

**Recreational Fee Authority Act of 2004 (Referred to House Committee after being Received from Senate)**

S 1107 RFH

108th CONGRESS  
2d Session  
**S. 1107**  
**IN THE HOUSE OF REPRESENTATIVES**

**May 20, 2004**

Referred to the Committee on Resources

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**AN ACT**

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

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Recreational Fee Authority Act of 2004'.

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

(a) IN GENERAL- Beginning on January 1, 2006, the Secretary of the Interior ('Secretary') may establish, modify, charge, and collect fees for admission to a unit of the National Park System and the use of National Park Service ('Service') administered areas, lands, sites, facilities, and services (including reservations) by individuals and/or groups. Fees shall be based on an analysis by the Secretary of--

- (1) the benefits and services provided to the visitor;
- (2) the cumulative effect of fees;
- (3) the comparable fees charged elsewhere and by other public agencies and by nearby private sector operators;
- (4) the direct and indirect cost and benefit to the government;
- (5) public policy or management objectives served;
- (6) economic and administrative feasibility of fee collection; and
- (7) other factors or criteria determined by the Secretary.

(b) NUMBER OF FEES- The Secretary shall establish the minimum number of fees and shall avoid the collection of multiple or layered fees for a wide variety of uses, activities or programs.

(c) ANALYSIS- The results of the analysis together with the Secretary's determination of appropriate fee levels shall be transmitted to the Congress at least three months prior to publication of such fees in the Federal Register. New fees and any increases or decreases in established fees shall be published in the Federal Register and no new fee or change in the amount of fees shall take place until at least 12 months after the date the notice is published in the Federal Register.

(d) ADDITIONAL AUTHORITIES- Beginning on January 1, 2006, the Secretary may enter into agreements, including contracts to provide reasonable commissions or reimbursements with any public or private entity for visitor reservation services, fee collection and/or processing services.

(e) ADMINISTRATION- The Secretary may provide discounted or free admission days or use, may modify the National Park Passport, established pursuant to Public Law 105-391, and shall provide information to the public about the various fee programs and the costs and benefits of each program.

(f) STATE AGENCY ADMISSION AND SPECIAL USE PASSES- Effective January 1, 2006, and notwithstanding the Federal Grants Cooperative Agreements Act, the Secretary may enter into revenue sharing agreements with State agencies to accept their annual passes and convey the same privileges, terms and conditions as offered under the auspices of the National Park Passport, to State agency annual passes and shall only be accepted for all of the units of the National Park System within the boundaries of the State in which the specific revenue sharing agreement is entered into except where the Secretary has established a fee that includes a unit or units located in more than one State.

### **SEC. 3. DISTRIBUTION OF RECEIPTS.**

Without further appropriation, all receipts collected pursuant to the Act or from sales of the National Park Passport shall be retained by the Secretary and may be expended as follows:

(1) 80 percent of amounts collected at a specific area, site, or project as determined by the Secretary, shall remain available for use at the specific area, site or project, except for those units of the National Park System that participate in an active revenue sharing agreement with a State under Section 2(f) of this Act, not less than 90 percent of amounts collected at a specific area, site, or project shall remain available for use.

(2) The balance of the amounts collected shall remain available for use by the Service on a Service-wide basis as determined by the Secretary.

(3) Monies generated as a result of revenue sharing agreements established pursuant to Section 2(f) may provide for a fee-sharing arrangement. The Service shares of fees shall be distributed equally to all units of the National Park System in the specific States that are parties to the revenue sharing agreement.

(4) Not less than 50 percent of the amounts collected from the sale of the National Park Passport shall remain available for use at the specific area, site, or project at which the fees were collected and the balance of the

receipts shall be distributed in accordance with paragraph 2 of this Section.

#### **SEC. 4. EXPENDITURES.**

(a) USE OF FEES AT SPECIFIC AREA, SITE, OR PROJECT- Amounts available for expenditure at a specific area, site or project shall be accounted for separately and may be used for--

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

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

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

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

(b) The Secretary may use not more than fifteen percent of total revenues to administer the recreation fee program including direct operating or capital costs, cost of fee collection, notification of fee requirements, direct infrastructure, fee program management costs, bonding of volunteers, start-up costs, and analysis and reporting on program accomplishments and effects.

#### **SEC. 5. REPORTS.**

On January 1, 2009, and every three years thereafter the Secretary shall submit to the Congress a report detailing the status of the Recreation Fee Program conducted in units of the National Park System including an evaluation of the Recreation Fee Program conducted at each unit of the National Park System; a description of projects that were funded, work accomplished, and future projects and programs for funding with fees, and any recommendations for changes in the overall fee system.

Passed the Senate May 19, 2004.

Attest:

EMILY J. REYNOLDS,

Secretary.