

113TH CONGRESS
2D SESSION

H. R. 5204

To amend the Federal Lands Recreation Enhancement Act to improve recreation opportunities and increase consistency and accountability in the collection and expenditure of recreation fees collected on public lands and forests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2014

Mr. BISHOP of Utah introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Lands Recreation Enhancement Act to improve recreation opportunities and increase consistency and accountability in the collection and expenditure of recreation fees collected on public lands and forests, 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 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Lands Recreation Enhancement Modernization
6 Act of 2014”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. References to Federal Lands Recreation Enhancement Act.
- Sec. 3. Definitions.
- Sec. 4. Recreation fee authority.
- Sec. 5. Public participation.
- Sec. 6. Recreation passes.
- Sec. 7. Special account.
- Sec. 8. Expenditures.
- Sec. 9. Reporting requirements.
- Sec. 10. Sunset provision.
- Sec. 11. Volunteers.
- Sec. 12. Enforcement.
- Sec. 13. Repeal of superseded admission and use fees.
- Sec. 14. Relationship to other laws.

3 **SEC. 2. REFERENCES TO FEDERAL LANDS RECREATION EN-**
 4 **HANCEMENT ACT.**

5 Except as otherwise specifically provided, whenever in
 6 this Act an amendment or repeal is expressed in terms
 7 of an amendment to, or repeal of, a provision, the ref-
 8 erence shall be considered to be made to a provision of
 9 the Federal Lands Recreation Enhancement Act (title
 10 VIII of division J of Public Law 108–447; 16 U.S.C. 6801
 11 et seq.).

12 **SEC. 3. DEFINITIONS.**

13 (a) NEW FEE NAMES.—Paragraphs (1) and (2) of
 14 section 802 (16 U.S.C. 6801) are amended to read as fol-
 15 lows:

16 “(1) DAY USE FEE.—The term ‘day use fee’
 17 means the recreation fee authorized by section
 18 803(f).

1 “(2) AMENITY FEE.—The term ‘amenity fee’
2 means the recreation fee authorized by section
3 803(g).”.

4 (b) FEDERAL LAND MANAGEMENT AGENCY.—Sec-
5 tion 802(4) (16 U.S.C. 6801(4)) is amended by inserting
6 “or ‘agency’ ” before “means the National”.

7 (c) RECREATION FEE.—Section 802(8) (16 U.S.C.
8 6801(8)) is amended by striking “standard amenity recre-
9 ation fee, expanded amenity recreation fee” and inserting
10 “day use fee, amenity fee”.

11 (d) NEW DEFINITIONS.—Section 802 (16 U.S.C.
12 6801) is further amended—

13 (1) by redesignating paragraphs (10) through
14 (13) as paragraphs (11) through (14), respectively;

15 (2) by inserting after paragraph (9) the fol-
16 lowing new paragraph:

17 “(10) RECREATION SERVICE PROVIDER.—The
18 term ‘recreation service provider’ means any entity
19 that provides any recreation service on Federal rec-
20 reational lands and waters for which the provider
21 charges a fee for the service.”; and

22 (3) by adding at the end the following new
23 paragraph:

24 “(15) UNIT.—The term ‘unit’ means an indi-
25 vidual unit of the National Park System, National

1 Forest System, National Wildlife Refuge System, or
 2 similar area.”.

3 (e) TECHNICAL CORRECTIONS.—Section 802 (16
 4 U.S.C. 6801) is further amended—

5 (1) in the matter preceding paragraph (1), by
 6 striking “this Act” and inserting “this title”;

7 (2) in paragraph (6), by striking “section 5”
 8 and inserting “section 805”;

9 (3) in paragraph (9), by striking “section 5”
 10 and inserting “section 805”;

11 (4) in paragraph (13), as redesignated by sub-
 12 section (d)(1), by striking “section 7” and inserting
 13 “section 807”; and

14 (5) in paragraph (14), as redesignated by sub-
 15 section (d)(1), by striking “section 3(h)” and insert-
 16 ing “section 803(h)”.

17 **SEC. 4. RECREATION FEE AUTHORITY.**

18 (a) SOLE AUTHORITY.—Section 803(a) (16 U.S.C.
 19 6802(a)) is amended by inserting “only” after “waters”.

20 (b) FEE BASIS.—Section 803(b) (16 U.S.C. 6802(b))
 21 is amended by striking paragraphs (5) and (6) and insert-
 22 ing the following new paragraph:

23 “(5) The Secretary shall consider access to
 24 recreation opportunities.”.

1 (c) LIMITATIONS.—Section 803(d) (16 U.S.C.
2 6802(d)) is amended—

3 (1) in paragraph (1)—

4 (A) in the matter preceding subparagraph
5 (A), by striking “standard amenity recreation
6 fee or expanded amenity recreation fee” and in-
7 serting “day use fee or amenity fee”;

8 (B) by striking subparagraphs (A) through
9 (F) and inserting the following new subpara-
10 graph:

11 “(A) For any site, area, or activity, except
12 as specifically authorized under this section.”;
13 and

14 (C) by redesignating subparagraphs (G)
15 through (K) as subparagraphs (B) through (F),
16 respectively; and

17 (2) in paragraph (3)—

18 (A) in the matter preceding subparagraph
19 (A), by striking “standard amenity recreation
20 fee” and inserting “day use fee”; and

21 (B) in subparagraph (B), by striking “edu-
22 cational purposes by schools or bona fide aca-
23 demic institutions” and inserting “, non-rec-
24 reational educational purposes by schools or
25 bona fide academic institutions when the stu-

1 dents are pursuing academic credit and the Sec-
2 retary has provided prior approval for a fee
3 waiver”.

