

A Legislative History of Outdoor Recreation User Fees

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ABSTRACT

The issue of recreation user fees for admission to Federal parks dates back to 1908. Since then, legislation regarding user fees has been enacted, amended, removed, and reestablished. This issue has captured Congress' attention because of economic, philosophical, and social elements included in the realm of establishing user fees. This report provides a chronology of congressional deliberations over outdoor recreation fees between 1961 and 1990. It does not deal with appropriations.

SUMMARY

Charging recreation fees at Federal outdoor recreation sites is not a new concept in the United States. Since 1908, recreational users began paying fees to visit some National Parks, beginning with Mount Rainier National Park in Washington. The Federal government has continued to administer recreation fees under various statutes. The Land and Water Conservation Fund (LWCF) Act of 1964, Public Law 88-578, authorized the charging of fees on either an annual or single-visit basis for admission to any designated outdoor recreation area. This fee allowed only for entry to an area. The use of specialized sites, facilities, equipment, or services required a recreation user fee. Although the principal purpose of the LWCF was to provide a source of funding to State and Federal agencies for acquiring lands for recreation, the Act has remained as the usual vehicle for recreation fee proposals.

Now, eighty-four years after the first National Park fees, the collection of recreation user fees remains a complex and controversial issue. Since 1960, the issue has slowly escalated, peaked, receded, and most recently risen, once again. Some reasons that have contributed to the recent rise of the issue are: 1) the need of Federal agencies for more money for operation and maintenance; 2) the questions of what agencies should be covered by Federal fee legislation; and 3) the opinions and views of the public's willingness to pay for recreation once considered free. The LWCF has been at the center of this debate.

Since the enactment of the LWCF, the Congress has encountered problems regarding the fee program. One of the main issues has involved the charging of fees at areas administered by the U.S. Army Corps of Engineers. Congress has stipulated recreation user fees should be limited to those facilities which require a substantial investment and regular maintenance, and that no recreation use fees should be collected at facilities which virtually all visitors would reasonably expect to utilize (i.e., roads, overlooks, picnic areas, visitor centers).

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A LEGISLATIVE HISTORY OF OUTDOOR RECREATION USER FEES

INTRODUCTION

The Federal government has imposed recreation fees and charges under several statutory authorities; the Land and Water Conservation Fund (LWCF) Act of 1964, (P.L. 88-578) is the most important vehicle.¹ Congress established the LWCF as a result of a recommendation by the Outdoor Recreation Resources Review Commission (ORRRC) in 1962. This Commission was established in 1958 by Public Law 85-470 to study the outdoor recreation resources of the public land and water areas of the United States. In January 1962, the Commission released its report Outdoor Recreation For America to Congress and President John F. Kennedy.² The Commission's report recommended the establishment of a Bureau of Outdoor Recreation in the Interior Department to coordinate activities of Federal agencies concerned with recreation, to assist State and local governments in planning recreation facilities, and to administer grants-in-aid to help States acquire needed areas.

More specifically, the Commission's report recommended that public agencies supplying outdoor recreation opportunities should adopt a user fee and charge system. The report stated:

Recommendation 12-3: Public agencies supplying outdoor recreation opportunities should adopt a system of user fees and charges.

A fair and reasonable system of fees and charges is a basic revenue producer, available to all agencies. At present, less than 30 percent of the public outdoor recreation areas report charging any fee at all. The following principles should be employed in setting user fees and charges--

¹ U.S. Library of Congress. Congressional Research Service. The Land and Water Conservation Fund: Origin and Congressional Intent. Report No. 81-98 ENR, by George H. Siehl. Washington, DC, April 22, 1981. p. 5.

² U.S. Library of Congress. Congressional Research Service. Outdoor Recreation: A Comparison of Two Federal Commissions. Report No. 87-61 ENR, by George H. Siehl. Washington, DC, February 15, 1987. p.2.

1. Fees should be charged for those activities which involve exclusive use of facilities or which require the construction of specialized facilities by the government. Fee rates should be calculated to recover a reasonable portion of the cost of administering, operating, and maintaining such facilities. However, this should not preclude the recovery of part or all of the capital costs in special cases where this is possible with reasonable fees.
2. Other activities should be made available by government to the public free of charge or at a fee low enough to ensure that no citizen would be precluded from enjoying them because of inability to pay.

User charges should not prevent or curtail the possible use and enjoyment of basic outdoor recreation opportunities. Adoption of these criteria would mean that people who use public property for such activities as hiking, picnicking, nature walks, or viewing wildlife could do so either free of charge or by paying a very nominal fee. On the other hand, those who use areas for activities that require the provision of special facilities, services, or supplies would pay a fee, as recommended above. Feasibility of collection is, of course, a limitation on this standard.

It is urged that uniformity in user fees be established among agencies on the same level of government and among different levels of government. This fee structure will serve to stimulate provision of similar services by private operators, who will not be faced with competition from free government facilities.³

Based on the ORRRC report, the 88th Congress established the Land and Water Conservation Fund to assist the States and Federal agencies to increase the facilities available for outdoor recreation.

As the LWCF Act was amended over the years, several recreational fee options were added. The Golden Eagle

³ Outdoor Recreation Resources Review Commission. Outdoor Recreation for America. Washington, DC, U.S. Govt. Printing Office, 1962. p.168.

Passport Program provided an annual pass for admission to all Federal areas within the National Park Service and the Fish & Wildlife Service areas; and the Golden Age Passport waived the entrance fees for United States citizens 62 years of age and older.

Congress's attempt to set uniform standards and maintain one account as a repository for all fees collected was modified by many amendments to the LWCF. For example, the Corps of Engineers was responsible for establishing entrance fees to the Corps' reservoir projects. The initial LWCF Act established a coordinated fee program based on a pay-as-you-go fee collection philosophy for all Federal agencies. These agencies included: 1) the National Park Service; (2) the Bureau of Land Management; (3) the Bureau of Sport Fisheries and Wildlife; (4) the Bureau of Reclamation; (5) the Forest Service; (6) the U.S. Army Corps of Engineers; and (7) the Tennessee Valley Authority. However, the Rivers and Harbors Act of 1968, Public Law 90-483, prohibited the collection of entrance fees at lakes and reservoirs under the Corps' jurisdiction.

