STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES

Pub. L. 105–359, § 1, Nov. 10, 1998, 112 Stat. 3275, provided that:

''(a) STUDY REQUIRED.—The Secretary of Agriculture and the Secretary of the Interior shall jointly conduct a study regarding ways to improve the access for persons with disabilities to outdoor recreational opportunities (such as fishing, hunting, trapping, wildlife viewing, hiking, boating, and camping) made available to the public on the Federal lands described in subsection (b).

''(b) COVERED FEDERAL LANDS.—The Federal lands referred to in subsection (a) are the following:

''(1) National Forest System lands.

''(2) Units of the National Park System.

''(3) Areas in the National Wildlife Refuge System.

''(4) Lands administered by the Bureau of Land Management.

''(c) REPORT ON STUDY.—Not later than 18 months after the date of the enactment of this Act [Nov. 10, 1998], the Secretaries shall submit to Congress a report containing the results of the study.''

CONNECTICUT RIVER NATIONAL RECREATION AREA FEASIBILITY STUDY

Pub. L. 89–616, Oct. 3, 1966, 80 Stat. 867, directed Secretary of the Interior to study, investigate, and formulate recommendations on feasibility and desirability of establishing all or parts of Connecticut River Valley from its source to its mouth, in States of Connecticut, Massachusetts, Vermont, and New Hampshire, as a Connecticut River National Recreation Area and to submit to President, within two years after Oct. 3, 1966, a report of his findings and recommendations, with President to submit to Congress such recommendations, including legislation, as he deemed appropriate.

§ 460*l*–2. Consultations of Secretary of the Interior with administrative officers; execution of administrative responsibilities in conformity with nationwide plan

In order further to carry out the policy declared in section 460*l* of this title, the heads of Federal departments and independent agencies having administrative responsibility over activities or resources the conduct or use of which is pertinent to fulfillment of that policy shall, either individually or as a group, (a) consult with and be consulted by the Secretary from time to time both with respect to their conduct of those activities and their use of those resources and with respect to the activities which the Secretary of the Interior carries on under authority of this part which are pertinent to their work, and (b) carry out such responsibilities in general conformance with the nationwide plan authorized under section 460*l*–1(c) of this title.

(Pub. L. 88–29, § 3, May 28, 1963, 77 Stat. 50.)

§ 460*l*–3. Definitions

As used in this part, the term ''United States'' shall include the District of Columbia and the terms ''United States'' and ''States'' may, to the extent practicable, include the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 88–29, § 4, May 28, 1963, 77 Stat. 50; Pub. L. 96–205, title VI, § 608(c), Mar. 12, 1980, 94 Stat. 92.)

AMENDMENTS

1980—Pub. L. 96–205 inserted references to the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

PART B—LAND AND WATER CONSERVATION FUND

§ 460*l*–4. Land and water conservation provisions; statement of purposes

The purposes of this part are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

(Pub. L. 88–578, title I, § 1(b), Sept. 3, 1964, 78 Stat. 897.)

REFERENCES IN TEXT

This part, referred to in text, 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 below and Tables.

EFFECTIVE DATE

Section 1(a) of Pub. L. 88–578 provided in part that: ''This Act [see Short Title note below] shall become effective on January 1, 1965.''

SHORT TITLE

Section 1(a) of Pub. L. 88–578 provided in part that: ''This Act [enacting this part, 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.

§ 460*l*–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 460*l*–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 460*l*–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 460*l*–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 460*l*–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 460*l*–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

Section 1(d) of Pub. L. 90–401, as amended by section 1 of Pub. L. 91–308, 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 460*l* to 460*l*–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 460*l*–4 to 460*l*–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 sec-

tion. 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 determinated 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 460*l*–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 460*l*–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 subsection (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.

§ 460*l*–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.

§ 460*l*–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 460*l*–6a(i)(1)[1] 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.)

REFERENCES IN TEXT

This part, referred to in text, 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 460*l*–4 of this title and Tables.

Section 460*l*–6a(i)(1) of this title, referred to in text, was repealed, with the exception of subpar. (C) of subsec. (i)(1), by Pub. L. 108–447, div. J, title VIII, § 813(a), Dec. 8, 2004, 118 Stat. 3390, as amended by Pub. L. 109–54, title I, § 132(a), Aug. 2, 2005, 119 Stat. 526.

AMENDMENTS

1987—Pub. L. 100–203 amended last sentence generally. Prior to amendment, last sentence read as follows: "Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury."

[1] See References in Text note below.

§ 460*l*–6a. Admission and special recreation use fees

(a) to (g). Repealed. Pub. L. 108–447, div. J, title VIII, § 813(a), Dec. 8, 2004, 118 Stat. 3390, as amended by Pub. L. 109–54, title I, § 132(a), Aug. 2, 2005, 119 Stat. 526

(h) Repealed. Pub. L. 104–66, title I, § 1081(f), Dec. 21, 1995, 109 Stat. 721

(i) Covering of fees collected into special account for agency established in Treasury

(1)(A), (B) Repealed. Pub. L. 108–447, div. J, title VIII, § 813(a), Dec. 8, 2004, 118 Stat. 3390, as amended by Pub. L. 109–54, title I, § 132(a), Aug. 2, 2205, 119 Stat. 526.

(C) UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

(i) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (16 U.S.C. 460*l*–6a note; Public Law 105–83), the Secretary of the Interior shall withhold from the special account under section 6806(a) of this title 100 percent of the fees and charges collected in connection with any unit of the National Park System at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

(ii) USE OF AMOUNTS.—Amounts withheld under clause (i) shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary for the unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.

(2) to (4) Repealed. Pub. L. 108–447, div. J, title VIII, § 813(a), Dec. 8, 2004, 118 Stat. 3390, as amended by Pub. L. 109–54, title I, § 132(a), Aug. 2, 2205, 119 Stat. 526.

(j) Funds available to National Park Service; required allocations; computations; unexpended funds

(1) 10 percent of the funds made available to the Director of the National Park Service under subsection (i) of this section in each fiscal year shall be allocated among units of the National Park System on the basis of need in a manner to be determined by the Director.

(2) 40 percent of the funds made available to the Director of the National Park Service under subsection (i) of this section in each fiscal year shall be allocated among units of the National Park System in accordance with paragraph (3) of this subsection and 50 percent shall be allocated in accordance with paragraph (4) of this subsection.

(3) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the operating expenses at that unit during the prior fiscal year by the total operating expenses at all units during the prior fiscal year.

(4) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the user fees and admission fees collected under this section at that unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all units during the prior fiscal year.

(5) Amounts allocated under this subsection to any unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that unit until expended.

(k) Selling of permits and collection of fees by volunteers at designated areas; collecting agency duties; surety bonds; selling of annual admission permits by public and private entities under arrangements with collecting agency head

When authorized by the head of the collecting agency, volunteers at designated areas may sell permits and collect fees authorized or established pursuant to this section. The head of such agency shall ensure that such volunteers have adequate training regarding—

(1) the sale of permits and the collection of fees,

(2) the purposes and resources of the areas in which they are assigned, and

(3) the provision of assistance and information to visitors to the designated area.

The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the collecting agency may be used to cover the cost of any such surety bond. The head of the collecting agency may enter into arrangements with qualified public or private entities pursuant to which such entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. Such arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of such permits at or before the agency delivers the permits to such entity for sale.

(*l*) Charge for transportation provided by National Park Service for viewing National Park System units; charge in lieu of admission fee; maximum charge; apportionment and expenditure of charges

(1) Where the National Park Service provides transportation to view all or a portion of any unit of the National Park System, the Director may impose a charge for such service in lieu of an admission fee under this section. The charge imposed under this paragraph shall not exceed the maximum admission fee under subsection (a)[1] of this section.

(2) Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the unit of the National Park System at which the service was provided. The remainder shall be covered into the special account referred to in subsection (i)[1] of this section in the same manner as receipts

[1] See References in Text note below.

from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at such units.

(m) Admission fee at National Park System units where primary public access is provided by concessioner; maximum fee

Where the primary public access to a unit of the National Park System is provided by a concessioner, the Secretary may charge an admission fee at such units only to the extent that the total of the fee charged by the concessioner for access to the unit and the admission fee does not exceed the maximum amount of the admission fee which could otherwise be imposed under subsection (a)[1] of this section.

(n) Commercial tour use fees

(1) In the case of each unit of the National Park System for which an admission fee is charged under this section, the Secretary of the Interior shall establish, by October 1, 1993, a commercial tour use fee to be imposed on each vehicle entering the unit for the purpose of providing commercial tour services within the unit. Fee revenue derived from such commercial tour use fees shall be deposited into the special account established under subsection (i)[1] of this section.

(2) The Secretary shall establish the amount of fee per entry as follows:

(A) $25 per vehicle with a passenger capacity of 25 persons or less, and

(B) $50 per vehicle with a passenger capacity of more than 25 persons.

(3) The Secretary may periodically make reasonable adjustments to the commercial tour use fee imposed under this subsection.

(4) The commercial tour use fee imposed under this subsection shall not apply to either of the following:

(A) Any vehicle transporting organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

(B) Any vehicle entering a park system unit pursuant to a contract issued under the Act of October 9, 1965 (16 U.S.C. 20–20g)[1] entitled ''An Act relating to the establishment of concession policies in the areas administered by the National Park Service and for other purposes.''

(5)(A) The provisions of this subsection shall apply to aircraft entering the airspace of units of the National Park System identified in section 2(b) and section 3 of Public Law 100–91 for the specific purpose of providing commercial tour services within the airspace of such units.

(B) The provisions of this subsection shall also apply to aircraft entering the airspace of other units of the National Park System for the specific purpose of providing commercial tour services if the Secretary determines that the level of such services is equal to or greater than the level at those units of the National Park System specified in subparagraph (A).

