

104TH CONGRESS
1ST SESSION

H. R. 2107

To amend the Land and Water Conservation Fund Act of 1965 to improve the quality of visitor services provided by Federal land management agencies through an incentive-based recreation fee program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 1995

Mr. HANSEN introduced the following bill; which was referred to the
Committee on Resources

A BILL

To amend the Land and Water Conservation Fund Act of 1965 to improve the quality of visitor services provided by Federal land management agencies through an incentive-based recreation fee program, 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 “Visitor Services Im-
5 provement and Outdoor Legacy Act of 1995”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to improve the overall qual-
3 ity of the visitor recreation experience on Federal lands
4 through an innovative and incentive-based recreation fee
5 program combined with an appropriation targeted to meet
6 the increasing demand for recreational use of the Federal
7 lands.

8 **SEC. 3. REPEAL OF EXISTING RECREATION FEE PROGRAM**

9 **AND ESTABLISHMENT OF NEW RECREATION**

10 **FEE PROGRAM.**

11 Section 4 of the Land and Water Conservation Fund
12 Act of 1965 (16 U.S.C. 460l-6a) is amended to read as
13 follows:

14 “RECREATION FEE PROGRAM

15 “SEC. 4. (a) PROGRAM GOALS AND POLICIES.—

16 “(1) CONGRESSIONAL GOALS.—It is the policy
17 of Congress that the Federal land management
18 agencies develop and implement high quality recre-
19 ation programs adequate to meet the needs of the
20 American people. In order to accomplish this goal,
21 the agencies shall establish recreation fee programs
22 designed to generate 75 percent of the annual cost
23 of providing visitor recreational programs for each
24 agency.

25 “(2) ADMINISTRATIVE POLICIES.—The admin-
26 istering Secretaries jointly shall issue an integrated

1 and coherent policy for the establishment and collec-
2 tion of recreation fees under this section. Such pol-
3 icy shall—

4 “(A) permit flexibility with regard to the
5 amounts charged;

6 “(B) provide for maximization of the num-
7 ber of persons who pay fees to ensure that fees
8 remain at the lowest possible level;

9 “(C) provide that comparable fees be
10 charged by the several Federal agencies for
11 comparable services and facilities;

12 “(D) provide for the establishment of fees
13 in a manner which is equitable among user
14 groups and accounts for other non-Federal
15 nonrecreational fees (if any) which are paid by
16 user groups and which are used on Federal
17 lands;

18 “(E) define administrative overhead and
19 specify accounting procedures to ensure that
20 administrative overhead is not included in the
21 cost of recreational services provided; and

22 “(F) provide for a uniform procedure for
23 accounting for fees collected under this section.

24 “(b) DEFINITIONS.—For the purposes of this section:

1 “(1) ADMINISTERING SECRETARIES.—The term
2 ‘administering Secretaries’ means—

3 “(A) the Secretary of Agriculture with re-
4 spect to the Forest Service; and

5 “(B) the Secretary of the Interior with re-
6 spect to the National Park Service, Bureau of
7 Land Management, United States Fish and
8 Wildlife Service, and Bureau of Reclamation.

9 “(2) AGENCY.—The term “agency” means an
10 agency referred to in paragraph (1) (A) or (B).

11 “(3) AREA.—The term ‘area’ means an admin-
12 istrative area managed by an agency, such as a unit
13 of the National Park System, a national forest, a
14 national wildlife refuge, and a project area with re-
15 spect to the Bureau of Reclamation.

16 “(4) AREA OF CONCENTRATED PUBLIC USE.—
17 The term ‘area of concentrated public use’ means an
18 area which—

19 “(A) provides developed facilities and serv-
20 ices necessary to accommodate public use;

21 “(B) contains at least one major visitor at-
22 traction including (but not limited to) a lake,
23 river, historical site, or geologic feature; and

24 “(C) provides public access such that ad-
25 mission fees can be cost-effectively collected.

1 “(5) RECREATION FEES.—The term ‘recreation
2 fees’ means admission fees, recreational services
3 fees, and concession fees.

