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

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on ____________________

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Recreation Not Red Tape Act”.

(b) Table of Contents.—The table of contents of 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 America the Beautiful—the National Parks and Federal Recreational Lands Pass.
Sec. 113. Effect.

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.

SEC. 2. DEFINITIONS.

In this Act:

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

(2) **Federal recreational lands and waters.**—The term “Federal recreational lands and
waters” has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801).

(3) SECRETARIES.—Except as otherwise provided in this Act, the term “Secretaries” means—
(A) the Secretary of the Interior; and
(B) the Secretary of Agriculture.

SEC. 3. SENSE OF CONGRESS REGARDING OUTDOOR RECREATION.

It is the sense of Congress that—
(1) outdoor recreation and the outdoor industry that outdoor recreation supports are vital to the United States;
(2) access to outdoor recreation on Federal recreational lands and waters is important to the health and wellness of all people of the United States, especially families and young people;
(3) in addition to the overall economic benefit of outdoor recreation, the economic benefits of outdoor recreation on Federal recreational lands and waters creates significant economic and employment benefits to rural economies;
(4) Congress supports the creation of outdoor recreation sector leadership positions within State governments, as well as coordination with recreation
and tourism organizations within the State to guide
the growth of this sector, as evidenced by recent ex-
amples in the States of Colorado, Utah, and Wash-
ington;

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

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

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

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

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

(6) it is vital—

(A) to support the coordination and col-
aboration of the Federal and State land and
water management agencies in the delivery of
visitor services and management of outdoor
recreation for the United States; and
(B) provide adequate staffing within Federal land management agencies to facilitate sustainable and accessible outdoor recreation opportunities; and

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

**TITLE I—MODERNIZING RECREATION PERMITTING**

**SEC. 101. DEFINITIONS.**

In this title:

(1) **Associated Agency.**—The term “associated agency” means the Federal land management agency, other than the lead agency, that manages a public land unit that is the subject of a single joint special recreation permit under section 106.

(2) **Lead Agency.**—With respect to a single joint special recreation permit application submitted under section 106(a), the term “lead agency” means the Federal land management agency designated to administer the single joint special recreation permit under section 106(a)(2).

(3) **Long-Term Special Recreation Permit.**—The term “long-term special recreation permit” means—
(A) for a public land unit managed by the Forest Service, a priority use permit; and
(B) for a public land unit managed by the Bureau of Land Management, a multiyear special recreation permit.

(4) MULTIJURISDICTIONAL TRIP.—The term “multijurisdictional trip” means a trip that—
(A) uses 2 or more public land units; and
(B) is under the jurisdiction of 2 or more Federal land management agencies.

(5) PUBLIC LAND UNIT.—The term “public land unit” means—
(A) a unit of the National Forest System;
(B) a unit of the National Park System;
(C) a unit of the National Wildlife Refuge System;
(D) a district of the Bureau of Land Management; and
(E) a project of the Bureau of Reclamation.

(6) RECREATION SERVICE PROVIDER.—The term “recreation service provider” has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801).
(7) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to a public land unit described in paragraph (5)(A); and

(B) the Secretary of the Interior, with respect to a public land unit described in subparagraph (B), (C), (D), or (E) of paragraph (5).

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

SEC. 102. SPECIAL RECREATION PERMIT AND FEE.

(a) DEFINITIONS.—Section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) is amended—

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

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

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

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

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

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

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

(8) by inserting after paragraph (8) (as so redesignated) the following:

“(9) Recreation service provider.—The term ‘recreation service provider’ means an individual or entity that—

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

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

(9) by inserting after paragraph (12) the following:

“(13) Special recreation permit.—The term ‘special recreation permit’ means a permit issued by a Federal land management agency for specialized individual or group uses of Federal recreational lands and waters, including for—
“(A) outfitting, guiding, or other recreation services;

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

“(C) the use of—

“(i) a special area; or

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

“(D) motorized recreation vehicle use in compliance with an applicable travel management plan or other regulation; and

“(E) a group activity or event.”.

(b) Special Recreation Permit and Fee.—Section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) is amended—

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

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

“(h) Special Recreation Permit and Fee.—

“(1) Special recreation permit.—The Secretary may issue a special recreation permit for specialized individual or group uses of Federal recreational lands and waters.

