

117TH CONGRESS
1ST SESSION

H. R. 3670

To improve access for outdoor recreation through the use of special recreation permits on Federal recreational lands and waters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2021

Mr. NEGUSE (for himself, Ms. DEGETTE, Mrs. DINGELL, and Mr. GALLEG0) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve access for outdoor recreation through the use of special recreation permits on Federal recreational lands and waters, 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 “Simplifying Outdoor Access for Recreation Act” or the
6 “SOAR Act”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

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. Savings provision.

TITLE II—MAKING RECREATION A PRIORITY

- Sec. 201. Extension of seasonal recreation opportunities.
 Sec. 202. Recreation performance metrics.

TITLE III—MAINTENANCE OF PUBLIC LAND

- Sec. 301. Private-sector volunteer enhancement program.
 Sec. 302. Enhancing outdoor recreation through public lands service organiza-
 tions.

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
 11 802 of the Federal Lands Recreation Enhancement
 12 Act (16 U.S.C. 6801).

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

3 (A) the Secretary of the Interior; and

4 (B) the Secretary of Agriculture.

5 **TITLE I—MODERNIZING**
6 **RECREATION PERMITTING**

7 **SEC. 101. DEFINITIONS.**

8 In this title:

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

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

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

23 (A) for a Federal land unit managed by
24 the Forest Service, a priority use permit; and

1 (B) for a Federal land unit managed by
2 the Bureau of Land Management, a multiyear
3 special recreation permit.

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

6 (A) uses 2 or more Federal land units; and

7 (B) is under the jurisdiction of 2 or more
8 Federal land management agencies.

9 (5) FEDERAL LAND UNIT.—The term “Federal
10 land unit” means—

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

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

13 (C) a unit of the National Wildlife Refuge
14 System;

15 (D) a district of the Bureau of Land Man-
16 agement; and

17 (E) a project of the Bureau of Reclama-
18 tion.

19 (6) SECRETARY CONCERNED.—The term “Sec-
20 retary concerned” means—

21 (A) the Secretary of Agriculture, with re-
22 spect to a Federal land unit described in para-
23 graph (5)(A); and

24 (B) the Secretary of the Interior, with re-
25 spect to a Federal land unit described in sub-

1 paragraph (B), (C), (D), or (E) of paragraph
2 (5).

3 (7) SPECIAL RECREATION PERMIT.—The term
4 “special recreation permit” has the meaning given
5 the term in section 802 of the Federal Lands Recre-
6 ation Enhancement Act (16 U.S.C. 6801).

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

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

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

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

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

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

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

21 (6) in paragraph (13), by striking “section
22 3(h)” and inserting “section 803(h)”;

23 (7) by redesignating paragraphs (1), (3), (4),
24 (5), (6), (7), (8), (9), (10), (11), and (13) as para-
25 graphs (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—

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

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

“(C) for the use of—

“(i) a special area; or

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

1 “(D) for motorized recreational vehicle use
 2 in compliance with an applicable travel manage-
 3 ment plan or other regulation; and

4 “(E) for a group activity or event.”.

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

8 (1) in subsection (b)(5), by striking “section
 9 4(d)” and inserting “section 804(d)”; and

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

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

13 “(1) SPECIAL RECREATION PERMIT.—The Sec-
 14 retary may issue a special recreation permit for spe-
 15 cialized individual or group uses of Federal rec-
 16 reational lands and waters as defined in section
 17 802(13) of this Act (16 U.S.C. 6801).

18 “(2) SPECIAL RECREATION PERMIT FEE.—

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

23 “(B) FEES FOR CERTAIN LANDS.—

24 “(i) IN GENERAL.—Subject to clauses
 25 (ii) and (iii), a special recreation permit fee

1 under subparagraph (A) for use of Federal
2 recreational lands and waters managed by
3 the Forest Service, the Bureau of Land
4 Management, the Bureau of Reclamation,
5 or the United States Fish and Wildlife
6 Service shall not exceed the difference be-
7 tween—

8 “(I) the sum of—

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

14 “(bb) any applicable revenue
15 addition; and

16 “(II) any applicable revenue ex-
17 clusion.

