

116TH CONGRESS  
1ST SESSION

# S. 1967

To promote innovative approaches to outdoor recreation on Federal land and to increase opportunities for collaboration with non-Federal partners, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 25, 2019

Mr. WYDEN (for himself and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To promote innovative approaches to outdoor recreation on Federal land and to increase opportunities for collaboration with non-Federal partners, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Recreation Not Red Tape Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Sense of Congress regarding outdoor recreation.

## TITLE I—MODERNIZING RECREATION PERMITTING

- Sec. 101. Definitions.
- Sec. 102. Special recreation permit and fee.
- Sec. 103. Permitting process improvements.
- Sec. 104. Permit flexibility.
- Sec. 105. Permit administration.
- Sec. 106. Permits for multijurisdictional trips.
- Sec. 107. Forest Service permit use reviews.
- Sec. 108. Liability.
- Sec. 109. Cost recovery reform.
- Sec. 110. Extension of special recreation permits.
- Sec. 111. Availability of Federal and State recreation passes.
- Sec. 112. Online purchases of National Parks and Federal Recreational Lands Pass.

## TITLE II—ACCESSING THE OUTDOORS

- Sec. 201. Access for servicemembers and veterans.

## TITLE III—MAKING RECREATION A PRIORITY

- Sec. 301. Extension of seasonal recreation opportunities.
- Sec. 302. Recreation performance metrics.
- Sec. 303. Recreation mission.
- Sec. 304. National Recreation Area System.

## TITLE IV—MAINTENANCE OF PUBLIC LAND

## Subtitle A—Volunteers

- Sec. 401. Private-sector volunteer enhancement program.

## Subtitle B—Priority Trail Maintenance

- Sec. 411. Interagency trail management.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) FEDERAL LAND MANAGEMENT AGENCY.—

4 The term “Federal land management agency” has  
 5 the meaning given the term in section 802 of the  
 6 Federal Lands Recreation Enhancement Act (16  
 7 U.S.C. 6801).

8 (2) FEDERAL RECREATIONAL LANDS AND

9 WATERS.—The term “Federal recreational lands and  
 10 waters” has the meaning given the term in section

1 802 of the Federal Lands Recreation Enhancement  
2 Act (16 U.S.C. 6801).

3 (3) SECRETARIES.—Except as otherwise pro-  
4 vided in this Act, the term “Secretaries” means—

5 (A) the Secretary of the Interior; and

6 (B) the Secretary of Agriculture.

7 **SEC. 3. SENSE OF CONGRESS REGARDING OUTDOOR**  
8 **RECREATION.**

9 It is the sense of Congress that—

10 (1) outdoor recreation and the outdoor industry  
11 that outdoor recreation supports are vital to the  
12 United States;

13 (2) access to outdoor recreation on Federal rec-  
14 reational lands and waters is important to the health  
15 and wellness of all people of the United States, espe-  
16 cially young people;

17 (3) in addition to the overall economic benefit  
18 of outdoor recreation, the economic benefits of out-  
19 door recreation on Federal recreational lands and  
20 waters creates significant economic and employment  
21 benefits to rural economies;

22 (4) Congress supports the creation of outdoor  
23 recreation sector leadership positions within State  
24 governments, as well as coordination with recreation  
25 and tourism organizations within the State to guide

1 the growth of this sector, as evidenced by recent ex-  
2 amples in the States of Colorado, Utah, and Wash-  
3 ington;

4 (5) State and local recreation and tourism of-  
5 fices play a pivotal role in—

6 (A) coordinating State outdoor recreation  
7 policies, management, and promotion among  
8 Federal, State, and local agencies and entities;

9 (B) disseminating information, increasing  
10 awareness, and growing demand for outdoor  
11 recreation experiences among visitors across the  
12 United States and throughout the world;

13 (C) improving funding for, access to, and  
14 participation in outdoor recreation; and

15 (D) promoting economic development in  
16 the State by coordinating with stakeholders, im-  
17 proving recreational opportunities, and recruit-  
18 ing outdoor recreation businesses;

19 (6) it is vital—

20 (A) to support the coordination and col-  
21 laboration of the Federal and State land and  
22 water management agencies in the delivery of  
23 visitor services and management of outdoor  
24 recreation for the United States; and

1 (B) provide adequate staffing within Fed-  
 2 eral land management agencies to facilitate sus-  
 3 tainable and accessible outdoor recreation op-  
 4 portunities; and

5 (7) volunteers and volunteer partnerships play  
 6 an important role in maintaining public land.

## 7 **TITLE I—MODERNIZING** 8 **RECREATION PERMITTING**

### 9 **SEC. 101. DEFINITIONS.**

10 In this title:

11 (1) ASSOCIATED AGENCY.—The term “associ-  
 12 ated agency” means the Federal land management  
 13 agency, other than the lead agency, that manages a  
 14 public land unit that is the subject of a single joint  
 15 special recreation permit under section 106.

16 (2) LEAD AGENCY.—With respect to a single  
 17 joint special recreation permit application submitted  
 18 under section 106(a), the term “lead agency” means  
 19 the Federal land management agency designated to  
 20 administer the single joint special recreation permit  
 21 under section 106(a)(2).

22 (3) LONG-TERM SPECIAL RECREATION PER-  
 23 MIT.—The term “long-term special recreation per-  
 24 mit” means—

1 (A) for a public land unit managed by the  
 2 Forest Service, a priority use permit; and

3 (B) for a public land unit managed by the  
 4 Bureau of Land Management, a multiyear spe-  
 5 cial recreation permit.

6 (4) MULTIJURISDICTIONAL TRIP.—The term  
 7 “multijurisdictional trip” means a trip that—

8 (A) uses two or more public land units;  
 9 and

10 (B) is under the jurisdiction of two or  
 11 more Federal land management agencies.

12 (5) PUBLIC LAND UNIT.—The term “public  
 13 land unit” means—

14 (A) a unit of the National Forest System;

15 (B) a unit of the National Park System;

16 (C) a unit of the National Wildlife Refuge  
 17 System;

18 (D) a district of the Bureau of Land Man-  
 19 agement; and

20 (E) a project of the Bureau of Reclama-  
 21 tion.

22 (6) RECREATION SERVICE PROVIDER.—The  
 23 term “recreation service provider” has the meaning  
 24 given the term in section 802 of the Federal Lands  
 25 Recreation Enhancement Act (16 U.S.C. 6801).

1 (7) SECRETARY CONCERNED.—The term “Sec-  
2 retary concerned” means—

3 (A) the Secretary of Agriculture, with re-  
4 spect to a public land unit described in para-  
5 graph (5)(A); and

6 (B) the Secretary of the Interior, with re-  
7 spect to a public land unit described in sub-  
8 paragraph (B), (C), (D), or (E) of paragraph  
9 (5).

10 (8) SPECIAL RECREATION PERMIT.—The term  
11 “special recreation permit” has the meaning given  
12 the term in section 802 of the Federal Lands Recre-  
13 ation Enhancement Act (16 U.S.C. 6801).

