

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9250
OFFERED BY MR. WESTERMAN OF ARKANSAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “America the Beautiful
3 Act”.

**4 SEC. 2. NATIONAL PARKS AND PUBLIC LAND LEGACY RES-
5 TORATION FUND.**

6 (a) DEFINITION OF DEFERRED MAINTENANCE.—
7 Section 200401 of title 54, United States Code, is amend-
8 ed—

9 (1) by redesignating paragraphs (3) and (4) as
10 paragraphs (4) and (5), respectively; and

11 (2) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) DEFERRED MAINTENANCE.—

14 “(A) IN GENERAL.—The term ‘deferred
15 maintenance’ means maintenance or a repair of
16 an asset that—

1 “(i) was not performed when the
2 maintenance or repair should have been, or
3 was scheduled to be, performed; and

4 “(ii) is put off or delayed for a future
5 period.

6 “(B) INCLUSION.—The term ‘deferred
7 maintenance’ includes the reconstruction of an
8 asset that was demolished or removed during
9 the 10-year period ending on the date of enact-
10 ment of the America the Beautiful Act and dur-
11 ing the term of the authorization of the deposits
12 into the Fund, if—

13 “(i) the asset was demolished or re-
14 moved because its deterioration posed a
15 risk—

16 “(I) to human health or safety;
17 or

18 “(II) to natural or cultural re-
19 sources;

20 “(ii) the asset was not intended to be
21 temporary at the time of its construction;

22 “(iii) the reconstructed asset is com-
23 parable in function and capacity to the
24 original asset; and

1 “(iv) the total cost of the reconstruc-
2 tion is less than \$5,000,000.”.

3 (b) DEPOSITS.—Section 200402(b)(1) of title 54,
4 United States Code, is amended—

5 (1) by striking “2021 through 2025” and in-
6 serting “2027 through 2031”; and

7 (2) by striking “Federal land and water cred-
8 ited, covered, or deposited as miscellaneous receipts
9 under Federal law” and inserting “Federal onshore
10 land”.

11 (c) MAXIMUM AMOUNT.—Section 200402(b)(2) of
12 title 54, United States Code, is amended—

13 (1) by inserting “total” before “amount”; and

14 (2) by inserting “, paragraph (3)(J) of section
15 803(e) of the Federal Lands Recreation Enhance-
16 ment Act (16 U.S.C. 6802), and section 4(e)(1)(B)
17 of the America the Beautiful Act” after “paragraph
18 (1)”.

19 (d) ORDER OF DEPOSITS.—Section 200402(b) of
20 title 54, United States Code, is amended—

21 (1) by redesignating paragraph (3) as para-
22 graph (4); and

23 (2) by inserting after paragraph (2) the fol-
24 lowing:

1 “(3) ORDER OF DEPOSITS.—Amounts required
2 to be deposited in the Fund shall be deposited in the
3 following order of priority:

4 “(A) Amounts required to be deposited in
5 the Fund under paragraph (3)(J) of section
6 803(e) of the Federal Lands Recreation En-
7 hancement Act (16 U.S.C. 6802(e)).

8 “(B) Amounts required to be deposited in
9 the Fund under section 4(e)(1)(B) of the Amer-
10 ica the Beautiful Act.

11 “(C) Amounts required to be deposited in
12 the Fund under paragraph (1).”.

13 (e) USE OF FUNDS.—Section 200402(e) of title 54,
14 United States Code, is amended—

15 (1) in paragraph (1), in the matter preceding
16 subparagraph (A), by striking “in the National
17 Wildlife Refuge System” and inserting “on land ad-
18 ministered by the United States Fish and Wildlife
19 Service”; and

20 (2) by striking paragraph (2) and inserting the
21 following:

22 “(2) LIMITATIONS.—

23 “(A) NONTRANSPORTATION PROJECTS.—
24 Over the term of the Fund—

1 “(i) within the Service, not less than
2 65 percent of amounts from the Fund shall
3 be allocated for deferred maintenance non-
4 transportation projects;

