

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 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 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 until October 1, 2021. Initial authority was for a 10-year period, expiring December 8, 2014; 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 is 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 a national pass for recreation at sites of 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; discounted or free versions are available (e.g., for U.S. military personnel, permanently disabled individuals, seniors, volunteers, and fourth-grade students). Further, agencies have established site-specific and regional passes.

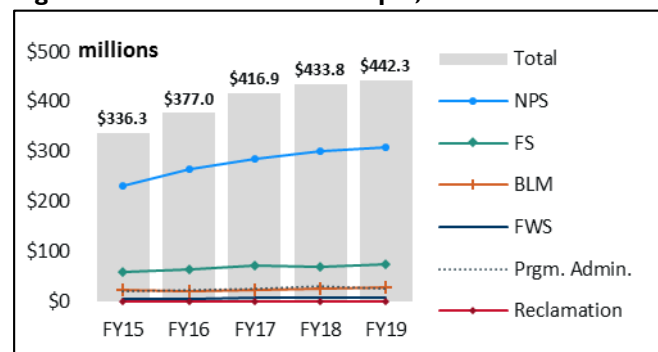
Fee Sites. Of FS’s roughly 30,000 developed recreation sites, about 4,000 collect fees under FLREA. Most of these

sites provide overnight services, such as campgrounds and cabin rentals. Of BLM’s roughly 3,600 developed recreation sites, about 400 charge fees under FLREA. Of about 460 publicly open FWS refuges, some 200 charge fees, including about 30 areas with entrance fees. Of the 419 NPS units, about 165 charge an entrance and/or expanded amenity fee, including about 110 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 annual 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% 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. FLREA 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 FY2019, the five agencies collected \$442.3 million in total revenues under FLREA, composed of \$417.0 million for agency activities and \$25.3 million collected by FS from recreation.gov and used for administration of this reservation service. The agencies collected and retained varying shares of the \$417.0 million: NPS, 74%; FS, 18%, BLM, 7%; FWS, 2%; and Reclamation, less than 1%. Total revenues for the five agencies increased 32% over the past five years, from \$336.3 million in FY2015 to \$442.3 million in FY2019, due to new and higher fees, additional visitation at some sites, and/or other factors. From FY2018 to FY2019, total revenues increased by 2%. **Figure 1** shows total revenues for each of five years.

Figure 1. Recreation Fee Receipts, FY2015-FY2019

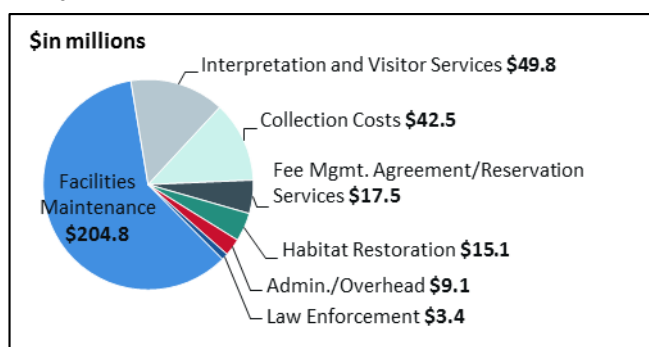


Sources: Annual budget justifications and data provided to CRS by FS and Reclamation.

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

NPS and FS, which collected the vast majority of FY2019 revenue, collectively obligated \$342.1 million in FY2019 for varied purposes. The largest amount of funds, 60%, was used for facilities maintenance, including deferred maintenance (estimated at a combined \$17.1 billion for the two agencies in FY2018). Other funds were used for interpretation and visitor services (15%), fee collection costs (12%), and other purposes (13%). (See **Figure 2**.)

Figure 2. NPS and FS Fee Obligation by Project Type, FY2019

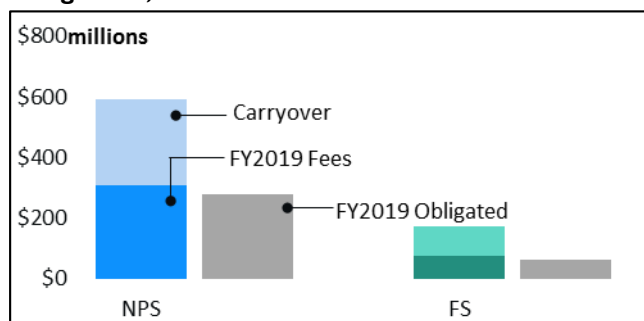


Sources: FY2019 NPS budget justifications and data provided to CRS by FS.

Unobligated Balances. The recreation fee program historically has had a 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 for environmental analysis, design, and engineering of projects and to fund next year's operations and large projects. Some agencies have implemented policies to reduce unobligated balances.

In FY2019, NPS and FS together obligated 45% of available funds. Individually, NPS obligated more (47%) than FS (36%). (See **Figure 3**.) However, as a percentage of FY2019 recreation fee revenues, the two agencies together obligated 90% of funds, with individual obligations of 91% for NPS and 85% for FS.

Figure 3. NPS and FS Total Fee Revenues and Obligations, FY2019



Sources: FY2019 NPS budget justifications and data provided to CRS by FS.

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, extend it, or make it permanent. As part of the FY2021 budget request, President Trump supported permanent authority through authorizing legislation, while also seeking a two-year extension (through September 30, 2023) in appropriations law. Most recently, Congress enacted a one-year extension (P.L. 116-94, Div. D, §425).

There are different views as to how a recreation fee program should operate. Many fee supporters contend the current program charges 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 to charge new or increased fees. 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. They seek changes that 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 adjust fees, specify circumstances for use, authorize use across agency jurisdictions, and authorize temporary permits. (For additional information, see CRS Report R46381, *Guides and Outfitters on Federal Lands: Issues and Legislation in the 116th Congress in Brief*.) Still other proposals would expand use of technology for fee payment and collection, extend the program to other agencies, or offer reduced or free annual passes to other individuals.

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 deferred maintenance). An area of debate is the extent to which fee collections can be used for routine agency operations, including during government shutdowns. (For additional information, see CRS In Focus IF11079, *National Park Service: Government Shutdown Issues*.) Another issue is whether to counteract any decrease

in fee collections during the Coronavirus Disease 2019 pandemic, when agencies ceased collecting FLREA fees at some locations and temporarily closed other areas to the public. (For additional information, see CRS Report R46448, *Effect of COVID-19 on Federal Land Revenues*.)

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