

RECREATION NOT RED TAPE ACT

DECEMBER 3, 2018.—Ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3400]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3400) to promote innovative approaches to outdoor recreation on Federal land and to open up opportunities for collaboration with non-Federal partners, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

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. Definition.
- Sec. 102. Special recreation permit and fee.
- Sec. 103. Permit across multiple jurisdictions.
- Sec. 104. Guidelines and permit fee calculation.
- Sec. 105. Use of permit fees for permit administration.
- Sec. 106. Adjustment to permit use reviews.
- Sec. 107. Authorization of temporary permits for new uses for the Forest Service and BLM.
- Sec. 108. Indemnification requirements.
- Sec. 109. Streamlining of permitting process.
- Sec. 110. Cost recovery reform.
- Sec. 111. Extension of forest service recreation priority use permits.
- Sec. 112. Availability of Federal and State recreation passes.
- Sec. 113. Online purchases of National Parks and Federal recreational lands pass.

TITLE II—ACCESSING THE OUTDOORS

- Sec. 201. Access for servicemembers and veterans.

TITLE III—MAKING RECREATION A PRIORITY

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

TITLE IV—MAINTENANCE OF PUBLIC LAND

Subtitle A—Volunteers

Sec. 401. Private-sector volunteer enhancement program.

Subtitle B—Priority Trail Maintenance

Sec. 411. Interagency trail management.

TITLE V—21ST CENTURY CONSERVATION SERVICE CORPS

Sec. 501. Short title.
 Sec. 502. Purposes.
 Sec. 503. Definitions.
 Sec. 504. 21st Century Conservation Service Corps.
 Sec. 505. 21st Century Conservation Service Corps conservation centers and program support.
 Sec. 506. Resource assistants.
 Sec. 507. Eligibility for noncompetitive hiring status.
 Sec. 508. National service educational awards.
 Sec. 509. Nondisplacement.
 Sec. 510. Funding.
 Sec. 511. Indian Youth 21st Century Conservation Service Corps; Rule of construction.
 Sec. 512. Direct hire authority.
 Sec. 513. National and community service programs.
 Sec. 514. Youth conservation corps.

TITLE VI—EVERY KID OUTDOORS

Sec. 601. Short title.
 Sec. 602. Definitions.
 Sec. 603. Every kid outdoors program.

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 WATER.**—The term “Federal recreational lands and water” has the meaning given the term “Federal recreational lands and waters” 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 land and waters of the United States is important to the health and wellness of all people of the United States, especially young people;
- (3) in addition to the overall economic benefit of outdoor recreation, the economic benefits of outdoor recreation on Federal lands create significant economic and employment benefits to rural economies;
- (4) Congress supports the creation of outdoor recreation sector leadership positions within the economic development offices of States or in the office of the Governor, as well as coordination with recreation and tourism organizations within the State to guide the growth of this sector, as evidenced by recent examples in the States of Colorado, Utah, and Washington;
- (5) State and local recreation and tourism offices 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, improving recreational opportunities, and recruiting outdoor recreation businesses;
- (6) Congress supports the coordination and collaboration 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
- (7) Congress recognizes—
 - (A) the growing role that recreation has on public land and water;

(B) the need to provide adequate staffing within Federal land management agencies to facilitate sustainable and accessible outdoor recreation opportunities; and

(C) the important role that volunteers and volunteer partnerships play in maintaining public land.

TITLE I—MODERNIZING RECREATION PERMITTING

SEC. 101. DEFINITION.

In this title the term “Secretary” means—

(1) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

(2) the Secretary of Agriculture, with respect to the Forest Service.

SEC. 102. SPECIAL RECREATION PERMIT AND FEE.

Subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) is amended to read as follows:

“(h) SPECIAL RECREATION PERMIT AND FEE.—

“(1) IN GENERAL.—The Secretary may—

“(A) issue a special recreation permit for Federal recreational lands and waters; and

“(B) charge a special recreation permit fee in connection with the issuance of the permit.

“(2) SPECIAL RECREATION PERMITS.—The Secretary may issue special recreation permits in the following circumstances:

“(A) For specialized individual and group use of Federal facilities and Federal recreational lands and waters, such as, but not limited to, use of special areas or areas where use is allocated, motorized recreational vehicle use, and group activities or events.

“(B) To recreation service providers who conduct outfitting, guiding, and other recreation services on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bureau of Reclamation, or the United States Fish and Wildlife Service.

“(C) To recreation service providers who conduct recreation or competitive events, which may involve incidental sales on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bureau of Reclamation, or the United States Fish and Wildlife Service.

“(3) REDUCTION IN FEDERAL COSTS.—

“(A) IN GENERAL.—To reduce Federal costs in administering this subsection, if the Secretary determines that the activity to be authorized by a special recreation permit under paragraph (2) is the same as or similar to an activity analyzed in a previous environmental impact statement or environmental assessment, then, to the extent environmental analysis is necessary, the Secretary shall adopt or incorporate material from the previous analysis to the maximum extent allowable under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) DEFINITION.—For the purposes of this paragraph, the term ‘similar’ means—

“(i) substantially similar in type, nature, and scope; and

“(ii) will not result in significant new impacts.

“(4) RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.—An entity that pays a special recreation permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88-657 (16 U.S.C. 537).”.

SEC. 103. PERMIT ACROSS MULTIPLE JURISDICTIONS.

(a) IN GENERAL.—In the case of an activity requiring permits pursuant to subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) for use of lands managed by both the Forest Service and the Bureau of Land Management—

(1) the Secretaries may issue a joint permit based upon a single application to both agencies when issuance of a joint permit based upon a single application will lower processing and other administration costs for the permittee, provided that the permit applicant shall have the option to apply for separate permits rather than a joint permit; and

(2) the permit application required under paragraph (1) shall be—

- (A) the application required by the lead agency; and
- (B) submitted to the lead agency.
- (b) REQUIREMENTS OF THE LEAD AGENCY.—The lead agency for a permit under subsection (a) shall—
 - (1) coordinate with the associated agencies, consistent with the authority of the Secretaries under section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (43 U.S.C. 1703), to develop and issue the single, joint permit that covers the entirety of the trip;
 - (2) in processing the joint permit application, incorporate the findings, interests, and needs of the associated agencies, provided that such coordination shall not be subject to cost recovery; and
 - (3) complete the permitting process within a reasonable time after receiving the permit application.
- (c) EFFECT ON REGULATIONS.—Nothing in this section shall alter, expand, or limit the applicability of any Federal law (including regulations) to lands administered by the relevant Secretaries.
- (d) DEFINITIONS.—In this section:
 - (1) ASSOCIATED AGENCY.—The term “associated agency” means an agency that manages the land on which the trip of the special recreation permit applicant will enter after leaving the land managed by the lead agency.
 - (2) LEAD AGENCY.—The term “lead agency” means the agency that manages the land on which the trip of the special recreation permit applicant will begin.

SEC. 104. GUIDELINES AND PERMIT FEE CALCULATION.

- (a) GUIDELINES AND EXCLUSION OF CERTAIN REVENUES.—The Secretary shall—
 - (1) publish guidelines in the Federal Register for establishing recreation permit fees; and
 - (2) provide appropriate deductions from gross revenues used as the basis for the fees established under paragraph (1) for—
 - (A) revenue from goods, services, and activities provided by a recreation service provider outside Federal recreational lands and waters, such as costs for transportation, lodging, and other services before or after a trip; and
 - (B) fees to be paid by permit holder under applicable law to provide services on other Federal lands, if separate permits are issued to that permit holder for a single event or trip.
- (b) FEE CONDITIONS.—The fee charged by the Secretary for a permit issued under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)) shall not exceed 3 percent of the recreational service provider’s annual gross revenue for activities authorized by the permit on Federal lands, plus applicable revenue additions, minus applicable revenue exclusions or a similar flat per person fee.
- (c) DISCLOSURE OF FEES.—A holder of a special recreation permit may inform its customers of the various fees charged by the Secretary under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)).

SEC. 105. USE OF PERMIT FEES FOR PERMIT ADMINISTRATION.

- (a) DEPOSITS.—Subject to subsection (b), revenues from special recreation permits issued to recreation service providers under subparagraphs (B) and (C) of section 803(h)(2) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)(2)) shall be held in special accounts established for each specific unit or area for which such revenues are collected, and shall remain available for expenditure, without further appropriation, until expended.
- (b) USE OF PERMIT FEES.—Revenues from special recreation permits issued to recreation service providers under subparagraphs (B) and (C) of section 803(h)(2) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)(2)) shall be used only—
 - (1) to partially offset the Secretary’s direct cost of administering the permits;
 - (2) to improve and streamline the permitting process; and
 - (3) for related recreation infrastructure and other recreation purposes specifically to support recreation activities at the specific site or unit where use is authorized under the permit, after obtaining input from any related permittees; provided, however, that the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply to any advisory committee or other group established to carry out this paragraph.
- (c) LIMITATION ON USE OF FEES.—The Secretary may not use any permit fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for listed or candidate species.

SEC. 106. ADJUSTMENT TO PERMIT USE.

(a) **IN GENERAL.**—To the extent that the Secretary utilizes permit use reviews, in reviewing and adjusting allocations of use for permits for special uses of Federal recreational lands and waters managed by the Forest Service, and in renewing such permits, the Secretary of Agriculture shall allocate to a permit holder a level of use that is no less than the highest amount of actual annual use over the reviewed period plus 25 percent, capped at the amount of use allocated when the permit was issued. If additional capacity is available, the Secretary may at any time, assign such remaining use to qualified service providers, including to any qualified permit holder whose allocation would otherwise be capped at the amount of use allocated when the permit was issued.

(b) **WAIVER.**—Use reviews under subsection (a) may be waived for periods in which circumstances that prevented use of assigned capacity, such as weather, fire, natural disasters, wildlife displacement, business interruptions, insufficient availability of hunting and fishing licenses, or when allocations on permits include significant shoulder seasons. The Secretary may approve non-use without reducing the number of service days assigned to the permit in such circumstances at the request of the permit holder. Approved non-use may be temporarily assigned to other qualified permit holders when conditions warrant.

SEC. 107. AUTHORIZATION OF TEMPORARY PERMITS FOR NEW USES FOR THE FOREST SERVICE AND BLM.

Not later than 180 days after the date of the enactment of this Act, the Secretaries shall each establish and implement a program to authorize temporary permits for new recreational uses of Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management, respectively, and to provide for the conversions of such temporary permits to long-term permits after 2 years of satisfactory operation where appropriate. The issuance and conversion of such permits shall be subject to subsection (h)(3) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802).

SEC. 108. INDEMNIFICATION REQUIREMENTS.

(a) **INDEMNIFICATION.**—A permit holder that is prohibited by a State from providing indemnification to the Federal Government shall be considered to be in compliance with indemnification requirements of the Department of the Interior and the Department of Agriculture if the permit holder carries the required minimum amount of liability insurance coverage or is self-insured for the same minimum amount.

