

VISITOR SERVICES IMPROVEMENT AND OUTDOOR LEGACY
ACT OF 1996

SEPTEMBER 4, 1996.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2107]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Visitor Services Improvement and Outdoor Legacy Act of 1996”.

SEC. 2. PURPOSE.

The purpose of this Act is to improve the overall quality of the visitor recreation experience on Federal lands through increased funding provided by an innovative and incentive-based recreation fee program combined with an appropriation targeted to meet the increasing demand for recreational use of the Federal lands.

SEC. 3. REPEAL OF EXISTING RECREATION FEE PROGRAM AND ESTABLISHMENT OF NEW RECREATION FEE PROGRAM.

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

“RECREATION FEE PROGRAM

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

“(1) CONGRESSIONAL GOALS.—It is the policy of Congress that the Federal land management agencies develop and implement high quality recreation programs adequate to meet the needs of the American people and to fund a portion of the cost of providing recreation services through recreation fees.

“(2) ADMINISTRATIVE POLICIES.—The administering Secretaries shall jointly issue an integrated policy for the establishment and collection of recreation fees under this section. Such policy shall—

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

“(B) provide for maximization of the number of persons who pay fees to ensure that fees remain at the lowest possible level;

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

“(D) provide for the establishment of fees in a manner which is equitable among user groups and which accounts for any other fees, such as commercial tour fees and concession fees, which are paid by user groups and used on Federal lands for recreational purposes;

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

“(F) provide for a uniform procedure for accounting for fees collected under this section; and

“(G) recognize the importance of the convenience of the public by avoiding fee programs which are overly complex or which would require the payment of numerous fees at a particular area.

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

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

“(A) the Secretary of Agriculture with respect to the Forest Service; and

“(B) the Secretary of the Interior with respect to the National Park Service, Bureau of Land Management, United States Fish and Wildlife Service, and Bureau of Reclamation.

“(2) AGENCY.—The term ‘agency’ means an agency referred to in paragraph (1) (A), (B), or (C).

“(3) AREA.—The term ‘area’ means an administrative area managed by an agency, such as a unit of the National Park System, a national forest, a national wildlife refuge, and a project area with respect to the Bureau of Reclamation, but does not include Bureau of Reclamation areas managed by a non-Federal entity.

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

“(A) provides developed facilities or services necessary to accommodate public use maintained at Federal expense;

“(B) contains at least one major visitor attraction, including (but not limited to) a lake, river, historical or cultural site, or geologic feature; and

“(C) provides public access such that admission fees can be cost-effectively collected.

“(5) RECREATION FEES.—The term ‘recreation fees’ means admission fees, recreation use fees, and fees granted to Federal agencies from States whether collected by agency personnel or others.

“(6) ADMISSION FEES.—The term ‘admission fees’ means fees charged for entry into any area designated by the administering Secretary.

“(7) RECREATION USE FEE.—The term ‘recreation use fee’ means the charge for specialized recreation services or facilities furnished at Federal Government expense, including (but not limited to) campgrounds, boat ramps, and back country camping by permit.

“(8) VISITOR SERVICES.—The term ‘visitor services’ means services and costs directly associated with management of recreation visitors to Federal lands, including (but not limited to) such programs as maintenance of facilities which serve primarily visitor recreation use (such as campgrounds, scenic roads, trails, visitor centers and picnic areas), public information and interpretation, resource protection directly related to public use (such as stream improvement to improve fishing or mitigation of impacts to resources resulting from visitor use), and other activities of personnel assigned predominantly to management of visitors or public safety programs, but not including costs of regional and Washing-

ton headquarters offices or any administrative services such as personnel, budget and finance, and procurement.

“(9) PRE-1996 AUTHORIZED RECREATION RECEIPTS.—The term ‘pre-1996 authorized recreation receipts’ means the receipts that would have been received for a fiscal year from fees collected under section 4 of the Land and Water Conservation Fund Act of 1965 as such section was in effect on the day before the date of the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996.

“(10) CONCESSION FEES.—The term ‘concession fees’ means fees paid to the United States pursuant to provisions of law other than this section for the privilege of providing concession services, fees paid for the lease of government-owned facilities, and amounts paid for construction of visitor facilities.

“(c) ESTABLISHMENT.—

“(1) IN GENERAL.—In order to improve the quality of the visitor experience on Federal lands, the administering Secretaries shall establish and implement a fee program in accordance with this section which provides for partial recovery of the costs of visitor services provided through admission fees, recreation use fees, and concession fees. In carrying out such program, the administering Secretaries are authorized and directed to collect admission fees in accordance with this section at areas administered by the National Park Service and areas of concentrated public use. In addition, the administering Secretaries shall collect recreation use fees at areas under their administration.

“(2) FACTORS IN ESTABLISHING AND ADJUSTING AMOUNT OF FEES.—(A) All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Federal Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by other public and private entities, the economic and administrative feasibility of fee collection, convenience to the recreation user, and other pertinent factors.

“(B) Any adjustments in fees shall take into account the factors specified in subparagraph (A).

“(3) PUBLIC COMMENT AND FEDERAL REGISTER NOTICE ON ADMISSION AND COMMERCIAL TOUR FEES.—(A) In the case of public admission fees, the administering Secretaries shall publish in the Federal Register, for a 30-day comment period, a proposed schedule of all changes to such fees not later than six months prior to such fee changes.

“(B) In the case of changes to commercial tour fees or initiating a new commercial tour fee, the administering Secretaries shall publish in the Federal Register—

“(i)(I) for a 30-day comment period, a proposed schedule of all significant changes in such fees not later than 14 months prior to such fee change or initiation; and

“(II) a final schedule not later than 12 months prior to such fee change or initiation; and

“(ii) a schedule of all changes (other than those subject to clause (i)), in such fees not later than six months prior to such fee changes.

“(4) CONTINUATION OF FEE AUTHORITY.—Until an admission or commercial tour fee is initiated and in effect under this section, the admission or commercial tour fee at an area administered by the agencies shall be determined in accordance with the applicable laws in effect on the day before the date of enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996.

“(5) NOTICE OF FEES.—Clear notice that a fee has been established pursuant to this section, and the amount thereof, shall be prominently posted at appropriate locations in each area and shall be included in agency publications distributed with respect to such areas.

“(6) TARGET RECREATION REVENUE GOALS.—Effective for the fifth fiscal year beginning after the enactment of this section, the administering Secretary shall develop annually a target recreation revenue goal for each area administered by the Secretary which reflects the estimated ability for such area to collect recreation fees. The administering Secretary shall develop that target based on historical data, projected visitation, and such other data as are available to the Secretary.

“(7) FEE COLLECTION PERSONNEL.—Personnel exclusively assigned to fee collection duties, which are over and above the number of such personnel assigned exclusively to fee collection duties on the day prior to enactment of this Act, shall not be counted against any full-time equivalent ceiling established for that agency.

“(d) RECREATION FEES.—

“(1) SINGLE ADMISSION VISITS.—Reasonable admission fees for a single visit to any designated area shall be established by the administering Secretary. A ‘single visit’ means a more or less continuous stay within a designated area. Payment of a single visit admission fee shall authorize exits from and reentries to a single designated area for a period of from one to fifteen days, such period to be defined for each designated area by the administering Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit. The single visit entrance fee for private parties and commercial tours shall be set by the administering Secretaries and may be adjusted, taking into account the factors specified in subsection (c)(2). The Secretaries shall ensure that where appropriate the admission fee schedule developed provides economic incentives for use of alternative modes of transportation, including mass transportation, at areas experiencing high levels of automobile traffic. The administering Secretaries are authorized to implement admission fee practices which vary by day of the week, season, expedite entry and reduce congestion.

“(2) ANNUAL ADMISSION PERMITS: GOLDEN EAGLE PASSPORT.—(A) GOLDEN EAGLE PASSPORT.—For admission into any area at which admission fees are charged pursuant to this section, an admission permit, to be known as the ‘Golden Eagle Passport’, valid for a 12-month period, shall be available. The fee for the passport shall be set jointly by the administering Secretaries, taking into account the factors specified in subsection (c)(2). The permittee and all persons accompanying the permittee in a single, private, non-commercial vehicle or, alternatively, the permittee and the permittee’s spouse, children, and parents accompanying the permittee shall be entitled to general admission into any area designated pursuant to this section. The permit shall be nontransferable, and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to subsection (g). The permit shall be available for purchase at any such designated area.

“(B) The administering Secretaries may authorize units of State or local government, organizations, businesses, and nonprofit entities to sell and collect admission fees, including the Golden Eagle Passport, subject to such conditions as the Secretaries may jointly prescribe. The Secretaries shall develop detailed guidelines for promotional advertising of non-Federal passport sales and monitor compliance with those guidelines. The Secretaries may authorize the seller or sellers to maintain an inventory of Golden Eagle Passports for periods not to exceed six months and to withhold amounts up to, but not exceeding, eight percent of the gross fees collected from Golden Eagle Passport sales as reimbursement for actual expenses of the sales.

“(3) ANNUAL GEOGRAPHIC ADMISSION PERMITS.—For admission into a specific designated area or into several specific areas located in a particular geographic region at which admission fees are charged pursuant to this section, the administering Secretary or Secretaries are authorized to make available an annual admission permit. The permit shall convey the privileges of, and shall be subject to the same terms and conditions as, the Golden Eagle Passport, except that it shall be valid only for admission into the specific area or areas indicated at the time of purchase.

“(4) GOLDEN ACCESS PASSPORT.—The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of a lifetime admission permit to any citizen of, or person legally domiciled in, the United States, if such citizen or person applies for such permit and is permanently disabled. Such procedures shall ensure that a lifetime admission permit shall be issued only to persons who have been medically determined to be permanently disabled. A lifetime admission permit shall be nontransferable, shall be issued without charge, and shall entitle the permittee and one accompanying individual to general admission into any area designated pursuant to this section, notwithstanding the method of travel.

“(5) RECREATION USE FEES.—Each agency developing, administering, providing, or furnishing at Federal expense services for such activities as camping, including back country camping under permit, guarded swimming sites, boat launch facilities, group activities including picnic sites, managed parking lots, motorized recreation use and other recreation uses, shall in accordance with this section provide for the collection of recreation use fees at the place of use or any reasonably convenient location. The administering Secretary may establish both daily and annual recreation use fees. Fees may not be charged by any such agency for the use, either singly or in any combination, of drinking water, wayside exhibits, overlook sites, toilet facilities, or picnic tables.

“(6) COMMERCIAL TOUR USE FEE.—(A) For each area for which an admission fee is charged under this section, the administering Secretary shall charge any fee on a per vehicle basis for each vehicle or vessel and passengers entering the area for the purpose of providing commercial tour services.

“(B) The Secretary of the Interior shall charge a commercial tour fee for aircraft entering the airspace of units of the National Park System in the same manner and by the same means as provided in section 4(n) of the Land and Water Conservation Fund Act of 1965, as in effect immediately before the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996.

“(C) Within 12 months after the date of enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996, the Secretary of the Interior and the Secretary of Transportation shall jointly submit a report to the appropriate committees of Congress outlining revisions to the commercial tour fee schedule for aircraft which encourages the use of quiet aircraft technology.

“(7) TRANSPORTATION PROVIDED BY THE SECRETARY.—Where the administering Secretary provides transportation to visit all or a portion of any area, he may impose a charge for such service. Collection of such fees may occur at the transportation staging area or any reasonably convenient location, whether inside or outside of the area boundary. The administering Secretary may enter into arrangements with qualified public or private entities pursuant to which such entities may collect such fees. Such funds collected shall be retained at the area where the service was provided and expended for costs associated with the transportation system.

“(8) PERSONS 12 YEARS OF AGE OR UNDER.—The admission fee for a person who is 12 years of age or under at any area for which admission fees are charged on a per person basis shall be no greater than 50 percent of the per person admission fee of a person older than 12 years.

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

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

“(2) DEPOSITS.—(A) The administering Secretary shall deposit in each agency account all receipts from fees collected pursuant to this section by any Federal agency (or by any public or private entity under contract with a Federal agency).

“(B) All funds from the sale of the Golden Eagle Passport shall be divided among the agencies based on a formula which the administering Secretaries shall devise and which considers total recreation admission fees collected by the agency and total recreation use at designated admission fee areas provided by the agency. Funds from the sale of the Golden Eagle Passport shall be deposited as recreation fees collected into the appropriate agency account.

“(C) All funds from the sale of geographic admission permits under subsection (d)(3) shall be divided among the areas for which such permits were issued on the basis of visitor use, length of stay, and other pertinent factors as determined by the administering Secretaries and shall be deposited as recreation fees collected from those areas into the appropriate agency account.

“(3) FEE COLLECTION COSTS.—Notwithstanding any other provision of law, the administering Secretary may, in any fiscal year, withdraw from the special account established under paragraph (1) an amount up to 15 percent of all receipts collected under this section in the preceding fiscal year. The amounts so withdrawn shall be retained by the administering Secretaries, and shall be available, without further appropriation, for expenditure by the Secretary concerned to cover fee collection costs, and shall remain available until expended. For the purposes of this paragraph, for any fiscal year, the term ‘fee collection costs’ means those costs for personnel and infrastructure directly associated with the collection of fees imposed under this section.

“(4) USE OF RECREATION FEES.—Amounts covered into the special account for each agency during each fiscal year shall be available after the end of such fiscal year for appropriation for visitor services, except as provided in paragraphs (3) and (5). Funds credited to the special account shall remain available until expended.

