

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5273

To authorize the Secretary of Agriculture to establish and collect recreation use fees on a temporary basis in connection with the recreational use of the Superior National Forest in the State of Minnesota.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 1994

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

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## A BILL

To authorize the Secretary of Agriculture to establish and collect recreation use fees on a temporary basis in connection with the recreational use of the Superior National Forest in the State of Minnesota.

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 “Superior National  
5        Forest Fund Act”.

6        **SEC. 2. FINDINGS AND PURPOSE.**

7        (a) FINDINGS.—Congress finds the following:

1           (1) The anticipated number of persons using  
2 the facilities of the Superior National Forest re-  
3 quires additional funding to provide minimum sani-  
4 tary and safety related service at the Superior Na-  
5 tional Forest as well as management of the environ-  
6 ment and riparian areas.

7           (2) The quality of services provided at the Su-  
8 perior National Forest and the integrity of the envi-  
9 ronment could best be served by maintaining public,  
10 rather than private, management of the Superior  
11 National Forest.

12           (3) The users of units of the National Forest  
13 System have demonstrated a willingness to pay a  
14 user fee for maintenance and operation if the locally  
15 collected funds are returned to the unit.

16       (b) PURPOSE.—It is the purpose of this Act to use  
17 funds generated from fees charged in connection with the  
18 recreational use of the Superior National Forest—

19           (1) to assure adequate funding of maintenance  
20 and operation of the Superior National Forest; and

21           (2) to provide additional funding to the counties  
22 in which the Superior National Forest is located, en-  
23 abling the counties to increase investment in facili-  
24 ties and services related to public safety, sanitation,  
25 and the recreational environment.

1 **SEC. 3. DEFINITIONS.**

2 For purposes of this Act:

3 (1) RECREATION SITE.—The term “recreation  
4 site” means a campground, picnic ground, swimming  
5 site, boat launch site, lake access site, or other man-  
6 made or natural recreational facility in the Superior  
7 National Forest.

8 (2) RECREATION USE FEE; FEE.—The terms  
9 “recreation use fee” or “fee” mean a fee that is  
10 charged for the use of a recreation site in the Supe-  
11 rior National Forest.

12 (3) RECREATION USE PASS.—The term “recre-  
13 ation use pass” means a document that entitles the  
14 holder access and use of recreation sites in the Supe-  
15 rior National Forest for a specified period of time.

16 (4) SECRETARY.—The term “Secretary” means  
17 the Secretary of Agriculture.

18 **SEC. 4. TEMPORARY AUTHORITY TO COLLECT RECREATION**  
19 **USE FEES.**

20 (a) RECREATION USE FEE AUTHORIZED.—Except as  
21 provided in subsection (b), the Secretary may establish  
22 and collect recreation use fees at designated recreation  
23 sites within the Superior National Forest.

24 (b) EXCEPTIONS.—The Secretary may not impose or  
25 collect a recreation use fee for the use or provision in the  
26 Superior National Forest, either singly or in any combina-

1 tion, of drinking water, wayside exhibits, toilet facilities,  
2 general purpose roads, overlook sites, or general informa-  
3 tion. The Secretary may not impose or collect a fee from  
4 any officer or employee of the Federal Government or  
5 State or local government authorized by the Secretary to  
6 perform administrative duties at recreation sites in the  
7 Superior National Forest.

8 (c) ESTABLISHMENT AND COLLECTION.—Establish-  
9 ment and collection of recreation use fees shall be made  
10 in accordance with subsections (d) and (e) of section 4  
11 of the Land and Water Conservation Fund Act of 1965  
12 (16 U.S.C. 460l–6a). The Secretary may authorize the col-  
13 lection of fees by volunteers in accordance with subsection  
14 (k) of such section.

15 (d) GOLDEN AGE PASSPORT AND GOLDEN ACCESS  
16 PASSPORT.—Any person holding a valid Golden Age Pass-  
17 port or Golden Access Passport issued under paragraph  
18 (4) or (5) of section 4(a) of the Land and Water Conserva-  
19 tion Fund Act of 1965 (16 U.S.C. 460l–6a(a)) shall be  
20 entitled upon presentation of such passport to use a recre-  
21 ation site within the Superior National Forest at a rate  
22 equal to 50 percent of the recreation use fee otherwise ap-  
23 plicable to such recreation site.

24 (e) EFFECT ON OTHER LAWS.—Recreation use fees  
25 established under this section for use of recreation sites

1 in the Superior National Forest shall be in lieu of any  
2 recreation use fees for such recreation sites under section  
3 4(b) of the Land and Water Conservation Fund Act of  
4 1965 (16 U.S.C. 460l–6a(b)) or section 1401 of the Omni-  
5 bus Budget Reconciliation Act of 1993 (16 U.S.C. 460l–  
6 6c).

