

106TH CONGRESS
2D SESSION

S. 2817

To authorize the Secretary of the Interior and the Secretary of Agriculture to establish permanent recreation fee authority.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2000

Mr. GRAHAM (for himself and Mr. GORTON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior and the Secretary of Agriculture to establish permanent recreation fee authority.

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 “Recreation Fee Au-
5 thority Act of 2000”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) AGENCY.—The term “agency” means—

9 (A) the National Park Service;

1 (B) the United States Fish and Wildlife
2 Service;

3 (C) the Bureau of Land Management;

4 (D) the Bureau of Reclamation; and

5 (E) the Forest Service.

6 (2) SECRETARY.—The term “Secretary”
7 means—

8 (A) with respect to the Department of the
9 Interior, the Secretary of the Interior, acting
10 through—

11 (i) the Director of the National Park
12 Service;

13 (ii) the Director of the United States
14 Fish and Wildlife Service;

15 (iii) the Director of the Bureau of
16 Land Management; or

17 (iv) the Commissioner of Reclamation;
18 and

19 (B) with respect to the Department of Ag-
20 riculture, the Secretary of Agriculture, acting
21 through the Chief of the Forest Service.

22 **SEC. 3. RECREATIONAL FEE PROGRAM.**

23 (a) IN GENERAL.—Notwithstanding section 4 of the
24 Land and Water Conservation Fund Act (16 U.S.C. 460l–

1 6a), effective beginning on October 1, 2001, the
2 Secretary—

3 (1) may establish, charge, and collect fees for—

4 (A) admission to an area, site, or project
5 on land under the jurisdiction of an agency; and

6 (B) the use of a recreation area, site, facil-
7 ity, visitor center, equipment, and service (in-
8 cluding a reservation) of an agency by an indi-
9 vidual or a group;

10 (2) in establishing a fee under this Act, shall—

11 (A) ensure, to the maximum extent prac-
12 ticable, that the fee is fair and equitable, by
13 taking into consideration—

14 (i) the direct and indirect cost of the
15 fee to the Federal Government;

16 (ii) the revenue benefits to the Fed-
17 eral Government;

18 (iii) the benefits to the visitor derived
19 from fees;

20 (iv) the cumulative effect of fees
21 charged to the public;

22 (v) the public policy or management
23 objectives served by charging the fee;

24 (vi) the comparable recreation fees
25 charged by other public agencies;

1 (vii) the economic and administrative
2 feasibility of fee collection; and

3 (viii) other pertinent factors; and

4 (B) require that any implementation or al-
5 teration of a recreation fee shall be approved in
6 advance by a board of review, to be appointed
7 by the Secretary;

8 (3) may enter into contracts, which may provide
9 for reasonable commissions or reimbursements, with
10 any public or private entity to provide fee collection
11 and processing services;

12 (4) may authorize the use of volunteers to col-
13 lect fees charged under paragraph (1);

14 (5) may sell and accept—

15 (A) Golden Eagle Passports, Golden Age
16 Passports, and Golden Access Passports, estab-
17 lished under paragraphs (1), (4), and (5), re-
18 spectively, of section 4(a) of the Land and
19 Water Conservation Fund Act (16 U.S.C. 460l-
20 6a); and

21 (B) National Park Passports established
22 under section 602 of the National Parks Omni-
23 bus Management Act of 1998 (16 U.S.C.
24 5992); and

1 (6) may develop, sell, and accept single or
2 multiagency passports.

3 (b) COOPERATIVE AGREEMENTS.—The Secretary
4 may enter into cooperative agreements with other Federal
5 agencies and State, local, and tribal governments to collect
6 fees at areas, sites, or projects located on land and water
7 under the jurisdiction of the Secretary or the other Fed-
8 eral agency, State, local, or tribal government.