4 (d) ENTRANCE FEES.—Section 803(e) (16 U.S.C.
5 6802(e)) is amended—

6 (1) by redesignating paragraph (2) as para-
7 graph (4); and

8 (2) by inserting after paragraph (1) the fol-
9 lowing new paragraphs:

10 “(2) POLICIES.—The Secretary shall—

11 “(A) treat a motorcycle or snowmobile,
12 when used as transportation to enter a unit, as
13 a motor vehicle for the purposes of collecting
14 entrance fees and shall charge a consistent per
15 vehicle rate; and

16 “(B) determine, by agency, a nationally
17 consistent entrance fee policy and cor-
18 responding rate structure, including a schedule
19 for general visitors, commercial and non-
20 commercial recreational tours or groups, and
21 commercial air tours.

22 “(3) TRANSPORTATION SERVICES.—At a unit of
23 the National Park System where the Secretary pro-
24 vides a transportation service, either as a Govern-
25 ment service or through agreement or contract, the

1 Secretary may charge transportation users a trans-
2 portation fee alone (consistent with section 501 of
3 the National Park Omnibus Management Act of
4 1998 (16 U.S.C. 5981) and other authorities) or in
5 combination with an entrance fee. However, the
6 transportation fee or combined transportation and
7 entrance fee may not exceed the entrance fee
8 charged at other similar units as identified in the
9 national entrance fee policy under paragraph
10 (2)(B).”.

11 (e) DAY USE FEE.—Subsection (f) of section 803 (16
12 U.S.C. 6802) is amended to read as follows:

13 “(f) DAY USE FEE.—

14 “(1) AUTHORIZED SITES FOR DAY USE FEES.—

15 The Secretary may charge a day use fee for Federal
16 recreational lands and waters under the jurisdiction
17 of the Bureau of Land Management, the Bureau of
18 Reclamation, or the Forest Service at the following:

19 “(A) A National Conservation Area.

20 “(B) A National Volcanic Monument.

21 “(C) A destination visitor or interpretive
22 center that provides a broad range of interpre-
23 tative services, programs and media.

24 “(D) Sites of concentrated public use that
25 are managed primarily for outdoor recreation

1 purposes where there has been a substantial
2 Federal investment in facilities and services
3 that are necessary to accommodate heavy public
4 use, public access to the site is provided in such
5 a manner that fees can be effectively collected
6 at one or more centralized locations, the site
7 has regularly serviced and well maintained toilet
8 facilities and contains at least four of the fol-
9 lowing:

10 “(i) Designated developed parking.

11 “(ii) Trash collection.

12 “(iii) Permanent interpretative mate-
13 rials.

14 “(iv) Picnic tables.

15 “(v) Routine presence of agency per-
16 sonnel.

17 “(2) SINGLE FEE FOR MULTIPLE SITES.—If
18 there are two or more sites of concentrated public
19 use located within one-half mile of each other, the
20 Secretary may charge a single day use fee for the
21 sites and the area between the sites.

22 “(3) POLICY.—The Secretary shall determine,
23 by agency, a nationally consistent day use fee policy
24 and rate structure.

25 “(4) INITIAL IMPLEMENTATION.—

1 “(A) INITIAL LIST OF FEE SITES.—No
2 later than 180 days after the date of the enact-
3 ment of the Federal Lands Recreation En-
4 hancement Modernization Act of 2014, the Sec-
5 retary shall—

6 “(i) publish in the Federal Register
7 and on the agency’s website a list of all
8 sites for which day use fees are proposed
9 to be collected; and

10 “(ii) provide a 60-day public comment
11 period regarding such list.

12 “(B) FINAL LIST OF FEE SITES.—No later
13 than 120 days after the close of the public com-
14 ment period required by subparagraph (A)(ii),
15 the Secretary shall publish in the Federal Reg-
16 ister and on the agency’s website the final list
17 of sites for which day use fees are to be col-
18 lected.

19 “(5) TRANSITION.—The Secretary may con-
20 tinue to collect fees in effect on the date of the en-
21 actment of Federal Lands Recreation Enhancement
22 Modernization Act of 2014 for a period not to ex-
23 ceed 180 days from the date the final list of day use
24 fee sites is published pursuant to paragraph (4)(B).

1 However, the Secretary may not increase or impose
2 new fees using this transition authority.”.

3 (f) AMENITY FEE.—Section 803(g) (16 U.S.C.
4 6802(g)) is amended—

5 (1) in the subsection heading, by striking “EX-
6 PANDED AMENITY RECREATION” and inserting
7 “AMENITY”;

8 (2) by striking paragraph (1);

9 (3) by redesignating paragraph (2) as para-
10 graph (1) and in such paragraph—

11 (A) in the matter preceding subparagraph

12 (A)—

13 (i) by striking “expanded amenity
14 recreation fee, either in addition to a
15 standard amenity fee” and inserting
16 “amenity fee, either in addition to a day
17 use fee or entrance fee”; and

18 (ii) by striking “under the jurisdiction
19 of the Forest Service, the Bureau of Land
20 Management, or the Bureau of Reclama-
21 tion, but only”;

22 (B) in subparagraph (A)—

23 (i) by striking “Tent” and inserting
24 “Developed tent”; and

1 (ii) by striking clauses (vii) through
2 (ix) and inserting the following new
3 clauses:

4 “(vii) Trash collection.

