

A Continuation of the Legislative History of Outdoor Recreation User Fees

INTRODUCTION

Section 1021 of the Omnibus Parks and Public Land Management Act of 1996 (Public Law 104-333) created a nine-member commission to be appointed by the President to conduct a National Recreation Lakes Study to “review the current and anticipated demand for recreational opportunities at federally-managed man-made lakes and reservoirs” and “to develop alternatives for enhanced recreational use of such facilities.”

Two of the tasks of the Commission are to 1) Identify existing and potential revenue sources for planning, developing and managing recreation resources and 2) Determine impact revenue generation has on the planning, development, and maintenance of recreation facilities.

A first step in that effort is to identify the legislation impacting outdoor recreation user fees. The legislative history of outdoor recreation user fees was presented in a Congressional Research Service Report for Congress¹ in April 1992. The report provided a history of outdoor recreation user fees legislation through the 101st Congress (1989-90).

The intent of this document to continue the documentation of the history of outdoor recreation user fees from the 102nd Congress (1991-1992) through the present.

This is followed by a presentation of the amounts and types of revenues collected by each agency and the appropriations for recreation activities for each agency for Fiscal Years 1994-97.

¹ Brown, LaTonya L., *A Legislative History of Outdoor Recreation User Fees*, Congressional Research Service, Aug 14, 1992.

A CONTINUATION OF THE LEGISLATIVE HISTORY OF RECREATION USER FEES

102nd Congress (1991-92)

In this Congress, no bills regarding user fees were enacted into law.

103rd Congress (1993-94)

[H.R. 2264] PL 103-66, The Omnibus Budget Reconciliation Act of 1993²

Section 5001, Recreational User Fees, of Title V - Transportation and Public Works Provisions, amended the Land and Water Conservation Act of 1965 resulting in several changes to the authority of the Corps of Engineers for charging recreation user fees.

Prohibited the Corps of Engineers from charging entrance fees.

Expanded the authority the Secretary of the Army to establish and collect user fees for the use of developed recreation sites and facilities, swimming areas, and boat launching ramps but excluding a site or facility which includes only a boat launch ramp and a courtesy dock. The prohibition on fees for drinking water, wayside exhibits, roads, scenic drives, overlook sites, picnic tables, toilet facilities, surface water areas, undeveloped or lightly developed shoreland or general visitor information were retained. The per vehicle fee for use a site or facility (other than an overnight camping site or facility or any other site or facility at which a fee is charged for use of the site or facility as of the date of the enactment of this law) for a private, noncommercial vehicle transporting not more than eight persons shall not exceed \$3 per day.

Repealed the statutory requirement that all Army Corps of Engineers lakes and reservoirs have one free campground.

Subtitle A - Recreation User Fees, of TITLE, amended the Land and Water Conservation Act of 1965 resulting in a number of changes to the authorities of Federal agencies charging recreation user fees.

Section 10001. Admission Fees.

Authorized entrance fees at Congressionally designated Forest Service and Bureau of Land Management areas and at up to 21 areas of concentrated use administered by the Secretary of

² H.R. 2264 -- Signed into law (Public Law 103-66), August 10, 1993.

Agriculture. "Area of concentrated public use" was defined as "an area that is managed primarily for outdoor recreation purposes, contains at least one major recreation attraction, where facilities and services necessary to accommodate heavy public use are provided, and public access to the area is provided in such a manner that admission fees can be efficiently collected at one or more centralized locations."

A one-time processing fee of \$10.00 was imposed on the issuance of Golden Age Passports.

Section 10002. Recreation User Fees.

Authorized user fees at day use recreation sites including swimming areas, boat ramps and managed parking lots on Department of the Interior, Department of Agriculture and Army Corps of Engineers outdoor recreation sites. The prohibition on fees for drinking water, wayside exhibits, roads and overlooks, visitor centers, scenic drives and picnic tables were retained. Overnight camping fees were authorized if 5 of 9 criteria (tent or trailer space, drinking water, access roads, refuse containers, toilet facilities, personal fee collection, visitor protection, campfire facilities, picnic tables) are met.

Authorized the Secretaries of the Interior and Agriculture to retain from the fees collected an amount equal to the direct costs of collection associated with existing and additional fee revenues, but caps the amount that may be retained at 15% of the fee revenues collected for that year.

Authorized commercial tour use fees for vehicles and aircraft at certain park system units with high levels of overflight activity.

Authorized the sale of Golden Eagle Passports by non-Federal entities, with such agencies retaining 8% of the gross receipts, with proceeds to be divided among agencies based on a share of entrance fee revenues. All the fee revenues from the non-Federal sale of the Golden Eagle Passport will be used solely for resource protection, rehabilitation and conservation projects carried out by conservation corps pursuant to Public Law 91-378, or other programs or authorities, on lands administered by the Secretary of the Interior and the Secretary of Agriculture.

Annual permits shall be valid for a period of 12 months from the date the annual fee is paid.

104th Congress (1995-96)

[H.R 3019] PL 104-134, Department of the Interior and Related Agencies Appropriations Act for FY 1996³

Section 315, Recreational Fee Demonstration Program, directed the Secretary of the Interior (acting through Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) to implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal Lands

Each agency was to select no fewer than ten and no more than fifty sites or projects for the demonstration program. The agencies were permitted to collect fees for admission or use of sites, facilities visitor centers, equipment or special services, with fees based upon cost recovery or fair market value. Volunteers were authorized to collect demonstration program fees.

