

## Calendar No. 443

108TH CONGRESS  
2D SESSION**S. 1107****[Report No. 108-233]**

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

---

 IN THE SENATE OF THE UNITED STATES

MAY 22, 2003

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

MARCH 9, 2004

Reported by Mr. DOMENICI, with amendments

[Omit the part struck through and insert the part printed in italic]

---

**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 ~~2003~~ 2004”.

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

2 (a) IN GENERAL.—Beginning ~~in Fiscal Year 2004~~  
3 ~~and thereafter~~, *on January 1, 2006*, the Secretary of the  
4 Interior (“Secretary”) may establish, modify, charge, and  
5 collect fees for admission to a unit of the National Park  
6 System and the use of National Park Service (“Service”)  
7 administered areas, lands, sites, facilities, and services (in-  
8 cluding reservations) by individuals and/or groups. Fees  
9 shall be based on an analysis by the Secretary of—

10 (1) the benefits and services provided to the vis-  
11 itor;

12 (2) the cumulative effect of fees;

13 (3) the comparable fees charged elsewhere and  
14 by other public agencies and by nearby private sec-  
15 tor operators;

16 (4) the direct and indirect cost and benefit to  
17 the government;

18 (5) public policy or management objectives  
19 served;

20 (6) economic and administrative feasibility of  
21 fee collection; and

22 (7) other factors or criteria determined by the  
23 Secretary.

24 (b) NUMBER OF FEES.—The Secretary shall estab-  
25 lish the minimum number of fees and shall avoid the col-

1 lection of multiple or layered fees for a wide variety of  
2 uses, activities or programs.

3 (c) ANALYSIS.—The results of the analysis together  
4 with the Secretary’s determination of appropriate fee lev-  
5 els shall be transmitted to the Congress at least three  
6 months prior to publication of such fees in the Federal  
7 Register. New fees and any increases or decreases in es-  
8 tablished fees shall be published in the Federal Register  
9 and no new fee or change in the amount of fees shall take  
10 place until at least 12 months after the date the notice  
11 is published in the Federal Register.

12 (d) ADDITIONAL AUTHORITIES.—Beginning on ~~Octo-~~  
13 ~~ber 1, 2003~~ *January 1, 2006*, the Secretary may enter into  
14 agreements, including contracts to provide reasonable  
15 commissions or reimbursements with any public or private  
16 entity for visitor reservation services, fee collection and/  
17 or processing services.

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

24 (f) STATE AGENCY ADMISSION AND SPECIAL USE  
25 PASSES.—Effective ~~October 1, 2003~~ *January 1, 2006*, and

1 notwithstanding the Federal Grants Cooperative Agree-  
2 ments Act, the Secretary may enter into revenue sharing  
3 agreements with State agencies to accept their annual  
4 passes and convey the same privileges, terms and condi-  
5 tions as offered under the auspices of the National Park  
6 Passport, to State agency annual passes and shall only  
7 be accepted for all of the units of the National Park Sys-  
8 tem within the boundaries of the State in which the spe-  
9 cific revenue sharing agreement is entered into except  
10 where the Secretary has established a fee that includes  
11 a unit or units located in more than one State.

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

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

17 (1) 80 percent of amounts collected at a specific  
18 area, site, or project as determined by the Secretary,  
19 shall remain available for use at the specific area,  
20 site or project, except for those units of the National  
21 Park System that participate in an active revenue  
22 sharing agreement with a State under Section 2(f)  
23 of this Act, not less than 90 percent of amounts col-  
24 lected at a specific area, site, or project shall remain  
25 available for use.

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

4           (3) Monies generated as a result of revenue  
5 sharing agreements established pursuant to Section  
6 2(f) may provide for a fee-sharing arrangement. The  
7 Service shares of fees shall be distributed equally to  
8 all units of the National Park System in the specific  
9 States that are parties to the revenue sharing agree-  
10 ment.

11           (4) Not less than 50 percent of the amounts  
12 collected from the sale of the National Park Pass-  
13 port shall remain available for use at the specific  
14 area, site, or project at which the fees were collected  
15 and the balance of the receipts shall be distributed  
16 in accordance with paragraph 2 of this Section.

17 **SEC. 4. EXPENDITURES.**

18           (a) USE OF FEES AT SPECIFIC AREA, SITE, OR  
19 PROJECT.—Amounts available for expenditure at a spe-  
20 cific area, site or project shall be accounted for separately  
21 and may be used for—

22           (1) repair, maintenance, facility enhancement,  
23 media services and infrastructure including projects  
24 and expenses relating to visitor enjoyment, visitor

1 access, environmental compliance, and health and  
2 safety;

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

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

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

11 (b) The Secretary may use not more than fifteen per-  
12 cent of total revenues to administer the recreation fee pro-  
13 gram including direct operating or capital costs, cost of  
14 fee collection, notification of fee requirements, direct infra-  
15 structure, fee program management costs, bonding of vol-  
16 unteers, start-up costs, and analysis and reporting on pro-  
17 gram accomplishments and effects.

18 **SEC. 5. REPORTS.**

19 On January 1, ~~2006~~, 2009, and every three years  
20 thereafter the Secretary shall submit to the Congress a  
21 report detailing the status of the Recreation Fee Program  
22 conducted in units of the National Park System including  
23 an evaluation of the Recreation Fee Program conducted  
24 at each unit of the National Park System; a description  
25 of projects that were funded, work accomplished, and fu-

- 1 ture projects and programs for funding with fees, and any
- 2 recommendations for changes in the overall fee system.

Calendar No. 443

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1107**

[Report No. 108-233]

---

---

**A BILL**

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

---

---

MARCH 9, 2004

Reported with amendments