4 “(6) RECREATIONAL SERVICES.—The term
5 ‘recreational services’ means services directly associ-
6 ated with management of recreation visitors to Fed-
7 eral lands, including (but not limited to) such pro-
8 grams as maintenance of facilities which serve pri-
9 marily visitor recreation use such as campgrounds,
10 scenic roads, trails, visitor centers and picnic areas,
11 public information and interpretation, wildlife habi-
12 tat enhancement directly related to public use such
13 as stream improvement to improve fishing or activi-
14 ties to facilitate watchable wildlife programs, and
15 public safety programs related to visitor use, but not
16 including administrative overhead.

17 “(7) TRANSITION PERIOD.—The term ‘transi-
18 tion period’ means the period beginning on the date
19 of the enactment of this section and terminating at
20 the end of the sixth complete fiscal year beginning
21 after such date.

22 “(8) PRE-1995 AUTHORIZED RECREATION RE-
23 CEIPTS.—The term ‘pre-1995 authorized recreation
24 receipts’ means the receipts that would have been re-
25 ceived for a fiscal year from fees collected under sec-

1 tion 4 of the Land and Water Conservation Fund
2 Act of 1965 as such section was in effect on the day
3 before the date of the enactment of the Visitor Serv-
4 ices Improvement and Outdoor Legacy Act of 1995.

5 “(9) INCENTIVE-BASED FEE RECEIPTS.—The
6 term ‘incentive-based fee receipts’ means receipts for
7 a fiscal year from recreation fees collected under this
8 section.

9 “(10) TRANSITION RECREATION FEE RE-
10 CEIPTS.—The term ‘transition recreation fee re-
11 ceipts’ means incentive-based fee receipts less pre-
12 1995 authorized recreation receipts.

13 “(c) ESTABLISHMENT.—

14 “(1) IN GENERAL.—In order to improve the
15 quality of the recreation experience on Federal
16 lands, the administering Secretaries shall establish
17 and implement a fee program in accordance with
18 this section which provides for substantial recovery
19 of the costs of recreational services provided through
20 fees paid by the public, including admission fees,
21 recreation use fees, and concession fees. In carrying
22 out such program, the administering Secretaries are
23 authorized and directed to collect admission fees in
24 accordance with this section at areas of concentrated
25 public use and at other areas designated by Act of

1 Congress, including (but not limited to) wilderness
2 areas, areas designated as components of the wild
3 and scenic rivers system, and national conservation
4 areas. In addition, the administering Secretaries
5 shall collect fees under this section for recreational
6 services. The administering Secretary shall consider
7 the effectiveness of the manager of areas in carrying
8 out this section in conducting annual performance
9 review of the manager.

10 “(2) FACTORS IN ESTABLISHING AMOUNT OF
11 FEES.—All fees established pursuant to this section
12 shall be fair and equitable, taking into consideration
13 the direct and indirect cost to the Government, the
14 benefits to the recipient, the public policy or interest
15 served, the comparable recreation fees charged by
16 other public and private entities, the economic and
17 administrative feasibility of fee collection, conven-
18 ience to the recreation user and other pertinent fac-
19 tors.

20 “(3) NOTICE OF FEES.—Clear notice that a fee
21 has been established pursuant to this section, and
22 the amount thereof, shall be prominently posted at
23 appropriate locations in each area and shall be in-
24 cluded in agency publications distributed with re-
25 spect to such areas.

1 “(4) ADJUSTMENTS.—The administering Sec-
2 retaries are authorized to make adjustments in the
3 fees authorized in subsection (d), taking into ac-
4 count the factors specified in paragraph (2). No
5 such adjustment shall become effective prior to 60
6 days from the date notification of such proposed ad-
7 justment is received by the appropriate congressional
8 committees. All proposals for adjustments in fees or
9 establishment of new fee collection sites (other than
10 demonstration areas under subsection (m)) devel-
11 oped subsequent to the date of enactment of this
12 section shall be included in the annual report re-
13 quired by subsection (l).

