

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Water Resources Development Act of 1992 and the Flood Control Act of 1968 to provide for provisions relating to collection and retention of user fees at recreation facilities, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. CRAMER (for himself and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on

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## **A BILL**

To amend the Water Resources Development Act of 1992 and the Flood Control Act of 1968 to provide for provisions relating to collection and retention of user fees at recreation facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lake Access Keeping  
5 Economies Strong Act” or the “LAKES Act”.

1 **SEC. 2. CHALLENGE COST-SHARING PROGRAM FOR MAN-**  
2 **AGEMENT OF RECREATION FACILITIES.**

3 Section 225 of the Water Resources Development Act  
4 of 1992 (33 U.S.C. 2328) is amended—

5 (1) by redesignating subsections (a) through (d)  
6 as subsections (b) through (e), respectively;

7 (2) by inserting before subsection (b) (as so re-  
8 designated) the following:

9 “(a) **DEFINITIONS.**—In this section:

10 “(1) **NON-FEDERAL PUBLIC ENTITY.**—The term  
11 ‘non-Federal public entity’ means a non-Federal  
12 public entity as defined in the document of the  
13 Corps of Engineers entitled ‘Implementation Guid-  
14 ance for Section 1155 of the Water Resources Devel-  
15 opment Act of 2016 (WRDA 2016), Management of  
16 Recreation Facilities’ and dated April 4, 2018.

17 “(2) **PRIVATE NONPROFIT ENTITY.**—The term  
18 ‘private nonprofit entity’ means an organization that  
19 is described in section 501(c) of the Internal Rev-  
20 enue Code of 1986 and exempt from taxation under  
21 section 501(a) of that Code.”;

22 (3) in subsection (b) (as so redesignated), by  
23 striking the subsection designation and heading and  
24 all that follows through “The Secretary” and insert-  
25 ing the following:

26 “(b) **AUTHORIZATION.**—The Secretary”;

1 (4) in subsection (c) (as so redesignated)—

2 (A) by striking the subsection designation  
3 and heading and all that follows through “To  
4 implement” and inserting the following:

5 “(c) COOPERATIVE AGREEMENTS.—

6 “(1) IN GENERAL.—To implement”;

7 (B) in paragraph (1) (as so designated), by  
8 striking “non-Federal public and private enti-  
9 ties” and inserting “non-Federal public entities  
10 and private nonprofit entities”; and

11 (C) by adding at the end the following:

12 “(2) REQUIREMENTS.—Before entering into an  
13 agreement under paragraph (1), the Secretary shall  
14 ensure that the non-Federal public entity or private  
15 nonprofit entity has the authority and capability—

16 “(A) to carry out the terms of the agree-  
17 ment; and

18 “(B) to pay damages, if necessary, in the  
19 event of a failure to perform.”;

20 (5) by striking subsection (d) (as so redesign-  
21 ated) and inserting the following:

22 “(d) USER FEES.—

23 “(1) COLLECTION OF FEES.—

24 “(A) IN GENERAL.—The Secretary may  
25 allow a non-Federal public entity or private

1 nonprofit entity that has entered into an agree-  
2 ment pursuant to subsection (c) to collect user  
3 fees for the use of developed recreation sites  
4 and facilities, whether developed or constructed  
5 by that entity or the Department of the Army.

6 “(B) USE OF VISITOR RESERVATION SERV-  
7 ICES.—

8 “(i) IN GENERAL.—A non-Federal  
9 public entity or a private nonprofit entity  
10 described in subparagraph (A) may use, to  
11 manage fee collections and reservations  
12 under this section, any visitor reservation  
13 service that the Secretary has provided for  
14 by contract or interagency agreement, sub-  
15 ject to such terms and conditions as the  
16 Secretary determines to be appropriate.