14 **SEC. 102. SPECIAL RECREATION PERMIT AND FEE.**

15 (a) DEFINITIONS.—Section 802 of the Federal Lands  
16 Recreation Enhancement Act (16 U.S.C. 6801) is amend-  
17 ed—

18 (1) in paragraph (1), by striking “section 3(f)”  
19 and inserting “803(f)”;

20 (2) in paragraph (2), by striking “section 3(g)”  
21 and inserting “section 803(g)”;

22 (3) in paragraph (6), by striking “section 5”  
23 and inserting “section 805”;

24 (4) in paragraph (9), by striking “section 5”  
25 and inserting “section 805”;

1           (5) in paragraph (12), by striking “section 7”  
2           and inserting “section 807”;

3           (6) in paragraph (13), by striking “section  
4           3(h)” and inserting “section 803(h)”;

5           (7) by redesignating paragraphs (1), (3), (4),  
6           (5), (6), (7), (8), (9), (10), (11), and (13) as para-  
7           graphs (15), (1), (3), (4), (5), (6), (7), (8), (11),  
8           (10), and (14), respectively, and moving the para-  
9           graphs so as to appear in numerical order;

10          (8) by inserting after paragraph (8) (as so re-  
11          designated) the following:

12               “(9) RECREATION SERVICE PROVIDER.—The  
13          term ‘recreation service provider’ means an indi-  
14          vidual or entity that—

15                       “(A) provides outfitting, guiding, or other  
16                       recreation services; or

17                       “(B) conducts recreational or competitive  
18                       events, including incidental sales.”; and

19          (9) by inserting after paragraph (12) the fol-  
20          lowing:

21               “(13) SPECIAL RECREATION PERMIT.—The  
22          term ‘special recreation permit’ means—

23                       “(A) with respect to the Forest Service, an  
24                       outfitting and guiding special use permit;



1 “(B) with respect to the National Park  
 2 Service, a commercial use authorization for out-  
 3 fitting and guiding issued under—

4 “(i) this Act; or

5 “(ii) section 101925 of title 54,  
 6 United States Code;

7 “(C) with respect to the United States  
 8 Fish and Wildlife Service, a special use permit  
 9 for recreational, sport fishing, or hunting outfit-  
 10 ting and guiding;

11 “(D) with respect to the Bureau of Land  
 12 Management, a special recreation permit for  
 13 commercial outfitting and guiding; and

14 “(E) with respect to the Bureau of Rec-  
 15 lamation, a use authorization for guiding, out-  
 16 fitting, or other recreational services.”.

17 (b) SPECIAL RECREATION PERMIT AND FEE.—Sec-  
 18 tion 803 of the Federal Lands Recreation Enhancement  
 19 Act (16 U.S.C. 6802) is amended—

20 (1) in subsection (b)(5), by striking “section  
 21 4(d)” and inserting “section 804(d)”; and

22 (2) by striking subsection (h) and inserting the  
 23 following:

24 “(h) SPECIAL RECREATION PERMIT AND FEE.—

1           “(1) SPECIAL RECREATION PERMIT.—The Sec-  
 2       retary may issue a special recreation permit for spe-  
 3       cialized individual or group uses of Federal rec-  
 4       reational lands and waters, including—

5           “(A) outfitting, guiding, or other recre-  
 6       ation services;

7           “(B) recreation or competitive events,  
 8       which may include incidental sales;

9           “(C) for the use of—

10          “(i) a special area; or

11          “(ii) an area in which use is allocated;

12          “(D) motorized recreational vehicle use;

13       and

14          “(E) a group activity or event.

15       “(2) SPECIAL RECREATION PERMIT FEE.—

16          “(A) IN GENERAL.—The Secretary may  
 17       charge a special recreation permit fee in con-  
 18       nection with the issuance of a special recreation  
 19       permit under paragraph (1).

20          “(B) FEES FOR CERTAIN LANDS.—

21           “(i) IN GENERAL.—Subject to clauses  
 22       (ii) and (iii), a special recreation permit fee  
 23       under subparagraph (A) for use of Federal  
 24       recreational lands and waters managed by  
 25       the Forest Service, the Bureau of Land

1 Management, the Bureau of Reclamation,  
2 or the United States Fish and Wildlife  
3 Service shall not exceed the difference be-  
4 tween—

5 “(I) the sum of—

6 “(aa) 3 percent of the an-  
7 nual gross revenue of the recre-  
8 ation service provider for all ac-  
9 tivities authorized by the special  
10 recreation permit; and

11 “(bb) any applicable revenue  
12 addition; and

13 “(II) any applicable revenue ex-  
14 clusion.

15 “(ii) EXCLUSION OF CERTAIN REVE-  
16 NUES AND PAYMENTS.—In calculating the  
17 amount of a fee for a special recreation  
18 permit under clause (i), the Secretary shall  
19 exclude—

20 “(I) revenue from goods, services,  
21 souvenirs, merchandise, gear, food,  
22 and activities provided or sold by a  
23 special recreation permit holder in a  
24 location other than the Federal rec-  
25 reational lands and waters covered by

1 the permit, including transportation  
 2 costs, lodging, and any other service  
 3 before or after a trip; and

4 “(II) revenue from any rec-  
 5 reational services provided by a spe-  
 6 cial recreation permit holder for ac-  
 7 tivities on Federal recreational lands  
 8 and waters for which a separate per-  
 9 mit is issued.

10 “(iii) ALTERNATIVE PER-PERSON  
 11 FEE.—

12 “(I) IN GENERAL.—For Federal  
 13 recreational lands and waters man-  
 14 aged by the Forest Service, the Bu-  
 15 reau of Land Management, the Bu-  
 16 reau of Reclamation, or the United  
 17 States Fish and Wildlife Service, the  
 18 Secretary may charge a per-person fee  
 19 in connection with the issuance of a  
 20 special recreation permit under para-  
 21 graph (1).

22 “(II) AMOUNT OF FEE.—The  
 23 total amount charged by the Secretary  
 24 in connection with the issuance of a  
 25 special recreation permit under para-

1 graph (1) using a per-person fee  
2 under subclause (I) shall be com-  
3 parable to the amount the Secretary  
4 may charge for a special recreation  
5 permit fee under subparagraph (A)  
6 and clauses (i) and (ii).

7 “(iv) EFFECT.—Nothing in this sub-  
8 paragraph affects any fee for a commercial  
9 use authorization for use of Federal rec-  
10 reational lands and waters managed by the  
11 National Park Service.

12 “(C) DISCLOSURE OF FEES.—A special  
13 recreation permit holder may inform customers  
14 of any fee charged by the Secretary under this  
15 section.

16 “(3) SUBSTANTIALLY SIMILAR ACTIVITIES.—  
17 The Secretary shall establish a permit administra-  
18 tion protocol that authorizes, to the maximum extent  
19 practicable, a permittee issued a special recreation  
20 permit for a public land unit (as defined in section  
21 101 of the Recreation Not Red Tape Act) under  
22 paragraph (1) to engage in a recreational activity  
23 that is substantially similar to the specific activity  
24 authorized under the special recreation permit, if the  
25 substantially similar recreational activity—

1           “(A) is comparable in type, nature, scope,  
2           and ecological setting to the specific activity au-  
3           thorized under the special recreation permit;

4           “(B) does not result in a greater impact on  
5           natural and cultural resources than the author-  
6           ized activity; and

7           “(C) does not adversely affect any other  
8           permittee issued a special recreation permit for  
9           a public land unit under that paragraph.

10          “(4) REPORT.—

11               “(A) IN GENERAL.—The Secretary shall  
12               make available to holders of special recreation  
13               permits under paragraph (1) and the public an  
14               annual report describing the use of fees col-  
15               lected by the Secretary under paragraph (2).

16               “(B) REQUIREMENTS.—The report under  
17               subparagraph (A) shall include a description of  
18               how the fees are used in each public land unit  
19               (as defined in section 101 of the Recreation  
20               Not Red Tape Act) administered by the Sec-  
21               retary, including an identification of the  
22               amounts used for specific activities within the  
23               public land unit.”.

1 (c) USE OF SPECIAL RECREATION PERMIT REV-  
 2 ENUE.—Section 808 of the Federal Lands Recreation En-  
 3 hancement Act (16 U.S.C. 6807) is amended—

4 (1) in subsection (a)(3)(F), by striking “section  
 5 6(a)” and inserting “section 806(a)”;

6 (2) in subsection (d), by striking “section 5”  
 7 each place it appears and inserting “section 805”;

8 (3) by redesignating subsections (b) through (d)  
 9 as subsections (c) through (e), respectively; and

10 (4) by inserting after subsection (a) the fol-  
 11 lowing:

12 “(b) USE OF SPECIAL RECREATION PERMIT FEE  
 13 REVENUE.—Revenue from a special recreation permit fee  
 14 may be used for—

15 “(1) the purposes described in subsection (a);  
 16 and

17 “(2) expenses—

18 “(A) associated with processing applica-  
 19 tions for special recreation permits; and

20 “(B) incurred in the improvement of the  
 21 operation of the special recreation permit sys-  
 22 tem.”.

