

§ 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