

Calendar No. 782

110TH CONGRESS }
2d Session }

SENATE

{ REPORT
110-350

VETERANS EAGLE PARKS PASS ACT

JUNE 16, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 617]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 617) to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. 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 “Public Land Military Pass Act”.

SEC. 2. NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS FOR ELIGIBLE INDIVIDUALS.

Section 805(b) of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 6804(b)), is amended by adding at the end the following:

“(3) COST TO ELIGIBLE INDIVIDUALS.—

“(A) IN GENERAL.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at a cost of \$10 (subject to the same rate of increase as the regular cost of the National Parks and Federal Recreational Lands Pass), to any individual determined to be eligible under subparagraph (C).

“(B) TERM.—A National Parks and Federal Recreational Lands Pass issued under this paragraph shall be valid for 1 year after the date of issuance of the pass.

“(C) PROOF OF ELIGIBILITY.—The Secretary, after consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall determine the appropriate documentation that a veteran or an active duty or reserve member of the United States Armed Forces shall provide as proof that the veteran or member is eligible for the discount available under this paragraph.”.

2. Amend the title so as to read: “A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to military personnel.”.

PURPOSE

As ordered reported, the purpose of S. 617 is to require the Secretary of the Interior to issue a discounted annual “America the Beautiful: National Parks and Federal Lands Pass” to any active duty, reserve member, or veteran of the U.S. Armed Forces, for an annual cost of \$10.

BACKGROUND AND NEED

The Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 note) was enacted in 2004 and provides fee authority for the Federal land management agencies. The Act establishes an annual pass, known as the “America the Beautiful—The National Parks and Federal Recreational Lands Pass,” which entitles the holder to unlimited admission to Federal fee areas administered by the Department of the Interior and the Forest Service. The pass costs \$80 for 2008, an increase from the \$65 “Golden Eagle Passport” it replaced.

In addition, the Federal Land Recreation Enhancement Act authorizes two lifetime passes, both modeled on similar passes under previous fee authorities. The first, known as the “Senior Pass,” which replaced the former “Golden Age Passport,” provides lifetime admissions to fee areas for persons age 62 and older for a one-time cost of \$10. The second, known as an “Access Pass,” replaced the former “Golden Access Passport,” and provides lifetime admission to fee areas for persons with permanent disabilities, at no cost.

In recognition of their service to their country, S. 617 would authorize active duty, reserve members, and veterans of the United States Armed Forces to receive the “America the Beautiful—The National Parks and Federal Recreational Lands Pass” for an annual fee of \$10, a significant discount from the \$80 selling price. Veterans over the age of 62 are already eligible for the “Senior Pass.”

LEGISLATIVE HISTORY

S. 617 was introduced by Senator Smith on February 15, 2007. The bill is cosponsored by Senators Domenici, Craig, Landrieu, Cantwell, Isakson, Coleman, Burr, Hutchison, Salazar, Wyden, Chambliss, Collins, Murkowski, Stevens, and Brown. A similar bill, H.R. 5452, was introduced in the 109th Congress. The Subcommittee on National Parks held a hearing on the bill on July 12, 2007. (S. Hrg. 110–158.) At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered S. 617 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 617, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 617, the Committee adopted an amendment in the nature of a substitute and an amendment to the title. As introduced, S. 617 only provided a discounted annual pass for veterans of the U.S. Armed Forces. The substitute amendment expanded the class of eligible individuals to include active duty and reserve members of the Armed Forces. The amendment also authorizes the Secretary of the Interior, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, to determine the appropriate documentation required as proof of eligibility. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Public Land Military Pass Act”.

Section 2 amends the Federal Lands Recreation Enhancement Act to require the Secretary of the Interior to make the National Parks and Federal Recreational Lands Pass available at an annual cost of \$10, subject to periodic increases, to veterans or active duty or reserve members of the United States Armed Forces. The Secretary of the Interior, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, is authorized to determine the appropriate documentation required as proof of eligibility.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 617—Public Land Military Pass Act

Summary: S. 617 would allow veterans, active-duty military personnel, and reservists to purchase National Parks and Federal Recreational Lands Passes for \$10 a year. Such passes currently sell for \$80 and can be used for admission to (or use of) recreation areas managed by the Department of the Interior (DOI) or the Forest Service.

