

Calendar No. 537113TH CONGRESS
2^D SESSION**H. R. 5204****[Report No. 113-706, Part I]**

To amend the Federal Lands Recreation Enhancement Act to improve recreation opportunities and increase consistency and accountability in the collection and expenditure of recreation fees collected on public lands and forests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2014

Mr. BISHOP of Utah introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 22, 2014

Reported from the Committee on Natural Resources

DECEMBER 22, 2014

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Federal Lands Recreation Enhancement Act to improve recreation opportunities and increase consistency and accountability in the collection and expenditure of recreation fees collected on public lands and forests, 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 (a) SHORT TITLE.—This Act may be cited as the
 5 “Federal Lands Recreation Enhancement Modernization
 6 Act of 2014”.

7 (b) TABLE OF CONTENTS.—The table of contents for
 8 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. References to Federal Lands Recreation Enhancement Act.
- Sec. 3. Definitions.
- Sec. 4. Recreation fee authority.
- Sec. 5. Public participation.
- Sec. 6. Recreation passes.
- Sec. 7. Special account.
- Sec. 8. Expenditures.
- Sec. 9. Reporting requirements.
- Sec. 10. Sunset provision.
- Sec. 11. Volunteers.
- Sec. 12. Enforcement.
- Sec. 13. Repeal of superseded admission and use fees.
- Sec. 14. Relationship to other laws.

9 **SEC. 2. REFERENCES TO FEDERAL LANDS RECREATION EN-**
 10 **HANCEMENT ACT.**

11 Except as otherwise specifically provided, whenever in
 12 this Act an amendment or repeal is expressed in terms
 13 of an amendment to, or repeal of, a provision, the ref-
 14 erence shall be considered to be made to a provision of
 15 the Federal Lands Recreation Enhancement Act (title
 16 VIII of division J of Public Law 108–447; 16 U.S.C. 6801
 17 et seq.).

1 **SEC. 3. DEFINITIONS.**

2 (a) **NEW FEE NAMES.**—Paragraphs (1) and (2) of
3 section 802 (16 U.S.C. 6801) are amended to read as fol-
4 lows:

5 “(1) **DAY USE FEE.**—The term ‘day use fee’
6 means the recreation fee authorized by section
7 803(f).

8 “(2) **AMENITY FEE.**—The term ‘amenity fee’
9 means the recreation fee authorized by section
10 803(g).”.

11 (b) **FEDERAL LAND MANAGEMENT AGENCY.**—Sec-
12 tion 802(4) (16 U.S.C. 6801(4)) is amended by inserting
13 “or ‘agency’” before “means the National”.

14 (c) **RECREATION FEE.**—Section 802(8) (16 U.S.C.
15 6801(8)) is amended by striking “standard amenity recre-
16 ation fee, expanded amenity recreation fee” and inserting
17 “day use fee, amenity fee”.

18 (d) **NEW DEFINITIONS.**—Section 802 (16 U.S.C.
19 6801) is further amended—

20 (1) by redesignating paragraphs (10) through
21 (13) as paragraphs (11) through (14), respectively;

22 (2) by inserting after paragraph (9) the fol-
23 lowing new paragraph:

24 “(10) **RECREATION SERVICE PROVIDER.**—The
25 term ‘recreation service provider’ means any entity
26 that provides any recreation service on Federal rec-

1 reational lands and waters for which the provider
2 charges a fee for the service.”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(15) UNIT.—The term ‘unit’ means an indi-
6 vidual unit of the National Park System, National
7 Forest System, National Wildlife Refuge System, or
8 similar area.”.

9 (e) TECHNICAL CORRECTIONS.—Section 802 (16
10 U.S.C. 6801) is further amended—

11 (1) in the matter preceding paragraph (1), by
12 striking “this Act” and inserting “this title”;

13 (2) in paragraph (6), by striking “section 5”
14 and inserting “section 805”;

15 (3) in paragraph (9), by striking “section 5”
16 and inserting “section 805”;

17 (4) in paragraph (13), as redesignated by sub-
18 section (d)(1), by striking “section 7” and inserting
19 “section 807”; and

20 (5) in paragraph (14), as redesignated by sub-
21 section (d)(1), by striking “section 3(h)” and insert-
22 ing “section 803(h)”.

23 **SEC. 4. RECREATION FEE AUTHORITY.**

24 (a) SOLE AUTHORITY.—Section 803(a) (16 U.S.C.
25 6802(a)) is amended by inserting “only” after “waters”.

1 (b) FEE BASIS.—Section 803(b) (16 U.S.C. 6802(b))
2 is amended by striking paragraphs (5) and (6) and insert-
3 ing the following new paragraph:

4 “(5) The Secretary shall consider access to
5 recreation opportunities.”.

6 (c) LIMITATIONS.—Section 803(d) (16 U.S.C.
7 6802(d)) is amended—

8 (1) in paragraph (1)—

9 (A) in the matter preceding subparagraph
10 (A), by striking “standard amenity recreation
11 fee or expanded amenity recreation fee” and in-
12 serting “day use fee or amenity fee”;

13 (B) by striking subparagraphs (A) through
14 (F) and inserting the following new subpara-
15 graph:

16 “(A) For any site, area, or activity, except
17 as specifically authorized under this section.”;
18 and

19 (C) by redesignating subparagraphs (G)
20 through (K) as subparagraphs (B) through (F),
21 respectively; and

22 (2) in paragraph (3)—

23 (A) in the matter preceding subparagraph
24 (A), by striking “standard amenity recreation
25 fee” and inserting “day use fee”; and

1 (B) in subparagraph (B), by striking “edu-
2 cational purposes by schools or bona fide aca-
3 demic institutions” and inserting “, non-rec-
4 reational educational purposes by schools or
5 bona fide academic institutions when the stu-
6 dents are pursuing academic credit and the Sec-
7 retary has provided prior approval for a fee
8 waiver”.

