



# 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 recreation 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.

**Current Status.** Agencies are authorized to charge fees at recreation sites through September 30, 2020. Initially, the authority was for a 10-year period, expiring December 8, 2014, but Congress has enacted multiple extensions.

**Types of Fees.** FLREA authorizes different kinds of fees, outlines criteria for establishing fees, and prohibits fees for certain activities or services. FWS and NPS can charge entrance fees. BLM, Reclamation, and FS can charge “standard amenity fees” in areas or circumstances where a certain level of services or facilities are available. FLREA also authorizes all five agencies to charge an “expanded amenity fee” for specialized facilities and services, and special recreation permit (SRP) fees for specialized uses, such as group activities.

**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. 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 allow public participation in establishing fees.

**Recreation Passes.** FLREA authorized the establishment of a national pass for recreation at sites managed by the different agencies. The U.S. Army Corps of Engineers also participates in the pass program (under P.L. 113-121, §1048). The “America the Beautiful—the 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 discounted or free versions are available (e.g., for U.S. military personnel, individuals who are permanently disabled, seniors, volunteers, and fourth-grade students); some of these versions also provide discounts on expanded amenity fees.

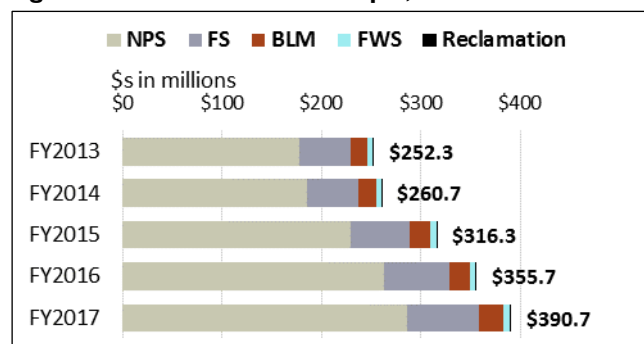
Further, agencies have established site-specific and regional multi-entirety passes.

**Fee Sites.** FS manages about 30,000 developed recreation sites, of which 3,866 collect fees under FLREA. Most of these sites provide overnight services, such as campgrounds and cabin rentals. Approximately 3,600 of BLM’s 4,000 recreation sites are considered developed; 414 of these charge fees—114 standard amenity, 272 expanded amenity, and 28 SRP. Of the 460 FWS refuges that are open to the public, 199 charge some type of fees, including 31 areas with entrance fees. Of the 418 NPS units, 165 charge an entrance and/or expanded amenity fee, including 115 with entrance fees. One Reclamation site charges a fee.

**Retention of Fees.** Each agency can retain and spend the revenue collected without further appropriation. 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 agency’s discretion. In practice, the agencies generally allow between 80% and 100% of fees to be used at the collecting sites. The law contains other provisions for the distribution of collections, including from the sale of recreation passes.

**Recreation Fee Receipts.** Recreation fees generally represent a small portion of agency financing. In FY2017, the five agencies collected \$390.7 million in receipts under FLREA. NPS took in 73% of the revenue. NPS and FS together collected 92% of the total. Recreation revenues increased 55% over the past five years, from \$252.3 million in FY2013, as a result of new and higher fees, additional visitation at some sites, and/or other factors. From FY2016 to FY2017, revenues increased by 10%. **Figure 1** shows the agency receipts for the most recent five years.

**Figure 1. Recreation Fee Receipts, FY2013-FY2017**

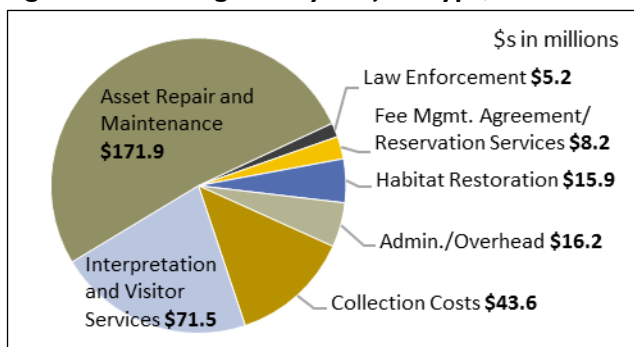


**Sources:** Annual budget justifications, *The Interior Budget in Brief*, and data provided to CRS by FS and Reclamation.