7 **SEC. 5. TEMPORARY AUTHORITY TO SELL RECREATION**  
8 **USE PASSES.**

9 (a) RECREATION USE PASS AUTHORIZED.—The Sec-  
10 retary shall make available for purchase recreation use  
11 passes for the use on a daily or annual basis of recreation  
12 sites in the Superior National Forest otherwise subject to  
13 a recreation use fee. Use of an annual recreation use pass  
14 shall be subject to any single stay time limits imposed on  
15 the recreation site.

16 (b) AVAILABILITY.—The Secretary may have recre-  
17 ation use passes available for sale at any recreation site  
18 for which a recreation use fee is charged or at other con-  
19 venient locations.

20 (c) USE OF PASS.—The recreation use pass shall  
21 apply to—

22 (1) the pass holder and any person accompany-  
23 ing the pass holder in a single, private, noncommer-  
24 cial vehicle; or

1           (2) the pass holder and the spouse, children,  
2           and parents of the pass holder accompanying the  
3           pass holder where entry to a recreation site is by  
4           any means other than a private, noncommercial  
5           vehicle.

6           (d) GOLDEN AGE PASSPORT AND GOLDEN ACCESS  
7           PASSPORT.—Any person holding a valid Golden Age Pass-  
8           port or Golden Access Passport issued under paragraph  
9           (4) or (5) of section 4(a) of the Land and Water Conserva-  
10          tion Fund Act of 1965 (16 U.S.C. 460l–6a(a)) shall be  
11          entitled upon presentation of such passport to purchase  
12          of a recreation use pass for the Superior National Forest  
13          at a rate equal to 50 percent of the purchase price other-  
14          wise applicable to the recreation use pass.

15          (e) RULES AND REGULATIONS, ENFORCEMENT POW-  
16          ERS.—Recreation use passes sold under this section shall  
17          be nontransferable. The unlawful use of a recreation use  
18          pass shall be punishable in accordance with regulations es-  
19          tablished under section 4(e) of the Land and Water Con-  
20          servation Fund Act of 1964 (16 U.S.C. 460l–6a(e)).

21          **SEC. 6. TERMINATION OF AUTHORITY.**

22          (a) TERMINATION.—The authority of the Secretary  
23          to establish or collect fees under section 4 or sell recre-  
24          ation use passes under section 5 shall expire at the end  
25          of the seven-year period beginning on the date of the en-

1 actment of this Act. Termination of such authority shall  
2 not affect the validity of any annual recreation use pass  
3 sold under section 5 before that date.

4 (b) REPORT.—Not later than six years after the date  
5 of the enactment of this Act, the Secretary shall submit  
6 to the Committee on Energy and Natural Resources and  
7 the Committee on Agriculture, Nutrition, and Forestry of  
8 the Senate and the Committee on Natural Resources and  
9 the Committee on Agriculture of the House of Representa-  
10 tives a report evaluating the authority provided by sections  
11 4 and 5 regarding recreation use fees and recreation use  
12 passes. The report shall include any recommendations of  
13 the Secretary for modifying the authority, for extending  
14 the authority beyond the date specified in subsection (a),  
15 or for extending the authority to other units of the Na-  
16 tional Forest System.

17 **SEC. 7. DISPOSITION OF RECREATION USE FEES AND**  
18 **FUNDS FROM SALES OF RECREATION USE**  
19 **PASSES.**

20 (a) DEPOSIT OF FUNDS.—Notwithstanding para-  
21 graphs (1), (2), or (3) of section 4(i) of the Land and  
22 Water Conservation Fund Act of 1965 (16 U.S.C. 460l-  
23 6a(i)), recreation use fees collected under section 4 and  
24 amounts received from sales of recreation use passes

1 under section 5 shall be deposited in a special account in  
2 the Treasury.

3 (b) USE OF FUNDS.—

4 (1) OPERATION, MAINTENANCE, AND OTHER  
5 USES.—In such amounts as are provided in advance  
6 in appropriation Acts, the Secretary may use  
7 amounts in the special account to provide supple-  
8 mental funds for operation, maintenance, and man-  
9 agement of recreation sites within the Superior Na-  
10 tional Forest, for interpretation and management of  
11 resources in the Superior National Forest, and for  
12 administrative costs associated with such activities.

13 (2) PAYMENTS TO STATES AND COUNTIES.—  
14 Recreation use fees collected under section 4 and  
15 amounts received for recreation use passes sold  
16 under section 5 shall be considered as money re-  
17 ceived for purpose of computing and distributing  
18 payments to States and counties pursuant to section  
19 13 of the Act of March 1, 1911 (16 U.S.C. 500).

20 (c) ROADS AND TRAILS.—Recreation use fees col-  
21 lected under section 4 and amounts received for recreation  
22 use passes sold under section 5 shall not be considered  
23 as money received for purpose of the fourteenth paragraph



1 under the heading “FOREST SERVICE” of the Act of March  
2 4, 1913 (16 U.S.C. 501).

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