9 (d) ENTRANCE FEES.—Section 803(e) (16 U.S.C.
10 6802(e)) is amended—

11 (1) by redesignating paragraph (2) as para-
12 graph (4); and

13 (2) by inserting after paragraph (1) the fol-
14 lowing new paragraphs:

15 “(2) POLICIES.—The Secretary shall—

16 “(A) treat a motorcycle or snowmobile,
17 when used as transportation to enter a unit, as
18 a motor vehicle for the purposes of collecting
19 entrance fees and shall charge a consistent per
20 vehicle rate; and

21 “(B) determine, by agency, a nationally
22 consistent entrance fee policy and cor-
23 responding rate structure, including a schedule
24 for general visitors, commercial and non-

1 commercial recreational tours or groups, and
2 commercial air tours.

3 “(3) TRANSPORTATION SERVICES.—At a unit of
4 the National Park System where the Secretary pro-
5 vides a transportation service, either as a Govern-
6 ment service or through agreement or contract, the
7 Secretary may charge transportation users a trans-
8 portation fee alone (consistent with section 501 of
9 the National Park Omnibus Management Act of
10 1998 (16 U.S.C. 5981) and other authorities) or in
11 combination with an entrance fee. However, the
12 transportation fee or combined transportation and
13 entrance fee may not exceed the entrance fee
14 charged at other similar units as identified in the
15 national entrance fee policy under paragraph
16 (2)(B).”.

17 (e) DAY USE FEE.—Subsection (f) of section 803 (16
18 U.S.C. 6802) is amended to read as follows:

19 “(f) DAY USE FEE.—

20 “(1) AUTHORIZED SITES FOR DAY USE FEES.—
21 The Secretary may charge a day use fee for Federal
22 recreational lands and waters under the jurisdiction
23 of the Bureau of Land Management, the Bureau of
24 Reclamation, or the Forest Service at the following:

25 “(A) A National Conservation Area.

1 “(B) A National Volcanic Monument.

2 “(C) A destination visitor or interpretive
3 center that provides a broad range of interpre-
4 tative services, programs and media.

5 “(D) Sites of concentrated public use that
6 are managed primarily for outdoor recreation
7 purposes where there has been a substantial
8 Federal investment in facilities and services
9 that are necessary to accommodate heavy public
10 use, public access to the site is provided in such
11 a manner that fees can be effectively collected
12 at one or more centralized locations, the site
13 has regularly serviced and well maintained toilet
14 facilities and contains at least four of the fol-
15 lowing:

16 “(i) Designated developed parking.

17 “(ii) Trash collection.

18 “(iii) Permanent interpretative mate-
19 rials.

20 “(iv) Picnic tables.

21 “(v) Routine presence of agency per-
22 sonnel.

23 “(2) SINGLE FEE FOR MULTIPLE SITES.—If
24 there are two or more sites of concentrated public
25 use located within one-half mile of each other, the

1 Secretary may charge a single day use fee for the
2 sites and the area between the sites.

3 “(3) POLICY.—The Secretary shall determine,
4 by agency, a nationally consistent day use fee policy
5 and rate structure.

6 “(4) INITIAL IMPLEMENTATION.—

7 “(A) INITIAL LIST OF FEE SITES.—No
8 later than 180 days after the date of the enact-
9 ment of the Federal Lands Recreation En-
10 hancement Modernization Act of 2014, the Sec-
11 retary shall—

12 “(i) publish in the Federal Register
13 and on the agency’s website a list of all
14 sites for which day use fees are proposed
15 to be collected; and

16 “(ii) provide a 60-day public comment
17 period regarding such list.

18 “(B) FINAL LIST OF FEE SITES.—No later
19 than 120 days after the close of the public com-
20 ment period required by subparagraph (A)(ii),
21 the Secretary shall publish in the Federal Reg-
22 ister and on the agency’s website the final list
23 of sites for which day use fees are to be col-
24 lected.

1 “(5) TRANSITION.—The Secretary may con-
2 tinue to collect fees in effect on the date of the en-
3 actment of Federal Lands Recreation Enhancement
4 Modernization Act of 2014 for a period not to ex-
5 ceed 180 days from the date the final list of day use
6 fee sites is published pursuant to paragraph (4)(B).
7 However, the Secretary may not increase or impose
8 new fees using this transition authority.”.

9 (f) AMENITY FEE.—Section 803(g) (16 U.S.C.
10 6802(g)) is amended—

11 (1) in the subsection heading, by striking “EX-
12 PANDED AMENITY RECREATION” and inserting
13 “AMENITY”;

14 (2) by striking paragraph (1);

15 (3) by redesignating paragraph (2) as para-
16 graph (1) and in such paragraph—

17 (A) in the matter preceding subparagraph

18 (A)—

19 (i) by striking “expanded amenity
20 recreation fee, either in addition to a
21 standard amenity fee” and inserting
22 “amenity fee, either in addition to a day
23 use fee or entrance fee”; and

24 (ii) by striking “under the jurisdiction
25 of the Forest Service, the Bureau of Land

1 Management, or the Bureau of Reclama-
2 tion, but only”;

3 (B) in subparagraph (A)—

4 (i) by striking “Tent” and inserting
5 “Developed tent”; and

6 (ii) by striking clauses (vii) through
7 (ix) and inserting the following new
8 clauses:

9 “(vii) Trash collection.