23 (d) PERMANENT AUTHORIZATION.—Section 810 of  
 24 the Federal Lands Recreation Enhancement Act (16  
 25 U.S.C. 6809) is amended—

1           (1) by striking “The authority” and inserting  
2           the following:

3           “(a) IN GENERAL.—Except as provided in subsection  
4           (b), the authority”; and

5           (2) by adding at the end the following:

6           “(b) APPLICABILITY.—Subsection (a) shall not apply  
7           to—

8           “(1) section 802;

9           “(2) subsection (d)(2) or (h) of section 803; or

10          “(3) subsection (a) or (b) of section 808.”.

11   **SEC. 103. PERMITTING PROCESS IMPROVEMENTS.**

12          (a) IN GENERAL.—To simplify the process of the  
13          issuance and renewal of special recreation permits and re-  
14          duce the cost of administering special recreation permits,  
15          the Secretary concerned shall—

16               (1) not later than 180 days after the date of  
17          enactment of this Act—

18                       (A) evaluate the special recreation permit-  
19          ting process; and

20                       (B) identify opportunities—

21                               (i) to eliminate duplicative processes;

22                               (ii) to reduce costs; and

23                               (iii) to decrease processing times; and

24               (2) not later than 180 days after the date on  
25          which the Secretary concerned completes the evalua-



tion and identification processes under paragraph (1), revise, as necessary, relevant agency regulations and policy statements to implement the improvements identified under paragraph (1)(B).

(b) ENVIRONMENTAL REVIEWS.—

(1) IN GENERAL.—In issuing or renewing a special recreation permit, the Secretary concerned may, in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

(A) use a programmatic environmental review; and

(B) adopt or incorporate material from a previous environmental impact statement or environmental assessment.

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary concerned shall promulgate such regulations as are necessary to carry out this subsection.

(c) CATEGORICAL EXCLUSIONS.—

(1) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary concerned shall evaluate whether one or more additional categorical exclusions developed in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) would reduce processing times

1 or costs for the issuance or renewal of special recre-  
2 ation permits without significantly affecting the  
3 quality of the human environment.

4 (2) ESTABLISHMENT OF CATEGORICAL EXCLU-  
5 SIONS.—If the Secretary concerned determines  
6 under paragraph (1) that one or more additional  
7 categorical exclusions would reduce processing times  
8 or costs for the issuance or renewal of special recre-  
9 ation permits without significantly affecting the  
10 quality of the human environment, the Secretary  
11 concerned shall—

12 (A) establish those categorical exclusions  
13 in compliance with the National Environmental  
14 Policy Act of 1969 (42 U.S.C. 4321 et seq.);  
15 and

16 (B) revise relevant regulations and policy  
17 statements of applicable Federal agencies to in-  
18 corporate those categorical exclusions.

19 (3) ADMINISTRATION.—

20 (A) IN GENERAL.—In administering a cat-  
21 egorical exclusion established under paragraph  
22 (2), the Secretary concerned shall comply with  
23 the National Environmental Policy Act of 1969  
24 (42 U.S.C. 4321 et seq.) (including regulations  
25 promulgated under that Act).

1 (B) EXTRAORDINARY CIRCUMSTANCES.—

2 In determining whether to use a categorical ex-  
 3 clusion established under paragraph (2), the  
 4 Secretary concerned shall apply the extraor-  
 5 dinary circumstances procedures described in—

6 (i) section 1508.4 of title 40, Code of  
 7 Federal Regulations (or a successor regula-  
 8 tion); and

9 (ii) as applicable—

10 (I) section 220.6 of title 36, Code  
 11 of Federal Regulations (or a successor  
 12 regulation); and

13 (II) section 46.215 of title 43,  
 14 Code of Federal Regulations (or a  
 15 successor regulation).

16 (d) NEEDS ASSESSMENTS.—Except as required  
 17 under subsection (c) or (d) of section 4 of the Wilderness  
 18 Act (16 U.S.C. 1133), the Secretary concerned shall not  
 19 conduct a needs assessment as a condition of issuing a  
 20 special recreation permit under this Act.

21 (e) ONLINE APPLICATIONS.—The Secretary con-  
 22 cerned shall make applications for special recreation per-  
 23 mits available to be completed and submitted online unless  
 24 the Secretary concerned determines that making the appli-  
 25 cations available for completion and submission online

1 would not improve the efficiency or accessibility of the per-  
2 mitting process.

3 **SEC. 104. PERMIT FLEXIBILITY.**

4 (a) VOLUNTARY RETURN OF SURPLUS SERVICE  
5 DAYS.—The Secretary concerned shall establish a pro-  
6 gram to allow a permittee issued a special recreation per-  
7 mit for a public land unit to voluntarily and temporarily  
8 return to the Secretary concerned one or more service  
9 days, to be made available to any other existing or poten-  
10 tial permittee.

11 (b) FOREST SERVICE AND BUREAU OF LAND MAN-  
12 AGEMENT TEMPORARY SPECIAL RECREATION PER-  
13 MITS.—

14 (1) IN GENERAL.—Not later than 180 days  
15 after the date of enactment of this Act, the Sec-  
16 retary concerned shall establish and implement a  
17 program to authorize the issuance of temporary spe-  
18 cial recreation permits for new or additional rec-  
19 reational uses of Federal recreational lands and  
20 waters managed by the Forest Service and the Bu-  
21 reau of Land Management.

22 (2) TERM OF TEMPORARY PERMITS.—A tem-  
23 porary special recreation permit issued under para-  
24 graph (1) shall be issued for a period of not more  
25 than 2 years.

1           (3) CONVERSION TO LONG-TERM PERMIT.—If  
 2           the Secretary concerned determines that a permittee  
 3           under paragraph (1) has completed 2 years of satis-  
 4           factory operation under the permit proposed to be  
 5           converted, the Secretary may provide for the conver-  
 6           sion of a temporary special recreation permit issued  
 7           under paragraph (1) to a long-term special recre-  
 8           ation permit.

9           (4) EFFECT.—Nothing in this subsection alters  
 10          or affects the authority of the Secretary to issue a  
 11          special recreation permit under subsection (h)(1) of  
 12          section 803 of the Federal Lands Recreation En-  
 13          hancement Act (16 U.S.C. 6802).

14 **SEC. 105. PERMIT ADMINISTRATION.**

15          (a) PERMIT AVAILABILITY.—

16           (1) NOTIFICATION OF PERMIT AVAILABILITY.—

17           (A) IN GENERAL.—Except as provided in  
 18           subparagraphs (B) and (C), if the Secretary  
 19           concerned has determined that the Department  
 20           of Agriculture or the Department of the Inte-  
 21           rior, as applicable, is able to issue new special  
 22           recreation permits to recreation service pro-  
 23           viders seeking to use a public land unit, the  
 24           Secretary concerned shall publish that informa-

tion on the website of the agency that administers the relevant public land unit.

(B) EXCEPTION FOR CERTAIN PERMITS.—

With respect to a public land unit managed by the Forest Service or the Bureau of Land Management, subparagraph (A) shall apply only to a long-term special recreation permit for the public land unit.

(C) EXCEPTION FOR RENEWALS AND REISSUANCES.—Subparagraph (A) shall not apply to—

(i) a renewal or reissuance of an existing special recreation permit; or

(ii) a new special recreation permit issued to the purchaser of a recreation service provider that is the holder of an existing special recreation permit.

(D) EFFECT.—Nothing in this paragraph creates a prerequisite to the issuance of a special recreation permit or otherwise limits the authority of the Secretary concerned—

(i) to issue a new special recreation permit; or

(ii) to add a new or additional use to an existing special recreation permit.

1           (2) UPDATES.—The Secretary concerned shall  
2       ensure that information published on the website  
3       under this subsection is consistently updated to pro-  
4       vide current and correct information to the public.

5           (3) ELECTRONIC MAIL NOTIFICATION.—The  
6       Secretary concerned shall—

7                   (A) establish a system by which potential  
8       special recreation permit applicants may sub-  
9       scribe to receive notification of the availability  
10      of special recreation permits by electronic mail;  
11      and

12                   (B) direct employees of the Department of  
13      Agriculture or the Department of the Interior,  
14      as applicable, to use that system to notify the  
15      public of the availability of special recreation  
16      permits.