14 “(5) TARGET RECREATION REVENUE GOALS.—
15 After the transition period, the administering Sec-
16 retary shall annually develop a target recreation rev-
17 enue goal for each area administered by the Sec-
18 retary which reflects the estimated ability for such
19 area to collect recreation fees. The administering
20 Secretary shall develop that target based on histori-
21 cal data, projected visitation, and such other data as
22 are available to the Secretary.

23 “(d) RECREATION FEES.—

24 “(1) SINGLE ADMISSION VISITS.—Reasonable
25 admission fees for a single visit to any designated

1 area shall be established by the administering Sec-
2 retary. A 'single visit' means a more or less continu-
3 ous stay within a designated area. Payment of a sin-
4 gle visit admission fee shall authorize exits from and
5 reentries to a single designated area for a period of
6 from one to fifteen days, such period to be defined
7 for each designated area by the administering Sec-
8 retary based upon a determination of the period of
9 time reasonably and ordinarily necessary for such a
10 single visit. The single visit entrance fee for private
11 parties and commercial tours shall be set by the ad-
12 ministering Secretaries and may be adjusted, taking
13 into account the factors specified in subsection
14 (c)(2). The Secretaries shall ensure that the admis-
15 sion fee schedule developed provides economic incen-
16 tives for use of alternative modes of mass transpor-
17 tation at areas experiencing high levels of automobile
18 traffic.

19 “(2) ANNUAL ADMISSION PERMITS: GOLDEN
20 EAGLE PASSPORT.—(A) For admission into any area
21 at which fees are charged pursuant to this section,
22 an admission permit, to be known as the 'Golden
23 Eagle Passport', valid for the 12-month period be-
24 ginning on the date of sale, shall be available. The
25 fee for the passport shall be set jointly by the ad-

1 ministering Secretaries, taking into account the fac-
2 tors specified in subsection (c)(2). The permittee
3 and all persons accompanying the permittee in a sin-
4 gle, private, noncommercial vehicle, or alternatively,
5 the permittee and the permittee's spouse, children,
6 and parents accompanying the permittee where
7 entry to the area is by any means other than a pri-
8 vate noncommercial vehicle, shall be entitled to gen-
9 eral admission into any area designated pursuant to
10 this section. The permit shall be nontransferable,
11 and the unlawful use thereof shall be punishable in
12 accordance with regulations established pursuant to
13 subsection (g). The permit shall be available for pur-
14 chase at any such designated area.

15 “(B) The administering Secretaries may au-
16 thorize units of State or local government, organiza-
17 tions, businesses, and nonprofit entities to sell and
18 collect fees for the Golden Eagle Passport, subject to
19 such conditions as the Secretaries may jointly pre-
20 scribe. The Secretaries shall develop detailed guide-
21 lines for promotional advertising of non-Federal
22 passport sales and monitor compliance with those
23 guidelines. The Secretaries may authorize the seller
24 or sellers to maintain an inventory of Golden Eagle
25 Passports for periods not to exceed six months and

1 to withhold amounts up to, but not exceeding, eight
2 percent of the gross fees collected from Golden
3 Eagle Passport sales as reimbursement for actual
4 expenses of the sales.

5 “(3) ANNUAL GEOGRAPHIC ADMISSION PER-
6 MITS.—For admission into a specific designated unit
7 or into several specific units located in a particular
8 geographic area at which fees are charged pursuant
9 to this section, the administering Secretary or Sec-
10 retaries are authorized to make available an annual
11 admission permit. The permit shall convey the privi-
12 leges of, and shall be subject to the same terms and
13 conditions as, the Golden Eagle Passport, except
14 that it shall be valid only for admission into the spe-
15 cific units indicated at the time of purchase.