“(2) Special recreation permit fee.—
“(A) In general.—The Secretary may charge a special recreation permit fee in connection with the issuance of a special recreation permit under paragraph (1).

“(B) Fees for certain lands.—

“(i) In general.—Subject to clauses (ii) and (iii), a special recreation permit fee under subparagraph (A) for use of Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, the Bureau of Reclamation, or the United States Fish and Wildlife Service shall not exceed the difference between—

“(I) the sum of—

“(aa) 3 percent of the annual gross revenue of the recreation service provider for all activities authorized by the special recreation permit; and

“(bb) any applicable revenue addition; and

“(II) any applicable revenue exclusion.
“(ii) Exclusion of Certain Revenues and Payments.—In calculating the amount of a fee for a special recreation permit under clause (i), the Secretary shall exclude—

“(I) revenue from goods, services, souvenirs, merchandise, gear, food, and activities provided or sold by a special recreation permit holder in a location other than the Federal recreational lands and waters covered by the permit, including transportation costs, lodging, and any other service before or after a trip; and

“(II) revenue from any recreational services provided by a special recreation permit holder for activities on Federal recreational lands and waters for which a separate permit is issued.

“(iii) Alternative Per-Person Fee.—

“(I) In General.—For Federal recreational lands and waters managed by the Forest Service, the Bu-
reau of Land Management, the Bureau of Reclamation, or the United States Fish and Wildlife Service, the Secretary may charge a per-person fee in connection with the issuance of a special recreation permit under paragraph (1).

“(II) AMOUNT OF FEE.—The total amount charged by the Secretary in connection with the issuance of a special recreation permit under paragraph (1) using a per-person fee under subclause (I) shall be comparable to the amount the Secretary may charge for a special recreation permit fee under subparagraph (A) and clauses (i) and (ii).

“(iv) EFFECT.—Nothing in this subparagraph affects any fee for a commercial use authorization for use of Federal recreational lands and waters managed by the National Park Service.

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

“(3) Report.—

“(A) In general.—The Secretary shall make available to holders of special recreation permits under paragraph (1) and the public an annual report describing the use of fees collected by the Secretary under paragraph (2).

“(B) Requirements.—The report under subparagraph (A) shall include a description of how the fees are used in each public land unit (as defined in section 101 of the Recreation Not Red Tape Act) administered by the Secretary, including an identification of the amounts used for specific activities within the public land unit.”.

(e) Use of Special Recreation Permit Revenue.—Section 808 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807) is amended—

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

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

(3) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and
(4) by inserting after subsection (a) the follow:

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

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

“(2) expenses—

“(A) associated with processing applications for special recreation permits; and

“(B) incurred in the improvement of the operation of the special recreation permit system.”.

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

(1) by striking “The authority” and inserting

the following:

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

(2) by adding at the end the following:

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

“(1) section 802;

“(2) subsection (d)(2) or (h) of section 803; or
“(3) subsection (a), (b), or (c) of section 808.”.

SEC. 103. PERMITTING PROCESS IMPROVEMENTS.

(a) IN GENERAL.—To simplify the process of the issuance and renewal of special recreation permits and reduce the cost of administering special recreation permits, the Secretary concerned shall—

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

(A) evaluate the special recreation permitting process; and

(B) identify opportunities—

(i) to eliminate duplicative processes;

(ii) to reduce costs; and

(iii) to decrease processing times; and

(2) not later than 180 days after the date on which the Secretary concerned completes the evaluation 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) CATEGORICAL EXCLUSIONS.—

(1) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary concerned shall evaluate whether 1 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 or costs for the issuance or renewal of special recreation permits without significantly affecting the quality of the human environment.

(2) Establishment of Categorical Exclusions.—If the Secretary concerned determines under paragraph (1) that 1 or more additional categorical exclusions would reduce processing times or costs for the issuance or renewal of special recreation permits without significantly affecting the quality of the human environment, the Secretary concerned shall—

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

(B) fully document that a category of actions will not individually or cumulatively have a significant effect on the human environment; and

(C) revise relevant regulations and policy statements of applicable Federal agencies to incorporate those categorical exclusions.

(3) Administration.—
(A) IN GENERAL.—In administering a categorical exclusion established under paragraph (2), the Secretary concerned shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including regulations promulgated under that Act).