5 “(ii) within the United States Fish
6 and Wildlife Service, not less than 80 per-
7 cent of amounts from the Fund shall be al-
8 located for deferred maintenance nontrans-
9 portation projects;

10 “(iii) within the Forest Service, not
11 less than 32 percent of amounts from the
12 Fund shall be allocated for deferred main-
13 tenance nontransportation projects; and

14 “(iv) within the Bureau of Land Man-
15 agement, not less than 15 percent of
16 amounts from the Fund shall be allocated
17 for deferred maintenance nontransporta-
18 tion projects.

19 “(B) TRANSPORTATION PROJECTS.—The
20 amounts remaining in the Fund after the allo-
21 cations required under subparagraph (A) may
22 be allocated for deferred maintenance transpor-
23 tation projects of the covered agencies, includ-
24 ing paved and unpaved roads, bridges, tunnels,
25 and paved parking areas.

1 “(C) REFUGE SYSTEM PROJECTS.—Of the
2 amounts allocated to the United States Fish
3 and Wildlife Service, not less than 82 percent
4 shall be allocated to deferred maintenance
5 projects at units of the National Wildlife Ref-
6 uge System.

7 “(D) PLAN.—A deferred maintenance
8 project funded under this section shall be con-
9 sistent with an applicable transportation, de-
10 ferred maintenance, or capital improvement
11 plan developed by the applicable covered agen-
12 cy.”.

13 (f) PROHIBITIONS ON USE.—Section 200402 of title
14 54, United States Code, is amended by striking subsection
15 (f) and inserting the following:

16 “(f) PROHIBITIONS ON USE.—No amounts in the
17 Fund shall be used—

18 “(1) for the acquisition of land or any interest
19 in land;

20 “(2) to supplant discretionary funding made
21 available for annually recurring facility operations,
22 maintenance, or construction needs;

23 “(3) for a bonus for an employee of the Federal
24 Government; or

1 “(4) to decommission a road on National For-
2 est System land or public land administered by the
3 Bureau of Land Management.”.

4 (g) PROJECT SELECTION.—Section 200402 of title
5 54, United States Code, is amended by striking subsection
6 (h) and inserting the following:

7 “(h) SUBMISSION OF ANNUAL LIST OF PROJECTS TO
8 CONGRESS.—

9 “(1) DEFINITIONS.—In this subsection and
10 subsection (i):

11 “(A) APPLICABLE FISCAL YEAR.—The
12 term ‘applicable fiscal year’, with respect to a
13 session of Congress, means the fiscal year of
14 the United States Government that starts on
15 October 1 of the calendar year in which that
16 session begins.

17 “(B) SUBSEQUENT FISCAL YEAR.—The
18 term ‘subsequent fiscal year’ means a fiscal
19 year 1 year after the applicable fiscal year.

20 “(2) ANNUAL LIST.—

21 “(A) IN GENERAL.—Until the date on
22 which all amounts in the Fund are allocated,
23 the President shall annually submit to Con-
24 gress, together with the annual budget of the
25 United States, a list of projects for each cov-

1 ered agency to be funded from the Fund for the
2 applicable fiscal year and the subsequent fiscal
3 year that includes a detailed description of each
4 such project, including the estimated expendi-
5 tures from the Fund for the project.

6 “(B) PROJECT DATA SHEETS.—

7 “(i) IN GENERAL.—The list of
8 projects for each covered agency trans-
9 mitted with the annual budget of the
10 United States under subparagraph (A)
11 shall be accompanied by a project data
12 sheet for each such project in the same
13 format and containing the same level of
14 detailed information as on previous project
15 data sheets submitted to Congress.

16 “(ii) INCLUSIONS.—Each project data
17 sheet under clause (i) shall include—

18 “(I) a list of each asset ad-
19 dressed;

20 “(II) a description of the scope of
21 benefits; and

22 “(III) a description of the con-
23 sequences of failure to act.

