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Federal Lands Recreation Enhancement Act: Overview and Issues Related to Recreation Fees

Overview

The Federal Lands Recreation Enhancement Act (FLREA; 16 U.S.C. §§6801-6814), enacted in 2004, 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 (BOR), Fish and Wildlife Service (FWS), and National Park Service (NPS), all 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. Congress oversees program administration and considers extensions and changes.

Recent Changes and Current Status. Initial authority under FLREA for agencies to charge and collect recreation fees was provided for 10 years, expiring December 8, 2014. Multiple extensions have been enacted. Most recently, FLREA was extended and amended by P.L. 118-234, the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act. Changes related to recreation permitting, including issuance of, and fees for, special recreation permits (SRPs); recreation passes, including availability of passes online, intergovernmental coordination of pass sales, and establishment of a digital pass; online fee payments; and disclosure of fees charged, collected, and used, among other topics. The law extended agencies' authority to charge and collect fees at recreation sites until September 30, 2031.

Types of Fees. FLREA authorizes different kinds of recreation fees, outlines criteria for establishing fees, and prohibits fees for certain activities or services. FWS and NPS can charge *entrance fees*. BLM, BOR, and FS can charge *standard amenity recreation fees* in areas or circumstances with a certain level of services or facilities. All five agencies can charge *expanded amenity recreation fees* for specialized facilities and services and *SRP fees* for specialized uses, such as group activities.

Criteria for 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. The Secretary of the Interior and the Secretary of Agriculture (the Secretaries) are to consider comparable fees charged in other locations, 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 or changing fees.

Recreation Passes. FLREA authorized a national (interagency) pass for recreation at sites of the five agencies, as well as the U.S. Army Corps of Engineers (under P.L. 113-121, §1048). The "America the Beautiful—

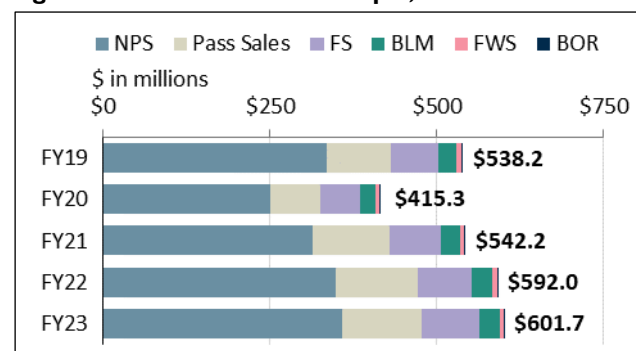
the National Parks and Federal Recreational Lands Pass" covers entrance fees and standard amenity fees at areas where such fees are charged. The annual pass is \$80; discounted or free versions are available (e.g., for volunteers and permanently disabled individuals). Agencies also have established site-specific and regional passes.

Fee Sites. The most recent FLREA report (p.8; hereinafter 2024 Report) shows that in 2023, the agencies charged FLREA fees at *then-existing* sites as follows: Of FS's nearly 30,000 recreation sites, 3,936 collected fees. Of BLM's 3,400 developed recreation sites, 402 charged fees. Of 568 FWS refuges, 131 sites charged fees. Of 429 NPS units, 157 charged a fee. Of BOR's more than 245 sites with developed recreation, 4 charged a fee.

Retention of Fees. Each agency can retain and spend the revenue collected from recreation fees 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. Remaining collections are to be used agency-wide, at the agency's discretion. The agencies generally retain for use at the collecting sites between 80% and 100% of fees.

Recreation Fee Receipts. Annual recreation fee revenue generally has increased since enactment of FLREA. In FY2023 (most recent year available), the five agencies collected \$601.7 million total, with \$482.3 million collected at or for specific recreation fee sites (2024 Report, Table 6) and \$119.4 million from sales of interagency passes (2024 Report, Table 9). (See **Figure 1**.) The agencies had varying shares of the \$482.3 million: NPS, 74%; FS, 18%; BLM, 6%; FWS, 1%; and BOR, less than 1%.