(Pub. L. 88–578, title I, § 4, as added Pub. L. 92–347, § 2, July 11, 1972, 86 Stat. 459; amended Pub. L. 93–81, §§ 1, 2, Aug. 1, 1973, 87 Stat. 178, 179; Pub. L. 93–303, § 1, June 7, 1974, 88 Stat. 192; Pub. L. 96–344, § 9, Sept. 8, 1980, 94 Stat. 1135; Pub. L. 100–203, title V, § 5201(a)–(c), Dec. 22, 1987, 101 Stat. 1330–263, 1330–264; Pub. L. 103–66, title V, § 5001(b), title X, §§ 10001, 10002, Aug. 10, 1993, 107 Stat. 379, 402, 403; Pub. L. 103–437, § 6(p)(1), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104–66, title I, § 1081(f), Dec. 21, 1995, 109 Stat. 721; Pub. L. 105–327, § 1, Oct. 30, 1998, 112 Stat. 3055; Pub. L. 108–447, div. J, title VIII, § 813(a), Dec. 8, 2004, 118 Stat. 3390; Pub. L. 109–54, title I, § 132(a), (b), Aug. 2, 2005, 119 Stat. 526.)

REFERENCES IN TEXT

Subsections (a) and (i) (except par. (1)(C)) of this section, referred to in subsecs. (*l*) to (n), were repealed by Pub. L. 108–447, div. J, title VIII, § 813(a), Dec. 8, 2004, 118 Stat. 3390.

Act of October 9, 1965, referred to in subsec. (n)(4)(B), is Pub. L. 89–249, Oct. 9, 1965, 79 Stat. 969, known as the National Park System Concessions Policy Act, which was classified generally to subchapter IV (§ 20 et seq.) of this chapter, prior to repeal by Pub. L. 105–391, title IV, § 415(a), Nov. 13, 1998, 112 Stat. 3515.

Public Law 100–91, referred to in subsec. (n)(5)(A), is set out as a note under section 1a–1 of this title.

PRIOR PROVISIONS

A prior section 4 of Pub. L. 88–578 was renumbered section 5 and is classified to section 460*l*–7 of this title.

AMENDMENTS

2005—Pub. L. 109–54, § 132(a), amended Pub. L. 108–447, § 813(a). See 2004 Amendment notes below.

Subsec. (i)(1)(C)(i). Pub. L. 109–54, § 132(b), substituted ''Notwithstanding section 107'' for ''Notwithstanding subparagraph (A), section 315(c) of section 101(c) of the Omnibus Consolidated Recessions and Appropriations Act of 1996 (16 U.S.C. 460*l*–6a note; Public Law 104–134), or section 107'' and ''account under section 6806(a) of this title'' for ''account under subparagraph (A)''.

2004—Subsecs. (a) to (g). Pub. L. 108–447, § 813(a), as amended by Pub. L. 109–54, § 132(a), struck out subsec. (a) relating to admission fees, Golden Eagle and Golden Age Passports, and permits, subsec. (b) relating to recreation use fees, collection, campgrounds at lakes or reservoirs, and fees for Golden Age passport permittees, subsec. (c) relating to special recreation permits, subsec. (d) relating to criteria, posting, and uniformity of fees, subsec. (e) relating to establishment of rules and regulations, enforcement powers, and penalty for violations, subsec. (f) relating to contracts with any public or private entity to provide visitor registration services, and subsec. (g) relating to effect on Federal and State laws.

Subsec. (i). Pub. L. 108–447, § 813(a), as amended by Pub. L. 109–54, § 132(a), struck out subsec. (i), relating to covering fees collected into special account for agency established in Treasury, covered agencies, availability of funds, and allocation of National Park Service funds, except for paragraph (1)(C), relating to units at which entrance fees or admissions fees cannot be collected.

1998—Subsec. (i)(1)(C). Pub. L. 105–327 added subpar. (C).

1995—Subsec. (h). Pub. L. 104–66 struck out subsec. (h) which read as follows: ''Periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data, shall be coordinated and compiled by the Bureau of Outdoor Recreation and transmitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such reports, which shall be transmitted no later than March 31 annually, shall include any recommendations which the

Bureau may have with respect to improving this aspect of the land and water conservation fund program.''

1994—Subsec. (h). Pub. L. 103–437 substituted ''Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate'' for ''Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate''.

1993—Subsec. (a). Pub. L. 103–66, § 10001(a), in first sentence inserted ''or National Conservation Areas'' after ''National Park System'' and '', National Monuments, National Volcanic Monuments, National Scenic Areas, and no more than 21 areas of concentrated public use'' after ''National Recreation Areas'' and inserted new second sentence defining ''area of concentrated public use''.

Subsec. (a)(1)(A). Pub. L. 103–66, § 10002(d), (e), designated existing provisions as cl. (i), substituted ''The annual permit shall be valid for a period of 12 months from the date the annual fee is paid'' for ''The annual permit shall be valid during the calendar year for which the annual fee is paid'', and added cl. (ii).

Subsec. (a)(4). Pub. L. 103–66, § 10001(b), substituted ''for a one-time charge of $10'' for ''without charge''.

Subsec. (b). Pub. L. 103–66, § 10002(a)(1), in first sentence, substituted ''or toilet facilities, nor shall there be any such charge solely for the use of picnic tables: *Provided*, That in no event shall there be a charge for the use of any campground not having a majority of the following: tent or trailer spaces, picnic tables, drinking water, access road, refuse containers, toilet facilities, personal collection of the fee by an employee or agent of the Federal agency operating the facility, reasonable visitor protection, and simple devices for containing a campfire (where campfires are permitted).'' for ''toilet facilities, picnic tables, or boat ramps: *Provided, however*, That a fee shall be charged for boat launching facilities only where specialized facilities or services such as mechanical or hydraulic boat lifts or facilities are provided: *And provided further*, That in no event shall there be a charge for the use of any campground not having the following—tent or trailer spaces, drinking water, access road, refuse containers, toilet facilities, personal collection of the fee by an employee or agent of the Federal agency operating the facility, reasonable visitor protection, and simple devices for containing a campfire (where campfires are permitted).'', and inserted new second sentence defining ''specialized outdoor recreation sites''.

Pub. L. 102–66, §§ 5001(b) and 10002(a)(2), amended subsec. (b) identically, striking out second sentence which read as follows: ''At each lake or reservoir under the jurisdiction of the Corps of Engineers, United States Army, where camping is permitted, such agency shall provide at least one primitive campground, containing designated campsites, sanitary facilities, and vehicular access, where no charge shall be imposed.''

Subsec. (i)(1). Pub. L. 103–66, § 10002(b), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (n). Pub. L. 103–66, § 10002(c), added subsec. (n).

1987—Subsec. (a)(1). Pub. L. 100–203, § 5201(a)(1), (2), designated existing provisions as subpar. (A) and substituted ''$25'' for ''$10'', and added subpar. (B).

Subsec. (a)(2). Pub. L. 100–203, § 5201(a)(3), inserted at end ''The fee for a single-visit permit at any designated area applicable to those persons entering by private, noncommercial vehicle shall be no more than $5 per vehicle. The single-visit permit shall admit the permittee and all persons accompanying him in a single vehicle. The fee for a single-visit permit at any designated area applicable to those persons entering by any means other than a private noncommercial vehicle shall be no more than $3 per person. Except as otherwise provided in this subsection, the maximum fee amounts set forth in this paragraph shall apply to all designated areas.''

Subsec. (a)(3). Pub. L. 100–203, § 5201(a)(4), inserted at end ''Notwithstanding any other provision of this part, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations.''

Subsec. (a)(6) to (12). Pub. L. 100–203, § 5201(a)(5), added pars. (6) to (12).

Subsec. (f). Pub. L. 100–203, § 5201(b), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: ''Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees which are collected by any Federal agency shall be covered into a special account in the Treasury of the United States to be administered in conjunction with, but separate from, the revenues in the Land and Water Conservation Fund: *Provided*, That the head of any Federal agency, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services; and any such contract may provide that the contractor shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency. Revenues in the special account shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected: *Provided, however*, That not more than forty per centum of the amount so credited may be appropriated during the five fiscal years following the enactment of this Act for the enhancement of the fee collection system established by this section, including the promotion and enforcement thereof.''

Subsecs. (i) to (m). Pub. L. 100–203, § 5201(c), added subsecs. (i) to (m).

1980—Subsec. (a)(2). Pub. L. 96–344, § 9(1), substituted provision defining ''single visit'' as a more or less continuous stay within a designated area and providing that payment of a single visit admission authorizes exits from and reentries to a single designated area for a period of from one to fifteen days, such period to be determined by the administrating Secretary, for provision defining ''single visit'' as the length of time a visitor remained within the exterior boundary of a designated fee area beginning from the first day he entered until he left, except that on the same day the admission fee was paid, the visitor could leave and reenter without paying an additional admission fee.

Subsec. (a)(5). Pub. L. 96–344, § 9(2), added par. (5).

Subsec. (b). Pub. L. 96–344, § 9(3), inserted '', or permittee under paragraph (5) of subsection (a) of this section,'' after ''Passport permittee''.

1974—Subsec. (a). Pub. L. 93–303, § 1(b), inserted ''which are operated and maintained by a Federal agency and'' after ''areas''.

Subsec. (a)(1). Pub. L. 93–303, § 1(c), among other changes, substituted ''The permittee'' for ''Any person purchasing the annual permit'', inserted provisions authorizing the permittee and his spouse, children, and parents accompanying him to enter an area where entry is by any means other than private, noncommercial vehicles, changed provisions which relate to the purchase of the annual permit to allow its sale at any designated area instead of through the offices of the Secretary of the Interior and the Secretary of Agriculture, through all post offices of the first- and second-class, and at such other offices as the Postmaster General directed, and struck out provisions which empowered the Secretary of the Interior to transfer to the Postal Service from the permit receipts such funds as are adequate to reimburse the Postal Service for the cost of the service.