“(5) AMOUNTS IN EXCESS OF PRE-1996 AUTHORIZED RECREATION RECEIPTS.—Beginning in fiscal year 1996 and each fiscal year thereafter, all funds deposited in special accounts in the Treasury for each agency under this section which are in addition to funds collected in fiscal year 1995 shall be made immediately available to that agency without further appropriation. Of the amounts made available under this paragraph after the application of paragraph (3), 75 per-

cent shall be allocated among the units or areas of each agency in the same proportion as fees collected from that specific area bear to the total amount of fees collected from all areas of that agency for the fiscal year. In addition, one-third of the amount of recreation fees collected from the area which exceeds the target recreation revenue goal specified in subsection (c)(5) for that area shall be made available to that area without further appropriation. The remainder of the fees collected pursuant to this section shall be allocated among each agency's areas on the basis of need as determined by the Secretary. All such funds shall remain available until expended. Funds deposited into accounts under this paragraph may only be used (A) to fund visitor services on Federal lands, (B) for repair, rehabilitation, or replacement of visitor use facilities, and (C) for construction of new facilities necessary to establish a recreation fee program at any area.

“(f) ACCOUNTABILITY OF FUNDING.—The Comptroller General of the United States shall conduct periodic audits to ensure that amounts received under this section are fully accounted for and not diverted to administrative overhead or other programs not directly related to visitor services.

“(g) ENFORCEMENT OF FEE COLLECTION POLICIES.—In accordance with the provisions of this section, the administering Secretaries may prescribe rules and regulations for areas under their administration for the collection of any fee established pursuant to this section. Persons authorized by the administering Secretaries to enforce any such rules or regulations issued under this section may, within areas under the administration or authority of such administering Secretary and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in subsections (b), (c), (d), and (e) of section 3401 of title 18, United States Code. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine as provided by law.

“(h) NON-FEDERAL RESERVATIONS.—The administering Secretary, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services. Any such contract may provide that the contractor shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency.

“(i) USE OF VOLUNTEERS FOR FEE COLLECTION.—When authorized by the administering Secretary, volunteers at designated areas may collect fees authorized or established pursuant to this section. The administering Secretary shall ensure that such volunteers have adequate training for this purpose. The administering Secretary may require a surety bond for any such volunteer performing services under this subsection. Funds available to the collecting agency may be used to cover the cost of any such surety bond.

“(j) MITIGATION OF ANY IMPACTS OF RECREATIONAL FEES ON LOW-INCOME INDIVIDUALS.—In carrying out this section, the administering Secretaries shall implement such programs as are necessary to ensure any impacts of recreational fees on low-income persons are minimized. The administering Secretaries shall determine any effects on low-income individuals of recreation use and admission fees and shall jointly submit recommendations to the Congress regarding actions to be taken to resolve such impacts. Such recommendations shall be included as part of the four-year report required to be submitted under subsection (m)(1).

“(k) LIMITATIONS ON FEES.—

“(1) ACTIVITIES NOT SUBJECT TO FEES.—Nothing in this section shall be construed to—

“(A) authorize Federal hunting or fishing licenses or fees;

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

“(C) authorize the collection of fees from any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty;

“(D) authorize charges for commercial or other activities not related to recreation; or

“(E) authorize an admission fee or a commercial tour fee at any area for organized school groups on outings conducted for educational purposes.

“(2) THROUGH TRAVEL.—No admission fee shall be charged for travel by private, noncommercial vehicle or commercial tour vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code, which is com-

monly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area.

“(3) PERSONS CONDUCTING GOVERNMENTAL BUSINESS.—No admission fee shall be charged to persons engaged in the conduct of official Federal, State or local government business or to others authorized by the administering Secretary to conduct administrative duties within the area.

“(4) LIFETIME ADMISSION PERMITS.—No admission fee shall be charged under this section to any person who possesses a lifetime admission permit issued under section 4(a)(4) of this Act as in effect on the day before the date of the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996.

“(1) ANNUAL REPORTING REQUIREMENTS.—Reports indicating the number and location of fee collection areas, visitor use statistics, fees collected, and other pertinent data, shall be coordinated and compiled by the administering Secretaries and transmitted to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. These reports shall be transmitted annually not later than the submission of the President’s budget under section 1105 of title 31, United States Code, and shall include any recommendations which the Secretaries may have with respect to improving the recreation fee program.

“(m) IMPLEMENTATION REPORT; EFFECTIVE DATE FOR FEES AND TARGETS.—Not later than four years after the date of enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996, the administering Secretaries shall submit reports to Congress on the implementation of this section. Such reports shall include the policy statement developed under subsection (a)(2), the likely level of potential cost recovery from the recreation fee program for each agency, the fees to be charged under this section, and the target recreation revenue goals for each area subject to this section. Such fees and target recreation revenue goals shall be effective beginning with the fifth fiscal year beginning after the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996 unless Congress enacts a joint resolution before the beginning of such fiscal year specifying otherwise.

“(n) EXEMPTION OF FEES.—Amounts collected under this section which exceed the 1995 authorized recreation receipts shall not be taken into account for the purposes of the Act of May 23, 1908, and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869–4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–1–4–4601–11), and any other provision of law relating to revenue allocation.

“(o) AUTHORIZATION OF APPROPRIATIONS.—

“(1) FIRST 4 YEARS.—During the first four fiscal years beginning after the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996, there is authorized to be appropriated for a fiscal year amounts which would have been appropriated for that fiscal year under section 4 of the Land and Water Conservation Fund Act of 1965, as such section was in effect on the day before the date of enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996.

“(2) GUARANTEE OF FUNDING ENHANCEMENT BEGINNING WITH THE 5TH FISCAL YEAR.—(A) Effective for the fifth fiscal year beginning after the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996 and thereafter, after target recreation revenue goals are submitted to the Congress under subsection (m), there is authorized to be appropriated for each agency for each fiscal year an amount such that the total funding available for visitor services from recreational fees and appropriated amounts is not less than 125 percent of the adjusted 1995 base amount.

“(B) For the purpose of subparagraph (A), the term ‘adjusted 1995 base amount’ means the amount appropriated for visitor services for fiscal year 1995 increased or decreased for a fiscal year by the percentage (if any) by which the average Consumer Price Index for the preceding fiscal year exceeds the average Consumer Price Index for fiscal year 1995. For purposes of this subparagraph, the term ‘Consumer Price Index’ means the Consumer Price Index for all-urban consumers published by the Bureau of Labor Statistics, Department of Labor.”.

SEC. 4. CONFORMING AMENDMENTS.

(a)(1)(A) Title I of the Department of the Interior and Related Agencies Appropriations Act, 1994 is amended by striking out the third proviso under the heading “AD-

MINISTRATIVE PROVISIONS” which is under the heading “NATIONAL PARK SERVICE” (related to recovery of costs associated with special use permits).

(B) For those recreational activities for which a fee was charged prior to September 30, 1995, under the provision of law amended by subparagraph (A), the Secretary may continue to charge and retain such fees until such park is able to receive reimbursement under section 4 of the Land and Water Conservation Fund Act of 1965, as amended by this Act.

(2) Section 3 of the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 3), is amended—

(A) by inserting “(a)” after “3.”; and

(B) by adding at the end the following:

“(b) The Secretary shall publish regulations governing commercial or nonrecreational special uses of units of the National Park System for which a fee is not authorized to be charged under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6), including (but not limited to) such activities as filming, special athletic or sporting events, weddings, cultural events and festivals. After adoption of such regulations, the Secretary may retain an amount equal to the direct administrative costs associated with issuing any permits and managing such activities (including, but not limited to, personnel costs, clean up costs, and other special services) for which such permit is issued. Such amounts retained shall be credited to the appropriation current at the time, and may only be spent for activities directly in support of the purposes for which the permit was issued. Such amounts retained are authorized to remain available until expended.”.

(b) The following Public Laws are amended as follows:

(1) Section 5(e) of Public Law 87–657 (16 U.S.C. 459c–5(e)), as amended, is hereby repealed.

(2) Section 3(b) of Public Law 87–750 (16 U.S.C. 398e(b)) is hereby repealed.

(3) Section 4(e) of Public Law 92–589 (16 U.S.C. 460bb–3), as amended, is further amended by striking the first sentence.

(4) Section 6(j) of Public Law 95–348 (92 Stat. 493) is hereby repealed.

(5) Section 207 of Public Law 96–199 (94 Stat. 77) is hereby repealed.

(6) Section 106 of Public Law 96–287 (94 Stat. 600) is amended by striking the last sentence.

(7) Section 204 of Public Law 96–287 (94 Stat. 601) is amended by striking the last sentence.

(8) Section 5 of Public Law 96–428 (94 Stat. 1842) is hereby repealed.

(9) Public Law 100–55 (101 Stat. 371) is hereby repealed.

(10) Section 203 of the Alaska National Interest Lands Conservation Act shall not apply with respect to charging an admission fee at Denali National Park and Preserve in Alaska.

SEC. 5. SAVINGS PROVISION RELATING TO AREAS ADMINISTERED BY THE UNITED STATES ARMY CORPS OF ENGINEERS.

Areas at civil works projects administered by the United States Army Corps of Engineers shall be subject to section 4 of the Land and Water Conservation Fund Act of 1965, as in effect immediately before the enactment of this Act, in lieu of being subject to the amendments made by this Act.

PURPOSE OF THE BILL

The purpose of H.R. 2107 is to improve the overall quality of the visitor recreation experience on Federal lands through increased funding provided by an innovative and incentive-based recreation fee program combined with a targeted appropriation.

BACKGROUND AND NEED FOR LEGISLATION

Recreation use fees for Federal lands date back to at least 1907, when an entrance fee was charged at Mount Ranier National Park. In fact, as recently as 1937, both Yosemite and Yellowstone National Parks paid for themselves through recreation fees.

However, the Federal Government’s recreation fee program is now seriously outdated. The admission fee at Mount Ranier National Park has not increased for 89 years. Visitors who use Federal lands pay only about 11 percent of the \$970 million annual

cost of services provided to them. The balance of the costs of annual visitor services, and the entire cost of development of visitor facilities, is subsidized by the taxpayer at large.

If the level of funding for visitor programs was adequate, the need for reforming the recreation fee program would not be so critical. However, such is clearly not the case. All Federal land management agencies report acute funding shortages. The National Park Service alone reports a \$6 billion backlog in major facility construction, which would require 40 years to address at existing funding levels. Park roads are crumbling, wastewater treatment facilities are in non-compliance with health standards and visitor interpretive programs have been seriously cut back.

The Land and Water Conservation Act of 1965 (LWCFA), included in Section 4 a broad-based recreation fee program for Federal lands. The underlying philosophy of the LWCFA was that recreation use fees (along with motorboat fuel taxes and general receipts) would be used to underwrite the cost of land acquisition at the Federal level, and acquisition and development of parks at the state level. Just three years later, when it was recognized that recreation fees were inadequate to meet the needs of those programs, LWCFA was amended to authorize the use of up to \$900 million annually from receipts of offshore oil and gas activities.

Since 1965, there have been a number of piecemeal modifications to the fee collection provisions of LWCFA. Among the most significant were 1987 amendments which permitted fees collected by the National Park Service only to be reappropriated back to the agency to cover operational costs. While the National Park Service has substantially increased its recreation fee collection, to \$76 million in 1994, the agency collects far less than is authorized. In 1993, the Interior Inspector General reported that 63 parks authorized to collect fees were not, resulting in a failure to collect nearly \$54 million (Report No. 93-I-793).

Since fee monies must be reappropriated the following year, and because the actual appropriations to the National Park Service for park operations has far exceeded the increase due to fees alone, it is impossible for park managers, or the public, to understand the relationship between recreation fees and funding available. Further, both the General Accounting Office and the Interior Inspector General have expressed concern about the tracking of recreation fees.

Last year, the General Accounting Office reported that the National Park Service was at a crossroads, and that drastic action was needed to avoid a crisis within the agency (GAO RCED 95-238). Recreation fees was part of the solution to the National Park Service problems recommended by the General Accounting Office. However, another adjustment to the existing LWCFA provisions appears unlikely to provide the fundamental changes necessary to address the visitor program funding problems faced by the Federal land management agencies.

COMMITTEE ACTION

H.R. 2107 was introduced on July 26, 1995, by Congressman James V. Hansen. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Na-

tional Parks, Forests and Lands. On August 3, 1995, the Subcommittee held a hearing on H.R. 2107 (H. Hrg. 104–35). On December 19, 1996, the Subcommittee met to mark up H.R. 2107. An amendment in the nature of a substitute was offered by Mr. Hansen, and adopted by voice vote. The bill was then ordered favorably reported to the Full Committee. On March 13, 1996, the Full Resources Committee met to consider H.R. 2107. Congressman Hansen offered an amendment in the nature of a substitute. The following amendments were offered to the Hansen amendment:

(1) Congressman Don Young of Alaska offered and withdrew an amendment which removed Army Corps of Engineers facilities from the new recreational fee structure.

(2) Congressman Bill Richardson offered an amendment which reinstated the golden eagle passport; the amendment failed on a rollcall vote of 14–23, as follows:

COMMITTEE ON RESOURCES—104TH CONGRESS, ROLLCALL NO. 1

Bill: H.R. 2107, Short Title, Recreation Fees.

Amendment or matter voted on: Richardson No. 2—Golden Age Passport.