The debate on recreation user fees has centered on the following questions: Who should pay? Why the need to pay? and How much should be paid? For some individuals, the LWCF enactment of user fees violated the Nation's oldest traditions and concepts regarding public lands and water bodies, that people who as citizens own the land should not have to pay an admission fee. To others, the enactment of user fees resulted in safe and secure park grounds because of the decrease of crime and vandalism attributed to control by admission fees.⁴

For those who favor admission and user fees, the issues have related: 1) to recovering costs of providing the recreation opportunity; 2) to generating revenue for the use of maintaining or improving the quality of recreation opportunities; and 3) to promoting national economic development through efficient allocation of resources. The opponents of admission and user fees believe: 1) such fees could be unfair to low income users; 2) the administration and collection of fees could be difficult, both in urban facilities and rural settings where there are multiple entrances available; and 3) the imposition of fees infringes upon the ideal of freedom,

⁴ Fletcher, James E. The Effect of Controlled Access and Entrance Fees On Park Visitor Safety and Security. Journal of Park and Recreation Administration, vol. 2-4, October 1984. p. 13-23.

especially as a part of the outdoor recreation experiences.

Behind these fee issues lay a concept that those individuals who benefit from public outdoor recreation should pay the most. From this perspective, those who actually visit and use the facilities at Mount Rainier National Park derive greater benefits than those who simply read about the park in a magazine. Contrary to this approach is one which stresses that charging fees closes recreation opportunities to certain socioeconomic classes and ethnic groups. Pricing outdoor recreation opportunities based on the individual's willingness-to-pay may take away from the quality of recreation enjoyment for segments of the population.⁵

Major Related Statutes

Outdoor Recreation Resources Review Act of 1958: Act of June 25, 1958; P.L. 85-470, 72 Stat. 238.

Land and Water Conservation Fund Act of 1964: Act of September 3, 1964; P.L. 88-578, 78 Stat. 897.

Rivers and Harbors Act of 1968: Act of August 13, 1968; P.L. 90-483, 82 Stat. 731.

LEGISLATIVE HISTORY OF RECREATION USER FEES

87th Congress (1961-62)

The Outdoor Recreation Resources Review Commission submitted a major survey of outdoor recreation to the second session of the 87th Congress in 1962. This survey was to inform the Congress and the Administration of the demands and needs for outdoor recreation areas and facilities. President Kennedy and his Secretary of the Interior, Stewart Udall, submitted many recreation proposals to Congress to implement the ORRRC recommendations, including the adoption of a system of user fees and charges.

Congress took only a few steps in responding to these requests during the closing months of the session. Senator Anderson introduced S. 3117 to provide for the coordination and development of effective Federal and State outdoor recreation plans; however, the Senate Committee on Interior and Insular Affairs did not

⁵ White, Christopher M. Measuring the Effects of Recreation Fee Programs: Issues and Opportunities. December 18, 1991.

consider the bill for further action. Although outdoor recreation became a subject of interest to the Congress, the issue of user fees was not considered in this session.

88th Congress (1963-64)

The 88th Congress became known as the "Conservation Congress" because it enacted a host of park and recreation measures including the Land and Water Conservation Fund Act of 1964.

In the first session, Congress began consideration of recreation proposals stemming from the ORRRC report. S. 20, introduced by Senator Anderson on January 14, 1963, was the only relevant bill enacted into law (P.L. 88-29) during 1963. P.L. 88-29 gave statutory authority to the Interior Department to prepare and maintain a continuing inventory of outdoor recreation needs, and to formulate a nationwide plan for future recreation development by Federal, State, and local agencies within five years. Bills to create a National Wilderness Preservation System, to establish a Land and Water Conservation Fund, and to create four separate park areas were introduced and received committee action by Congress during 1963. Of the bills introduced, the Land and Water Conservation Fund was the only one to address recreation user fees.

In the 1964 session, Congress passed two bills that enhanced the efforts of public agencies to acquire and preserve parks, recreation, and wild natural areas for public use. These bills were Mr. Aspinall's H.R. 3846 to establish the Land and Water Conservation Fund (P.L. 88-578) and Senator Anderson's S.4 which became the Wilderness Act (P.L. 88-577).⁶ The LWCF was a key vehicle regarding recreation fees.⁷

⁶ Congressional Quarterly Almanac 1964, vol. XX, p. 474.

⁷ Other bills introduced that were similar to the LWCF Act were:

H.R. 3871 (Morris, February 18, 1963)

H.R. 3883 (Saylor, February 18, 1963)

H.R. 3882 (St. Germain, February 18, 1963)

S. 859 (Jackson, February 19, 1963)

Land and Water Conservation Fund (H.R. 3846 -- P.L. 88-578)⁸

Legislation creating the Land and Water Conservation Fund was introduced on February 18, 1963 by Representative Aspinall. H.R. 3846 proposed a special Federal fund to help finance accelerated acquisition of outdoor recreation areas by Federal and State agencies and meet the present and future outdoor recreation demands of the public. This special fund would receive revenues from: (1) entrance and user fees at Federal recreation areas; (2) surplus property sales; and (3) motorboat fuels tax. The seven Federal agencies designated to collect the recreation fees and charges were: (1) the National Park Service; (2) the Bureau of Land Management; (3) the Bureau of Sport Fisheries and Wildlife; (4) the Bureau of Reclamation; (5) the Forest Service; (6) the U.S. Army Corps of Engineers; and (7) the Tennessee Valley Authority.