24 “(3) NO LIST, NO ALLOCATION.—

1 “(A) IN GENERAL.—Notwithstanding sub-
2 section (i)(2)(A) and subject to subparagraph
3 (B), if the list of projects under paragraph
4 (2)(A) and the accompanying project data
5 sheets under paragraph (2)(B) for an applicable
6 fiscal year for a covered agency have not been
7 submitted to Congress by April 30 of the pre-
8 ceding fiscal year, no allocation from amounts
9 made available under subsection (c) for that ap-
10 plicable fiscal year may be made for that cov-
11 ered agency until the date on which the Act
12 making full-year appropriations for the Depart-
13 ment of the Interior, Environment, and Related
14 Agencies for the subsequent fiscal year is en-
15 acted into law.

16 “(B) APPLICABILITY.—Subparagraph (A)
17 shall only apply to the enactment of full-year
18 appropriations for fiscal year 2028 or any fiscal
19 year thereafter.

20 “(4) SUBMISSION OF LIST OF PROJECTS AND
21 PROJECT DATA SHEETS TO CONGRESS FOR FISCAL
22 YEAR 2027 AND FISCAL YEAR 2028.—

23 “(A) DEADLINES.—The Secretary and the
24 Secretary of Agriculture shall submit to the
25 Committees on Energy and Natural Resources

1 and Appropriations of the Senate and the Com-
2 mittees on Natural Resources and Appropria-
3 tions of the House of Representatives—

4 “(i) by not later than November 15,
5 2026, a list of projects under paragraph
6 (2)(A) to be funded for fiscal year 2027
7 and fiscal year 2028 under that paragraph
8 for each covered agency; and

9 “(ii) by not later than November 30,
10 2026, the accompanying project data
11 sheets under paragraph (2)(B).

12 “(B) FAILURE TO SUBMIT.—Notwith-
13 standing subsection (i)(2)(A), if the list of
14 projects for fiscal year 2027 under subpara-
15 graph (2)(A) and accompanying project data
16 sheets under paragraph (2)(B) for a covered
17 agency have not been submitted to Congress
18 pursuant to subparagraph (A), no allocation
19 from amounts made available under subsection
20 (c) for fiscal year 2027 may be made for that
21 covered agency until the date on which the Act
22 making full-year appropriations for the Depart-
23 ment of the Interior, Environment, and Related
24 Agencies for fiscal year 2028 is enacted into
25 law.

1 “(5) RECOMMENDATIONS.—The Secretary and
2 the Secretary of Agriculture shall annually solicit
3 from the Governors of all States, the governors of all
4 territories of the United States, and Indian Tribes
5 (as defined in section 4 of the Indian Self-Deter-
6 mination and Education Assistance Act (25 U.S.C.
7 5304)) recommendations for projects to be funded
8 from the Fund under paragraph (2).

9 “(6) PRIORITY.—In selecting projects for the
10 list (other than projects for the Bureau of Indian
11 Education) to be funded from the Fund under para-
12 graph (2), the Secretary and the Secretary of Agri-
13 culture shall ensure that—

14 “(A) for each covered agency, funds are
15 prioritized for projects that—

16 “(i) address deferred maintenance of
17 assets the failure of which would result
18 in—

19 “(I) an imminent threat to public
20 health or safety; or

21 “(II) the closure or material im-
22 pairment of public access or core
23 operational functions;

24 “(ii) are necessary to prevent the fur-
25 ther deterioration of an asset that would

1 result in a substantially higher future re-
2 pair or replacement cost;

3 “(iii) maximize the reduction of the
4 deferred maintenance backlog relative to
5 the amount of funds expended;

6 “(iv) address mission-critical assets,
7 including water, wastewater, employee
8 housing, and public use facilities;

9 “(v) restore access to mission-critical
10 recreation infrastructure, including camp-
11 grounds, trails and trailheads, boating and
12 water-based recreation infrastructure, and
13 other visitor-facing constructed recreation
14 assets;

15 “(vi) can be completed in a timely
16 manner and in accordance with applicable
17 cost and schedule estimates; or

18 “(vii) positively impact a visitor-facing
19 recreation asset;

20 “(B) for each covered agency, a reasonable
21 balance is achieved between projects at higher-
22 and lower-visitation units or areas administered
23 by the covered agency; and

24 “(C) for the United States Fish and Wild-
25 life Service, funds are prioritized for deferred

1 maintenance projects that measurably increase
2 access for hunting and fishing opportunities at
3 units of the National Wildlife Refuge System.”.