10 “(viii) Regularly serviced and well
11 maintained toilet facilities.”;

12 (C) in subparagraph (E), by inserting be-
13 fore the period the following: “when the user
14 has not paid an amenity fee under subpara-
15 graph (A) the prior night”;

16 (D) by striking subparagraph (F) and in-
17 serting the following new subparagraph:

18 “(F) Highly specialized interpretative pro-
19 grams; guided walks, talks, and tours of sub-
20 stantial length; programs that require special-
21 ized equipment; specialized non-public pro-
22 grams; and other interpretative services for
23 which the Secretary incurs significant costs.
24 However, before the Secretary may charge a fee
25 for interpretative programs, the Secretary shall

1 identify basic interpretative programs and serv-
2 ices, including tours required to provide basic
3 visitor access to a primary resource in a unit,
4 that will be provided free of charge.”;

5 (E) in subparagraph (H), by inserting be-
6 fore the period the following: “subject to sub-
7 section (e)(3)”;

8 (F) in subparagraph (J)—

9 (i) in the matter preceding clause (i),
10 by inserting “or hot spring” after “swim-
11 ming sites”;

12 (ii) in clause (i), by striking “flush
13 toilets” and inserting “regularly serviced
14 and well maintained toilets”;

15 (iii) in clause (ii), by striking “Refuse
16 containers” and inserting “Trash collec-
17 tion”;

18 (iv) in clause (v), by inserting “or
19 swimming instructors” after “lifeguards”;
20 and

21 (4) by adding at the end the following new
22 paragraph:

23 “(2) NATIONAL PARK SERVICE AND UNITED
24 STATES FISH AND WILDLIFE SERVICE ADDITIONAL
25 AUTHORITY.—Except as limited by subsection (d),

1 the Secretary may charge an additional amenity fee
2 at Federal recreational lands and waters under the
3 jurisdiction of the National Park Service and the
4 United States Fish and Wildlife Service when the
5 Secretary determines that the visitor uses a specific
6 or specialized facility, equipment, or service not oth-
7 erwise included under paragraph (1).”.

8 (g) SPECIAL RECREATION PERMIT AND FEE.—Sub-
9 section (h) of section 803 (16 U.S.C. 6802) is amended
10 to read as follows:

11 “(h) SPECIAL RECREATION PERMIT AND FEE.—

12 “(1) IN GENERAL.—The Secretary may—

13 “(A) issue a special recreation permit for
14 Federal recreational lands and waters; and

15 “(B) charge a special recreation permit fee
16 in connection with the issuance of the permit.

17 “(2) SPECIAL RECREATION PERMITS.—The
18 Secretary may issue special recreation permits in the
19 following circumstances:

20 “(A) For specialized individual and group
21 use of Federal facilities and Federal rec-
22 reational lands and waters, such as, but not
23 limited to, use of special areas or areas where
24 use is allocated, motorized recreational vehicle
25 use, and group activities or events.

1 “(B) To recreation service providers who
2 conduct outfitting, guiding, and other recre-
3 ation services on Federal recreational lands and
4 waters managed by the Forest Service, Bureau
5 of Land Management, Bureau of Reclamation,
6 and the United States Fish and Wildlife Serv-
7 ice.

8 “(C) To recreation service providers who
9 conduct recreation or competitive events, which
10 may involve incidental sales on Federal rec-
11 reational lands and waters managed by the For-
12 est Service, Bureau of Land Management, Bu-
13 reau of Reclamation, and the United States
14 Fish and Wildlife Service.

15 “(3) REDUCTION IN FEDERAL COSTS.—To re-
16 duce Federal costs in administering this subsection,
17 the issuance of a new special recreation permit for
18 activities under paragraph (2)(B) that have been
19 considered under previous analysis or that are simi-
20 lar to existing uses or are not inconsistent with ap-
21 proved uses and will not substantially increase the
22 use of an area shall not constitute a major Federal
23 action for the purposes of the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

1 “(4) SINGLE PERMITS.—The Secretary may
2 issue a single permit, administered by one agency
3 (including the National Park Service), to authorize
4 a recreation service provider to provide services or
5 for an event on lands managed by multiple agencies.
6 The authorized official in the agency issuing the per-
7 mit under this authority must have a delegation of
8 authority for the administration of the permit from
9 the other relevant agencies and must comply with
10 the applicable laws of each relevant agency. Nothing
11 in this subsection shall alter, expand, or limit the
12 applicability of any public law or regulation to lands
13 administered by the participating agencies.

14 “(5) GUIDELINES AND PERMIT FEE CALCULA-
15 TION.—

16 “(A) GUIDELINES AND EXCLUSION OF
17 CERTAIN REVENUES.—The Secretary shall pub-
18 lish guidelines in the Federal Register for how
19 recreation permit fees shall be established that
20 will provide appropriate deductions for revenue
21 from goods, services, or activities provided by
22 the recreation service provider outside Federal
23 recreational lands and waters and a deduction
24 for fees to paid for other Federal lands if sepa-
25 rate permits are issued for a single event.

1 “(B) REVENUE EXCLUSIONS.—Revenue
2 exclusions under subparagraph (A) shall in-
3 clude, but not be limited to, revenue from goods
4 or services provided by the recreation service
5 provider outside the Federal recreational lands
6 and waters, such as—

7 “(i) costs for transportation, lodging,
8 and other services before or after a trip be-
9 gins;

10 “(ii) deductions for activities outside
11 public lands or on other Federal lands if
12 separate permits are issued.