5 “(viii) Regularly serviced and well
6 maintained toilet facilities.”;

7 (C) in subparagraph (E), by inserting be-
8 fore the period the following: “when the user
9 has not paid an amenity fee under subpara-
10 graph (A) the prior night”;

11 (D) by striking subparagraph (F) and in-
12 serting the following new subparagraph:

13 “(F) Highly specialized interpretative pro-
14 grams; guided walks, talks, and tours of sub-
15 stantial length; programs that require special-
16 ized equipment; specialized non-public pro-
17 grams; and other interpretative services for
18 which the Secretary incurs significant costs.
19 However, before the Secretary may charge a fee
20 for interpretative programs, the Secretary shall
21 identify basic interpretative programs and serv-
22 ices, including tours required to provide basic
23 visitor access to a primary resource in a unit,
24 that will be provided free of charge.”;

(E) in subparagraph (H), by inserting before the period the following: “subject to subsection (e)(3)”; and

(F) in subparagraph (J)—

(i) in the matter preceding clause (i), by inserting “or hot spring” after “swimming sites”;

(ii) in clause (i), by striking “flush toilets” and inserting “regularly serviced and well maintained toilets”;

(iii) in clause (ii), by striking “Refuse containers” and inserting “Trash collection”; and

(iv) in clause (v), by inserting “or swimming instructors” after “lifeguards”; and

(4) by adding at the end the following new paragraph:

“(2) NATIONAL PARK SERVICE AND UNITED STATES FISH AND WILDLIFE SERVICE ADDITIONAL AUTHORITY.—Except as limited by subsection (d), the Secretary may charge an additional amenity fee at Federal recreational lands and waters under the jurisdiction of the National Park Service and the United States Fish and Wildlife Service when the

1 Secretary determines that the visitor uses a specific
2 or specialized facility, equipment, or service not oth-
3 erwise included under paragraph (1).”.

4 (g) SPECIAL RECREATION PERMIT AND FEE.—Sub-
5 section (h) of section 803 (16 U.S.C. 6802) is amended
6 to read as follows:

7 “(h) SPECIAL RECREATION PERMIT AND FEE.—

8 “(1) IN GENERAL.—The Secretary may—

9 “(A) issue a special recreation permit for
10 Federal recreational lands and waters; and

11 “(B) charge a special recreation permit fee
12 in connection with the issuance of the permit.

13 “(2) SPECIAL RECREATION PERMITS.—The
14 Secretary may issue special recreation permits in the
15 following circumstances:

16 “(A) For specialized individual and group
17 use of Federal facilities and Federal rec-
18 reational lands and waters, such as, but not
19 limited to, use of special areas or areas where
20 use is allocated, motorized recreational vehicle
21 use, and group activities or events.

22 “(B) To recreation service providers who
23 conduct outfitting, guiding, and other recre-
24 ation services on Federal recreational lands and
25 waters managed by the Forest Service, Bureau

1 of Land Management, Bureau of Reclamation,
2 and the United States Fish and Wildlife Serv-
3 ice.

4 “(C) To recreation service providers who
5 conduct recreation or competitive events, which
6 may involve incidental sales on Federal rec-
7 reational lands and waters managed by the For-
8 est Service, Bureau of Land Management, Bu-
9 reau of Reclamation, and the United States
10 Fish and Wildlife Service.

11 “(3) REDUCTION IN FEDERAL COSTS.—To re-
12 duce Federal costs in administering this subsection,
13 the issuance of a new special recreation permit for
14 activities under paragraph (2)(B) that have been
15 considered under previous analysis or that are simi-
16 lar to existing uses or are not inconsistent with ap-
17 proved uses and will not substantially increase the
18 use of an area shall not constitute a major Federal
19 action for the purposes of the National Environ-
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

21 “(4) SINGLE PERMITS.—The Secretary may
22 issue a single permit, administered by one agency
23 (including the National Park Service), to authorize
24 a recreation service provider to provide services or
25 for an event on lands managed by multiple agencies.

1 The authorized official in the agency issuing the per-
2 mit under this authority must have a delegation of
3 authority for the administration of the permit from
4 the other relevant agencies and must comply with
5 the applicable laws of each relevant agency. Nothing
6 in this subsection shall alter, expand, or limit the
7 applicability of any public law or regulation to lands
8 administered by the participating agencies.

9 “(5) GUIDELINES AND PERMIT FEE CALCULA-
10 TION.—

11 “(A) GUIDELINES AND EXCLUSION OF
12 CERTAIN REVENUES.—The Secretary shall pub-
13 lish guidelines in the Federal Register for how
14 recreation permit fees shall be established that
15 will provide appropriate deductions for revenue
16 from goods, services, or activities provided by
17 the recreation service provider outside Federal
18 recreational lands and waters and a deduction
19 for fees to paid for other Federal lands if sepa-
20 rate permits are issued for a single event.

21 “(B) REVENUE EXCLUSIONS.—Revenue
22 exclusions under subparagraph (A) shall in-
23 clude, but not be limited to, revenue from goods
24 or services provided by the recreation service

1 provider outside the Federal recreational lands
2 and waters, such as—

3 “(i) costs for transportation, lodging,
4 and other services before or after a trip be-
5 gins;

6 “(ii) deductions for activities outside
7 public lands or on other Federal lands if
8 separate permits are issued.

9 “(C) FEE CONDITIONS.—The fee charged
10 by the Secretary for a permit issued under
11 paragraph (2)(B) shall not exceed 3 percent of
12 the recreational service provider’s annual gross
13 revenue for activities authorized by the permit,
14 plus applicable revenue additions, minus appli-
15 cable revenue exclusions or a similar flat per
16 person fee. The fee charged by the Secretary
17 for a permit issued under paragraph (2)(C)
18 shall include appropriate reductions and addi-
19 tions based on the direct costs incurred by the
20 Secretary for management of the event.