4 (h) ALTERNATE ALLOCATION.—Section 200402 of
5 title 54, United States Code, is amended by striking sub-
6 section (i) and inserting the following:

7 “(i) ALTERNATE ALLOCATION.—

8 “(1) IN GENERAL.—Appropriations Acts may
9 provide for alternate allocation of amounts made
10 available under this section for the applicable fiscal
11 year and the subsequent fiscal year, consistent with
12 the allocations to covered agencies under subsection
13 (e)(1).

14 “(2) ALLOCATION BY PRESIDENT.—

15 “(A) NO ALTERNATE ALLOCATIONS.—If
16 Congress has not enacted legislation estab-
17 lishing alternate allocations by the date on
18 which the Act making full-year appropriations
19 for the Department of the Interior, Environ-
20 ment, and Related Agencies for the applicable
21 fiscal year is enacted into law, amounts made
22 available under subsection (c) shall be allocated
23 by the President.

24 “(B) INSUFFICIENT ALTERNATE ALLOCA-
25 TION.—If Congress enacts legislation estab-

1 lishing alternate allocations for amounts made
2 available under subsection (c) that are less than
3 the full amount appropriated under that sub-
4 section, the difference between the amount ap-
5 propriated and the alternate allocation shall be
6 allocated by the President.

7 “(C) NO FULL-YEAR APPROPRIATIONS EN-
8 ACTED BY END OF PREVIOUS FISCAL YEAR.—

9 “(i) IN GENERAL.—Subject to clause
10 (ii), if an allocation has been made by Con-
11 gress for a subsequent fiscal year under
12 paragraph (1) and Congress has not en-
13 acted full-year appropriations for the De-
14 partment of the Interior, Environment,
15 and Related Agencies by October 1 of the
16 year in which that subsequent fiscal year
17 becomes the applicable fiscal year, amounts
18 made available under subsection (c) may
19 be implemented by the President on Octo-
20 ber 1 of such applicable fiscal year, in ac-
21 cordance with the congressional allocation.

22 “(ii) APPLICABILITY.—Clause (i) shall
23 only apply to the enactment of full-year
24 appropriations for fiscal year 2028 or any
25 fiscal year thereafter.”.

1 (i) PUBLIC DONATIONS.—Section 200402(j) of title
2 54, United States Code, is amended—

3 (1) in the subsection heading, by striking “Pub-
4 lic”;

5 (2) in paragraph (1), in the matter preceding
6 subparagraph (A), by striking “public”;

7 (3) by redesignating paragraph (3) as para-
8 graph (4);

9 (4) by striking paragraph (2) and inserting the
10 following:

11 “(2) SOLICITATION OF DONATIONS.—The Sec-
12 retary and the Secretary of Agriculture shall provide
13 to the public information on the ability of the Sec-
14 retary and the Secretary of Agriculture to accept do-
15 nations under paragraph (1), including through—

16 “(A) public awareness campaigns;

17 “(B) physical or digital donation locations
18 at project sites; and

19 “(C) during the checkout process for the
20 purchase of a physical or digital pass to access
21 a Federal recreational site or an interagency
22 pass.

23 “(3) CREDITS TO FUND.—

24 “(A) IN GENERAL.—100 percent of any
25 cash donations accepted under paragraph (1)

1 shall be credited to, and form a part of, the
2 Fund.

3 “(B) ALLOCATION.—Amounts credited to
4 the Fund under subparagraph (A) shall be allo-
5 cated to the covered agency for which the dona-
6 tion was made.