17       (b) PERMIT APPLICATION ACKNOWLEDGMENT.—Not  
18      later than 60 days after the date on which the Secretary  
19      concerned receives an application for a special recreation  
20      permit for a public land unit, the Secretary concerned  
21      shall—

22                   (1) provide to the applicant notice acknowl-  
23      edging receipt of the application; and

24                   (2)(A) issue a final decision with respect to the  
25      application; or

1 (B) provide to the applicant notice of a pro-  
 2 jected date for a final decision on the application.

3 **SEC. 106. PERMITS FOR MULTIJURISDICTIONAL TRIPS.**

4 (a) SINGLE JOINT SPECIAL RECREATION PER-  
 5 MITS.—

6 (1) IN GENERAL.—In the case of a multijuris-  
 7 dictional trip, the Federal land management agen-  
 8 cies with jurisdiction over the multijurisdictional trip  
 9 may offer to the applicant a single joint special  
 10 recreation permit that authorizes the use of each  
 11 public land unit under the jurisdiction of those Fed-  
 12 eral land management agencies.

13 (2) LEAD AGENCY.—In offering a single joint  
 14 special recreation permit under paragraph (1), the  
 15 applicable Federal land management agencies shall  
 16 designate a lead agency for administering the single  
 17 joint special recreation permit based on the following  
 18 considerations:

19 (A) The length of the multijurisdictional  
 20 trip and the relative portions of the multijuris-  
 21 dictional trip on each public land unit.

22 (B) The congressional or administrative  
 23 designations that apply to the areas to be used  
 24 during the multijurisdictional trip and the de-



1           gree to which those designations impose limita-  
2           tions on recreational use.

3           (C) The relative ability of the Federal land  
4           management agencies with jurisdiction over any  
5           public land unit affected by the multijuris-  
6           dictional trip to process the single joint special  
7           recreation permit application in a timely man-  
8           ner.

9           (D) Other relevant administrative consider-  
10          ations.

11          (3) APPLICATION.—An applicant desiring to be  
12          offered a single joint special recreation permit under  
13          paragraph (1) shall submit to the lead agency an ap-  
14          plication, as required by the lead agency.

15          (4) OPTION TO APPLY FOR SEPARATE PER-  
16          MITS.—An applicant for a special recreation permit  
17          for a multijurisdictional trip may apply to each ap-  
18          plicable Federal land management agency for a sep-  
19          arate permit for the portion of the multijuris-  
20          dictional trip on the public land unit managed by  
21          each applicable Federal land management agency.

22          (b) REQUIREMENTS.—In issuing a single joint special  
23          recreation permit under subsection (a), the lead agency  
24          shall—

1           (1) coordinate with each associated agency, con-  
2           sistent with the authority of the Secretary concerned  
3           under section 330 of the Department of the Interior  
4           and Related Agencies Appropriations Act, 2001 (43  
5           U.S.C. 1703), to develop and issue 1 joint permit  
6           that covers the entirety of the multijurisdictional  
7           trip;

8           (2) in processing the joint special recreation  
9           permit application, incorporate the findings, inter-  
10          ests, and needs of each associated agency;

11          (3) in issuing the joint special recreation per-  
12          mit, clearly identify the agencies that have the au-  
13          thority to enforce the terms, stipulations, conditions,  
14          and agreements of the joint special recreation per-  
15          mit, as determined under subsection (d); and

16          (4) complete the permitting process within a  
17          reasonable timeframe.

18          (c) COST RECOVERY.—Coordination with each asso-  
19          ciated agency under subsection (b) shall not be subject to  
20          cost recovery.

21          (d) ENFORCEMENT AUTHORITY.—

22                 (1) DELEGATION OF AUTHORITY TO LEAD  
23          AGENCY.—In administering a single joint special  
24          recreation permit under subsection (a), each associ-

1       ated agency shall delegate to the lead agency the au-  
 2       thority—

3               (A) to enforce the terms, stipulations, con-  
 4               ditions, and agreements of the joint special  
 5               recreation permit, as may be required by each  
 6               associated agency; and

7               (B) to suspend, terminate, or revoke the  
 8       joint special recreation permit for—

9                   (i) noncompliance with Federal, State,  
 10                  or local laws (including regulations);

11                  (ii) noncompliance with the terms of  
 12                  the joint special recreation permit; or

13                  (iii) failure of the holder of the joint  
 14                  special recreation permit to exercise the  
 15                  privileges granted by the joint special  
 16                  recreation permit.

17       (2) RETENTION OF AUTHORITY BY THE ASSOCI-  
 18       ATED AGENCY.—The associated agency shall retain  
 19       the authority to enforce the terms, stipulations, con-  
 20       ditions, and agreements in the joint special recre-  
 21       ation permit that apply specifically to the use occur-  
 22       ring on the public land unit managed by the associ-  
 23       ated agency.

24       (e) WITHDRAWAL.—

1           (1) IN GENERAL.—The lead agency or an asso-  
2           ciated agency may withdraw from a joint special  
3           recreation permit at any time.

4           (2) ISSUANCE OF SEPARATE PERMITS.—

5           (A) IN GENERAL.—In the case of a with-  
6           drawal by one or more agencies under para-  
7           graph (1), if the holder of the joint special  
8           recreation permit is in compliance with the re-  
9           quirements of the joint special recreation per-  
10          mit, the lead agency and each associated agency  
11          shall issue to the holder of the joint special  
12          recreation permit a new, separate special recre-  
13          ation permit for any use occurring on the public  
14          land unit managed by the agency.

15          (B) REQUIREMENTS.—A special recreation  
16          permit issued under subparagraph (A) shall  
17          contain the same or substantially similar terms,  
18          conditions, and operating stipulations as the  
19          joint special recreation permit from which an  
20          agency has withdrawn under paragraph (1).

21          (C) NO NEW APPLICATION.—The holder of  
22          a joint special recreation permit from which an  
23          agency has withdrawn under paragraph (1)  
24          shall not be required to submit a new applica-  
25          tion for a separate special recreation permit.

1 **SEC. 107. FOREST SERVICE PERMIT USE REVIEWS.**

2 (a) IN GENERAL.—If the Secretary of Agriculture  
3 (referred to in this section as the “Secretary”) conducts  
4 a special recreation permit use review in renewing a spe-  
5 cial recreation permit or adjusting allocations of use in  
6 a special recreation permit, the Secretary shall—

7 (1) take into consideration the performance of  
8 the special recreation permit holder during the re-  
9 viewed period; and

10 (2) if the special recreation permit holder re-  
11 ceives a satisfactory performance review, allocate to  
12 the special recreation permit holder the highest level  
13 of actual annual use during the period under review  
14 plus 25 percent of that use, not to exceed the level  
15 allocated to the special recreation permit holder on  
16 the date on which the special recreation permit was  
17 issued.

18 (b) ADDITIONAL CAPACITY.—

19 (1) IN GENERAL.—If additional use capacity is  
20 available, the Secretary may, at any time, assign the  
21 remaining use to one or more qualified recreation  
22 service providers.

23 (2) ASSIGNMENT NOT SUBJECT TO CAP ON  
24 USE.—Notwithstanding subsection (a), in assigning  
25 additional use capacity under paragraph (1), the  
26 Secretary may assign additional use capacity to an

1 existing special recreation permit holder even if that  
 2 assignment would exceed the amount of use allo-  
 3 cated to the special recreation permit holder on the  
 4 date on which the special recreation permit was  
 5 issued.

6 (c) WAIVER.—The Secretary may waive a special  
 7 recreation permit use review for any period during which  
 8 use of the assigned capacity for the special recreation per-  
 9 mit has been prevented by a circumstance beyond the con-  
 10 trol of the special recreation permit holder, such as—

- 11 (1) unfavorable weather;
- 12 (2) fire;
- 13 (3) natural disaster;
- 14 (4) wildlife displacement;
- 15 (5) business interruption;
- 16 (6) insufficient availability of hunting and fish-  
 17 ing licenses; or
- 18 (7) significant seasonal variability or off-peak  
 19 periods within the allocated period of use.