(b) **EXCULPATORY AGREEMENTS.**—The Secretary shall not implement, administer or enforce any regulation or policy prohibiting the use of exculpatory agreements between recreation service providers and their customers for services provided under a special recreation permit.

SEC. 109. STREAMLINING OF PERMITTING PROCESS.

(a) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall revise part 251, subpart B, of title 36 Code of Federal Regulations, and the Secretary of the Interior shall revise subpart 2932, of title 43, Code of Federal Regulations, to streamline the processes for the issuance and renewal of outfitter and guide special use permits. Such amended regulations shall—

(1) shorten application processing times and minimize application and administration costs; and

(2) provide for the use of programmatic environmental assessments and categorical exclusions for environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the issuance or renewal of outfitter and guide and similar recreation special use permits, to the maximum extent allowable under applicable law, including, but not limited to, the adoption or incorporation of previously completed analyses under paragraph (3)(A) of subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) for activities that are substantially the same as an activity analyzed in previous environmental impact statement or environmental assessment conducted under similar circumstances.

(b) **ONLINE APPLICATIONS.**—To the maximum extent practicable, where feasible and efficient, the Secretary shall make special recreation permit applications available to be filled out and submitted online.

SEC. 110. COST RECOVERY REFORM.

(a) **REGULATORY PROCESS.**—Not later than 180 days 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(e) and (f) of title 43, Code of Federal Regulations, to reduce costs and mini-

mize the burden of cost recovery on small businesses and adverse impacts of cost recovery on jobs in the outfitting and guiding industry and on rural economies provided, however, that nothing in the revised regulations shall further limit the Secretary's authority to issue or renew recreation special use permits.

(b) DE MINIMIS EXEMPTION.—

(1) COST RECOVERY LIMITATION.—Any regulations issued by the Secretary of the Interior or the Secretary of Agriculture to establish fees to recover processing costs for recreation special use applications and monitoring costs for recreation special use authorizations shall include an exemption providing that at least the first 50 hours of work necessary in any one year to process or monitor such an application shall not be subject to cost recovery. The application of a 50-hour credit per permit shall also apply to any monitoring fees on a per annum basis during the term of each permit.

(2) APPLICATION OF EXEMPTION.—An exemption under paragraph (1) shall apply to the processing of each recreation special use permit application and monitoring of each recreation special use authorization for which cost recovery is required, including any application or authorization requiring more than 50 hours (or such other greater number of hours specified for exemption) to process or monitor. In the event that the amount of work required to process such an application or monitor such an authorization exceeds the specified exemption, the amount of work for which cost recovery is required shall be reduced by the amount of the exemption.

(3) MULTIPLE APPLICATIONS.—In situations involving multiple recreation special use applications for similar services in the same unit or area that require more than 50 hours (or such other greater number of hours specified for exemption) in the aggregate to process, the Secretary shall, regardless of whether the applications are solicited or unsolicited and whether there is competitive interest—

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

(B) for each application, apply a separate exemption of up to 50 hours (or such other greater number of hours specified for exemption) to the share allocated to such application.

(4) COST REDUCTION.—The agency processing a recreation special use application shall utilize existing studies and analysis to the greatest extent practicable to reduce the amount of work and cost necessary to process the application.

(5) LIMITATION.—The Secretary of the Interior and the Secretary of Agriculture may not recover as processing costs for recreation special use applications and monitoring costs for recreation special use authorizations any costs for consultations conducted under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) or for biological monitoring on Federal recreational lands and waters under such Act for listed, proposed, or candidate species.

(6) WAIVER OF COST RECOVERY.—The Secretary of the Interior and the Secretary of Agriculture may waive the recovery of costs for processing recreation special use permit applications and renewals, on a categorical or case-by-case basis as appropriate, if the Secretary determines that—

(A) such costs would impose a significant economic burden on any small business or category of small businesses;

(B) such cost recovery could threaten the ability of an applicant or permittee to provide, in a particular area, a particular outdoor recreational activity that is consistent with the public interest and with applicable resource management plans; or

(C) prevailing economic conditions are unfavorable, such as during economic recessions, or when drought, fire, or other natural disasters have depressed economic activity in the area of operation.

SEC. 111. EXTENSION OF FOREST SERVICE RECREATION PRIORITY USE PERMITS.

Where the holder of a special use permit for outfitting and guiding that authorizes priority use has submitted a request for renewal of such permit in accordance with applicable laws and regulations, the Secretary of Agriculture shall have the authority to grant the holder one or more extensions of the existing permit for additional terms not to exceed 5 years in the aggregate, as necessary to allow the Secretary of Agriculture to complete the renewal process and to avoid the interruption of services under such permit. Before granting an extension under this section, the Secretary of Agriculture shall take all reasonable and appropriate steps to complete the renewal process before the expiration of the special use permit.

SEC. 112. 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 procurement 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 in a way that allows a purchaser to buy a Federal recreation pass and a State recreation pass at Federal and State facilities in the same transaction.

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

“(A) a National Parks and Federal Recreational Lands Pass under section 805; and

“(B) a pass that shall cover 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)(1).

“(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) CONFORMING AMENDMENT.—Section 805(a)(9) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(a)(9)) is amended by inserting “and section 805A” before the period at the end.

(c) 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. 113. ONLINE PURCHASES OF 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 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 purchase or payment online, if appropriate and feasible, for each 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)).

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 on ways 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 local office of the Department of Veterans Affairs; and
- (3) information regarding programs and jobs focused on continuing national service such as the Public Land Corps of the National Park Service, AmeriCorps, or a conservation corps program.

(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 land.

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 land managed by the Forest Service, the Bureau of Land Management, and the National Park Service may—

- (A) identify areas of Federal recreational land and water 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 either through a land management planning process or otherwise; 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 shall preclude 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 goals 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) may include, to the maximum extent practicable—

- (A) the extent of positive economic impacts;
- (B) visitation by families;
- (C) the number of school and youth groups that visited;
- (D) the number of available recreational opportunities;
- (E) the quality of visitor experience;
- (F) the number of recreational and environmental educational programs offered and the success of those programs;
- (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—

(1) certain natural landscapes possess remarkable recreational values and should be managed for—

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

(B) the recreational, social, and health benefits people receive from the landscapes through outdoor recreation; and

(C) the specific and meaningful experiences made possible by unique and varied landscapes;

(2) the remarkable recreational values described in paragraph (1) may include—

(A) areas with unique ecological, geological, hydrological, scenic, cultural, recreational, or historic features or attributes that support high-quality outdoor recreation opportunities and experiences;

(B) areas offering outstanding existing or prospective recreation opportunities and uses;

(C) areas that play, or have the potential to play, a role in addressing high or unmet demand for recreational opportunities;

(D) areas that play an important role in and contribute significantly to the outdoor recreation economy; and

(E) areas with high fish and wildlife values; and

(3) in addition to land identified as National Recreation Areas, the Secretaries should continue to promote recreation on other Federal land in accordance with applicable land management plans.

(b) **DEFINITIONS.**—In this section:

(1) **NATURAL FEATURE.**—The term “natural feature” means an ecological, geological, hydrological, scenic, cultural, recreational, or historic feature or attribute of a specific area.

(2) **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.

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

(4) **SYSTEM UNIT.**—The term “System unit” means a System unit designated pursuant to subsection (c).

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

(1) existing National Recreation Areas 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 and enhancement of the remarkable recreational values and uses of the System unit (including natural features that support the recreation experiences) consistent with subsection (a); and

(B) protects the unit for a variety of recreational uses in locations where those uses are appropriate and are conducted in accordance with the applicable land management plan. These uses may include outfitting and guiding and motorized recreation in locations where these activities are consistent with the applicable land management plan and are conducted in accordance with all applicable Federal and State laws and regulations.

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

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

(4) FISH AND WILDLIFE.—

(A) IN GENERAL.—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.

(B) ADMINISTRATION.—Hunting and fishing may be allowed on System units if permitted under applicable Federal and State laws (including regulations) and conducted in accordance with the applicable land management plans.

(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 LANDS.—This section shall not apply to ski area lands, 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 established on or 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 appropriate offices of the Bureau of Land Management and the Forest Service.

(2) COMPREHENSIVE MANAGEMENT PLAN.—

(A) IN GENERAL.—For System units designated by 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) of this paragraph.

(B) TIMING.—

(i) IN GENERAL.—The comprehensive management plan described in subparagraph (A) shall be completed as part of the regular land management planning process of the applicable agency for the public land unit 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 values and uses 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 subsection (d)(1)(B) and (d)(2) are permitted on the System unit.

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

(vi) be prepared—

(I) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws and regulations; and

(II) in collaboration 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 was established and with all applicable laws and 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.—The Secretary shall manage each National Recreation Area in accordance with the management plan for the National Recreation Area in effect at the time of the designation, until the plan is revised or superseded by a new comprehensive management plan issued in accordance with this subsection. If components of the existing plan conflict with the terms of the designation, the Secretary shall revise the plan within two years to make the plan consistent with the designation.
- (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 RECREATION AREA SYSTEM.—
- (1) ELIGIBLE AREA.—An area eligible for inclusion in the System is an area that possesses one or more of the remarkable recreational values described in subsection (a)(2).
- (2) POTENTIAL ADDITIONS.—In carrying out the land management planning process, the Secretary shall—
- (A) identify eligible areas that possess remarkable recreational values described in subsection (a)(2);
- (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; and
- (D) transmit to Congress lists of eligible areas for consideration.
- (3) NO EFFECT ON MANAGEMENT.—The Secretary's actions under paragraph (2) shall not interfere with the current management of the eligible areas, nor shall the fact that such eligible areas may be added to the System be used as justification for more restrictive management, unless and until Congress acts to designate the eligible area.
- (g) EXISTING NATIONAL RECREATION AREAS.—Each National Recreation Area established before the date of enactment of this Act that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary of the Interior, acting through the Director of the Bureau of Land Management shall be—
- (1) deemed to be a unit of the System; and
- (2) notwithstanding subsection (d)—
- (A) administered under the law pertaining to the applicable System unit; and
- (B) managed in accordance with the purposes set forth in the original designation of the National Recreation Area.
- (h) STANDARD FEES.—In accordance with sections 803 through 808 of the Consolidated Appropriations Act, 2005 (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 that is managed by the Bureau of Land Management or the Forest Service, 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 land managed by the Federal land management agencies.

(b) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means any land—

(A) owned by the United States; and

(B) managed by the head of a Federal land management agency.

(2) 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.

(3) VOLUNTEER.—The term “volunteer” means any individual who performs volunteer services under this section and section 204 of the Public Lands Corps Act of 1993, as amended by this Act.

(c) ESTABLISHMENT.—The Secretary concerned shall develop an initiative to further enhance private-sector volunteer programs and to actively promote private-sector volunteer opportunities and provide outreach and coordination to the private sector.

(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 management agency in accordance with this section.