7 “(C) EXCLUSION FROM MAXIMUM
8 AMOUNT.—Amounts credited to the Fund under
9 subparagraph (A) shall not be considered for
10 purposes of the limitation on amounts deposited
11 under subsection (b)(2).”; and

12 (5) in paragraph (4) (as so redesignated), by
13 striking “paragraph (2)(B)” and inserting “para-
14 graph (3)(B)”.

15 (j) ADDITIONAL PROVISIONS.—Section 200402 of
16 title 54, United States Code, is amended by adding at the
17 end the following:

18 “(l) STREAMLINING.—

19 “(1) CATEGORICAL EXCLUSIONS.—

20 “(A) IN GENERAL.—In carrying out a
21 project using funds authorized by this section,
22 the Secretary and the Secretary of Agriculture
23 shall, in accordance with the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4321 et
25 seq.)—

1 “(i) adopt any applicable categorical
2 exclusion (as defined in section 111 of that
3 Act (42 U.S.C. 4336e)) established by an-
4 other Federal agency under section 109 of
5 that Act (42 U.S.C. 4336c);

6 “(ii) use all other available procedures
7 to expedite environmental review of the
8 project, including—

9 “(I) determinations of NEPA
10 adequacy; and

11 “(II) reliance on previously com-
12 pleted environmental reviews; and

13 “(iii) establish additional categorical
14 exclusions (as so defined) as determined
15 necessary to expedite the completion of de-
16 ferred maintenance projects using funds
17 authorized by this section.

18 “(B) ADMINISTRATION.—In adopting, de-
19 veloping, and administering a categorical exclu-
20 sion described in clause (i) or (iii) of subpara-
21 graph (A), the Secretary and the Secretary of
22 Agriculture shall apply the extraordinary cir-
23 cumstances procedures under section 46.215 of
24 title 43, Code of Federal Regulations (or a suc-
25 cessor regulation).

1 “(2) PROGRAM COMMENT AND EXEMPTED CAT-
2 EGORIES.—Not later than 180 days after the date of
3 enactment of this subsection, the Advisory Council
4 on Historic Preservation, in consultation with the
5 Secretary and the Secretary of Agriculture, shall de-
6 velop and issue a consolidated program comment (as
7 described in subsection (e) of section 800.14 of title
8 36, Code of Federal Regulations (as in effect on the
9 date of enactment of this subsection)) and develop
10 an approved applicable exempted categories of un-
11 dertakings (as described in subsection (c) of that
12 section (as in effect on the date of enactment of this
13 subsection)) for projects using funds authorized by
14 this section to eliminate or reduce deferred mainte-
15 nance on land under the jurisdiction of the Secretary
16 or the Secretary of Agriculture.

17 “(m) TIMELINE.—Not later than 180 days after the
18 date on which the final design of a project funded under
19 this section has been approved for which 1 or more respon-
20 sive bids from a responsible bidder have been received, the
21 Secretary or the Secretary of Agriculture, as applicable,
22 shall award a construction contract for the project unless
23 the Secretary or Secretary of Agriculture determines, in
24 writing, that there is a compelling reason to reject all bids
25 received.

1 “(n) MICRO-PURCHASE THRESHOLD.—

2 “(1) IN GENERAL.—Section 1902(a)(1) of title
3 41, United States Code, is amended by striking
4 ‘\$10,000’ and inserting ‘\$25,000’.

5 “(2) ADJUSTMENT.—Section 1908(c)(2) of title
6 41, United States Code, is amended by striking ‘of
7 each year evenly divisible by 5’ and inserting ‘,
8 2028, and every 3 years thereafter’.

9 “(o) DISPOSAL OF CONSTRUCTED ASSETS.—The
10 Secretary and the Secretary of Agriculture shall provide
11 for the disposal of constructed assets included on a de-
12 ferred maintenance list submitted under subsection (h)
13 that no longer—

14 “(1) serve the public interest; or

15 “(2) advance the mission of the applicable unit
16 to which the asset belongs.