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

23 “(I) revenue from goods, services,
24 souvenirs, merchandise, gear, food,
25 and activities provided or sold by a

1 special recreation permit holder in a
2 location other than the Federal rec-
3 reational lands and waters covered by
4 the permit, including transportation
5 costs, lodging, and any other service
6 before or after a trip; and

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

13 “(iii) ALTERNATIVE PER-PERSON
14 FEE.—

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

1 “(II) AMOUNT OF FEE.—The
2 total amount charged by the Secretary
3 in connection with the issuance of a
4 special recreation permit under para-
5 graph (1) using a per-person fee
6 under subclause (I) shall not exceed
7 the amount the Secretary may charge
8 for a special recreation permit fee
9 under subparagraph (A) and clauses
10 (i) and (ii).

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

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

20 “(3) REPORTS.—

21 “(A) IN GENERAL.—The Secretary shall
22 make available to holders of special recreation
23 permits under paragraph (1) and the public an
24 annual report describing the use of fees col-
25 lected by the Secretary under paragraph (2).

1 “(B) REQUIREMENTS.—The report under
 2 subparagraph (A) shall include a description of
 3 how the fees are used in each Federal land unit
 4 (as defined in section 2 of the SOAR Act) ad-
 5 ministered by the Secretary, including an iden-
 6 tification of the amounts used for specific ac-
 7 tivities within the Federal land unit.”.

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

11 (1) in subsection (a)(3)(F), by striking “section
 12 6(a)” and inserting “section 806(a)”;

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

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

17 (4) by inserting after subsection (a) the fol-
 18 lowing:

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

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

24 “(2) expenses—

1 “(A) associated with issuing and admin-
2 istering special recreation permits; and

3 “(B) incurred in the improvement of the
4 operation of the special recreation permit sys-
5 tem.”.

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

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

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

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

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

16 “(1) section 802;

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

18 “(3) subsection (a), (b) or (c) of section 808.”.

19 **SEC. 103. PERMITTING PROCESS IMPROVEMENTS.**

20 (a) IN GENERAL.—To simplify the process of the
21 issuance and renewal of special recreation permits and re-
22 duce the cost of administering special recreation permits,
23 the Secretary concerned shall—

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

1 (A) evaluate the special recreation permit-
2 ting process; and

3 (B) identify opportunities—

4 (i) to eliminate duplicative processes;

5 (ii) to reduce costs; and

6 (iii) to decrease processing times; and

7 (2) not later than 1 year after the date on
8 which the Secretary concerned completes the evalua-
9 tion and identification processes under paragraph
10 (1), revise, as necessary, relevant agency regulations
11 and policy statements to implement the improve-
12 ments identified under paragraph (1)(B).

13 (b) CATEGORICAL EXCLUSIONS.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of the enactment of this Act, the Secretary
16 concerned shall—

17 (A) evaluate whether 1 or more additional
18 categorical exclusions developed in compliance
19 with the National Environmental Policy Act of
20 1969 (42 U.S.C. 4321 et seq.) would reduce
21 processing times or costs for the issuance or re-
22 newal of special recreation permits without sig-
23 nificantly affecting the human environment;
24 and

1 (B) if the Secretary concerned determines
2 under subparagraph (A) that 1 or more addi-
3 tional categorical exclusions would reduce proc-
4 essing times or costs for the issuance or re-
5 newal of special recreation permits without sig-
6 nificantly affecting the human environment—

7 (i) establish those categorical exclu-
8 sions in compliance with the National En-
9 vironmental Policy Act of 1969 (42 U.S.C.
10 4321 et seq.);

11 (ii) fully document that a category of
12 actions will not individually or cumulatively
13 have a significant effect on the human en-
14 vironment; and

15 (iii) revise relevant agency regulations
16 and policy statements to implement those
17 categorical exclusions.