Members	Yeas	Nays	Present	Members	Yes	Nays	Present
Mr. Young (Chairman)		X	.....	Mr. Miller		X	.....
Mr. Tauzin		X	.....	Mr. Markey	X		.....
Mr. Hansen		X	.....	Mr. Rahall	X		.....
Mr. Saxton	X		.....	Mr. Vento	X		.....
Mr. Gallegly .....			.....	Mr. Kildee	X		.....
Mr. Duncan		X	.....	Mr. Williams .....			.....
Mr. Hefley		X	.....	Mr. Gejdenson	X		.....
Mr. Doolittle		X	.....	Mr. Richardson	X		.....
Mr. Allard		X	.....	Mr. DeFazio	X		.....
Mr. Gilchrest		X	.....	Mr. Faleomavaega .....			.....
Mr. Calvert		X	.....	Mr. Johnson	X		.....
Mr. Pombo		X	.....	Mr. Abercrombie		X	.....
Mr. Torkildsen .....			.....	Mr. Studds .....			.....
Mr. Hayworth		X	.....	Mr. Ortiz .....			.....
Mr. Cremeans		X	.....	Mr. Pickett .....			.....
Mrs. Cubin		X	.....	Mr. Pallone	X		.....
Mr. Cooley		X	.....	Mr. Dooley		X	.....
Mrs. Chenoweth .....			.....	Mr. Romero-Barceló	X		.....
Mrs. Smith .....			.....	Mr. Hinchey	X		.....
Mr. Radanovich .....			.....	Mr. Underwood .....			.....
Mr. Jones		X	.....	Mr. Farr		X	.....
Mr. Thornberry		X	.....	Mr. Kennedy	X		.....
Mr. Hastings		X	.....				
Mr. Metcalf		X	.....				
Mr. Longley .....			.....				
Mr. Shadegg		X	.....				
Mr. Ensign	X		.....				

(3) Congressman Richardson offered an amendment to prohibit an admission fee for persons 16 years old or less. Congressman Wayne Allard offered a substitute to the Richardson amendment which set fees for persons 12 years old at 50 percent or less of the fee charged for persons older than 12, in those cases where fees were charged on a per person basis. The Allard substitute was adopted on a rollcall vote of 17–13, as follows:

COMMITTEE ON RESOURCES—104TH CONGRESS, ROLLCALL NO. 2

Bill: H.R. 2107, Short Title, Recreation Fees.

Amendment or matter voted on: Allard Amendment offered as Substitute to Richardson amendment No. 3.

Amendment or matter voted on: Allard Amendment offered as Substitute to Richardson amendment No. 3.

Members	Yeas	Nays	Present	Members	Yes	Nays	Present
Mr. Young (Chairman)	X	.....	.....	Mr. Miller .....	.....	X	.....
Mr. Tauzin	X	.....	.....	Mr. Markey .....	.....	X	.....
Mr. Hansen	X	.....	.....	Mr. Rahall .....	.....	.....	.....
Mr. Saxton	X	.....	.....	Mr. Vento .....	.....	.....	.....
Mr. Gallegly .....	.....	.....	.....	Mr. Kildee .....	.....	X	.....
Mr. Duncan .....	.....	.....	.....	Mr. Williams .....	.....	.....	.....
Mr. Hefley .....	.....	.....	.....	Mr. Gejdenson .....	.....	X	.....
Mr. Doolittle .....	.....	.....	.....	Mr. Richardson .....	.....	X	.....
Mr. Allard	X	.....	.....	Mr. DeFazio .....	.....	X	.....
Mr. Gilchrest	X	.....	.....	Mr. Faleomavaega .....	.....	.....	.....
Mr. Calvert	X	.....	.....	Mr. Johnson .....	.....	X	.....
Mr. Pombo	X	.....	.....	Mr. Abercrombie .....	.....	X	.....
Mr. Torkildsen .....	.....	.....	.....	Mr. Studds .....	.....	.....	.....
Mr. Hayworth	X	.....	.....	Mr. Ortiz .....	.....	.....	.....
Mr. Cremeans	X	.....	.....	Mr. Pickett .....	.....	.....	.....
Mrs. Cubin	X	.....	.....	Mr. Pallone .....	.....	X	.....
Mr. Cooley	X	.....	.....	Mr. Dooley .....	.....	X	.....
Mrs. Chenoweth .....	.....	.....	.....	Mr. Romero-Barceló .....	.....	X	.....
Mrs. Smith .....	.....	.....	.....	Mr. Hinchey .....	.....	X	.....
Mr. Radanovich .....	.....	.....	.....	Mr. Underwood .....	.....	.....	.....
Mr. Jones	X	.....	.....	Mr. Farr .....	.....	.....	.....
Mr. Thornberry	X	.....	.....	Mr. Kennedy .....	.....	X	.....
Mr. Hastings	X	.....	.....				
Mr. Metcalf .....	.....	.....	.....				
Mr. Longley .....	.....	.....	.....				
Mr. Shadegg	X	.....	.....				
Mr. Ensign	X	.....	.....				

The Richardson amendment, as amended, was then adopted by voice vote. The Committee then recessed until March 28, 1996.

On March 28, 1996, the Committee continued its consideration of H.R. 2107. To the pending Hansen amendment in the nature of a substitute, the following amendments were offered:

(1) Congressman Don Young reoffered his amendment to exempt Army Corps of Engineers facilities from the new recreational fee system; the amendment was adopted by voice vote.

(2) Congressman James V. Hansen offered amendments en bloc to allow an increase in the set aside for fee collection if collection costs increased and to clarify that recreation fees collected in fiscal year 1995 will be the baseline above which all new recreation fees will be available without appropriation; the amendments were adopted by voice vote.

(3) Congressman Tim Johnson of South Dakota offered an amendment to exempt Mount Rushmore National Memorial from recreation fee collection; the amendment was adopted by voice vote.

(4) Congresswoman Barbara Cubin offered an amendment, later modified technically by voice vote, to delete authority for the federal government to charge fee for hunting and fishing; the amendment was adopted by voice vote.

(5) Congressman Bill Richardson offered an amendment to cap admission fees; it failed by voice vote.

(6) Congressman Bill Richardson offered amendments en bloc to eliminate fees for campgrounds and visitor centers; the amendments were defeated by voice vote.

(7) Congressman Sam Gejdenson offered an amendment to restore fees for commercial aircraft tours over national parks. Congressman James V. Hansen offered an amendment to the Gejdenson amendment which requires a report on appropriate fee schedules to encourage the use of quiet aircraft technology. The Hansen amendment to the Gejdenson amendment was adopted by voice vote, and the Gejdenson amendment, as amended, was adopted by voice vote.

(8) Congressman Bill Richardson offered a substitute amendment, which failed on a rollcall vote of 15–24, as follows:

COMMITTEE ON RESOURCES—104TH CONGRESS, ROLLCALL NO. 1

Bill: H.R. 2107, Short Title, Recreation Fees.

Amendment or matter voted on: Richardson amendment No. 17,
Amendment in Nature of Substitute.

Members	Yeas	Nays	Present	Members	Yeas	Yays	Present
Mr. Young (Chairman)		X	.....	Mr. Miller	X	.....	.....
Mr. Tauzin		X	.....	Mr. Markey	X	.....	.....
Mr. Hansen		X	.....	Mr. Rahall .....	.....	.....	.....
Mr. Saxton		X	.....	Mr. Vento	X	.....	.....
Mr. Gallegly		X	.....	Mr. Kildee	X	.....	.....
Mr. Duncan				Mr. Williams .....	.....	.....	.....
Mr. Hefley				Mr. Gejdenson	X	.....	.....
Mr. Doolittle		X	.....	Mr. Richardson	X	.....	.....
Mr. Allard		X	.....	Mr. DeFazio	X	.....	.....
Mr. Gilchrest		X	.....	Mr. Faleomavaega .....	.....	.....	.....
Mr. Calvert		X	.....	Mr. Johnson	X	.....	.....
Mr. Pombo		X	.....	Mr. Abercrombie	X	.....	.....
Mr. Torkildsen				Mr. Studds .....	.....	.....	.....
Mr. Hayworth		X	.....	Mr. Ortiz	X	.....	.....
Mr. Cremeans		X	.....	Mr. Pickett .....	.....	X	.....
Mrs. Cubin		X	.....	Mr. Pallone	X	.....	.....
Mr. Cooley		X	.....	Mr. Dooley .....	.....	X	.....
Mrs. Chenoweth		X	.....	Mr. Romero-Barcelo	X	.....	.....
Mrs. Smith				Mr. Hinchey	X	.....	.....
Mr. Radanovich		X	.....	Mr. Underwood .....	.....	.....	.....
Mr. Jones		X	.....	Mr. Farr	X	.....	.....
Mr. Thornberry		X	.....	Mr. Kennedy	X	.....	.....
Mr. Hastings							
Mr. Metcalf		X	.....				
Mr. Longley		X	.....				
Mr. Shadegg		X	.....				
Mr. Ensign		X	.....				

The Hansen amendment in the nature of a substitute, as amended, was adopted by voice vote. H.R. 2107, as amended, was then ordered favorably reported to the House of Representatives by a rollcall vote of 26–12, as follows:

COMMITTEE ON RESOURCES—104TH CONGRESS, ROLLCALL NO. 2

Bill: H.R. 1207, Short Title, Recreation Fees.

Amendment or matter voted on: Final passage.

Members	Yeas	Nays	Present	Members	Yeas	Yays	Present
Mr. Young (Chairman)				Mr. Miller .....	.....	X	.....

Members	Yeas	Nays	Present	Members	Yeas	Nays	Present
Mr. Tauzin	X	.....	.....	Mr. Markey .....	.....	X	.....
Mr. Hansen	X	.....	.....	Mr. Rahall .....	.....	.....	.....
Mr. Saxton	X	.....	.....	Mr. Vento .....	.....	X	.....
Mr. Gallegly	X	.....	.....	Mr. Kildee .....	.....	X	.....
Mr. Duncan .....	.....	.....	.....	Mr. Williams .....	.....	.....	.....
Mr. Hefley .....	.....	.....	.....	Mr. Gejdenson .....	.....	X	.....
Mr. Doolittle	X	.....	.....	Mr. Richardson .....	.....	X	.....
Mr. Allard	X	.....	.....	Mr. DeFazio .....	.....	X	.....
Mr. Gilchrest	X	.....	.....	Mr. Faleomavaega .....	.....	.....	.....
Mr. Calvert	X	.....	.....	Mr. Johnson .....	.....	X	.....
Mr. Pombo	X	.....	.....	Mr. Abercrombie .....	.....	X	.....
Mr. Torkildsen	X	.....	.....	Mr. Studds .....	.....	.....	.....
Mr. Hayworth	X	.....	.....	Mr. Ortiz	X	.....	.....
Mr. Cremeans	X	.....	.....	Mr. Pickett	X	.....	.....
Mrs. Cubin	X	.....	.....	Mr. Pallone .....	.....	X	.....
Mr. Cooley	X	.....	.....	Mr. Dooley	X	.....	.....
Mrs. Chenoweth .....	.....	.....	.....	Mr. Romero-Barcelo	X	.....	.....
Mrs. Smith .....	.....	.....	.....	Mr. Hinchey .....	.....	X	.....
Mr. Radanovich	X	.....	.....	Mr. Underwood .....	.....	.....	.....
Mr. Jones	X	.....	.....	Mr. Farr	X	.....	.....
Mr. Thornberry	X	.....	.....	Mr. Kennedy .....	.....	X	.....
Mr. Hastings .....	.....	.....	.....				
Mr. Metcalf	X	.....	.....				
Mr. Longley	X	.....	.....				
Mr. Shadegg	X	.....	.....				
Mr. Ensign	X	.....	.....				

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Section 1 provides the short title of the bill.

SECTION 2. PURPOSE

Section 2 provides the purpose of the bill which is to improve the quality of the visitor experience on Federal lands. This goal would be accomplished through increased funding which would be provided through a combination of increased fees along with targeted appropriations.

SECTION 3. REPEAL OF EXISTING RECREATION FEE PROGRAM AND ESTABLISHMENT OF NEW RECREATION FEE PROGRAM

Section 3 provides a comprehensive revision of the existing language of Section 4 of the Land and Water Conservation Fund Act of 1965 (LWCFA) which pertains to recreation fees. Although there have been a number of amendments to this section over the last 30 years, this is the first comprehensive rewrite of the section.

New LWCFA section (a)(1) outlines the Congressional goals of the new section. The Committee has heard ample testimony to support the fact that funding for visitor use and recreation programs for all land management agencies is currently inadequate. These shortfalls exist despite Congressional appropriation increases for many of these activities. At a time when balancing the budget is a high priority to all Americans, the prognosis for substantial increases in funds through the appropriation process in the near future, even for the most popular programs, is not good. Further, the Committee is aware that recreational users of Federal lands currently only provide about 10 percent of the cost of recreation serv-

ices provided through recreation fees. The Committee believes that it is appropriate for those persons who are directly benefitting from these recreation and visitor service programs to pay a greater share of the cost, as opposed to those who never take advantage of the services.

Section (a)(2) outlines a number of very important parameters to be considered by the Secretaries in establishing a recreation fee policy. The Committee expects the Secretaries to issue a joint policy with respect to fees which will provide some level of consistency among the various agencies. This is very important to the recreating public. At the same time, the Committee recognizes that individual agencies can and will issue specific guidelines and regulations within the overall framework of the policy to meet their particular needs.

Section (a)(2)(B) provides that the agencies adopt policies which maximize the number of persons who pay fees. This is critical for maximizing the amount of revenue collected while at the same time permitting recreation fees to remain as low as possible.