17 “(p) REPORT TO CONGRESS.—Not later than 1 year
18 after the date of enactment of this subsection, the Sec-
19 retary and the Secretary of Agriculture shall submit to
20 the Committee on Appropriations of the Senate, the Com-
21 mittee on Energy and Natural Resources of the Senate,
22 the Committee on Appropriations of the House of Rep-
23 resentatives, and the Committee on Natural Resources of
24 the House of Representatives a report that—

1 “(1)(A) lists the deferred maintenance backlog
2 for each covered agency; and

3 “(B) describes the amount by which deferred
4 maintenance was reduced in the prior year for each
5 covered agency;

6 “(2) describes actions taken by the covered
7 agencies without using amounts from the Fund to
8 reduce deferred maintenance in the System, on land
9 administered by the United States Fish and Wildlife
10 Service, on public land administered by the Bureau
11 of Land Management, for Bureau of Indian Edu-
12 cation schools, and in the National Forest System;
13 and

14 “(3) includes a plan from the covered agencies
15 to increase preventative annual and cyclic mainte-
16 nance activities by covered agencies to a level that
17 properly maintains the assets of the covered agencies
18 and prevents the addition of assets to a deferred
19 maintenance list under subsection (h).

20 “(q) ADMINISTRATIVE EXPENSES.—Not more than 3
21 percent of the amounts deposited in the Fund under sub-
22 section (b) for a fiscal year, and none of the amounts cred-
23 ited to the Fund under subsection (d)(3) for a fiscal year,
24 may be used for administrative expenses to carry out this
25 section.

1 “(r) **TRANSPARENCY AND ACCOUNTABILITY.**—Not
2 later than 2 years after the date of enactment of this sub-
3 section, the Secretary and the Secretary of Agriculture
4 shall establish clear, quantifiable, and standardized
5 metrics across each covered agency for—

6 “(1) calculating and determining deferred main-
7 tenance, ensuring that the metrics—

8 “(A) adhere to established standards for
9 transportation assets and nontransportation as-
10 sets; and

11 “(B) rely on standardized condition assess-
12 ment methodologies;

13 “(2) delineating between cyclic maintenance
14 and deferred maintenance; and

15 “(3) providing for the timely addition or re-
16 moval of an asset from the deferred maintenance
17 list.”.

18 **SEC. 3. SURCHARGE FOR FOREIGN TOURISTS TO UNITS OF**
19 **NATIONAL PARK SYSTEM.**

20 Section 803(e) of the Federal Lands Recreation En-
21 hancement Act (16 U.S.C. 6802(e)) is amended by adding
22 at the end the following:

23 “(3) **ENTRANCE FEE SURCHARGE FOR FOREIGN**
24 **TOURISTS.**—

1 “(A) DEFINITION OF FOREIGN TOURIST.—

2 In this paragraph, the term ‘foreign tourist’
3 means an individual aged 16 or older admitted
4 into the United States for the purposes of tour-
5 ism under—

6 “(i) section 101(a)(15)(B) of the Im-
7 migration and Nationality Act (8 U.S.C.
8 1101(a)(15)(B)); or

9 “(ii) section 217 of the Immigration
10 and Nationality Act (8 U.S.C. 1187).

11 “(B) ESTABLISHMENT.—For any unit of
12 the National Park System for which an en-
13 trance fee is charged, the Secretary shall estab-
14 lish a surcharge for foreign tourists.

15 “(C) DETERMINATION OF SURCHARGE
16 AMOUNT; PUBLIC PARTICIPATION.—In estab-
17 lishing the amount of a surcharge under sub-
18 paragraph (B), the Secretary shall—

19 “(i) ensure that the amount maxi-
20 mizes revenue for the applicable unit of the
21 National Park System while retaining for-
22 eign tourist visitation at the applicable unit
23 of the National Park System; and

24 “(ii) provide opportunities for public
25 participation for gateway communities and

1 local stakeholders in accordance with sub-
2 sections (a) through (c) of section 804.