13 “(C) FEE CONDITIONS.—The fee charged
14 by the Secretary for a permit issued under
15 paragraph (2)(B) shall not exceed 3 percent of
16 the recreational service provider’s annual gross
17 revenue for activities authorized by the permit,
18 plus applicable revenue additions, minus appli-
19 cable revenue exclusions or a similar flat per
20 person fee. The fee charged by the Secretary
21 for a permit issued under paragraph (2)(C)
22 shall include appropriate reductions and addi-
23 tions based on the direct costs incurred by the
24 Secretary for management of the event.

1 “(6) BUREAU OF LAND MANAGEMENT.—The
2 Secretary may issue a recreation concession permit
3 to authorize a third party to provide facilities and
4 services to visitors on Federal recreational lands and
5 waters managed by the Bureau of Land Manage-
6 ment in support of outdoor recreational opportuni-
7 ties in accordance with the applicable land use plan.
8 Any such permit shall provide for monetary com-
9 pensation to the Federal Government for the rights
10 and privileges provided, with collected funds depos-
11 ited in the accounts established under section 807 of
12 this Act, to be available without further appropria-
13 tion and to remain available until expended. Facili-
14 ties and services provided under existing recreation
15 concessions and recreation lease agreements on Bu-
16 reau of Land Management managed public lands
17 may continue pursuant to the terms and conditions
18 of each agreement.

19 “(7) STEWARDSHIP PROGRAM.—

20 “(A) ESTABLISHMENT.—Within 18
21 months after the date of the enactment of the
22 Federal Lands Recreation Enhancement Mod-
23 ernization Act of 2014, the Secretary shall es-
24 tablish, at no fewer than 20 sites located on
25 Federal recreational lands and waters adminis-

1 tered by the Forest Service and the Bureau of
2 Land Management, a stewardship program for
3 recreation service providers involving credit
4 against a required special recreation permit fee
5 in exchange for otherwise unreimbursed mainte-
6 nance and resource protection work performed
7 with the permission of the relevant Federal
8 agency.

9 “(B) ELIGIBILITY.—Under the steward-
10 ship program required by this paragraph, a
11 recreation service provider shall submit to the
12 Secretary—

13 “(i) the provider’s qualifications to
14 adequately and safely perform the pro-
15 posed maintenance and resource protection
16 work;

17 “(ii) an itemized accounting of labor
18 and material costs associated with such
19 maintenance and resource protection work;

20 “(iii) a commitment to share the costs
21 of the proposed maintenance and resource
22 protection work; and

23 “(iv) permission from the relevant
24 Federal agency to perform the proposed
25 maintenance and resource protection work.

1 “(C) REVIEW AND APPROVAL.—The Sec-
2 retary shall review promptly a proposal sub-
3 mitted to participate in the stewardship pro-
4 gram and approve any such submission that the
5 Secretary finds adequately meets the eligibility
6 criteria specified in subparagraph (B).

7 “(D) REPORT.—Not later than three years
8 after the date of the enactment of the Federal
9 Lands Recreation Enhancement Modernization
10 Act of 2014, the Secretary shall submit to the
11 Committee on Natural Resources of the House
12 of Representatives and the Committee on En-
13 ergy and Natural Resources of the Senate a
14 status report on the stewardship program, in-
15 cluding the number of participating sites, total
16 amount of the credits granted, and suggestions
17 for revising the program.

18 “(8) DISCLOSURE OF FEES.—A holder of a spe-
19 cial recreation permit may inform its customers of
20 the various fees charged by the Secretary under this
21 title.”.

22 (h) ADDITIONAL PROVISIONS.—Section 803 (16
23 U.S.C. 6802) is further amended by adding at the end
24 the following new subsections:

1 “(i) NOTICE OF RECREATIONAL FEES AND RECRE-
2 ATION PASSES.—The Secretary shall post clear notice of
3 any fee and available recreation passes at appropriate lo-
4 cations at each site of Federal recreational lands and
5 waters for which any fee is charged. The Secretary shall
6 include such notice in publications distributed at the unit
7 and on agency websites.

8 “(j) USE OF TECHNOLOGY.—To the extent prac-
9 ticable, the Secretary shall use technology and automation
10 to increase accountability, efficiency, and the convenience
11 of paying recreation fees.

12 “(k) VISITOR CENTERS.—

13 “(1) IN GENERAL.—Subject to valid existing
14 rights, the Secretary shall not enter into agreements
15 for the operation of a visitor center with private for-
16 profit or non-profit organizations that intend to
17 charge a fee for visitors to access a visitor center or
18 a basic visitor center exhibit.

19 “(2) EXCEPTIONS.—Nothing in paragraph (1)
20 prohibits the Secretary from—

21 “(A) charging a recreation fee at a visitor
22 or interpretative center as otherwise provided
23 for in this title; or

1 “(B) entering into a fee management
2 agreement for the collection of the recreation
3 fee.

4 “(1) CONGRESSIONAL APPROVAL OF CERTAIN NEW
5 OR INCREASED FEES.—

6 “(1) SUBMISSION OF LIST OF EXISTING
7 FEES.—Within six months after the date of the en-
8 actment of the Federal Lands Recreation Enhance-
9 ment Modernization Act of 2014, the Secretary
10 shall—

11 “(A) compile a comprehensive list of all
12 fees (except special recreation permit fees)
13 charged at Federal recreational lands and
14 waters by Federal land management agencies
15 as of the date of the enactment of the Federal
16 Lands Recreation Enhancement Modernization
17 Act of 2014; and

18 “(B) submit this list to the Committee on
19 Natural Resources and the Committee on Agri-
20 culture of the House of Representatives and the
21 Committee on Energy and Natural Resources of
22 the Senate.