CBO estimates that enacting the bill would increase net direct spending by a total of \$20 million over the 2009–2018 period. Enacting S. 617 would not affect revenues. In addition, CBO estimates that implementing S. 617 would result in additional discretionary costs of about \$20 million over the 2009–2018 period, assuming appropriation of the necessary amounts.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 617 is shown in the following table. The effects of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—											
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2009– 2013	2009– 2018
CHANGES IN DIRECT SPENDING												
Forgone Receipts from Fees:												
Estimated Budget Authority	25	25	25	25	25	25	25	25	25	25	125	250
Estimated Outlays	25	25	25	25	25	25	25	25	25	25	125	250
Effect on Spending of Recreation Fees:												
Estimated Budget Authority	–25	–25	–25	–25	–25	–25	–25	–25	–25	–25	–125	–250
Estimated Outlays	–11	–20	–24	–25	–25	–25	–25	–25	–25	–25	–105	–230
Net Change in Direct Spending:												
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	14	5	1	0	0	0	0	0	0	0	20	20
CHANGES IN SPENDING SUBJECT TO APPROPRIATION												
Estimated Authorization Level	2	2	2	2	2	2	2	2	2	2	10	20
Estimated Outlays	2	2	2	2	2	2	2	2	2	2	10	20

Basis of estimate: Under S. 617, eligible individuals would be able to purchase a \$10 annual pass that would entitle them to admission to or use of recreation areas managed by DOI or the Forest Service. Federal land management agencies such as the National Park Service (NPS) and the Forest Service currently charge \$80 for such passes. The agencies also offer site-specific annual passes, at prices ranging between \$10 and \$50, as well as daily entrance or service rates, which can be as much as \$25 per vehicle. In total, those agencies collect more than \$250 million a year from recreation fees.

Providing annual passes to recreation areas at a discounted rate would affect the federal budget. The magnitude of any change in offsetting receipts (and associated spending) would depend on several factors, including the number of eligible individuals who currently visit federal recreation areas, the types of fees (such as annual or per-visit), if any, that they currently pay, and the number of individuals who would take advantage of the discounted passes.

Assuming that the 14 million veterans and other eligible individuals use federal recreation areas as often as the general population of Americans, we estimate that about 1.4 million people would purchase the discounted pass rather than buy other annual passes or pay daily fees. (The number of eligible individuals using parks could increase as a result of the rate discount, but CBO expects that the change would be small.) As a result, we estimate that the net change in offsetting receipts from recreation area fees would be a reduction of about \$250 million over the 2009–2018 period. Most of the loss (about \$20 million a year) would be incurred by the NPS, primarily from reductions in daily fee collections.

Spending of recreation fees (which are available for expenditure without further appropriation) also would fall as a result of the bill, but more slowly than receipts, because some of that spending generally lags fee collections by a year or more. Based on typical spending patterns for recreation projects, CBO estimates that direct spending from fees would fall by about \$230 million over the 2009–2018 period under the bill. Thus, we estimate that enacting S. 617 would increase net direct spending over the 10-year period by \$20 million.

Based on information provided by the affected agencies, CBO estimates that DOI and the Forest Service would spend about \$2 mil-

lion a year to administer the new pass program. That amount would include annual costs to produce and ship the new passes to recreation areas and up-front costs to establish standards for eligibility.

Intergovernmental and private-sector impact: S. 617 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: MarDestinee Perez.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 617. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 617, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 617, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the July 12, 2007, Subcommittee hearing on S. 617 follows:

STATEMENT OF KATHERINE H. STEVENSON, ACTING ASSISTANT DIRECTOR, BUSINESS SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 617, the Veterans Eagle Parks Pass Act. The legislation would require the Secretaries of the Interior and Agriculture to make the National Parks and Federal Recreational Lands Pass available at a cost of \$10 to any veteran separated from military service under conditions other than dishonorable.

In the 108th Congress, Congress enacted the Federal Lands Recreation Enhancement Act (Public Law 108-447) (REA), a major overhaul of the fee system that governs the National Park System, the National Wildlife Refuge System, the National Forest System, certain public lands administered by the Bureau of Land Management, and recreational lands administered by the Bureau of Reclamation.

Our federal lands provide Americans and visitors from around the world special places for recreation, education, reflection, and solace. Public lands and waters managed by the Department of the Interior hosted over 470 million recreation visits. Ensuring that the federal lands continue to play this important role in American life and culture requires that we maintain visitor facilities and services and enhance visitor opportunities. Such efforts require a source of funding with which we can quickly respond to increases in visitor demand. Recreation fee revenues are a critical source of such supplemental funding that significantly enhance our efforts to address the deferred maintenance backlog at our National Parks, better manage other federal lands, and respond quickly to changes in visitation levels and service requirements.

REA established a new multi-agency America the Beautiful—National Parks and Federal Recreational Lands Pass (the new pass) to cover entrance fees for NPS and FWS and standard amenity recreation fees for BLM, Forest Service, and BOR, generally for a period of 12 months. Sales of the new passes began in January 2007 after an extensive interagency planning process. The new passes are more convenient to purchase, are more durable, and are designed with a collectible image of public lands. All new passes are now available to the public at thousands of interagency field sites. Annual passes, brochures, hangtags and decals also are available via the internet, by calling a toll free phone number and through select third-party vendors. Revenue from the sale of the new passes is used to improve visitor services and protect resources.

As the Congress considered establishing the new pass, discussion occurred about which groups of people might be eligible for discounted passes. At one time, legislation was introduced to provide free passes to all September 11, 2001 responders and their families. Other groups have also been suggested as potential groups to be considered for discounts. However, at that time, a decision was made ultimately by Congress to offer a discounted pass to senior citizens and a free lifetime pass to U.S. citizens or persons who permanently reside in the United States and who have a medical determination and documentation of blindness or permanent disability, including disabled veterans. We agree with this approach.

