

mental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

(2) Regional multientity pass agreement

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

(e) Discounted or free admission days or use

The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.

(f) Effect on existing passports and permits

(1) Existing passports

A passport issued under section 4607-6a of this title or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms agreed to at the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

(2) Permits

A permit issued under section 4607-6a of this title that was valid on the day before December 8, 2004, shall be valid and remain in effect until expired, revoked, or suspended.

(Pub. L. 108-447, div. J, title VIII, §805, Dec. 8, 2004, 118 Stat. 3385.)

REFERENCES IN TEXT

Section 6805 of this title, referred to in subsec. (a)(6)(B), was in the original a reference to section 6, and was translated as meaning section 806 of title VIII of div. J of Pub. L. 108-447, to reflect the probable intent of Congress.

The National Parks Omnibus Management Act of 1998, referred to in subsec. (f)(1), is Pub. L. 105-391, Nov. 13, 1998, 112 Stat. 3497, as amended. Title VI of the Act was classified generally to subchapter V (§5991 et seq.) of chapter 79 of this title, prior to repeal by Pub. L. 108-447, div. J, title VIII, §813(d)(2), Dec. 8, 2004, 118 Stat. 3391. For complete classification of this Act to the Code, see Short Title note set out under section 5901 of this title and Tables.

§ 6805. Cooperative agreements

(a) Fee management agreement

Notwithstanding chapter 63 of title 31, the Secretary may enter into a fee management agreement, including a contract, which may provide for a reasonable commission, reimburse-

ment, or discount, with the following entities for the following purposes:

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

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

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

(b) Revenue sharing

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

(c) County proposals

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

(Pub. L. 108-447, div. J, title VIII, §806, Dec. 8, 2004, 118 Stat. 3387.)

§ 6806. Special account and distribution of fees and revenues

(a) Special account

The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency.

(b) Deposits

Subject to subsections (c), (d), and (e), revenues collected by each Federal land management agency under this chapter shall—

(1) be deposited in its special account; and

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

(c) Distribution of recreation fees and single-site agency pass revenues

(1) Local distribution of funds

(A) Retention of revenues

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

(B) Reduction

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

the unit or area for which expenditures may be made for that fiscal year.

(2) Agency-wide distribution of funds

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

(3) Other amounts

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

(d) Distribution of National Parks and Federal Recreational Lands Pass revenues

Revenues collected from the sale of the National Parks and Federal Recreational Lands Pass shall be deposited in the special accounts established for the Federal land management agencies in accordance with the guidelines issued under section 6804(a)(7) of this title.

(e) Distribution of regional multientity pass revenues

Revenues collected from the sale of a regional multientity pass authorized under section 6804(d) of this title 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.

(Pub. L. 108-447, div. J, title VIII, §807, Dec. 8, 2004, 118 Stat. 3388.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), 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 under section 6801 of this title and Tables.

Section 6804 of this title, referred to in subsecs. (d) and (e), was in the original a reference to section 5, and was translated as meaning section 805 of title VIII of div. J of Pub. L. 108-447, to reflect the probable intent of Congress.

§ 6807. Expenditures

(a) Use of fees at specific site or area

Amounts available for expenditure at a specific site or area—

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

(2) may be distributed agency-wide; and

(3) shall be used only for—

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

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

(C) habitat restoration directly related to wildlife-dependent recreation that is limited

to hunting, fishing, wildlife observation, or photography;

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

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

(F) a fee management agreement established under section 6805(a) of this title or a visitor reservation service.

(b) Limitation on use of fees

The Secretary may not use any recreation fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] for listed or candidate species.

(c) Administration, overhead, and indirect costs

The Secretary may use not more than an average of 15 percent of total revenues collected under this chapter for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

(d) Transitional exception

Notwithstanding any other provision of this chapter, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with—

(1) the National Parks and Federal Recreational Lands Pass during the 5-year period beginning on the date the joint guidelines are issued under section 6804(a)(7) of this title; and

(2) a regional multientity pass authorized section 6804(d) of this title during the 5-year period beginning on the date the regional multientity pass agreement for that recreation pass takes effect.

(Pub. L. 108-447, div. J, title VIII, §808, Dec. 8, 2004, 118 Stat. 3388; Pub. L. 111-11, title VII, §7116(h), Mar. 30, 2009, 123 Stat. 1203.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (b), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

This chapter, referred to in subsecs. (c) and (d), 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 under section 6801 of this title and Tables.

Section 6804 of this title, referred to in subsec. (d), was in the original a reference to section 5 and was translated as meaning section 805 of title VIII of div. J of Pub. L. 108-447, to reflect the probable intent of Congress.

AMENDMENTS

2009—Subsec. (a)(3)(F). Pub. L. 111-11, which directed technical amendment in subsec. (a)(1)(F) to reference in original act which appears in text as reference to section 6805(a) of this title, was executed by making technical amendment in par. (3)(F) to reflect the probable intent of Congress.

§ 6808. Reports

Not later than May 1, 2006, and every 3 years thereafter, the Secretary shall submit to Con-