21 “(6) BUREAU OF LAND MANAGEMENT.—The
22 Secretary may issue a recreation concession permit
23 to authorize a third party to provide facilities and
24 services to visitors on Federal recreational lands and
25 waters managed by the Bureau of Land Manage-

1 ment in support of outdoor recreational opportuni-
2 ties in accordance with the applicable land use plan.
3 Any such permit shall provide for monetary com-
4 pensation to the Federal Government for the rights
5 and privileges provided, with collected funds depos-
6 ited in the accounts established under section 807 of
7 this Act, to be available without further appropria-
8 tion and to remain available until expended. Facili-
9 ties and services provided under existing recreation
10 concessions and recreation lease agreements on Bu-
11 reau of Land Management managed public lands
12 may continue pursuant to the terms and conditions
13 of each agreement.

14 “(7) STEWARDSHIP PROGRAM.—

15 “(A) ESTABLISHMENT.—Within 18
16 months after the date of the enactment of the
17 Federal Lands Recreation Enhancement Mod-
18 ernization Act of 2014, the Secretary shall es-
19 tablish, at no fewer than 20 sites located on
20 Federal recreational lands and waters adminis-
21 tered by the Forest Service and the Bureau of
22 Land Management, a stewardship program for
23 recreation service providers involving credit
24 against a required special recreation permit fee
25 in exchange for otherwise unreimbursed mainte-

1 nance and resource protection work performed
2 with the permission of the relevant Federal
3 agency.

4 “(B) ELIGIBILITY.—Under the steward-
5 ship program required by this paragraph, a
6 recreation service provider shall submit to the
7 Secretary—

8 “(i) the provider’s qualifications to
9 adequately and safely perform the pro-
10 posed maintenance and resource protection
11 work;

12 “(ii) an itemized accounting of labor
13 and material costs associated with such
14 maintenance and resource protection work;

15 “(iii) a commitment to share the costs
16 of the proposed maintenance and resource
17 protection work; and

18 “(iv) permission from the relevant
19 Federal agency to perform the proposed
20 maintenance and resource protection work.

21 “(C) REVIEW AND APPROVAL.—The Sec-
22 retary shall review promptly a proposal sub-
23 mitted to participate in the stewardship pro-
24 gram and approve any such submission that the

1 Secretary finds adequately meets the eligibility
2 criteria specified in subparagraph (B).

3 “(D) REPORT.—Not later than three years
4 after the date of the enactment of the Federal
5 Lands Recreation Enhancement Modernization
6 Act of 2014, the Secretary shall submit to the
7 Committee on Natural Resources of the House
8 of Representatives and the Committee on En-
9 ergy and Natural Resources of the Senate a
10 status report on the stewardship program, in-
11 cluding the number of participating sites, total
12 amount of the credits granted, and suggestions
13 for revising the program.

14 “(8) DISCLOSURE OF FEES.—A holder of a spe-
15 cial recreation permit may inform its customers of
16 the various fees charged by the Secretary under this
17 title.”.

18 (h) ADDITIONAL PROVISIONS.—Section 803 (16
19 U.S.C. 6802) is further amended by adding at the end
20 the following new subsections:

21 “(i) NOTICE OF RECREATIONAL FEES AND RECRE-
22 ATION PASSES.—The Secretary shall post clear notice of
23 any fee and available recreation passes at appropriate lo-
24 cations at each site of Federal recreational lands and
25 waters for which any fee is charged. The Secretary shall

1 include such notice in publications distributed at the unit
2 and on agency websites.

3 “(j) USE OF TECHNOLOGY.—To the extent prac-
4 ticable, the Secretary shall use technology and automation
5 to increase accountability, efficiency, and the convenience
6 of paying recreation fees.

7 “(k) VISITOR CENTERS.—

8 “(1) IN GENERAL.—Subject to valid existing
9 rights, the Secretary shall not enter into agreements
10 for the operation of a visitor center with private for-
11 profit or non-profit organizations that intend to
12 charge a fee for visitors to access a visitor center or
13 a basic visitor center exhibit.

14 “(2) EXCEPTIONS.—Nothing in paragraph (1)
15 prohibits the Secretary from—

16 “(A) charging a recreation fee at a visitor
17 or interpretative center as otherwise provided
18 for in this title; or

19 “(B) entering into a fee management
20 agreement for the collection of the recreation
21 fee.

22 “(l) CONGRESSIONAL APPROVAL OF CERTAIN NEW
23 OR INCREASED FEES.—

24 “(1) SUBMISSION OF LIST OF EXISTING
25 FEES.—Within six months after the date of the en-

1 actment of the Federal Lands Recreation Enhance-
2 ment Modernization Act of 2014, the Secretary
3 shall—

4 “(A) compile a comprehensive list of all
5 fees (except special recreation permit fees)
6 charged at Federal recreational lands and
7 waters by Federal land management agencies
8 as of the date of the enactment of the Federal
9 Lands Recreation Enhancement Modernization
10 Act of 2014; and

11 “(B) submit this list to the Committee on
12 Natural Resources and the Committee on Agri-
13 culture of the House of Representatives and the
14 Committee on Energy and Natural Resources of
15 the Senate.

16 “(2) PROHIBITION ON NEW FEES OR FEE IN-
17 CREASES.—Except as provided in paragraphs (3),
18 (4), and (5), the Secretaries may not increase or im-
19 pose any new entrance fees, day use fees, or amenity
20 fees.

21 “(3) SUBMISSION OF PROPOSED FEE SCHED-
22 ULE.—By June 1 of each year, the Secretaries shall
23 propose a single schedule of any new or increased
24 entrance fees, day use fees, or amenity fees and
25 transmit this schedule to the Committee on Natural

1 Resources and the Committee on Agriculture of the
2 House of Representatives and the Committee on En-
3 ergy and Natural Resources of the Senate.

4 “(4) CONGRESSIONAL APPROVAL REQUIRED.—
5 No new or increased entrance fee, day use fee, or
6 amenity fee may be imposed unless approved by Act
7 of Congress.

8 “(5) EMERGENCY SITUATIONS.—If the Secre-
9 taries determine that recreational opportunities on
10 Federal recreational lands and waters would be se-
11 verely curtailed or that an emergency affecting
12 human health or unforeseen events exists, the Secre-
13 taries may transmit proposed selective new or in-
14 creased entrance fees, day use fees, or amenity fees
15 to the Committee on Natural Resources and the
16 Committee on Agriculture of the House of Rep-
17 resentatives and the Committee on Energy and Nat-
18 ural Resources of the Senate for approval by Act of
19 Congress.

20 “(m) GRANDFATHERING EXISTING PERMITS.—Any
21 special recreation permit issued under this title before the
22 date of the enactment of the Federal Lands Recreation
23 Enhancement Modernization Act of 2014 shall continue—

24 “(1) to be managed pursuant to this section, as
25 in effect on the day before the date of the enactment

1 of the Federal Lands Recreation Enhancement Mod-
 2 ernization Act of 2014; and

3 “(2) to be valid and remain in effect, under its
 4 terms and notwithstanding section 810, until the
 5 permit expires, is revoked, or is suspended according
 6 to the terms of the permit.

7 “(n) DISCOUNTED OR FREE ADMISSION DAYS OR
 8 USE.—The Secretary may provide free admission or use
 9 days of Federal recreational lands and waters. The Sec-
 10 retary shall not establish any additional discounts except
 11 as provided in this title or by another provision of law.”.

12 (i) TECHNICAL CORRECTIONS.—Section 803(d) (16
 13 U.S.C. 6802(d)) is further amended—

14 (1) in paragraph (1)—

15 (A) in the matter preceding subparagraph
 16 (A), by striking “this Act” and inserting “this
 17 title”; and

18 (B) in subparagraph (B), as redesignated
 19 by subsection (c)(1)(C), by striking “part of the
 20 Federal-aid System” and inserting “Federal-aid
 21 highway”; and

22 (2) in paragraph (4), by striking “this Act” and
 23 inserting “this title”.

24 **SEC. 5. PUBLIC PARTICIPATION.**

25 Section 804 (16 U.S.C. 6803) is amended—

1 (1) in subsection (a), by striking “this Act” and
2 inserting “this title”; and

3 (2) by striking subsections (b), (c), (d), and (e)
4 and inserting the following new subsections:

5 “(b) ENTRANCE FEES, DAY USE FEES, AND AMEN-
6 ITY FEES.—For entrance fees, day use fees and amenity
7 fees, the Secretary may—

8 “(1) publish notice in the Federal Register of
9 any unit newly subject to an entrance fee, day use
10 fee, or amenity fee;

11 “(2) publish on the website recreation.gov or
12 another similar interagency website, in local news-
13 papers, on agency websites, at proposed and estab-
14 lished collection points, on social media applications,
15 and in publications distributed near the site for
16 which the fee would be collected—

17 “(A) any proposed new or increased fee;

18 “(B) the unit and agency proposing the
19 new or increased fee;

20 “(C) the process by which to comment on
21 the proposed new or increased fee; and

22 “(D) subject to paragraph (3), when the
23 opportunity for comment closes;

24 “(3) allow at least 60 days public comment
25 after publication of notice under paragraph (2);

1 “(4) at least 120 days before the implementa-
2 tion of the new or increased fee, publish notice of a
3 decision to implement a new or increased fee in local
4 newspapers, on the agency websites, at proposed and
5 established collection points, on social media applica-
6 tions, and in publications distributed near the site
7 for which the fee will be collected; and

8 “(5) not less frequently than every other year,
9 solicit public comment for at least 60 days on how
10 fee revenue should be expended at each unit.

11 “(c) SPECIAL RECREATION PERMIT FEES.—For spe-
12 cial recreation permit fees authorized by section
13 803(h)(2)(A), the Secretary shall—

14 “(1) if the fee is for reoccurring recreational
15 uses for which standard fee rates can be established,
16 follow, to the extent practicable and appropriate, the
17 procedures in subsection (b); and

18 “(2) if the fee is based on recovering the costs
19 associated with issuing and managing the permit, es-
20 tablish guidelines for how fees will be established
21 and publish the guidelines in the Federal Register.

22 “(d) NEW CONCESSION OPPORTUNITIES.—The Sec-
23 retary shall provide an opportunity for public involvement
24 180 days before a new site or area, including a camp-
25 ground, is offered as a new concession opportunity on Fed-

1 eral recreational lands and waters under the jurisdiction
 2 of the Forest Service or Bureau of Land Management by
 3 publishing a notice in the Federal Register and soliciting
 4 comments.”.

5 **SEC. 6. RECREATION PASSES.**

6 (a) AMERICA THE BEAUTIFUL—THE NATIONAL
 7 PARKS AND FEDERAL RECREATIONAL LANDS PASS.—
 8 Section 805(a) (16 U.S.C. 6804(a)) is amended—

9 (1) in paragraph (1)—

10 (A) by inserting “be available to United
 11 States citizens and permanent residents and”
 12 before “cover”; and

13 (B) by striking “standard amenity recre-
 14 ation fee” and inserting “day use fee” both
 15 places it appears;

16 (2) in paragraph (2)—

17 (A) by striking “shall hold an annual” and
 18 inserting “may hold a”; and

19 (B) by striking “for an year.” and all that
 20 follows through the end of the following sen-
 21 tence and inserting a period;

22 (3) in paragraph (5), by adding at the end the
 23 following new sentence: “The Secretaries shall ad-
 24 just the price of the National Parks and Federal
 25 Recreational Lands Pass once every three years to

1 reflect the change in the Consumer Price Index for
2 All Urban Consumers (CPI-U) over the same pe-
3 riod, rounding figures so as to increase or decrease
4 the price in even five-dollar increments.”;

5 (4) in paragraph (6)(A), by striking “standard
6 amenity recreation fee” and inserting “day use fee”;

7 (5) in paragraph (9), by adding “or discount
8 pass” after “pass”; and

9 (6) by adding at the end the following new
10 paragraph:

11 “(10) PASS USE STUDY.—The Secretaries shall
12 conduct a study to evaluate how, where, and the ex-
13 tent to which the National Parks and Federal Rec-
14 reational Lands Pass is used and shall submit to the
15 Committee on Natural Resources of the House of
16 Representatives and the Committee on Energy and
17 Natural Resources of the Senate a report containing
18 the results of the study.”.

19 (b) DISCOUNTED PASSES.—Section 805(b) (16
20 U.S.C. 6804(b)) is amended—

21 (1) in paragraph (2), by inserting “or is a vet-
22 eran with a service-connected disability, as defined
23 in section 101 of title 38, United States Code” be-
24 fore “, if the citizen or person”; and

1 (2) by adding at the end the following new
2 paragraphs:

3 “(3) UNITED STATES ARMED FORCES DIS-
4 COUNT.—The Secretary may make an annual Na-
5 tional Parks and Federal Recreational Lands Pass
6 available without charge to any member of the
7 United States Army, Navy, Air Force, Marine
8 Corps, and Coast Guard if such person presents a
9 Common Access card or similar identification as de-
10 termined by the Secretary.

11 “(4) AMENITY FEE DISCOUNT.—The National
12 Parks and Federal Recreational Lands Pass made
13 available under paragraphs (1) and (2) shall include
14 an amenity fee discount as charged under section
15 803(g)(1)(A).

16 “(5) PROHIBITION ON OTHER DISCOUNTED
17 PASSES.—The Secretary may not establish any dis-
18 counted passes, except as provided in this section.”.

19 (c) SITE-SPECIFIC AGENCY PASSES.—Section 805(c)
20 (16 U.S.C. 6804(c)) is amended by striking “standard
21 amenity recreation fee” and inserting “day use fee”.

22 (d) DISCOUNTED OR FREE ADMISSION DAYS OR
23 USE.—Section 805 (16 U.S.C. 6804) is amended—

24 (1) by striking subsection (e); and

1 (2) by redesignating subsection (f) as sub-
2 section (e).

3 (e) PASS AND DISCOUNT ACCEPTANCE BY CONCES-
4 SIONAIRES.—Section 805 (16 U.S.C. 6804) is further
5 amended by adding at the end the following new sub-
6 section:

7 “(f) PASS AND DISCOUNT ACCEPTANCE BY CONCES-
8 SIONAIRES.—

9 “(1) ACCEPTANCE.—Subject to valid existing
10 rights, and to the extent reimbursement is practical,
11 the Secretary shall require concessionaires operating
12 federally owned campgrounds and day use facilities
13 on Federal recreational lands and waters to accept
14 a recreational pass issued under this title or section
15 4 of the Land and Water Conservation Fund Act of
16 1965 (16 U.S.C. 460l–6a) for discounted or free
17 use, as applicable.

18 “(2) REIMBURSEMENT.—To the extent prac-
19 ticable, the Secretary shall reimburse a conces-
20 sionaire in part or in whole for acceptance under
21 paragraph (1) of a recreational pass in an amount
22 not to exceed the total land use or franchise fee due
23 to the Federal Government.”.

1 (f) TECHNICAL CORRECTION.—Section 805(a)(6)(B)
 2 (16 U.S.C. 6804(a)(6)(B)) is amended by striking “sec-
 3 tion 6” and inserting “section 6805”.

4 **SEC. 7. SPECIAL ACCOUNT.**

5 (a) DISTRIBUTION OF REVENUES.—Section
 6 807(c)(1) (16 U.S.C. 6806(c)(1)) is amended—

7 (1) by striking “or area” each place it appears;

8 (2) in subparagraph (A), by striking “80 per-
 9 cent” and inserting “90 percent”; and

10 (3) in subparagraph (B), by adding at the end
 11 the following new sentence: “The Secretary shall
 12 provide notice to the Committee on Natural Re-
 13 sources of the House of Representatives and the
 14 Committee on Energy and Natural Resources of the
 15 Senate whenever an allocation is being reduced.”.

16 (b) TECHNICAL CORRECTIONS.—Section 807 (16
 17 U.S.C. 6806) is amended—

18 (1) in subsection (b), by striking “this Act” and
 19 inserting “this title”;

20 (2) in subsection (d), by striking “section
 21 5(a)(7)” and inserting “section 6804(a)(7)”; and

22 (3) in subsection (e), by striking “section 5(d)”
 23 and inserting “section 6804(d)”.

1 **SEC. 8. EXPENDITURES.**

2 (a) USE OF FEES AT SPECIFIC SITE OR AREA.—Sec-
3 tion 808(a) (16 U.S.C. 6807(a)) is amended—

4 (1) by redesignating paragraphs (2) and (3) as
5 paragraphs (4) and (5), respectively;

6 (2) by inserting after paragraph (1) the fol-
7 lowing new paragraph:

8 “(2) shall be used to develop and enhance exist-
9 ing recreation opportunities;

10 “(3) shall directly benefit visitors to Federal
11 recreational lands and waters;”; and

12 (3) in paragraph (5), as redesignated by para-
13 graph (1)—

14 (A) in subparagraph (A), by inserting “vis-
15 itor” before “health”; and

16 (B) by striking subparagraph (E) and in-
17 serting the following new subparagraph:

18 “(E) capital construction costs associated
19 with administering the recreation fee program;
20 and”.

21 (b) LIMITATION ON USE OF FEES.—Section 808(b)
22 (16 U.S.C. 6807(b)) is amended by striking the period at
23 the end and inserting the following: “, reducing or limiting
24 visitor access, to remove or close facilities except when
25 those facilities are being replaced or updated, and acquisi-
26 tion of lands and waters.”.

1 (c) OVERHEAD, ADMINISTRATIVE, AND COLLECTION
 2 COSTS CAP.—Subsection (c) of section 808 (16 U.S.C.
 3 6807) is amended to read as follows:

4 “(c) OVERHEAD, ADMINISTRATIVE, AND COLLEC-
 5 TION COSTS CAP.—

6 “(1) OVERHEAD AND ADMINISTRATIVE
 7 COSTS.—The Secretary may not use more than five
 8 percent of total revenues collected annually under
 9 this title for overhead and administrative costs.

10 “(2) COLLECTION COSTS.—The Secretary may
 11 not spend more than 20 percent of total revenues
 12 collected annually under this title for all direct fee
 13 collection costs.

14 “(3) USE OF CERTAIN REVENUES.—Revenues
 15 from special recreation permits issued to recreation
 16 service providers under subparagraphs (B) and (C)
 17 of section 803(h)(1) shall be used—

18 “(A) to partially offset the Secretary’s di-
 19 rect cost of administering the permits; and

20 “(B) to improve and stream-line the per-
 21 mitting process.”.

22 (d) NOTICE OF FEE PROJECTS.—Section 808 (16
 23 U.S.C. 6807) is amended by adding at the end the fol-
 24 lowing new subsection:

1 “(e) NOTICE OF FEE PROJECTS.—To the extent
 2 practicable, the Secretary shall post clear notice of loca-
 3 tions where work is performed using recreation fee or
 4 recreation pass revenues collected under this title.”.

5 (e) TECHNICAL CORRECTIONS.—Section 808 (16
 6 U.S.C. 6807) is further amended—

7 (1) in subsection (a)(5)(F), as redesignated by
 8 subsection (a)(1), by striking “section 6(a)” and in-
 9 serting “section 6805(a)”; and

10 (2) in subsection (d)—

11 (A) in the matter preceding paragraph (1),
 12 by striking “this Act” and inserting “this title”;

13 (B) in paragraph (1), by striking “section
 14 5(a)(7)” and inserting “section 6804(a)(7)”;
 15 and

16 (C) in paragraph (2), by striking “section
 17 5(d)” and inserting “section 6804(d)”.

18 **SEC. 9. REPORTING REQUIREMENTS.**

19 Section 809 (16 U.S.C. 6808) is amended to read as
 20 follows:

21 **“SEC. 809. REPORTING REQUIREMENTS.**

22 “(a) COST ACCOUNTING SYSTEMS.—The Secretaries
 23 shall develop and maintain cost accounting systems nec-
 24 essary to accurately track, manage, and report fee receipts
 25 and expenditures at each unit. The Secretary may extend

1 fee revenue to acquire and develop such systems as need-
2 ed, as a direct operating or administration cost allowed
3 under section 808(c).

4 “(b) ANNUAL REPORTING.—No later than May 1,
5 2016, and annually thereafter, the Secretary shall compile
6 by each agency, broken down by unit, a separate account-
7 ing for the preceding fiscal year of—

8 “(1) total recreational fee revenue collected by
9 type;

10 “(2) expenditures by project from these ac-
11 counts;

12 “(3) a description of how expenditure benefitted
13 visitors to the unit;

14 “(4) any new fees established; and

15 “(5) any changes in existing fees.

16 “(c) SUBMISSION.—No later than June 1 of each
17 year, the Secretary shall—

18 “(1) display all information required under this
19 section prominently on each agency’s website and on
20 the website identified in section 804(b)(2); and

21 “(2) provide notice of such information to the
22 Committee on Natural Resources of the House of
23 Representatives and the Committee on Energy and
24 Natural Resources of the Senate.

1 “(d) AUDITS.—The Secretary shall develop a pro-
 2 gram of regular audits at fee collection units to ensure
 3 accountability of funds collected under this title and all
 4 expenditures under this title.”.

5 **SEC. 10. SUNSET PROVISION.**

6 Section 810 (16 U.S.C. 6809) is amended—

7 (1) by striking “this Act” and inserting “this
 8 title”; and

9 (2) by striking “10 years after the date of the
 10 enactment of this Act” and inserting “on December
 11 31, 2020”.