(B) EXTRAORDINARY CIRCUMSTANCES.—

In determining whether to use a categorical exclusion established under paragraph (2), the Secretary concerned shall apply the extraordinary circumstances procedures described in, as applicable—

(i) section 220.6 of title 36, Code of Federal Regulations (or a successor regulation); and

(ii) section 46.215 of title 43, Code of Federal Regulations (or a successor regulation).

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

(d) ONLINE APPLICATIONS.—The Secretary concerned shall make applications for special recreation per-
mits available to be completed and submitted online unless
the Secretary concerned determines that making the appli-
cations available for completion and submission online
would not improve the efficiency or accessibility of the per-
mitting process.

SEC. 104. PERMIT FLEXIBILITY.

(a) Substantially Similar Activities.—The Sec-
retary concerned shall establish a permit administration
protocol that authorizes, to the maximum extent prac-
ticable, a permittee issued a special recreation permit for
a public land unit to engage in a recreational activity that
is substantially similar to the specific activity authorized
under the special recreation permit, if the substantially
similar recreational activity—

(1) is comparable in type, nature, scope, and
ecological setting to the specific activity authorized
under the special recreation permit;

(2) does not result in a greater impact on nat-
ural and cultural resources than the authorized ac-
tivity;

(3) does not adversely affect any other per-
mittee issued a special recreation permit for the ap-
licable public land unit;
(4) does not involve the use of a motor, including an electric motor, for a previously nonmotorized use; and

(5) is consistent with any laws (including regulations) and land use or management plans that apply to the applicable public land unit.

(b) Voluntary Return of Surplus Service Days.—The Secretary concerned shall establish a program to allow a permittee issued a special recreation permit for a public land unit to voluntarily and temporarily return to the Secretary concerned 1 or more service days, to be made available to any other existing or potential permittee.

(c) Forest Service and Bureau of Land Management Temporary Special Recreation Permits.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary concerned shall establish and implement a program to authorize the issuance of temporary special recreation permits for new or additional recreational uses of Federal recreational lands and waters managed by the Forest Service and the Bureau of Land Management.
(2) Term of temporary permits.—A temporary special recreation permit issued under paragraph (1) shall be issued for a period of not more than 2 years.

(3) Conversion to long-term permit.—If the Secretary concerned determines that a permittee under paragraph (1) has completed 2 years of satisfactory operation under the permit proposed to be converted, the Secretary may provide for the conversion of a temporary special recreation permit issued under paragraph (1) to a long-term special recreation permit.

(4) Effect.—Nothing in this subsection alters or affects the authority of the Secretary to issue a special recreation permit under subsection (h)(1) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802).

SEC. 105. PERMIT ADMINISTRATION.

(a) Permit Availability.—

(1) Notification of permit availability.—

(A) In general.—Except as provided in subparagraphs (B) and (C), if the Secretary concerned has determined that the Department of Agriculture or the Department of the Interior, as applicable, is able to issue new special
recreation permits to recreation service providers seeking to use a public land unit, the Secretary concerned shall publish that information 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;

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

(iii) to make special recreation permits available to members of the public.

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

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

(A) establish a system by which potential special recreation permit applicants may subscribe to receive notification of the availability of special recreation permits by electronic mail; and

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

(b) PERMIT APPLICATION ACKNOWLEDGMENT.—Not later than 60 days after the date on which the Secretary of the Interior receives a completed application or the Sec-
retary of Agriculture receives a complete proposal for a special recreation permit for a public land unit, the Sec-
retary concerned shall—

(1) provide to the applicant notice acknowledging receipt of the application or proposal; and

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

(B) provide to the applicant notice of a projected date for a final decision on the application or proposal.

SEC. 106. PERMITS FOR MULTIJURISDICTIONAL TRIPS.

(a) SINGLE JOINT SPECIAL RECREATION PERMITS.—

(1) IN GENERAL.—In the case of a multijurisdictional trip, the Federal land management agen-
cies with jurisdiction over the multijurisdictional trip may offer to the applicant a single joint special recreation permit that authorizes the use of each public land unit under the jurisdiction of those Federal land management agencies.

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

   (A) The length of the multijurisdictional trip and the relative portions of the multijurisdictional trip on each public land unit.