18 (2) ADMINISTRATION.—

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

1 (B) EXTRAORDINARY CIRCUMSTANCES.—

2 In determining whether to use a categorical ex-
3 clusion established under paragraph (1)(B), the
4 Secretary concerned shall apply, as applicable,
5 the extraordinary circumstances procedures de-
6 scribed in—

7 (i) section 220.6 of title 36, Code of
8 Federal Regulations (or a successor regula-
9 tion); and

10 (ii) section 46.215 of title 43, Code of
11 Federal Regulations (or a successor regula-
12 tion).

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

19 (d) ONLINE APPLICATIONS.—The Secretary con-
20 cerned shall make applications for special recreation per-
21 mits available to be completed and submitted online unless
22 the Secretary concerned determines that making applica-
23 tions for special recreation permits available to be com-
24 pleted and submitted online would not improve the effi-
25 ciency or accessibility of the permitting process.

1 **SEC. 104. PERMIT FLEXIBILITY.**

2 (a) SIMILAR ACTIVITIES.—The Secretary concerned
3 shall establish a permit administration protocol that au-
4 thorizes, to the maximum extent practicable, a permittee
5 issued a special recreation permit for a Federal land unit
6 under section 803(h) of the Federal Lands Recreation En-
7 hancement Act (16 U.S.C. 6802(h)) to engage in a rec-
8 reational activity that is substantially similar to the spe-
9 cific activity authorized under the special recreation per-
10 mit, if the substantially similar recreational activity—

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

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

17 (3) does not adversely affect any other per-
18 mittee issued a special recreation permit for a Fed-
19 eral land unit under that subsection;

20 (4) does not involve the use of a motor for a
21 previously non-motorized use; and

22 (5) is consistent with any laws and regulations
23 (including land use or management plans) applying
24 to a Federal land unit.

25 (b) VOLUNTARY RETURN OF SURPLUS SERVICE
26 DAYS.—The Secretary concerned shall establish a pro-

1 gram to allow a permittee issued a special recreation per-
2 mit for a Federal land unit to voluntarily and temporarily
3 return to the Secretary concerned 1 or more surplus serv-
4 ice days, to be made available to any other existing or po-
5 tential permittee.

6 (c) FOREST SERVICE AND BUREAU OF LAND MAN-
7 AGEMENT TEMPORARY SPECIAL RECREATION PER-
8 MITS.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the Sec-
11 retary concerned shall establish and implement a
12 program to authorize the issuance of temporary spe-
13 cial recreation permits for new or additional rec-
14 reational uses of Federal recreational land and water
15 managed by the Forest Service and the Bureau of
16 Land Management.

17 (2) TERM OF TEMPORARY PERMITS.—A tem-
18 porary special recreation permit issued under para-
19 graph (1) shall be issued for a period of not more
20 than 2 years.

21 (3) CONVERSION TO LONG-TERM PERMIT.—If
22 the Secretary concerned determines that a permittee
23 under paragraph (1) has completed 2 years of satis-
24 factory operation under the permit proposed to be
25 converted, the Secretary may provide for the conver-

1 sion of a temporary special recreation permit issued
 2 under paragraph (1) to a long-term special recre-
 3 ation permit.

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

9 **SEC. 105. PERMIT ADMINISTRATION.**

10 (a) PERMIT AVAILABILITY.—

11 (1) NOTIFICATION OF PERMIT AVAILABILITY.—

12 (A) IN GENERAL.—Except as provided in
 13 subparagraphs (B) and (C), if the Secretary
 14 concerned has determined that the Department
 15 of Agriculture or the Department of the Inte-
 16 rior, as applicable, is able to issue new special
 17 recreation permits to recreation service pro-
 18 viders seeking to use a Federal land unit, the
 19 Secretary concerned shall publish that informa-
 20 tion on the website of the agency that admin-
 21 isters the relevant Federal land unit.

22 (B) EXCEPTION FOR CERTAIN PERMITS.—

23 With respect to a Federal land unit managed by
 24 the Forest Service or the Bureau of Land Man-
 25 agement, subparagraph (A) shall apply only to

1 a long-term special recreation permit for the
2 Federal land unit.

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

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

8 (ii) a new special recreation permit
9 issued to the purchaser of a recreation
10 service provider that is the holder of an ex-
11 isting special recreation permit.