23 “(2) PROHIBITION ON NEW FEES OR FEE IN-
24 CREASES.—Except as provided in paragraphs (3),
25 (4), and (5), the Secretaries may not increase or im-

1 pose any new entrance fees, day use fees, or amenity
2 fees.

3 “(3) SUBMISSION OF PROPOSED FEE SCHED-
4 ULE.—By June 1 of each year, the Secretaries shall
5 propose a single schedule of any new or increased
6 entrance fees, day use fees, or amenity fees and
7 transmit this schedule to the Committee on Natural
8 Resources and the Committee on Agriculture of the
9 House of Representatives and the Committee on En-
10 ergy and Natural Resources of the Senate.

11 “(4) CONGRESSIONAL APPROVAL REQUIRED.—
12 No new or increased entrance fee, day use fee, or
13 amenity fee may be imposed unless approved by Act
14 of Congress.

15 “(5) EMERGENCY SITUATIONS.—If the Secre-
16 taries determine that recreational opportunities on
17 Federal recreational lands and waters would be se-
18 verely curtailed or that an emergency affecting
19 human health or unforeseen events exists, the Secre-
20 taries may transmit proposed selective new or in-
21 creased entrance fees, day use fees, or amenity fees
22 to the Committee on Natural Resources and the
23 Committee on Agriculture of the House of Rep-
24 resentatives and the Committee on Energy and Nat-

1 ural Resources of the Senate for approval by Act of
2 Congress.

3 “(m) GRANDFATHERING EXISTING PERMITS.—Any
4 special recreation permit issued under this title before the
5 date of the enactment of the Federal Lands Recreation
6 Enhancement Modernization Act of 2014 shall continue—

7 “(1) to be managed pursuant to this section, as
8 in effect on the day before the date of the enactment
9 of the Federal Lands Recreation Enhancement Mod-
10 ernization Act of 2014; and

11 “(2) to be valid and remain in effect, under its
12 terms and notwithstanding section 810, until the
13 permit expires, is revoked, or is suspended according
14 to the terms of the permit.

15 “(n) DISCOUNTED OR FREE ADMISSION DAYS OR
16 USE.—The Secretary may provide free admission or use
17 days of Federal recreational lands and waters. The Sec-
18 retary shall not establish any additional discounts except
19 as provided in this title or by another provision of law.”.

20 (i) TECHNICAL CORRECTIONS.—Section 803(d) (16
21 U.S.C. 6802(d)) is further amended—

22 (1) in paragraph (1)—

23 (A) in the matter preceding subparagraph

24 (A), by striking “this Act” and inserting “this

25 title”; and

1 (B) in subparagraph (B), as redesignated
2 by subsection (c)(1)(C), by striking “part of the
3 Federal-aid System” and inserting “Federal-aid
4 highway”; and
5 (2) in paragraph (4), by striking “this Act” and
6 inserting “this title”.

7 **SEC. 5. PUBLIC PARTICIPATION.**

8 Section 804 (16 U.S.C. 6803) is amended—

9 (1) in subsection (a), by striking “this Act” and
10 inserting “this title”; and

11 (2) by striking subsections (b), (c), (d), and (e)
12 and inserting the following new subsections:

13 “(b) ENTRANCE FEES, DAY USE FEES, AND AMEN-
14 ITY FEES.—For entrance fees, day use fees and amenity
15 fees, the Secretary may—

16 “(1) publish notice in the Federal Register of
17 any unit newly subject to an entrance fee, day use
18 fee, or amenity fee;

19 “(2) publish on the website recreation.gov or
20 another similar interagency website, in local news-
21 papers, on agency websites, at proposed and estab-
22 lished collection points, on social media applications,
23 and in publications distributed near the site for
24 which the fee would be collected—

25 “(A) any proposed new or increased fee;

1 “(B) the unit and agency proposing the
2 new or increased fee;

3 “(C) the process by which to comment on
4 the proposed new or increased fee; and

5 “(D) subject to paragraph (3), when the
6 opportunity for comment closes;

7 “(3) allow at least 60 days public comment
8 after publication of notice under paragraph (2);

9 “(4) at least 120 days before the implementa-
10 tion of the new or increased fee, publish notice of a
11 decision to implement a new or increased fee in local
12 newspapers, on the agency websites, at proposed and
13 established collection points, on social media applica-
14 tions, and in publications distributed near the site
15 for which the fee will be collected; and

16 “(5) not less frequently than every other year,
17 solicit public comment for at least 60 days on how
18 fee revenue should be expended at each unit.

19 “(c) SPECIAL RECREATION PERMIT FEES.—For spe-
20 cial recreation permit fees authorized by section
21 803(h)(2)(A), the Secretary shall—

22 “(1) if the fee is for reoccurring recreational
23 uses for which standard fee rates can be established,
24 follow, to the extent practicable and appropriate, the
25 procedures in subsection (b); and

1 “(2) if the fee is based on recovering the costs
2 associated with issuing and managing the permit, es-
3 tablish guidelines for how fees will be established
4 and publish the guidelines in the Federal Register.

5 “(d) NEW CONCESSION OPPORTUNITIES.—The Sec-
6 retary shall provide an opportunity for public involvement
7 180 days before a new site or area, including a camp-
8 ground, is offered as a new concession opportunity on Fed-
9 eral recreational lands and waters under the jurisdiction
10 of the Forest Service or Bureau of Land Management by
11 publishing a notice in the Federal Register and soliciting
12 comments.”.

