



# Federal Lands Recreation Enhancement Act: Overview and Issues

## Overview

The Federal Lands Recreation Enhancement Act (FLREA) (16 U.S.C. §§6801-6814) authorizes five agencies to charge and collect fees on federal recreational lands and waters. The five agencies are the Bureau of Land Management (BLM), Bureau of Reclamation (Reclamation), Fish and Wildlife Service (FWS), and National Park Service (NPS) in the Department of the Interior (DOI) and the Forest Service (FS) in the Department of Agriculture. The agencies retain the collected fees primarily for on-site improvements. Recreation fees generally have represented a small portion of overall agency financing.

**Current Status.** Agencies are authorized to charge fees at recreation sites through September 30, 2016. Initially, the authority was for a 10-year period, expiring December 8, 2014, but program extensions were enacted.

**Types of Fees.** FLREA authorizes different kinds of fees, outlines criteria for establishing fees, and prohibits charging fees for certain activities or services. Only the FWS and NPS can charge entrance fees, whereas the BLM, Reclamation, and FS can charge “standard amenity fees” in areas or circumstances where a certain level of services or facilities are available. All five agencies also may charge an “expanded amenity fee” for specialized services.

**Criteria for Establishing Fees.** Fee criteria in FLREA were intended to promote fairness and consistency among agencies and locations and to minimize confusion, burden, and overlap of fees. For instance, fees are to be commensurate with benefits and services provided. The Secretary of the Interior and the Secretary of Agriculture (the Secretaries) are to consider comparable fees charged elsewhere, such as by nearby private providers of recreation services; establish the minimum number of fees; and consider the aggregate effect of fees on recreation users and providers. The Secretaries must provide an opportunity for public participation in establishing fees.

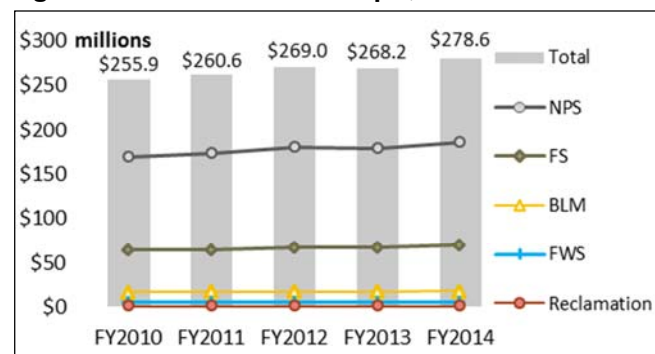
**Recreation Passes.** FLREA authorizes the establishment of a national pass for recreation at a variety of sites managed by different agencies. The “America the Beautiful–National Parks and Federal Recreational Lands Pass” covers entrance fees and standard amenity fees at areas where such fees are charged. The annual pass is \$80 per year, but there are discounted or free versions for certain visitors (U.S. military personnel, individuals who are permanently disabled, seniors, and volunteers). Agencies also have established site-specific and regional multi-entity passes.

**Fee Sites.** FS currently manages about 27,000 developed recreation sites, of which 3,759 collect fees under FLREA. Most of these FS sites provide overnight services, such as campgrounds and cabin/lookout rentals. (Approximately another 2,300 FS sites charge other types of fees.) One Reclamation site charges a fee. Current statistics on fee sites for the other three agencies are not readily available. However, based on federal areas in 2012, 184 of 397 NPS units, 141 of 556 FWS refuges, and approximately 430 of BLM’s nearly 3,600 developed recreation sites charged fees under FLREA. Taken together, a majority of these five agencies’ sites have not been charging recreation fees.

**Retention of Fees.** Each agency can retain and spend the revenue collected without further appropriation. Under FLREA, at least 80% of the revenue collected is to be retained and used at the site where it was generated, although the Secretaries can reduce that amount to not less than 60% for a fiscal year if collections exceed reasonable needs. The remaining collections are to be used agency-wide, at the discretion of the agency. The law contains other provisions for the distribution of certain collections, including from the sale of recreation passes.

**Recreation Fee Receipts.** In FY2014, the five agencies collected a total of \$278.6 million in recreation receipts under FLREA. NPS took in 67% of the revenue, and the NPS and FS together collected 92% of the FY2014 total. Recreation revenues under FLREA (and a predecessor program) increased 42% over the past decade, from \$196.0 million in FY2005, with most of the increase in the first half of the period. **Figure 1** shows the receipts for the agencies over the second half of the decade.

**Figure 1. Recreation Fee Receipts, FY2010-FY2014**



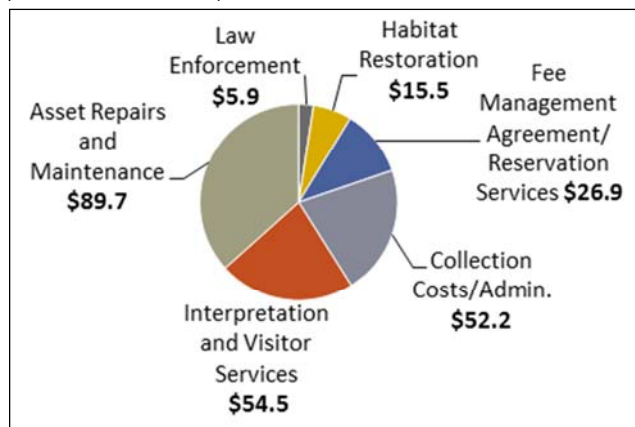
**Sources:** BLM, FWS, and NPS annual budget justifications; *Triennial Report to Congress: Implementation of the Federal Lands Recreation Enhancement Act*, DOI and FS, May 2012; and data provided to CRS by FS and Reclamation on March 2-3, 2015.

