. 6. *Coordination.* (a) The Secretary of the Interior shall after consultation with the heads of other affected departments and agencies, adopt such coordination measures as are necessary to carry out the purposes of Sections 2(a) and 4(a) of the Act [subsec. (a) of this section and section 4601-7(a) of this title] and the provisions of this order.

(b)(1) In order that the purposes of the Act and of this Order may be effectuated without delay, the Secretary of the Interior shall, subject to the limitations imposed by the Act and without regard to the other provisions of this section, forthwith issue a schedule of recreation user fees and criteria to be used in determining which such fees shall be charged with respect to each of the designated areas.

(2) Subject to the limitations imposed by the Act and subject to the provisions of subsections (a), (c), and (d) of this section, the Secretary of the Interior may, from time to time, amend or replace the schedule of fees and the criteria prescribed by him pursuant to subsection (b)(1) of this section.

(c) Subject to the limits set forth in the Act, the measures which the Secretary of the Interior may adopt pursuant to subsection (a) of this section may include, but are not limited to, the following—

(1) Initial preparation and coordination of the comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Land and Water Conservation Fund, as required by Section 4(a) of the act [section 4601-7(a) of this title].

(2) Development of such additional procedures and interpretive materials as are necessary to facilitate the implementation of this Order and related provisions of the Act.

(3) Review and revision, if needed, of the criteria for designation set forth in Section 3 of this Order.

(d) Except with respect to the schedule of fees and the criteria prescribed by the Secretary pursuant to sub-

section (b)(1) of this section, measures and regulations adopted by the Secretary pursuant to this Order shall not become effective until 30 days after they are presented for the consideration of the other officials described in Section 1(b). Any such official who does not concur in any such measure or regulation may, within that 30-day period, refer the matter to the Recreation Advisory Council established under Executive Order No. 11017 [superseded by Ex. Ord. No. 11278, which in turn was revoked by Ex. Ord. No. 11472 which is set out as a note under section 4321 of Title 42] for resolution. If a proposed measure is referred to the Council for resolution, it shall not become effective until approved by the Council. With the approval of all other officials described in Section 1(b) of this Order, the provisions of this subsection may be waived with respect to any specific measure or regulation adopted by the Secretary of the Interior pursuant to this order so that any such measure or regulation may be made effective before the expiration of the 30-day waiting period prescribed by the first sentence of this subsection.

SEC. 7. *Review of contracts.* The officials described in Section 1(b) of this Order shall, within a reasonable time, review all existing contracts and other arrangements between their respective agencies and any non-Federal public entity which relate to non-Federal management of Federally-owned outdoor recreation areas. Special attention shall be given to any provision in any such contract or other arrangement which prohibits or discourages in any way such non-Federal public entity from charging recreation user fees. Unless otherwise prohibited by law, each such restrictive provision shall be the subject of renegotiation designed to accomplish a modification thereof that will permit the charging of recreation user fees.

SEC. 8. *Regulations.* The Secretary of the Interior is authorized to issue such regulations as may be necessary to carry out his functions under this Order.

LYNDON B. JOHNSON.

**§ 4601-5a. Repealed. Pub. L. 100-203, title V, § 5201(d)(1), Dec. 22, 1987, 101 Stat. 1330-266**

Section, Pub. L. 96-514, title I, §100, Dec. 12, 1980, 94 Stat. 2960, provided for revenues received from recreation fee collections by Federal agencies to be paid into the Land and Water Conservation Fund and to be available for appropriation for any and all authorized purposes.

RECREATION USE FEES COLLECTED AND DEPOSITED IN UNITED STATES TREASURY BY CORPS OF ENGINEERS

Pub. L. 97-88, title I, §100, Dec. 4, 1981, 95 Stat. 1136, related to special recreation use fees collected by, and deposited in the Treasury by the Corps of Engineers, prior to repeal by Pub. L. 100-203, title V, §5201(d)(3), Dec. 22, 1987, 101 Stat. 1330-267.

**§ 4601-6. Appropriations for expenditure of land and water conservation fund moneys; transfers to miscellaneous receipts of Treasury**

Moneys covered into the fund shall be available for expenditure for the purposes of this part 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 4601-6a(i)(1)<sup>1</sup> of this title may be obligated or expended only as provided in this part.

(Pub. L. 88-578, title I, §3, Sept. 3, 1964, 78 Stat. 899; Pub. L. 100-203, title V, §5201(f)(2), Dec. 22, 1987, 101 Stat. 1330-267.)

<sup>1</sup> See References in Text note below.