Section (a)(2)(D) provides that the agencies will develop fee programs which will ensure equity among user groups. The Committee is concerned that no particular user group be asked to pay more than their fair share. The Committee understands that commercial tour fees and concessions fees are really just another form of recreation use fees. While it is much simpler for agencies to collect such recreation fees through others with whom they have a contractual relationship, the Committee expects that the public, which elects to utilize such services and facilities, will not be charged disproportionately. Further, this language is intended to address situations where fees are paid to a state, which then makes grants to a Federal agency, such as the California Green Sticker program.

Section (a)(2)(E) provides that agencies will develop accounting procedures which ensure that recreation fees collected are directed back to the needs of the public who paid the fees. The Committee recognizes that the success of the recreation fee program will depend to a large degree on the public being able to recognize that the fees they pay have made a difference in the overall quality of their recreation experience and nature of facilities available. To the extent that agencies divert funds away from visitor service programs to overhead or Washington, D.C. office functions, they will be less able to ensure that the quality of the visitor experience is improved. The Committee recognizes that this is likely to necessitate some change in accounting procedures among the agencies affected under this bill, and supports such changes.

Section (a)(2)(G) requires that the agencies consider convenience to the public in establishing recreation fee programs. This is also considered important to public acceptance of the program. In particular, the Committee would support a comprehensive fee for the use of any area rather than requiring a number of small individual charges for services or facilities.

Section 4(b) provides operational definitions.

Section (b)(1) provides that this provision of law will continue to guide the fee collection activities of the Forest Service, National Park Service, Bureau of Land Management, Fish and Wildlife Service and Bureau of Reclamation.

Section (b)(8) provides the definition of visitor services as used in the section. This definition is critically important to the overall success of this legislation since it defines the manner in which recreation fees can be spent. The definition includes not only the cost of visitor programs but costs associated with protection of resources directly related to public use.

New LWCFA section 4(c) states the overall policy of the legislation. It recognizes that recreation fees are comprised of admission fees, use fees and concession fees. Admission fees may only be charged at areas managed by the National Park Service and other areas of concentrated use. Recreation use fees may be collected at any areas where specialized recreational services are offered.

Section (c)(2) specifies the factors that agencies shall consider when establishing the amount of fees. The Committee agrees that the Administration needs to be granted flexibility in establishing individual fee levels and that it is inappropriate for Congress to determine a one size fits all fee for the wide array of services and facilities provided by the Federal Government. At the same time, the Committee has provided guidance, but no particular formula, to the agencies to ensure that similar factors are considered by the agencies when they establish those fee levels.

Section (c)(3) provides for public comment in the establishment of recreation fees. The Committee heard testimony seeking an opportunity for public comment in the establishment of recreation fees. As the new legislation provides broader discretion to the Administration in the setting of admission fees than current law, the Committee agrees that public comment is necessary and appropriate. Further, due to the length of time required for commercial tour companies to organize their tours, the legislation provides for commercial tour fees to be set 12 months in advance.

Section (c)(6) provides that the administering Secretaries will set a target revenue goal for each area they administer. Such a goal is important to estimate the total recreation fee revenue which will be generated by each agency and to ensure accountability of the Federal land managers.

Section (c)(7) provides that persons assigned exclusively to fee collection duties, over and above the number of persons now assigned to such duties, would not be counted toward any full-time equivalent ceiling for the agency. The Committee understands that existing staffing levels for some agencies are already at the current ceiling. Therefore, it is impossible for those agencies to hire additional personnel to collect fees, unless the agencies divert existing staff from other duties or contract out this function. The Committee has included this provision to ensure that existing personnel ceilings do not become a barrier to implementation of this legislation.

New LWCFA section (d) outlines the various types of recreation fees which may be charged pursuant to this Act.

Section (d)(1) describes the admission permit. Admission fees may only be charged at units of the park system and other areas of concentrated public use.

Section (d)(2) describes the annual Golden Eagle Passport.

Section (d)(2)(B) provides for the non-Federal sale of the Golden Eagle Passport. The Committee notes that this section provides for

non-Federal entities to maintain inventories of Golden Eagle Passports on consignment.

Section (d)(5) provides the policy for establishing recreation use fees. Unlike admission fees, use fees can be charged by any of the agencies wherever specialized services are provided. The Committee has specifically provided for charging for backcountry camping by permit, but notes that this is not intended to apply to at-large camping on Forest Service or Bureau of Land Management lands, where no permit is required.

Section (d)(6)(A) provides for charging of a commercial tour use fee at each area where an admission fee is charged. The language provides that such fees will be charged on a per vehicle basis to avoid the administrative problems associated with charging on a per person basis.

Section (d)(6)(B) provides for continuation of the existing commercial air tour fee at Grand Canyon, Haleakala and Hawaii Volcanoes National Parks.

Section (d)(6)(C) provides for the Secretaries of Transportation and Interior to develop a fee schedule for air tour operations which encourages the use of quiet aircraft technology.

Section (d)(7)(A) provides that where the Secretaries provide transportation to visit an area, they may charge a fee for such service and retain any revenues. The Committee strongly supports and encourages the development of transportation systems to reduce vehicular congestion at popular destinations.

New LWCFA section (e) provides for the establishment of special accounts for deposit of recreation fee revenues. The Secretary of the Treasury shall establish an account for each agency into which all recreation fees collected by that agency would be deposited. Funds from the sales of Golden Eagle Passports and annual geographic permits would also be deposited into these accounts based on a formula to be developed by the Secretaries.

Funds deposited into the special accounts would be available for appropriation to cover visitor service costs. Each agency would be permitted to withdraw from the special account up to 15 percent of the previous year's fee collections to cover the costs of collections. The 15 percent would be available for expenditure without further appropriations action, while the remaining funds deposited into the special accounts (except as provided in section (e)(5)) would be available for appropriation in the following year.

Section (e)(5) provides that recreation fees in excess of those collected by each agency in fiscal year 1995 would be immediately available to that agency without further appropriation. The Committee intends for the 15 percent to be deducted before determining amounts made available under this subsection. Of those amounts which would be available without further appropriation, 75 percent would be available for expenditure at the area where it is collected. In addition, one third of the amount which is collected which is above the target revenue goal for each area would be returned to the area where it is collected. Funds over and above the 75 percent to remain in the area where they are collected plus funds made available for exceeding the target revenue goals would be available for expenditure at other areas managed by the agency, as determined by the administering Secretary. The funds would be avail-

able until expended. Funds would be available for visitor services, as well as repair, replacement and rehabilitation of visitor facilities. The Committee has limited the construction of new facilities to those necessary to establish fee collection programs because of the Committee's concern about expanding the maintenance backlog of the agencies.

New LWCFA section (j) protects low-income individuals from being priced off the Federal lands. While the Committee is concerned about how increases in recreation fees could impact low-income persons, the Committee notes that information regarding the income level of Federal recreation users is limited. Therefore, the Committee expects the administering Secretaries to collect adequate information to determine whether their policies are having an impact on low-income persons, to modify their policies accordingly and to forward that information to Congress as appropriate.

New LWCFA section (k) provides a number of exemptions to these fee collection policies including: persons with a right of hunting or fishing by law or treaty, school groups, through travelers, persons conducting government business and persons accessing private property.

New LWCFA section (m) provides that the Secretaries shall submit an implementation report to Congress no later than four years after the date of enactment. Such report is to detail the potential cost recovery from the recreation fees for each agency and the target recreation revenue goals for each area. The Committee intends that this implementation report should set a long-term direction for the recreation fee program. Prior to submittal of this report, the agencies are expected to fully implement all authorities provided under this Act.

New LWCFA section (n) provides that recreation fees collected in excess of the 1995 authorized amounts would be exempt from the cost-sharing provisions imposed by a variety of existing statutes. The Committee decided to protect the existing revenue stream to the counties, while at the same time ensuring that a maximum amount of funds is available for on-site management of visitor services.

New LWCFA section (o) provides for the authorization of appropriations. For the first four years after enactment, funding would continue to be authorized as currently provided in Section 4 of LWCFA. After that four year period, funding for visitor services would total at least 125 percent of the fiscal year 1995 base level, adjusted for inflation, through a combination of appropriations plus recreation fees. The Committee has inserted this language to ensure that increases for visitor services provided by increased recreation fees are not offset by reductions in appropriations.

SECTION 4. CONFORMING AMENDMENTS

Section 4 deletes language from the 1994 Interior and Related Agencies Appropriations Act which permits the National Park Service to establish a recreation fee policy inconsistent with the LWCFA. The Committee has provided a new authority which permits the National Park Service to continue to charge for special park uses and transition language which permits those recreational activities for which the Park Service is currently charging a fee to

continue until the agency can receive funds through the amendments to the LWCFA provided in this legislation. Specifically, this language would provide for continuation of the fishing fee at Yellowstone National Park and the fee for tunnel escorts at Zion National Park.

Section 4(b) eliminates a number of legislative provisions which prohibit admission fee collection at certain park areas.

SECTION 5. SAVINGS PROVISION RELATING TO AREAS ADMINISTERED BY THE UNITED STATES ARMY CORPS OF ENGINEERS

Section 5 provides that the existing recreation fee collection program for the Corps of Engineers would continue without change.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With the respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 2107 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2107. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2107 does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. H.R. 2107 increases offsetting receipts by a total \$184 million from 1997–2002. The bill also provides new spending authority.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2107.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the

following cost estimate for H.R. 2107 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 20, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2107, the Visitor Services Improvement and Outdoor Legacy Act of 1996.

Enactment of H.R. 2107 would affect direct spending. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2107.
 2. Bill title: Visitor Services Improvement and Outdoor Legacy Act of 1996.
 3. Bill status: As ordered reported by the House Committee on Resources on March 28, 1996.
 4. Bill purpose: H.R. 2107 would direct the U.S. Department of Agriculture (USDA) and the Department of the Interior (DOI) to implement new recreation fee programs designed to improve the recovery of visitor-related costs. To provide greater authority and new incentives to the agencies within the two departments that collect recreation fees, the bill would amend the Land and Water Conservation Fund Act of 1965 (LWCFA) to:
 - eliminate existing caps on admission fees at recreation sites, including those for single visits, annual park passes, and Golden Eagle Passports;
 - remove certain limitations on imposing admission and recreation use fees, including the repeal of existing prohibitions against such charges at specific national park units;
 - remove current restrictions that impede federal agencies from collecting recreation fees and marketing Golden Eagle Passport through nonfederal vendors;
 - reduce the number of visitors that pay no recreation fees by modifying existing special fee provisions for children, senior citizens, and handicapped visitors; and
 - authorize the agencies to retain and spend fee receipts that exceed their fiscal year 1995 collections.
- In addition, the bill would require the two departments to develop target receipt levels for each recreation area under their jurisdictions, effective the fifth year after the legislation's enactment. Once the participating agencies have established site-specific tar-

gets, the respective secretaries would submit these targets, along with corresponding fee schedules, cost-recovery projections, and progress reports, to the Congress. For each year after this submission is made, the bill would authorize the appropriation of whatever sums are necessary in order to provide each participating agency with 125 percent of the amount it received in 1995 (adjusted for inflation) for visitor services.

5. Estimated cost to the Federal Government: CBO estimates that implementing H.R. 2107 would increase offsetting receipts by a total of about \$184 million between fiscal years 1997 and 2002. Because the bill would create new budget authority of more than this amount, however, the net impact on the federal budget would be an increase in outlays of about \$72 million over the next six years. The budgetary effects of the legislation are summarized in Table 1.

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF H.R. 2107
[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
DIRECT SPENDING							
Net spending under current law: ¹							
Estimated budget authority	-79	-83	-86	-88	-90	-93	-95
Estimated outlays	-83	-90	-88	-85	-90	-93	-95
Proposed changes:							
Estimated budget authority		5	7	17	19	22	26
Estimated outlays		3	3	9	14	19	24
Estimated spending under H.R. 2107:							
Estimated budget authority	-79	-78	-79	-71	-71	-71	-69
Estimated outlays	-83	-87	-85	-76	-76	-74	-67

¹ These amounts represent offsetting receipts from recreation fees charged by agencies within DOI and USDA, net of associated direct spending. For fiscal years 1997 and 1998, net spending under current law includes new receipts to be earned (and spent) under the temporary authority provided by Public Law 104-134, the Omnibus Consolidated Rescissions and Appropriations Act, which directs USDA and DOI to initiate fee demonstration programs at up to 50 recreation sites for each participating agency.

The costs of this bill fall within budget function 300.

This estimate does not include any additional amounts that may be appropriated to agencies that exceed target receipt levels after fiscal year 2001 because it is not possible to estimate such amounts until each participating agency develops and submits targets for areas under its jurisdiction.

6. Basis of estimate: For purposes of this estimate, CBO assumes that H.R. 2107 would be enacted by October 1, 1996, and that USDA and DOI would implement the mandated new fee programs over the following two years in accordance with the legislation's specific requirements for public notification and joint rulemaking. We also assume that most rate increases would be phased in over a period of several years. All estimates are based on information provided by the National Park Service (NPS), the Office of Management and Budget, and other federal agencies. Estimated receipts and spending authority for fiscal years 1997 and 1998 are in addition to amounts that will be collected and spent under the fee demonstration program authorized by the Omnibus Consolidated Rescissions and Appropriations Act (OCRA).

Finally, the estimates shown in Tables 1 through 3 include receipts and direct spending of the NPS, the Forest Service, and the Bureau of Land Management (BLM). No amounts have been included for the Bureau of Reclamation or the U.S. Fish and Wildlife

Service because we estimate that the bill would have no significant effect on their existing fee programs and associated spending.