12 (D) EFFECT.—Nothing in this paragraph
13 creates a prerequisite to the issuance of a spe-
14 cial recreation permit or otherwise limits the
15 authority of the Secretary concerned—

16 (i) to issue a new special recreation
17 permit;

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

20 (iii) to make special recreation per-
21 mits available to members of the public.

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

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

3 (A) establish a system by which potential
4 special recreation permit applicants may sub-
5 scribe to receive notification of the availability
6 of special recreation permits by electronic mail;
7 and

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

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

19 (1) provide to the applicant notice acknowl-
20 edging receipt of the application or proposal; and

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

23 (B) provide to the applicant notice of a pro-
24 jected date for a final decision on the application or
25 proposal.

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

2 (a) SINGLE JOINT SPECIAL RECREATION PER-
3 MITS.—

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

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

17 (A) The length of the multijurisdictional
18 trip and the relative portions of the multijuris-
19 dictional trip on each Federal land unit.

20 (B) The congressional or administrative
21 designations that apply to the areas to be used
22 during the multijurisdictional trip and the de-
23 gree to which those designations impose limita-
24 tions on recreational use.

25 (C) The relative ability of the Federal land
26 management agencies with jurisdiction over the

1 multijurisdictional trip to respond to the single
2 joint special recreation permit application in a
3 timely manner.

4 (D) Other relevant administrative consider-
5 ations.

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

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

17 (5) PROHIBITIONS.—Nothing in this section
18 shall be construed to allow an activity that would
19 otherwise be prohibited on the Federal land unit
20 where the activity would take place.

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

24 (1) coordinate with each associated agency, con-
25 sistent with the authority of the Secretary concerned

1 under section 330 of the Department of the Interior
2 and Related Agencies Appropriations Act, 2001 (43
3 U.S.C. 1703), to develop and issue 1 joint permit
4 that covers the entirety of the multijurisdictional
5 trip;

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

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

14 (4) complete the permitting process within a
15 reasonable timeframe.

16 (c) COST RECOVERY.—The coordination with the as-
17 sociated agency under subsection (b) shall not be subject
18 to cost recovery.

19 (d) ENFORCEMENT AUTHORITY.—

20 (1) DELEGATION OF AUTHORITY TO LEAD
21 AGENCY.—In administering a single joint special
22 recreation permit under subsection (a), the associ-
23 ated agency shall delegate to the lead agency the au-
24 thority—

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

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

8 (i) noncompliance with Federal, State,
9 or local laws and regulations;

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

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

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

23 (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 1 or more agencies under paragraph
7 (1), if the holder of the joint special recreation
8 permit is in compliance with the requirements
9 of the joint special recreation permit, the lead
10 agency and each associated agency shall issue
11 to the holder of the joint special recreation per-
12 mit a new, separate special recreation permit
13 for any use occurring on the Federal land unit
14 managed by the agency.

15 (B) NO NEW APPLICATION.—The holder of
16 a joint special recreation permit from which an
17 agency has withdrawn under paragraph (1)
18 shall not be required to submit a new applica-
19 tion for a separate special recreation permit
20 under subparagraph (A).

21 (f) TREATMENT OF FEDERAL LAND UNITS CHARG-
22 ING ENTRANCE FEES.—Entrance fees may still be col-
23 lected in addition to any special recreation permit fees for
24 any trip that originates on, or outside of but passes
25 through, a Federal lands unit that charges such fees.

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 ad-
21 ditional use capacity to 1 or more qualified recre-
22 ation 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 has been prevented by a cir-
9 cumstance beyond the control of the special recreation per-
10 mit 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) TEMPORARY REASSIGNMENT OF USE.—The
5 Secretary may temporarily assign any period of non-
6 use approved under paragraph (1) to any other ex-
7 isting or potential permittee.

8 **SEC. 108. LIABILITY.**

9 (a) EXCULPATORY AGREEMENTS.—

10 (1) IN GENERAL.—A Federal land management
11 agency shall not implement, administer, or enforce
12 any regulation, guidance, or policy regarding the use
13 of an exculpatory agreement between a special recre-
14 ation permit holder and a customer of the special
15 recreation permit holder relating to services provided
16 under a special recreation permit.