Subsec. (a)(2). Pub. L. 93–303, § 1(d), struck out ''or who enter such an area by means other than by private, noncommercial vehicle'' after ''annual permit'' in first sentence. See subsec. (a)(1) of this section.

Subsec. (a)(4). Pub. L. 93–303, § 1(e), substituted ''a lifetime admission permit'' for ''an annual entrance

permit'', limited the issuance of this permit to citizens of, or persons domiciled in the United States, and inserted provisions to allow the permittee and his spouse and children accompanying him to enter an area which entry is by any means other than private, noncommercial vehicle.

Subsec. (b). Pub. L. 93–303, §1(f), (g), among other changes, substituted ''daily recreation use fee'' for ''special recreation use fees'', authorized a fee for boat launching facilities where specialized facilities or services such as mechanical or hydraulic boat lifts or facilities are provided, required the Corps of Engineers to provide at least one primitive campground where no charge shall be imposed at each lake or reservoir under its jurisdiction, incorporated provisions formerly in subsec. (b)(1) allowing any Golden Age Passport permittee to utilize the recreation facilities at a rate of 50 per centum of the established use fee, struck out the remainder of former subsec. (b)(1) which related to determination of daily use fees for overnight occupancy, and redesignated former subsec. (b)(2) as (c).

Subsec. (c). Pub. L. 93–303, §1(g), redesignated subsec. (b)(2) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 93–303, §1(g), (h), redesignated subsec. (c) as (d), and substituted therein ''a fee has been established pursuant to this section'' for ''an admission fee or special recreation use fee has been established''.

Subsec. (e). Pub. L. 93–303, §1(g), (i), redesignated subsec. (d) as (e), and substituted therein ''collection of any fee established pursuant to this section'' for ''collection of any entrance fee and/or special recreation use fee, as the case may be''.

Subsec. (f). Pub. L. 93–303, §1(g), (j), redesignated subsec. (e) as (f), and inserted provisions therein empowering the head of any Federal agency to contract with any public or private entity to provide visitor reservation services.

Subsecs. (g), (h). Pub. L. 93–303, §1(g), redesignated subsecs. (f) and (g) as (g) and (h), respectively.

1973—Subsec. (a)(2). Pub. L. 93–81, §2, inserted definition of ''single visit''.

Subsec. (b). Pub. L. 93–81, §1, inserted in opening paragraph the proviso that there shall be no charge for the day use or recreational use of facilities such as picnic areas, boat ramps, where no mechanical or hydraulic equipment is provided, drinking water, wayside exhibits, roads, trails, overlook sites, visitors' centers, scenic drives and toilet facilities and that no fee be charged for access to or use of campground not having flush restrooms, showers, access and circulatory roads, sanitary disposal stations, visitor protection control, designated tent or trailer spaces, refuse containers and potable water.

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 section 6812 of this title and enacting provisions set out as a note under this section] and the amendments made by this section take effect as of December 8, 2004.''

SAVINGS PROVISION FOR 2004 AMENDMENT

For authority of Secretary to continue to issue Golden Eagle Passports, Golden Age Passports, and Golden Access Passports under this section until Dec. 19, 2006, see section 6812(a) of this title.

CONSTRUCTION

Pub. L. 109–54, title I, §132(c), Aug. 2, 2005, 119 Stat. 526, provided that: ''Except as provided in this section [amending this section and section 6812 of this title and enacting provisions set out as a note under this section], section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section [Pub. L. 108–447, amending this section]) had not been enacted.''

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with rights-of-way across recreation lands issued under this part and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this part with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

NATIONAL PARK SERVICE ENTRANCE AND RECREATIONAL USE FEES

Pub. L. 106–176, title III, §310, Mar. 10, 2000, 114 Stat. 34, provided that:

''(a) The Secretary of the Interior is authorized to retain and expend revenues from entrance and recreation use fees at units of the National Park System where such fees are collected under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a), notwithstanding the provisions of section 4(i) of such Act. Fees shall be retained and expended in the same manner and for the same purposes as provided under the Recreational Fee Demonstration Program (section 315 of Public Law 104–134, as amended (16 U.S.C. 460l–6a note)[)].

''(b) Nothing in this section shall affect the collection of fees at units of the National Park System designated as fee demonstration projects under the Recreational Fee Demonstration Program.

''(c) The authorities in this section shall expire upon the termination of the Recreational Fee Demonstration Program.''

RECREATION USER FEES

Pub. L. 106–53, title II, §225, Aug. 17, 1999, 113 Stat. 297, provided that:

''(a) WITHHOLDING OF AMOUNTS.—

''(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary [of the Army] may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of $34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460*l*–6a(b)).

''(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

''(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

''(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

''(1) repair and maintenance projects (including projects relating to health and safety);

''(2) interpretation;

''(3) signage;

''(4) habitat or facility enhancement;

''(5) resource preservation;

''(6) annual operation (including fee collection);

''(7) maintenance; and

''(8) law enforcement related to public use.

''(c) AVAILABILITY.—Each amount withheld by the Secretary [of the Army] shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.''

RECREATIONAL FEE DEMONSTRATION PROGRAM

Pub. L. 108–447, div. E, title III, § 319, Dec. 8, 2004, 118 Stat. 3097, provided that: ''A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended [Pub. L. 104–134, title I, § 101(c), formerly set out below], shall not result in—

''(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency; and

''(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

''(A) the private sector provider fails to bid on such opportunities;

''(B) the private sector provider terminates its relationship with the agency; or

''(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108–108, title III, § 319, Nov. 10, 2003, 117 Stat. 1306.

Pub. L. 108–7, div. F, title III, § 319, Feb. 20, 2003, 117 Stat. 274.

Pub. L. 107–63, title III, § 325, Nov. 5, 2001, 115 Stat. 470.

Pub. L. 106–291, title III, § 334, Oct. 11, 2000, 114 Stat. 997.

Pub. L. 106–113, div. B, § 1000(a)(3) [title III, § 344], Nov. 29, 1999, 113 Stat. 1535, 1501A–203.

Pub. L. 105–83, title I, § 107, Nov. 14, 1997, 111 Stat. 1561, provided that: ''In fiscal year 1998 and thereafter, for those years in which the recreation fee demonstration program authorized in Public Law 104–134 [set out below] is in effect, the fee collection support authority provided in 16 U.S.C. 460*l*–6(i)(1)(B) applies only to parks not included in the fee demonstration program, and that the amount retained under this authority to cover fee collection costs will not exceed those costs at the non-demonstration parks, or 15 percent of all fees collected at non-demonstration parks in a fiscal year whichever is less. Fee collection costs for parks included in the fee demonstration program will be covered by the fees retained at those parks.''

Pub. L. 104–134, title I, § 101(c) [title III, § 315], Apr. 26, 1996, 110 Stat. 1321–156, 1321–200; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327, as amended by Pub. L. 104–208, div. A, title I, § 101(d) [title I, title III, § 319], Sept. 30, 1996, 110 Stat. 3009–181, 3009–187, 3009–223; Pub. L. 105–18, title II, § 5001, June 12, 1997, 111 Stat. 181; Pub. L. 105–83, title III, § 320, Nov. 14, 1997, 111 Stat. 1596; Pub. L. 105–277, div. A, § 101(e) [title III, § 327], Oct. 21, 1998, 112 Stat. 2681–231, 2681–291; Pub. L. 106–291, title III, § 336, Oct. 11, 2000, 114 Stat. 997; Pub. L. 107–63, title III, § 312, Nov. 5, 2001, 115 Stat. 466; Pub. L. 108–108, title III, § 332, Nov. 10, 2003, 117 Stat. 1309; Pub. L. 108–447, div. E, title III, § 331, Dec. 8, 2004, 118 Stat. 3099, directed the Secretary of the Interior and Secretary of Agriculture to implement fee programs to demonstrate the feasibility of user-generated cost recovery for operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands and to establish various requirements for carrying out the pilot programs, prior to repeal by Pub. L. 108–447, div. J, title VIII, § 813(b), Dec. 8, 2004, 118 Stat. 3390.

STUDY TO ASSESS TRAFFIC CONGESTION AND OVERCROWDING AT CERTAIN PARK SYSTEM UNITS

Section 5201(e) of Pub. L. 100–203 directed Secretary of the Interior to assess extent to which traffic congestion and overcrowding occurs at certain park system units during times of seasonally high usage and to conduct a study of (A) feasibility of reducing vehicular traffic within national park system units through fee reductions for visitors traveling by bus and through other means which could shift visitation from automobiles to buses, and (B) feasibility of encouraging more even seasonal distribution of visitation, with study to include a pilot project to be carried out in Yosemite National Park, and a report containing results of study to be transmitted to Committee on Interior and Insular Affairs of House of Representatives and to Committee on Energy and Natural Resources of Senate within 3 years after Dec. 22, 1987.

PROHIBITION ON ENTRANCE FEE AT STATUE OF LIBERTY NATIONAL MONUMENT

Pub. L. 100–55, June 19, 1987, 101 Stat. 371, provided: ''That, notwithstanding any other provision of law, after the date of enactment of this Act [June 19, 1987], the Secretary of the Interior shall not charge any entrance or admission fee at the Statue of Liberty National Monument, New Jersey and New York.''

ESTABLISHMENT AND COLLECTION OF USE OR ROYALTY FEES FOR MANUFACTURE, REPRODUCTION, OR USE OF ''GOLDEN EAGLE INSIGNIA''

Section 3(a) of Pub. L. 92–347 provided that: ''The Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of 'The Golden Eagle Insignia', originated by the Department of the Interior and announced in the December 3, 1970, issue of the Federal Register (35 Federal Register 18376) as the official symbol for Federal recreation areas designated for recreation fee collection. Any fees collected pursuant to this subsection shall be covered into the Land and Water Conservation Fund.''

