

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.

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

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-
15ureau of Land Management, the Bu-
16ureau 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-

1 tion and identification processes under paragraph
2 (1), revise, as necessary, relevant agency regulations
3 and policy statements to implement the improve-
4 ments identified under paragraph (1)(B).

5 (b) ENVIRONMENTAL REVIEWS.—

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

10 (A) use a programmatic environmental re-
11 view; and

12 (B) adopt or incorporate material from a
13 previous environmental impact statement or en-
14 vironmental assessment.

15 (2) RULEMAKING.—Not later than 1 year after
16 the date of enactment of this Act, the Secretary con-
17 cerned shall promulgate such regulations as are nec-
18 essary to carry out this subsection.

19 (c) CATEGORICAL EXCLUSIONS.—

20 (1) EVALUATION.—Not later than 1 year after
21 the date of enactment of this Act, the Secretary con-
22 cerned shall evaluate whether one or more additional
23 categorical exclusions developed in compliance with
24 the National Environmental Policy Act of 1969 (42
25 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-

1 tion on the website of the agency that admin-
2 isters the relevant public land unit.

3 (B) EXCEPTION FOR CERTAIN PERMITS.—

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

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

12 (i) a renewal or reissuance of an exist-
13 ing special recreation permit; or

14 (ii) a new special recreation permit
15 issued to the purchaser of a recreation
16 service provider that is the holder of an ex-
17 isting special recreation permit.

18 (D) EFFECT.—Nothing in this paragraph
19 creates a prerequisite to the issuance of a spe-
20 cial recreation permit or otherwise limits the
21 authority of the Secretary concerned—

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

24 (ii) to add a new or additional use to
25 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 igned 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;

1 (v) be coordinated with resource man-
2 agement planning for affected adjacent
3 Federal land, if applicable;

4 (vi) be prepared—

5 (I) in accordance with—

6 (aa) as applicable, the Fed-
7 eral Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C.
9 1701 et seq.) or section 6 of the
10 Forest and Rangeland Renewable
11 Resources Planning Act of 1974
12 (16 U.S.C. 1604); and

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

15 (II) in consultation with States,
16 political subdivisions of States, af-
17 fected Indian Tribes, adjacent land-
18 owners, and the public; and

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

24 (D) REVIEW.—A comprehensive manage-
25 ment 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.

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