3 “(D) PER-VEHICLE FEE.—In a case in
4 which an entrance fee to a unit of the National
5 Park System subject to a surcharge under sub-
6 paragraph (B) is a per-vehicle charge, the Sec-
7 retary shall establish a process for the super-
8 intendent of the applicable unit of the National
9 Park System to proportionately levy and collect
10 the surcharge from foreign tourists under that
11 subparagraph.

12 “(E) METHODS OF COLLECTION.—A sur-
13 charge established under subparagraph (B)
14 shall be collected—

15 “(i) by the Secretary, using the stand-
16 ard methods by which entrance fees may
17 be collected for a unit of the National Park
18 System under this section; and

19 “(ii) if the Secretary enters into an
20 agreement with a third-party travel vendor
21 to provide for the collection of the sur-
22 charge, by the applicable third-party travel
23 vendor, in accordance with the agreement.

24 “(F) SUSPENSION OR MODIFICATION; IN-
25 CREASE.—

1 “(i) SUSPENSION OR MODIFICA-
2 TION.—The Secretary may suspend the
3 collection of, or otherwise modify, the sur-
4 charge for the applicable unit of the Na-
5 tional Park System, including providing for
6 tiered pricing of the surcharge based on
7 visitation levels at the unit of the National
8 Park System, as determined appropriate
9 by the Secretary.

10 “(ii) INCREASE.—The Secretary may
11 establish a minimum percentage increase
12 that shall apply to a surcharge within an
13 applicable timeframe established by the
14 Secretary.

15 “(iii) PUBLIC PARTICIPATION.—In de-
16 termining any modifications to the sur-
17 charge under clauses (i) and (ii), the Sec-
18 retary shall provide opportunities for pub-
19 lic participation for gateway communities
20 and local stakeholders in accordance with
21 subsections (a) through (c) of section 804.

22 “(G) VISA FEES; ADMINISTRATION.—A
23 surcharge established under subparagraph
24 (B)—

1 “(i) shall be in addition to, and sepa-
2 rate from, any statutory immigrant visa
3 fee charged to a nonresident visitor; and

4 “(ii) shall not be subject to adminis-
5 tration by the Secretary of State or the
6 Secretary of Homeland Security.

7 “(H) IMPLEMENTATION.—The implemen-
8 tation of the surcharge established under sub-
9 paragraph (B) shall be based on a verbal dec-
10 laration.

11 “(I) EXEMPTION FOR INTERNATIONAL
12 PEACE PARKS.—In the case of a unit of the Na-
13 tional Park System that has been designated as
14 an international peace park by an Act of Con-
15 gress and is subject to a memorandum of un-
16 derstanding with the government of a foreign
17 country relating to management or stewardship
18 of the unit of the National Park System, no
19 surcharge may be applied to the entrance fee of
20 a national of that foreign country for entry to
21 that unit of the National Park System from an
22 entry point within the United States.

23 “(J) DISPOSITION OF PROCEEDS.—

24 “(i) IN GENERAL.—Subject to clause
25 (ii), any proceeds from a surcharge on for-

1 eign tourists collected under this para-
2 graph for each fiscal year shall be depos-
3 ited in the National Parks and Public
4 Land Legacy Restoration Fund established
5 by section 200402(a) of title 54, United
6 States Code.

7 “(ii) LIMITATION.—If the Secretary
8 determines that the maximum amount de-
9 scribed in section 200402(b)(2) of that
10 title has been deposited in the National
11 Parks and Public Land Legacy Restora-
12 tion Fund for the applicable fiscal year,
13 any proceeds from a surcharge on non-
14 resident visitors collected under this para-
15 graph for the remainder of the fiscal year
16 shall be retained by the unit of the Na-
17 tional Park System at which the surcharge
18 was collected.

19 “(K) ADMINISTRATIVE COSTS.—Amounts
20 collected as recreation fees under other provi-
21 sions of this title may be used to pay the ad-
22 ministrative costs of carrying out this para-
23 graph.