(2) PROJECT AND PROGRAM INSTRUCTIONS.—The Secretary concerned shall include in the cooperative 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 authorized to use to complete the project or program;

(C) the training the volunteers are required to complete, including agency consideration and incorporation of training offered by qualified nongovernmental organizations and volunteer partner organizations;

(D) the actions the volunteers are authorized to take to complete the project or program; and

(E) any other information that the Secretary concerned determines necessary for the volunteer group to complete the project or program.

(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) advance education concerning the Federal land and the missions of the Federal land management agencies through the use of the Federal land as outdoor classrooms and development of other educational programs.

(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 land 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 under which Federal land management agencies shall coordinate so that trails that cross jurisdictional boundaries between the Federal land management agencies are managed and maintained in a uniform manner.

(b) REQUIREMENT.—The plan established under subsection (a) shall ensure compliance with all Federal environmental laws applicable to each jurisdiction.

TITLE V—21ST CENTURY CONSERVATION SERVICE CORPS

SEC. 501. SHORT TITLE.

This title may be cited as the “21st Century Conservation Service Corps Act”.

SEC. 502. PURPOSES.

Section 202 of the Public Lands Corps Act of 1993 (16 U.S.C. 1721) is amended to read as follows:

“SEC. 202. PURPOSES.

“The purposes of this title are—

“(1) to engage youth and veterans in the United States in civilian national service positions to conserve, rebuild, and enhance the outdoors, natural resources, infrastructure, and recreation assets of the United States;

“(2) to increase public access to, and use of, public and tribal land and water, infrastructure, and natural, cultural, and historical resources and treasures, while spurring economic development and outdoor recreation and addressing backlogged maintenance on public land;

“(3) to conserve, restore, and enhance public and tribal land and water, infrastructure, and natural, cultural, and historical resources and treasures by carrying out high-quality, cost-effective 21st Century Conservation Service Corps projects;

“(4) to ensure that, in any State or territory of the United States or on any tribal land, the activities and expertise of Corpsmembers will be accessible to any public organization, nonprofit organization, or tribal agency responsible for the stewardship of land and water that is—

“(A) public;

“(B) tribal; or

“(C) private and has a direct or recognized public benefit, in coordination with the owner of the land or water;

“(5) to place youth and veterans in civilian national service positions to protect, restore, and enhance the great outdoors, natural resources, infrastructure, and recreation assets of the United States in a cost-effective manner without undue duplication or overlap of activities or programs carried out by Federal agencies;

“(6) to provide youth and veterans placed in civilian national service positions with opportunities to gain in-demand skills, credentials, and education to prepare for, and transition to, success in the 21st century workforce; and

“(7) to channel widespread interest among youth and veterans in serving in civilian national service positions to help conserve, restore, and enhance public and tribal land and water, infrastructure, and natural, cultural, and historical resources and treasures—

“(A) for the enjoyment and use of future generations; and

“(B) to develop the next generation of outdoor stewards, entrepreneurs, recreationists, and sportsmen and sportswomen.”.

SEC. 503. DEFINITIONS.

(a) IN GENERAL.—Section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722) is amended to read as follows:

“SEC. 203. DEFINITIONS.

“In this title:

“(1) 21CSC.—The term ‘21CSC’ means the 21st Century Conservation Service Corps established by section 204(a).

“(2) 21CSC ORGANIZATION.—The term ‘21CSC organization’ means an organization or association that meets the requirements described in section 204(d).

“(3) 21CSC PROJECT.—The term ‘21CSC project’ means a project that is carried out by a 21CSC organization.

“(4) CORPSMEMBER.—The term ‘Corpsmember’ means an individual who is selected by a 21CSC organization to serve on a 21CSC project.

“(5) INDIAN.—The term ‘Indian’ has the meaning given the term in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

“(6) INDIAN YOUTH 21ST CENTURY CONSERVATION SERVICE CORPS.—The term ‘Indian Youth 21st Century Conservation Service Corps’ means a program of a 21CSC organization that—

“(A) enrolls participants, the majority of whom are Indians; and

“(B) is established pursuant to an agreement between a tribal agency and a 21CSC organization for the benefit of the members of the tribal agency.

“(7) INSTITUTION OF HIGHER EDUCATION.—

“(A) IN GENERAL.—The term ‘institution of higher education’ has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

“(B) EXCLUSION.—The term ‘institution of higher education’ does not include an institution outside the United States, as described in section 102(a)(1)(C) of that Act (20 U.S.C. 1002(a)(1)(C)).

“(8) PARTICIPATING ENTITY.—The term ‘participating entity’ means a Federal entity described in section 204(c)(2).

“(9) PRIORITY PROJECT.—The term ‘priority project’ means a 21CSC project conducted to further 1 or more of the purposes described in section 202 or in section 2 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501), including by—

“(A) reducing wildfire risk to a community, municipal water supply, or at-risk land;

“(B) protecting a watershed;

“(C) addressing a threat to forest land or rangeland health, including catastrophic wildfire;

“(D) addressing the impact of insect or disease infestation or any other damaging agent on forest land, water, or rangeland health; or

“(E) conserving, restoring, or enhancing a forest ecosystem or an ecosystem on public, private, or tribal land—

“(i) to improve biological diversity; or

“(ii) to enhance—

“(I) the productivity of fish and wildlife habitat;

“(II) the recovery of a species; or

“(III) carbon sequestration.

“(10) RESOURCE ASSISTANT.—The term ‘resource assistant’ means a resource assistant selected under section 206.

“(11) STATE.—The term ‘State’ means—

“(A) each of the several States of the United States;

“(B) the District of Columbia;

“(C) the Commonwealth of Puerto Rico;

“(D) the United States Virgin Islands;

“(E) Guam;

“(F) American Samoa; and

“(G) the Commonwealth of the Northern Mariana Islands.

“(12) TRIBAL AGENCY.—The term ‘tribal agency’ has the meaning given the term ‘Indian tribe’ in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

“(13) TRIBAL LAND OR WATER.—The term ‘tribal land or water’ means any real property or water—

“(A) owned by a tribal agency;

“(B) held in trust by the United States for an Indian or a tribal agency;

or

“(C) held by an Indian or a tribal agency that is subject to a restriction on alienation imposed by the United States.

“(14) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.

“(15) YOUTH.—The term ‘youth’ means an individual who is not younger than age 15 and not older than age 30.”

(b) CONFORMING AMENDMENT.—Section 623(i)(6) of title 40, United States Code, is amended by striking “any public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722))” and inserting “any land or water (or interest in land or water) owned by the United States (other than Indian land)”.

SEC. 504. 21ST CENTURY CONSERVATION SERVICE CORPS.

Section 204 of the Public Lands Corps Act of 1993 (16 U.S.C. 1723) is amended to read as follows:

“SEC. 204. 21ST CENTURY CONSERVATION SERVICE CORPS.

“(a) ESTABLISHMENT.—There is established the 21st Century Conservation Service Corps, to be comprised of 21CSC organizations and Corpsmembers, to carry out, in partnership with participating entities, the purposes of this title.

“(b) DESIGNATION OF COORDINATORS.—The head of each participating entity, and the head of any bureau or subdivision of each participating entity, shall designate a 21CSC coordinator to coordinate any activity of the 21CSC or a 21CSC project carried out by the participating entity or the bureau or subdivision of the participating entity.

“(c) PARTICIPATING ENTITIES.—

“(1) IN GENERAL.—The 21CSC shall be implemented jointly by the heads of the participating entities, who may support the 21CSC by carrying out the activities described in paragraph (3).

“(2) LIST OF PARTICIPATING ENTITIES.—The participating entities shall be—

“(A) the Department of the Interior;

“(B) the Department of Agriculture;

“(C) the Department of Transportation;

“(D) the Department of Labor;

“(E) the Department of Energy;

“(F) the Department of Defense;

“(G) the Department of Veterans Affairs;

“(H) the Department of Commerce;

“(I) the Department of Education;

“(J) the Department of Housing and Urban Development;

“(K) the Corporation for National and Community Service;

“(L) the Office of the Assistant Secretary of the Army for Civil Works;

“(M) the Federal Emergency Management Agency; and

“(N) any other Federal agency designated by the President as necessary to carry out a 21CSC project.

“(3) SUPPORT FOR THE 21CSC.—

“(A) IN GENERAL.—The head of a participating entity may provide support to the 21CSC by—

“(i) establishing standards for the 21CSC;

“(ii) establishing a process for an organization to apply and be approved to become a 21CSC organization;

“(iii) developing and supporting a public-private partnership referred to in paragraph (5)(A)(i);

“(iv) using or leveraging existing funds, or acquiring funds and other resources, under section 210 to support 21CSC projects through entering into a cooperative agreement under paragraph (5)(A)(i);

“(v) leveraging existing resources described in section 210(b) to expand the use of the 21CSC to meet the mission of the participating entity;

“(vi) using technology to support 21CSC projects; and

“(vii) collecting performance data on 21CSC projects—

“(I) to prepare the reports referred to in subparagraph (C)(i)(I); and

“(II) to demonstrate the impact of the 21CSC projects.

“(B) COORDINATION.—

“(i) IN GENERAL.—The heads of each of the participating entities shall, to the maximum extent practicable, coordinate with each other or the head of any other Federal agency that is affected by, or carrying out, an activity that is similar to a 21CSC project—

“(I) to minimize, to the maximum extent practicable, the duplication of any specific project performed by any other participating entity or Federal agency; and

“(II) to maximize 21CSC project completion in a cost-effective manner by collaborating to leverage existing resources described in section 210(b).

“(ii) APPROVAL AND DATA COLLECTION.—The head of each participating entity shall, to the maximum extent practicable, coordinate with each other head of a participating entity—

“(I) to approve organizations as 21CSC organizations; and

“(II) to collect the data, when practicable in coordination with a national non-Federal 21CSC organization coordinating entity, referred to in items (aa) through (dd) of subparagraph (C)(i)(I).

“(iii) GUIDANCE.—The head of each participating entity shall, to the maximum extent practicable, seek guidance from—

“(I) the Corporation for National and Community Service;

“(II) the Departments of Veterans Affairs and Labor on methods to increase the participation of veterans in 21CSC projects;

“(III) the Secretary of the Interior, acting through the Assistant Secretary for Indian Affairs, on methods to increase the participation of Indians in 21CSC projects;

“(IV) the Secretary of Defense on participation for the 21CSC in the Skillbridge program (DoD Instruction 1322.29), and on recruiting generally, to encourage more veteran and transitioning service member engagement in 21CSC projects;

“(V) the Secretary of Labor and the Secretary of Agriculture on methods to increase rural youth engagement in 21CSC projects;

“(VI) the Secretary of Labor on methods to increase the creation of apprenticeships through 21CSC organizations, private-sector employer partnerships, and identifying career pathways aligned with 21CSC projects; and

“(VII) the Secretary of Education on methods to increase the recognition of Corpsmembers’ experience with 21CSC projects as post-secondary credit at higher education institutions.