Offsetting Receipts.—CBO estimates that additional fee collections under H.R. 2107 would reach about \$30 million in fiscal year 1999 and rise to about \$50 million annually by 2002. As a result of routine planning activities and public notification and joint rule-making procedures specified by the bill, new receipts would be much lower initially: less than \$2 million in 1997 and about \$12 million in 1998. In total, CBO estimates that offsetting receipts would increase by \$184 million over the 1997–2002 period. The estimated impact on offsetting receipts is shown in Table 2.

TABLE 2.—ESTIMATED IMPACT OF H.R. 2107 ON OFFSETTING RECEIPTS
[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
DIRECT SPENDING						
Offsetting receipts under current law: ¹						
Estimated budget authority	–107	–113	–103	–106	–109	–112
Estimated outlays	–107	–113	–103	–106	–109	–112
Proposed changes:						
Estimated budget authority	–2	–12	–30	–42	–48	–50
Estimated outlays	–2	–12	–30	–42	–48	–50
Offsetting receipts under H.R. 2107:						
Estimated budget authority	–109	–125	–133	–148	–157	–162
Estimated outlays	–109	–125	–133	–148	–157	–162

¹ For fiscal year 1997 and 1998, current-law receipts include amounts earned under OCRA.

Based on the historical performance of federal land-management agencies under previously enacted statutes, CBO expects that the vast majority of all new receipts realized from enacting H.R. 2107 would be earned by the NPS. However, because H.R. 2107 would provide a strong incentive to collect more fees (by allowing the collecting agency to retain 100 percent of any additional receipts earned rather than the 15 percent they may now spend under the LWCFA), it is possible that other agencies covered by the bill would try to improve their fee collection efforts. If so, the increase in offsetting receipts would be higher than shown in Table 2, and new direct spending (shown below) would rise correspondingly. Such increases, if they occur at all, would probably be relatively small (in comparison to NPS earnings). Moreover, new fee programs at other agencies would probably require much longer implementation periods because the agencies most likely to be affected—the Forest Service and the Bureau of Land Management—would probably need more time to develop new fee schedules, hire additional personnel, and construct the necessary facilities at collection sites.

Direct Spending.—The new spending authority provided by H.R. 2107 would increase federal outlays by about \$5 million in fiscal year 1997. The amount of additional spending would increase over time to about \$74 million in 2002, for a total of \$256 million over the six-year period. The additional budget authority and outlays estimated for the bill are shown in Table 3.

H.R. 2107 would authorize the Forest Service and DOI to retain and spend any additional fee receipts above the amounts they collected in fiscal year 1995. As a result of this provision, new mandatory budget authority would increase not only by the amount of new receipts earned under the bill but also by any receipt increases

realized from growth in visitation or other changes that would have occurred even in the absence of new legislation. Of the amounts shown in Table 3 as new spending authority, about \$2 million in 1997 and a total of \$184 million through 2002 would stem from the new fee programs mandated by the bill. The balance—\$5 million and a total of \$96 million through 2002—would be the result of growth in receipts collected by the NPS, BLM, and the Forest Service under current law. Estimated increases in new budget authority and outlays are net of small savings that would result from a provision of H.R. 2107 that would delay the availability of funds to cover collection costs, which are currently made available without appropriation in the year received.

TABLE 3.—ESTIMATED IMPACT OF H.R. 2107 ON DIRECT SPENDING

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
Spending under current law: ¹						
Estimated budget authority	24	27	15	16	16	17
Estimated outlays	20	25	18	16	16	17
Proposed changes:						
Estimated budget authority	7	19	47	61	70	76
Estimated outlays	5	15	39	56	67	74
Estimated spending under H.R. 2107:						
Estimated budget authority	30	46	63	77	87	92
Estimated outlays	25	41	57	72	83	91

¹ Estimated budget authority and outlays under current law include amounts retained and spent under OCRA, which allows each participating agency to spend without further appropriation 100 percent of any amounts it earns above a certain threshold (in addition to the 15 percent automatically made available under section 4(i) of the LWCFA).

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enacting H.R. 2107 would affect direct spending by increasing both offsetting receipts and mandatory spending. Therefore, pay-as-you-go procedures would apply. The net increase in direct spending is shown below.

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	0	3	3
Change in receipts	(¹)	(¹)	(¹)

¹ Not applicable.

8. Estimated impact on State, local, and tribal governments: H.R. 2107 contains no intergovernmental mandates as defined in Public Law 104–4. The bill could impose some costs on state governments, in the form of lost receipts, but these costs would not be the result of an enforceable duty and, therefore, would not be costs of a mandate.

Enacting this bill could reduce the amount of recreation receipts paid to states in future years, because it provides that states may not share in recreation fees collected in excess of the 1995 authorized level. While the phrase “1995 authorized level” could be interpreted to refer to whatever amount of receipts could be collected in future years under the laws in effect in 1995, CBO believes it would probably be interpreted to refer to the amount actually collected in that year. Under this interpretation, the provision not

only would preclude states from sharing in the additional receipts collected as a result of this bill, but also could affect states' share of receipts collected under current law.

This provision would affect fees collected by the Forest Service—the only federal agency that currently shares recreation fees with states. States receive 25 percent of recreation fees collected by the Forest Service. We expect that, under current law, Forest Service recreation receipts for each of the next few years will be about \$2 million greater than the 1995 level. If this program is interpreted to apply to this increase, H.R. 2107 would result in states losing receipts of \$500,000 annually to which they are currently entitled. Receipts are expected to increase under current law for a number of reasons, including an increase in the number of visitors that pay recreation fees.

H.R. 2107 would also allow federal agencies to authorize state or local governments to sell admission permits and to contract with these governments to provide visitor reservation services. These activities would be voluntary on the part of participating state or local governments.

9. Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in Public Law 104–4.

10. Previous CBO estimate: None.

11. Estimate prepared by: Federal Cost Estimate: Deborah Reis; State and Local Government Impact: Marjorie Miller; Private-Sector Impact: Amy Downs.

12. Estimate approved by: Robert A. Sunshine, Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 2107 contains no unfunded mandates.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 2107.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

LAND AND WATER CONSERVATION FUND ACT OF 1965

* * * * *

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

* * * * *

[ADMISSION AND USE FEES; ESTABLISHMENT AND REGULATIONS]

[SEC. 4. (a) ADMISSION FEES.—Entrance or admission fees shall be charged only at designated units of the National Park System or National Conservation Areas administered by the Department of

the Interior and National Recreation Areas, National Monuments, National Volcanic Monuments, National Scenic Areas, and no more than 21 areas of concentrated public use administered by the Department of Agriculture. For purposes of this subsection, the term “area of concentrated public use” means 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. No admission fees of any kind shall be charged or imposed for entrance into any other federally owned areas which are operated and maintained by a Federal agency and used for outdoor recreation purposes.

[(1)(A)(i) For admission into any such designated area, an annual admission permit (to be known as the Golden Eagle Passport) shall be available, for a fee of not more than \$25. The permittee and any person accompanying him in a single, private noncommercial vehicle, or alternatively, the permittee and his spouse, children, and parents accompanying him where entry to the area is by any means other than private, noncommercial vehicle, shall be entitled to general admission into any area designated pursuant to this subsection. The annual permit shall be valid for a period of 12 months from the date the annual fee is paid. The annual permit shall not authorize any uses for which additional fees are charged pursuant to subsections (b) and (c) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to subsection (e). The annual permit shall be available for purchase at any such designated area.]

[(ii) The Secretary of the Interior and the Secretary of Agriculture may authorize businesses, nonprofit entities, and other organizations to sell and collect fees for the Golden Eagle Passport subject to such terms and conditions as the Secretaries may jointly prescribe. The Secretaries shall develop detailed guidelines for promotional advertising of non-Federal Golden Eagle Passport sales and shall monitor compliance with such guidelines. The Secretaries may authorize the sellers to withhold amounts up to, but not exceeding 8 percent of the gross fees collected from the sale of such passports as reimbursement for actual expenses of the sales. Receipts from such non-Federal sales of the Golden Eagle Passport shall be deposited into the special account established in subsection (i), to be allocated between the Secretary of the Interior and the Secretary of Agriculture in the same ratio as receipts from admission into Federal fee areas administered by the Secretary of Agriculture and the Secretary of the Interior pursuant to subsection (a).]

[(B) For admission into a specific designated unit of the National Park System, or into several specific units located in a particular geographic area, the Secretary is authorized to make available an annual admission permit for a reasonable fee. The fee shall not exceed \$15 regardless of how many units of the park system are covered. The permit shall convey the privi-

leges of, and shall be subject to the same terms and conditions as, the Golden Eagle Passport, except that it shall be valid only for admission into the specific unit or units of the National Park System indicated at the time of purchase.

[(2) Reasonable admission fees for a single visit at any designated area shall be established by the administering Secretary for persons who choose not to purchase the annual permit. A "single visit" means more or less continuous stay within a designated area. Payment of a single visit admission fee shall authorize exits from and reentries to a single designated area for a period of from one to fifteen days, such period to be defined for each designated area by the administering Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit. The fee for a single-visit permit at any designated area applicable to those persons entering by private, noncommercial vehicle shall be no more than \$5 per vehicle. The single-visit permit shall admit the permittee and all persons accompanying him in a single vehicle. The fee for a single-visit permit at any designated area applicable to those persons entering by any means other than a private noncommercial vehicle shall be no more than \$3 per person. Except as otherwise provided in this subsection, the maximum fee amounts set forth in this paragraph shall apply to all designated areas.

[(3) No admission fee shall be charged for travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area. In the Smoky Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof. Notwithstanding any other provision of this Act, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations.

[(4) The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of a lifetime admission permit (to be known as the "Golden Age Passport") to any citizen of, or person domiciled in, the United States sixty-two years of age or older applying for such permit. Such permit shall be nontransferable, shall be issued for a one-time charge of \$10, and shall entitle the permittee and any person accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse and children accompanying him where entry to the area is by any means other than private, noncommercial vehicle, to general admission into any area designated pursuant to this sub-

section. No other free permits shall be issued to any person: *Provided*, That no fees of any kind shall be collected from any persons who have a right of access for hunting or fishing privileges under a specific provision of law or treaty or who are engaged in the conduct of official Federal, State, or local Government business and *Provided further*, That for no more than three years after the date of enactment of this Act, visitors to the United States will be granted entrance, without charge, to any designated admission fee area upon presentation of a valid passport.

[(5) The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of a lifetime admission permit to any citizen of, or person domiciled in, the United States, if such citizen or person applies for such permit, and is blind or permanently disabled. Such procedures shall assure that such permit shall be issued only to persons who have been medically determined to be blind or permanently disabled for purposes of receiving benefits under Federal law as a result of said blindness or permanent disability as determined by the Secretaries. Such permit shall be non-transferable, shall be issued without charge, and shall entitle the permittee and any person accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse and children accompanying him where entry to the area is by any means other than private, noncommercial vehicle, to general admission into any area designated pursuant to this subsection.

[(6)(A) No later than 60 days after the date of enactment of this paragraph, the Secretary of the Interior shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report on the entrance fees proposed to be charged at units of the National Park System. The report shall include a list of units of the National Park System and the entrance fee proposed to be charged at each unit. The Secretary of the Interior shall include in the report an explanation of the guidelines used in applying the criteria in subsection (d).

[(B) Following submittal of the report to the respective committees, any proposed changes to matters covered in the report, including the addition or deletion of park units or the increase or decrease of fee levels at park units shall not take effect until 60 days after notice of the proposed change has been submitted to the committees.

[(7) No admission fee may be charged at any unit of the National Park System for admission of any person 16 years of age or less.

[(8) No admission fee may be charged at any unit of the National Park System for admission of organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

[(9) No admission fee may be charged at the following units of the National Park System: U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National

Park System within the District of Columbia, Arlington House—Robert E. Lee National Memorial, San Juan National Historic Site, and Canaveral National Seashore.

[(10) For each unit of the National Park System where an admission fee is collected, the Director shall annually designate at least one day during periods of high visitation as a “Fee-Free Day” when no admission fee shall be charged.

[(11) In the case of the following parks, the fee for a single-visit permit applicable to those persons entering by private, noncommercial vehicle (the permittee and all persons accompanying him in a single vehicle) shall be no more than \$10 per vehicle and the fee for a single-visit permit applicable to persons entering by any means other than a private noncommercial vehicle shall be no more than \$5 per person: Yellowstone National Park and Grand Teton National Park and after the end of fiscal year 1990, Grand Canyon National Park. In the case of Yellowstone and Grand Teton, a single-visit fee collected at one unit shall also admit the vehicle or person who paid such fee for a single-visit to the other unit.

[(12) Notwithstanding section 203 of the Alaska National Interest Lands Conservation Act, the Secretary may charge an admission fee under this section at Denali National Park and Preserve in Alaska.

