

107TH CONGRESS
2D SESSION

S. 2473

To enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2002

Mr. THOMAS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recreational Fee Au-
5 thority Act of 2002”.

6 **SEC. 2. RECREATION FEE AUTHORITY.**

7 (a) DEFINITION OF SECRETARY.—In this Act, the
8 term “Secretary” means the Secretary of the Interior.

9 (b) DEFINITION OF AGENCY.—In this Act, the term
10 “Agency” means the National Park Service.

1 (c) IN GENERAL.—Beginning in fiscal year 2003 and
2 thereafter, the Secretary is authorized to—

3 (1) establish, charge, and collect fees for the
4 following:

5 (A) admission to a unit, area, or site ad-
6 ministered by the Agency; and

7 (B) the use of Agency administered areas,
8 lands, sites, facilities, and services (including
9 reservations) by individuals and/or groups;

10 (2) establish fair and equitable fees that are a
11 result of a market analysis taking the following cri-
12 teria into consideration—

13 (A) the benefits and services provided to
14 the visitor;

15 (B) the cumulative effect of fees charged
16 to the public;

17 (C) the comparable fees charged on other
18 units, areas, sites, and other public agencies;

19 (D) the comparable fees charged by nearby
20 private sector operators;

21 (E) the direct and indirect cost to the Gov-
22 ernment;

23 (F) the revenue benefits to the Govern-
24 ment;

1 (G) the public policy or management objec-
2 tives served;

3 (H) the economic and administrative feasi-
4 bility of fee collection; and

5 (I) any other pertinent factors or criteria
6 deemed necessary by the Secretary.

7 (3) The Secretary shall ensure that individual
8 park units assess only the minimum number of fees
9 consistently on an agency-wide basis in order to
10 avoid the collection of multiple or layered fees for a
11 wide variety of uses, activities and/or programs.

12 (4) The results of the market analysis, new
13 fees, increases or decreases in established fees, shall
14 be published in the Federal Register and any change
15 in the amount of fees shall not take place until at
16 least 12 months after the date the notice is pub-
17 lished in the Federal Register.

18 (d) ADDITIONAL AUTHORITIES.—Beginning in fiscal
19 year 2003 and thereafter, the Secretary is authorized to—

20 (1) enter into agreements, including contracts,
21 which provide for reasonable commissions or reim-
22 bursements, with any public or private entity to pro-
23 vide visitor reservation services, fee collection and/or
24 processing services;

1 (2) use National Park Service volunteers, as ap-
2 propriate to collect fees charged pursuant to Section
3 2(C);

4 (3) in establishing fees under this Act, the Sec-
5 retary may provide discounted or free admission
6 days or use as deemed appropriate by the Secretary;

7 (4) the Secretary may modify the National
8 Park Passport, established pursuant to Public Law
9 105–391; and

10 (5) the Secretary shall take such steps as may
11 be necessary to provide information to the visitor
12 concerning the various fees programs available to
13 them and the costs and benefits of those programs.

14 (e) STATE AGENCY ADMISSION AND SPECIAL USE
15 PASSES.—Beginning in fiscal year 2003 and thereafter—

16 (1) notwithstanding the Federal Grants Cooper-
17 ative Agreements Act, the Secretary is authorized to
18 enter into revenue sharing agreements with State
19 agencies to accept their annual passes and convey
20 the same privileges, terms and conditions as offered
21 under the auspices of the National Park Passport,
22 established pursuant to Public Law 105–391 (here-
23 inafter referred to as the “National Park Pass-
24 port”), or as Public Law 105–391 may be amended.

1 (2) State agency annual passes shall only be ac-
2 cepted for all of the units of the National Park Sys-
3 tem within the boundaries of the State in which the
4 specific revenue sharing agreement is entered into.

5 (3) The Secretary may enter into revenue shar-
6 ing agreements with other Federal agencies and/or
7 Tribal governments to establish, charge and collect
8 fees at areas, sites or projects located on other areas
9 under the jurisdiction of the Secretary, the Secretary
10 of Agriculture and/or the specific Tribal government
11 in which the agreement is made.

12 **SEC. 3. DISTRIBUTION OF RECEIPTS.**

13 (a) IN GENERAL.—

14 (1) The Secretary of the Treasury shall estab-
15 lish a special account in the Treasury for the Agen-
16 cy.

17 (2) Amounts collected by the Agency under sec-
18 tion 2 shall be deposited in its special account in the
19 Treasury and shall remain available for expenditure
20 without further appropriation until expended.