“(C) REPORTING.—

“(i) 21CSC REPORTS.—

“(I) REPORT TO CONGRESS.—As soon as practicable after the date of enactment of the 21st Century Conservation Service Corps Act, the Chief Executive Officer of the Corporation for National and Community Service, in coordination with the head of each participating entity, shall submit to Congress a report that includes data, for the year covered by the report, including—

“(aa) the number of Corpsmembers that carried out 21CSC projects and the length of the term of service for each Corpsmember;

“(bb) the total amount of funding provided by participating entities for the service of Corpsmembers;

“(cc) the type of service performed by Corpsmembers and the impact and accomplishments of the service; and

“(dd) any other similar data determined by the Chief Executive Officer of the Corporation for National and Community Service or the head of a participating entity to be appropriate, including data sufficient to determine the effectiveness of 21CSC organizations in carrying out activities to achieve the purposes of this title in a manner that—

“(AA) is cost-effective; and

“(BB) does not unduly duplicate or overlap with any other activity or program carried out by any other Federal agency.

“(II) DATA FROM PARTICIPATING ENTITIES.—Not later than 1 year after the date of enactment of the 21st Century Conservation Service Corps Act, and annually thereafter, the head of each participating entity shall submit to the Chief Executive Officer of the Corporation for National and Community Service the data described in items (aa) through (dd) of subclause (I).

“(III) DATA COLLECTION.—The Chief Executive Officer of the Corporation for National and Community Service may coordinate with individual 21CSC organizations to improve the collection of the required data described in items (aa) through (dd) of subclause (I).

“(ii) COMPTROLLER GENERAL REPORTS.—

“(I) IN GENERAL.—The Comptroller General of the United States shall prepare and submit to Congress—

“(aa) not later than 3 years after the date of submission of the first report under clause (i)(I), an interim report; and

- “(bb) not later than 5 years after the date of submission of the first report under that clause, a final report.
- “(II) CONTENTS.—The interim and final reports referred to in subclause (I) shall include—
- “(aa) an assessment, based on the data described in items (aa) through (dd) of clause (i)(I), of the effectiveness of 21CSC organizations in achieving the purposes of this title in a manner that—
- “(AA) is cost-effective; and
- “(BB) does not unduly duplicate or overlap with any other activity or program carried out by any other Federal agency; and
- “(bb) recommendations on how to more effectively manage and carry out 21CSC projects to achieve the purposes of this title in the manner described in item (aa).
- “(III) ADDITIONAL REPORTS.—The Comptroller General of the United States may submit to Congress any additional report that includes the content described in subclause (II), as the Comptroller General determines to be necessary.
- “(4) GIFTS AND DONATIONS.—The head of a participating entity may accept, use, or dispose of a contribution that is a gift or donation of money, services, or property to support the development, implementation, and expansion of a 21CSC project, in accordance with applicable law (including regulations).
- “(5) COOPERATIVE AGREEMENTS WITH 21CSC ORGANIZATIONS.—
- “(A) IN GENERAL.—The head of each participating entity may—
- “(i) develop a public-private partnership with a 21CSC organization by entering into a cooperative agreement with the 21CSC organization to support and carry out 21CSC projects; and
- “(ii) leverage existing resources described in section 210(b) to support a cooperative agreement.
- “(B) TYPE OF COOPERATIVE AGREEMENT.—A cooperative agreement under this paragraph may—
- “(i) be limited to an agreement for a specific 21CSC project;
- “(ii) be a broad agreement covering multiple planned or future 21CSC projects; or
- “(iii) be an agreement for a 21CSC project to be part of a broader 21CSC initiative carried out in partnership with—
- “(I) the Federal Government;
- “(II) a State government; or
- “(III) a tribal agency.
- “(C) SET SHARE.—A cooperative agreement under this paragraph shall include a provision specifying the cost share that the 21CSC organization will provide under section 210(c).
- “(d) 21CSC ORGANIZATIONS.—
- “(1) IN GENERAL.—To be considered and approved as a 21CSC organization, an organization shall, to the maximum extent practicable, demonstrate the ability to meet, and provide assurances that the organization will meet, each requirement described in paragraphs (2) through (6).
- “(2) 21CSC CORPSMEMBERS ENGAGED BY 21CSC ORGANIZATIONS.—
- “(A) IN GENERAL.—In addition to meeting the requirement of subparagraph (B), any individual selected by a 21CSC organization to carry out a 21CSC project shall, to the maximum extent practicable, be—
- “(i) a youth, notwithstanding paragraphs (3) and (4) of section 137(a) of the National and Community Service Act of 1990 (42 U.S.C. 12591(a)) in the case of any Corpsmember participating in a 21CSC project supported and carried out by the Corporation for National and Community Service; or
- “(ii) a veteran not older than age 35.
- “(B) CITIZENSHIP REQUIREMENT.—Any individual selected as a Corpsmember shall be—
- “(i) a citizen or national of the United States;
- “(ii) a lawful permanent resident of the United States; or
- “(iii) a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau and admitted to the United States as a nonimmigrant under the terms of the applicable Compact of Free Association with the United States.
- “(C) EMPHASIS ON DIVERSITY AND INCLUSION.—In selecting a Corpsmember, a 21CSC organization shall make deliberate outreach efforts to engage an individual who—

- “(i) lives in the State or region of the 21CSC organization; and
 - “(ii) represents a traditionally underserved population, including veterans, Indians, and disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).
- “(3) COMPENSATION FOR PARTICIPANTS.—A 21CSC organization shall provide compensation to each Corpsmember that includes 1 or more of the following:
- “(A) A wage.
 - “(B) A stipend.
 - “(C) A living allowance.
 - “(D) An educational credit that may be applied towards a program of postsecondary education at an institution of higher education that agrees to award the credit for participation in a 21CSC project.
- “(4) ORGANIZATION OF SERVICE FOR PARTICIPANTS.—
- “(A) IN GENERAL.—In carrying out a 21CSC project, a 21CSC organization shall, to the maximum extent practicable, organize each Corpsmember as—
 - “(i) a crew-based participant who—
 - “(I) serves together with other crew-based participants; and
 - “(II) is directly supervised by a trained and experienced crew-based leader or conservation professional; or
 - “(ii) an individual or small team-based participant who serves—
 - “(I) individually or in a coordinated small team, as applicable;
 - “(II) under the direction of a conservation professional; and
 - “(III) on an initiative that requires specific skills and dedicated attention.
 - “(B) VETERAN AND CIVILIAN COOPERATION.—A 21CSC organization shall, to the maximum extent practicable, encourage cooperation among veteran and civilian Corpsmembers.
- “(5) 21CSC PROJECTS.—A 21CSC organization shall carry out a 21CSC project that includes national service, and may be a priority project, involving—
- “(A) the conservation, restoration, and enhancement of—
 - “(i) a unit of the National Park System or National Forest System;
 - “(ii) public or tribal land or water; or
 - “(iii) natural, cultural, or historical resources or treasures;
 - “(B) the conservation, restoration, management, and development of the natural resources and infrastructure of the United States, including—
 - “(i) removal of invasive species;
 - “(ii) wildfire prevention and response;
 - “(iii) disaster resiliency, mitigation, response, and recovery;
 - “(iv) trail development and maintenance;
 - “(v) coastal restoration and resiliency;
 - “(vi) historic preservation;
 - “(vii) public safety;
 - “(viii) energy efficiency and alternative energy;
 - “(ix) water infrastructure;
 - “(x) construction, repair, rehabilitation, or maintenance of—
 - “(I) a road;
 - “(II) a campground; or
 - “(III) any other recreation or visitor facility or housing structure;
 - and
 - “(xi) any other related project that furthers the purposes of this title;
 - “(C) the support, development, and enhancement of outdoor recreation or urban green space for the purpose of public access;
 - “(D) service that is primarily indoors, such as service in a science, policy, or program internship, with a clear benefit for natural, cultural, or historic resources or treasures, which may include the provision of interpretation and education services to—
 - “(i) the public; or
 - “(ii) a cooperating association, educational institution, friends group, or similar nonprofit partner organization; and
 - “(E) notwithstanding section 132A of the National and Community Service Act of 1990 (42 U.S.C. 12584a), a project described in this paragraph on private land or water in partnership with a private entity if—
 - “(i) the project has a direct or recognized public or environmental benefit; or
 - “(ii) the funding for the project originated from a governmental entity, regardless of the end payor.
- “(6) 21CSC CORPSMEMBERS.—In carrying out a 21CSC project, a 21CSC organization shall provide each Corpsmember with—

“(A) in-demand skills development, certification and credentials, and education to prepare the Corpsmember for success in transitioning to the 21st century workforce;

“(B) community skill development to help the Corpsmember—

“(i) acquire an ethic of service to others and the United States; and

“(ii) become a more effective natural resource and community steward; and

“(C) a greater understanding of the natural, cultural, or historic resources or treasures of the United States.

“(e) CORPSMEMBER COMPENSATION AND EMPLOYMENT STANDARDS.—

“(1) CORPSMEMBER COMPENSATION STANDARD.—

“(A) SPECIFIC WAGE RATES.—A form of compensation provided under subparagraph (A), (B), or (C) of subsection (d)(3) shall be considered to be established at a specific wage rate, in the same manner as the compensation provided for a living allowance under section 140 of the National and Community Service Act of 1990 (42 U.S.C. 12594).

“(B) COMPENSATION FOR CERTAIN CORPSMEMBERS.—The compensation provided under subsection (d)(3) to a Corpsmember who is not a participant in a 21CSC project supported by the Corporation for National and Community Service shall not be subject to any provision of (including a regulation under) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) relating to a wage rate, but shall be considered to be established at a specific wage rate, in the manner described in subparagraph (A).

“(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) applies a specific wage rate for a living allowance that is established under section 140 of the National and Community Service Act of 1990 (42 U.S.C. 12594) to the compensation of a Corpsmember under subsection (d)(3).

“(2) CORPSMEMBER EMPLOYMENT STANDARD.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in parity with section 101(30) of the National and Community Service Act of 1990 (42 U.S.C. 12511(30)), a Corpsmember shall be considered to be a participant (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)), not an employee, of the 21CSC organization for which the Corpsmember serves.

“(B) FEDERAL EMPLOYMENT PROVISIONS.—Notwithstanding subparagraph (A), Federal employment provisions shall apply to a Corpsmember to the extent that those provisions apply to a participant or crew leader under section 199M(b) of the National and Community Service Act of 1990 (42 U.S.C. 12655n(b)).

“(C) CHILD LABOR PROVISIONS.—Notwithstanding subparagraph (A)—

“(i) the child labor provisions under section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) (including any order or regulation issued under the authority of such section or section 3(l) of such Act (29 U.S.C. 203(l))) shall apply to a Corpsmember and the 21CSC organization for which the Corpsmember serves in the same manner as such provisions apply to an employee and an employer under such Act; and

“(ii) a violation of a section specified in clause (i) by a 21CSC organization shall be enforced by the Secretary of Labor in the same manner, and subject to the same penalties under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), as a violation by an employer of section 12 of such Act (29 U.S.C. 212).