**Use of Fees.** The agencies have broad discretion in using fee revenues for purposes specified in FLREA that 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 \$332.6 million in FY2017 for varied purposes. The largest amount of funds, 52%, was used for repair and maintenance of assets, including deferred maintenance (estimated at \$19.0 billion for the five agencies in FY2017). Another 22% was used for interpretation and visitor services, and 13% was used for fee collection costs. The remainder was used for other purposes. (See **Figure 2**.)

**Figure 2. Fee Obligation by Project Type, FY2017**



**Sources:** FY2017 agency budget justifications, *The Interior Budget in Brief*, and data provided to CRS by FS and Reclamation.

**Note:** Figures sum to \$332.5 million primarily due to rounding.

**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 FY2017, agency obligation of available funds ranged from 38% for Reclamation to 47% for NPS. (See **Figure 3**.) Although some agencies have implemented policies to reduce unobligated balances, obligations by all agencies decreased from 52% of total available FY2013 funds (of \$423.5 million) to 45% of total available FY2017 funds (of \$735.9 million). However, as a percentage of FY2017 recreation fee revenues (\$390.7 million), agencies collectively obligated about 85% of funds.

## Issues

Congress continues to oversee agency efforts to establish, revise, collect, and spend recreation fees under FLREA and to consider changes to the program. Differences of opinion persist as to the need for recreation fees. Fee supporters contend that visitors should pay for the use of lands and services and that recreation fees improve recreation and visitor services. Some critics oppose recreation fees in general, for instance, as doubly taxing the recreating public. Others believe fees are appropriate but for fewer agencies or types of lands.

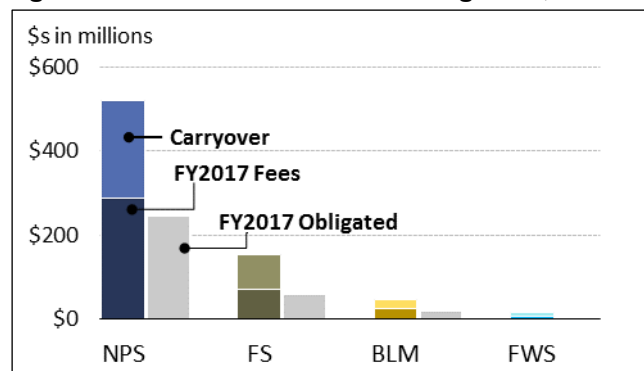
Ongoing deliberations encompass whether to let FLREA expire, to extend it, or to make it permanent. President Trump has supported making the program permanent (e.g., in the FY2019 budget request) and proposed a short-term extension in the meantime. Most recently, on September 28, 2018, Congress enacted a one-year extension (P.L. 115-245, Div. C, § 130).

Different views have been expressed as to how a recreation fee program should operate. Many fee supporters 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.

Some see opportunities for agencies to charge new or increased fees. For instance, DOI Inspector General reports (February 2015) highlighted areas where BLM and NPS could explore increasing revenues. Periodic fee assessments by agencies examine where increased fees and other changes might be warranted. For example, in April 2018, NPS announced a 10% increase in entrance fees at most fee-charging parks.

Others find fault with the current program and seek various changes. These changes include revising the terms, conditions, and processes for establishing and increasing fees, for example, to achieve more standardization across agencies or require congressional approval of fees. Other proposals would amend procedures for issuing and using SRPs, including to expedite issuance and authorize use across agency jurisdictions. Still other proposals would extend the program to other agencies, especially the U.S. Army Corps of Engineers, or expand use of technology for fee payment and collection. Another focus has been on altering expenditure provisions, for instance to change the percentage of fees retained by the collecting site or direct revenues to particular purposes (such as reducing agencies' maintenance backlogs).

**Figure 3. Total Fee Revenues and Obligations, FY2017**



**Sources:** FY2017 agency budget justifications, *The Interior Budget in Brief*, and data provided to CRS by FS and Reclamation.

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

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