13 **SEC. 6. RECREATION PASSES.**

14 (a) AMERICA THE BEAUTIFUL—THE NATIONAL
15 PARKS AND FEDERAL RECREATIONAL LANDS PASS.—
16 Section 805(a) (16 U.S.C. 6804(a)) is amended—

17 (1) in paragraph (1)—

18 (A) by inserting “be available to United
19 States citizens and permanent residents and”
20 before “cover”; and

21 (B) by striking “standard amenity recre-
22 ation fee” and inserting “day use fee” both
23 places it appears;

24 (2) in paragraph (2)—

1 (A) by striking “shall hold an annual” and
2 inserting “may hold a”; and

3 (B) by striking “for an year.” and all that
4 follows through the end of the following sen-
5 tence and inserting a period;

6 (3) in paragraph (5), by adding at the end the
7 following new sentence: “The Secretaries shall ad-
8 just the price of the National Parks and Federal
9 Recreational Lands Pass once every three years to
10 reflect the change in the Consumer Price Index for
11 All Urban Consumers (CPI-U) over the same pe-
12 riod, rounding figures so as to increase or decrease
13 the price in even five-dollar increments.”;

14 (4) in paragraph (6)(A), by striking “standard
15 amenity recreation fee” and inserting “day use fee”;

16 (5) in paragraph (9), by adding “or discount
17 pass” after “pass”; and

18 (6) by adding at the end the following new
19 paragraph:

20 “(10) PASS USE STUDY.—The Secretaries shall
21 conduct a study to evaluate how, where, and the ex-
22 tent to which the National Parks and Federal Rec-
23 reational Lands Pass is used and shall submit to the
24 Committee on Natural Resources of the House of
25 Representatives and the Committee on Energy and

1 Natural Resources of the Senate a report containing
2 the results of the study.”.

3 (b) DISCOUNTED PASSES.—Section 805(b) (16
4 U.S.C. 6804(b)) is amended—

5 (1) in paragraph (2), by inserting “or is a vet-
6 eran with a service-connected disability, as defined
7 in section 101 of title 38, United States Code” be-
8 fore “, if the citizen or person”; and

9 (2) by adding at the end the following new
10 paragraphs:

11 “(3) UNITED STATES ARMED FORCES DIS-
12 COUNT.—The Secretary may make an annual Na-
13 tional Parks and Federal Recreational Lands Pass
14 available without charge to any member of the
15 United States Army, Navy, Air Force, Marine
16 Corps, and Coast Guard if such person presents a
17 Common Access card or similar identification as de-
18 termined by the Secretary.

19 “(4) AMENITY FEE DISCOUNT.—The National
20 Parks and Federal Recreational Lands Pass made
21 available under paragraphs (1) and (2) shall include
22 an amenity fee discount as charged under section
23 803(g)(1)(A).

1 “(5) PROHIBITION ON OTHER DISCOUNTED
2 PASSES.—The Secretary may not establish any dis-
3 counted passes, except as provided in this section.”.

4 (c) SITE-SPECIFIC AGENCY PASSES.—Section 805(c)
5 (16 U.S.C. 6804(c)) is amended by striking “standard
6 amenity recreation fee” and inserting “day use fee”.

7 (d) DISCOUNTED OR FREE ADMISSION DAYS OR
8 USE.—Section 805 (16 U.S.C. 6804) is amended—

9 (1) by striking subsection (e); and

10 (2) by redesignating subsection (f) as sub-
11 section (e).

12 (e) PASS AND DISCOUNT ACCEPTANCE BY CONCES-
13 SIONAIRES.—Section 805 (16 U.S.C. 6804) is further
14 amended by adding at the end the following new sub-
15 section:

16 “(f) PASS AND DISCOUNT ACCEPTANCE BY CONCES-
17 SIONAIRES.—

18 “(1) ACCEPTANCE.—Subject to valid existing
19 rights, and to the extent reimbursement is practical,
20 the Secretary shall require concessionaires operating
21 federally owned campgrounds and day use facilities
22 on Federal recreational lands and waters to accept
23 a recreational pass issued under this title or section
24 4 of the Land and Water Conservation Fund Act of

1 1965 (16 U.S.C. 4601–6a) for discounted or free
2 use, as applicable.

3 “(2) REIMBURSEMENT.—To the extent prac-
4 ticable, the Secretary shall reimburse a conces-
5 sionaire in part or in whole for acceptance under
6 paragraph (1) of a recreational pass in an amount
7 not to exceed the total land use or franchise fee due
8 to the Federal Government.”.

9 (f) TECHNICAL CORRECTION.—Section 805(a)(6)(B)
10 (16 U.S.C. 6804(a)(6)(B)) is amended by striking “sec-
11 tion 6” and inserting “section 6805”.

12 **SEC. 7. SPECIAL ACCOUNT.**

13 (a) DISTRIBUTION OF REVENUES.—Section
14 807(e)(1) (16 U.S.C. 6806(e)(1)) is amended—

15 (1) by striking “or area” each place it appears;

16 (2) in subparagraph (A), by striking “80 per-
17 cent” and inserting “90 percent”; and

18 (3) in subparagraph (B), by adding at the end
19 the following new sentence: “The Secretary shall
20 provide notice to the Committee on Natural Re-
21 sources of the House of Representatives and the
22 Committee on Energy and Natural Resources of the
23 Senate whenever an allocation is being reduced.”.

24 (b) TECHNICAL CORRECTIONS.—Section 807 (16
25 U.S.C. 6806) is amended—

1 (1) in subsection (b), by striking “this Act” and
2 inserting “this title”;

3 (2) in subsection (d), by striking “section
4 5(a)(7)” and inserting “section 6804(a)(7)”; and

5 (3) in subsection (e), by striking “section 5(d)”
6 and inserting “section 6804(d)”.