“(3) CIVIL SERVICE.—An individual may be enrolled as a Corpsmember without regard to the civil service and classification laws, rules, or regulations.”.

SEC. 505. 21ST CENTURY CONSERVATION SERVICE CORPS CONSERVATION CENTERS AND PROGRAM SUPPORT.

Section 205 of the Public Lands Corps Act of 1993 (16 U.S.C. 1724) is amended—

(1) in subsection (a)—

(A) by striking “Secretary” each place it appears and inserting “head of a participating entity”; and

(B) in paragraph (1)—

(i) in subparagraph (A), by striking “Public Lands Corps” and inserting “21CSC”; and

(ii) in subparagraph (B), by striking “conservation projects” and inserting “21CSC projects”;

(2) in subsection (b)—

(A) in the heading, by inserting “, TEMPORARY HOUSING, AND TRANSPORTATION” after “LOGISTICAL SUPPORT”;

(B) in the first sentence—

- (i) by striking “The Secretary” and inserting the following:
- “(1) LOGISTICAL SUPPORT.—
- “(A) IN GENERAL.—The head of a participating entity”; and
- (ii) by striking “the Corps” and inserting “the 21CSC”;
- (C) in the second sentence, by striking “Logistical support” and inserting the following:
- “(B) INCLUSIONS.—Logistical support provided under subparagraph (A)”;
- and
- (D) by adding at the end the following:
- “(2) TEMPORARY HOUSING.—The head of a participating entity may make arrangements with another Federal agency or a State, local government, or private organization to provide temporary housing for Corpsmembers as needed and available.
- “(3) TRANSPORTATION.—The head of a participating entity may provide transportation to and from 21CSC project sites for Corpsmembers that reside in their own homes.”;
- (3) in subsection (c)—
- (A) by striking “The Secretary” and inserting “The head of a participating entity”; and
- (B) by striking “the Corps for training or housing Corps participants” and inserting “the 21CSC for training or housing Corpsmembers”; and
- (4) in subsection (d), by striking “The Secretary” and inserting “The head of a participating entity”.

SEC. 506. RESOURCE ASSISTANTS.

Section 206 of the Public Lands Corps Act of 1993 (16 U.S.C. 1725) is amended—

- (1) in subsection (a)—
- (A) in the fourth sentence, by striking “The Secretary” and inserting the following:
- “(4) PREFERENCE.—The head of a participating entity”;
- (B) in the third sentence, by striking “The Secretary” and inserting the following:
- “(3) SELECTION.—The head of a participating entity”;
- (C) in the second sentence, by striking “To be eligible” and inserting the following:
- “(2) ELIGIBILITY.—To be eligible”; and
- (D) by striking the first sentence and inserting the following:
- “(1) IN GENERAL.—The head of a participating entity may provide individual placements of resource assistants to carry out research or resource protection activities on behalf of the participating entity.”; and
- (2) by striking subsection (b) and inserting the following:
- “(b) PREFERENCE FOR THE USE OF 21CSC ORGANIZATIONS.—
- “(1) IN GENERAL.—If the head of a participating entity determines that a 21CSC organization can provide appropriate recruitment and placement services to fulfill the requirements of this section, the head of the participating entity may implement this section through a 21CSC organization.
- “(2) CONTRIBUTION TO EXPENSES.—A 21CSC organization providing recruitment and placement services under paragraph (1) shall contribute to the expenses of providing and supporting resource assistants, through 1 or more private sources of funding, at a level equal to 25 percent of the total costs of each participant in the resource assistant program that has been recruited and placed through the 21CSC organization.
- “(3) ANNUAL REPORT.—A 21CSC organization providing recruitment and placement services under paragraph (1) shall submit to the head of the applicable participating entity an annual report that evaluates the scope, size, and quality of the resource assistant program carried out by the 21CSC organization, including a description of the value of the work contributed by resource assistants to the mission of the participating entity.”.

SEC. 507. ELIGIBILITY FOR NONCOMPETITIVE HIRING STATUS.

Section 207 of the Public Lands Corps Act of 1993 (16 U.S.C. 1726) is amended to read as follows:

“SEC. 207. ELIGIBILITY FOR NONCOMPETITIVE HIRING STATUS.

- “(a) DEFINITIONS.—In this section—
- “(1) the terms ‘land management agency’ and ‘time-limited appointment’ have the meanings given those terms in section 9601 of title 5, United States Code; and

“(2) the term ‘qualified Corpsmember’ means a Corpsmember who is certified by a corresponding participating entity as having successfully completed 640 hours of service with a 21CSC organization.

“(b) HIRING.—

“(1) IN GENERAL.—Subject to paragraph (2) and subsection (c), a qualified Corpsmember shall be eligible for appointment in the competitive service in the same manner as a Peace Corps volunteer as prescribed in Executive Order 11103 (22 U.S.C. 2504 note; relating to Providing for the Appointment of Former Peace Corps Volunteers to the Civilian Career Services), as amended by Executive Order 12107 (44 Fed. Reg. 1055; relating to the Civil Service Commission and Labor-Management in the Federal Service).

“(2) PERIOD.—A qualified Corpsmember shall be eligible for an appointment under paragraph (1) during the 2-year period beginning on the date on which the Corpsmember completes the 640 hours of service required under subsection (a)(2).

“(3) TIME-LIMITED APPOINTMENT.—For purposes of section 9602 of title 5, United States Code, a qualified Corpsmember hired by a participating entity that is a land management agency for a time-limited appointment shall be considered to be appointed initially under open, competitive examination.

“(c) SERVICE HOURS.—

“(1) IN GENERAL.—The 640 hours of service required under subsection (a)(2) may include service on 1 or more projects carried out by a Corpsmember with 1 or more participating entities during 1 or more terms of service in a 21CSC organization.

“(2) COMPETITIVE SERVICE.—To be eligible for noncompetitive hiring status under subsection (b), a Corpsmember shall perform the 640 hours of service required under subsection (a)(2)—

“(A) carrying out a project on public or tribal land or water; or

“(B) in service with, or on a project supported in whole or in part by, a participating entity.

“(3) PRIORITIES.—The head of each participating entity is encouraged, to the maximum extent practicable, to identify a sufficient number of 21CSC projects on public or tribal land or water that are aligned with the priorities of the participating entity so as to facilitate the attainment of the 640 hours of service by Corpsmembers required under subsection (a)(2).

“(4) TRACKING HOURS.—Participating entities shall coordinate with 21CSC organizations to identify the most effective and efficient method for tracking and certifying the 640 hours of service required under subsection (a)(2).

“(d) GUIDANCE.—The head of each participating entity, and any subdivision of a participating entity, shall coordinate with the head of each other participating entity, and subdivision of each other participating entity, to implement and issue guidance on eligibility for noncompetitive hiring status under subsection (b) in a uniform manner to—

“(1) improve the efficiency and use of noncompetitive hiring authority; and

“(2) minimize inconsistency.”.

SEC. 508. NATIONAL SERVICE EDUCATIONAL AWARDS.

Section 208 of the Public Lands Corps Act of 1993 (16 U.S.C. 1727) is amended—

(1) in subsection (a), in the first sentence—

(A) by striking “participant in the Public Lands Corps” and inserting “Corpsmember”; and

(B) by striking “the participant” and inserting “the Corpsmember”; and

(2) in subsection (b)—

(A) by striking “either participants in the Corps” and inserting “Corpsmembers”; and

(B) by striking “such a participant” and inserting “a Corpsmember”.

SEC. 509. NONDISPLACEMENT.

Section 209 of the Public Lands Corps Act of 1993 (16 U.S.C. 1728) is amended—

(1) by striking “Public Lands Corps” and inserting “21CSC”; and

(2) by striking “qualified youth or conservation corps” and inserting “Corpsmember or a 21CSC organization”.

SEC. 510. FUNDING.

Section 210 of the Public Lands Corps Act of 1993 (16 U.S.C. 1729) is amended—

(1) by redesignating subsections (a) through (c) as subsections (d) through (f), respectively;

(2) by inserting before subsection (d) (as so redesignated) the following:

“(a) INVESTMENTS.—

“(1) IN GENERAL.—In addition to using the funds described in subsections (b) and (c) to fund 21CSC projects, each 21CSC organization shall leverage those funds by soliciting cash or in-kind contributions from public or private sources.

“(2) METHODS.—A 21CSC organization may leverage funds by soliciting contributions using innovative strategies, such as crowd-funding.

“(b) EXISTING RESOURCES.—To fund a 21CSC project, the head of each participating entity shall be limited to using existing funds appropriated or allocated to the participating entity, as of the period of implementation of the 21CSC project, under any law or authority other than this title.

“(c) SET COST SHARE.—A 21CSC organization carrying out a 21CSC project shall provide a cost share of not less than 10 percent of the total cost of the 21CSC project, which may include cash or in-kind contributions from a State, local, or private source.”;

(3) in subsection (d) (as so redesignated)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking “QUALIFIED YOUTH OR CONSERVATION CORPS” and inserting “CORPSMEMBERS OR 21CSC ORGANIZATIONS”; and

(ii) by striking the first and second sentences; and

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “PUBLIC LANDS CORPS” and inserting “21CSC”;

(ii) in the first sentence—

(I) by striking “The Secretary is authorized to” and inserting “The head of a participating entity may”;

(II) by striking “Public Lands Corps” and inserting “21CSC”; and

(III) by striking “the Corps” and inserting “the 21CSC”; and

(iii) in the second sentence, by striking “the Corps” and inserting “the 21CSC”;

(4) in subsection (e) (as so redesignated), by striking “In order” and all that follows through “the Secretary” and inserting “To carry out the 21CSC or to support resource assistants and Corpsmembers or 21CSC organizations under this title, the head of a participating entity”; and

(5) in subsection (f) (as so redesignated)—

(A) by striking “section 211” and inserting “section 213”; and

(B) by striking “Public Lands Corps” and inserting “21CSC”.

SEC. 511. INDIAN YOUTH 21ST CENTURY CONSERVATION SERVICE CORPS; RULE OF CONSTRUCTION.

The Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.) is amended—

(1) by redesignating section 211 as section 213; and

(2) by inserting after section 210 the following:

“SEC. 211. INDIAN YOUTH 21ST CENTURY CONSERVATION SERVICE CORPS.

“(a) AUTHORIZATION OF COOPERATIVE AGREEMENTS.—The head of a participating entity may offer to enter into a cooperative agreement with a tribal agency or a 21CSC organization to establish and administer the Indian Youth 21st Century Conservation Service Corps, which shall carry out 1 or more 21CSC projects on tribal land or water.

“(b) GUIDELINES.—Not later than 18 months after the date of enactment of the 21st Century Conservation Service Corps Act, the Secretary of the Interior, in consultation with Indian tribes, shall issue guidelines for the management of the Indian Youth 21st Century Conservation Service Corps, in accordance with this Act and any other applicable Federal laws.

“SEC. 212. RULE OF CONSTRUCTION.