17 (2) SAVINGS CLAUSE.—Nothing in this sub-
18 section preempts, displaces, modifies, or eliminates
19 any State law (including common law) regarding ex-
20 culpatory agreements.

21 (b) INDEMNIFICATION BY GOVERNMENT ENTI-
22 TIES.—The Secretary concerned may not require a recre-
23 ation service provider to indemnify the United States as
24 a condition for issuing a special recreation permit for a
25 Federal land unit under this section 803(h) of the Federal

1 Lands Recreation Enhancement Act (16 U.S.C. 6802(h))
2 if—

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

6 (2) the recreation service provider—

7 (A) carries the minimum amount of liabil-
8 ity insurance coverage required by the issuing
9 agency for the activities conducted under the
10 special recreation permit; or

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

12 **SEC. 109. COST RECOVERY REFORM.**

13 (a) REVISION OF REGULATIONS.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of the enactment of this Act, the Secretary
16 of Agriculture shall revise section 251.58 of title 36,
17 Code of Federal Regulations, and the Secretary of
18 the Interior shall revise subsections (e) and (f) of
19 section 2932.31 of title 43, Code of Federal Regula-
20 tions, to be consistent with this section.

21 (2) LIMITATION.—In carrying out paragraph
22 (1), the Secretary of Agriculture and the Secretary
23 of the Interior shall not include anything in the re-
24 vised regulations that would limit the authority of

1 the Secretary concerned to issue or renew special
2 recreation permits.

3 (b) DE MINIMIS EXEMPTION FROM COST RECOV-
4 ERY.—

5 (1) IN GENERAL.—Any regulation promulgated
6 by the Secretary of the Interior or the Secretary of
7 Agriculture to establish fees to recover the costs of
8 processing an application for a special recreation
9 permit issued by the U.S. Forest Service or the Bu-
10 reau of Land Management, or for monitoring an au-
11 thorization under a special recreation permit issued
12 by the Forest Service or the Bureau of Land Man-
13 agement, shall include an exemption providing that
14 fees may not be recovered for not less than the first
15 50 hours of work necessary in any 1 year to process
16 the application or monitor the authorization.

17 (2) MULTIPLE APPLICATIONS.—In situations
18 involving multiple applications for special recreation
19 permits issued by the Forest Service or the Bureau
20 of Land Management for similar services in the
21 same Federal land unit or area that, in the aggre-
22 gate, require more hours to process than are exempt
23 under the regulations promulgated under paragraph
24 (1), the Secretary concerned shall, regardless of

1 whether the applications are solicited or unsolicited
2 and whether there is competitive interest—

3 (A) determine the share of the aggregate
4 quantity of hours to be allocated to each appli-
5 cation on an equal or prorated basis, as appro-
6 priate; and

7 (B) for each application, apply a separate
8 exemption as specified in the regulations pro-
9 mulgated under paragraph (1) to the share of
10 the aggregate hours allocated to the application.

11 (c) COST REDUCTION.—To the maximum extent
12 practicable, the agency processing an application for a spe-
13 cial recreation permit shall use existing studies and anal-
14 ysis to reduce the quantity of work and costs necessary
15 to process the application.

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

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

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

3 (c) RESPONSIBILITY OF THE SECRETARY CON-
 4 CERNED.—Before allowing the expiration of a permit to
 5 be tolled under subsection (a), the Secretary concerned,
 6 to the maximum extent practicable, shall complete the re-
 7 newal process.

8 **SEC. 111. AVAILABILITY OF FEDERAL AND STATE RECRE-**
 9 **ATION PASSES.**

10 (a) IN GENERAL.—The Federal Lands Recreation
 11 Enhancement Act is amended by inserting after section
 12 805 (16 U.S.C. 6804) the following:

13 **“SEC. 805A. AVAILABILITY OF FEDERAL AND STATE RECRE-**
 14 **ATION PASSES.**

15 “(a) ESTABLISHMENT OF PROGRAM.—

16 “(1) IN GENERAL.—To improve the availability
 17 of Federal and State outdoor recreation passes, the
 18 Secretaries are encouraged to consult with States to
 19 coordinate the availability of Federal and State
 20 recreation passes to allow a purchaser to buy a Fed-
 21 eral recreation pass and a State recreation pass in
 22 the same transaction.