   (B) The congressional or administrative designations that apply to the areas to be used during the multijurisdictional trip and the degree to which those designations impose limitations on recreational use.

   (C) The relative ability of the Federal land management agencies with jurisdiction over any public land unit affected by the multijurisdictional trip to process the single joint special recreation permit application in a timely manner.

   (D) Other relevant administrative considerations.

(3) APPLICATION.—An applicant desiring to be offered a single joint special recreation permit under paragraph (1) shall submit to the lead agency an application, as required by the lead agency.

(4) OPTION TO APPLY FOR SEPARATE PERMITS.—An applicant for a special recreation permit for a multijurisdictional trip may apply to each ap-
applicable Federal land management agency for a separate permit for the portion of the multijurisdictional trip on the public land unit managed by each applicable Federal land management agency.

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

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

   (2) in processing the joint special recreation permit application, incorporate the findings, interests, and needs of each associated agency;

   (3) in issuing the joint special recreation permit, clearly identify the agencies that have the authority to enforce the terms, stipulations, conditions, and agreements of the joint special recreation permit, as determined under subsection (d); and

   (4) complete the permitting process within a reasonable timeframe.
(c) Cost Recovery.—Coordination with each associated agency under subsection (b) shall not be subject to cost recovery.

(d) Enforcement Authority.—

(1) Delegation of Authority to Lead Agency.—In administering a single joint special recreation permit under subsection (a), each associated agency shall delegate to the lead agency the authority—

(A) to enforce the terms, stipulations, conditions, and agreements of the joint special recreation permit, as may be required by each associated agency; and

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

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

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

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

(2) Retention of Authority by the Associated Agency.—The associated agency shall retain
the authority to enforce the terms, stipulations, conditions, and agreements in the joint special recreation permit that apply specifically to the use occurring on the public land unit managed by the associated agency.

(e) WITHDRAWAL.—

(1) IN GENERAL.—The lead agency or an associated agency may withdraw from a joint special recreation permit at any time.

(2) ISSUANCE OF SEPARATE PERMITS.—

(A) IN GENERAL.—In the case of a withdrawal by 1 or more agencies under paragraph (1), if the holder of the joint special recreation permit is in compliance with the requirements of the joint special recreation permit, the lead agency and each associated agency shall issue to the holder of the joint special recreation permit a new, separate special recreation permit for any use occurring on the public land unit managed by the agency.

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

(C) NO NEW APPLICATION.—The holder of a joint special recreation permit from which an agency has withdrawn under paragraph (1) shall not be required to submit a new application for a separate special recreation permit.

(f) TREATMENT OF PUBLIC LAND UNITS CHARGING ENTRANCE FEES.—For any trip that originates on, or outside of, but passes through, a public land unit that charges entrance fees, entrance fees may be collected in addition to the special recreation permit fees collected under subsection (h)(2) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802).

SEC. 107. FOREST SERVICE PERMIT USE REVIEWS.

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

(1) take into consideration the performance of the special recreation permit holder during the reviewed period; and

(2) if the special recreation permit holder receives a satisfactory performance review, allocate to
the special recreation permit holder the highest level
of actual annual use during the period under review
plus 25 percent of that use, not to exceed the level
allocated to the special recreation permit holder on
the date on which the special recreation permit was
issued.

(b) **Additional Capacity.**—

(1) **In General.**—If additional use capacity is
available, the Secretary may, at any time, assign the
remaining use to 1 or more qualified recreation serv-

ice providers.

(2) **Assignment Not Subject to Cap on
Use.**—Notwithstanding subsection (a), in assigning
additional use capacity under paragraph (1), the
Secretary may assign additional use capacity to an
existing special recreation permit holder even if that
assignment would exceed the amount of use allo-
cated to the special recreation permit holder on the
date on which the special recreation permit was
issued.

(c) **Waiver.**—The Secretary may waive a special
recreation permit use review for any period during which
use of the assigned capacity for the special recreation per-
mit has been prevented by a circumstance beyond the con-
trol of the special recreation permit holder, such as—
(1) unfavorable weather;
(2) fire;
(3) natural disaster;
(4) wildlife displacement;
(5) business interruption;
(6) insufficient availability of hunting and fishing licenses; or
(7) significant seasonal variability or off-peak periods within the allocated period of use.