“Except where otherwise provided for in this title, the requirements and authorities provided under this title with respect to Corpsmembers, 21CSC organizations, and participating entities with respect to a 21CSC project shall be in addition to any requirement or authority provided under other Federal law with respect to Corpsmembers, 21CSC organizations, and participating entities with respect to the 21CSC project.”.

SEC. 512. DIRECT HIRE AUTHORITY.

Section 121(a) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012 (16 U.S.C. 1725a(a)), is amended—

(1) in paragraph (1)—

(A) by striking “Secretary of the Interior” and inserting “head of a participating entity (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)) (referred to in this subsection as a ‘participating entity’)”; and

(B) by striking “in paragraph (1) directly to a position with a land managing agency of the Department of the Interior” and inserting “in paragraph (2) directly to a position with a participating entity”; and
 (2) in paragraph (2)(A), by striking “land managing agency” and inserting “participating entity”.

SEC. 513. NATIONAL AND COMMUNITY SERVICE PROGRAMS.

(a) **NONPROFIT CAPACITY BUILDING.**—Section 198S(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12653s(a)(4)) is amended by striking “and the District of Columbia” and inserting “the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States”.

(b) **COMPACT MIGRANT ELIGIBILITY.**—Section 137(a)(5) of the National and Community Service Act of 1990 (42 U.S.C. 12591(a)(5)) is amended to read as follows:
 “(5) is a citizen or national of the United States or lawful permanent resident alien of the United States, or is a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau and admitted to the United States as a nonimmigrant under the terms of the applicable Compact of Free Association with the United States.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any participant in a program under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) selected after the date of enactment of this section.

SEC. 514. YOUTH CONSERVATION CORPS.

Public Law 91–378 (commonly known as the “Youth Conservation Corps Act of 1970”) (16 U.S.C. 1701 et seq.) is amended—

(1) in section 102(a) (16 U.S.C. 1702(a)), by—

(A) striking “trust territories, or” and inserting “or the”; and

(B) inserting “(or who are citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau and admitted to the United States as nonimmigrants under the terms of the applicable Compact of Free Association with the United States),” after “Puerto Rico”; and

(2) in section 104 (16 U.S.C. 1704)—

(A) in subsection (a), by striking “the Trust Territory of the Pacific Islands, and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”; and

(B) in subsection (b)(1)(A), by striking “, possessions, or the Trust Territory of the Pacific Islands” and inserting “or possessions (or the citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau and admitted to the United States as nonimmigrants under the terms of the applicable Compact of Free Association with the United States)”.

TITLE VI—EVERY KID OUTDOORS

SEC. 601. SHORT TITLE.

This title may be cited as the “Every Kid Outdoors Act”.

SEC. 602. DEFINITIONS.

In this title:

(1) **FEDERAL LANDS AND WATERS.**—The term “Federal lands and waters” means any Federal lands or body of water under the jurisdiction of any Secretary to which the public has access.

(2) **PROGRAM.**—The term “program” means the Every Kid Outdoors program established under section 603(a).

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

(A) in the case of Federal lands and waters under the jurisdiction of the Department of the Interior, the Secretary of the Interior, acting through, as relevant—

- (i) the Director of the National Park Service;
- (ii) the Director of the United States Fish and Wildlife Service;
- (iii) the Director of the Bureau of Land Management; and
- (iv) the Commissioner of Reclamation;

(B) in the case of Federal lands and waters under the jurisdiction of the U.S. Forest Service, the Secretary of Agriculture, acting through the Chief of the U.S. Forest Service;

(C) in the case of Federal lands and waters under the jurisdiction of the National Oceanic and Atmospheric Administration, the Secretary of Com-

merce, acting through the Administrator of the National Oceanic and Atmospheric Administration; and

(D) in the case of Federal lands and waters under the jurisdiction of the U.S. Army Corps of Engineers, the Secretary of the Army, acting through the Chief of Engineers of the U.S. Army Corps of Engineers.

(4) **STUDENT OR STUDENTS.**—The term “student” or “students” means any fourth grader or home-schooled learner 10 years of age residing in the United States, including any territory or possession of the United States.

SEC. 603. EVERY KID OUTDOORS PROGRAM.

(a) **ESTABLISHMENT.**—Each Secretary shall establish a program, to be known as the “Every Kid Outdoors Program”, that will provide free access to students and certain accompanying individuals, in accordance with this section, to those Federal lands and waters for which access is subject to an entrance, standard amenity, or day use fee.

(b) **ANNUAL PASSES.**—

(1) **IN GENERAL.**—At the request of a student, the Secretary shall issue a pass to the student, which allows access to Federal lands and waters for which access is subject to an entrance, standard amenity, or day use fee, free of charge for the student and—

(A) in the case of a per-vehicle fee area—

(i) any passengers accompanying the student in a private, non-commercial vehicle; or

(ii) not more than 3 adults accompanying the student on bicycles; or

(B) in the case of a per-person fee area, not more than 3 adults accompanying the student.

(2) **TERM.**—A pass described in this subsection shall be effective during the period beginning on September 1 and ending on August 31 of the following year.

(3) **PRESENCE OF STUDENT REQUIRED.**—A pass described in this subsection shall be effective only if the student to which the pass was issued is present at the point of entry to the applicable Federal lands or waters.

(c) **OTHER ACTIVITIES.**—In carrying out the program, each Secretary—

(1) may collaborate with State and territorial park systems that opt to implement a complementary Every Kid Outdoors State or Territory Park pass;

(2) may coordinate with the Secretary of Education to implement the program;

(3) shall maintain a publicly available website with information about the program;

(4) may provide visitor services for the program; and

(5) may support approved partners of the Federal land and waters by providing the partners with opportunities to participate in the program.

(d) **REPORTS.**—The Secretary of the Interior, in coordination with each Secretary, shall prepare a comprehensive report to Congress each year describing—

(1) the implementation of the program;

(2) the number and geographical distribution of students who participated in the program; and

(3) the number of passes described in subsection (b)(1) that were distributed.

(e) **SUNSET.**—The authorities provided in this title, including the reporting requirement, shall expire on the date that is seven years after the date of enactment of this title.

PURPOSE OF THE BILL

The purpose of H.R. 3400 is to promote innovative approaches to outdoor recreation on federal land and to open up opportunities for collaboration with non-federal partners.

BACKGROUND AND NEED FOR LEGISLATION

Outdoor recreation and sporting activities are deeply ingrained in the fabric of our nation’s history and culture and are vital to our nation’s economy. In 2017, nearly half of all Americans—49%—reported participating in at least one outdoor activity.¹

¹ Outdoor Foundation. “Outdoor Recreation Participation Topline Report 2018.” 2018. Accessed November 14, 2018. <https://outdoorindustry.org/resource/2018-outdoor-participation-report/>.

Unfortunately, outdoor recreational opportunities are not easily accessible to many Americans. In recent decades, population growth and urbanization have forced millions of Americans to traverse miles of crowded highways to access the great outdoors. Moreover, recreating on our nation's public lands often requires special permits, parking passes, and payment of fees that, while important to help maintain our public lands, too often involve confusing, cumbersome, and costly processes.

The Recreation Not Red Tape Act, as reported, includes provisions that increase access to recreational opportunities for all Americans by: 1) modernizing and streamlining the special recreation permitting process; 2) holding land managers accountable for expanding and promoting recreation; 3) establishing a National Recreation Area System; 4) increasing veteran participation in outdoor stewardship and rehabilitation programs; 5) facilitating private-sector volunteer maintenance programs on our nation's public lands; and 6) providing all fourth-graders with a complimentary pass to visit public lands and waters with their families.

Similar legislation, S. 1633, was introduced in the Senate by Senator Wyden (D-OR).

SECTION-BY-SECTION ANALYSIS OF BILL AS REPORTED

Section 1. Short Title; Table of Contents

Provides a short title for the act, the Recreation Not Red Tape Act. Also supplies a table of contents.

Section 2. Definitions

Defines terms used in the act

Section 3. Sense of Congress regarding outdoor recreation

Expresses support for outdoor recreation, volunteerism on public lands, and the work States are doing to attract outdoor recreation businesses and tourism. Praises the work that States like Utah, Colorado, and Washington have done to create outdoor recreation sector leadership positions within the State economic development offices.

Title I—Modernizing Recreation Permitting

Section 101. Definition

Defines the term “Secretary” as used in the act.

Section 102. Special recreation permit and fee

Authorizes the relevant Secretary to charge fees for special recreation permits issued to service providers and for individual and group use of federal facilities, lands, and waters.

Authorizes special recreation permits to be issued to fee-charging recreation service providers who conduct the following activities on U.S. Forest Service (USFS), Bureau of Land Management (BLM), Bureau of Reclamation, or U.S. Fish and Wildlife Service lands or waters: (1) Outfitting or guiding services; or (2) recreation or competitive events, including incidental sales.

Requires that the relevant Secretary, upon determining that an activity authorized by a special recreation permit is the same as or

similar to an activity analyzed in a previous environmental impact statement or environmental assessment, adopt or incorporate material from the previous analysis.

Prohibits charging a road cost-sharing fee for the use of roads open to private, noncommercial use within federal lands or waters, to entities which pay a special recreation permit fee.

Section 103. Permit across multiple jurisdictions

Authorizes the Secretaries of Agriculture and of the Interior to issue a joint permit for trips that cross jurisdictional boundaries.

Section 104. Guidelines and permit fee calculation

Requires the Secretaries of Agriculture and of the Interior to publish guidelines in the Federal Register for establishing recreation permit fees.

Requires permit fee deductions to be provided to service providers for revenue from goods, services, or activities provided outside federal lands.

Prohibits permit fees for outfitting, guiding, and other recreation services from exceeding 3% of the service provider's annual gross revenue for activities authorized by the permit, subject to applicable additions and exclusions. Allows special recreation permit holders to inform its customers of the fees charged by the Secretaries of Agriculture and of the Interior.

Section 105. Use of permit fees for permit administration

Authorizes the relevant Secretary to use revenues from special recreation permits issued to partially offset the Secretary's direct cost of administering the permits, to streamline the permitting process, and for infrastructure that supports recreation activities at the site where those permits will be used. Prohibits the use of permit fees for biological monitoring of Endangered Species Act-listed species.

Section 106. Adjustment to permit use reviews

Amends and standardizes the USFS's basis for reviews of utilization of permitted capacity and allows existing permit holders to volunteer capacity for use by others without incurring a penalty for doing so. Allows for the waiving of use reviews for periods in which assigned capacity was not used because unforeseen circumstances such as weather, fire, natural disaster, and wildlife displacement.

Section 107. Authorization of temporary permits for new uses for the Forest Service and BLM

Authorizes the Secretaries of Agriculture and of the Interior to issue temporary permits for new uses for a term not to exceed two years, and to provide for the conversion of such temporary permits after the two-year period.

Section 108. Indemnification requirements

Aligns federal land-management agencies policies regarding indemnification for State institutions and restrains the agencies from prohibiting the use of exculpatory agreements.