**Use of Fees.** The agencies have broad discretion in using revenues for purposes specified in FLREA, which aim to benefit visitors directly. Purposes include facility maintenance, repair, and enhancement; interpretation and visitor services; signs; certain habitat restoration; and law enforcement. The Secretaries may not use more than 15% of collections for program administration, overhead, and indirect costs.

The agencies collectively obligated \$245.0 million in FY2014 for varied purposes. The largest amount of funds, 37%, was used for repair and maintenance of assets, including deferred maintenance (estimated at \$18.9 billion for the five agencies in FY2014). Another 22% was used for interpretation and visitor services, with 21% used for both fee collection costs and administration, overhead, and indirect costs. The remainder was used for other purposes. (See **Figure 2**.)

**Figure 2. Fee Obligation by Project Type, FY2014**

(in millions of dollars)



Sources: See **Figure 1**.

**Note:** Figures sum to \$244.7 million because Reclamation did not identify the project type for the remaining \$0.3 million.

**Unobligated Balances.** The recreation fee program historically has had a large balance of unobligated funds. These funds accumulated under FLREA and a predecessor program. Agencies carry over funds from one year to the next for several reasons, including to conduct environmental analysis, design, and engineering of projects and to fund next year’s operations and large projects.

In FY2014, agency obligation of available funds ranged from 28% for Reclamation to 60% for FS. (See **Figure 3**.) Although some agencies have implemented policies to reduce unobligated balances, obligations by all agencies (of \$471.2 million in total available funds) decreased from 63% in FY2010 to 52% in FY2014. However, as a percentage of FY2014 recreation fee revenues (\$278.6 million), agencies collectively obligated about 88% of funds.

**Issues**

Congress continues to oversee agency efforts to establish, collect, and spend recreation fees under FLREA. Recreation fees have been controversial for decades, and differences of

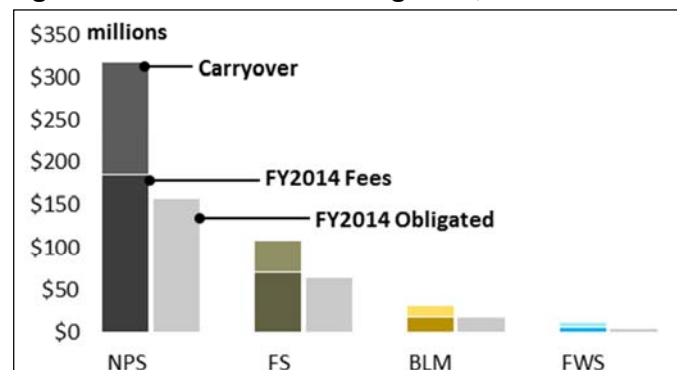
opinion persist as to the need for recreation fees and how fee programs should operate. Ongoing deliberations encompass whether to let FLREA expire, extend it, or make it permanent, and how to structure any extended or permanent program. For example, the President has supported making the program permanent, while 113<sup>th</sup> Congress legislation would have authorized fees through 2020 under an amended program.

Fee supporters contend that recreation fees improve recreation and visitor services. Some believe the current program establishes fees in appropriate circumstances, promotes fair and similar fees among agencies, simplifies fees through passes, fosters public involvement in fee decisions, and keeps most fees on-site for improvements that visitors desire. They also contend that visitors should pay for the use of lands and services.

Some support extending the program to other agencies, especially the U.S. Army Corps of Engineers. Others assert opportunities for current agencies to charge new or increased fees. For instance, DOI Inspector General reports (February 2015) highlight areas where BLM and NPS could explore increasing revenues, such as NPS entrance, interagency pass, and commercial bus tour fees, as well as BLM areas with fees below market value and areas without fees but heavy use. Periodic fee assessments by agencies examine where increased fees and other changes might be warranted. The NPS is currently undertaking an assessment, for example, and has begun implementing fee changes.

Some critics oppose recreation fees in general, for instance, as doubly taxing the recreating public, while others believe they are appropriate for fewer agencies or types of lands. Still others find fault with the current program for not requiring congressional approval of fees, not simplifying fees enough, not ensuring that most fees are used to reduce agencies’ maintenance backlogs, not requiring more of the collections to stay at the sites where collected, or not obligating funds more quickly.

**Figure 3. Fee Revenues and Obligations, FY2014**



Sources: See **Figure 1**.

**Note:** Reclamation is not shown due to relatively small amounts.

Carol Hardy Vincent, chvincent@crs.loc.gov, 7-8651