[(b) RECREATION USE FEES.—Each Federal agency developing, administering, providing or furnishing at Federal expense, specialized outdoor recreation sites, facilities, equipment, or services shall, in accordance with this subsection and subsection (d) of this section, provide for the collection of daily recreation use fees at the place of use or any reasonably convenient location: *Provided*, That in no event shall there be a charge by any such agency for the use, either singly or in any combination, of drinking water, wayside exhibits, roads, overlook sites, visitors’ centers, scenic drives, or toilet facilities, nor shall there be any such charge solely for the use of picnic tables: *Provided*, That in no event shall there be a charge for the use of any campground not having a majority of the following: tent or trailer spaces, picnic tables, drinking water, access road, refuse containers, toilet facilities, personal collection of the fee by an employee or agent of the Federal agency operating the facility, reasonable visitor protection, and simple devices for containing a campfire (where campfires are permitted). For the purposes of this subsection, the term “specialized outdoor recreation sites” includes, but is not limited to, campgrounds, swimming sites, boat launch facilities, and managed parking lots. Any Golden Age Passport permittee, or permittee under paragraph (5) of subsection (a) of this section, shall be entitled upon presentation of such permit to utilize such special recreation facilities at a rate of 50 per centum of the established use fee.

[(c) RECREATION PERMITS.—Special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses may be issued in accordance with procedures and at fees established by the agency involved.

[(d) All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to

the Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection and other pertinent factors. Clear notice that a fee has been established pursuant to this section shall be prominently posted at each area and at appropriate locations therein and shall be included in publications distributed at such areas. It is the intent of this Act that comparable fees should be charged by the several Federal agencies for comparable services and facilities.

[(e) In accordance with the provisions of this section, the heads of appropriate departments and agencies may prescribe rules and regulations for areas under their administration for the collection of any fee established pursuant to this section. Persons authorized by the heads of such Federal agencies to enforce any such rules or regulations issued under this subsection may, within areas under the administration or authority of such agency head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than \$100.

[(f) The head of any Federal agency, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services. Any such contract may provide that the contractor shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency.

[(g) Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, nor shall it affect any rights or authority of the States with respect to fish and wildlife, nor shall it repeal or modify any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law.

[(i)(1)(A) Except in the case of fees collected by the United States Fish and Wildlife Service or the Tennessee Valley Authority, all receipts from fees collected pursuant to this section by any Federal agency (or by any public or private entity under contract with a Federal agency) shall be covered into a special account for that agency established in the Treasury of the United States. Fees collected by the Secretary of Agriculture pursuant to this subsection shall continue to be available for the purposes of distribution to States and counties in accordance with applicable law.

[(B) Notwithstanding subparagraph (A), in any fiscal year, the Secretary of Agriculture and the Secretary of the Interior may withhold from the special account established under subparagraph (A) such portion of all receipts collected from fees imposed under

this section in such fiscal year as the Secretary of Agriculture or the Secretary of the Interior, as appropriate, determines to be equal to the fee collection costs for that fiscal year: *Provided*, That such costs shall not exceed 15 percent of all receipts collected from fees imposed under this section in that fiscal year. The amounts so withheld shall be retained by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, and shall be available, without further appropriation, for expenditure by the Secretary concerned to cover fee collection costs in that fiscal year. The Secretary concerned shall deposit into the special account established pursuant to subparagraph (A) any amounts so retained which remain unexpended and unobligated at the end of the fiscal year. For the purposes of this subparagraph, for any fiscal year, the term "fee collection costs" means those costs for personnel and infrastructure directly associated with the collection of fees imposed under this section.

[(2) Amounts covered into the special account for each agency during each fiscal year shall, after the end of such fiscal year, be available for appropriation solely for the purposes and in the manner provided in this subsection. No funds shall be transferred from fee receipts made available under this Act to each unit of the national park system: *Provided, however*, That in making appropriations, funds derived from such fees may be used for any purpose authorized therein. Funds credited to the special account shall remain available until expended.

[(3) For agencies other than the National Park Service, such funds shall be made available for resource protection, research, interpretation, and maintenance activities related to resource protection in areas managed by that agency at which outdoor recreation is available. To the extent feasible, such funds should be used for purposes (as provided for in this paragraph) which are directly related to the activities which generated the funds, including but not limited to water-based recreational activities and camping.

[(4) Amounts covered into the special account for the National Park Service shall be allocated among park system units in accordance with subsection (j) for obligation or expenditure by the Director of the National Park Service for the following purposes:

[(A) In the case of receipts from the collection of admission fees: for resource protection, research, and interpretation at units of the National Park System.

[(B) In the case of receipts from the collection of user fees: for resource protection, research, interpretation, and maintenance activities related to resource protection at units of the National Park System.

[(j)(1) 10 percent of the funds made available to the Director of the National Park Service under subsection (i) in each fiscal year shall be allocated among units of the National Park System on the basis of need in a manner to be determined by the Director.

[(2) 40 percent of the funds made available to the Director of the National Park Service under subsection (i) in each fiscal year shall be allocated among units of the National Park System in accordance with paragraph (3) of this subsection and 50 percent shall be allocated in accordance with paragraph (4) of this subsection.

[(3) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the operating expenses at that unit during the prior fiscal year by the total operating expenses at all units during the prior fiscal year.

[(4) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the user fees and admission fees collected under this section at that unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all units during the prior fiscal year.

[(5) Amounts allocated under this subsection to any unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that unit until expended.

[(k) When authorized by the head of the collecting agency, volunteers at designated areas may sell permits and collect fees authorized or established pursuant to this section. The head of such agency shall ensure that such volunteers have adequate training regarding—

[(1) the sale of permits and the collection of fees,

[(2) the purposes and resources of the areas in which they are assigned, and

[(3) the provision of assistance and information to visitors to the designated area.

The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the collecting agency may be used to cover the cost of any such surety bond. The head of the collecting agency may enter into arrangements with qualified public or private entities pursuant to which such entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. Such arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of such permits at or before the agency delivers the permits to such entity for sale.

[(1)(1) Where the National Park Service provides transportation to view all or a portion of any unit of the National Park System, the Director may impose a charge for such service in lieu of an admission fee under this section. The charge imposed under this paragraph shall not exceed the maximum admission fee under subsection (a).

[(2) Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the unit of the National Park System at which the service was provided. The remainder shall be covered into the special account referred to in subsection (i) in the same manner as receipts from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at such units.

[(m) Where the primary public access to a unit of the National Park System is provided by a concessioner, the Secretary may charge an admission fee at such units only to the extent that the total of the fee charged by the concessioner for access to the unit and the admission fee does not exceed the maximum amount of the admission fee which could otherwise be imposed under subsection (a).

[(n)(1) In the case of each unit of the National Park System for which an admission fee is charged under this section, the Secretary of the Interior shall establish, by October 1, 1993, a commercial tour use fee to be imposed on each vehicle entering the unit for the purpose of providing commercial tour services within the unit. Fee revenue derived from such commercial tour use fees shall be deposited into the special account established under subsection (i).

[(2) The Secretary shall establish the amount of fee per entry as follows:

[(A) \$25 per vehicle with a passenger capacity of 25 persons or less, and

[(B) \$50 per vehicle with a passenger capacity of more than 25 persons.

[(3) The Secretary may periodically make reasonable adjustments to the commercial tour use fee imposed under this subsection.

[(4) The commercial tour use fee imposed under this subsection shall not apply to either of the following:

[(A) Any vehicle transporting organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

[(B) Any vehicle entering a park system unit pursuant to a contract issued under the Act of October 9, 1965 (16 U.S.C. 20–20g) entitled “An Act relating to the establishment of concession policies in the areas administered by the National Park Service and for other purposes.”.

[(5)(A) The provisions of this subsection shall apply to aircraft entering the airspace of units of the National Park System identified in section 2(b) and section 3 of Public Law 100–91 for the specific purpose of providing commercial tour services within the airspace of such units.

[(B) The provisions of this subsection shall also apply to aircraft entering the airspace of other units of the National Park System for the specific purpose of providing commercial tour services if the Secretary determines that the level of such services is equal to or greater than the level at those units of the National Park System specified in subparagraph (A).]

RECREATION FEE PROGRAM

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

(1) CONGRESSIONAL GOALS.—*It is the policy of Congress that the Federal land management agencies develop and implement high quality recreation programs adequate to meet the needs of the American people and to fund a portion of the cost of providing recreation services through recreation fees.*

(2) ADMINISTRATIVE POLICIES.—*The administering Secretaries shall jointly issue an integrated policy for the establishment*

and collection of recreation fees under this section. Such policy shall—

(A) permit flexibility with regard to the amounts charged;
 (B) provide for maximization of the number of persons who pay fees to ensure that fees remain at the lowest possible level;

(C) provide that comparable fees be charged by the several Federal agencies for similar services and facilities;

(D) provide for the establishment of fees in a manner which is equitable among user groups and which accounts for any other fees, such as commercial tour fees and concession fees, which are paid by user groups and used on Federal lands for recreational purposes;

(E) define administrative overhead and specify accounting procedures to ensure that administrative overhead is not included in the cost of visitor services provided;

(F) provide for a uniform procedure for accounting for fees collected under this section; and

(G) recognize the importance of the convenience of the public by avoiding fee programs which are overly complex or which would require the payment of numerous fees at a particular area.

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

(1) **ADMINISTERING SECRETARIES.**—The term “administering Secretaries” means—

(A) the Secretary of Agriculture with respect to the Forest Service; and

(B) the Secretary of the Interior with respect to the National Park Service, Bureau of Land Management, United States Fish and Wildlife Service, and Bureau of Reclamation.

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

(3) **AREA.**—The term “area” means an administrative area managed by an agency, such as a unit of the National Park System, a national forest, a national wildlife refuge, and a project area with respect to the Bureau of Reclamation, but does not include Bureau of Reclamation areas managed by a non-Federal entity.

(4) **AREA OF CONCENTRATED PUBLIC USE.**—The term “area of concentrated public use” means an area which—

(A) provides developed facilities or services necessary to accommodate public use maintained at Federal expense;

(B) contains at least one major visitor attraction, including (but not limited to) a lake, river, historical or cultural site, or geologic feature; and

(C) provides public access such that admission fees can be cost-effectively collected.

(5) **RECREATION FEES.**—The term “recreation fees” means admission fees, recreation use fees, and fees granted to Federal agencies from States whether collected by agency personnel or others.

(6) *ADMISSION FEES.*—The term “admission fees” means fees charged for entry into any area designated by the administering Secretary.

(7) *RECREATION USE FEE.*—The term “recreation use fee” means the charge for specialized recreation services or facilities furnished at Federal Government expense, including (but not limited to) campgrounds, boat ramps, and back country camping by permit.

(8) *VISITOR SERVICES.*—The term “visitor services” means services and costs directly associated with management of recreation visitors to Federal lands, including (but not limited to) such programs as maintenance of facilities which serve primarily visitor recreation use (such as campgrounds, scenic roads, trails, visitor centers and picnic areas), public information and interpretation, resource protection directly related to public use (such as stream improvement to improve fishing or mitigation of impacts to resources resulting from visitor use), and other activities of personnel assigned predominantly to management of visitors or public safety programs, but not including costs of regional and Washington headquarters offices or any administrative services such as personnel, budget and finance, and procurement.

(9) *PRE-1996 AUTHORIZED RECREATION RECEIPTS.*—The term “pre-1996 authorized recreation receipts” means the receipts that would have been received for a fiscal year from fees collected under section 4 of the Land and Water Conservation Fund Act of 1965 as such section was in effect on the day before the date of the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996.

(10) *CONCESSION FEES.*—The term “concession fees” means fees paid to the United States pursuant to provisions of law other than this section for the privilege of providing concession services, fees paid for the lease of government-owned facilities, and amounts paid for construction of visitor facilities.

(c) *ESTABLISHMENT.*—

(1) *IN GENERAL.*—In order to improve the quality of the visitor experience on Federal lands, the administering Secretaries shall establish and implement a fee program in accordance with this section which provides for partial recovery of the costs of visitor services provided through admission fees, recreation use fees, and concession fees. In carrying out such program, the administering Secretaries are authorized and directed to collect admission fees in accordance with this section at areas administered by the National Park Service and areas of concentrated public use. In addition, the administering Secretaries shall collect recreation use fees at areas under their administration.

(2) *FACTORS IN ESTABLISHING AND ADJUSTING AMOUNT OF FEES.*—(A) All fees established pursuant to this section shall be fair and equitable, taking into consideration the direct and indirect cost to the Federal Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by other public and private entities, the economic and administrative feasibility of fee collection, convenience to the recreation user, and other pertinent factors.

(B) Any adjustments in fees shall take into account the factors specified in subparagraph (A).

(3) *PUBLIC COMMENT AND FEDERAL REGISTER NOTICE ON ADMISSION AND COMMERCIAL TOUR FEES.*—(A) In the case of public admission fees, the administering Secretaries shall publish in the Federal Register, for a 30-day comment period, a proposed schedule of all changes to such fees not later than six months prior to such fee changes.

(B) In the case of changes to commercial tour fees or initiating a new commercial tour fee, the administering Secretaries shall publish in the Federal Register—

(i)(I) for a 30-day comment period, a proposed schedule of all significant changes in such fees not later than 14 months prior to such fee change or initiation; and

(II) a final schedule not later than 12 months prior to such fee change or initiation; and

(ii) a schedule of all changes (other than those subject to clause (i)), in such fees not later than six months prior to such fee changes.

(4) *CONTINUATION OF FEE AUTHORITY.*—Until an admission or commercial tour fee is initiated and in effect under this section, the admission or commercial tour fee at an area administered by the agencies shall be determined in accordance with the applicable laws in effect on the day before the date of enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996.

(5) *NOTICE OF FEES.*—Clear notice that a fee has been established pursuant to this section, and the amount thereof, shall be prominently posted at appropriate locations in each area and shall be included in agency publications distributed with respect to such areas.