TERMINATION OF RIGHTS IN ''GOLDEN EAGLE INSIGNIA''

Section 3(d) of Pub. L. 92–347 provided that: ''The rights in 'The Golden Eagle Insignia' under this Act [which enacted this section and section 715 of title 18, enacted notes set out hereunder, and repealed note set out under section 460*l*–5 of this title], shall terminate if the use by the Secretary of the Interior of 'The Golden Eagle Insignia' is abandoned. Nonuse for a continuous period of two years shall constitute abandonment.''

§ 460*l*–6b. Repealed. Pub. L. 100–203, title V, § 5201(d)(2), Dec. 22, 1987, 101 Stat. 1330–267

Section, Pub. L. 96–87, title IV, § 402, Oct. 12, 1979, 93 Stat. 666; Pub. L. 96–487, title II, § 202(3)(a), Dec. 2, 1980, 94 Stat. 2382, prohibited entrance or admission fees in excess of amounts in effect Jan. 1, 1979, at any unit of National Park System and user fees for transportation services and facilities in Denali National Park, Alaska.

§ 460*l*–6c. Admission, entrance, and recreation fees

(a) Definitions

As used in this section:

(1) Area of concentrated public use

The term ''area of concentrated public use'' means an area administered by the Secretary that meets each of the following criteria:

(A) The area is managed primarily for outdoor recreation purposes.

(B) Facilities and services necessary to accommodate heavy public use are provided in the area.

(C) The area contains at least 1 major recreation attraction.

(D) Public access to the area is provided in such a manner that admission fees can be efficiently collected at 1 or more centralized locations.

(2) Boat launching facility

The term ''boat launching facility'' includes any boat launching facility, regardless of whether specialized facilities or services, such as mechanical or hydraulic boat lifts or facilities, are provided.

(3) Campground

The term ''campground'' means any campground where a majority of the following amenities are provided, as determined by the Secretary:

(A) Tent or trailer spaces.

(B) Drinking water.

(C) An access road.

(D) Refuse containers.

(E) Toilet facilities.

(F) The personal collection of recreation use fees by an employee or agent of the Secretary.

(G) Reasonable visitor protection.

(H) If campfires are permitted in the campground, simple devices for containing the fires.

(4) Secretary

The term ''Secretary'' means the Secretary of Agriculture.

(b) Authority to impose fees

The Secretary may charge—

(1) admission or entrance fees at national monuments, national volcanic monuments, national scenic areas, and areas of concentrated public use administered by the Secretary; and

(2) recreation use fees at lands administered by the Secretary in connection with the use of specialized outdoor recreation sites, equipment, services, and facilities, including visitors' centers, picnic tables, boat launching facilities, and campgrounds.

(c) Amount of fees

The amount of the admission, entrance, and recreation fees authorized to be imposed under this section shall be determined by the Secretary.

(Pub. L. 103–66, title I, § 1401, Aug. 10, 1993, 107 Stat. 331.)

CODIFICATION

Section was enacted as part of the Agricultural Reconciliation Act of 1993 and as part of the Omnibus Budget Reconciliation Act of 1993, and not as part of the Land and Water Conservation Fund Act of 1965 which comprises this part.

§ 460*l*–6d. Commercial filming

(a) Commercial filming fee

The Secretary of the Interior and the Secretary of Agriculture (hereafter individually referred to as the ''Secretary'' with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

(1) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

(2) The size of the film crew present on Federal land under the Secretary's jurisdiction.

(3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(b) Recovery of costs

The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a) of this section.

(c) Still photography

(1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

(d) Protection of resources

The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) that the activity poses health or safety risks to the public.

(e) Use of proceeds

(1) All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104–134). All fees collected shall remain available until expended.

(2) All costs recovered under this section shall be available for expenditure by the Secretary,

without further appropriation, at the site where collected. All costs recovered shall remain available until expended.

(f) Processing of permit applications

The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.

(Pub. L. 106–206, § 1, May 26, 2000, 114 Stat. 314.)

REFERENCES IN TEXT

Public Law 104–134, referred to in subsec. (e)(1), is Pub. L. 104–134, Apr. 26, 1996, 110 Stat. 1321, known as the Omnibus Consolidated Rescissions and Appropriations Act of 1996. The Recreational Fee Demonstration Program was authorized by Pub. L. 104–134, title I, § 101(c) [title III, § 315], Apr. 26, 1996, 110 Stat. 1321–156, 1321–200, as amended, which was set out as a note under section 460*l*–6a of this title, prior to repeal by Pub. L. 108–447, div. J, title VIII, § 813(b), Dec. 8, 2004, 118 Stat. 3390. For complete classification of Pub. L. 104–134 to the Code, see Tables.

CODIFICATION

Section was not enacted as part of the Land and Water Conservation Fund Act of 1965 which comprises this part.

§ 460*l*–7. Allocation of land and water conservation fund for State and Federal purposes

There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. Not less than 40 per centum of such appropriations shall be available for Federal purposes. Those appropriations from the fund up to and including $600,000,000 in fiscal year 1978 and up to and including $750,000,000 in fiscal year 1979 shall continue to be allocated in accordance with this section. There shall be credited to a special account within the fund $300,000,000 in fiscal year 1978 and $150,000,000 in fiscal year 1979 from the amounts authorized by section 460*l*–5 of this title. Amounts credited to this account shall remain in the account until appropriated. Appropriations from the special account shall be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifth Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries, as aforesaid, of—

(1) the national park system;

(2) national scenic trails;

(3) the national wilderness preservation system;

(4) federally administered components of the National Wild and Scenic Rivers System; and

(5) national recreation areas administered by the Secretary of Agriculture.

(Pub. L. 88–578, title I, § 5, formerly § 4, Sept. 3, 1964, 78 Stat. 900; Pub. L. 90–401, § 3, July 15, 1968, 82 Stat. 355; renumbered § 5, Pub. L. 92–347, § 2, July 11, 1972, 86 Stat. 459; amended Pub. L. 94–273, § 3(4), Apr. 21, 1976, 90 Stat. 376; Pub. L. 94–422, title I, § 101(2), Sept. 28, 1976, 90 Stat. 1314; Pub. L. 95–42, § 1(2), June 10, 1977, 91 Stat. 210.)

REFERENCES IN TEXT

The convening of the Ninety-fifth Congress, referred to in text, took place on Jan. 4, 1977.

PRIOR PROVISIONS

A prior section 5 of Pub. L. 88–578 was renumbered section 6 and is classified to section 460*l*–8 of this title.

AMENDMENTS

1977—Pub. L. 95–42 inserted last four sentences providing that appropriations from the fund up to and including $600,000,000 in fiscal year 1978 and up to and including $750,000,000 in fiscal year 1979 continue to be allocated in accordance with this section, that there be credited to a special account within the fund $300,000,000 in fiscal year 1978 and $150,000,000 in fiscal year 1979 from the amounts authorized by section 460*l*–5 of this title, that amounts credited to this account remain in the account until appropriated, and that appropriations from the special account be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifth Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries of the national park system, national scenic trails, the national wilderness preservation system, federally administered components of the National Wild and Scenic Rivers System, and national recreation areas administered by the Secretary of Agriculture.

1976—Pub. L. 94–422 revised subsec. (a), striking out designation ''(a)'' and striking out provisions relating to the authority of the President to vary percentages of the fund to be made available to the States and Federal government, and struck out subsec. (b) relating to advance appropriations to be allocated for State and Federal purposes and the schedule and procedure for repayment of such appropriations.

Subsec. (b). Pub. L. 94–273 substituted ''October'' for ''July'' wherever appearing.

1968—Subsec. (b). Pub. L. 90–401 substituted ''until the end of fiscal year 1969'' for ''for a total of eight years'' in provision spelling out the term during which the advance appropriations are authorized from moneys in the Treasury not otherwise appropriated in amounts averaging not more than $60,000,000 for each fiscal year.

§ 460*l*–8. Financial assistance to States

(a) Authority of Secretary of the Interior; payments to carry out purposes of land and water conservation provisions

The Secretary of the Interior (hereinafter referred to as the ''Secretary'') is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this part, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(b) Apportionment among States; finality of administrative determination; formula; notification; reapportionment of unobligated amounts; definition of State

Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) Forty per centum of the first $225,000,000; thirty per centum of the next $275,000,000; and twenty per centum of all additional appropriations shall be apportioned equally among the several States; and[1]

[1] So in original. Probably should end with period instead of ''; and''.

(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this part. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

(3) The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 10 per centum of the total amount allocated to the several States in any one year.

(4) The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection.

(5) For the purposes of paragraph (1) of this subsection, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (when such islands achieve Commonwealth status) shall be treated collectively as one State, and shall receive shares of such apportionment in proportion to their populations. The above listed areas shall be treated as States for all other purposes of sections 460*l*–4 to 460*l*–6a and 460*l*–7 to 460*l*–10e of this title.

(c) Matching requirements

Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to September 3, 1964.

(d) Comprehensive State plan; necessity; adequacy; contents; correlation with other plans; factors for formulation of Housing and Home Finance Agency financed plans; planning projects; wetlands consideration; wetlands priority plan

A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this part: *Provided*, That no plan shall be approved unless the Governor of the respective State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the Governor. The plan shall contain—

(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this part;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this part shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

For fiscal year 1988 and thereafter each comprehensive statewide outdoor recreation plan shall specifically address wetlands within that State as an important outdoor recreation resource as a prerequisite to approval, except that a revised comprehensive statewide outdoor recreation plan shall not be required by the Secretary, if a State submits, and the Secretary, acting through the Director of the National Park Service, approves, as a part of and as an addendum to the existing comprehensive statewide outdoor recreation plan, a wetlands priority plan developed in consultation with the State agency with responsibility for fish and wildlife resources and consistent with the national wetlands priority conservation plan developed under section 3921 of this title or, if such national plan has not been completed, consistent with the provisions of that section[2]

(e) Projects for land and water acquisition; development

In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) For the acquisition of land, waters, or interests in land or waters, or wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

[2] So in original. Probably should be followed by a period.