(d) APPROVAL OF NON-USE.—

(1) IN GENERAL.—In any circumstance for which the holder of a special recreation permit would qualify for a waiver under subsection (c), on request of the holder of the special recreation permit, the Secretary may approve non-use by the holder of the special recreation permit without reducing the number of service days assigned to the special recreation permit.

(2) TEMPORARY REASSIGNMENT OF USE.—The Secretary may assign any period of non-use approved under paragraph (1) to another qualified recreation service provider.

SEC. 108. LIABILITY.

(a) EXCULPATORY AGREEMENTS.—
(1) IN GENERAL.—A Federal land management agency shall not implement, administer, or enforce any regulation, guidance, or policy relating to the use of an exculpatory agreement between the holder of a special recreation permit and a customer of the holder of the special recreation permit relating to services provided under a special recreation permit.

(2) SAVINGS CLAUSE.—Nothing in this subsection preempts, displaces, modifies, or eliminates any State law (including common law) relating to exculpatory agreements.

(b) INDEMNIFICATION BY GOVERNMENT ENTITIES.—The Secretary concerned may not require a recreation service provider to indemnify the United States as a condition for issuing a special recreation permit for a public land unit under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)) if—

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

(2) the recreation service provider—

(A) carries the minimum amount of liability insurance coverage required by the issuing
agency for the activities conducted under the special recreation permit; or
(B) is self-insured for the same amount.

SEC. 109. COST RECOVERY REFORM.

(a) Revision of Regulations.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall revise section 251.58 of title 36, Code of Federal Regulations, and the Secretary of the Interior shall revise section 2932.31 of title 43, Code of Federal Regulations, to be consistent with this section.

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

(b) De minimis Exemption From Cost Recovery.—

(1) In general.—Any regulation promulgated by the Secretary of the Interior or the Secretary of Agriculture to establish fees to recover the costs of processing an application for a special recreation permit or monitoring an authorization under a special recreation permit shall include an exemption
providing that fees may not be recovered for not less than the first 50 hours of work necessary in any 1 year to process the application or monitor the author­ization. 

(2) MULTIPLE APPLICATIONS.—In situations involving multiple applications for special recreation permits for similar services in the same public land unit or area that, in the aggregate, require more hours to process than are exempt under the regulations promulgated under paragraph (1), the Sec­retary concerned shall, regardless of whether the applications are solicited or unsolicited and whether there is competitive interest—

(A) determine the share of the aggregate quantity of hours to be allocated to each appli­cation on an equal or prorated basis, as approp­riate; and

(B) for each application, apply a separate exemption as specified in the regulations pro­mulgated under paragraph (1) to the share of the aggregate hours allocated to the application.

(c) COST REDUCTION.—To the maximum extent practicable, the Secretary concerned processing an appli­cation for a special recreation permit shall use existing
studies and analysis to reduce the quantity of work and costs necessary to process the application.

SEC. 110. EXTENSION OF SPECIAL RECREATION PERMITS.

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

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

(e) Responsibility of the Secretary Concerned.—Before allowing the expiration of a permit to be tolled under subsection (a), the Secretary concerned, to the maximum extent practicable, shall complete the renewal process.

SEC. 111. AVAILABILITY OF FEDERAL AND STATE RECREATION PASSES.

(a) In General.—The Federal Lands Recreation Enhancement Act is amended by inserting after section 805 (16 U.S.C. 6804) the following:
“SEC. 805A. AVAILABILITY OF FEDERAL AND STATE RECREATION PASSES.

“(a) Establishment of Program.—

“(1) In general.—To improve the availability of Federal and State outdoor recreation passes, the Secretaries are encouraged to consult with States to coordinate the availability of Federal and State recreation passes to allow a purchaser to buy a Federal recreation pass and a State recreation pass in the same transaction.

“(2) Included passes.—Passes covered by the program established under paragraph (1) include—

“(A) an America the Beautiful—the National Parks and Federal Recreational Lands Pass under section 805; and

“(B) any pass covering any fees charged by participating States and localities for entrance and recreational use of parks and public land in the participating States.