16 “(4) RECREATION USE FEES.—Each agency de-
17 veloping, administering, providing, or furnishing at
18 Federal expense services for such activities as camp-
19 ing, including back country camping under permit,
20 swimming sites, boat launch facilities, managed
21 parking lots, motorized recreation use and other
22 recreation uses, shall, in accordance with this section
23 provide for the collection of recreation use fees at
24 the place of use or any reasonably convenient loca-
25 tion.

1 “(e) ESTABLISHMENT OF ACCOUNTS AND DEPOSIT
2 OF RECREATION FEES.—

3 “(1) ESTABLISHMENT.—The administering
4 Secretary shall establish a special account in the
5 Treasury for each agency which collects recreation
6 fees under this section. Within each such account,
7 the administering Secretary shall separately account
8 for receipts and disbursements of funds for each
9 area.

10 “(2) DEPOSITS.—(A) The administering Sec-
11 retary shall deposit in each agency account—

12 “(i) during each fiscal year of the transi-
13 tion period an amount equal to the transition
14 recreation fee receipts collected and amounts
15 appropriated under subsection (o)(2) (relating
16 to pre-1995 recreation fee receipts); and

17 “(ii) after the transition period, an amount
18 equal to all incentive-based fee receipts col-
19 lected.

20 “(B) During the transition period, the admin-
21 istering Secretary shall allocate to an area the
22 amount of transition recreation fee receipts collected
23 with respect to the area and amounts appropriated
24 for the area under subsection (o)(2) (relating to pre-
25 1995 recreation fee receipts).

1 “(C) Within such agency account for fiscal
2 years following the transition period, the administer-
3 ing Secretary shall credit to an area—

4 “(i) an amount up to 75 percent of the
5 total Federal costs of providing recreational
6 services at that area; and

7 “(ii) one-third of the amount of recreation
8 fees collected from the area which exceeds the
9 target recreation revenue goal specified in sub-
10 section (c)(5) for that area.

11 “(D) All funds from the sale of the Golden
12 Eagle Passport shall be divided among the agencies
13 based on a formula to be developed by the admin-
14 istering Secretaries. Such formula shall consider
15 such factors as total recreation fees collected by the
16 agency and total recreation use provided by the
17 agency. Funds from the sale of the Golden Eagle
18 Passport shall be deposited as recreation fees col-
19 lected into the appropriate agency account.

20 “(E) All funds from the sale of geographic ad-
21 mission permits under subsection (d)(3) shall be di-
22 vided among the areas for which such permits were
23 issued on the basis of visitor use and shall be depos-
24 ited as recreation fees collected from areas into the
25 appropriate agency account.

1 “(3) USE OF FUNDS.—Funds deposited into ac-
2 counts under this subsection may only be used to
3 fund programs in direct support of recreational serv-
4 ices on Federal lands.

5 “(4) AVAILABILITY.—Funds deposited into ac-
6 counts established pursuant to this section shall be
7 available without further appropriation and shall be
8 expended in the same manner as funds allocated by
9 Congress to that agency for similar purposes.

10 “(f) ACCOUNTABILITY OF FUNDING.—The Comptrol-
11 ler General of the United States shall conduct periodic au-
12 dits to ensure that amounts received under this section
13 are fully accounted for and not diverted to administrative
14 overhead or other programs not directly related to visitor
15 recreational services.

16 “(g) ENFORCEMENT OF FEE COLLECTION POLI-
17 CIES.—In accordance with the provisions of this section,
18 the administering Secretaries may prescribe rules and reg-
19 ulations for areas under their administration for the col-
20 lection of any fee established pursuant to this section. Per-
21 sons authorized by the administering Secretaries to en-
22 force any such rules or regulations issued under this sec-
23 tion may, within areas under the administration or author-
24 ity of such administering Secretary and with or, if the of-
25 fense is committed in his presence, without a warrant, ar-

1 rest any person who violates such rules and regulations.
2 Any person so arrested may be tried and sentenced by the
3 United States magistrate specifically designated for that
4 purpose by the court by which he was appointed, in the
5 same manner and subject to the same conditions as pro-
6 vided in subsections (b), (c), (d), and (e) of section 3401
7 of title 18, United States Code. Any violations of the rules
8 and regulations issued under this subsection shall be pun-
9 ishable by a fine as provided by law.

