

107TH CONGRESS
2D SESSION

S. 2607

To authorize the Secretary of the Interior and the Secretary of Agriculture to collect recreation fees on Federal lands, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2002

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior and the Secretary of Agriculture to collect recreation fees on Federal lands, and for other purposes.

1 *Be it enacted in 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 “Federal Lands Recre-
5 ation Fee Authority Act”.

6 **SEC. 2. RECREATION FEES ON FEDERAL LANDS.**

7 (a) GENERAL AUTHORITY.—Except as provided in
8 subsection (b):

9 (1) The Secretary of the Interior is authorized
10 to collect recreation fees, including entrance and use

1 fees, on the following lands administered by the Sec-
2 retary:

3 (A) Units of the National Park System;

4 (B) Units of the National Wildlife Refuge
5 System; and

6 (C) National monuments and national con-
7 servation areas administered by the Bureau of
8 Land Management.

9 (2) The Secretary of Agriculture is authorized
10 to collect recreation fees, including entrance and use
11 fees, on the following National Forest System lands
12 administered by the Secretary:

13 (A) National monuments;

14 (B) National volcanic monuments;

15 (C) National scenic areas; and

16 (D) National recreation areas.

17 (3) The Secretary of the Interior, with respect
18 to lands administered by the Bureau of Land Man-
19 agement, and the Secretary of Agriculture, with re-
20 spect to National Forest System lands, is also au-
21 thorized to collect fees at areas not described in
22 paragraphs (1) and (2) if—

23 (A) such area is managed primarily for
24 outdoor recreation purposes and contains at
25 least one major recreation attraction;

1 (B) such area has had substantial Federal
2 investments, as determined by the appropriate
3 Secretary, in—

4 (i) providing facilities or services to
5 the public; or

6 (ii) restoring resource degradation
7 caused by public use; and

8 (C) public access to the area is provided in
9 such a manner that entrance fees can be effi-
10 ciently collected at one or more centralized loca-
11 tions.

12 (5) The Secretary of the Interior or the Sec-
13 retary of Agriculture, as appropriate, may reduce or
14 waive any fee authorized under this Act, as appro-
15 priate.

16 (6) For each unit or area collecting an entrance
17 fee, the appropriate Secretary shall establish at least
18 one day each year during periods of high visitation
19 as a “Fee Free Day” when no entrance fee shall be
20 charged.

21 (7) No recreation fees of any kind shall be im-
22 posed or collected for outdoor recreation purposes on
23 Federal lands under the jurisdiction of the Secretary
24 of the Interior or the Secretary of Agriculture, ex-
25 cept as provided in this Act.

1 (b) PROHIBITION ON FEES.—(1) No recreation fees
2 shall be charged under this Act—

3 (A) for travel by private, noncommercial vehicle
4 over any national parkway or any road or highway
5 established as a part of the National Federal Aid
6 System, as defined in section 101 of title 23, United
7 States Code, which is commonly used by the public
8 as a means of travel between two places, either or
9 both of which are outside of the fee area;

10 (B) for travel by private, noncommercial vehicle
11 over any road or highway to any land in which a
12 person has any property right if such land is within
13 the unit or area at which recreation fees are
14 charged;

15 (C) for any person who has a right of access for
16 hunting or fishing privileges under a specific provi-
17 sion of law or treaty; or

18 (D) for any person who is engaged in the con-
19 duct of official business within the unit or area at
20 which recreation fees are charged.

21 (2) Entrance fees shall not be charged—

22 (A) for any person under 16 years of age;

23 (B) for admission of organized school groups or
24 outings conducted for education purposes by schools
25 or other bona fide educational institutions;

1 (C) for any area containing deed restrictions on
2 charging fees;

3 (D) for any person entering a national wildlife
4 refuge who is the holder of a valid migratory bird
5 hunting and conservation stamp issued under section
6 2 of the Act of March 16, 1934 (16 U.S.C. 718b)
7 (commonly known as the Duck Stamp Act);

8 (E) for any person holding a valid Golden Eagle
9 Passport, Golden Age Passport, Golden Access Pass-
10 port, or for entrance to units of the National Park
11 System, a National Parks Passport; and

12 (F) at the following areas administered by the
13 National Park Service:

14 (i) U.S.S. Arizona Memorial;

15 (ii) Independence National Historical
16 Park;

17 (iii) any unit of the National Park System
18 within the District of Columbia or the Arlington
19 House—Robert E. Lee National Memorial in
20 Virginia; and

21 (iv) any unit of the National Park System
22 located in Alaska, with the exception of Denali
23 National Park and Preserve (notwithstanding
24 section 203 of the Alaska National Interest

1 Lands Conservation Act (16 U.S.C. 410hh-2));
2 and

3 (G) in Smoky Mountains National Park, unless
4 entrance fees are charged on main highways and
5 thoroughfares, no fees shall be charged for entrance
6 on other routes into the park, or any part thereof.

7 (c) FEE CONSIDERATIONS.—(1) Recreation fees
8 charged by the Secretary of the Interior or the Secretary
9 of Agriculture shall be fair and equitable, taking into
10 consideration—

11 (A) the direct and indirect cost to the Federal
12 agency involved;

13 (B) the benefits and services provided to the
14 visitor;

15 (C) the public policy and management objec-
16 tives served;

17 (D) costs to the visitor;

18 (E) the effect of multiple fees charged within
19 the same area;

20 (F) fees charged at comparable sites by other
21 public agencies; and

22 (G) the economic and administrative feasibility
23 of fee collection at the site.

24 (2) The Secretary of the Interior and the Secretary
25 of Agriculture shall work cooperatively to ensure that com-

1 parable fees and services are established on Federal lands
2 under each Secretary's jurisdiction, and that guidelines for
3 assessing the type and amount of recreation fees are con-
4 sistent between areas under each Secretary's jurisdiction.

5 (3) The Secretary of the Interior and the Secretary
6 of Agriculture shall, to the extent practicable, seek to min-
7 imize multiple fees within specific units or areas.

8 (d) RECREATION USE FEES.—(1) The Secretary of
9 the Interior and the Secretary of Agriculture may provide
10 for the collection of recreation use fees where the Federal
11 agency develops, administers, provides, or furnishes at
12 Federal expense, specialized outdoor recreation sites, fa-
13 cilities, equipment, or services.

14 (2) As used in this subsection, the term “specialized
15 outdoor recreation sites, facilities, equipment, or services”
16 includes—

- 17 (A) a developed campground;
- 18 (B) a swimming site;
- 19 (C) a boat launch facility;
- 20 (D) a managed parking lot;
- 21 (E) facility or equipment rental;
- 22 (F) an enhanced interpretive program;
- 23 (G) a reservation service; or
- 24 (H) a transportation service.

25 (3) Recreation use fees may not be charged for—

1 (A) general access to an area;

2 (B) access to a visitor center;

3 (C) a dispersed area with little or no Federal
4 investment;

5 (D) a scenic overlook or wayside;

6 (E) drinking fountains or restrooms;

7 (F) undeveloped parking;

8 (G) picnic tables (when not part of a developed
9 campground or recreation area);

10 (H) special attention or extra services necessary
11 to meet the needs of the disabled; or

12 (I) any nonrecreational activity authorized
13 under a valid permit issued under any other Act.

14 (e) SPECIAL RECREATION PERMIT FEE.—The Sec-
15 retary of the Interior or the Secretary of Agriculture may
16 require a special recreation permit and may charge a spe-
17 cial recreation permit fee for recreation use involving a
18 group activity, a commercial tour, a commercial aircraft
19 tour, a recreation event, use by a motorized recreation ve-
20 hicle, a competitive event, and an activity where a permit
21 is required to ensure resource protection or public safety.

22 **SEC. 3. ANNUAL PASSES.**

23 (a) IN GENERAL.—The Secretary of the Interior and
24 the Secretary of Agriculture shall jointly establish proce-

1 dures for the issuance of, and make available the following
2 passes:

3 (1) GOLDEN EAGLE PASSPORT.—An annual ad-
4 mission permit, to be known as the “Golden Eagle
5 Passport”, to be valid for a period of one year for
6 admission into any unit or area collecting an en-
7 trance fee under this Act.

8 (2) GOLDEN AGE PASSPORT.—A lifetime admis-
9 sion permit to any citizen of, or person domiciled in
10 the United States sixty-two years of age or older, en-
11 titling the permittee to admission into any unit or
12 area collecting an entrance fee under this Act.

13 (3) GOLDEN ACCESS PASSPORT.—A lifetime ad-
14 mission permit to any citizen of, or person domiciled
15 in the United States who is blind or permanently
16 disabled, to be issued without cost.

17 (4) OTHER PASSES.—The Secretary of the Inte-
18 rior and the Secretary of Agriculture may develop
19 such other annual, regional or site-specific passes as
20 they deem appropriate.

21 (b) TERMS AND CONDITIONS.—

22 (1) Unless determined otherwise by the Sec-
23 retary of the Interior and the Secretary of Agri-
24 culture, the passes authorized under this section
25 shall be issued under the same terms and conditions

1 as existed for such passes as of the date of enact-
2 ment of this Act.

3 (2) The Secretaries shall develop such terms
4 and conditions for the passes authorized in this sec-
5 tion as they deem necessary.

6 (c) NATIONAL PARK PASSPORT.—Nothing in this Act
7 affects the authority of the Secretary of the Interior to
8 issue national park passports, as authorized in title VI of
9 the National Parks Omnibus Management Act of 1998
10 (16 U.S.C. 5991 et seq.).

11 **SEC. 4. ADMINISTRATION.**

12 (a) IN GENERAL.—The Secretary of the Interior and
13 the Secretary of Agriculture shall establish guidelines
14 identifying the process by which the agencies under each
15 Secretary's jurisdiction shall establish and change the
16 amounts charged for any recreation fee, including en-
17 trance fees, recreation use fees, or special recreation per-
18 mit fees collected under this Act. Such guidelines shall re-
19 quire that the agencies coordinate with each other, to the
20 extent practicable, when establishing or changing fees.

21 (b) NOTICE.—The Secretary of the Interior or the
22 Secretary of Agriculture, as appropriate, shall post clear
23 notice of any entrance fee and available passes at appro-
24 priate locations within each area where a recreation fee
25 is charged. Notice shall also be included in publications

1 distributed at the unit or area where the fee is collected.
2 The Secretaries shall jointly take such actions as may be
3 necessary to provide information to the public on all avail-
4 able passes authorized by this Act.

5 (c) NOTICE OF RECREATION FEE PROJECTS.—The
6 Secretary of the Interior and the Secretary of Agriculture
7 shall, to the extent practicable, post clear notice of where
8 work is being done using fee revenues collected under this
9 Act.

10 (d) FEE MANAGEMENT AGREEMENTS.—Notwith-
11 standing the Federal Grant and Cooperative Agreements
12 Act of 1977 (31 U.S.C. 6301 et seq.), the Secretary of
13 the Interior and the Secretary of Agriculture may enter
14 into fee management agreements, that provide for reason-
15 able commissions or reimbursements, with any govern-
16 mental or nongovernmental entities to provide fee collec-
17 tion and processing services, including visitor reservation
18 services.

19 (e) VOLUNTEERS.—The Secretary of the Interior and
20 the Secretary of Agriculture may use volunteers, as appro-
21 priate, to collect fees and sell passes authorized by this
22 Act.

23 **SEC. 5. EXPENDITURE OF FEES.**

24 (a) SPECIAL ACCOUNT.—The Secretary of the Treas-
25 ury shall establish a separate special account in the Treas-

1 ury for each Federal agency collecting recreation fees
2 under this Act. Amounts collected by each agency under
3 this Act shall be deposited into its special account in the
4 Treasury, and shall be available for expenditure by the ap-
5 propriate agency, without further appropriation, to remain
6 available until expended.

7 (b) DISTRIBUTION.—

8 (1) Eighty percent of the amounts collected at
9 a specific unit or area shall remain available for ex-
10 penditure without further appropriation, at the unit
11 or area where the fees were collected, except that the
12 Secretary of the Interior or the Secretary of Agri-
13 culture, as appropriate, may reduce the local alloca-
14 tion amount to not less than 60 percent of the fees
15 collected if the Secretary determines that the unit or
16 area's revenues in any specific fiscal year exceed its
17 reasonable needs for which expenditures may be
18 made.

19 (2) Amount not retained at the site or area col-
20 lecting the fee shall remain available for expenditure
21 without further appropriation to the Federal agency
22 administering the site, for distribution in accordance
23 with national priority needs within such agency.

24 (3) Revenues from the sale of annual passes
25 shall be distributed in accordance with revenue shar-

1 ing agreements developed by the Secretary of the In-
2 terior and the Secretary of Agriculture.

3 (c) USE OF FEE REVENUES.—Amounts made avail-
4 able under subsection (b)(1) for expenditure at a specific
5 unit or area shall be accounted for separately from
6 amounts available under (b)(2). Both amounts shall be
7 used for resource preservation, backlogged repair and
8 maintenance projects (including projects related to health
9 and safety), interpretation, signage, habitat for facility en-
10 hancement, law enforcement related to public use, mainte-
11 nance, and direct operating or capital costs associated
12 with the recreation fee program.

13 **SEC. 6. CONFORMING AMENDMENTS.**

14 (a) REPEAL OF OTHER FEE AUTHORITIES.—Section
15 4 of the Land and Water Conservation Fund Act (16
16 U.S.C. 4601–4a) and section 315 of Public Law 104–134,
17 as amended (16 U.S.C. 4601–4a note), are repealed, ex-
18 cept that the repeal of such provisions shall not affect the
19 expenditure of revenues already obligated. All unobligated
20 amounts as of the date of enactment of this Act shall be
21 transferred to the appropriate special account established
22 under this Act and shall be available as provided in this
23 Act.

24 (b) FEDERAL AND STATE LAW UNAFFECTED.—
25 Nothing in this Act shall be construed—

1 (1) to authorize Federal hunting or fishing li-
2 censes or fees;

3 (2) to authorize charges for commercial or
4 other activities not related to recreation;

5 (3) to affect any rights or authority of the
6 States with respect to fish and wildlife;

7 (4) to repeal or modify any provision of law
8 that provides that any fees or charges collected at
9 specific Federal areas be used for, or created to spe-
10 cific purposes or special funds as authorized by that
11 provision of law; or

12 (5) to repeal or modify any provision of law au-
13 thorizing States or political subdivisions thereof to
14 share in revenues from Federal lands.

○