“(b) Agreements with States.—

“(1) In general.—The Secretaries, after consultation with the States, may enter into agreements with States to coordinate the availability of passes as described in subsection (a).
“(2) Revenue from pass sales.—The agreements between the Secretaries and the States shall ensure that—

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

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

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

“(3) Notice.—In entering into an agreement under paragraph (1), the Secretaries shall publish in the Federal Register a notice describing the agreement.”.

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

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

SEC. 112. ONLINE PURCHASES OF AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.

(a) In General.—Section 805(a)(6) of the Federal Lands Recreation Enhancement Act (16 U.S.C.
6804(a)(6)) is amended by striking subparagraph (A) and inserting the following:

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

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

“(ii) at such other locations as the Secretaries consider appropriate and feasible; and

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

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

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

(b) ENTRANCE PASS AND AMENITY FEES.—The Secretaries shall make available for payment online, if appropriate and feasible, for each public land unit where passes and fees are required—
(1) all entrance fees under section 803(e) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(e));

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

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

SEC. 113. EFFECT.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in this Act (including an amendment made by this Act) affects the authority or responsibility of the Secretary of the Interior to award concessions contracts for the provision of accommodations, facilities, and services, or commercial use authorizations to provide services, to visitors to units of the National Park System under subchapter II of chapter 1019 of title 54, United States Code.

(b) EXCEPTION.—Notwithstanding subsection (a), subsections (a), (b), and (d) of section 103, subsections (a) and (b) of section 104, and sections 106 and 108 shall apply to commercial use authorizations under subchapter II of chapter 1019 of title 54, United States Code.
TITLE II—ACCESSING THE OUTDOORS

SEC. 201. ACCESS FOR SERVICEMEMBERS AND VETERANS.

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

(b) INCLUSION OF INFORMATION.—Each branch of the Armed Forces is encouraged to include information regarding outdoor recreation and outdoors-based careers in the materials and counseling services focused on resilience and career readiness provided in transition programs, including—

(1) the benefits of outdoor recreation for physical and mental health;

(2) resources to access guided outdoor trips and other outdoor programs connected to the Department of Veterans Affairs; and

(3) information regarding programs and jobs focused on continuing national service such as the Public Land Corps, AmeriCorps, or a conservation corps program.
40

(c) Outdoor Recreation Program Attendance.—Each branch of the Armed Forces is encouraged to permit members of the Armed Forces on active duty status, at the discretion of the commander of the member, to use not more than 7 days of a permissive temporary duty assignment or terminal leave allotted to the member to participate in a program related to environmental stewardship or guided outdoor recreation following deployment.

(d) Veteran Hiring.—The Secretaries are strongly encouraged to hire veterans in all positions related to the management of Federal recreational lands and waters.

TITLE III—MAKING RECREATION A PRIORITY

SEC. 301. EXTENSION OF SEASONAL RECREATION OPPORTUNITIES.

(a) In General.—

(1) Extension of recreational season.—

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

(A) identify areas of Federal recreational lands and waters in which recreation use is highly seasonal;
(B) where appropriate, extend the recreation season or increase recreation use in a sustainable manner during the offseason; and

(C) make information about extended season schedules and related recreational opportunities available to the public and local communities.

(2) CLARIFICATION.—Nothing in this subsection precludes the Secretaries from providing for additional recreational opportunities and uses at times other than those referred to in paragraph (1).

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

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

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

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

SEC. 302. RECREATION PERFORMANCE METRICS.

(a) IN GENERAL.—The Chief of the Forest Service and the Director of the Bureau of Land Management shall evaluate land managers under their jurisdiction based on the achievement of applicable agency recreational and
tourism metrics as described in applicable land management plans.

(b) Metrics.—

(1) In general.—The metrics used to evaluate recreation and tourism outcomes shall ensure—

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

(B) the ability of the land manager to enhance the outdoor experience of the visitor.

(2) Inclusions.—The metrics referred to paragraph (1) shall include—

(A) the extent of positive economic impacts;

(B) visitation by families;

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

(D) the number of available recreational opportunities;

(E) the quality of visitor experience;

(F) the number of recreational and environmental educational programs offered;

(G) visitor satisfaction; and

(H) the maintenance and expansion of existing recreation infrastructure.
SEC. 303. RECREATION MISSION.