Figure 1. Recreation Fee Receipts, FY2019-FY2023



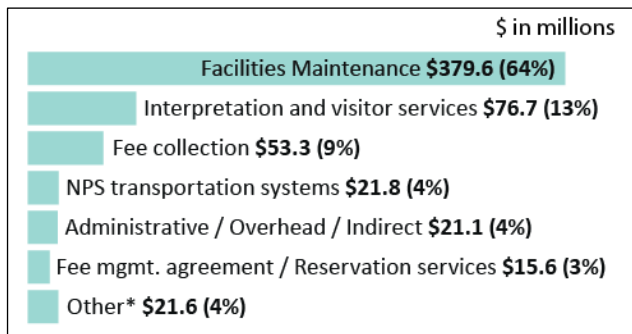
Source and Notes: CRS, based on DOI and USDA, *The Recreation Fee Program Authorized by the Federal Lands Recreation Enhancement Act, Report to Congress, 2024*, <https://doi.sciencebase.gov/flrea/>. NPS=National Park Service; FS=Forest Service; BLM=Bureau of Land Management; FWS=Fish and Wildlife Service; BOR=Bureau of Reclamation.

From FY2019 to FY2023, total fee revenue increased 12%, from \$538.2 million to \$601.7 million (in nominal dollars). Specifically, revenues decreased by 23% from FY2019 to FY2020, primarily due to reduced visitation and suspended fee collections in some areas during the COVID-19 pandemic. In FY2021, revenues returned to roughly the FY2019 level. Thereafter, revenues increased 11% through FY2023, due to factors including higher visitation rates and new or higher fees for some federal land areas. For each of the five years, **Figure 1** shows total revenues, including the agency shares and interagency pass shares.

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 habitat restoration. The Secretaries may not use more than 15% of collections for FLREA program administration, overhead, and indirect costs.

In FY2023, the five agencies collectively obligated about \$589 million in fee revenue for varied purposes (2024 Report, Table 7). The largest amount, \$379.6 million (64%), was for facilities maintenance, including deferred maintenance for the DOI agencies and FS. Other funds were used for interpretation and visitor services (13%), fee collection costs (9%), and other purposes. See **Figure 2**.

Figure 2. Fee Obligation by Type, FY2023



Sources and Notes: CRS, based on DOI and USDA, *The Recreation Fee Program Authorized by the Federal Lands Recreation Enhancement Act, Report to Congress, 2024*, <https://doi.sciencebase.gov/flrea/>. Percentages do not sum to 100 due to rounding and source discrepancies. Other* = habitat restoration, law enforcement, and other obligations.

Unobligated Balances. The recreation fee program historically has had a balance of unobligated funds. Agencies carry over funds from year to year 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 FY2023, the five agencies had a total of \$1.14 billion available for obligation, consisting of \$482.3 million in new fees collected in FY2023 and \$660.1 million in unobligated balances from prior fiscal years (2024 Report, Table 7). Of the \$1.14 billion, \$589 million was obligated in FY2023 (52%), as noted. This was the largest dollar amount and percentage of funds obligated in one year during the FY2019-FY2023 time period, in part due to a large NPS construction project in FY2023.

Selected Issues

Congress continues to oversee agency efforts to establish, revise, collect, and spend recreation fees; to assess whether to let FLREA expire, extend it, or make it permanent; and to consider program changes. 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 or as potentially having a disproportionate effect on lower-income visitors. Others assert that fees are appropriate but for fewer agencies or types of activities.

There are different views as to how a fee program should operate. Many fee supporters contend the current FLREA 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. Some see opportunities to add agencies to the program or to charge new or increased fees. Periodic fee assessments by agencies examine where increased fees and other changes might be warranted.

A recent focus has been on increasing the currency of data on agency fee collection and obligation to foster program management and congressional analysis. Another focus has been on improving the consistency and comprehensiveness of interagency recreation data. For instance, a 2025 government report cited a need for improved and more consistent definitions and measurements of visitation on federal lands. Also, provisions of the EXPLORE Act directed agencies to establish a single visitation data reporting system with accurate, consistent data.

Some observers have sought changes to the terms, conditions, or processes for establishing or increasing fees. Proposals have included indexing fee increases to inflation, requiring congressional approval of fees, or raising fees for international visitors. Other proposals have sought to limit participation to certain agencies; offer reduced or free annual passes to additional individuals; clarify or amend the application of existing passes; expand use of technology for fee payment; foster cash payments; and expand disclosure of amounts and uses of fees. Issues related to recreation reservation services under FLREA, through Recreation.gov, center on agency use of the system to manage access and third-party charges to the public for using the system. Still another focus has been on altering expenditure provisions, for instance to change the percentage of fees retained by the collecting site or to direct revenues to particular purposes (e.g., deferred maintenance).

Comprehensive information on the effect of government shutdowns on fee collection amounts is not readily available. Some sources have cited reduced fee collection for some agencies in prior shutdowns. An area of debate is the extent to which fee collections can be used for employee salaries and routine agency operations, including during government shutdowns.

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