Initially, there was very little opposition to the general purposes of the LWCF, particularly to accelerate State and Federal acquisition of new outdoor recreation facilities. However, the specific issue of fees caused extensive controversy. Several interests opposed the entrance and user fee provision. Before the passage of the Act, Federal agencies charged entrance and user fees at some of the National Parks, National Forests, and other Federal land and water areas, but not all of them. The pending LWCF proposal would authorize the President to designate areas administered by those agencies at which fees would be collected. These fees would include: (a) an annual auto-sticker fee of no more than \$7 permitting entrance to all Federal areas charging a fee; (b) fees for a single visit or a series of visits during a period of less than a year, and for areas not covered by the annual fee for cars; and (c) user fees for

⁸ HR 3846 --Reported by House Interior and Insular Affairs Committee (H Rept 900) Nov. 14, 1963; Passed, amended and voted by House, July 23, 1964; Reported and debated by the Senate Interior and Insular Affairs Committee, Aug 10, 1964 (S Rept 1364); Amended and passed in Senate, Aug. 12, 1964; Conference report submitted in House (H Rept 1847) and in Senate and agreed upon, Sept. 1, 1964); and Signed into law (Public Law 88-578), Sept. 3, 1964.

facilities, equipment or services provided by the Federal government. In general, entrance and user fees were to be charged at areas administered primarily for scenic, scientific, historical, cultural, or recreational purposes.

One opponent of the fee provisions was Representative Edmondson of Oklahoma who stated that thirteen members of the House Committee on Interior and Insular Affairs had joined in signing dissenting views on H.R. 3846.⁹ These dissenting views included opposition to provisions on entrance, admission and user fees, the departure from standard authorization and appropriation procedures in the proposed Fund, and the increased tax burden that the Fund would impose.

As enacted into law, the Land and Water Conservation Fund Act of 1964 contained the following provisions: (a) established a Federal fund to help finance both State planning, acquisition and development of outdoor recreation facilities and acquisition of recreational areas by Federal Government agencies; (b) reserved 60 percent of the money spent from the Fund each year for grants to the States, with the remaining 40 percent for allocation to Federal agencies; (c) provided that the 60 percent share reserved to the States would be used for Federal matching grants to help cover the expenses of State development of outdoor recreation planning, outdoor recreation facilities, and acquisition of lands and waters; and (d) provided for the payment into the Fund of all admission and recreation user fees to be collected by the seven Federal agencies.¹⁰

89th Congress (1965-66)

In 1965-66, the legislative action on recreation fees was marked by Congress beginning to amend the LWCF Act due to public reaction to entrance and user fees.¹¹

⁹ Edmondson, Edward. Minority Views Filed Opposing H.R. 3846. Remarks in House. Congressional Record, v. 109, October 24, 1963. p. 20232.

¹⁰ U.S. Library of Congress. Congressional Research Service. The Land and Water Conservation Fund: Origin and Congressional Intent. Report No. 81-98 ENR, by George H. Siehl. Washington, DC, April 22, 1981.

¹¹ Congressional Quarterly Almanac 1966, v. XXII. p. 648.

A number of bills were introduced to amend the LWCF Act, particularly the recreation fee provisions. H.R. 12691 and H.R. 15320 were two proposals that would have prohibited charging entrance, admission and user fees at Fish and Wildlife Refuges and on bodies of water and contiguous land areas. These proposals were sponsored by Representatives Roberts and Edwards, respectively. In addition, S. 1969, introduced by Senator Harris, and H.R. 8295, introduced by Representative Steed, proposed that Congress be notified before any fees for entrance, admission, or other recreation use could be charged with respect to property under the LWCF. The only bill addressing fees to receive floor consideration was H.R. 13313, sponsored by Representative Edmondson. He proposed to prohibit certain fees from being charged for minimum recreation facilities.

H.R. 13313¹²

H.R. 13313, as introduced by Representative Edmondson on March 7, 1966, states:

No fee or charge shall be collected or received under authority of the Land and Water Conservation Fund Act of 1965 for entrance, admission, or access to the project area, or for the use of minimum recreational facilities as determined by the Secretary of the Army, at such project area, of any project administered by the Secretary of the Army acting through the Chief of Engineers.

H.R. 13313 amended the River and Harbor Act of 1965 in order to clarify the provisions of the LWCF Act of 1965 as it related to the collection of entrance, admission, and user fees at the Corps' projects. Fees that would be charged on recreational facilities other than those determined as minimal, would be collected at each individual facility or at the entrance to the area. The bill did not prevent the application of the LWCF user fee provisions on lakes and reservoirs for use of recreation facilities.

Representative Edmondson's intent was that the term "use of" be construed only to prohibit collecting user fees at minimum recreational facilities. However, during

¹² U.S. Congress. Public Works Committee Report. Prohibiting Certain Fees Being Charged in Connection with Projects for Navigation and Flood Control. Report to Accompany H.R. 13313. House Report No. 89-1531, 89th Congress, 2d Session. Washington, DC, U.S. Govt. Printing Office, 1966. p. 2.

the public hearings, in which a number of Members of Congress and representatives of the Department of the Army and Bureau of Outdoor Recreation testified, it became apparent that the intent of this bill and term "use of" were not entirely clear and could be interpreted beyond Representative Edmondson's intent.¹³

The argument, against this proposal was that it would be unfair to charge fees at Corps reservoirs that are different from those applicable to other Federal recreation areas and facilities administered by other agencies. In addition, the prohibition against collecting any entrance and admission fees would mean that the annual Federal recreation entrance permit would not be applicable at any Corps' project. This would reduce the number of sites where the annual permit was applicable, and the income that could be expected from sale of this permit. Both the Corps of Engineers and the Bureau of Outdoor Recreation appeared before the House Committee on Public Works during hearings on H.R. 13313. The House Committee concluded, when reporting H.R. 13313, that the intent of Congress would be carried out and the purposes of the LWCF Act of 1965 would be clearly and concisely defined with respect to these project areas.¹⁴

The House Committee considered the proposed changes of H.R. 13313, but did not proceed with floor action.

90th Congress (1967-68)

Members of the 90th Congress continued proposing amendments to the LWCF, both to strengthen the Fund, and to revamp the fee provisions.

H.R. 8578 and S. 1401 were introduced to provide new sources of revenues for the fund. S. 1401 was passed in lieu of H.R. 8578 and enacted into P.L. 90-401. S. 2828 was introduced by Senators Harris, McClellan, and Monroney to prohibit the collection or receipt of any entrance, or user fees at any of the many Corps of Engineers projects.