Whenever a State provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 4623, 4624, 4625, and 4626 of title 42 and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(2) For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more: *Provided*, That no assistance shall be available under this part to enclose or shelter facilities normally used for outdoor recreation activities, but the Secretary may permit local funding, and after September 28, 1976, not to exceed 10 per centum of the total amount allocated to a State in any one year to be used for sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use thereby made possible justifies the construction of such facilities.

(f) Requirements for project approval; conditions; progress payments; payments to Governors or State officials or agencies; State transfer of funds to public agencies; conversion of property to other uses; reports to Secretary; accounting; records; audit; discrimination prohibited

(1) Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this part. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

(2) Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.:[3] *Provided*, That wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.

(4) No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this part, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this part.

(5) Each recipient of assistance under this part shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(6) The Secretary, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this part.

(7) Repealed. Pub. L. 104–333, div. I, title VIII, § 814(d)(1)(H), Nov. 12, 1996, 110 Stat. 4196.

(8) With respect to property acquired or developed with assistance from the fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

(g) Coordination with Federal agencies

In order to assure consistency in policies and actions under this part with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 [42 U.S.C. 1500 et seq.] and section 701[4] of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regula-

[3] So in original. The period probably should not appear.

[4] See References in Text note below.

tions with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

(h) Capital improvement and other projects to reduce crime

(1) Availability of funds

In addition to assistance for planning projects, and in addition to the projects identified in subsection (e) of this section, and from amounts appropriated out of the Violent Crime Reduction Trust Fund, the Secretary may provide financial assistance to the States, not to exceed $15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

(A) increase lighting within or adjacent to public parks and recreation areas;

(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

(C) increase security personnel within or adjacent to public parks and recreation areas; and

(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

(2) Eligibility

In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection shall be dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

(3) Federal share

Notwithstanding subsection (c) of this section, the Secretary may provide 70 percent improvement grants for projects undertaken by any State for the purposes described in this subsection, and the remaining share of the cost shall be borne by the State.

(Pub. L. 88–578, title I, §6, formerly §5, Sept. 3, 1964, 78 Stat. 900; renumbered §6, Pub. L. 92–347, §2, July 11, 1972, 86 Stat. 459; amended Pub. L. 93–303, §2, June 7, 1974, 88 Stat. 194; Pub. L. 94–422, title I, §101(3), Sept. 28, 1976, 90 Stat. 1314; Pub. L. 95–625, title VI, §606, Nov. 10, 1978, 92 Stat. 3519; Pub. L. 99–645, title III, §303, Nov. 10, 1986, 100 Stat. 3587; Pub. L. 103–322, title IV, §40133, Sept. 13, 1994, 108 Stat. 1918; Pub. L. 103–437, §6(p)(2), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104–333, div. I, title VIII, §814(d)(1)(H), Nov. 12, 1996, 110 Stat. 4196.)

REFERENCES IN TEXT

This part, referred to in text, 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 460*l*–4 of this title and Tables.

The Housing Act of 1961, referred to in subsec. (g), is Pub. L. 87–70, June 30, 1961, 75 Stat. 149, as amended. Title VII of the Housing Act of 1961 was classified generally to chapter 8C (§1500 et seq.) of Title 42, The Public Health and Welfare, and was omitted from the Code pursuant to section 5316 of Title 42 which terminated authority to make grants or loans under title VII of that Act after Jan. 1, 1975. For complete classification of this Act to the Code, see Short Title of 1961 Amendment note set out under section 1701 of Title 12, Banks and Banking, and Tables.

Section 701 of the Housing Act of 1954, referred to in subsec. (g), is section 701 of act Aug. 2, 1954, ch. 649, title VII, 68 Stat. 640, as amended, which was classified to section 461 of former Title 40, Public Buildings, Property, and Works, and was repealed by Pub. L. 97–35, title III, §313(b), Aug. 13, 1981, 95 Stat. 398.

PRIOR PROVISIONS

A prior section 6 of Pub. L. 88–578 was renumbered section 7 and is classified to section 460*l*–9 of this title.

AMENDMENTS

1996—Subsec. (f)(7). Pub. L. 104–333 struck out par. (7) relating to annual State evaluations, lists of funded projects, and reports.

1994—Subsec. (f)(7). Pub. L. 103–437 substituted ''Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate'' for ''Committees on Interior and Insular Affairs of the United States Congress''.

Subsec. (h). Pub. L. 103–322 added subsec. (h).

1986—Subsec. (d). Pub. L. 99–645, §303(1), inserted provision requiring that for fiscal year 1988 and thereafter, each comprehensive statewide outdoor recreation plan specifically address wetlands within the State as an important outdoor recreation resource, or alternatively, submission of a wetlands priority plan developed in consultation with the State agency responsible for fish and wildlife resources in the State.

Subsec. (e)(1). Pub. L. 99–645, §303(2), inserted '', or wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan''.

Subsec. (f)(3). Pub. L. 99–645, §303(3), inserted provision that wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.

1978—Subsec. (f)(7). Pub. L. 95–625 provided that grant program evaluations be transmitted so as to be received by the Secretary no later than December 31 and that reports to Congressional committees be made by no later than March 1 of each year.

1976—Subsec. (a). Pub. L. 94–422 reenacted subsec. (a) without change.

Subsec. (b)(1). Pub. L. 94–422 substituted ''Forty per centum of the first $275,000,000; thirty per centum of the next $275,000,000; and twenty per centum of all additional appropriations'' for ''two-fifths''.

Subsec. (b)(2). Pub. L. 94–422 substituted ''At any time, the remaining appropriations'' for ''three-fifths''.

Subsec. (b)(3). Pub. L. 94–422 designated as par. (3) the first paragraph following par. (2), and substituted ''10 per centum'' for ''7 per centum''.

Subsec. (b)(4). Pub. L. 94–422 designated as par. (4) the second paragraph following par. (2), and substituted ''in accordance with paragraph 2 of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection'' for ''in accordance with paragraph 2 of this subsection''.

Subsec. (b)(5). Pub. L. 94–422 designated as par. (5) the third paragraph following par. (2), and added Northern Mariana Islands to those areas to be treated and provision that such areas be treated collectively as one State for purposes of subsec. (b)(1) and substituted requirement that a State shall receive shares of apportionment in proportion to their population for require-

ment that the State's population shall be included as part of the total population in computing apportionment under subsec. (b)(2).

Subsec. (c). Pub. L. 94–422 reenacted subsec. (c) without change.

Subsec. (d). Pub. L. 94–422 inserted proviso that no plan shall be approved unless certified by the Governor that public participation in plan development and revision has been accorded and that the Secretary shall develop criteria for public participation to form basis of certification by Governor.

Subsec. (e). Pub. L. 94–422 inserted proviso that no assistance shall be available under this part to enclose or shelter facilities normally used for outdoor recreation activities and authorized Secretary to permit local funding after Sept. 28, 1976, not to exceed 10 per centum of total amount allocated to States.

Subsec. (f). Pub. L. 94–422 designated existing six paragraphs as pars. (1) to (6), respectively, and added pars. (7) and (8).

Subsec. (g). Pub. L. 94–422 reenacted subsec. (g) without change.

1974—Subsec. (e)(1). Pub. L. 93–303 inserted sentence relating to waiver of benefits by an owner of a single-family residence who elects to retain a right of use and occupancy for not less than six months from the date of acquisition of the residence.

TRANSFER OF FUNCTIONS

All functions of the Housing and Home Finance Agency and the Administrator thereof were transferred to the Secretary of Housing and Urban Development by section 5(a) of the Department of Housing and Urban Development Act (Pub. L. 89–174, Sept. 9, 1965, 79 Stat. 669) which is classified to section 3534(a) of Title 42, The Public Health and Welfare.

EXECUTIVE ORDER NO. 11237

Ex. Ord. No. 11237, July 27, 1965, 30 F.R. 9433, which related to coordinating planning and acquisition of land under outdoor recreation and open space programs, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

§ 460*l*–9. Allocation of land and water conservation fund moneys for Federal purposes

(a) Allowable purposes and subpurposes; acquisition of land and waters and interests therein; offset for specified capital costs

Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes:

(1) For the acquisition of land, waters, or interests in land or waters as follows:

National Park System; recreation areas—Within the exterior boundaries of areas of the National Park System now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

National Forest System—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act, or purchase units approved by the National Forest Reservation Commission subsequent to the date of this Act, all of which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary, not to exceed three thousand acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund: *Provided further*, That except for areas specifically authorized by Act of Congress, not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

National Wildlife Refuge System—Acquisition for (a) endangered species and threatened species authorized under section 1534(a) of this title; (b) areas authorized by section 460k–1 of this title; (c) national wildlife refuge areas under section 742f(a)(4) of this title and wetlands acquired under section 3922 of this title; (d) any areas authorized for the National Wildlife Refuge System by specific Acts.

(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(3) Appropriations allotted for the acquisition of land, waters, or interests in land or waters as set forth under the headings ''National Park System; Recreation Areas'' and ''National Forest System'' in paragraph (1) of this subsection shall be available therefor notwithstanding any statutory ceiling on such appropriations contained in any other provision of law enacted prior to the convening of the Ninety-fifth Congress or, in the case of national recreation areas, prior to the convening of the Ninety-sixth Congress; except that for any such area expenditures may not exceed a statutory ceiling during any one fiscal year by 10 per centum of such ceiling or $1,000,000, whichever is greater.

(b) Acquisition restrictions

Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law: *Provided, however*, That appropriations from the fund may be used for preacquisition work in instances where authorization is imminent and where substantial monetary savings could be realized.