(6) *TARGET RECREATION REVENUE GOALS.*—Effective for the fifth fiscal year beginning after the enactment of this section, the administering Secretary shall develop annually a target recreation revenue goal for each area administered by the Secretary which reflects the estimated ability for such area to collect recreation fees. The administering Secretary shall develop that target based on historical data, projected visitation, and such other data as are available to the Secretary.

(7) *FEE COLLECTION PERSONNEL.*—Personnel exclusively assigned to fee collection duties, which are over and above the number of such personnel assigned exclusively to fee collection duties on the day prior to enactment of this Act, shall not be counted against any full-time equivalent ceiling established for that agency.

(d) *RECREATION FEES.*—

(1) *SINGLE ADMISSION VISITS.*—Reasonable admission fees for a single visit to any designated area shall be established by the administering Secretary. A “single visit” means a more or less continuous stay within a designated area. Payment of a single visit admission fee shall authorize exits from and reentries to a single designated area for a period of from one to fifteen days, such period to be defined for each designated area by the administering Secretary based upon a determination of the period

of time reasonably and ordinarily necessary for such a single visit. The single visit entrance fee for private parties and commercial tours shall be set by the administering Secretaries and may be adjusted, taking into account the factors specified in subsection (c)(2). The Secretaries shall ensure that where appropriate the admission fee schedule developed provides economic incentives for use of alternative modes of transportation, including mass transportation, at areas experiencing high levels of automobile traffic. The administering Secretaries are authorized to implement admission fee practices which vary by day of the week, season, expedite entry and reduce congestion.

(2) ANNUAL ADMISSION PERMITS: GOLDEN EAGLE PASSPORT.—

(A) GOLDEN EAGLE PASSPORT.—For admission into any area at which admission fees are charged pursuant to this section, an admission permit, to be known as the “Golden Eagle Passport”, valid for a 12-month period, shall be available. The fee for the passport shall be set jointly by the administering Secretaries, taking into account the factors specified in subsection (c)(2). The permittee and all persons accompanying the permittee in a single, private, non-commercial vehicle or, alternatively, the permittee and the permittee’s spouse, children, and parents accompanying the permittee shall be entitled to general admission into any area designated pursuant to this section. The permit shall be nontransferable, and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to subsection (g). The permit shall be available for purchase at any such designated area.

(B) The administering Secretaries may authorize units of State or local government, organizations, businesses, and non-profit entities to sell and collect admission fees, including the Golden Eagle Passport, subject to such conditions as the Secretaries may jointly prescribe. The Secretaries shall develop detailed guidelines for promotional advertising of non-Federal passport sales and monitor compliance with those guidelines. The Secretaries may authorize the seller or sellers to maintain an inventory of Golden Eagle Passports for periods not to exceed six months and to withhold amounts up to, but not exceeding, eight percent of the gross fees collected from Golden Eagle Passport sales as reimbursement for actual expenses of the sales.

(3) ANNUAL GEOGRAPHIC ADMISSION PERMITS.—For admission into a specific designated area or into several specific areas located in a particular geographic region at which admission fees are charged pursuant to this section, the administering Secretary or Secretaries are authorized to make available an annual admission permit. The permit shall convey the privileges of, and shall be subject to the same terms and conditions as, the Golden Eagle Passport, except that it shall be valid only for admission into the specific area or areas indicated at the time of purchase.

(4) GOLDEN ACCESS PASSPORT.—The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of a lifetime admission permit to any citizen of, or person legally domiciled in, the United States, if such citizen or person applies for such permit and is permanently

disabled. Such procedures shall ensure that a lifetime admission permit shall be issued only to persons who have been medically determined to be permanently disabled. A lifetime admission permit shall be nontransferable, shall be issued without charge, and shall entitle the permittee and one accompanying individual to general admission into any area designated pursuant to this section, notwithstanding the method of travel.

(5) RECREATION USE FEES.—Each agency developing, administering, providing, or furnishing at Federal expense services for such activities as camping, including back country camping under permit, guarded swimming sites, boat launch facilities, group activities including picnic sites, managed parking lots, motorized recreation use and other recreation uses, shall in accordance with this section provide for the collection of recreation use fees at the place of use or any reasonably convenient location. The administering Secretary may establish both daily and annual recreation use fees. Fees may not be charged by any such agency for the use, either singly or in any combination, of drinking water, wayside exhibits, overlook sites, toilet facilities, or picnic tables.

(6) COMMERCIAL TOUR USE FEE.—(A) For each area for which an admission fee is charged under this section, the administering Secretary shall charge any fee on a per vehicle basis for each vehicle or vessel and passengers entering the area for the purpose of providing commercial tour services.

(B) The Secretary of the Interior shall charge a commercial tour fee for aircraft entering the airspace of units of the National Park System in the same manner and by the same means as provided in section 4(n) of the Land and Water Conservation Fund Act of 1965, as in effect immediately before the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996.

(C) Within 12 months after the date of enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996, the Secretary of the Interior and the Secretary of Transportation shall jointly submit a report to the appropriate committees of Congress outlining revisions to the commercial tour fee schedule for aircraft which encourages the use of quiet aircraft technology.

(7) TRANSPORTATION PROVIDED BY THE SECRETARY.—Where the administering Secretary provides transportation to visit all or a portion of any area, he may impose a charge for such service. Collection of such fees may occur at the transportation staging area or any reasonably convenient location, whether inside or outside of the area boundary. The administering Secretary may enter into arrangements with qualified public or private entities pursuant to which such entities may collect such fees. Such funds collected shall be retained at the area where the service was provided and expended for costs associated with the transportation system.

(8) PERSONS 12 YEARS OF AGE OR UNDER.—The admission fee for a person who is 12 years of age or under at any area for which admission fees are charged on a per person basis shall

be no greater than 50 percent of the per person admission fee of a person older than 12 years.

(e) *ESTABLISHMENT OF ACCOUNTS AND DEPOSIT OF RECREATION FEES.*—

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

(2) *DEPOSITS.*—(A) The administering Secretary shall deposit in each agency account all receipts from fees collected pursuant to this section by any Federal agency (or by any public or private entity under contract with a Federal agency).

(B) All funds from the sale of the Golden Eagle Passport shall be divided among the agencies based on a formula which the administering Secretaries shall devise and which considers total recreation admission fees collected by the agency and total recreation use at designated admission fee areas provided by the agency. Funds from the sale of the Golden Eagle Passport shall be deposited as recreation fees collected into the appropriate agency account.

(C) All funds from the sale of geographic admission permits under subsection (d)(3) shall be divided among the areas for which such permits were issued on the basis of visitor use, length of stay, and other pertinent factors as determined by the administering Secretaries and shall be deposited as recreation fees collected from those areas into the appropriate agency account.

(3) *FEE COLLECTION COSTS.*—Notwithstanding any other provision of law, the administering Secretary may, in any fiscal year, withdraw from the special account established under paragraph (1) an amount up to 15 percent of all receipts collected under this section in the preceding fiscal year. The amounts so withdrawn shall be retained by the administering Secretaries, and shall be available, without further appropriation, for expenditure by the Secretary concerned to cover fee collection costs, and shall remain available until expended. For the purposes of this paragraph, for any fiscal year, the term “fee collection costs” means those costs for personnel and infrastructure directly associated with the collection of fees imposed under this section.

(4) *USE OF RECREATION FEES.*—Amounts covered into the special account for each agency during each fiscal year shall be available after the end of such fiscal year for appropriation for visitor services, except as provided in paragraphs (3) and (5). Funds credited to the special account shall remain available until expended.

(5) *AMOUNTS IN EXCESS OF PRE-1996 AUTHORIZED RECREATION RECEIPTS.*—Beginning in fiscal year 1996 and each fiscal year thereafter, all funds deposited in special accounts in the Treasury for each agency under this section which are in addition to funds collected in fiscal year 1995 shall be made immediately available to that agency without further appropriation. Of the amounts made available under this paragraph after the appli-

cation of paragraph (3), 75 percent shall be allocated among the units or areas of each agency in the same proportion as fees collected from that specific area bear to the total amount of fees collected from all areas of that agency for the fiscal year. In addition, one-third of the amount of recreation fees collected from the area which exceeds the target recreation revenue goal specified in subsection (c)(5) for that area shall be made available to that area without further appropriation. The remainder of the fees collected pursuant to this section shall be allocated among each agency's areas on the basis of need as determined by the Secretary. All such funds shall remain available until expended. Funds deposited into accounts under this paragraph may only be used (A) to fund visitor services on Federal lands, (B) for repair, rehabilitation, or replacement of visitor use facilities, and (C) for construction of new facilities necessary to establish a recreation fee program at any area.

(f) **ACCOUNTABILITY OF FUNDING.**—The Comptroller General of the United States shall conduct periodic audits to ensure that amounts received under this section are fully accounted for and not diverted to administrative overhead or other programs not directly related to visitor services.

(g) **ENFORCEMENT OF FEE COLLECTION POLICIES.**—In accordance with the provisions of this section, the administering Secretaries may prescribe rules and regulations for areas under their administration for the collection of any fee established pursuant to this section. Persons authorized by the administering Secretaries to enforce any such rules or regulations issued under this section may, within areas under the administration or authority of such administering Secretary and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in subsections (b), (c), (d), and (e) of section 3401 of title 18, United States Code. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine as provided by law.

(h) **NON-FEDERAL RESERVATIONS.**—The administering Secretary, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services. Any such contract may provide that the contractor shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency.

(i) **USE OF VOLUNTEERS FOR FEE COLLECTION.**—When authorized by the administering Secretary, volunteers at designated areas may collect fees authorized or established pursuant to this section. The administering Secretary shall ensure that such volunteers have adequate training for this purpose. The administering Secretary may require a surety bond for any such volunteer performing services under this subsection. Funds available to the collecting agency may be used to cover the cost of any such surety bond.

(j) **MITIGATION OF ANY IMPACTS OF RECREATIONAL FEES ON LOW-INCOME INDIVIDUALS.**—In carrying out this section, the administer-

ing Secretaries shall implement such programs as are necessary to ensure any impacts of recreational fees on low-income persons are minimized. The administering Secretaries shall determine any effects on low-income individuals of recreation use and admission fees and shall jointly submit recommendations to the Congress regarding actions to be taken to resolve such impacts. Such recommendations shall be included as part of the four-year report required to be submitted under subsection (m)(1).

(k) **LIMITATIONS ON FEES.**—

(1) **ACTIVITIES NOT SUBJECT TO FEES.**—Nothing in this section shall be construed to—

(A) authorize Federal hunting or fishing licenses or fees;

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

(C) authorize the collection of fees from any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty;

(D) authorize charges for commercial or other activities not related to recreation; or

(E) authorize an admission fee or a commercial tour fee at any area for organized school groups on outings conducted for educational purposes.

(2) **THROUGH TRAVEL.**—No admission fee shall be charged for travel by private, noncommercial vehicle or commercial tour vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area.

(3) **PERSONS CONDUCTING GOVERNMENTAL BUSINESS.**—No admission fee shall be charged to persons engaged in the conduct of official Federal, State or local government business or to others authorized by the administering Secretary to conduct administrative duties within the area.

(4) **LIFETIME ADMISSION PERMITS.**—No admission fee shall be charged under this section to any person who possesses a lifetime admission permit issued under section 4(a)(4) of this Act as in effect on the day before the date of the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996.

(l) **ANNUAL REPORTING REQUIREMENTS.**—Reports indicating the number and location of fee collection areas, visitor use statistics, fees collected, and other pertinent data, shall be coordinated and compiled by the administering Secretaries and transmitted to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. These reports shall be transmitted annually not later than the submission of the President's budget under section 1105 of title 31, United States Code, and shall include any recommendations which the Secretaries may have with respect to improving the recreation fee program.

(m) *IMPLEMENTATION REPORT; EFFECTIVE DATE FOR FEES AND TARGETS.*—Not later than four years after the date of enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996, the administering Secretaries shall submit reports to Congress on the implementation of this section. Such reports shall include the policy statement developed under subsection (a)(2), the likely level of potential cost recovery from the recreation fee program for each agency, the fees to be charged under this section, and the target recreation revenue goals for each area subject to this section. Such fees and target recreation revenue goals shall be effective beginning with the fifth fiscal year beginning after the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996 unless Congress enacts a joint resolution before the beginning of such fiscal year specifying otherwise.

(n) *EXEMPTION OF FEES.*—Amounts collected under this section which exceed the 1995 authorized recreation receipts shall not be taken into account for the purposes of the Act of May 23, 1908, and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869–4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–1–4–460l–11), and any other provision of law relating to revenue allocation.

(o) *AUTHORIZATION OF APPROPRIATIONS.*—

(1) *FIRST 4 YEARS.*—During the first four fiscal years beginning after the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996, there is authorized to be appropriated for a fiscal year amounts which would have been appropriated for that fiscal year under section 4 of the Land and Water Conservation Fund Act of 1965, as such section was in effect on the day before the date of enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996.

(2) *GUARANTEE OF FUNDING ENHANCEMENT BEGINNING WITH THE 5TH FISCAL YEAR.*—(A) Effective for the fifth fiscal year beginning after the enactment of the Visitor Services Improvement and Outdoor Legacy Act of 1996 and thereafter, after target recreation revenue goals are submitted to the Congress under subsection (m), there is authorized to be appropriated for each agency for each fiscal year an amount such that the total funding available for visitor services from recreational fees and appropriated amounts is not less than 125 percent of the adjusted 1995 base amount.