10 “(h) NON-FEDERAL RESERVATIONS.—The admin-
11 istering Secretary, under such terms and conditions as he
12 deems appropriate, may contract with any public or pri-
13 vate entity to provide visitor reservation services. Any such
14 contract may provide that the contractor shall be per-
15 mitted to deduct a commission to be fixed by the agency
16 head from the amount charged the public for providing
17 such services and to remit the net proceeds therefrom to
18 the contracting agency.

19 “(i) USE OF VOLUNTEERS FOR FEE COLLECTION.—
20 When authorized by the administering Secretary, volun-
21 teers at designated areas may collect fees authorized or
22 established pursuant to this section. The administering
23 Secretary shall ensure that such volunteers have adequate
24 training for this purpose. The administering Secretary
25 shall require a surety bond for any such volunteer per-

1 forming services under this subsection. Funds available to
2 the collecting agency may be used to cover the cost of any
3 such surety bond.

4 “(j) IMPACT OF RECREATIONAL FEES ON LOW-IN-
5 COME INDIVIDUALS.—The administering Secretaries shall
6 jointly conduct a study to determine the effect on low-in-
7 come individuals of user and admission fees imposed pur-
8 suant to this section by the respective Secretary and shall
9 jointly submit recommendations to the Congress regarding
10 actions to be taken to resolve adverse impacts, if any, on
11 such individuals. Such recommendations shall be included
12 as part of the four-year report required to be submitted
13 under subsection (m)(1).

14 “(k) LIMITATIONS ON FEES.—

15 “(1) ACTIVITIES NOT SUBJECT TO FEES.—

16 Nothing in this section shall be construed to—

17 “(A) authorize Federal hunting or fishing
18 licenses or fees or charges for commercial or
19 other activities not related to recreation;

20 “(B) affect any rights or authority of the
21 States with respect to fish and wildlife; or

22 “(C) authorize the collection of fees from
23 any person who has a right of access for hunt-
24 ing or fishing privileges under a specific provi-
25 sion of law or treaty.

1 “(2) THROUGH TRAVEL.—No admission fee
2 shall be charged for travel by private, noncommercial
3 vehicle over any national parkway or any road or
4 highway established as a part of the National Fed-
5 eral Aid System, as defined in section 101, title 23,
6 United States Code, which is commonly used by the
7 public as a means of travel between two places either
8 or both of which are outside the area. Nor shall any
9 fee be charged for travel by private, noncommercial
10 vehicle over any road or highway to any land in
11 which such person has any property right if such
12 land is within any such designated area.

13 “(3) PERSONS CONDUCTING GOVERNMENTAL
14 BUSINESS.—No admission fee shall be charged to
15 persons engaged in the conduct of official Federal,
16 State or local government business or to others au-
17 thorized by the administering Secretary to conduct
18 administrative duties within the area.

19 “(4) LIFETIME ADMISSION PERMITS.—No ad-
20 mission fee shall be charged under this section to
21 any person who possesses a lifetime admission per-
22 mit issued under section 4(a) (4) or (5) of this Act
23 as in effect on the day before the date of the enact-
24 ment of the Visitor Services Improvement and Out-
25 door Legacy Act of 1995.

1 “(l) ANNUAL REPORTING REQUIREMENTS.—Reports
2 indicating the number and location of fee collection areas,
3 visitation information, fees collected, and other pertinent
4 data, shall be coordinated and compiled by the administer-
5 ing Secretaries and transmitted to the Committee on Re-
6 sources of the United States House of Representatives and
7 the Committee on Energy and Natural Resources of the
8 United States Senate. These reports shall be transmitted
9 annually not later than the submission of the President’s
10 budget under section 1105 of title 31, United States Code,
11 and shall include any recommendations which the Sec-
12 retaries may have with respect to improving the recreation
13 fee program.