7 **SEC. 8. EXPENDITURES.**

8 (a) **USE OF FEES AT SPECIFIC SITE OR AREA.**—Sec-
9 tion 808(a) (16 U.S.C. 6807(a)) is amended—

10 (1) by redesignating paragraphs (2) and (3) as
11 paragraphs (4) and (5), respectively;

12 (2) by inserting after paragraph (1) the fol-
13 lowing new paragraph:

14 “(2) shall be used to develop and enhance exist-
15 ing recreation opportunities;

16 “(3) shall directly benefit visitors to Federal
17 recreational lands and waters;”; and

18 (3) in paragraph (5), as redesignated by para-
19 graph (1)—

20 (A) in subparagraph (A), by inserting “vis-
21 itor” before “health”; and

22 (B) by striking subparagraph (E) and in-
23 serting the following new subparagraph:

1 “(E) capital construction costs associated
2 with administering the recreation fee program;
3 and”.

4 (b) LIMITATION ON USE OF FEES.—Section 808(b)
5 (16 U.S.C. 6807(b)) is amended by striking the period at
6 the end and inserting the following: “, reducing or limiting
7 visitor access, to remove or close facilities except when
8 those facilities are being replaced or updated, and acquisi-
9 tion of lands and waters.”.

10 (c) OVERHEAD, ADMINISTRATIVE, AND COLLECTION
11 COSTS CAP.—Subsection (c) of section 808 (16 U.S.C.
12 6807) is amended to read as follows:

13 “(c) OVERHEAD, ADMINISTRATIVE, AND COLLEC-
14 TION COSTS CAP.—

15 “(1) OVERHEAD AND ADMINISTRATIVE
16 COSTS.—The Secretary may not use more than five
17 percent of total revenues collected annually under
18 this title for overhead and administrative costs.

19 “(2) COLLECTION COSTS.—The Secretary may
20 not spend more than 20 percent of total revenues
21 collected annually under this title for all direct fee
22 collection costs.

23 “(3) USE OF CERTAIN REVENUES.—Revenues
24 from special recreation permits issued to recreation

1 service providers under subparagraphs (B) and (C)
2 of section 803(h)(1) shall be used—

3 “(A) to partially offset the Secretary’s di-
4 rect cost of administering the permits; and

5 “(B) to improve and stream-line the per-
6 mitting process.”.

7 (d) NOTICE OF FEE PROJECTS.—Section 808 (16
8 U.S.C. 6807) is amended by adding at the end the fol-
9 lowing new subsection:

10 “(e) NOTICE OF FEE PROJECTS.—To the extent
11 practicable, the Secretary shall post clear notice of loca-
12 tions where work is performed using recreation fee or
13 recreation pass revenues collected under this title.”.

14 (e) TECHNICAL CORRECTIONS.—Section 808 (16
15 U.S.C. 6807) is further amended—

16 (1) in subsection (a)(5)(F), as redesignated by
17 subsection (a)(1), by striking “section 6(a)” and in-
18 serting “section 6805(a)”; and

19 (2) in subsection (d)—

20 (A) in the matter preceding paragraph (1),
21 by striking “this Act” and inserting “this title”;

22 (B) in paragraph (1), by striking “section
23 5(a)(7)” and inserting “section 6804(a)(7)”;

24 and

1 (C) in paragraph (2), by striking “section
2 5(d)” and inserting “section 6804(d)”.

3 **SEC. 9. REPORTING REQUIREMENTS.**

4 Section 809 (16 U.S.C. 6808) is amended to read as
5 follows:

6 **“SEC. 809. REPORTING REQUIREMENTS.**

7 “(a) COST ACCOUNTING SYSTEMS.—The Secretaries
8 shall develop and maintain cost accounting systems nec-
9 essary to accurately track, manage, and report fee receipts
10 and expenditures at each unit. The Secretary may extend
11 fee revenue to acquire and develop such systems as need-
12 ed, as a direct operating or administration cost allowed
13 under section 808(c).

14 “(b) ANNUAL REPORTING.—No later than May 1,
15 2016, and annually thereafter, the Secretary shall compile
16 by each agency, broken down by unit, a separate account-
17 ing for the preceding fiscal year of—

18 “(1) total recreational fee revenue collected by
19 type;

20 “(2) expenditures by project from these ac-
21 counts;

22 “(3) a description of how expenditure benefitted
23 visitors to the unit;

24 “(4) any new fees established; and

25 “(5) any changes in existing fees.

1 “(c) SUBMISSION.—No later than June 1 of each
2 year, the Secretary shall—

3 “(1) display all information required under this
4 section prominently on each agency’s website and on
5 the website identified in section 804(b)(2); and

6 “(2) provide notice of such information to the
7 Committee on Natural Resources of the House of
8 Representatives and the Committee on Energy and
9 Natural Resources of the Senate.

10 “(d) AUDITS.—The Secretary shall develop a pro-
11 gram of regular audits at fee collection units to ensure
12 accountability of funds collected under this title and all
13 expenditures under this title.”.

14 **SEC. 10. SUNSET PROVISION.**

15 Section 810 (16 U.S.C. 6809) is amended—

16 (1) by striking “this Act” and inserting “this
17 title”; and

18 (2) by striking “10 years after the date of the
19 enactment of this Act” and inserting “on December
20 31, 2020”.

21 **SEC. 11. VOLUNTEERS.**

22 (a) WAIVER OR DISCOUNT OF FEES; SITE-SPECIFIC
23 AGENCY PASS.—Section 811(b) (16 U.S.C. 6810(b)) is
24 amended by striking “standard amenity recreation fee, or

1 an expanded amenity recreation fee” and inserting “day
2 use fee, or amenity fee”.