20 (d) APPROVAL OF NON-USE.—

21 (1) IN GENERAL.—In any circumstance for  
 22 which the holder of a special recreation permit would  
 23 qualify for a waiver under subsection (c), on request  
 24 of the holder of the special recreation permit, the  
 25 Secretary may approve non-use by the holder of the

1 special recreation permit without reducing the num-  
 2 ber of service days assigned to the special recreation  
 3 permit.

4 (2) REALLOCATION OF USE.—The Secretary  
 5 may assign any period of non-use approved under  
 6 paragraph (1) to another qualified recreation service  
 7 provider.

8 **SEC. 108. LIABILITY.**

9 (a) IN GENERAL.—To the extent authorized by appli-  
 10 cable State law, the Secretary concerned shall authorize  
 11 a permittee issued a special recreation permit for a public  
 12 land unit under section 803(h) of the Federal Lands  
 13 Recreation Enhancement Act (16 U.S.C. 6802(h)) to re-  
 14 quire a client of the permittee to sign a form that—

15 (1) releases the permittee and any agents, em-  
 16 ployees, and other persons affiliated with the per-  
 17 mittee from liability for ordinary negligence that  
 18 arises out of or in connection with the authorized ac-  
 19 tivities of the permittee;

20 (2) requires the client to indemnify and hold  
 21 harmless the permittee and any agents, employees,  
 22 and other persons affiliated with the permittee for  
 23 any injury or damages the permittee may sustain as  
 24 a result of any claim other than gross negligence  
 25 that is caused by or arises out of or in connection

1 with the involvement of the client in the authorized  
2 activities of the permittee;

3 (3) releases the United States and any agents,  
4 employees, and contractors of the United States  
5 from liability for ordinary negligence that arises out  
6 of or in connection with the authorized activities of  
7 the permittee; and

8 (4) requires the client to indemnify and hold  
9 harmless the United States and any agents, employ-  
10 ees, and contractors of the United States for any in-  
11 jury or damages the United States or any agents,  
12 employees, and contractors of the United States may  
13 sustain as a result of any claim other than gross  
14 negligence that is caused by or arises out of or in  
15 connection with the involvement of the client in the  
16 authorized activities of the permittee.

17 (b) REQUIREMENTS.—A form under subsection (a)—

18 (1) shall not preclude claims of gross negligence  
19 against the permittee;

20 (2) shall not eliminate the obligation of the per-  
21 mittee to indemnify the United States unless the  
22 permittee is a recreation service provider that meets  
23 the requirements of subsection (c);

24 (3) shall not affect the ability of the United  
25 States to recover as an additional insured under any



1 insurance policy obtained by the permittee in con-  
 2 nection with the authorized activities of the per-  
 3 mittee;

4 (4) shall identify the State under the laws of  
 5 which—

6 (A) the form, including any waiver or re-  
 7 lease, shall be enforced; and

8 (B) any claim or cause of action, whether  
 9 in tort or in contract, relating to or arising out  
 10 of the form shall be governed; and

11 (5) may be subject to review and approval by  
 12 the Secretary concerned to ensure that the require-  
 13 ments of this section are met.

14 (c) INDEMNIFICATION BY GOVERNMENT ENTITIES.—

15 The Secretary concerned may not require a recreation  
 16 service provider to indemnify the United States as a condi-  
 17 tion for issuing a special recreation permit for a public  
 18 land unit under section 803(h) of the Federal Lands  
 19 Recreation Enhancement Act (16 U.S.C. 6802(h)) if—

20 (1) the recreation service provider is prohibited  
 21 by State or local law from providing indemnification  
 22 to the United States; and

23 (2) the recreation service provider—

24 (A) carries the minimum amount of liabil-  
 25 ity insurance coverage required by the issuing

1           agency for the activities conducted under the  
2           special recreation permit; or

3           (B) is self-insured for the same amount.

4   **SEC. 109. COST RECOVERY REFORM.**

5       (a) REVISION OF REGULATIONS.—

6           (1) IN GENERAL.—Not later than 1 year after  
7       the date of enactment of this Act, the Secretary of  
8       Agriculture shall revise section 251.58 of title 36,  
9       Code of Federal Regulations, and the Secretary of  
10      the Interior shall revise section 2932.31 of title 43,  
11      Code of Federal Regulations, to be consistent with  
12      this section.

13          (2) LIMITATION.—In carrying out paragraph  
14      (1), the Secretaries shall not include anything in the  
15      revised regulations that would limit the authority of  
16      the Secretaries to issue or renew special recreation  
17      permits.

18      (b) DE MINIMIS EXEMPTION FROM COST RECOV-  
19      ERY.—

20          (1) IN GENERAL.—Any regulation promulgated  
21      by the Secretary of the Interior or the Secretary of  
22      Agriculture to establish fees to recover the costs of  
23      processing an application for a special recreation  
24      permit or monitoring an authorization under a spe-  
25      cial recreation permit shall include an exemption

1 providing that fees may not be recovered for not less  
2 than the first 50 hours of work necessary in any 1  
3 year to process the application or monitor the au-  
4 thorization.

5 (2) MULTIPLE APPLICATIONS.—In situations  
6 involving multiple applications for special recreation  
7 permits for similar services in the same public land  
8 unit or area that, in the aggregate, require more  
9 hours to process than are exempt under the regula-  
10 tions promulgated under paragraph (1), the Sec-  
11 retary concerned shall, regardless of whether the ap-  
12 plications are solicited or unsolicited and whether  
13 there is competitive interest—

14 (A) determine the share of the aggregate  
15 quantity of hours to be allocated to each appli-  
16 cation on an equal or prorated basis, as appro-  
17 priate; and

18 (B) for each application, apply a separate  
19 exemption as specified in the regulations pro-  
20 mulgated under paragraph (1) to the share of  
21 the aggregate hours allocated to the application.

22 (c) COST REDUCTION.—To the maximum extent  
23 practicable, the Secretary concerned processing an appli-  
24 cation for a special recreation permit shall use existing

1 studies and analysis to reduce the quantity of work and  
2 costs necessary to process the application.

3 **SEC. 110. EXTENSION OF SPECIAL RECREATION PERMITS.**

4 (a) IN GENERAL.—Subject to subsection (b), if the  
5 holder of a long-term special recreation permit makes a  
6 timely and sufficient request for renewal of the long-term  
7 special recreation permit, the expiration of the permit  
8 shall be tolled in accordance with the undesignated matter  
9 following section 558(c)(2) of title 5, United States Code,  
10 until such time as the request for renewal has been finally  
11 determined by the Secretary concerned.

12 (b) LIMITATION.—Any tolling under subsection (a)  
13 shall be for a period of not more than 5 years.

14 (c) RESPONSIBILITY OF THE SECRETARY CON-  
15 CERNED.—Before allowing the expiration of a permit to  
16 be tolled under subsection (a), the Secretary concerned,  
17 to the maximum extent practicable, shall complete the re-  
18 newal process.

19 **SEC. 111. AVAILABILITY OF FEDERAL AND STATE RECRE-**  
20 **ATION PASSES.**

21 (a) IN GENERAL.—The Federal Lands Recreation  
22 Enhancement Act is amended by inserting after section  
23 805 (16 U.S.C. 6804) the following:

1 **“SEC. 805A. AVAILABILITY OF FEDERAL AND STATE RECRE-**  
 2 **ATION PASSES.**

3 “(a) ESTABLISHMENT OF PROGRAM.—

4 “(1) IN GENERAL.—To improve the availability  
 5 of Federal and State outdoor recreation passes, the  
 6 Secretaries are encouraged to consult with States to  
 7 coordinate the availability of Federal and State  
 8 recreation passes to allow a purchaser to buy a Fed-  
 9 eral recreation pass and a State recreation pass in  
 10 the same transaction.

11 “(2) INCLUDED PASSES.—Passes covered by  
 12 the program established under paragraph (1) in-  
 13 clude—

14 “(A) an America the Beautiful—the Na-  
 15 tional Parks and Federal Recreational Lands  
 16 Pass under section 805; and

17 “(B) any pass covering any fees charged  
 18 by participating States and localities for en-  
 19 trance and recreational use of parks and public  
 20 land in the participating States.