24 “(L) EFFECT.—

1 “(i) IN GENERAL.—A surcharge es-
2 tablished under subparagraph (B) shall be
3 in addition to the applicable entrance fee
4 charged at the unit of the National Park
5 System.

6 “(ii) REQUIREMENT.—Any foreign
7 tourist charged a surcharge under sub-
8 paragraph (B) shall also be charged the
9 applicable entrance fee charged at the unit
10 of the National Park System.”.

11 **SEC. 4. LICENSING INTELLECTUAL PROPERTY.**

12 (a) DEFINITIONS.—In this section:

13 (1) DEPARTMENT.—The term “Department”
14 means the Department of the Interior, including any
15 bureau, office, and agency of the Department of the
16 Interior.

17 (2) QUALIFYING ENTITY.—The term “quali-
18 fying entity” means any Federal agency, State, local
19 government, or Indian Tribe (as defined in section
20 4 of the Indian Self-Determination and Education
21 Assistance Act (25 U.S.C. 5304)), public or private
22 agency, organization, institution, corporation, indi-
23 vidual, or other entity that is determined by the Sec-
24 retary to be qualified in accordance with criteria de-
25 veloped by the Secretary.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (4) TRADEMARK ACT OF 1946 DEFINITIONS.—
4 The terms “certification mark”, “collective mark”,
5 “service mark”, and “trademark” have the meanings
6 given those terms in section 45 of the Act entitled
7 “An Act to provide for the registration and protec-
8 tion of trademarks used in commerce, to carry out
9 the provisions of certain international conventions,
10 and for other purposes”, approved July 5, 1946
11 (commonly known as the “Trademark Act of 1946”)
12 (15 U.S.C. 1127)).

13 (b) AUTHORITY.—Under regulations issued by the
14 Secretary, the Secretary may—

15 (1) license trademarks, service marks, certifi-
16 cation marks, and collective marks owned or con-
17 trolled by the Secretary to any qualifying entity; and

18 (2) retain and expend fees received from licens-
19 ing under paragraph (1) in accordance with this sec-
20 tion.

21 (c) DESIGNATED MARKS.—The Secretary shall des-
22 ignate any trademarks, service marks, certification marks,
23 or collective marks regarding which the Secretary shall ex-
24 ercise the authority under this section.

25 (d) LICENSES FOR QUALIFYING ENTITIES.—

1 (1) FEES.—The fee for a license subject to an
2 agreement entered into under this section, as deter-
3 mined by the Secretary, shall be not less than the
4 amount needed to recover all costs incurred by the
5 Secretary in processing and issuing the license.

6 (2) LIMITATION.—A license subject to an agree-
7 ment with a qualifying entity entered into under this
8 section shall provide that the license may not be
9 transferred, sold, or relicensed by the qualifying en-
10 tity, unless otherwise authorized by the Secretary.

11 (e) USE OF FEES.—

12 (1) IN GENERAL.—The Secretary shall use fees
13 retained under this section for the following pur-
14 poses:

15 (A) For payment of the following costs in-
16 curred by the Secretary:

17 (i) Costs of securing trademark reg-
18 istrations.

19 (ii) Costs of operating the licensing
20 program under this section.

21 (B) To the extent (if any) that the total
22 amount of the licensing fees available under
23 this section for a fiscal year exceed the total
24 amount needed for such fiscal year under para-
25 graph (1), such amount shall be deposited in

1 the National Parks and Public Land Legacy
2 Restoration Fund established by section
3 200402(a) of title 54, United States Code.

4 (2) AVAILABILITY.—Notwithstanding any other
5 provision of law, the Secretary shall use fees re-
6 tained through an agreement under this section
7 without further appropriation for a fiscal year.

Amend the title so as to read: “A bill to amend title 54, United States Code, to reauthorize the National Parks and Public Land Legacy Restoration Fund, and for other purposes.”.