9 (c) DISCOUNTED OR FREE ADMISSION OR USE.—In
10 establishing a fee under this Act, the Secretary may pro-
11 vide discounted or free admission or use, as determined
12 to be appropriate by the Secretary, for individuals or
13 groups including—

14 (1) persons 17 years of age or younger;

15 (2) volunteers;

16 (3) groups from schools or other bona fide edu-
17 cational institutions in cases in which admission or
18 use is for educational purposes; and

19 (4) other entities or individuals that the Sec-
20 retary determines to be appropriate.

21 (d) ADMINISTRATION.—The Secretary may promul-
22 gate such regulations as are necessary to carry out this
23 Act.

24 (e) DISTRIBUTION OF RECEIPTS.—

1 (1) IN GENERAL.—Fees collected under sub-
2 section (a) shall—

3 (A) be deposited in a special account in the
4 Treasury established for each agency that col-
5 lects fees under this Act; and

6 (B) remain available to the Secretary with-
7 out further Act of appropriation until expended.

8 (2) DISTRIBUTION.—

9 (A) IN GENERAL.—Not less than 80 per-
10 cent of amounts collected as fees at a specific
11 area, site, or project, as determined by the Sec-
12 retary, shall remain available for use at the spe-
13 cific area, site, or project at which the fees were
14 collected.

15 (B) USE OF FEES AT NONCOLLECTION
16 SITES.—

17 (i) IN GENERAL.—The amounts col-
18 lected as fees at a specific area, site, or
19 project that are not distributed in accord-
20 ance with subparagraph (A) shall remain
21 available for use by each agency that col-
22 lected the fees, on an agency-wide basis.

23 (ii) USE BY AGENCY.—Amounts under
24 clause (i) shall be distributed for use in ac-
25 cordance with subsection (f)(1) to units of

1 each agency having the greatest need for
2 funds, as determined by the Secretary.

3 (C) DISBURSEMENT UNDER COOPERATIVE
4 AGREEMENT.—

5 (i) IN GENERAL.—A cooperative
6 agreement described in subsection (b) may
7 provide for an initial disbursement of fees
8 collected under the agreement to parties to
9 the agreement.

10 (ii) REMAINING AMOUNTS.—Fees col-
11 lected under clause (i) that are retained by
12 an agency shall be distributed under sub-
13 paragraphs (A) and (B).

14 (f) EXPENDITURES.—

15 (1) IN GENERAL.—Amounts available under
16 subsection (e)(2)(A) for expenditure at a specific
17 area, site, or project—

18 (A) shall be accounted for separately; and

19 (B) may be used for—

20 (i) repair, maintenance, facility en-
21 hancement, and infrastructure (including
22 projects relating to visitor enjoyment, vis-
23 itor health and safety, visitor access, and
24 environmental compliance);

- 1 (ii) interpretation, visitor information,
2 visitor services, and signage;
- 3 (iii) enhancement of habitat;
- 4 (iv) assessment, protection, preserva-
5 tion, and restoration of natural, cultural,
6 and historical resources;
- 7 (v) law enforcement relating to public
8 use; and
- 9 (vi) direct operating or capital costs
10 associated with the fee system authorized
11 by this Act, including—
- 12 (I) the costs of fee collections;
- 13 (II) the costs of notification of
14 fee requirements;
- 15 (III) the costs of direct infra-
16 structure;
- 17 (IV) fee management administra-
18 tive costs;
- 19 (V) the costs of the bonding of
20 volunteers;
- 21 (VI) start-up costs; and
- 22 (VII) the costs of analysis and
23 reporting of program accomplishments
24 and impacts.

1 (2) REMAINING AMOUNTS.—Amounts available
2 under subsection (e)(2)(B) for expenditure agency-
3 wide—

4 (A) shall be accounted for separately; and

5 (B) may be used for the purposes de-
6 scribed in paragraph (1) for areas, sites, or
7 projects selected by each agency.

8 (3) PRIORITIZATION OF PROJECTS.—In
9 prioritizing expenditures under this subsection for
10 projects, an agency should give high priority to de-
11 ferred maintenance projects.