21 “(b) AGREEMENTS WITH STATES.—

22 “(1) IN GENERAL.—The Secretaries, after con-  
 23 sultation with the States, may enter into agreements  
 24 with States to coordinate the availability of passes  
 25 as described in subsection (a).

1           “(2) REVENUE FROM PASS SALES.—The agree-  
 2           ments between the Secretaries and the States shall  
 3           ensure that—

4                   “(A) funds from the sale of State passes  
 5                   are transferred to the appropriate State agency;

6                   “(B) funds from the sale of Federal passes  
 7                   are transferred to the appropriate Federal  
 8                   agency; and

9                   “(C) fund transfers are completed by the  
 10                  end of a fiscal year for all pass sales occurring  
 11                  during the fiscal year.

12           “(3) NOTICE.—In entering into an agreement  
 13           under paragraph (1), the Secretaries shall publish in  
 14           the Federal Register a notice describing the agree-  
 15           ment.”.

16           (b) CLERICAL AMENDMENT.—The table of contents  
 17           for the Federal Lands Recreation Enhancement Act (16  
 18           U.S.C. 6801 et seq.) is amended by inserting after the  
 19           item relating to section 805 the following:

          “Sec. 805A. Availability of Federal and State recreation passes.”.

20   **SEC. 112. ONLINE PURCHASES OF AMERICA THE BEAU-**  
 21                   **TIFUL—THE NATIONAL PARKS AND FEDERAL**  
 22                   **RECREATIONAL LANDS PASS.**

23           (a) IN GENERAL.—Section 805(a)(6) of the Federal  
 24           Lands Recreation Enhancement Act (16 U.S.C.

1 6804(a)(6)) is amended by striking subparagraph (A) and  
 2 inserting the following:

3 “(A) IN GENERAL.—The Secretaries shall  
 4 sell the America the Beautiful—the National  
 5 Parks and Federal Recreational Lands Pass—

6 “(i) at all Federal recreational lands  
 7 and waters at which an entrance fee or a  
 8 standard amenity recreation fee is charged  
 9 where feasible to do so;

10 “(ii) at such other locations as the  
 11 Secretaries consider appropriate and fea-  
 12 sible; and

13 “(iii) through the website of each of  
 14 the Federal land management agencies and  
 15 the websites of the relevant units and  
 16 subunits of those agencies, with—

17 “(I) a prominent link on each  
 18 website; and

19 “(II) information about where  
 20 and when passes are needed.”.

21 (b) ENTRANCE PASS AND AMENITY FEES.—The Sec-  
 22 retaries shall make available for payment online, if appro-  
 23 priate and feasible, for each public land unit where passes  
 24 and fees are required—

1           (1) all entrance fees under section 803(e) of the  
 2       Federal Lands Recreation Enhancement Act (16  
 3       U.S.C. 6802(e));

4           (2) all standard amenity recreation fees under  
 5       section 803(f) of that Act (16 U.S.C. 6802(f)); and

6           (3) all expanded amenity recreation fees under  
 7       section 803(g) of that Act (16 U.S.C. 6802(g)).

## 8           **TITLE II—ACCESSING THE** 9           **OUTDOORS**

### 10   **SEC. 201. ACCESS FOR SERVICEMEMBERS AND VETERANS.**

11       (a) IN GENERAL.—The Secretaries are encouraged to  
 12       work with the Secretary of Defense and the Secretary of  
 13       Veterans Affairs to ensure servicemembers and veterans  
 14       have access to outdoor recreation and to outdoor-related  
 15       volunteer and wellness programs as a part of the basic  
 16       services provided to servicemembers and veterans.

17       (b) INCLUSION OF INFORMATION.—Each branch of  
 18       the Armed Forces is encouraged to include information  
 19       regarding outdoor recreation and outdoors-based careers  
 20       in the materials and counseling services focused on resil-  
 21       ience and career readiness provided in transition pro-  
 22       grams, including—

23           (1) the benefits of outdoor recreation for phys-  
 24       ical and mental health;



1           (2) resources to access guided outdoor trips and  
 2           other outdoor programs connected to the Depart-  
 3           ment of Veterans Affairs; and

4           (3) information regarding programs and jobs  
 5           focused on continuing national service such as the  
 6           Public Land Corps, AmeriCorps, or a conservation  
 7           corps program.

8           (c) OUTDOOR RECREATION PROGRAM ATTEND-  
 9           ANCE.—Each branch of the Armed Forces is encouraged  
 10          to permit members of the Armed Forces on active duty  
 11          status, at the discretion of the commander of the member,  
 12          to use not more than 7 days of a permissive temporary  
 13          duty assignment or terminal leave allotted to the member  
 14          to participate in a program related to environmental stew-  
 15          ardship or guided outdoor recreation following deploy-  
 16          ment.

17          (d) VETERAN HIRING.—The Secretaries are strongly  
 18          encouraged to hire veterans in all positions related to the  
 19          management of Federal recreational lands and waters.

## 20   **TITLE III—MAKING RECREATION** 21                                   **A PRIORITY**

### 22   **SEC. 301. EXTENSION OF SEASONAL RECREATION OPPOR-** 23                                   **TUNITIES.**

24          (a) IN GENERAL.—

1 (1) EXTENSION OF RECREATIONAL SEASON.—

2 The relevant unit managers of Federal recreational  
3 lands and waters managed by the Forest Service,  
4 the Bureau of Land Management, and the National  
5 Park Service may—

6 (A) identify areas of Federal recreational  
7 lands and waters in which recreation use is  
8 highly seasonal;

9 (B) where appropriate, extend the recre-  
10 ation season or increase recreation use in a sus-  
11 tainable manner during the offseason; and

12 (C) make information about extended sea-  
13 son schedules and related recreational opportu-  
14 nities available to the public and local commu-  
15 nities.

16 (2) CLARIFICATION.—Nothing in this sub-  
17 section precludes the Secretaries from providing for  
18 additional recreational opportunities and uses at  
19 times other than those referred to in paragraph (1).

20 (b) INCLUSIONS.—An extension under subsection  
21 (a)(1) may include—

22 (1) the addition of facilities that would increase  
23 recreation use during the offseason; and

24 (2) improvement of access to the area to extend  
25 the season.

1 (c) REQUIREMENT.—An extension under subsection  
 2 (a)(1) shall be compatible with all applicable Federal laws,  
 3 regulations, and policies, including land use plans.

4 **SEC. 302. RECREATION PERFORMANCE METRICS.**

5 (a) IN GENERAL.—The Chief of the Forest Service  
 6 and the Director of the Bureau of Land Management shall  
 7 evaluate land managers under their jurisdiction based on  
 8 the achievement of applicable agency recreational and  
 9 tourism metrics as described in applicable land manage-  
 10 ment plans.

11 (b) METRICS.—

12 (1) IN GENERAL.—The metrics used to evaluate  
 13 recreation and tourism outcomes shall ensure—

14 (A) the advancement of recreation and  
 15 tourism goals; and

16 (B) the ability of the land manager to en-  
 17 hance the outdoor experience of the visitor.

18 (2) INCLUSIONS.—The metrics referred to para-  
 19 graph (1) shall include—

20 (A) the extent of positive economic im-  
 21 pacts;

22 (B) visitation by families;

23 (C) the number of visiting school and  
 24 youth groups;

1 (D) the number of available recreational  
2 opportunities;

3 (E) the quality of visitor experience;

4 (F) the number of recreational and envi-  
5 ronmental educational programs offered;

6 (G) visitor satisfaction; and

7 (H) the maintenance and expansion of ex-  
8 isting recreation infrastructure.

9 **SEC. 303. RECREATION MISSION.**

10 (a) DEFINITION OF FEDERAL AGENCY.—In this sec-  
11 tion, the term “Federal agency” means each of—

12 (1) the Corps of Engineers;

13 (2) the Bureau of Reclamation;

14 (3) the Federal Energy Regulatory Commission;

15 and

16 (4) the Department of Transportation.