23 “(2) INCLUDED PASSES.—Passes covered by
 24 the program established under paragraph (1) in-
 25 clude—

1 “(A) an America the Beautiful—the Na-
2 tional Parks and Federal Recreational Lands
3 Pass under section 805; and

4 “(B) any pass covering any fees charged
5 by participating States and localities for en-
6 trance and recreational use of parks and public
7 land in the participating States.

8 “(b) AGREEMENTS WITH STATES.—

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

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

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

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

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

24 “(3) NOTICE.—In entering into an agreement
25 under paragraph (1), the Secretaries shall publish in

1 the Federal Register a notice describing the agree-
 2 ment.”.

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

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

7 **SEC. 112. ONLINE PURCHASES OF AMERICA THE BEAU-**
 8 **TIFUL—THE NATIONAL PARKS AND FEDERAL**
 9 **RECREATIONAL LANDS PASS.**

10 (a) IN GENERAL.—Section 805(a)(6) of the Federal
 11 Lands Recreation Enhancement Act (16 U.S.C.
 12 6804(a)(6)) is amended by striking subparagraph (A) and
 13 inserting the following:

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

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

21 “(ii) at such other locations as the
 22 Secretaries consider appropriate and fea-
 23 sible; and

24 “(iii) through the website of each of
 25 the Federal land management agencies and

1 the websites of the relevant units and
2 subunits of those agencies, with—

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

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

7 (b) ENTRANCE PASS AND AMENITY FEES.—The Sec-
8 retaries shall make available for payment online, if appro-
9 priate and feasible, for each Federal land unit where
10 passes and fees are required—

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

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

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

18 **SEC. 113. SAVINGS PROVISION.**

19 Nothing in this Act, or in any amendment made by
20 this Act, shall be construed as affecting the authority or
21 responsibility of the Secretary of the Interior to award
22 concessions contracts for the provision of accommodations,
23 facilities, and services, or commercial use authorizations
24 to provide services, to visitors to units of the National
25 Park System pursuant to the National Park Service Con-

1 cessions Management Improvement Act of 1998, except
2 that sections 103(a), 103(b), 103(d), 104(a), 104(b), 106,
3 108(a), and 108(b) of this Act shall also apply to commer-
4 cial use authorizations under that Act.

5 **TITLE II—MAKING RECREATION** 6 **A PRIORITY**

7 **SEC. 201. EXTENSION OF SEASONAL RECREATION OPPOR-** 8 **TUNITIES.**

9 (a) IN GENERAL.—

10 (1) EXTENSION OF RECREATIONAL SEASON.—

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

15 (A) identify areas of Federal recreational
16 lands and waters in which recreation use is
17 highly seasonal;

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

21 (C) make information about extended sea-
22 son schedules and related recreational opportu-
23 nities available to the public and local commu-
24 nities.

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

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

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

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

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

14 **SEC. 202. RECREATION PERFORMANCE METRICS.**

15 (a) IN GENERAL.—The Chief of the Forest Service
16 and the Director of the Bureau of Land Management shall
17 evaluate land managers under their jurisdiction based on
18 the achievement of applicable agency recreational and
19 tourism metrics as described in applicable land manage-
20 ment plans.

21 (b) METRICS.—

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

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

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

3 (2) INCLUSIONS.—The metrics referred to in
 4 paragraph (1) shall include—

5 (A) the extent of positive economic im-
 6 pacts;

7 (B) visitation by families;

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

10 (D) the number of available recreational
 11 opportunities;

12 (E) the quality of visitor experience;

13 (F) the number of recreational and envi-
 14 ronmental educational programs offered;

15 (G) visitor satisfaction; and

16 (H) the maintenance and expansion of ex-
 17 isting recreation infrastructure.