Section 109. Streamlining of permitting process

Requires the Secretaries of Agriculture and of the Interior to streamline processes for permit issuance and renewal including shortening application processing times and minimizing administrative costs. Authorizes programmatic environmental assessments and categorical exclusions to extent consistent with existing law. Encourages the land management agencies to make applications for special recreation permits available online.

Section 110. Cost recovery reform

Directs the Secretaries of Agriculture and of the Interior to reduce costs and minimize the burden of cost recovery on outfitting and guiding businesses. Revises the BLM and USFS cost recovery regulations to ensure that the current 50-hour credit for work done on a permit applies any monitoring fees and to each permit authorization, including those submitted in aggregate.

The Secretaries may not recover as costs for recreation special use applications any costs for consultations or biological monitoring conducted under the Endangered Species Act. The Secretaries may waive the costs of processing recreation special use permits under certain circumstances.

Section 111. Extension of Forest Service recreation priority use permits

Authorizes the extension of existing permits for up to five years to avoid an interruption of services while the agency completes required documentation.

Section 112. Availability of Federal and State recreation passes

Encourages the Secretaries of Agriculture and of the Interior to enter into agreements with States to allow for the purchase of federal and State recreation passes at one location in the same transaction. Ensures that the funds from sales of passes are transferred to the appropriate federal or State agency.

Section 113. Online purchases of National Parks and Federal Recreational Lands Pass

Requires that the National Parks and Federal Recreational Lands Pass must be available through the website of each of the federal land management agencies, with the link displayed prominently on the website. Requires the land management agencies to establish a system to allow visitors to pay entrance fees, standard amenity fees, and expanded amenity fees online.

Title II—Accessing the Outdoors

Section 201. Access for servicemembers and veterans

Encourages the Secretaries of Agriculture and of the Interior to work with the Secretaries of Defense and Veterans Affairs on ways to ensure veterans have access to the outdoors and to outdoor programs as a part of the basic services provided to veterans.

Encourages all branches of the military to include information about outdoor recreation in the materials and counseling services provided in transition programs, which help members of the mili-

tary transition from active duty to reserve, or out of the military after they are discharged.

Encourages all branches of the military to allow service members on active duty status, at their commander's discretion, to use up to seven days of permissive temporary duty assignment to attend an outdoor recreation program following deployment.

Strongly encourages the Secretaries to hire veterans in all positions related to the management of federal land.

Title III—Making Recreation a Priority

Section 301. Extension of seasonal recreation opportunities

Encourages USFS, BLM, and the National Park Service (NPS) to identify areas of recreational land and water that are highly seasonal and develop a plan for extending the recreation season or increasing recreation during the offseason in a sustainable way. The plan can include the addition of facilities and the improvement of access to the area to extend the season.

Section 302. Recreation performance metrics

Adds detail to what the Chief of USFS and the Director of BLM must include in performance evaluations of land managers, including the manager's efforts at advancing and promoting recreational opportunities consistent with stated recreation and tourism goals.

Section 303. Recreation mission

Requires that the Army Corps of Engineers, Bureau of Reclamation, the Federal Energy Regulatory Commission, and the Department of Transportation consider how land and water management decisions would impact recreation opportunities and the recreation economy.

Section 304. National Recreation Area System

Establishes a National Recreation Area System that recognizes and protects areas that possess remarkable recreational values, as well as other important values including ecological, geological, hydrological, cultural, and historic features that accommodate a variety of outdoor recreation activities. The System will comprise existing National Recreation Areas and new System units designated by Congress.

Requires that the Secretaries of Agriculture and the Interior prepare a comprehensive management plan for each system unit. Administration of each System unit is subject to valid existing rights, including grazing and water rights. The Secretaries shall collaborate with States, tribes, adjacent landowners, and the public in planning and administration of System units.

Requires the Secretaries of Agriculture and the Interior to identify and maintain lists of areas potentially qualifying for future additions to the system. An area's potential for inclusion in the System shall not interfere with current management of that area or be used as justification for more restrictive management.

Title IV—Maintenance of Public Land

SUBTITLE A—VOLUNTEERS

Section 401. Private-Sector Volunteer Enhancement Program

Requires the Secretaries of Agriculture and the Interior to develop an initiative to enhance private-sector volunteer programs and to promote private-sector volunteer opportunities.

Authorizes the Secretaries of Agriculture and the Interior to enter into cooperative agreements with private agencies, organizations, institutions, corporations, individuals, or other entities to carry out one or more volunteer projects or programs with the federal land management agency.

SUBTITLE B—PRIORITY TRAIL MAINTENANCE

Section 411. Interagency trail management

Requires the Secretaries of Agriculture and the Interior to establish an interagency trail management plan under which federal land management agencies coordinate so that trails that cross jurisdictional boundaries between federal land management agencies are managed and maintained in a uniform manner.

Title V—21st Century Conservation Service Corps

Section 501. Short title

Provides a short title for the title, the 21st Century Conservation Service Corps Act.

Section 502. Purposes

Amends and updates the purposes of the Public Land Corps Act of 1993.

Section 503. Definitions

Defines terms used in the title.

Section 504. 21st Century Conservation Service Corps

Amends the Public Land Corps Act of 1993 to establish the 21st Century Conservation Corps (21CSC) which is made up of 21CSC Organizations, Corpsmembers, and Participating Federal Entities. Designates coordinators at participating entities to effectively manage 21CSC activities and identify priority projects.

Sets out the participating entities (federal departments and agencies) that implement 21CSC and may support 21CSC Organizations. Provides that participating entities develop standards; an application process; leverage private and existing funds; and use technology to improve performance.

Directs participating entities to coordinate to minimize duplication and improve cost-effectiveness, data collection regarding performance metrics, veteran participation, and Indian engagement. Sets out reporting requirements of participating entities and Government Accountability Office on effectiveness and areas of improvement.

Authorizes participating entities to manage private donations in support of 21CSC. Enables participating entities to develop Cooperative Agreements with 21CSC Organizations and authorizes flexi-

ble types of agreements that may be used to meet federal partner priorities.

Sets out the requirements for being approved by a participating entity as a 21CSC Organization requirements, such as:

Corpsmembers must be U.S. citizens, not younger than 15 or older than 30, or veterans not older than 35, and priority should be placed on enrolling Corpsmembers who are veterans, disadvantaged youth, or Native Americans. Corpsmembers must receive one or more type of compensation which may include an education credit. Corpsmembers may be organized into crews or individual placements.

21CSC Organizations may carry out certain projects such as conservation of infrastructure and public lands and waters, wildfire prevention, invasive species removal, multi-use trail development, coastal restoration, public safety, historic preservation, disaster resiliency, outdoor recreation, as well as internships involving interpretation and education.

Corpsmembers should develop in-demand skills and obtain certification and credentials that prepare them for the 21st Century workforce. Establishes compensation standards and rules, and clarifies that Corpsmembers are participants and not employees, while ensuring that all child labor law protections apply.

Section 505. 21st Century Conservation Service Corps conservation centers and program support

Allows participating entities to support logistics including transportation and temporary housing if necessary for 21CSC Organizations.

Section 506. Resource assistants

Authorizes participating entities to enroll Resource Assistants, authorizes 21CSC Organization to help with recruiting and placement of such Assistants, and sets a cost-share requirement for participation.

Section 507. Eligibility for noncompetitive hiring status

Sets out eligibility for, and length of, non-competitive hiring status for Corpsmembers by requiring a certain number of hours of service project work to be performed through a 21CSC Organization with a preference on public lands projects; encourages participating entities to identify priority projects; and requires coordination among participating entities to minimize inconsistency and improve efficiency of tracking hours and utilizing such authority.

Section 508. National Service Educational Awards

Ensures continued availability of education and training awards for Corpsmembers after their term of service.

Section 509. Nondisplacement

Ensures that non-displacement rules continue to apply to 21CSC Organizations and Corpsmembers.

Section 510. Funding

Requires 21CSC Organizations to leverage funds by soliciting private contributions through innovative strategies. Limits the use

of funds by participating entities to existing funds. Sets a cost-share requirement for 21CSC Organizations working on 21CSC projects with participating entities.

Section 511. Indian Youth 21st Century Conservation Service Corps; Rule of construction

Authorizes the development of Indian Youth 21st Century Conservation Service Corps with participating entities and sets out a timeline for issuing guidance for managing such Corps with the Secretary of the Interior and Indian tribes.

Section 512. Direct Hire Authority

Ensures that any participating entity utilizing Resource Assistants can utilize Direct Hire Authority for those assistants.

Section 513. National and Community Service Programs

Includes American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands as eligible to participate in the National and Community Service program.

Section 514. Youth Conservation Corps

Ensures citizens and government entities of American Samoa, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau can participate in the programs.

Title VI—Every Kid Outdoors

Section 601. Short title

Provides a short title for the title, the Every Kid Outdoors Act.

Section 602. Definitions

Defines terms used in the title.

Section 603. Every Kid Outdoors program

Codifies the “Every Kid Outdoors” program, which provides free access for fourth-grade students to visit federal lands and waters, including homeschoolers and students in U.S. territories. The Secretaries of Agriculture and the Interior are directed to issue an annual pass to participating students for access to federal lands and waters where entrance, standard amenity, or day use fees are charged.

Each Secretary may collaborate with State and territorial park systems to implement a complementary Every Kid Outdoor State Park pass. The Secretary of the Interior will prepare a comprehensive report to Congress each year describing the use and success of the program. The provision sunsets seven years from the date of enactment.