(c) Boundary changes; donations; authority of Secretary

(1) Whenever the Secretary of the Interior determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of an area of the national park system, he may, following timely notice in writing to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate of his intention to do so, and by publication of a revised boundary map or other description in the Federal Register, (i) make minor revisions of the boundary of the area, and moneys appropriated from the fund shall be available for acquisition of any lands, waters, and interests therein added to the area by such boundary revision subject to such statutory limitations, if any, on methods of acquisi-

tion and appropriations thereof as may be specifically applicable to such area; and (ii) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, lands, waters, or interests therein adjacent to such area, except that in exercising his authority under this clause (ii) the Secretary may not alienate property administered as part of the national park system in order to acquire lands by exchange, the Secretary may not acquire property without the consent of the owner, and the Secretary may acquire property owned by a State or political subdivision thereof only by donation. Prior to making a determination under this subsection, the Secretary shall consult with the duly elected governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of such proposed action, and he shall also take such steps as he may deem appropriate to advance local public awareness of the proposed action. Lands, waters, and interests therein acquired in accordance with this subsection shall be administered as part of the area to which they are added, subject to the laws and regulations applicable thereto.

(2) For the purposes of clause (i) of paragraph (1), in all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under such clause (i) shall apply only if each of the following conditions is met:

(A) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.

(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

(C) The sum of the total appraised value of the lands, waters, and interests therein to be added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed $750,000.

(D) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.

(E) The proposed boundary has been subject to a public review and comment period.

(F) The Director of the National Park Service obtains written consent for the boundary modification from all property owners whose lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein, will be added to or deleted from the area by the boundary modification.

(G) The lands abut other Federal lands administered by the Director of the National Park Service.

Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress.

(Pub. L. 88–578, title I, § 7, formerly § 6, Sept. 3, 1964, 78 Stat. 903; Pub. L. 90–401, § 1(c), July 15, 1968, 82 Stat. 355; renumbered § 7, Pub. L. 92–347, § 2, July 11, 1972, 86 Stat. 459; amended Pub. L. 93–205, § 13(c), Dec. 28, 1973, 87 Stat. 902; Pub. L. 94–422, title I, § 101(4), Sept. 28, 1976, 90 Stat. 1317; Pub. L. 95–42, § 1(3)–(5), June 10, 1977, 91 Stat. 210, 211; Pub. L. 96–203, § 2, Mar. 10, 1980, 94 Stat. 81; Pub. L. 99–645, title III, § 302, Nov. 10, 1986, 100 Stat. 3587; Pub. L. 103–437, § 6(p)(3), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104–333, div. I, title VIII, § 814(b), (d)(2)(C), Nov. 12, 1996, 110 Stat. 4194, 4196; Pub. L. 106–176, title I, §§ 120(b), 129, Mar. 10, 2000, 114 Stat. 28, 30.)

REFERENCES IN TEXT

The effective date of this Act, referred to in subsec. (a)(1), means the effective date of Pub. L. 88–578, which was Jan. 1, 1965. See Effective Date note set out under section 460*l*–4 of this title.

The convening of the Ninety-fifth Congress, referred to in subsec. (a)(3), took place on Jan. 4, 1977.

The convening of the Ninety-sixth Congress, referred to in subsec. (a)(3), took place on Jan. 15, 1979.

PRIOR PROVISIONS

A prior section 7 of Pub. L. 88–578 was renumbered section 8 and is classified to section 460*l*–10 of this title.

AMENDMENTS

2000—Subsec. (c). Pub. L. 106–176, § 129, which directed the amendment of section 814(b)(2)(G) of Pub. L. 104–333 by substituting ''abut'' for ''are adjacent to'' was executed by making the substitution in subsec. (c)(2)(G) of this section which had been added by section 814(b)(2)(B) of Pub. L. 104–333, to reflect the probable intent of Congress. See 1996 Amendment note below.

Subsec. (c)(2)(C). Pub. L. 106–176, § 120(b)(1), substituted ''lands, waters, and interests therein'' for ''lands, water, and interest therein''.

Subsec. (c)(2)(F). Pub. L. 106–176, § 120(b)(2), substituted ''lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,'' for ''lands, water, or interests therein, or a portion of whose lands, water, or interests therein,''.

1996—Subsec. (a)(3). Pub. L. 104–333, § 814(d)(2)(C), struck out at end ''The Secretary of the Interior shall, prior to the expenditure of funds which would cause a statutory ceiling to be exceeded by $1,000,000 or more, and with respect to each expenditure of $1,000,000 or more in excess of such a ceiling, provide written notice of such proposed expenditure not less than thirty calendar days in advance to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.''

Subsec. (c). Pub. L. 104–333, § 814(b)(2)(B), as amended by Pub. L. 106–176, § 129, designated existing provisions as par. (1) and added par. (2).

Pub. L. 104–333, § 814(b)(1), (2)(A), substituted ''Committee on Resources'' for ''Committee on Natural Resources'' and struck out '': *Provided*, *however*, That such authority shall apply only to those boundaries established subsequent to January 1, 1965'' before ''; and (ii)''.

1994—Subsecs. (a)(3), (c). Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs'' after ''Committee on''.

1986—Subsec. (a)(1). Pub. L. 99–645, in provisions relating to the National Wildlife Refuge System, substituted ''national wildlife refuge areas under section 742f(a)(4) of this title and wetlands acquired under section 3922 of this title'' for ''national wildlife refuge areas under section 742f(a)(5) of this title except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended''.

1980—Subsec. (a)(3). Pub. L. 96–203, § 2(1), inserted provisions relating to applicability to national recreation areas.

Subsec. (c). Pub. L. 96–203, § 2(2), substituted ''apply only to those boundaries established subsequent to January 1, 1965'' for ''expire ten years from the date of enactment of the authorizing legislation establishing such boundaries''.

1977—Subsec. (a)(3). Pub. L. 95–42, § 1(3), added par. (3).

Subsec. (b). Pub. L. 95–42, § 1(4), inserted proviso that appropriations from the fund may be used for pre-acquisition work in instances where authorization is imminent and where substantial monetary savings could be realized.

Subsec. (c). Pub. L. 95–42, § 1(5), added subsec. (c).

1976—Subsec. (a)(1). Pub. L. 94–422 in paragraph designated ''National Forest System'' inserted ''or purchase units approved by the National Forest Reservation Commission, subsequent to September 3, 1965, all of'' after ''January 1, 1965,'' and substituted ''three thousand'' for ''five hundred'' and incorporated provisions contained in paragraphs designated ''Endangered Species and Threatened Species'' and ''Recreation at refuges'' into paragraph designated ''National Wildlife Refuge System'' inserting references to section 742f(a)(5) of this title, the Migratory Bird Conservation Act of 1929, and areas authorized for the National Wildlife Refuge System by specific Acts.

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

1973—Subsec. (a)(1). Pub. L. 93–205 substituted reference to ''Endangered species and threatened species'' followed by a definition covering ''lands, waters, or interests therein, the acquisition of which is authorized under section 1533(a) of this title, needed for the purpose of conserving endangered or threatened species of fish or wildlife or plants'' for a reference to ''Threatened species'' followed by a definition covering ''any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction''.

1968—Subsec. (a). Pub. L. 90–401 struck out ''in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 460*l*–5 of this title'' after ''purposes and subpurposes'' in text preceding par. (1).

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.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–205 effective Dec. 28, 1973, see section 16 of Pub. L. 93–205, set out as an Effective Date note under section 1531 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

For effective date of amendment by Pub. L. 90–401, see section 1(d) of Pub. L. 90–401, as amended by section 1 of Pub. L. 91–308, set out as a note under section 460*l*–5 of this title.

§ 460*l*–10. Availability of land and water conservation fund for publicity purposes; standardized temporary signing; standards and guidelines

Moneys derived from the sources listed in section 460*l*–5 of this title shall not be available for publicity purposes: *Provided, however*, That in each case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Land and Water Conservation Fund. Such signing may indicate the per centum and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes moneys derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of such signing to assure consistency of design and application.

(Pub. L. 88–578, title I, § 8, formerly § 7, Sept. 3, 1964, 78 Stat. 903; renumbered § 8, Pub. L. 92–347, § 2, July 11, 1972, 86 Stat. 459; amended Pub. L. 94–422, title I, § 101(5), Sept. 28, 1976, 90 Stat. 1318.)

PRIOR PROVISIONS

A prior section 8 of Pub. L. 88–578 was renumbered section 9 and is classified to section 460*l*–10a of this title.

AMENDMENTS

1976—Pub. L. 94–422 inserted proviso that temporary standardized signs shall be placed at or near any acquisition or development project undertaken through use of the fund and that the Secretary is to determine the standards and guidelines of such signing.

§ 460*l*–10a. Contracts for acquisition of lands and waters

Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 460*l*–6 of this title may be obligated by contract during each fiscal year for the acquisition of lands, waters, or interests therein within areas specified in section 460*l*–9(a)(1) of this title. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

(Pub. L. 88–578, title I, § 9, formerly § 8, as added Pub. L. 90–401, § 4, July 15, 1968, 82 Stat. 355; amended Pub. L. 91–308, § 3, July 7, 1970, 84 Stat. 410; renumbered § 9, Pub. L. 92–347, § 2, July 11, 1972, 86 Stat. 459, and amended Pub. L. 93–303, § 3, June 7, 1974, 88 Stat. 194.)

PRIOR PROVISIONS

A prior section 9 of Pub. L. 88–578 was renumbered section 10 and is classified to section 460*l*–10b of this title.

AMENDMENTS

1974—Pub. L. 93–303 substituted ''section 7(a)(1)'' for ''section 6(a)(1)'', which, for purposes of codification, is translated as ''section 460*l*–9(a)(1)''.

1970—Pub. L. 91–308 substituted ''fiscal year'' for ''of fiscal years 1969 and 1970''.

RESCISSION OF CONTRACT AUTHORITY

Provisions rescinding contract authority provided for specific fiscal years by 16 U.S.C. 460*l*–10a were contained in the following appropriation acts:

Pub. L. 112–74, div. E, title I, Dec. 23, 2011, 125 Stat. 992.

Pub. L. 112–10, div. B, title VII, § 1719, Apr. 15, 2011, 125 Stat. 150.