(a) Definition of Federal Agency.—In this section, the term “Federal agency” means each of—

(1) the Corps of Engineers;

(2) the Bureau of Reclamation;

(3) the Federal Energy Regulatory Commission;

and

(4) the Department of Transportation.

(b) Mission.—With respect to the mission of the Federal agency, each Federal agency shall consider how land and water management decisions can enhance recreation opportunities and the recreation economy.

SEC. 304. NATIONAL RECREATION AREA SYSTEM.

(a) Declaration of Policy.—It is the policy of the United States that certain Federal land possesses remarkable recreational values and should be managed for—

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

(2) the recreational, social, and health benefits people receive from the Federal land through outdoor recreation; and

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

(b) Definitions.—In this section:
(1) **Natural Feature.**—The term “natural feature” means an ecological, geological, hydrological, or scenic attribute of a specific area.

(2) **Remarkable Recreational Attribute.**—The term “remarkable recreational attribute” means, with respect to an area—

(A) a natural feature that supports high-quality outdoor recreation opportunities and experiences;

(B) having a high value in terms of providing recreation opportunities to underserved communities;

(C) a unique cultural or historic feature or attribute that supports high-quality recreation opportunities and experiences;

(D) the offering of outstanding existing or prospective recreation opportunities and uses;

(E) having an important role in, and contributing significantly, to the outdoor recreation economy; or

(F) having high fish and wildlife values.

(3) **Secretary.**—The term “Secretary” means—

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

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

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

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

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

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

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

(d) ADMINISTRATION.—

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

(A) prioritizes the sustainable enjoyment,
able recreational attributes, natural features, and uses of the System unit consistent with subsection (a); and

(B) protects the System unit for a variety of recreational uses (including outfitting and guiding, motorized recreation, hunting and fishing, horseback riding, and biking) in locations where those uses are appropriate and are conducted in accordance with the applicable land management plan and all applicable Federal and State laws (including regulations).

(2) GRAZING.—Livestock grazing within System units, where established before the date of the enactment of this Act, shall be permitted if the grazing complies with all applicable laws (including regulations).

(3) STATE, TRIBAL, AND LOCAL INVOLVEMENT.—The Secretary shall consult with States, political subdivisions of States, affected Indian Tribes, adjacent landowners, and the public in the administration of System units.

(4) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction or responsibilities of a State with respect to fish and wildlife in a System unit in the State.
(5) WATER RIGHTS.—Nothing in this section affects any valid or vested water right in existence on the date of enactment of this Act.

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

(e) COMPONENTS OF NATIONAL RECREATION AREA SYSTEM.—

(1) MAP; LEGAL DESCRIPTION.—

(A) IN GENERAL.—For System units designated by an Act of Congress after the date of enactment of this Act, as soon as practicable after the date of designation of a System unit, the Secretary shall prepare a map and legal description of the System unit.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct typographical errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A)
shall be on file and available for public inspection in the offices of the Bureau of Land Management and the Forest Service, as appropriate.

(2) COMPREHENSIVE MANAGEMENT PLAN.—

(A) IN GENERAL.—For System units designated by an Act of Congress after the date of enactment of this Act the Secretary with jurisdiction over the System unit shall prepare a comprehensive management plan for the unit that fulfills the requirements of subsection (d)(1) and subparagraph (C).

(B) TIMING.—

(i) IN GENERAL.—The comprehensive management plan described in subparagraph (A) shall be completed as part of the regular land use management planning process of the applicable agency on which the System unit is located.

(ii) DELAY IN PLAN REVISION.—If the planning cycle of the applicable agency does not coincide with the designation of the System unit, the initial plan for the unit shall be completed not later than 3 years after the date of designation of the System unit.
(C) REQUIREMENTS.—A comprehensive management plan prepared under subparagraph (A) shall—

(i) identify the existing, and to the extent practicable, prospective remarkable recreational attributes of the System unit;

(ii) ensure the System unit is managed to protect and enhance the purposes for which the System unit was established;

(iii) ensure the System unit is managed to protect and enhance the resources that make the area suitable for designation under subsection (c)(2) in accordance with subsection (a);

(iv) describe the circumstances and locations in which the activities described in paragraphs (1)(B) and (2) of subsection (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 Manage-
ment 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 be regularly reviewed and updated as part of the regular land management planning process of the applicable agency.