(B) For the purpose of subparagraph (A), the term “adjusted 1995 base amount” means the amount appropriated for visitor services for fiscal year 1995 increased or decreased for a fiscal year by the percentage (if any) by which the average Consumer Price Index for the preceding fiscal year exceeds the average Consumer Price Index for fiscal year 1995. For purposes of this subparagraph, the term “Consumer Price Index” means the Consumer Price Index for all-urban consumers published by the Bureau of Labor Statistics, Department of Labor.

**DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS ACT, 1994**

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

NATIONAL PARK SERVICE

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ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 447 passenger motor vehicles, of which 323 shall be for replacement only, including not to exceed 345 for police-type use, 12 buses, and 5 ambulances: *Provided*, That none of the funds in this Act may be used to upgrade the Burr Trail National Rural Scenic Road in Utah except to meet health, safety and environmental concerns: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: **[***Provided further*, That notwithstanding any other provision of law, the National Park Service may hereafter recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time:**]** *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

* * * * *

ACT OF AUGUST 25, 1916

CHAP. 408.—AN ACT To establish a National Park Service, and for other purposes

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SEC. 3. (a) That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violations of any of the rules and regulations authorized by this Act shall be punished as provided for in section fifty of the Act entitled “An Act to codify and amend the penal laws of the United States,” approved March fourth, nineteen hundred and nine, as amended by section six of the Act of June twenty-fifth, nineteen hundred and ten (Thirty-sixth United States Statutes at Large, page eight hundred and fifty-seven). He may also, upon

terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding thirty years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: *Provided, however,* That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park: *And provided further,* That the Secretary of the Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids: *And provided further,* That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees, without the approval of the Secretary of the Interior first obtained in writing: *And provided further,* That the Secretary may, in his discretion, authorize such grantees, permittees, or licensees to execute mortgages and issue bonds, shares of stock, and other evidences of interest in or indebtedness upon their rights, properties, and franchises, for the purposes of installing, enlarging, or improving plant and equipment and extending facilities for the accommodation of the public within such national parks and monuments.

(b) The Secretary shall publish regulations governing commercial or nonrecreational special uses of units of the National Park System for which a fee is not authorized to be charged under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6), including (but not limited to) such activities as filming, special athletic or sporting events, weddings, cultural events and festivals. After adoption of such regulations, the Secretary may retain an amount equal to the direct administrative costs associated with issuing any permits and managing such activities (including, but not limited to, personnel costs, clean up costs, and other special services) for which such permit is issued. Such amounts retained shall be credited to the appropriation current at the time, and may only be spent for activities directly in support of the purposes for which the permit was issued. Such amounts retained are authorized to remain available until expended.

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ACT OF SEPTEMBER 13, 1962

AN ACT To establish the Point Reyes National Seashore in the State of California,
and for other purposes

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SEC. 5. (a) * * *

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[(e) Notwithstanding any other provision of law, no fee or admission charge may be levied for admission of the general public to the seashore.]

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ACT OF OCTOBER 5, 1962

AN ACT To revise the boundaries of the Virgin Island National Park, Saint John,
Virgin Islands, and for other purposes

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SEC. 3. (a) * * *

[(b) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed for entrance or admission into the Virgin Islands National Park.]

* * * * *

ACT OF OCTOBER 27, 1972

AN ACT To establish the Golden Gate National Recreation Area in the State of
California, and for other purposes

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ADMINISTRATION

SEC. 4. (a) * * *

* * * * *

[(e) No fees or admission charges shall be levied for admission of the general public to the recreation area except to portions under lease or permit for a particular and limited purpose authorized by the Secretary. The Secretary may authorize reasonable charges for public transportation and for admission to the sailing vessel Balclutha any other historic vessels of the National Maritime Museum.]

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ACT OF AUGUST 18, 1978

AN ACT To authorize appropriations for certain insular areas of the United States,
and for other purposes

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WAR IN THE PACIFIC NATIONAL HISTORICAL PARK

SEC. 6. (a) * * *

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[(j) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed for entrance or admission into the War in the Pacific National Historical Park.]

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ACT OF MARCH 5, 1980

AN ACT To establish the Channel Islands National Park, and for other purposes

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TITLE II

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[SEC. 207. Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the park.]

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ACT OF JUNE 28, 1980

AN ACT To establish the Biscayne National Park, to improve the administration of the Fort Jefferson National Monument, to enlarge the Valley Forge National Historical Park, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—BISCAYNE NATIONAL PARK

* * * * *

SEC. 106. In addition to the sums previously authorized to be appropriated for Biscayne National Monument, there are authorized to be appropriated such sums as may be necessary for the administration of the park, and not to exceed \$8,500,000 for the acquisition of lands and interests therein, as provided in this title. [Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the park.]

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TITLE II—FORT JEFFERSON NATIONAL MONUMENT

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SEC. 204. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title. [Notwithstanding any other provisions of law, no fees shall be charged for entrance or admission to the monument.]

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ACT OF OCTOBER 10, 1980

AN ACT To establish the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes

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【SEC. 5. Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the national historic site or the preservation district established by this Act.】

* * * * *

ACT OF JUNE 19, 1987

AN ACT To prohibit the imposition of an entrance fee at the Statue of Liberty National Monument, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 【That, notwithstanding any other provision of law, after the date of enactment of this Act, the Secretary of the Interior shall not charge any entrance or admission fee at the Statue of Liberty National Monument, New Jersey and New York.】

DISSENTING VIEWS ON H.R. 2107—RECREATION FEES

We do not support H.R. 2107 in its present form. We believe the majority has undermined what could and should be bipartisan legislation, similar to that approved on a bipartisan basis by the committee in the last Congress. While there is room to increase Federal recreation fees as a means to enhance the management of Federal lands, the bill in its present form goes too far.

At the height of the summer recreation season, when tens of millions of Americans most enjoy their national parks and other public lands, this legislation proposes massive changes in fee structures that are financially unfair to seniors, families and children, and overly generous to private business that operate in our parks.

We are concerned with the scope and nature of fees to be charged; the proposed fees impact on senior citizens, families and other recreational users; as well as how agencies would be funded under what is a convoluted authorization of appropriations. We are especially disturbed by the fact that while recreational users of our Federal lands are being asked to bear an increased financial burden for the management of these lands, the same is not being asked of the many subsidized individuals, businesses, and industries whose consumptive use of Federal lands have far more impact.

We are troubled by the inconsistent manner in which the majority is applying recreation fees. Under this bill, the prohibition on charging admission fees will be repealed for some national parks, while other parks will be allowed to maintain such a prohibition. Further, despite the committee's clear legislative jurisdiction on recreation fees at Corps of Engineers [COE] sites, the majority abdicated the committee's jurisdiction. In doing so, it is setting up an unfair situation whereby recreation fees for the identical use of Federal facilities differ solely because such facilities are located on COE-administered lands rather than all the other Federal lands covered by the bill.

The majority's decision to eliminate the Golden Age Passport for senior citizens is manifestly unfair. Many of those who will be most impacted by this change in policy are those who can likely least afford it. Despite the stereotype, senior citizens in Winnebagos and campers are the exception rather than the rule. The stark fact is that senior citizens have a high poverty rate.

We supported an alternative that would have permitted seniors to purchase the passport at less than the full price required by this legislation while placing reasonable restrictions on the use of the Golden Age Passport. We believe these reforms to be far more reasonable than outright repeal of the passport.

We also strongly oppose the majority's imposition of new entrance fees on children. Current law provides free admission to those 16 years of age or less. We believe this policy to be pro-child-

dren and pro-family. Many talk about our parks as classrooms but now the majority wants kids to pay to attend class.

How much additional revenue can the majority expect to squeeze out of children? Our national shrines and the national heritage embodied in our public lands provide an exceptional and unique place in which to instill a solid value system in our children. We should be encouraging this, not hindering it.

It is unfortunate that the majority that proposes substantial increases in park fees—at the height of the summer recreation season—has been unwilling even to hold a hearing on H.R. 721, to reduce the generous subsidies corporations receive from the use of public resources. It is regrettable that the majority apparently believes that only private citizens, not timber, mining, and other corporations that profit from the resources of this Nation, should be called upon to pay more.

We are also disappointed that the majority put no dollar limit on the fees that can be charged. While we support reasonable admission fees, we do not accept the notion that such fees should be unlimited, which will interfere with public access and the reasons for which the parks were created in the first place. It will be a sad day when families and other visitors have to look in their wallets to see if they can afford to use our great system of national parks, forests, and public lands, in which they, the public, share ownership.

We want to be able to support a fair and reasonable recreation fee program. We voted for the substitute offered by Mr. Richardson, which was the text of the bipartisan recreation fee legislation that the committee reported in the 103d Congress with the support of the administration. It is nearly identical to the recreation fee legislation that the Senate adopted last fall.

Rather than moving a bill that does not have broad support, we hope that the House will support amendments to ensure that we have a fair and reasonable recreation fee program that we can all support.

GEORGE MILLER.
MAURICE HINCHEY.
DALE E. KILDEE.
BRUCE F. VENTO.
EDWARD J. MARKEY.
SAM GEJDENSON.
BILL RICHARDSON.

A P P E N D I X

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR DON: It has come to my attention, that during your Committee's markup of H.R. 2107, the "Visitor Services Improvement and Outdoor Legacy Act of 1996," questions were raised by members of your committee challenging assertions that the portion of the amendment that would alter recreation user fees assessed at Army Corps of Engineers (Corps) water resources projects would be within the jurisdiction of the Committee on Transportation and Infrastructure. The purpose of this letter is to provide you with the backbround material that you might require to fully respond to these questions.

The issue of recreational user fees at Corps projects is one that has traditionally been, and continues to be, one of great importance to me personally and to the Committee on Transportation and Infrastructure. This committee and its predecessor, the Committee on Public Works and Transportation, has traditionally given a great deal of scrutiny to any proposal that would have the effect of raising user fees at Corps projects.

Any proposal by the Resources Committee that could result in a change in recreation user fees at Corps projects would force me to seek a sequential referral for both substantive and jurisdictional reasons. Given the past jurisdictional determinations by the House Parliamentarian relating to Section 4 of the Land and Water Conservation Fund Act, I am confident that the Committee on Transportation and Infrastructure would receive a sequential referral. For example, our Committee jurisdiction in these matters was recognized consistently during consideration of omnibus budget reconciliation legislation in 1993.

In an effort to help facilitate consideration of the bill by the full House and to address my substantive and jurisdictional concerns, I propose that the Resource Committee reconsider the amendment that was jointly developed by our respective staffs and offered but withdrawn by you at your recent markup of H.R. 2107 and that we work together to resolve jurisdictional issues with an exchange of letters. If you have any questions or comments or if I may be of further assistance please do not hesitate to contact me. I look forward to resolving this important matter in a mutually acceptable manner.

With kind personal regards, I remain
Sincerely,

BUD SHUSTER, *Chairman.*

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 30, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The purpose of this letter is to clarify jurisdictional issues related to H.R. 2107, the "Visitor Services Improvement and Outdoor Legacy Act of 1996." I greatly appreciate that the Committee on Transportation and Infrastructure's substantive concerns were addressed during the Committee on Resources' consideration of this legislation and your willingness to address these issues.

The Committee on Transportation and Infrastructure has jurisdiction over the civil works programs of the Corps of Engineers. The issue of recreation user fees at Corps projects is one that has traditionally been, and continues to be, of great importance to me personally and to the Committee on Transportation and Infrastructure. This committee and its predecessor, the Committee on Public Works and Transportation, have traditionally given a great deal of scrutiny to any proposal that would affect user fees at Corps projects.

As introduced, H.R. 2107 would have changed recreational user fees charged at Corps of Engineers civil works projects. The Committee reported version of H.R. 2107 includes clarifying language in section 5 that user fees at Corps of Engineers civil works projects would be treated as they are under current law; that is, they would not be affected by the changes to other programs made by the bill.

Because the amendment to section 5 of H.R. 2107 retains current law regarding the imposition of user fees at Army Corps civil works projects, I do not intend to seek a sequential referral of this legislation. Your assistance and that of your staff in resolving the outstanding issues related to this legislation is greatly appreciated.

With kind personal regards, I remain
Sincerely,

BUD SHUSTER, *Chairman.*

COMMITTEE ON RESOURCES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2107, the Visitor Services Improvement and Outdoor Legacy Act of 1995. You are correct that the bill as reported will continue the existing recreational fee collection system for Army Corps of Engi-

neers civil works projects and I appreciate your willingness to waive a sequential referral of the bill based on this understanding.

Thank you again for your cooperation on this matter and I look forward to working with you in the future on issues which affect both of our Committees. I will be pleased to include your letter and this response in the Committee report on H.R. 2107.

Sincerely,

DON YOUNG, *Chairman.*

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 23, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding a copy of H.R. 2107 the "Visitor Services Improvement and Outdoor Legacy Act of 1996" as ordered reported by your Committee, and acknowledging the Committee on Agriculture's right to a sequential referral.

As you know, H.R. 2107 as amended does in fact affect fees within National Forest System units not created from public domain that are within the jurisdiction of this Committee. However, in the interest of expediting consideration of H.R. 2107, I do not intend to request a sequential referral of the bill to the Committee on Agriculture. This action is not intended to waive this Committee's jurisdiction over this matter, and should this legislation go to conference, this Committee reserves the right to request to be included as conferees on any provision within the Committee on Agriculture's jurisdiction in the event of a House-Senate conference on this bill or its Senate equivalent.

Once again, I appreciate your cooperation in this matter and look forward to working with you on matters of shared jurisdiction between our respective committees.

Sincerely,

PAT ROBERTS, *Chairman.*