Pub. L. 111–88, div. A, title I, Oct. 30, 2009, 123 Stat. 2912.
Pub. L. 111–8, div. E, title I, Mar. 11, 2009, 123 Stat. 709.
Pub. L. 110–161, div. F, title I, Dec. 26, 2007, 121 Stat. 2106.
Pub. L. 109–289, div. B, title II, § 20504, as added by Pub. L. 110–5, § 2, Feb. 15, 2007, 121 Stat. 26.
Pub. L. 109–54, title I, Aug. 2, 2005, 119 Stat. 509.
Pub. L. 108–447, div. E, title I, Dec. 8, 2004, 118 Stat. 3050.
Pub. L. 108–108, title I, Nov. 10, 2003, 117 Stat. 1251.
Pub. L. 108–7, div. F, title I, Feb. 20, 2003, 117 Stat. 226.
Pub. L. 107–63, title I, Nov. 5, 2001, 115 Stat. 425.
Pub. L. 106–291, title I, Oct. 11, 2000, 114 Stat. 930.
Pub. L. 106–113, div. B, § 1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A–143.
Pub. L. 105–277, div. A, § 101(e) [title I], Oct. 21, 1998, 112 Stat. 2681–231, 2681–240.
Pub. L. 105–83, title I, Nov. 14, 1997, 111 Stat. 1550.
Pub. L. 104–208, div. A, title I, § 101(d) [title I], Sept. 30, 1996, 110 Stat. 3009–181, 3009–188.
Pub. L. 104–134, title I, § 101(c) [title I], Apr. 26, 1996, 110 Stat. 1321–156, 1321–163; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.
Pub. L. 103–332, title I, Sept. 30, 1994, 108 Stat. 2506.
Pub. L. 103–138, title I, Nov. 11, 1993, 107 Stat. 1386.
Pub. L. 102–381, title I, Oct. 5, 1992, 106 Stat. 1383.
Pub. L. 102–154, title I, Nov. 13, 1991, 105 Stat. 998.
Pub. L. 101–512, title I, Nov. 5, 1990, 104 Stat. 1922.
Pub. L. 101–121, title I, Oct. 23, 1989, 103 Stat. 708.
Pub. L. 100–446, title I, Sept. 27, 1988, 102 Stat. 1781.
Pub. L. 100–202, § 101(g) [title I], Dec. 22, 1987, 101 Stat. 1329–213, 1329–221.
Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 414.
Pub. L. 99–349, title I, July 2, 1986, 100 Stat. 731.

§ 460*l*–10b. Contracts for options to acquire lands and waters in national park system

The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed $500,000 of the sum authorized to be appropriated from the fund by section 460*l*–6 of this title may be expended by the Secretary in any one fiscal year for such options.

(Pub. L. 88–578, title I, § 10, formerly § 9, as added Pub. L. 90–401, § 4, July 15, 1968, 82 Stat. 355; renumbered § 10, Pub. L. 92–347, § 2, July 11, 1972, 86 Stat. 459.)

PRIOR PROVISIONS

A prior section 10 of Pub. L. 88–578 was renumbered section 11 and is classified to section 460*l*–10c of this title.

§ 460*l*–10c. Repeal of provisions prohibiting collection of recreation fees or user charges

All other provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charges authorized by this part or that restrict the expenditure of funds if such fees or charges are collected are hereby also repealed: *Provided*, That no provision of any law or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer.

(Pub. L. 88–578, title I, § 11, formerly § 2(a) (in part), Sept. 3, 1964, 78 Stat. 899; renumbered § 10, Pub. L. 90–401, § 1(a), July 15, 1968, 82 Stat. 354; renumbered § 11, Pub. L. 92–347, § 2, July 11, 1972, 86 Stat. 459.)

REFERENCES IN TEXT

This part, referred to in text, 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 460*l*–4 of this title and Tables.

CODIFICATION

In addition to the text set out in the section above, the original contained provisions directing the repeal of section 14 of this title and the deletion of '', without charge,'' in the sentence of section 460d of this title beginning ''The water areas of all such projects shall be open to public use generally''. The repeals and deletions called for by those provisions were executed as thus directed so that those provisions have been omitted from the text as executed.

Section formerly constituted the fourth paragraph of section 2(a) of Pub. L. 88–578 which was classified to section 460*l*–5(a) of this title. The paragraph was lifted out of section 2(a) and redesignated section 10 by section 1(a) of Pub. L. 90–401, which, for purposes of classification, resulted in the designation of the paragraph as section 460*l*–10c of this title [this section].

EFFECTIVE DATE

Section effective Jan. 1, 1965, see note set out under section 460*l*–4 of this title. Transfer of the provisions of this section from section 460*l*–5(a) of this title to this section effective Dec. 31, 1971, see section 1(d) of Pub. L. 90–401, as amended by section 1 of Pub. L. 91–308, set out as an Effective Date of 1968 Amendment note under section 460*l*–5 of this title.

§ 460*l*–10d. Review and report; submittal to Congressional committees; contents

Within one year of September 28, 1976, the Secretary is authorized and directed to submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives a comprehensive review and report on the needs, problems, and opportunities associated with urban recreation in highly populated regions, including the resources potentially available for meeting such needs. The report shall include site specific analyses and alternatives, in a selection of geographic environments representative of the Nation as a whole, including, but not limited to, information on needs, local capabilities for action, major site opportunities, trends, and a full range of options and alternatives as to possible solutions and courses of action designed to preserve remaining open space, ameliorate recreational deficiency, and enhance recreational opportunity for urban populations, together with an analysis of the capability of the Federal Government to provide urban-oriented environmental education programs (including, but not limited to, cultural programs in the arts and crafts) within such options. The Secretary shall consult with, and request the views of, the affected cities, counties, and States on the alternatives and courses of action identified.

(Pub. L. 88–578, title I, § 12, as added Pub. L. 94–422, title I, § 101(6), Sept. 28, 1976, 90 Stat. 1318.)

CHANGE OF NAME

Committee on Interior and Insular Affairs of the Senate abolished and replaced by Committee on Energy and Natural Resources of the Senate, effective Feb. 11, 1977. See Rule XXV of Standing Rules of the Senate, as amended by Senate Resolution No. 4 (popularly cited as the ''Committee System Reorganization Amendments of 1977''), approved Feb. 4, 1977.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460*l*–10e. Advisory Commission on water-based recreation

(a) Appointment; report

The President shall appoint an advisory commission to review the opportunities for enhanced opportunities for water-based recreation which shall submit a report to the President and to the Committee on Energy and Natural Resources of the Senate and to the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives within one year from November 12, 1996.

(b) Members

The members of the Commission shall include—

(1) the Secretary of the Interior, or his designee;

(2) the Secretary of the Army, or his designee;

(3) the Chairman of the Tennessee Valley Authority, or his designee;

(4) the Secretary of Agriculture, or his designee;

(5) a person nominated by the National Governor's Association; and

(6) four persons familiar with the interests of the recreation and tourism industry, conservation and recreation use, Indian tribes, and local governments, at least one of whom shall be familiar with the economics and financing of recreation-related infrastructure.

(c) Chairman; vacancies; administration

The President shall appoint one member to serve as Chairman. Any vacancy on the Commission shall be filled in the same manner as the original appointment. Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties. The Secretary of the Interior shall provide all financial, administrative, and staffing requirements for the Commission, including office space, furnishings, and equipment. The heads of other Federal agencies are authorized, at the request of the Commission, to provide such information or personnel, to the extent permitted by law and within the limits of available funds, to the Commission as may be useful to accomplish the purposes of this section.

(d) Hearings

The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable: *Provided*, That, to the maximum extent possible, the Commission shall use existing data and research. The Commission is authorized to use the United States mail in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) Contents of report

The report shall review the extent of water-related recreation at Federal man-made lakes and reservoirs and shall develop alternatives to enhance the opportunities for such use by the public. In developing the report, the Commission shall—

(1) review the extent to which recreation components identified in specific authorizations associated with individual Federal man-made lakes and reservoirs have been accomplished;

(2) evaluate the feasibility of enhancing recreation opportunities at federally managed lakes and reservoirs under existing statutes;

(3) consider legislative changes that would enhance recreation opportunities consistent with and subject to the achievement of the authorized purposes of Federal water projects; and

(4) make recommendations on alternatives for enhanced recreation opportunities including, but not limited to, the establishment of a National Recreation Lake System under which specific lakes would receive national designation and which would be managed through innovative partnership-based agreements between Federal agencies, State and local units of government, and the private sector.

Any such alternatives shall be consistent with and subject to the authorized purposes for any man-made lakes and reservoirs and shall emphasize private sector initiatives in concert with State and local units of government.

(Pub. L. 88–578, title I, § 13, as added Pub. L. 104–333, div. I, title X, § 1021(b), Nov. 12, 1996, 110 Stat. 4210; amended Pub. L. 105–83, title V, § 505, Nov. 14, 1997, 111 Stat. 1617; Pub. L. 106–176, title I, § 123(b), Mar. 10, 2000, 114 Stat. 29.)

AMENDMENTS

2000—Subsec. (b)(6). Pub. L. 106–176, § 123(b)(1), substituted ''recreation-related'' for ''recreation related''.

Subsec. (e). Pub. L. 106–176, § 123(b)(2)(A), (C), in introductory provisions, substituted ''water-related'' for ''water related'' and ''man-made'' for ''manmade'' and, in concluding provisions, substituted ''man-made'' for ''manmade''.

Subsec. (e)(1). Pub. L. 106–176, § 123(b)(2)(C), substituted ''man-made'' for ''manmade''.

Subsec. (e)(2). Pub. L. 106–176, § 123(b)(2)(B), substituted ''federally managed'' for ''federally-managed''.

1997—Pub. L. 105–83 made technical amendment to directory language of Pub. L. 104–333, § 1021(b), which added this section.

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.