(E) MANAGEMENT BY SECRETARY.—

(i) IN GENERAL.—The Secretary shall manage a National Recreation Area described in subsection (g) in accordance
with the management plan for the National Recreation Area in effect on the
date of enactment of this Act, until the
date on which the plan is revised or super-
seded by a new comprehensive manage-
ment plan issued in accordance with this
paragraph.

(ii) PLAN REVISION.—If 1 or more
components of an existing management
plan referred to in clause (i) conflict with
this section, not later than 2 years after
the date of enactment of this Act, the Sec-
retary shall revise the plan to make the
plan consistent with this section.

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

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

(1) ELIGIBLE AREA.—An area eligible for inclu-
sion in the System is an area that possesses 1 or
more remarkable recreational attributes.
(2) POTENTIAL ADDITIONS.—In carrying out the land management planning process, the Secretary shall—

(A) identify eligible areas that possess 1 or more remarkable recreational attributes;

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

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

(D) transmit to Congress lists of eligible areas for consideration; and

(E) ensure that management plans for eligible areas maintain the recreational attributes supporting eligibility.

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

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

(2) notwithstanding subsection (d), administered under the law pertaining to the applicable System unit.
53

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

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

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

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

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

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

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

(4) under any other applicable law.

(j) APPLICABILITY OF OTHER LAND MANAGEMENT DESIGNATIONS.—Nothing in this section affects—
(1) any other land or water management designation under any other provision of law; or

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

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

TITLE IV—MAINTENANCE OF PUBLIC LAND

Subtitle A—Volunteers

SEC. 401. PRIVATE-SECTOR VOLUNTEER ENHANCEMENT PROGRAM.

(a) PURPOSE.—The purpose of this section is to promote private-sector volunteer programs within the Department of the Interior and the Department of Agriculture to enhance stewardship, recreation access, and sustainability of the resources, values, and facilities of the Federal recreational lands and waters managed by the Federal land management agencies.

(b) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term “Secretary concerned” means—
(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management.

(2) Volunteer.—The term “volunteer” means any individual who performs volunteer services under this section.

(c) Establishment.—The Secretary concerned shall carry out a program under which the Secretary concerned shall—

(1) enhance private-sector volunteer programs;

(2) actively promote private-sector volunteer opportunities; and

(3) provide outreach to, and coordinate with, the private sector for the purposes described in paragraphs (1) and (2).

(d) Cooperative Agreements for Stewardship of Federal Land.—

(1) Authority to enter into agreements.—The Secretary concerned may enter into cooperative agreements (in accordance with section 6305 of title 31, United States Code) with private agencies, organizations, institutions, corporations,
individuals, or other entities to carry out 1 or more
projects or programs with a Federal land manage-
ment agency in accordance with this section.

(2) PROJECT AND PROGRAM INSTRUCTIONS.—
The Secretary concerned shall include in the cooper-
avative agreement the desired outcomes of the project
or program and the guidelines for the volunteers to
follow, including—

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

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

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

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

(E) any other information that the Sec-
retary concerned determines necessary for the
volunteer group to complete the project or pro-
gram.
(3) AUTHORIZED PROJECTS AND PROGRAMS.—

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

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

(B) support maintaining the resources, trails, and facilities on Federal land in a sustainable manner;

(C) increase awareness, understanding, and stewardship of Federal land through the development, publication, or distribution of educational materials and products; and

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

(4) CONDITIONS ON USE OF AUTHORITY.—The Secretary concerned may use a cooperative agreement under paragraph (1) to carry out a project or program for the Federal land only if the project or program—

(A) complies with all Federal laws (including regulations) and policies;

(B) is consistent with an applicable management plan for any Federal recreational lands and waters involved;
(C) is monitored by the relevant Federal land management agency during the project and after project completion to determine compliance with the instructions under paragraph (2); and

(D) satisfies such other terms and conditions as the Secretary concerned determines to be appropriate.

Subtitle B—Priority Trail Maintenance

SEC. 411. INTERAGENCY TRAIL MANAGEMENT.

(a) In General.—The Secretaries shall establish an interagency trail management plan to manage and maintain in a uniform manner trails that cross jurisdictional boundaries between Federal land management agencies.

(b) Requirement.—The plan established under subsection (a) shall ensure compliance with all Federal laws.