3 (b) TECHNICAL CORRECTIONS.—Section 811 (16
4 U.S.C. 6810) is amended—

5 (1) in subsection (b), by striking “section 5(c)”
6 and inserting “section 6804(c)”;

7 (2) in subsection (c), by striking “section
8 5(a)(7)” and inserting “section 6804(a)(7)”; and

9 (3) in subsection (d), by striking “section 5(d)”
10 and inserting “section 6804(d)”.

11 **SEC. 12. ENFORCEMENT.**

12 (a) REQUIRED PAYMENT.—Section 812 (16 U.S.C.
13 6811) is amended—

14 (1) by redesignating subsections (b), (c), and
15 (d) as subsections (c), (d), and (e), respectively; and

16 (2) by inserting after subsection (a) the fol-
17 lowing new subsection:

18 “(b) REQUIRED PAYMENT.—

19 “(1) IN GENERAL.—Any person within a site or
20 an area for which an entrance fee or day use fee is
21 charged is required to pay the entrance fee or day
22 use fee.

23 “(2) EXCEPTION.—Paragraph (1) does not
24 apply to a person who—

1 “(A) is using a valid National Parks and
2 Federal Recreational Lands Pass; or

3 “(B) is a volunteer with a waiver or dis-
4 count of fees under section 811(b).

5 “(3) RECEIPT.—Upon payment of an entrance
6 fee or day use fee by a person, the Secretary shall
7 provide for the issuance to the person of a non-
8 transferable receipt or other form of proof of pay-
9 ment, valid for entry and reentry into the same site
10 or area for a period of no less than one day.”.

11 (b) TECHNICAL CORRECTIONS.—Section 812 (16
12 U.S.C. 6811) is further amended—

13 (1) in subsection (a), by striking “this Act” and
14 inserting “this title”; and

15 (2) in subsection (e), as redesignated by sub-
16 section (a)(1), by striking “this Act” and inserting
17 “this title”.

18 **SEC. 13. REPEAL OF SUPERSEDED ADMISSION AND USE**

19 **FEES.**

20 (a) REPEAL OF ADDITIONAL PROVISIONS.—Section
21 813(a) (16 U.S.C. 6812(a)) is amended by striking “and
22 (i) (except for paragraph (1)(C))” and inserting “(i), (l),
23 (m), and (n) (except for paragraph (5))”.

1 (b) TRANSITION.—Section 813 (16 U.S.C. 6812) is
2 amended by adding at the end the following new sub-
3 section:

4 “(g) TRANSITION.—The Secretaries may continue to
5 collect recreational fees in existence on the date of the en-
6 actment of the Federal Lands Recreation Enhancement
7 Modernization Act of 2014 for up to 18 months after the
8 date of the enactment of such Act during which time the
9 Secretaries shall bring their relevant recreation fee struc-
10 tures into compliance with the amendments made by such
11 Act.”.

12 (c) TECHNICAL CORRECTIONS.—Section 813 (16
13 U.S.C. 6812) is further amended—

14 (1) in subsection (a), by striking “section
15 5(a)(3)” and inserting “section 6804(a)(3)”;

16 (2) in subsection (d), by striking “section
17 5(a)(3)” and inserting “section 6804(a)(3)”;

18 (3) in subsection (e)—

19 (A) in paragraph (1)—

20 (i) by striking “this Act” both places
21 it appears and inserting “this title”; and

22 (ii) by striking “section 7” and insert-
23 ing “section 6806”;

24 (B) in paragraph (2)—

1 (i) by striking “this Act” and insert-
2 ing “this title”; and

3 (ii) by striking “section 5(a)(3)” and
4 inserting “section 6804(a)(3)”;

5 (C) in paragraph (3), by striking “this
6 Act” both places it appears and inserting “this
7 title”; and

8 (D) in paragraph (4), by striking “this
9 Act” both places it appears and inserting “this
10 title”; and

11 (4) in subsection (f), by striking “this Act”
12 both places it appears and inserting “this title”.

13 **SEC. 14. RELATIONSHIP TO OTHER LAWS.**

14 (a) IN GENERAL.—Section 814 (16 U.S.C. 6813) is
15 amended by adding at the end the following new sub-
16 section:

17 “(g) PASS ACCEPTANCE BY CONCESSIONAIRES.—A
18 concession contract or permit for recreation services that
19 is otherwise within the scope of an exemption from chapter
20 67 of title 41, United States Code, shall not be outside
21 the scope of that exemption because the concessionaire or
22 recreation service provider accepts a recreation pass or
23 provides a discount under section 803 of this title.”.

24 (b) TECHNICAL CORRECTIONS.—Section 814 (16
25 U.S.C. 6813) is further amended—

1 (1) in subsection (a), by striking “this Act” and
2 inserting “this title”;
3 (2) in subsection (b)—
4 (A) in the matter preceding paragraph
5 (1)—
6 (i) by striking “this Act” and insert-
7 ing “this title”; and
8 (ii) by striking “section 6(a)” and in-
9 serting “section 6805(a)”; and
10 (B) in paragraph (5), by striking “August
11 8, 1937” and inserting “August 28, 1937”; and
12 (3) in subsections (c) through (f), by striking
13 “this Act” each place it appears and inserting “this
14 title”.

Calendar No. 537

113TH CONGRESS
2^D SESSION

H. R. 5204

[Report No. 113-706, Part I]

A BILL

To amend the Federal Lands Recreation Enhancement Act to improve recreation opportunities and increase consistency and accountability in the collection and expenditure of recreation fees collected on public lands and forests, and for other purposes.

DECEMBER 22, 2014

Reported from the Committee on Natural Resources

DECEMBER 22, 2014

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed