

## HR 5204

### Federal Lands Recreation Enhancement Modernization Act of 2014

**Congress:** 113 (2013–2015, Ended)

**Chamber:** House

**Policy Area:** Public Lands and Natural Resources

**Introduced:** Jul 25, 2014

**Current Status:** Placed on the Union Calendar, Calendar No. 537.

**Latest Action:** Placed on the Union Calendar, Calendar No. 537. (Dec 22, 2014)

**Official Text:** <https://www.congress.gov/bill/113th-congress/house-bill/5204>

## Sponsor

**Name:** Rep. Bishop, Rob [R-UT-1]

**Party:** Republican • **State:** UT • **Chamber:** House

## Cosponsors

No cosponsors are listed for this bill.

## Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Referred to	Aug 11, 2014
Natural Resources Committee	House	Reported By	Dec 22, 2014

## Subjects & Policy Tags

### Policy Area:

Public Lands and Natural Resources

## Related Bills

No related bills are listed.

**(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)**

Federal Lands Recreation Enhancement Modernization Act of 2014 - Amends the Federal Lands Recreation Enhancement Act (FLREA) to revise and extend through 2020 the authority for the Secretary of the Interior, or the Secretary of Agriculture (USDA) in the case of the Forest Service, to collect and expend recreation fees on federal lands and waters managed by the National Park Service (NPS), the U.S. Fish and Wildlife Service (USFWS), the Bureau of Land Management (BLM), the Bureau of Reclamation, or the Forest Service.

(Sec. 4) Authorizes the appropriate Secretary to:

- charge day use fees (currently known as standard amenity recreation fees) for lands and waters at a National Conservation Area, a National Volcanic Monument, a destination visitor or interpretive center, and sites of concentrated public use that meet specified criteria;
- charge transportation fees at NPS units where the Secretary provides a transportation service;
- charge amenity fees (currently known as expanded amenity recreation fees) for the use of facilities or services on federal lands;
- charge fees for special recreation permits issued to recreation service providers and for individual and group use of federal facilities, lands, and waters; and
- issue recreation concession permits authorizing a third party to provide facilities and services to visitors on lands and waters managed by the BLM.

Prohibits the Interior Secretary or the USDA Secretary from charging recreation fees except as authorized by FLREA.

Requires congressional approval of new or increased entrance, day use, or amenity fees.

Revises conditions that must be satisfied for day use fees to be charged at a site of concentrated public use. Authorizes the Secretary concerned to charge a day use fee if the site is managed primarily for outdoor recreation purposes where: (1) a substantial federal investment has been made in facilities and services that are necessary to accommodate heavy public use; (2) public access to the site is provided in a manner that fees can be collected effectively at centralized locations; (3) toilet facilities are regularly serviced and maintained; and (4) at least four of the following features -- designated developed parking, trash collection, permanent interpretive materials, picnic tables, or routine presence of agency personnel -- are contained on the site.

Makes a prohibition on charging fees for educational outings conditional upon the outing being non-recreational, the students pursuing academic credit, and the Secretary providing prior approval for a fee waiver.

Requires the Secretary concerned to determine a nationally consistent fee policy and rate structure for specified fees.

Requires motorcycles or snowmobiles to be charged the same per-vehicle entrance fees as motor vehicles.

Prohibits a combined transportation and entrance fee at an NPS unit from exceeding the entrance fees at other similar units.

Allows a single day use fee to be charged for multiple concentrated public use sites located within one-half mile of each other.

Designates the specific types of facilities and services for which an amenity fee may be charged at federal recreational lands or waters. Allows additional amenity fees to be charged at NPS or USFWS lands when a visitor uses facilities, equipment, or services that have not been specifically designated.

Authorizes special recreation permits to be issued to fee-charging recreation service providers who conduct the following activities on Forest Service, BLM, Bureau of Reclamation, or USFWS lands or waters: (1) outfitting or guiding services; or (2) recreation or competitive events, including incidental sales. Allows issuance of a single permit, administered by one agency, to a service provider or for an event on lands managed by multiple agencies.

Provides an exemption from requirements under the National Environmental Policy Act of 1969 for certain new special recreation permits issued for services that: (1) have been considered previously, (2) are similar to existing uses, or (3) are not inconsistent with approved uses.

Requires guidelines regarding how recreation permit fees are established to be published in the Federal Register. Requires permit fee deductions to be provided to service providers for revenue from goods, services, or activities provided outside federal lands, including costs for transportation or lodging before or after a trip begins. Prohibits permit fees for outfitting, guiding, and other recreation services from exceeding 3% of the service provider's annual gross revenue for activities authorized by the permit, subject to applicable additions and exclusions.

Requires the federal government to be compensated monetarily for issuing concession permits at BLM lands, with collected funds to be deposited in and distributed from the special FLREA accounts established in the Treasury for federal land management agencies.

Requires establishment of a stewardship program for recreation service providers at Forest Service and BLM sites involving credit against permit fees in exchange for the performance of maintenance and resource protection work.

Prohibits operation of visitor centers by private for-profit or non-profit organizations that would charge visitors a fee to access the center or a basic exhibit.

Authorizes free admission or use days, but prohibits additional discounts except as provided by law.

(Sec. 5) Revises procedures for public participation in the development or changing of recreation fees. Authorizes the Secretary concerned to: (1) publish notice in the Federal Register of any unit newly subject to fees; (2) allow at least 60 days for public comment after publishing information regarding the public comment process on agency and interagency websites, in local newspapers, at proposed and established collection points, on social media, and in publications distributed near the site; and (3) publish notice of a decision to implement a new or increased fee at least 120 days before implementation. (Currently, the Secretary is required to: [1] publish new recreation fee areas in the Federal Register six months before establishment, [2] publish in local newspapers notice of a new recreation fee or change to an existing fee, and [3] provide opportunity for public involvement before establishing a new fee area.)

Authorizes solicitation of public comments at least every other year regarding how revenue should be expended at each unit.

Requires the appropriate Secretary to provide for public comments 180 days before a new concession opportunity is offered by publishing notice in the Federal Register and soliciting comments.

Removes the Secretaries' authority to establish or obtain input from recreational resource advisory committees.

(Sec. 6) Restricts availability of the interagency America the Beautiful--the National Parks and Federal Recreational Lands Pass to make the pass available only to U.S. citizens and permanent residents.

Allows the Secretaries to hold a competition (currently, the Secretaries are required to hold an annual competition) to select the image to be used on the pass.

Requires the Secretaries to adjust the price of the pass once every three years to reflect the change in the Consumer Price Index for All Urban Consumers.

Directs the Secretaries to report to Congress regarding how, where, and the extent to which passes are used.

Prohibits establishment of unauthorized discount passes.

Requires lifetime passes to be available without charge to veterans with service-connected disabilities and authorizes annual passes without charge to members of the Armed Forces.

Directs the Secretaries to require concessionaires operating federally owned campgrounds and day use facilities to accept recreational passes issued under FLREA or the Land and Water Conservation Fund Act of 1965 to the extent that the appropriate Secretary can reimburse pass discounts to a concessionaire in whole or in part.

(Sec. 7) Increases the portion of fee revenue that is retained for expenditure at the collection site from 80% to 90%. Requires notification to Congress whenever the collection site's allocation is reduced based on a determination that the revenues exceed the site's needs.

(Sec. 8) Expands restrictions on expenditures at a specific site to require available amounts to be used for: (1) development and enhancement of existing recreation opportunities, (2) the direct benefit of visitors, and (3) capital construction costs associated with administering the recreation fee program.

Prohibits fees from being used to limit visitor access, remove or close facilities except for replacement or updates, or acquire lands or waters.

Limits fee revenues that may be used for overhead, administrative, and collection costs.

(Sec. 9) Requires the Secretaries to develop and maintain cost accounting systems to track, manage, and report fee receipts and expenditures at each unit.

Requires the Secretaries to compile annually by agency and display on each agency's website, as well as the interagency recreational lands website, a separate accounting of: (1) total fee revenues collected by type, (2) expenditures by project, (3) a description of how expenditures benefitted visitors, and (4) any new or changed fees.

Replaces a requirement for a report to Congress every three years with a requirement to notify Congress annually of the updated accounting information available on those websites.

Requires regular audits at fee collection units to account for collected funds and expenditures.

(Sec. 10) Extends the Secretaries' authorities under FLREA through 2020.

(Sec. 11) Allows waivers or discounts of day use or amenity fees in exchange for volunteer services.

(Sec. 12) Requires any person within a site or area for which an entrance or a day use fee is charged to pay the relevant

fee. Exempts passholders or volunteers from those fees.

Requires a nontransferable receipt for payment of such a fee to remain valid for the person's reentry into the same site or area for at least one day.

(Sec. 14) Prohibits a concession contract or permit for recreation services from being considered outside the scope of a labor standards exemption because the concessionaire or recreation service provider accepts a recreation pass or provides a discount under FLREA.

## **Actions Timeline**

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- **Dec 22, 2014:** Reported by the Committee on Natural Resources. H. Rept. 113-706, Part I.
- **Dec 22, 2014:** Committee on Agriculture discharged.
- **Dec 22, 2014:** Placed on the Union Calendar, Calendar No. 537.
- **Aug 11, 2014:** Referred to the Subcommittee on Conservation, Energy, and Forestry.
- **Jul 30, 2014:** Committee Consideration and Mark-up Session Held.
- **Jul 30, 2014:** Ordered to be Reported by Unanimous Consent.
- **Jul 25, 2014:** Introduced in House
- **Jul 25, 2014:** 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.