12 **SEC. 11. VOLUNTEERS.**

13 (a) WAIVER OR DISCOUNT OF FEES; SITE-SPECIFIC
 14 AGENCY PASS.—Section 811(b) (16 U.S.C. 6810(b)) is
 15 amended by striking “standard amenity recreation fee, or
 16 an expanded amenity recreation fee” and inserting “day
 17 use fee, or amenity fee”.

18 (b) TECHNICAL CORRECTIONS.—Section 811 (16
 19 U.S.C. 6810) is amended—

20 (1) in subsection (b), by striking “section 5(c)”
 21 and inserting “section 6804(c)”;

22 (2) in subsection (c), by striking “section
 23 5(a)(7)” and inserting “section 6804(a)(7)”;

24 (3) in subsection (d), by striking “section 5(d)”
 25 and inserting “section 6804(d)”.

1 **SEC. 12. ENFORCEMENT.**

2 (a) **REQUIRED PAYMENT.**—Section 812 (16 U.S.C.
3 6811) is amended—

4 (1) by redesignating subsections (b), (c), and
5 (d) as subsections (c), (d), and (e), respectively; and

6 (2) by inserting after subsection (a) the fol-
7 lowing new subsection:

8 “(b) **REQUIRED PAYMENT.**—

9 “(1) **IN GENERAL.**—Any person within a site or
10 an area for which an entrance fee or day use fee is
11 charged is required to pay the entrance fee or day
12 use fee.

13 “(2) **EXCEPTION.**—Paragraph (1) does not
14 apply to a person who—

15 “(A) is using a valid National Parks and
16 Federal Recreational Lands Pass; or

17 “(B) is a volunteer with a waiver or dis-
18 count of fees under section 811(b).

19 “(3) **RECEIPT.**—Upon payment of an entrance
20 fee or day use fee by a person, the Secretary shall
21 provide for the issuance to the person of a non-
22 transferable receipt or other form of proof of pay-
23 ment, valid for entry and reentry into the same site
24 or area for a period of no less than one day.”.

25 (b) **TECHNICAL CORRECTIONS.**—Section 812 (16
26 U.S.C. 6811) is further amended—

1 (1) in subsection (a), by striking “this Act” and
2 inserting “this title”; and

3 (2) in subsection (e), as redesignated by sub-
4 section (a)(1), by striking “this Act” and inserting
5 “this title”.

6 **SEC. 13. REPEAL OF SUPERSEDED ADMISSION AND USE**
7 **FEES.**

8 (a) REPEAL OF ADDITIONAL PROVISIONS.—Section
9 813(a) (16 U.S.C. 6812(a)) is amended by striking “and
10 (i) (except for paragraph (1)(C))” and inserting “(i), (l),
11 (m), and (n) (except for paragraph (5))”.

12 (b) TRANSITION.—Section 813 (16 U.S.C. 6812) is
13 amended by adding at the end the following new sub-
14 section:

15 “(g) TRANSITION.—The Secretaries may continue to
16 collect recreational fees in existence on the date of the en-
17 actment of the Federal Lands Recreation Enhancement
18 Modernization Act of 2014 for up to 18 months after the
19 date of the enactment of such Act during which time the
20 Secretaries shall bring their relevant recreation fee struc-
21 tures into compliance with the amendments made by such
22 Act.”.

23 (c) TECHNICAL CORRECTIONS.—Section 813 (16
24 U.S.C. 6812) is further amended—

- 1 (1) in subsection (a), by striking “section
2 5(a)(3)” and inserting “section 6804(a)(3)”;
- 3 (2) in subsection (d), by striking “section
4 5(a)(3)” and inserting “section 6804(a)(3)”;
- 5 (3) in subsection (e)—
- 6 (A) in paragraph (1)—
- 7 (i) by striking “this Act” both places
8 it appears and inserting “this title”; and
- 9 (ii) by striking “section 7” and insert-
10 ing “section 6806”;
- 11 (B) in paragraph (2)—
- 12 (i) by striking “this Act” and insert-
13 ing “this title”; and
- 14 (ii) by striking “section 5(a)(3)” and
15 inserting “section 6804(a)(3)”;
- 16 (C) in paragraph (3), by striking “this
17 Act” both places it appears and inserting “this
18 title”; and
- 19 (D) in paragraph (4), by striking “this
20 Act” both places it appears and inserting “this
21 title”; and
- 22 (4) in subsection (f), by striking “this Act”
23 both places it appears and inserting “this title”.

1 **SEC. 14. RELATIONSHIP TO OTHER LAWS.**

2 (a) IN GENERAL.—Section 814 (16 U.S.C. 6813) is
3 amended by adding at the end the following new sub-
4 section:

5 “(g) PASS ACCEPTANCE BY CONCESSIONAIRES.—A
6 concession contract or permit for recreation services that
7 is otherwise within the scope of an exemption from chapter
8 67 of title 41, United States Code, shall not be outside
9 the scope of that exemption because the concessionaire or
10 recreation service provider accepts a recreation pass or
11 provides a discount under section 803 of this title.”.

12 (b) TECHNICAL CORRECTIONS.—Section 814 (16
13 U.S.C. 6813) is further amended—

14 (1) in subsection (a), by striking “this Act” and
15 inserting “this title”;

16 (2) in subsection (b)—

17 (A) in the matter preceding paragraph

18 (1)—

19 (i) by striking “this Act” and insert-
20 ing “this title”; and

21 (ii) by striking “section 6(a)” and in-
22 serting “section 6805(a)”; and

23 (B) in paragraph (5), by striking “August
24 8, 1937” and inserting “August 28, 1937”; and

1 (3) in subsections (c) through (f), by striking
2 “this Act” each place it appears and inserting “this
3 title”.

○