RECREATIONAL OPPORTUNITIES AT FEDERALLY-MANAGED MANMADE LAKES AND RESERVOIRS

Pub. L. 104–333, div. I, title X, § 1021(a), Nov. 12, 1996, 110 Stat. 4210, as amended by Pub. L. 106–176, title I,

§ 123(a), Mar. 10, 2000, 114 Stat. 29, provided that: ''The Congress finds that the Federal Government, under the authority of the Reclamation Act [probably means act June 17, 1902, ch. 1093, 32 Stat. 388, see Short Title note under section 371 of Title 43, Public Lands] and other statutes, has developed man-made lakes and reservoirs that have become a powerful magnet for diverse recreational activities and that such activities contribute to the well-being of families and individuals and the economic viability of local communities. The Congress further finds that in order to further the purposes of the Land and Water Conservation Fund, the President should appoint an advisory commission to review the current and anticipated demand for recreational opportunities at federally managed man-made lakes and reservoirs through creative partnerships involving Federal, State, and local governments and the private sector and to develop alternatives for enhanced recreational use of such facilities.''

§ 460*l*–11. Transfers to and from land and water conservation fund

(a) Motorboat fuel taxes from highway trust fund into conservation fund

There shall be set aside in the land and water conservation fund in the Treasury of the United States provided for in sections 460*l*–4 to 460*l*–6a and 460*l*–7 to 460*l*–10e of this title the amounts specified in section 9503(c)(3)(A) of title 26 (relating to transfer to Land and Water Conservation Fund).

(b) Refunds of gasoline taxes for certain nonhighway purposes or used by local transit systems and motorboat fuel taxes from conservation fund into general fund of Treasury

There shall be paid from time to time from the land and water conservation fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before April 1, 2013, under section 6421 of title 26 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before April 1, 2012; and

(2) 80 percent of the floor stocks refunds made before April 1, 2013, under section 6412 of title 26 with respect to gasoline to be used in motorboats.

(Pub. L. 88–578, title II, § 201, Sept. 3, 1964, 78 Stat. 904; Pub. L. 91–605, title III, § 302, Dec. 31, 1970, 84 Stat. 1743; Pub. L. 94–273, § 3(4), Apr. 21, 1976, 90 Stat. 376; Pub. L. 94–280, title III, § 302, May 5, 1976, 90 Stat. 456; Pub. L. 95–599, title V, § 503(b), Nov. 6, 1978, 92 Stat. 2757; Pub. L. 97–424, title V, § 531(c), Jan. 6, 1983, 96 Stat. 2191; Pub. L. 99–514, § 2, title XVIII, § 1875(e), Oct. 22, 1986, 100 Stat. 2095, 2897; Pub. L. 100–17, title V, § 503(c), Apr. 2, 1987, 101 Stat. 258; Pub. L. 101–508, title XI, § 11211(g)(2), Nov. 5, 1990, 104 Stat. 1388–427; Pub. L. 102–240, title VIII, § 8002(d)(2)(B), Dec. 18, 1991, 105 Stat. 2204; Pub. L. 105–178, title IX, § 9002(c)(2)(B), June 9, 1998, 112 Stat. 500; Pub. L. 109–59, title XI, § 11101(c)(2)(B), Aug. 10, 2005, 119 Stat. 1944; Pub. L. 112–30, title I, § 142(e)(2)(B), Sept. 16, 2011, 125 Stat. 356.)

REFERENCES IN TEXT

Section 6412(a)(2) of title 26, referred to in subsec. (b)(2), was redesignated as ''section 6412(a)(1) of title 26'' by Pub. L. 94–455, § 1906(22), Oct. 4, 1976, 90 Stat. 1827.

AMENDMENTS

2011—Subsec. (a). Pub. L. 112–30, § 142(e)(2)(B)(ii)(I), substituted ''section 9503(c)(3)(A) of title 26 (relating to transfer to Land and Water Conservation Fund)'' for ''section 9503(c)(4)(B) of title 26 (relating to special motor fuels and gasoline used in motorboats)''.

Subsec. (b)(1). Pub. L. 112–30, § 142(e)(2)(B)(i), substituted ''April 1, 2013'' for ''October 1, 2012'' and ''April 1, 2012'' for ''October 1, 2011''.

Subsec. (b)(2). Pub. L. 112–30, § 142(e)(2)(B)(i)(I), (ii)(II), substituted ''April 1, 2013'' for ''October 1, 2012'' and ''section 6412'' for ''section 6412(a)(2)''.

2005—Subsec. (b). Pub. L. 109–59 substituted ''2011'' for ''2003'' in par. (1) and ''2012'' for ''2004'' in pars. (1) and (2).

1998—Subsec. (b). Pub. L. 105–178 substituted ''2003'' for ''1997'' in par. (1) and ''2004'' for ''1998'' in pars. (1) and (2).

1991—Subsec. (b). Pub. L. 102–240 substituted ''1997'' for ''1995'' and ''1998'' for ''1996'' wherever appearing.

1990—Subsec. (b). Pub. L. 101–508 substituted ''1995'' for ''1993'' and ''1996'' for ''1994'' wherever appearing.

1987—Subsec. (b). Pub. L. 100–17 substituted ''1993'' for ''1988'' and ''1994'' for ''1989'' wherever appearing.

1986—Subsec. (a). Pub. L. 99–514, § 2, substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

Pub. L. 99–514, § 1875(e), substituted ''section 9503(c)(4)(B) of title 26'' for ''section 209(f)(5) of the Highway Revenue Act of 1956''.

Subsec. (b)(1). Pub. L. 99–514, § 2, substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

1983—Subsec. (b). Pub. L. 97–424 substituted ''1989'' for ''1985'' and ''1988'' for ''1984'' wherever appearing.

1978—Subsec. (b). Pub. L. 95–599 substituted ''1984'' for ''1979'' and ''1985'' for ''1980'' wherever appearing.

1976—Subsec. (b). Pub. L. 94–280 substituted ''1979'' for ''1977'' and ''1980'' for ''1978'' wherever appearing.

Pub. L. 94–273 substituted ''October'' for ''July'' wherever appearing.

1970—Subsec. (b). Pub. L. 91–605 substituted ''1977'' for ''1972'' and ''1978'' for ''1973'' wherever appearing.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112–30, title I, § 142(f), Sept. 16, 2011, 125 Stat. 357, provided that: ''The amendments made by this section [amending this section and sections 4041, 4051, 4071, 4081, 4221, 4481 to 4483, 6412, and 9503 of Title 26, Internal Revenue Code] shall take effect on October 1, 2011.''

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1875(e) of Pub. L. 99–514 effective as if included in the provision of the Tax Reform Act of 1984, Pub. L. 98–369, to which such amendment relates, except as otherwise provided, see section 1881 of Pub. L. 99–514, set out as a note under section 48 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 97–424 effective Jan. 1, 1983, see section 531(e) of Pub. L. 97–424, set out as an Effective Date; Savings Provision note under section 9503 of Title 26, Internal Revenue Code.

EFFECTIVE DATE

Section effective Jan. 1, 1965, see note set out under section 460*l*–4 of this title.

PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1989

For provisions directing that if any amendments made by subtitle A or subtitle C of title XI [§§ 1101–1147 and 1171–1177] of title XVIII [§§ 1800–1899A] of Pub. L. 99–514 require an amendment to any plan, such plan

amendment shall not be required to be made before the first plan year beginning on or after Jan. 1, 1989, see section 1140 of Pub. L. 99–514, as amended, set out as a note under section 401 of Title 26, Internal Revenue Code.

PART C—WATER RESOURCES PROJECTS

§ 460*l*–12. Recreation and fish and wildlife benefits of Federal multiple-purpose water resources projects; Congressional declaration of policy

It is the policy of the Congress and the intent of this part (a) in investigating and planning any Federal navigation, flood control, reclamation, hydroelectric, or multiple-purpose water resource project, full consideration shall be given to the opportunities, if any, which the project affords for outdoor recreation and for fish and wildlife enhancement and that, wherever any such project can reasonably serve either or both of these purposes consistently with the provisions of this part, it shall be constructed, operated, and maintained accordingly; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are included or proposed for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(Pub. L. 89–72, § 1, July 9, 1965, 79 Stat. 213.)

REFERENCES IN TEXT

This part, referred to in text, was in the original "this Act", meaning Pub. L. 89–72, which enacted sections 460*l*–12 to 460*l*–21 of this title and amended sections 460*l*–5(a) and 662(d) of this title.

SHORT TITLE

Section 12 of Pub. L. 89–72 provided: "This Act [enacting this section and sections 460*l*–13 to 460*l*–21 of this title and amending sections 460*l*–5(a) and 662(d) of this title], may be cited as the 'Federal Water Project Recreation Act'."

§ 460*l*–13. Non-Federal administration of project land and water areas

(a) Allocation of costs

If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of the project allocated to recreation, and to bear one-quarter of such costs allocated to fish and wildlife enhancement and not less than one-half the costs of operation, maintenance, and replacement incurred therefor—

(1) the benefits of the project to said purpose or purposes shall be taken into account in determining the economic benefits of the project;

(2) costs shall be allocated to said purpose or purposes and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits or reasonably equivalent use and location by the least costly alternative means; and

(3) not more than one-half the separable costs of the project allocated to recreation and exactly three-quarters of such costs allocated to fish and wildlife enhancement and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable.

Projects authorized during the calendar year 1965 may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of any project to which this subsection is applicable.

(b) Non-Federal share of costs

The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

(Pub. L. 89–72, § 2, July 9, 1965, 79 Stat. 214; Pub. L. 93–251, title I, § 77(a)(1), (2), Mar. 7, 1974, 88 Stat. 33; Pub. L. 102–575, title XXVIII, § 2804(a), Oct. 30, 1992, 106 Stat. 4691.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–575 substituted "not less than one-half the costs of operation" for "all the costs of operation" in introductory provisions.

1974—Subsec. (a). Pub. L. 93–251 substituted in text preceding item (1) "separable costs of the project allocated to recreation, and to bear one-quarter of such