For agencies other than the Fish and Wildlife Service, up to 15% of current year collections at each agency, but not greater than fee collection costs for that fiscal year, are to remain available without further appropriation.

80% of the demonstration program fees in excess of 104% of FY 1995 collections for recreation sites and habitat enhancement projects, and thereafter annually adjusted upward by 4%, are available for use at the site or project from which funds are collected without further appropriation.

20% of the demonstration program fees in excess of 104% of FY 1995 collections for recreation sites and habitat enhancement projects, and thereafter annually adjusted upward by 4%, are available for use on an agency-wide basis, without further appropriation.

For the Fish and Wildlife Service, 70% of the funds collected shall go to wetlands acquisition using FY 1995 revenue as a base.

Amounts of funds collected under the demonstration program may only be used for the area, site or project concerned, for backlogged repair and maintenance projects and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation, maintenance, and law enforcement relating to public use. The agency wide accounts may be used for the same purposes, but for areas, sites or projects selected at the discretion of the respective agency head.

³ H.R 3019 -- Signed into law (Public Law 104-134), April 26, 1996.

The authority to collect demonstration program fees shall commence on October 1, 1995, and end on September 30, 1998. Funds shall remain available through September 30, 2001.

[H.R. 3610], PL 104-208, Omnibus Consolidate Appropriations Act for FY 1997⁴

Section 319 amended Section 315(b) (Recreational Fee Demonstration Program) of PL 104-134 to allow up to 100 sites/projects per agency and extended the program for one fiscal year (September 30, 1999) with funds to remain available through September 30, 2002.

All funds collected under the Fee Demonstration Program by the Fish and Wildlife Service are to go to refuge O&M rather than 70% going to wetlands acquisition using FY 1995 revenue as a base.

[S. 640], PL 104-303, The Water Resources Development Act of 1996⁵

Section 208 directs the Secretary to: (1) provide increased emphasis on, and opportunities for recreation at, projects operated, maintained, or constructed by the Corps of Engineers; (2) report to the Congress on measures taken to implement this subsection within two years; (3) return appropriated special recreation use fee to the projects at which the fees were collected; (4) report to specified congressional committees on the FY 94 and FY 95 collection of fees at Corps projects; (5) evaluate the feasibility of implementing an alternative to the \$25 annual pass currently offered to users of recreational facilities at Corps projects; and (6) report to the Congress the results of such evaluation. Terminates on a conditional date the authority to establish an alternative annual pass.

105th Congress (1997-98)

HR 682⁶

Proposed to authorize the Secretary of the Interior to assess up to \$2 per person visiting the Grand Canyon and other national parks to secure bonds for capital improvements to the park.

HR 706⁷

⁴ H.R. 3610 -- Signed into law (Public Law 104-208, September 30, 1996.

⁵ S. 640 -- Signed into law (Public Law 104-303), October 1996.

⁶ H.R. 682 -- Referred to the Subcommittee on National Parks and Public Lands.

⁷ H.R. 706 -- Referred to the Subcommittee on National Parks and Public Lands , February 21, 1997.

Proposed to amend the Land and Water Conservation Fund Act to half the receipts off-budget treatment of the Land and Water Conservation Fund Act monies.

HR 1487⁸

Proposed to amend the Land and Water Conservation Fund Act to allow off-budget treatment of one-half of the receipts of the Land and Water Conservation Fund Act and to limit the amount of Land and Water Conservation Fund Act funds for Federal use to not more than the amount for the States.

HR 1732⁹

Proposed to amend the Land and Water Conservation Fund Act to allow off-budget treatment of all Land and Water Conservation Fund Act receipts and special recreation user fees and have none of them treated as new budget authority.

HR 2502¹⁰

Proposed to amend the Land and Water Conservation Fund Act to allow national park units that cannot charge entrance or admission fees to retain other fees and charges.

S 1333¹¹

Proposed to amend the Land and Water Conservation Fund Act to allow national park units that cannot charge entrance or admission fees to retain other fees and charges.

[H.R. 1871], PL 105-18, 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters and for Overseas Peacekeeping Efforts, Including

⁸ H.R. 1487 -- Referred to the Committee on Budget and the Subcommittees on National Parks and Public Lands; Fisheries Conservation, Wildlife and Oceans; and Forest and Forest Health, May 5, 1997.

⁹ H.R. 1732 -- Referred to the Committees on National Parks and Public Lands; Fisheries Conservation, Wildlife and Oceans; and Forests and Forests Lands, May 30, 1997.

¹⁰ H.R. 2502 -- Referred to the Committee on Resources, September 18, 1997, and to the Subcommittee on National Parks and Public Lands, September 23, 1997.

¹¹ S. 682 -- Referred to the Subcommittee on National Parks and Public Lands.

those in Bosnia¹²

Section 5001 amended Section 315 (Recreational Fee Demonstration Program) of PL 104-134 changing “...% of the demonstration program fees in excess of 104% of FY 1995 collections” to “...% of the demonstration program fees in excess of 100% of FY 1994 collections” and striking the words “and thereafter annually adjusted upward by 4%.”

[H.R. 2107], PL 105-83, Department of the Interior and Related Agencies Appropriations Act for FY 1998¹³

Section 107 stated that for those years in which the Fee Demonstration Program is in effect, the authority to retain 15% of the fees collected to cover the cost of collection will apply only to those non-demonstration parks.

¹² H.R. 1871-- Signed into law (Public Law 105-18), June 12, 1997.

¹³ H.R. 2107 -- Signed into law (Public Law 105-83), November 14, 1997.