Veterans have made tremendous contributions to this country, and we honor their service. Many National Park System units, including all of the memorials within the District of Columbia and the USS Arizona Memorial in Hawaii do not charge fees as required by law. Many other parks and National Wildlife Refuges, as well as most BLM and U.S. Forest Service locations do not charge fees.

In 2006, in lieu of establishing a discount pass for Veterans, the Department of the Interior established an entrance fee-free day for all veterans and their accompanying family members on Veterans Day each year. We would like to extend the entrance fee-free day to all active duty mili-

tary personnel and their family members, effective November 11, 2007, and on each subsequent Veterans Day as an additional way to recognize them and thank them for their service. We understand the Secretary of Agriculture supports adopting this same policy with regard to standard amenity recreation fee sites managed by the U.S. Forest Service. We believe this is an appropriate way to honor all those who have served and are currently providing military service to our country without creating a precedent for carving out exceptions to the Federal Lands Recreation Enhancement Act, which was carefully developed to provide a comprehensive approach to fee management.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 617 as ordered 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):

Public Law 108–447

AN ACT Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes

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

(Approved December 8, 2004)

* * * * *

SECTION 1. SHORT TITLE.

This act may be cited as the “Consolidated Appropriations Act, 2005”.

* * * * *

DIVISION E.—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

* * * * *

VIII—FEDERAL LANDS RECREATION ENHANCEMENT ACT

SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Federal Lands Recreation Enhancement Act”.

* * * * *

SEC. 805. RECREATION PASSES.

(a) AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—

(1) AVAILABILITY AND USE.—The Secretaries shall establish, and may charge a fee for, an interagency national pass to be

known as the “America the Beautiful—the National Parks and Federal Recreational Lands Pass”, which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

(2) IMAGE COMPETITION FOR RECREATION PASS.—The Secretaries shall hold an annual competition to select the image to be used on the National Parks and Federal Recreational Lands Pass for a year. The competition shall be open to the public and used as a means to educate the American people about Federal recreational lands and waters.

(3) NOTICE OF ESTABLISHMENT.—The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

(4) DURATION.—The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age and disability discounted passes issued under subsection (b).

(5) PRICE.—The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public.

(6) SALES LOCATIONS AND MARKETING.—

(A) IN GENERAL.—The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.

(B) USE OF VENDORS.—The Secretary may enter into fee management agreements as provided in section 6.

(C) MARKETING.—The Secretaries shall take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.

(7) ADMINISTRATIVE GUIDELINES.—The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for age and disability discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) DEVELOPMENT AND IMPLEMENTATION AGREEMENTS.—The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

(9) PROHIBITION ON OTHER NATIONAL RECREATION PASSES.—The Secretary may not establish any national recreation pass, except as provided in this section.

(b) DISCOUNTED PASSES.—

(1) AGE DISCOUNT.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at a cost of \$10.00, to any United States citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the pass holder.

(2) DISABILITY DISCOUNT.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge, to any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 7(20)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person provides adequate proof of the disability and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the passholder.

(c) SITE-SPECIFIC AGENCY PASSES.—The Secretary may establish and charge a fee for a site-specific pass that will cover the entrance fee or standard amenity recreation fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

(d) REGIONAL MULTIENTITY PASSES.—

(1) PASSES AUTHORIZED.—The Secretary may establish and charge a fee for a regional multientity pass that will be accepted by one or more Federal land management agencies or by one or more governmental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

(2) REGIONAL MULTIENTITY PASS AGREEMENT.—In order to establish a regional multientity pass under this subsection, the Secretary shall enter into a regional multientity pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.

(e) DISCOUNTED OR FREE ADMISSION DAYS OR USE.—The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.

(f) EFFECT ON EXISTING PASSPORTS AND PERMITS.—

(1) EXISTING PASSPORTS.—A passport issued under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a) or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 16 U.S.C. 5991–5995), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms agreed to at

the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

(2) PERMITS.—A permit issued under section 4 of the Land and Water Conservation Fund Act of 1965 that was valid on the day before the date of the enactment of this Act shall be valid and remain in effect until expired, revoked, or suspended.

(3) COST TO ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—*The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at a cost of \$10 (subject to the same rate of increase as the regular cost of the National Parks and Federal Recreational Lands Pass), to any individual determined to be eligible under subparagraph (C).*

(B) TERM.—*A National Parks and Federal Recreations Lands Pass issued under this paragraph shall be valid for 1 year after the date of issuance of the pass.*

(C) PROOF OF ELIGIBILITY.—*The Secretary, after consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall determine the appropriate documentation that a veteran or an active duty or reserve member of the United States Armed Forces shall provide as proof that the veteran or member is eligible for the discount available under this paragraph.*