Also, in this session, Congress passed the Flood Control Act of 1968 (P.L. 90-483). Section 210 of this law prohibited the collection of user fees by the U.S. Army Corps of Engineers. Section 210's provisions had originated with S. 3710, introduced by Senator Randolph.

¹³ Ibid. p. 3

¹⁴ Ibid. p. 4.

S. 1401 - P.L. 90-401¹⁵

S. 1401 was introduced on April 3, 1967 by Senators Jackson, Anderson, Kuchel, and Nelson. The objective of this bill was to provide additional revenues for the Land and Water Conservation Fund. Revenue sources, including recreation fees, authorized by the LWCF Act were proving inadequate to meet the needs for land acquisition. S. 1401 proposed that new revenues would come from the direct appropriations by Congress from general tax revenues. If these appropriations were not available, then revenues would be earmarked from Federal gas and oil lease receipts on the Outer Continental Shelf (OCS).¹⁶

On April 13, 1967, Representative Foley introduced H.R. 8578, the House version of S. 1401. H.R. 8578 as approved in the House, differed from the Senate's amendments to S.1401. There were five principal differences between S. 1401 as it passed the Senate and the amendments to the bill adopted by the House. The differences that related to user fees are summarized in Table 1.¹⁷

Table 1. Comparison of S. 1401 and H.R. 8578, 90th Congress

¹⁵ S. 1401 --Reported to Senate with amendments (S Rept 1071) March 29, 1968; Debated, amended, and passed in Senate, April 30, 1968; Referred to House Committee on Interior and Insular Affairs, May 1, 1968; Amended and passed House (in lieu of H.R. 8578), May 23, 1968; House insisted on amendments and Senate disagreed; Both houses requested conference, June 18, 1968; Conference report submitted and agreed to in Senate and House (H Rept 1598), July 2, 1968; and Signed into law (Public Law 90-401), July 17, 1968.

¹⁶ Congressional Quarterly Almanac 1968, vol. XXIV, p. 291-299.

¹⁷ U.S. Congress. Interior and Insular Affairs Committee. Land and Water Conservation Fund. Report to Accompany S. 1401. Conference Report No. 1598, 90th Congress, 2nd Session. Washington, DC, U.S. Govt. Printing Office, 1968. p. 2631.

| Topic | S. 1401 | H.R. 8578 | *Conference Committee Recommendations |
|-------------------------|--|---|---|
| Admission and User Fees | No repeal was included regarding the system of admission and user fees in its provisions. | Repealed, as of March 31, 1969, the provisions of the basic LWCF Act relating to the establishment of a system of admission and user fees for all Federal recreation areas. | Adopted the House language with an amendment changing the effective date of the repeal to March 31, 1970. Also clarified amendment to insure that collections under the fee system would continue to be covered into the general LWCF fund. |
| Increase of Funds | Omitted any reference to the Outer Continental Shelf (OCS) receipts but authorized appropriations from the general fund of the Treasury of amounts sufficient to bring the total LWCF receipts up to \$200 million a year for 3 years. | Provided that \$200 million per year for 5 years be covered in the LWCF fund. | Authorized funds to be appropriated annually in the amount of \$200 million to the LWCF; OCS revenues to be used to make up any shortfall in this amount. |

*Recommendation accepted as final disposition of P.L. 90-401.

S. 3710 - P.L. 90-483¹⁸

The LWCF Act had listed the Corps of Engineers as one of seven agencies designated to collect user and admission fees on recreational lands under its jurisdiction. However, section 210 of the Flood Control Act of 1968 (P.L. 90-483) prohibited the Corps from collecting these fees. This prohibition came through the enactment of S. 3710, introduced by Senator Randolph on June 28, 1968.

While P.L. 90-401 had only repealed the requirement for the uniform system of entrance and user fees as of

¹⁸ S. 3710 --Reported to Senate Public Works Committee (S Rept 1342), June 28, 1968; Amended and Passed in Senate, July 2, 1968; Referred to House Committee on Public Works (H Rept 1709), July 11, 1968; Amended and passed in House, July 15, 1968; Filed Conference report (H Rept 1819), July 29, 1968; Conference report adopted by the House, July 31, 1968 and by the Senate, August 1, 1968; and Signed into law (Public Law 90-483), August 12, 1968.

March 31, 1970, Section 210 of P.L. 90-483 terminated fee collection at Corps projects. Section 210 of the Flood Control Act of 1968 stated:

No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the United States Army Corps of Engineers. User fees at these lakes and reservoirs shall be collected by officers and employees of the United States only from users of highly developed facilities requiring continuing presence of personnel for maintenance and supervision of the facilities, and shall not be collected for access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.¹⁹

Prior to P.L. 90-483 enactment, the Corps could collect admission and user fees at as many as 189 areas, according to the criteria in Executive Order 11200 of February 26, 1965.²⁰

91st Congress (1969-70)

Throughout the 91st Congress, outdoor recreation issues continued to receive major congressional action. In the first session, the issue of whether to establish a Golden Eagle Passport Program became top priority. This program would enable a bearer and those in his/her car to enter any of the national recreational, park, or forest lands without paying the individual unit entrance fee. The one-time payment of \$7 provided access to the entire Federal recreational complex for a full year.

Congress relied upon the Golden Eagle Passport Program to expand the revenues from users of the national outdoor recreation areas. However, it became apparent that the program was not meeting this objective. One reason for this failure was that costs of administering the program exceeded the revenues generated, leaving nothing for acquisitions.

¹⁹ P.L. 90-483, sec. 210. p. 859.

²⁰ Executive Order 11200 provided for the establishing of user fees according to the LWCF Act of 1965.

Various members of the Interior and Insular Affairs Committee introduced bills to restructure the annual permit. Bills introduced included:²¹

- S. 2315 (Sen. Jackson) to restore the Golden Eagle Program to the LWCF Act of 1965;
- H.R. 11288 (Rep. Waldie) to restore the original entrance and user fee provisions of the LWCF;
- H.R. 11381 (Rep. Teague) to authorize an annual Federal recreation permit of not more than \$10.00;
- H.R. 13043 (Rep. Wiggins) to authorize a "reasonable" annual fee; and
- H.R. 15745 (Rep. Edmondson) to prohibit the charging of entrance or admission fees for access to any Federal recreational lands or water.