17 (b) MISSION.—With respect to the mission of the  
18 Federal agency, each Federal agency shall consider how  
19 land and water management decisions can enhance recre-  
20 ation opportunities and the recreation economy.

21 **SEC. 304. NATIONAL RECREATION AREA SYSTEM.**

22 (a) DECLARATION OF POLICY.—It is the policy of the  
23 United States that certain Federal land possesses remark-  
24 able recreational values and should be managed for—

1           (1) sustainable outdoor recreational uses by the  
2 people of the United States;

3           (2) the recreational, social, and health benefits  
4 people receive from the Federal land through out-  
5 door recreation; and

6           (3) the specific and meaningful experiences  
7 made possible by unique and varied landscapes.

8 (b) DEFINITIONS.—In this section:

9           (1) NATURAL FEATURE.—The term “natural  
10 feature” means an ecological, geological, hydrologi-  
11 cal, or scenic attribute of a specific area.

12           (2) REMARKABLE RECREATIONAL AT-  
13 TRIBUTE.—The term “remarkable recreational at-  
14 tribute” means, with respect to an area—

15           (A) a natural feature that supports high-  
16 quality outdoor recreation opportunities and ex-  
17 periences;

18           (B) a unique cultural or historic feature or  
19 attribute that supports high-quality recreation  
20 opportunities and experiences;

21           (C) the offering of outstanding existing or  
22 prospective recreation opportunities and uses;

23           (D) having an important role in, and con-  
24 tributing significantly, to the outdoor recreation  
25 economy; and

1 (E) having high fish and wildlife values.

2 (3) SECRETARY.—The term “Secretary”  
3 means—

4 (A) the Secretary of the Interior, acting  
5 through the Director of the Bureau of Land  
6 Management with respect to land administered  
7 by the Bureau of Land Management; and

8 (B) the Secretary of Agriculture, acting  
9 through the Chief of the Forest Service, with  
10 respect to National Forest System land.

11 (4) SYSTEM.—The term “System” means the  
12 National Recreation Area System established by  
13 subsection (c).

14 (5) SYSTEM UNIT.—The term “System unit”  
15 means a System unit designated pursuant to sub-  
16 section (c).

17 (c) COMPOSITION.—There is established a National  
18 Recreation Area System, to be comprised of—

19 (1) existing National Recreation Areas under  
20 the jurisdiction of the Bureau of Land Management  
21 or the Forest Service described in subsection (g);  
22 and

23 (2) new System units designated by Congress  
24 on or after the date of enactment of this Act.

25 (d) ADMINISTRATION.—

1           (1) IN GENERAL.—Subject to valid existing  
2           rights, the Secretary shall manage each System unit  
3           in a manner that—

4                   (A) prioritizes the sustainable enjoyment  
5                   and enhancement of the remarkable rec-  
6                   reational attributes, natural features, and uses  
7                   of the System unit consistent with subsection  
8                   (a); and

9                   (B) protects the System unit for a variety  
10                  of recreational uses (including outfitting and  
11                  guiding, motorized recreation, hunting and fish-  
12                  ing, horseback riding, and biking) in locations  
13                  where those uses are appropriate and are con-  
14                  ducted in accordance with the applicable land  
15                  management plan and all applicable Federal  
16                  and State laws (including regulations).

17          (2) GRAZING.—Livestock grazing within System  
18          units, where established before the date of the enact-  
19          ment of this Act, shall be permitted if the grazing  
20          complies with all applicable laws (including regula-  
21          tions).

22          (3) STATE, TRIBAL, AND LOCAL INVOLVE-  
23          MENT.—The Secretary shall consult with States, po-  
24          litical subdivisions of States, affected Indian Tribes,

1 adjacent landowners, and the public in the adminis-  
 2 tration of System units.

3 (4) FISH AND WILDLIFE.—Nothing in this sec-  
 4 tion affects the jurisdiction or responsibilities of a  
 5 State with respect to fish and wildlife in a System  
 6 unit in the State.

7 (5) WATER RIGHTS.—Nothing in this section  
 8 affects any valid or vested water right in existence  
 9 on the date of enactment of this Act.

10 (6) SKI AREA LAND.—This section shall not  
 11 apply to ski area land, including ski area special use  
 12 permit boundaries, master development plan bound-  
 13 aries, and any acres allocated for resort development  
 14 in a forest plan.

15 (e) COMPONENTS OF NATIONAL RECREATION AREA  
 16 SYSTEM.—

17 (1) MAP; LEGAL DESCRIPTION.—

18 (A) IN GENERAL.—For System units des-  
 19 ignated by an Act of Congress after the date of  
 20 enactment of this Act, as soon as practicable  
 21 after the date of designation of a System unit,  
 22 the Secretary shall prepare a map and legal de-  
 23 scription of the System unit.

24 (B) FORCE OF LAW.—The map and legal  
 25 description filed under subparagraph (A) shall



1 have the same force and effect as if included in  
 2 this section, except that the Secretary may cor-  
 3 rect typographical errors in the map and legal  
 4 description.

5 (C) PUBLIC AVAILABILITY.—The map and  
 6 legal description filed under subparagraph (A)  
 7 shall be on file and available for public inspec-  
 8 tion in the offices of the Bureau of Land Man-  
 9 agement and the Forest Service, as appropriate.

10 (2) COMPREHENSIVE MANAGEMENT PLAN.—

11 (A) IN GENERAL.—For System units des-  
 12 ignated by an Act of Congress after the date of  
 13 enactment of this Act the Secretary with juris-  
 14 diction over the System unit shall prepare a  
 15 comprehensive management plan for the unit  
 16 that fulfills the requirements of subsection  
 17 (d)(1) and subparagraph (C).

18 (B) TIMING.—

19 (i) IN GENERAL.—The comprehensive  
 20 management plan described in subpara-  
 21 graph (A) shall be completed as part of the  
 22 regular land use management planning  
 23 process of the applicable agency on which  
 24 the System unit is located.

1                   (ii) DELAY IN PLAN REVISION.—If the  
 2                   planning cycle of the applicable agency  
 3                   does not coincide with the designation of  
 4                   the System unit, the initial plan for the  
 5                   unit shall be completed not later than 3  
 6                   years after the date of designation of the  
 7                   System unit.

8                   (C) REQUIREMENTS.—A comprehensive  
 9                   management plan prepared under subparagraph  
 10                  (A) shall—

11                   (i) identify the existing, and to the ex-  
 12                   tent practicable, prospective remarkable  
 13                   recreational attributes of the System unit;

14                   (ii) ensure the System unit is man-  
 15                   aged to protect and enhance the purposes  
 16                   for which the System unit was established;

17                   (iii) ensure the System unit is man-  
 18                   aged to protect and enhance the resources  
 19                   that make the area suitable for designation  
 20                   under subsection (c)(2) in accordance with  
 21                   subsection (a);

22                   (iv) describe the circumstances and lo-  
 23                   cations in which the activities described in  
 24                   paragraphs (1)(B) and (2) of subsection  
 25                   (d) are permitted on the System unit;

(v) be coordinated with resource management planning for affected adjacent Federal land, if applicable;

(vi) be prepared—

(I) in accordance with—

(aa) as applicable, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

(bb) any other applicable laws (including regulations); and

(II) in consultation with States, political subdivisions of States, affected Indian Tribes, adjacent landowners, and the public; and

(vii) designate a sustainable road and trail network, consistent with subsection (a) and the purposes for which the System unit was established, in accordance with all applicable laws (including regulations).

(D) REVIEW.—A comprehensive management plan described in subparagraph (A) shall

1 be regularly reviewed and updated as part of  
2 the regular land management planning process  
3 of the applicable agency.

4 (E) MANAGEMENT BY SECRETARY.—

5 (i) IN GENERAL.—The Secretary shall  
6 manage a National Recreation Area de-  
7 scribed in subsection (g) in accordance  
8 with the management plan for the Na-  
9 tional Recreation Area in effect on the  
10 date of enactment of this Act, until the  
11 date on which the plan is revised or super-  
12 seded by a new comprehensive manage-  
13 ment plan issued in accordance with this  
14 paragraph.