18 **TITLE III—MAINTENANCE OF** 19 **PUBLIC LAND**

20 **SEC. 301. PRIVATE-SECTOR VOLUNTEER ENHANCEMENT** 21 **PROGRAM.**

22 (a) PURPOSE.—The purpose of this section is to pro-
 23 mote private-sector volunteer programs within the Depart-
 24 ment of the Interior and the Department of Agriculture
 25 to enhance stewardship, recreation access, and sustain-

1 ability of the resources, values, and facilities of the Fed-
2 eral recreational lands and waters managed by the Federal
3 land management agencies.

4 (b) DEFINITIONS.—In this section:

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

7 (A) the Secretary of Agriculture (acting
8 through the Chief of the Forest Service), with
9 respect to National Forest System land; and

10 (B) the Secretary of the Interior, with re-
11 spect to land managed by the Bureau of Land
12 Management.

13 (2) VOLUNTEER.—The term “volunteer” means
14 any individual who performs volunteer services under
15 this section.

16 (c) ESTABLISHMENT.—The Secretary concerned
17 shall carry out a program under which the Secretary con-
18 cerned shall—

19 (1) enhance private-sector volunteer programs;

20 (2) actively promote private-sector volunteer op-
21 portunities; and

22 (3) provide outreach to, and coordinate with,
23 the private sector for the purposes described in para-
24 graphs (1) and (2).

1 (d) COOPERATIVE AGREEMENTS FOR STEWARDSHIP
2 OF FEDERAL LAND.—

3 (1) AUTHORITY TO ENTER INTO AGREE-
4 MENTS.—The Secretary concerned may enter into
5 cooperative agreements (in accordance with section
6 6305 of title 31, United States Code) with private
7 agencies, organizations, institutions, corporations,
8 individuals, or other entities to carry out one or
9 more projects or programs with a Federal land man-
10 agement agency in accordance with this section.

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

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

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

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

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

4 (E) any other information that the Sec-
5 retary concerned determines necessary for the
6 volunteer group to complete the project or pro-
7 gram.

8 (3) AUTHORIZED PROJECTS AND PROGRAMS.—
9 Subject to paragraph (4), the Secretary concerned
10 may use a cooperative agreement to carry out
11 projects and programs for Federal land that—

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

14 (B) support maintaining the resources,
15 trails, and facilities on Federal land in a sus-
16 tainable manner;

17 (C) increase awareness, understanding,
18 and stewardship of Federal land through the
19 development, publication, or distribution of edu-
20 cational materials and products; and

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

23 (4) CONDITIONS ON USE OF AUTHORITY.—The
24 Secretary concerned may use a cooperative agree-
25 ment under paragraph (1) to carry out a project or

1 program for the Federal land only if the project or
2 program—

3 (A) complies with all Federal laws (includ-
4 ing regulations) and policies;

5 (B) is consistent with an applicable man-
6 agement plan for any Federal recreational lands
7 and waters involved;

8 (C) is monitored by the relevant Federal
9 land management agency during the project
10 and after project completion to determine com-
11 pliance with the instructions under paragraph
12 (2); and

13 (D) satisfies such other terms and condi-
14 tions as the Secretary concerned determines to
15 be appropriate.

16 **SEC. 302. ENHANCING OUTDOOR RECREATION THROUGH**
17 **PUBLIC LANDS SERVICE ORGANIZATIONS.**

18 In carrying out projects on Federal recreational lands
19 and waters that would directly or indirectly enhance recre-
20 ation, the Secretaries shall—

21 (1) to the maximum extent practicable—

22 (A) use qualified youth or conservation
23 corps as defined in section 203(11) of the Pub-
24 lic Lands Corps Act of 1993 (16 U.S.C.
25 1722(11)); and

1 (B) use non-profit wilderness and trails
2 stewardship organizations;

3 (2) enter into cooperative agreements with the
4 Corps Network, the National Wilderness Steward-
5 ship Alliance, American Trails, and other public
6 lands stewardship organizations, as appropriate, for
7 the purpose of identifying appropriate projects, ac-
8 tivities, and workforce development outcomes; and
9 (3) waive any matching funds requirements, in-
10 cluding under section 212(a)(1) of the Public Lands
11 Corps Act of 1993 (16 U.S.C. 1729(a)(1)).

○