S. 2315 - P.L. 91-308²²

The purposes of S. 2315 were: 1) to temporarily renew the authority for the annual entrance permit (Golden Eagle Passport), and 2) to extend the authority to enter into contracts for the purchase of lands authorized to be acquired prior to the appropriation of funds. The provisions of S. 2315, as introduced by Senator Jackson, would restore the Golden Eagle Passport Program until December 31, 1971; increase the annual fee from \$7 to \$10; authorize the Secretary of the Interior to advertise and promote entrance or user fee programs in operation; and repeal Section 210 of the Flood Control Act of 1968; however, no admission fee would be imposed at the Corps' facilities. These provisions were included in the enactment of P.L. 91-308.

²¹ U.S. Congress. House Committee of Interior and Insular Affairs. Golden Eagle Program. Hearings on H441-6, 91st Congress, 2nd sess., Feb. 23, 24, 1970. Washington, DC, U.S. Govt Printing Office, 1970. p. 209.

²² S. 2315--Reported to Senate Interior and Insular Affairs (S Rept 91-395), September 9, 1969; Amended and passed in Senate, September 24, 1969; Reported to House (H Rept 91-1000), April 13, 1970; Amended and passed in House, June 22, 1970; Agreed to House amendments, June 23, 1970; and Signed into law (Public Law 91-308), July 7, 1970.

92nd Congress (1971-72)

Throughout the 92nd Congress, Members again introduced amendments to the LWCF. Bills related to recreation admission fees for National parks and recreation areas included:²³

- H.R. 6730 (Rep. Saylor) to amend the LWCF of 1965 to provide for revision and extension of the Golden Eagle Program;
- H.R. 1131 (Rep. Saylor) to authorize the Golden Age Passport, a lifetime entrance permit for persons 65 years of age and older;
- H.R. 7401 (Rep. Hogan) to exempt persons over 65 from paying entrance fees to Federal outdoor recreation areas;
- S. 1474 (Sen. Jackson, et al.) to amend the LWCF to provide for individual permits for visitors to National recreation areas;
- S. 1228 (Sen. Allott, et al.) to restore the Golden Eagle Program to the LWCF;
- S. 1893 (Sen. Bible) to restore the Golden Eagle Program to the LWCF Act and providing for annual camping permits; and
- S. 1172 (Sen. Cannon et al.) to exempt U.S. citizens who are 65 years of age or over from paying entrance or admission fees for certain recreational areas.

Of all the legislation, H.R. 6730 and S. 1893 were the only bills that received Committee consideration; their provisions were combined and enacted into P.L. 92-347.

²³ U.S. Congress. House Interior and Insular Affairs Committee. Proposed Amendments To the Land and Water Conservation Fund Act. Hearings on H441-24, 92nd Cong., 1st sess., May 13, 24, 25, 1971. Washington, DC, U.S. Govt. Printing Office., 1971. p. 201

Senate Interior and Insular Affairs Committee. Golden Eagle Program. Hearings on S441-5, 92nd Cong., 2nd sess., October 1, 1971. Washington, DC, U.S. Govt. Printing Office., 1972. p. 663.

H.R. 6730²⁴

This bill, introduced by Representative Saylor on March 24, 1971, would revise and extend the Golden Eagle Passport Program. H.R. 6730 was introduced as a direct result of the recommendations in the Secretary of Interior's fee program study initiated from Public Law 91-308. H.R. 6730 provided for: 1) the establishment an annual recreation permit fee of not more than \$4 to entitle the purchaser to enter all Federal designated recreation areas; 2) the continuation of additional fees for the use of specialized sites, facilities, equipment, or services; 3) an exemption from charges for persons who enter a fee area for reasons other than recreation; 4) the authorization of a promotion program; 5) the sale of the Golden Eagle Passport at commercial sales outlets; and 6) the protection of the Golden Eagle symbol from unauthorized use.

S. 1893 - P.L. 92-347²⁵

S. 1893 was introduced on May 18, 1971 by Senator Bible to restore the Golden Eagle Program to the LWCF by providing annual camping permits. This bill established three types of Golden Eagle Passports: a \$10 annual fee for persons entering a Federal designated area; a \$25 annual fee which covered both entrance and user fees for all campsites and other facilities, and a golden age passport for U.S. citizens 65 years or older to enter Federal recreation areas free and allow them to purchase an annual camping permit for \$15.

After S. 1893 was passed by the Senate, the bill was sent to the House Committee on Interior and Insular Affairs. The House amended S. 1893 and passed it in lieu of H.R. 6730. The amended bill established a system of

²⁴ H.R. 6730--Reported House Interior and Insular Affairs (H Rept 92-742), December 10, 1971; Passed in House, February 7, 1972; Proceeding vacated and laid on table (S. 1893 as amended, passed in lieu), February 7, 1972.

²⁵ S. 1393--Reported from Senate Interior and Insular Affairs Committee (S Rept 92-490), November 17, 1971; Passed in Senate and sent to House, November 22, 1971; Reported to House with amendments (H Rept 92-742), December 10, 1971; Passed in House (in lieu of H.R. 6730), February 7, 1972; Conference Report submitted to House (H Rept 92-1164), June 22, 1972; Agreed in House, June 28, 1972; Agreed in Senate, June 29, 1972; and Signed into law (Public Law 92-347), July 11, 1972.

three types of entrance and user fees to be administered by the seven Federal agencies as proposed by Senator Bible. In addition, S. 1893 established penalties for violation of rules and regulations governing use of these passports or for counterfeiting the insignia.

Before P.L. 92-347 was enacted, difference between the House and Senate versions of S. 1893 were resolved in conference. These differences, cited in Conference Report 92-1164, are spelled out in greater detail in Table 2.