21 (3) Amounts collected from sales of the Na-
22 tional Park Passport, or from revenue sharing
23 agreements entered into under section 2 of this Act
24 shall be deposited in its special account in the Treas-

1 ury in accordance with guidelines established by the
2 Secretary of the Interior.

3 (b) DISTRIBUTION OF FEES.—The amounts depos-
4 ited in the special account established by subsection (a)
5 shall be distributed as follows:

6 (1) Not less than 80 percent of amounts col-
7 lected pursuant to the Act at a specific area, site, or
8 project as determined by the Secretary, shall remain
9 available for use at the specific area, site, or project
10 at which the fees were collected, except that the Sec-
11 retary may change the allocation amount to not less
12 than 60 percent of fees collected to be returned to
13 the area, site, or project when the Secretary deter-
14 mines that site specific revenues in any given fiscal
15 year exceed that site's reasonable needs for that
16 year; except that for those units of the National
17 Park System which participate in an active revenue
18 sharing agreement with a State under section 2(e)
19 of this Act, not less than 90 percent of amounts col-
20 lected pursuant to this Act at a specific area, site,
21 or project as determined by the Secretary shall re-
22 main for use at the specific area, site, or project at
23 which the fees were collected.

24 (2) The balance of the amounts collected at a
25 specific area, site, or project not distributed in ac-

1 cordance with paragraph (1), shall remain available
 2 for use by the Agency on an agency-wide basis as
 3 determined by the Secretary.

4 (3) Monies generated as a result of revenue
 5 sharing agreements established pursuant to section
 6 2(e) may provide for a fee-sharing arrangement
 7 among the parties to the revenue sharing agreement.
 8 Agency shares of fees collected shall be deposited
 9 and distributed as described in subsection (b) equal-
 10 ly to all units of the National Park System in the
 11 specific State that are parties to the revenue sharing
 12 agreement.

13 (4) Monies generated as a result of the sale of
 14 the National Park Passport shall be distributed as
 15 follows: not less than 50 percent of the amounts col-
 16 lected pursuant this Act, as determined by the Sec-
 17 retary shall remain available for use at the specific
 18 area, site, or project at which the fees were collected,
 19 the balance of the monies generated shall be distrib-
 20 uted in accordance with paragraph 2 of this section.

21 **SEC. 4. EXPENDITURES.**

22 (a) USE OF FEES AT SPECIFIC AREA, SITE, OR
 23 PROJECT.—Amounts available under section 3 of this Act
 24 for expenditure at a specific area, site, or project shall be
 25 accounted for separately and may be used for—

1 (1) repair, maintenance, facility enhancement,
2 media services and infrastructure including projects
3 and expenses relating to visitor enjoyment, visitor
4 access, environmental compliance, and health and
5 safety;

6 (2) interpretation, visitor information, visitor
7 service, visitor needs assessments, monitoring, and
8 signs;

9 (3) habitat enhancement, resource assessment,
10 preservation, protection, and restoration related to
11 recreation use; and

12 (4) law enforcement relating to public use and
13 recreation.

14 (b) The Secretary may use not more than fifteen per-
15 cent of the revenues derived under the authorities of this
16 Act to administer the recreation fee program including di-
17 rect operating or capital costs, cost of fee collection, notifi-
18 cation of fee requirements, direct infrastructure, fee pro-
19 gram management costs, bonding of volunteers, start-up
20 costs, and analysis and reporting on program accomplish-
21 ments and impacts.

22 **SEC. 5. REPORTS.**

23 (a) Once every three years after the enactment of this
24 Act the Secretary shall submit to the Committee on En-
25 ergy and Natural Resources of the United States Senate

1 and the Committee on Resources of the United States
2 House of Representatives a report detailing the status of
3 the Recreation Fee Program conducted in units of the Na-
4 tional Park System:

5 (1) the report under this section shall contain
6 an evaluation of the Recreation Fee Program con-
7 ducted at each unit of the National Park System;

8 (2) with respect to each unit of the National
9 Park System where a fee is charged under the au-
10 thorities granted by this Act, a description of
11 projects that were funded, work accomplished, and a
12 description of future projects and programs identi-
13 fied for funding with monies expected to be gen-
14 erated under the authorities granted by this Act;
15 and

16 (3) any recommendations for changes in the
17 overall fee system along with any justification as ap-
18 propriate.

19 **SEC. 6. REGULATIONS.**

20 The Secretary may promulgate such rules and regula-
21 tions as may be necessary to implement this Act.

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