

**§ 6812. Repeal of superseded admission and use fee authorities**

**(a) Land and Water Conservation Fund Act**

Subsections (a), (b), (c), (d), (e), (f), (g), and (i) (except for paragraph (1)(C)) of section 4<sup>1</sup> of the Land and Water Conservation Fund Act of 1965 are repealed, except that the Secretary may continue to issue Golden Eagle Passports, Golden Age Passports, and Golden Access Passports under such section until the date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 6804(a)(3) of this title is published in the Federal Register regarding the establishment of the National Parks and Federal Recreational Lands Pass.

**(b) Recreational fee demonstration program**

Section 315<sup>1</sup> of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134), is repealed.

**(c) Admission permits for refuge units**

Section 3911 of this title is repealed.

**(d) National park passport, Golden Eagle Passport, Golden Age Passport, and Golden Access Passport**

Effective on the date the notice required by section 6804(a)(3) of this title 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and sale of a national park passport, Golden Eagle Passport, Golden Age Passport, or Golden Access Passport are repealed:

(1) Section 502<sup>1</sup> of the National Parks Omnibus Management Act of 1998 (Public Law 105-391).

(2) Title VI<sup>1</sup> of the National Parks Omnibus Management Act of 1998 (Public Law 105-391).

**(e) Treatment of unobligated funds**

**(1) Land and water conservation fund special accounts**

Amounts in the special accounts established under section 4(i)(1)<sup>1</sup> of the Land and Water Conservation Fund Act of 1965 for Federal land management agencies that are unobligated on December 8, 2004, shall be transferred to the appropriate special account established under section 6806 of this title and shall be available to the Secretary in accordance with this chapter. A special account established under section 4(i)(1)<sup>1</sup> 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<sup>1</sup> of the Land and Water Conservation Fund Act of 1965 by subsection (a) of this section.

**(2) National parks passport**

Any funds collected under title VI<sup>1</sup> of the National Parks Omnibus Management Act of 1998 (Public Law 105-391) that are unobligated on the day before the publication of the Federal Register notice required under section 6804(a)(3) of this title shall be transferred to the special account of the National Park Serv-

ice for use in accordance with this chapter. 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.

**(3) Recreational fee demonstration program**

Any funds collected in accordance with section 315<sup>1</sup> of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134), that are unobligated on the day before December 8, 2004, shall be transferred to the appropriate special account and shall be available to the Secretary in accordance with this chapter.

**(4) Admission permits for refuge units**

Any funds collected in accordance with section 3911 of this title that are available as provided in subsection (c)(A) of such section and are unobligated on the day before December 8, 2004, shall be transferred to the special account of the United States Fish and Wildlife Service for use in accordance with this chapter.

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

(Pub. L. 108-447, div. J, title VIII, §813, Dec. 8, 2004, 118 Stat. 3390; Pub. L. 109-54, title I, §132(a), Aug. 2, 2005, 119 Stat. 526; Pub. L. 113-287, §5(d)(37), Dec. 19, 2014, 128 Stat. 3268.)

REFERENCES IN TEXT

Section 4 of the Land and Water Conservation Fund Act of 1965, referred to in subsecs. (a) and (e)(1), was section 4 of Pub. L. 88-578, title I, as added by Pub. L. 92-347, §2, July 11, 1972, 86 Stat. 459, which was classified to former section 4601-6a of this title. Subsecs. (a) to (g) and (i) (except par. (1)(C)) of section 4 were repealed by subsec. (a) of this section. Subsec. (h) of section 4 was previously repealed by Pub. L. 104-66, title I, §1081(f), Dec. 21, 1995, 109 Stat. 721. Subsecs. (i)(1)(C) and (j) to (n) of section 4 were repealed and restated as section 100904 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272.

The date the notice required by section 6804(a)(3) of this title is published in the Federal Register, referred to in subsecs. (a), (d), and (e)(2), is Dec. 19, 2006. See 71 F.R. 75935.

Sections 6804 and 6806 of this title, referred to in subsecs. (a), (d), and (e)(1), (2), were in the original references to sections 5 and 7, respectively, and were translated as meaning section 805 and 807, respectively, of title VIII of div. J of Pub. L. 108-447, to reflect the probable intent of Congress.

Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996, referred to in subsecs. (b) and (e)(3), is Pub. L. 104-134, title I, §101(c) [title III, §315], Apr. 26, 1996, 110 Stat. 1321-156, 1321-200, which was set out as a note under former section 4601-6a of this title, prior to repeal by subsec. (b) of this section.

The National Parks Omnibus Management Act of 1998, referred to in subsecs. (d) and (e)(2), is Pub. L. 105-391, Nov. 13, 1998, 112 Stat. 3497. Section 502 of the

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

Act was classified to section 5982 of this title, and title VI of the Act was classified generally to subchapter V (§ 5991 et seq.) of chapter 79 of this title, prior to repeal by subsec. (d) of this section. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in subssecs. (e) and (f), 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.

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113-287, §5(d)(37)(A), which directed amendment of “subsection (A)” by striking out “(16 U.S.C. 4601-6a et seq.)”, was executed by striking out that language after “1965” in subsec. (a) to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 113-287, §5(d)(37)(B), struck out “; 16 U.S.C. 4601-6a” after “Public Law 104-134”.

Subsec. (d)(1). Pub. L. 113-287, §5(d)(37)(C)(i), which directed amendment of subsec. (c)(1) by striking out “; 16 U.S.C. 5982”, was executed by striking out that language after “(Public Law 105-391” in subsec. (d)(1), to reflect the probable intent of Congress.

Subsec. (d)(2). Pub. L. 113-287, §5(d)(37)(C)(ii), which directed amendment of subsec. (c)(2) by striking out “; 16 U.S.C. 5991-5995”, was executed by striking out that language after “(Public Law 105-391” in subsec. (d)(2), to reflect the probable intent of Congress.

Subsec. (e)(1). Pub. L. 113-287, §5(d)(37)(D)(i), struck out “(16 U.S.C. 4601-6a(i)(1))” after “accounts established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965”.

Subsec. (e)(2). Pub. L. 113-287, §5(d)(37)(D)(ii), struck out “; 16 U.S.C. 5991-5995” after “(Public Law 105-391”.

Subsec. (e)(3). Pub. L. 113-287, §5(d)(37)(D)(iii), struck out “; 16 U.S.C. 4601-6a” after “Public Law 104-134”.

2005—Subsec. (a). Pub. L. 109-54 inserted “(except for paragraph (1)(C))” after “and (i)”.

#### EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-54, title I, §132(d), Aug. 2, 2005, 119 Stat. 526, provided that: “This section [amending this section and former section 4601-6a of this title and enacting provisions set out as a note under section 100904 of Title 54, National Park Service and Related Programs] and the amendments made by this section take effect as of December 8, 2004.”

### § 6813. Relation to other laws and fee collection authorities

#### (a) Federal and State laws unaffected

Nothing in this chapter 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.

#### (b) Relation to revenue allocation laws

Amounts collected under this chapter, and the existence of a fee management agreement with a governmental entity under section 6805(a) of this title, may not be taken into account for the purposes of any of the following laws:

(1) The sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 (16 U.S.C. 500).

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

(3) The fourteenth paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1913 (16 U.S.C. 501).

(4) Section 1012 of title 7.

(5) Title II of the Act of August 8, 1937,<sup>1</sup> and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.)<sup>1</sup>.

(6) Section 869-4 of title 43.

(7) Chapter 69 of title 31.

(8) Section 715s of this title.

(9) The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note),<sup>1</sup> 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.

(10) Section 618a of title 43.

(11) The Federal Water Project Recreation Act (16 U.S.C. 4601-12 et seq.).

(12) Section 391 of title 43.

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

(14) Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 31 U.S.C. 6901 note)<sup>1</sup>.

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

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

#### (c) Consideration of other funds collected

Amounts collected under any other law may not be disbursed under this chapter.

#### (d) Sole recreation fee authority

Recreation fees charged under this chapter shall be in lieu of fees charged for the same purposes under any other provision of law.

#### (e) Fees charged by third parties

Notwithstanding any other provision of this chapter, 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.

#### (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 chapter.

(Pub. L. 108-447, div. J, title VIII, §814, Dec. 8, 2004, 118 Stat. 3392.)

#### 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.

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