Table 2. Comparison of H.R. 6730 and S. 1893, 92nd Congress

| Topic | H.R. 6730 | S. 1893 | *Conference Committee Recommendations |
|--|---|--|--|
| Admission Fees | Provided for the indefinite extension of the \$10 annual permit but prohibited the collection of admission fees at federally operated outdoor areas, except designated National Parks, Monuments, and Historic Sites. | Provided for the indefinite extension of the \$10 annual carload admission permit. | The collection of admission fees be limited to designated units of the National Park System. |
| Senior Citizens Permit - Golden Age Passport | Permit issued was valid for the admission of the bearer (65 years of age or older) and his/her spouse and was limited to any designated admission fee area in his/her State of residence. | Permit was to admit a bearer (65 years of age or older) to any federally operated outdoor recreation area anywhere in the Nation without charge. | Approved the Golden Age Passport for persons 62 years of age or older as a nationwide admission permit to any designated national recreation area. |

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|--------------------------------------|---|--|---|
| Special Recreational User Fees | Special recreation user fees would continue to be imposed on daily basis. | Fee users would have an option of paying a daily charge or purchasing an annual permit which would allow the use of special facilities at a \$25 annual rate. | Established a reasonable daily fee to be collected for the use of specialized sites, facilities and equipment, but not for persons bearing a valid Golden Age Passport. |
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*Recommendation accepted as final disposition of P.L. 92-347.

Other language differences cited in the report involved the sale of the annual permit, the use of the proceeds, and the promotion and enforcement authority of the program. In resolving these differences, the Conference Committee adopted the sale of the Golden Eagle Passport and the issuance of Golden Age Passport through local Post Offices and at Federal recreation agencies facilities. The cost of this service by the Postal Service was to be reimbursed by the Secretary of the Interior from the gross receipts collected. The Committee further recommended that the promotional programs and enforcement authority be limited to no more than 40 percent of the amount credited to the fee collection system. To assist in this matter, the Committee agreed that a strong effort should be made to inform the public about the nature and purpose of the fee collection program.

93rd Congress (1973-74)

The 93rd Congress marked a key period for issues regarding recreation fees. Among the major parks and conservation bills cleared by Congress in this session were a bill to allow for the collection of fees at Federal outdoor recreation facilities (H.R. 6717 - P.L. 93-81), and a bill to provide for the collection of special recreation use fees at additional specified campgrounds under the LWCF (S. 2844 - P.L. 93-303). Other bills proposed during this session involved:

- S. 1381 (Sen. Bartlett) amending provisions of LWCF relating to the collection of fees in connection with the use of Federal areas for outdoor recreation purposes;

- H.R. 6654 (Rep. Podell) exempting citizens 65 or older from paying entrance or admission fees into recreational areas; and
- H.R. 6961 (Rep. Steiger) amending the LWCF to create the Disabled Eagle Passport Program under which disabled person could be admitted free to admission fee areas in National Parks.

In reference to the last three bills, H.R. 6961 was the only new proposal introduced to Congress, the other two bills having been introduced in prior sessions.

H.R. 6717 - P.L. 93-81²⁶

In 1973, Congress dealt with two bills that affected the collection of entrance and user fees at Federal outdoor recreation facilities. As enacted in P.L. 83-91, a major effect was to make uniform the treatment of recreation user fees. Fees would be charged only for the use of facilities which required the continuous presence of personnel for maintenance or supervision of the facilities. This bill did not allow for fees to be charged for daily use of water areas, lightly developed shoreland, or boat launching ramps, where no mechanical or hydraulic equipment was provided.

²⁶ H.R. 6717 --Referred to House Committee on Public Works, April 9, 1973; Reported to House, amended (H Rept 93-212), May 16, 1973; Passed in House, amended, May 22, 1973; Referred to Senate, May 23, 1973; Referred to Senate Committee on Interior and Insular Affairs and Reported to Senate (S Rept 93-250), June 25, 1973; Reported to Senate, amended (S Rept 93-312), July 12, 1973; Passed in Senate, amended, July 17, 1973; Agreed in House, July 19, 1973; and Signed into law (Public Law 93-81), August 1, 1973.

H.R. 6717, introduced on April 8, 1973 by Representative Hammerschmidt, was referred to the Committee on Public Works. Section 210 of the 1968 Flood Control Act had prohibited the collection of admission fees at lakes and reservoirs under the jurisdiction of the Corps of Engineers. This bill would allow the collection of user fees, but only at "highly developed" facilities requiring personnel on-site for maintenance and supervision.

In Senate Report 93-250²⁷, the Committee on Public Works concluded that adoption of H.R. 6717 was necessary to eliminate the confusion and to reaffirm the congressional intent that to the fullest practicable extent, the public should have free access to any recreational facilities created with full or partial Federal funding. H.R. 6717 was also referred to the Committee on Interior and Insular Affairs for additional consideration and further disposition.

The Senate Committee of Interior and Insular Affairs amended H.R. 6717 by substituting in lieu thereof the language in S. 1381, a proposal that would amend the LWCF Act to prohibit the charging of recreation user fees by any Federal agency except at specialized facilities.²⁸ Final language continued the Corps prohibition on the collection of admission fees as had been enacted in Section 210 of the 1968 Flood Control Act (P.L. 90-483). The provisions of S. 1381 and H.R. 6717 made clear that Congress did not intend to authorize fees for those facilities or combination of facilities where visitors have traditionally received free access in Corps' project areas.

P.L. 93-81 included the following provisions which:

- State that no entrance or admission fees shall be collected after March 31, 1970, by an officer or employee or the United States at public recreation areas located at lakes and reservoirs under the Corps' jurisdiction;
- State that user fees at these lakes and reservoirs shall be collected by officers and employees of

²⁷ U.S. Congress. Senate Public Works Committee. Land and Water Conservation Fund - Recreation Fees. Report to Accompany H.R. 6717. Senate Report No. 93-250, 93rd Congress, 1st Session. Washington, DC, U.S. Govt. Print. Office, 1973 p. 1683.

²⁸ Ibid. p.1685.

the United States only from users of highly developed facilities requiring continuous presence of personnel for maintenance and supervision of these facilities;

- Provide for the collection of reasonable admission fees for a single visit at any designated area from persons who choose not to purchase the annual permit; and
- Define "single visit" as the length of time a visitor remains within the exterior boundary of a designated fee area beginning from the day he/she enters the area until he/she leaves.

