

an Institute does not qualify for further Federal assistance under this chapter, the Institute shall receive no further Federal assistance under this chapter until such time as the qualifications of the Institute are reestablished to the satisfaction of the Secretaries.

(Pub. L. 108-317, §7, Oct. 5, 2004, 118 Stat. 1209.)

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 6707. Authorization of appropriations

(a) In general

There is authorized to be appropriated to carry out this chapter \$15,000,000 for each fiscal year.

(b) Limitation

No funds made available under subsection (a) shall be used to pay the costs of constructing any facilities.

(Pub. L. 108-317, §8, Oct. 5, 2004, 118 Stat. 1210.)

CHAPTER 87—FEDERAL LANDS RECREATION ENHANCEMENT

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§ 6801. Definitions

In this chapter:

(1) Standard amenity recreation fee

The term “standard amenity recreation fee” means the recreation fee authorized by section 6802(f) of this title.

(2) Expanded amenity recreation fee

The term “expanded amenity recreation fee” means the recreation fee authorized by section 6802(g) of this title.

(3) Entrance fee

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

(4) Federal land management agency

The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(5) Federal recreational lands and waters

The term “Federal recreational lands and waters” means lands or waters managed by a Federal land management agency.

(6) National Parks and Federal Recreational Lands Pass

The term “National Parks and Federal Recreational Lands Pass” means the interagency national pass authorized by section 6804 of this title.

(7) Passholder

The term “passholder” means the person who is issued a recreation pass.

(8) Recreation fee

The term “recreation fee” means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

(9) Recreation pass

The term “recreation pass” means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by section 6804 of this title.

(10) Secretary

The term “Secretary” means—

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

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

(11) Secretaries

The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

(12) Special account

The term “special account” means the special account established in the Treasury under section 6806 of this title for a Federal land management agency.

(13) Special recreation permit fee

The term “special recreation permit fee” means the fee authorized by section 6802(h) of this title.

(Pub. L. 108-447, div. J, title VIII, §802, Dec. 8, 2004, 118 Stat. 3377.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, and was translated as reading “this title”, meaning title VIII of div. J of Pub. L. 108-447, Dec. 8, 2004, 118 Stat. 3377, known as the Federal Lands Recreation Enhancement Act, to reflect the probable intent of Congress. For complete classification of title VIII to the Code, see Short Title note set out below and Tables.

Sections 6802, 6804 and 6806 of this title, referred to in text, were in the original references to sections 3, 5 and 7, respectively, and were translated as meaning sections 803, 805 and 807, respectively, of title VIII of div. J of Pub. L. 108-447, to reflect the probable intent of Congress.

SHORT TITLE

Pub. L. 108-447, div. J, title VIII, §801(a), Dec. 8, 2004, 118 Stat. 3377, provided that: “This title [enacting this chapter, amending section 4601-6a of this title, repealing sections 3911, 5982, and 5991 to 5995 of this title, and

repealing provisions set out as a note under 4601-6a of this title] may be cited as the 'Federal Lands Recreation Enhancement Act'."

§ 6802. Recreation fee authority

(a) Authority of Secretary

Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) Basis for recreation fees

Recreation fees shall be established in a manner consistent with the following criteria:

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

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

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

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

(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in section 6803(d) of this title.

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

(c) Special considerations

The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.

(d) Limitations on recreation fees

(1) Prohibition on fees for certain activities or services

The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this chapter for any of the following:

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

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

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

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

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

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any

road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23,¹ which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this chapter.

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this chapter.

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

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

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

(2) Relation to fees for use of highways or roads

An entity that pays a special recreation permit fee or similar permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 537 of this title.

(3) Prohibition on fees for certain persons or places

The Secretary shall not charge an entrance fee or standard amenity recreation fee for the following:

(A) Any person under 16 years of age.

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

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

(D) The Flight 93 National Memorial.

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

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

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

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96-487).

(I) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and

¹ See References in Text note below.