17 “(ii) TRANSFER.—The Secretary may  
18 transfer to a non-Federal public entity or  
19 a private nonprofit entity described in sub-  
20 paragraph (A), or cause to be transferred  
21 by another Federal agency, user fees re-  
22 ceived by the Secretary or other Federal  
23 agency under a visitor reservation service  
24 described in clause (i) for recreation facili-  
25 ties and natural resources managed by the

1 non-Federal public entity or private non-  
2 profit entity.

3 “(2) USE OF FEES.—

4 “(A) IN GENERAL.—A non-Federal public  
5 entity or private nonprofit entity that collects  
6 user fees under paragraph (1)—

7 “(i) may retain up to 100 percent of  
8 the fees collected, as determined by the  
9 Secretary; and

10 “(ii) notwithstanding section  
11 210(b)(4) of the Flood Control Act of  
12 1968 (16 U.S.C. 460d–3(b)(4)), shall use  
13 any retained amount for operation, mainte-  
14 nance, and management activities related  
15 to recreation and natural resources at the  
16 water resource development project at  
17 which the fee is collected.

18 “(B) REQUIREMENTS.—The use by a non-  
19 Federal public entity or private nonprofit entity  
20 of user fees collected under paragraph (1)  
21 shall—

22 “(i) be limited to activities covered by  
23 an agreement between the entity and the  
24 Secretary;

1                   “(ii) remain subject to the direction  
2                   and oversight of the Secretary; and

3                   “(iii) not affect any existing third  
4                   party property interests, leases, or agree-  
5                   ments with the Secretary.

6                   “(3) TERMS AND CONDITIONS.—The authority  
7                   of a non-Federal public entity or private nonprofit  
8                   entity under this subsection shall be subject to such  
9                   terms and conditions as the Secretary determines  
10                  necessary to protect the interests of the United  
11                  States.”; and

12                  (6) in subsection (e) (as so redesignated), in the  
13                  first sentence, by striking “non-Federal public and  
14                  private entities” and inserting “non-Federal public  
15                  entities, private nonprofit entities, and other private  
16                  entities”.

17 **SEC. 3. RETENTION OF RECREATION FEES.**

18                  (a) IN GENERAL.—Section 210(b) of the Flood Con-  
19                  trol Act of 1968 (16 U.S.C. 460d–3(b)) is amended—

20                  (1) by striking paragraph (4) and inserting the  
21                  following:

22                  “(4) DEPOSIT INTO TREASURY ACCOUNT.—All  
23                  fees collected under this subsection shall—

24                  “(A) be deposited in a special account in  
25                  the Treasury; and

1           “(B) be available for use, without further  
2           appropriation, for the operation and mainte-  
3           nance of recreation sites and facilities under the  
4           jurisdiction of the Secretary of the Army, sub-  
5           ject to the condition that not less than 80 per-  
6           cent of fees collected at a specific recreation site  
7           are utilized at that site.”; and

8           (2) by adding at the end the following:

9           “(5) SUPPLEMENT, NOT SUPPLANT.—Fees col-  
10          lected under this subsection—

11           “(A) shall be in addition to annual appro-  
12           priated funding provided for the operation and  
13           maintenance of recreation sites and facilities  
14           under the jurisdiction of the Secretary of the  
15           Army; and

16           “(B) shall not be used as a basis for re-  
17           ducing annual appropriated funding for those  
18           purposes.”.

19          (b) SPECIAL ACCOUNTS.—Amounts in the special ac-  
20          count for the Corps of Engineers described in section  
21          210(b)(4) of the Flood Control Act of 1968 (16 U.S.C.  
22          460d–3(b)(4)) (as in effect on the day before the date of  
23          enactment of this Act) that are unobligated on that date  
24          shall—

1           (1) be transferred to the special account estab-  
2           lished under section 210(b)(4) of the Flood Control  
3           Act of 1968 (16 U.S.C. 460d-3(b)(4)) (as amended  
4           by subsection (a)(1)); and

5           (2) be available to the Secretary for operation  
6           and maintenance of any recreation sites and facili-  
7           ties under the jurisdiction of the Secretary, without  
8           further appropriation.