S. 2844 - P.L. 93-303²⁹

S. 2844, sponsored by Senator Bible on December 20, 1973, was referred to the Committee on Interior and Insular Affairs to make various changes in the existing LWCF Act and to reinstate the program providing for reasonable charges for the use of campgrounds and other special facilities at various federally owned and operated recreation sites. Similar bills were proposed: H.R. 6276 by Representative Roy, H.R. 11921 by Representative Talcott, and H.R. 13913 by Representative Dellenback. These bills were considered by the Committee but no further floor action was taken.³⁰

S. 2844 was introduced because of the problems that arose as a result of the enactment of the P.L. 93-81 and its interpretation by the executive agencies. P.L. 93-81 amended the LWCF Act in a way that restricted the number of campgrounds for which use fees would be charged by Federal agencies. However, the effect of this provision resulted in substantial loss of revenues by the National Park Service, the Forest Service, and the Army Corps of

²⁹ S. 2844 --Reported to Senate Committee on Interior and Insular Affairs, December 20, 1973; Reported to Senate, amended (S Rept 93-745); Passed and amended in Senate, March 29, 1974; Referred to House Committee on Interior and Insular Affairs, April 1, 1974; Reported to House, amended (H Rept 93-1076); Passed and amended in House, June 4, 1974; Agreed in Senate, June 5, 1974, and Signed into law (Public Law 93-303) June 7, 1974.

³⁰ U. S. Congress. Committee Report. Land and Water Conservation Fund - Admission and Use Fees. Report to Accompany S. 2844. House Report No. 93-1076, 93rd Congress, 2nd Session. Washington, DC, U.S. Govt. Printing Office, 1974. p. 3257.

Engineers, and other agencies which had been collecting campground fees.

S. 2844 proposed to meet these problems by permitting use fees to be charged at Federal campgrounds containing specialized outdoor recreation sites, facilities, or services furnished at Federal expense. Moreover, this amendment to the LWCF Act was to clarify that Congress did not intend to authorize fees for those facilities or combination of facilities which visitors had traditionally received without charge in Corps project areas.³¹

Nothing in S. 2844 changed the existing law which limited the collection of admission fees to designated units of the National Park System, nor did anything in it modify the law which prohibited entrance fees and allowed free access to the Corps' lakes and reservoirs. This legislation simply stated that no fees are to be changed for the use of primitive campgrounds which contain only those nominal facilities which are essential for the protection of the natural values of the area itself.

After considering S. 2844, the Committee on Interior and Insular Affairs recommended the following provisions for the enactment:

- Provides that entrance or admission fees shall be charged only at designated units of the National Park System administered by the Department of Interior and National Recreation Areas administered by the Department of Agriculture;
- Stipulates that for admission into any designated area, an annual admission permit (Golden Eagle Passport) shall be available for a fee not to exceed \$10;
- Provides for the issuance of a lifetime admissions permit to any citizens in the United States sixty-two years of age or older (Golden Age Passport);
- Requires each Federal agency developing, administering, or providing specialized outdoor recreation sites, facilities or services to provide for the collection of daily recreation use fees at the place of use; and
- Requires that all fees which are collected by any Federal agency shall be covered into a special

³¹ P.L. 93-303. p. 3262.

account in the Treasury of the United States to be administered in conjunction with, but separate from, the revenues in the LWCF.

94th Congress (1975-76)

After the enactment of laws amending the LWCF in the previous Congress (P.L. 93-81 and P.L. 93-303), Congress did not act on any bills introduced pertaining to recreation user fees. Bills proposed in this session regarding the fee program included:

- H.R. 1549 (Rep. Talcott) to amend certain provision of the LWCF Act relating to the collection of fees in connection with the use of Federal areas for outdoor recreation purposes;
- H.R. 2623 (Rep. Steiger) to amend the LWCF to create the Disabled Eagle Passport Program, which he previously introduced in the 93rd Congress (H.R. 6961); and
- H.R. 11061 (Rep. Sisk) to provide that a single visit permit to enter National Recreation Areas be established for persons who do not buy an annual pass.

Of these bills, H.R. 11061 passed the House and referred to the Senate. After being referred to the Senate, no further floor action was taken.³² Neither H.R. 1549 and H.R. 2623 received any consideration from the Committee.

95th Congress (1977-78)

In this session, there was no new bill introduced regarding recreation fees. The only bill reintroduced to Congress was Representative Lehman's H.R. 8994. This bill was similar of that of Representative Steiger's H.R. 6961 in the 93rd Congress to establish a Disabled Eagle Passport for handicapped individuals.

³² H.R. 11061 --Reported to House from the Committee on Interior and Insular Affairs with amendment (H. Rept 94-1643), September 21, 1976; Passed and amended in House, July 27, 1976; and Referred to Senate Committee on Interior and Insular Affairs, July 28, 1976.

96th Congress (1979-80)

The 96th Congress followed the same pattern of the two sessions preceding. S. 2680, introduced by Senator Bumpers on September 8, 1980, proposed that the Secretaries of Interior and Agriculture be allowed to issue lifetime admission permit to any U.S. citizen who was blind or permanently disabled. This permit allowed the bearer to also receive a 50 percent reduction in special recreation facilities entrance fees. This amendment to the LWCF Act was covered under Section 9 of P.L. 96-344, Historic Sites, Building and Antiquities Act of 1935. S. 2680 was the only bill regarding recreation user fee that received floor action in Congress.

97th Congress (1981-82)

A proposal to amend the LWCF surfaced in the 97th session. S. 2758, introduced by Senator McClure on July 20, 1982, proposed to amend the LWCF Act of 1965 to dedicate certain fees to the protection and improvement of facilities and resources of the National Park System. These fees would be derived from the deposit of receipts collected from park admission or user permits into an account for the maintenance and improvement of park facilities and resources. S. 2758 was proposed to compensate for the impact of inflation. Members of the Senate did not take any further action on this bill.

98th Congress (1983-84)

Two bills were proposed in this session relating to recreation user fees. H.R. 173 was introduced by Representative Hansen on January 3, 1983. This proposal required that an annual special use fee be assessed for all recreational residences on National Forest System lands. In addition, the bill would require that fees for new reissued permits for recreational residences be determined under the LWCF Act of 1965.