15 (ii) PLAN REVISION.—If one or more  
16 components of an existing management  
17 plan referred to in clause (i) conflict with  
18 this section, not later than 2 years after  
19 the date of enactment of this Act, the Sec-  
20 retary shall revise the plan to make the  
21 plan consistent with this section.

22 (F) NOTICE.—The Secretary shall publish  
23 in the Federal Register notice of the completion  
24 and availability of a plan prepared under this  
25 paragraph.

1 (f) POTENTIAL ADDITIONS TO NATIONAL RECRE-  
 2 ATION AREA SYSTEM.—

3 (1) ELIGIBLE AREA.—An area eligible for inclu-  
 4 sion in the System is an area that possesses one or  
 5 more remarkable recreational attributes.

6 (2) POTENTIAL ADDITIONS.—In carrying out  
 7 the land management planning process, the Sec-  
 8 retary shall—

9 (A) identify eligible areas that possess one  
 10 or more remarkable recreational attributes;

11 (B) develop and maintain a list of eligible  
 12 areas as potential additions to the System;

13 (C) consider input from the Governor of,  
 14 political subdivisions of, and affected Indian  
 15 Tribes located in, the State in which the eligible  
 16 areas are located; and

17 (D) transmit to Congress lists of eligible  
 18 areas for consideration.

19 (g) EXISTING NATIONAL RECREATION AREAS.—  
 20 Each National Recreation Area established before the date  
 21 of enactment of this Act that is under the jurisdiction of  
 22 the Bureau of Land Management or the Forest Service  
 23 shall be—

24 (1) deemed to be a unit of the System; and

1           (2) notwithstanding subsection (d), adminis-  
2           tered under the law pertaining to the applicable Sys-  
3           tem unit.

4           (h) STANDARD FEES.—In accordance with sections  
5           803 through 808 of the Federal Lands Recreation En-  
6           hancement Act (16 U.S.C. 6802–6807), the Secretary  
7           may establish a standard amenity fee at each National  
8           Recreation Area designated after the date of enactment  
9           of this Act, if—

10           (1) the purpose of the fee is to enhance visitor  
11           services and stewardship of the recreation area; and

12           (2) the establishment of a fee is not prohibited  
13           by other Federal law.

14           (i) COMPLIANCE WITH EXISTING LAWS.—Nothing in  
15           this section modifies any obligation—

16           (1) of the Secretary to prepare or implement a  
17           land use plan in accordance with section 202 of the  
18           Federal Land Policy and Management Act of 1976  
19           (43 U.S.C. 1712) or section 6 of the Forest and  
20           Rangeland Renewable Resources Planning Act of  
21           1974 (16 U.S.C. 1604);

22           (2) under the Endangered Species Act of 1973  
23           (16 U.S.C. 1531 et seq.);

24           (3) under the Federal Water Pollution Control  
25           Act (33 U.S.C. 1251 et seq.); or

1 (4) under any other applicable law.

2 (j) APPLICABILITY OF OTHER LAND MANAGEMENT

3 DESIGNATIONS.—Nothing in this section affects—

4 (1) any other land or water management des-  
5 ignation under any other provision of law; or

6 (2) any obligation to comply with a requirement  
7 applicable to such a designation.

8 (k) NATIVE AMERICAN TREATY RIGHTS.—Nothing  
9 in this section alters, modifies, enlarges, diminishes, or ab-  
10 rogates the treaty rights of any Indian Tribe, including  
11 any off-reservation reserved rights.

12 **TITLE IV—MAINTENANCE OF**  
13 **PUBLIC LAND**  
14 **Subtitle A—Volunteers**

15 **SEC. 401. PRIVATE-SECTOR VOLUNTEER ENHANCEMENT**  
16 **PROGRAM.**

17 (a) PURPOSE.—The purpose of this section is to pro-  
18 mote private-sector volunteer programs within the Depart-  
19 ment of the Interior and the Department of Agriculture  
20 to enhance stewardship, recreation access, and sustain-  
21 ability of the resources, values, and facilities of the Fed-  
22 eral recreational lands and waters managed by the Federal  
23 land management agencies.

24 (b) DEFINITIONS.—In this section:

1           (1) SECRETARY CONCERNED.—The term “Sec-  
2       retary concerned” means—

3                   (A) the Secretary of Agriculture (acting  
4           through the Chief of the Forest Service), with  
5           respect to National Forest System land; and

6                   (B) the Secretary of the Interior, with re-  
7           spect to land managed by the Bureau of Land  
8           Management.

9           (2) VOLUNTEER.—The term “volunteer” means  
10       any individual who performs volunteer services under  
11       this section.

12       (c) ESTABLISHMENT.—The Secretary concerned  
13       shall carry out a program under which the Secretary con-  
14       cerned shall—

15                   (1) enhance private-sector volunteer programs;

16                   (2) actively promote private-sector volunteer op-  
17       portunities; and

18                   (3) provide outreach to, and coordinate with,  
19       the private sector for the purposes described in para-  
20       graphs (1) and (2).

21       (d) COOPERATIVE AGREEMENTS FOR STEWARDSHIP  
22       OF FEDERAL LAND.—

23                   (1) AUTHORITY TO ENTER INTO AGREE-  
24       MENTS.—The Secretary concerned may enter into  
25       cooperative agreements (in accordance with section



1       6305 of title 31, United States Code) with private  
2       agencies, organizations, institutions, corporations,  
3       individuals, or other entities to carry out one or  
4       more projects or programs with a Federal land man-  
5       agement agency in accordance with this section.

6           (2) PROJECT AND PROGRAM INSTRUCTIONS.—

7       The Secretary concerned shall include in the cooper-  
8       ative agreement the desired outcomes of the project  
9       or program and the guidelines for the volunteers to  
10      follow, including—

11           (A) the physical boundaries of the project  
12      or program;

13           (B) the equipment the volunteers are au-  
14      thorized to use to complete the project or pro-  
15      gram;

16           (C) the training the volunteers are re-  
17      quired to complete, including agency consider-  
18      ation and incorporation of training offered by  
19      qualified nongovernmental organizations and  
20      volunteer partner organizations;

21           (D) the actions the volunteers are author-  
22      ized to take to complete the project or program;  
23      and

24           (E) any other information that the Sec-  
25      retary concerned determines necessary for the

1 volunteer group to complete the project or pro-  
2 gram.

3 (3) AUTHORIZED PROJECTS AND PROGRAMS.—

4 Subject to paragraph (4), the Secretary concerned  
5 may use a cooperative agreement to carry out  
6 projects and programs for Federal land that—

7 (A) promote the stewardship of resources  
8 of Federal land by volunteers;

9 (B) support maintaining the resources,  
10 trails, and facilities on Federal land in a sus-  
11 tainable manner;

12 (C) increase awareness, understanding,  
13 and stewardship of Federal land through the  
14 development, publication, or distribution of edu-  
15 cational materials and products; and

16 (D) promote the use of Federal land as  
17 outdoor classrooms.

18 (4) CONDITIONS ON USE OF AUTHORITY.—The  
19 Secretary concerned may use a cooperative agree-  
20 ment under paragraph (1) to carry out a project or  
21 program for the Federal land only if the project or  
22 program—

23 (A) complies with all Federal laws (includ-  
24 ing regulations) and policies;

1 (B) is consistent with an applicable man-  
 2 agement plan for any Federal recreational lands  
 3 and waters involved;

4 (C) is monitored by the relevant Federal  
 5 land management agency during the project  
 6 and after project completion to determine com-  
 7 pliance with the instructions under paragraph  
 8 (2); and

9 (D) satisfies such other terms and condi-  
 10 tions as the Secretary concerned determines to  
 11 be appropriate.

## 12 **Subtitle B—Priority Trail** 13 **Maintenance**

### 14 **SEC. 411. INTERAGENCY TRAIL MANAGEMENT.**

15 (a) IN GENERAL.—The Secretaries shall establish an  
 16 interagency trail management plan to manage and main-  
 17 tain in a uniform manner trails that cross jurisdictional  
 18 boundaries between Federal land management agencies.

19 (b) REQUIREMENT.—The plan established under sub-  
 20 section (a) shall ensure compliance with all Federal laws.