12 (g) SIGNAGE AND INFORMATION AT RECREATION
13 FEE PROJECT SITES.—

14 (1) IN GENERAL.—The Secretary shall develop,
15 and require the display of, uniform signage at each
16 unit where work is being performed or services are
17 being provided using recreation fee revenues.

18 (2) USE.—Signs developed under paragraph (1)
19 shall—

20 (A) inform park visitors of examples of
21 their “recreation fees at work”;

22 (B) include a contact number and an
23 Internet address where the public may access
24 additional information about the recreation fee
25 program; and

1 (C) be presented in such a way as to in-
2 form visitors that recreation fees—

3 (i) are used at the site from which
4 they are collected; and

5 (ii) are appreciated by the agency and
6 other visitors.

7 (h) ENFORCEMENT AND PROTECTION OF RE-
8 CEIPTS.—

9 (1) IN GENERAL.—

10 (A) ENFORCEMENT.—The Secretary shall
11 enforce payment of the fees authorized by this
12 section.

13 (B) EVIDENCE OF NONPAYMENT.—If the
14 display of proof of payment of a fee, or the pay-
15 ment of a fee within a certain time period, is
16 required, failure to display the proof or pay
17 within the time specified shall be considered
18 prima facia evidence of nonpayment.

19 (C) VEHICULAR VIOLATIONS.—The reg-
20 istered owner and occupants of a vehicle
21 charged for a violation involving the vehicle
22 shall be jointly liable for penalties imposed
23 under this subsection, unless the owner can
24 show that the vehicle was used without the ex-
25 press or implied permission of the owner.

1 (2) FEE COLLECTION DEVICES.—It shall be un-
2 lawful for a person to—

3 (A) break into;

4 (B) tamper with; or

5 (C) attempt to break into;

6 with the intent to commit larceny, any device or
7 structure used, in whole or in part, to collect or
8 store fees under this Act.

9 (3) PENALTY.—

10 (A) IN GENERAL.—A violation relating to
11 a payment of a fee described in paragraph (1)
12 shall be punishable as a Class B misdemeanor.

13 (B) FEE COLLECTION DEVICES.—A viola-
14 tion of paragraph (2) shall be punishable—

15 (i) as a Class B misdemeanor, if the
16 violation results in a loss to the Federal
17 Government in an amount that is less than
18 \$10,000; or

19 (ii) as a Class A misdemeanor, if the
20 violation results in a loss to the Federal
21 Government in an amount of \$10,000 or
22 more.

23 (i) FUNDS FOR OPERATION AND MAINTENANCE.—
24 Income derived from fees collected under this Act shall

1 not be used to displace any funds requested in any budget
2 submission for—

3 (1) the National Park Service;

4 (2) the United States Fish and Wildlife Service;

5 (3) the Bureau of Land Management; or

6 (4) the Bureau of Reclamation.

7 (j) NO ACCOUNTING AS REVENUE ALLOCATIONS.—

8 Amounts collected under this section shall not be taken
9 into account for purposes of—

10 (1) section 33 of the Act of July 22, 1937
11 (commonly known as the “Bankhead–Jones Farm
12 Tenant Act”) (7 U.S.C. 1012);

13 (2) the Act of May 23, 1908 (16 U.S.C. 500);

14 (3) section 13 of the Act of March 1, 1911
15 (commonly known as “Weeks Law”) (16 U.S.C.
16 500);

17 (4) the Act of March 4, 1913 (16 U.S.C. 501
18 et seq.);

19 (5) section 401 of the Act of June 15, 1935 (16
20 U.S.C 715s);

21 (6) chapter 69 of title 31, United States Code;

22 (7) the Act of June 14, 1926 (43 U.S.C. 869–
23 4);

24 (8) section 6 of the Act of May 24, 1939 (43
25 U.S.C. 1181f et seq.);

1 (9) title II of the Act of August 8, 1937 (43
2 U.S.C. 1181f-1 et seq.); and

3 (10) any other provision of law relating to rev-
4 enue allocations.

○