Another bill, S. 987 by Senator Stafford on April 6, 1983, proposed to amend the LWCF Act of 1965 to authorize entrance or admission fees at certain water resources development areas administered by the U.S. Army Corps of Engineers. S. 987 would also amend the Flood Control Act of 1968 to repeal certain prohibitions against the collection of entrance or admission fees at public recreation areas located at lakes and reservoirs under the Corps' jurisdiction.

Members of the Committee did not take action on either bill.

99th Congress (1985-86)

As in the previous Congress, proposals amending the user fee aspects of the LWCF Act of 1965 were introduced. On March 18, 1986, Senator McClure introduced S. 2204. This would amend the LWCF to authorize new fees and increase certain existing fees for admission into units of the National Park System. Table 3 shows how annual fees had increased over the years.

In regards to admission fees, the Senate Report 99-509 on S. 2204 proposed to:³³

- Increase the Golden Eagle Passport permit from \$10 to \$25
- Authorize the Director of the National Park Service to make available an annual admission permit for a reasonable fee but not to exceed \$15 for admission into a specific designated unit of the National Park Service. This permit shall convey the privileges of the Golden Eagle Passport, except that it shall be valid only for admission into the specific unit(s) of the National Park System;
- Require that no fee for a single visit would exceed \$3 for a single visit permit;
- Require that no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment; and
- Require the Secretary of the Interior to report to the House Interior and Insular Affairs and Senate Energy and Natural Resources Committee within 60 days of enactment a report on proposed entrance fees in the National Park System.

H.R. 5481, sponsored by Representative Young in August 15, 1986, proposed to amend the LWCF Act of 1965 to charge new fees and increase certain existing fees for admission into units of the National Park System. Representative Young's stated intention for this legislation was to eliminate several obsolete limits on park entrance fees and to earmark the resulting revenue

³³ S. 2204--Reported to Senate with amendments (S. Rept 99-509), October 1, 1986.

increase to park operation and maintenance.³⁴ The purpose of H.R. 5481 would be to: limit the annual specific park pass to a cap of \$15; cap the fee for a single visit at \$10, and permit one increase every 5-year period thereafter following 180 days notice to the Congress; make available for expenditure 100 percent of all fees collected; and state that expenditures shall be for the cost of collection, protection and management of natural and cultural resources. The Committee did not take any further action.

At the end of the 99th session, legislative resolution of the park entrance fee came in the National Park Service portion of the continuing resolution for funding for Federal agencies. This was an enactment of the continuing appropriation for fiscal year 1987 (P.L. 99-591).

Table 3. Annual Fees Enacted by Public Laws

| Year | Bills Introduced | Fee Proposed | Enacted (Y/N) |
|------|------------------|--------------|---------------|
| 1964 | H.R. 3846 | \$ 7.00 | P.L. 88-578 |
| 1970 | S. 2315 | \$10.00 | P.L. 91-308 |
| 1972 | S. 1893 | \$10.00 | P.L. 92-347 |
| 1974 | S. 2844 | \$10.00 | P.L. 93-303 |
| 1986 | S. 2204 | \$25.00 | No |
| 1987 | H.R. 3545 | \$25.00 | P.L. 100-203 |

100th Congress (1987-88)

In the 100th Congress, the number of park areas collecting fees increased from 62 in 1986 to 133 in 1987, as a result of P.L. 99-591. The outcome of the 99th Congress allowed for recreation user fees to be increased. Within Section 5201 of the P.L. 100-203, the

³⁴ Young, Don. Legislation Authorizing Needed Changes in Entrance Fees in National Park System. Remarks in House. Congressional Record, v. 132, August 15, 1986. p. 22225.

Omnibus Budget Reconciliation Act, the LWCF was amended.³⁵ These amendments regarding admission fees were similar to S. 2204 in the 99th Congress except for the following:³⁶

- The fee for a single visit permit at any designated area applicable to those persons entering by private, noncommercial vehicle shall be no more than \$5 per vehicle. The fee for a single visit permit at any designated area applicable to those persons entering by any other means than a private noncommercial vehicle shall be no more than \$3 per person; and
- No admission fee may be charged at any unit of the National Park System for persons 16 years of age or less.

Aside from P.L. 100-203, the following proposals were introduced to amend the LWCF regarding recreation user fees:

- S. 1148 (Sen. Stafford) to authorize the imposition of certain recreation users fees at water resources development areas administered by the Department of the Army;
- H.R. 773 (Rep. Foglietta) to prohibit the Secretary of Interior from charging a fee for admission to National Historical Parks;
- H.R. 1089 (Rep. Cheney) to permit the use of park entrance, admission, and recreation use fees for the operation of the National Park System;
- S. 1096 (Sen. Wallop) to permit the use of park entrance, admission, and recreation use fees for the operation of the National Park System, and for other purposes;
- H.R. 1320 (Rep. Vento) to reauthorize the LWCF for 25 years at its current funding authorization level, revise the recreational permit and entrance fees charged by the National Park Service, and

³⁵ U.S. Library of Congress. Congressional Research Service. National Park Entrance and Recreation User Fees. Issue Brief No. IB87121, by George H. Siehl, June 23, 1988. Washington, 1988. p.7.

³⁶ P.L. 100-203. p. 263.

authorize the use of funds raised by these fees for park purposes; and

- S. 626 (Sen. Bradley) to prohibit the Secretary of Interior from charging a fee for entrance or admission at the Statue of Liberty National Monument.

S. 626 was enacted into law (P.L. 100-55).

101th Congress (1989-90)

In this last Congress studied, there were no bills introduced regarding user fees. Recreation bills introduced in this session pertain to historical sites, the improvement of managing resources, and the establishment of new units within the National Park System.

CONCLUSION

Recreation user fees have remained a dynamic public policy issue as Congress has enacted, amended, removed, and reestablished numerous laws since 1960. What caused this issue to capture Congress' attention was the increasing need for funds to support public recreation lands measured against a tradition wherein access to those lands often had been free. Although laws have been enacted, public views have been voiced, and amendments have been made, the issue of recreation user fees will continue to appear on Congress' agenda.