14 “(m) TRANSITION TO FULL IMPLEMENTATION.—

15 “(1) DEMONSTRATION AREAS.—In implement-
16 ing the recreation fee program under this section,
17 the administering Secretaries shall initially imple-
18 ment demonstration programs at no fewer than 10,
19 but no greater than 30 areas managed by each agen-
20 cy. At these demonstration areas, the administering
21 Secretaries are encouraged to examine a full range
22 of recreation fees and fee collection strategies such
23 as vendor sales. Within four years after the date of
24 enactment of this section, the administering Sec-
25 retaries shall submit a report to Congress on the re-

1 sult of these demonstration projects. In addition, the
2 administering Secretary shall report on the ability of
3 each agency to meet the 75 percent cost recovery
4 goal. If the administering Secretary determines that
5 he cannot meet the overall cost recovery goals of this
6 section for a particular agency, he shall report the
7 likely level of potential cost recovery from the recre-
8 ation fee program for that agency.

9 “(2) NEW INTERIM FEE SCHEDULE.—Not later
10 than one year after the date of the enactment of this
11 section, the administering Secretaries shall submit to
12 Congress an interim schedule of recreation fees for
13 areas not included in a demonstration program
14 under paragraph (1). Such fee schedule may not
15 take effect until 60 days after the date on which it
16 is submitted to Congress. Before such schedule takes
17 effect, recreation fees at areas administered by the
18 agencies shall be determined in accordance section 4
19 of this Act as in effect on the day before the date
20 of the enactment of the Visitor Services Improve-
21 ment and Outdoor Legacy Act of 1995.

22 “(3) IMPLEMENTATION REPORT.—Not later
23 than 180 days before the end of the transition pe-
24 riod, the administering Secretaries shall jointly sub-
25 mit a report to Congress on the implementation of

1 this section. Such report shall include the policy
2 statement developed under subsection (a)(2), the
3 fees to be charged under this section, and the target
4 recreation revenue goals for each area subject to this
5 section. Such fees and target recreation revenue
6 goals shall be effective beginning with the fiscal year
7 beginning after the transition period unless Congress
8 enacts a joint resolution before the beginning of
9 such fiscal year specifying otherwise.

10 “(n) EXEMPTION OF FEES.—Amounts collected
11 under this section shall not be taken into account for the
12 purposes of the Act of May 23, 1908, and the Act of
13 March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913
14 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C.
15 1012), the Act of August 8, 1937, and the Act of May
16 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14,
17 1926 (43 U.S.C. 869–4), chapter 69 of title 31, United
18 States Code, section 401 of the Act of June 15, 1935 (16
19 U.S.C. 715s), the Land and Water Conservation Fund Act
20 of 1965 (16 U.S.C. 460l–1—4—460l–11), and any other
21 provision of law relating to revenue allocation.

22 “(o) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—After the transition period,
24 for each \$3 in recreation fees collected by an agency
25 pursuant to this section during a fiscal year, there

1 is appropriated \$2 to that agency for the succeeding
2 fiscal year, of which not less than 25 percent or
3 more than 50 percent shall be available to fund the
4 construction or rehabilitation of visitor facilities and
5 the remaining amount shall be available to provide
6 the balance of funding for annual visitor recreational
7 services.

8 “(2) TRANSITION PERIOD.—During the transi-
9 tion period, there is authorized to be appropriated
10 for a fiscal year amounts which would have been ap-
11 propriated for that fiscal year under section 4 of the
12 Land and Water Conservation Fund Act of 1965, as
13 such section was in effect on the day before the date
14 of the enactment of the Visitor Services Improve-
15 ment and Outdoor Legacy Act of 1995.”.

16 **SEC. 4. CONFORMING AMENDMENT.**

17 The Department of the Interior and Related Agencies
18 Appropriations Act, 1993 is amended by striking out the
19 second proviso under the heading “ADMINISTRATIVE PRO-
20 VISIONS” which is under the heading “NATIONAL PARK
21 SERVICE” (related to recovery of costs associated with spe-
22 cial use permits).

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