COMMITTEE ACTION

H.R. 3400 was introduced on July 26, 2017, by Congressman Rob Bishop (R-UT). The bill was referred primarily to the Committee on Natural Resources, and additionally to the Committee on Agriculture, the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Committee on

Armed Services. Within the Natural Resources Committee, the bill was referred to the Subcommittee on Federal Lands. October 3, 2017, the Subcommittee held a hearing on the bill. On April 18, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop offered an amendment in the nature of a substitute designated 051. Congresswoman Madeleine Z. Bordallo (D-GU) offered an amendment designated 047 to the amendment in the nature of a substitute; it was adopted by voice vote. Congresswoman Liz Cheney (R-WY) offered an amendment designated 060 to the amendment in the nature of a substitute; it was not adopted by a bipartisan roll call vote of 9 ayes to 27 noes, as follows:

Committee on Natural Resources

U.S. House of Representatives

115th Congress

Date: 4.18.18

Recorded Vote #: 1

Meeting on / Amendment on: FC MU Cheney amendment [060] to Bishop ANS to HR 3400

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman		X		Mr. Cook, CA		X	
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mr. McEachin, VA</i>		X	
Mr. Young, AK, Chairman Emeritus		X		Mr. Westerman, AR		X	
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Brown, MD</i>		X	
Mr. Gohmert, TX, Vice Chairman	X			Mr. Graves, LA			
<i>Ms. Bordallo, Guam</i>		X		<i>Mr. Clay, MO</i>		X	
Mr. Lamborn, CO	X			Mr. Hice, GA		X	
<i>Mr. Costa, CA</i>		X		<i>Mr. Gomez, CA</i>		X	
Mr. Wittman, VA		X		Mrs. Radewagen, AS			
<i>Mr. Sablan, CNMI</i>				<i>Ms. Velázquez, NY</i>		X	
Mr. McClintock, CA	X			Mr. Webster, FL		X	
<i>Ms. Tsongas, MA</i>		X		Mr. Bergman, MI		X	
Mr. Pearce, NM				Ms. Cheney, WY		X	
<i>Mr. Huffman, CA</i>		X		Mr. Johnson, LA		X	
Mr. Thompson, PA				Ms. González-Colón, PR		X	
<i>Mr. Lowenthal, CA</i>		X		Mr. Gianforte, MT		X	
Mr. Gosar, AZ	X			Mr. Curtis, UT		X	
<i>Mr. Beyer, VA</i>		X					
Mr. Labrador, ID	X						
<i>Mr. Gallego, AZ</i>		X					
Mr. Tipton, CO		X					
<i>Ms. Hanabusa, HI</i>		X					
Mr. LaMalfa, CA	X						
<i>Ms. Barragán, CA</i>		X					
Mr. Denham, CA							
<i>Mr. Soto, FL</i>				TOTAL:	9	27	

Congressman Tom McClintock (R–CA) offered an amendment designated #2 to the amendment in the nature of a substitute; it was adopted by voice vote. No further amendments to the amendment in the nature of a substitute were offered, and the amendment in the nature of a substitute, as amended, was adopted by voice vote. The bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 21, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3400, the Recreation Not Red Tape Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 3400—Recreation Not Red Tape Act

Summary: H.R. 3400 would change the ways that certain federal agencies issue special recreation permits and recover costs associated with the permitting process. The bill also would encourage agencies to improve access to certain federal lands and would enhance existing volunteer programs. Finally, the bill would codify an existing program offering all fourth grade students free admission to federal lands and waters.

Using information provided by the affected agencies, CBO estimates that implementing the bill would cost \$7 million over the 2019–2023 period; such spending would be subject to the availability of appropriated funds.

CBO estimates that enacting H.R. 3400 would affect the amount of fees (which are treated as changes in direct spending) collected by the affected agencies; therefore, pay-as-you-go procedures apply.

However, because the affected agencies have the authority to spend those fees, any change in collections would be offset by a corresponding change in spending, and the net effect on direct spending in any year would be negligible. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 3400 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 3400 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 3400 is shown in the following table. The costs of the legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—						
	2018	2019	2020	2021	2022	2023	2019–2023
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
Estimated Authorization Level	0	1	1	1	1	1	7
Estimated Outlays	0	1	1	1	1	1	7

Amounts do not sum to totals because of rounding.

Basis of estimate: For this estimate, CBO assumes that H.R. 3400 will be enacted near the end of 2018 and that the necessary funding will be available each fiscal year. Estimated outlays are based on historical spending patterns for similar activities.

Permitting and cost recovery

Title I would change the ways that certain federal agencies issue special recreation permits and recover associated costs. In 2017, the affected agencies collected \$38 million in special recreation use fees and also recovered an estimated \$10 million for the cost of issuing those permits. Under current law, those agencies have the authority to spend all such collections.

Title I would authorize the agencies to issue permits for some new recreational activities without conducting environmental reviews that would be required under current law. It also would authorize the Forest Service and the Bureau of Land Management to issue joint permits for activities that occur on lands administered by both agencies. Finally, title I would cap the fee that agencies could charge for a permit at 3 percent of the annual gross revenue stemming from the permitted activity. CBO lacks sufficient data to estimate the net effect on fee collections that would result from the changes required under the bill. However, because the affected agencies would retain the authority to spend those collections, any change in collections would be offset by an equal change in spending.

Title I also would require the affected agencies to waive cost recovery charges for the first 50 hours of work to issue special use recreation permits and would prohibit agencies from recovering costs for certain activities under the Endangered Species Act. Using information provided by those agencies, CBO estimates that enacting that provision would reduce collections and the associated direct spending by about \$1 million a year, 2 resulting in a negligible change in direct spending relative to current law. However,

because the agencies would still need to perform the work necessary to issue permits they would need to spend \$1 million in appropriated funds, such spending would be subject to the availability of those funds.

Accessibility of Federal lands

Title II would encourage collaboration among the Secretaries of Agriculture, the Interior, and Defense to enhance access to public lands by veterans and active-duty members of the armed forces. CBO expects that carrying out title II would have a minimal effect on the agencies' workload and no significant effect on the federal budget.

Title III would authorize agencies to extend the recreation season or increase recreational use of federal lands administered by the Department of the Interior (DOI) and the Forest Service. CBO estimates that implementing title III would have no significant effect on the federal budget because current law allows the affected agencies to carry out those activities.

Volunteer programs

Title IV would require the Secretaries of Agriculture and the Interior to develop an initiative to enhance private-sector volunteer programs on federal lands. Because the affected agencies already work with private-sector volunteers, CBO estimates that implementing title IV would cost less than \$500,000 a year, which would be used to hire staff to expand and promote existing volunteer programs. Any spending would be subject to the availability of appropriated funds.

Title V would amend the Public Lands Corps Act of 1993, which governs programs that employ young adults to work on lands managed by DOI and the Forest Service. Under current law, those programs are permanently authorized to receive appropriations totaling \$12 million a year.

Existing Public Lands Corps (PLC) programs vary by agency and funding source. Although historically some agencies have received specific appropriations to carry out the program, the National Park Service often has derived funding from recreation fees that the agency can use without further appropriation action. DOI cannot provide information regarding the amount of funding each agency has allocated to implement PLC programs in recent years.

In addition to changing the name of the Public Lands Corps to the 21st Century Conservation Service Corps, title V would:

- Expand the program to include at least 11 additional federal agencies,
- Assist Indian tribes and related youth groups with the operation of the Indian Youth 21st Century Conservation Service Corps,
- Require participating agencies to designate program coordinators,
- Open the program to veterans under the age of 35, and
- Authorize agencies to use appropriated funds to provide transportation subsidies to program participants.

Although title V would expand the program and authorize several new activities under the Public Lands Corps Act, the bill would not increase the amounts authorized to be appropriated

under that act. Thus, CBO estimates that implementing title V would not affect the federal budget over the 2019–2023 period.

Youth program

Title VI would codify an existing program that grants fourth grade students and up to three accompanying adults free admission to federal lands and waters. Because the program is already authorized, CBO estimates that enacting title VI would not affect the federal budget.

Pay-As-You-Go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 3400 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

Mandates: H.R. 3400 contains no intergovernmental or private-sector mandates as defined in UMRA.

Previous CBO estimates: On September 18, 2017, CBO transmitted a cost estimate for H.R. 289, the GO Act, as ordered reported by the House Committee on Natural Resources on June 27, 2017. That bill contains provisions that are similar to those in title II of H.R. 3400, and CBO's estimates of the budgetary effects of those provisions are the same.

On May 4, 2018, CBO transmitted a cost estimate for H.R. 2987, the 21st Century Conservation Service Corps Act of 2017, as ordered reported by the House Committee on Natural Resources on January 17, 2018. That bill contains provisions that are similar to those in title V of H.R. 3400, and CBO's estimates of the budgetary effects of those provisions are the same.

Estimate prepared by: Federal costs: Jeff LaFave; Mandates: Zachary Byrum.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to promote innovative approaches to outdoor recreation on federal land and to open up opportunities for collaboration with non-federal partners.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. Section 109 directs the Secretary of Agriculture and the Secretary of the Interior to each revise an existing regulation to streamlining the process for guides and outfitter special use permits. Section 110 directs the Secretary of Agriculture

and the Secretary of the Interior to each revise an existing regulation to reduce costs and minimize the burden of cost recovery.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

FEDERAL LANDS RECREATION ENHANCEMENT ACT

* * * * *

DIVISION J—OTHER MATTERS

* * * * *

TITLE VIII—FEDERAL LANDS RECREATION ENHANCEMENT ACT

SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Federal Lands Recreation Enhancement Act”.

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

Sec. 801. Short title and table of contents.
 Sec. 802. Definitions.
 Sec. 803. Recreation fee authority.
 Sec. 804. Public participation.
 Sec. 805. Recreation passes.
Sec. 805A. Availability of Federal and State Recreation Passes.
 Sec. 806. Cooperative agreements.
 Sec. 807. Special account and distribution of fees and revenues.
 Sec. 808. Expenditures.
 Sec. 809. Reports.
 Sec. 810. Sunset provision.
 Sec. 811. Volunteers.
 Sec. 812. Enforcement and protection of receipts.
 Sec. 813. Repeal of superseded admission and use fee authorities.
 Sec. 814. Relation to other laws and fee collection authorities.
 Sec. 815. Limitation on use of fees for employee bonuses.

* * * * *

SEC. 803. RECREATION FEE AUTHORITY.

(a) AUTHORITY OF SECRETARY.—Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect

recreation fees at Federal recreational lands and waters as provided for in this section.

(b) BASIS FOR RECREATION FEES.—Recreation fees shall be established in a manner consistent with the following criteria:

(1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.

(2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.

(3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.

(4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in section 4(d).

(6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.

(c) SPECIAL CONSIDERATIONS.—The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.

(d) LIMITATIONS ON RECREATION FEES.—

(1) PROHIBITION ON FEES FOR CERTAIN ACTIVITIES OR SERVICES.—The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this Act for any of the following:

(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

(B) For general access unless specifically authorized under this section.

(C) For dispersed areas with low or no investment unless specifically authorized under this section.

(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.

(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this Act

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this Act

(I) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

(J) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

(K) For special attention or extra services necessary to meet the needs of the disabled.

(2) RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.—An entity that pays a special recreation permit fee or similar permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, non-commercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88–657 (16 U.S.C. 537; commonly known as the Forest Roads and Trails Act).

(3) PROHIBITION ON FEES FOR CERTAIN PERSONS OR PLACES.—The Secretary shall not charge an entrance fee or standard amenity recreation fee for the following:

(A) Any person under 16 years of age.

(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

(C) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, or Arlington House-Robert E. Lee National Memorial.

(D) The Flight 93 National Memorial.

(E) Entrance on other routes into the Great Smoky Mountains National Park or any part thereof unless fees are charged for entrance into that park on main highways and thoroughfares.

(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

(G) An area or unit covered under section 203 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 410hh–2), with the exception of Denali National Park and Preserve.

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96–487).

(I) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (16 U.S.C. 718b; commonly known as the Duck Stamp Act).

(J) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(4) NO RESTRICTION ON RECREATION OPPORTUNITIES.—Nothing in this Act shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) ENTRANCE FEE.—

(1) AUTHORIZED SITES FOR ENTRANCE FEES.—The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument adminis-

tered by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) PROHIBITED SITES.—The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(f) STANDARD AMENITY RECREATION FEE.—Except as limited by subsection (d), the Secretary may charge a standard amenity recreation fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service, but only at the following:

- (1) A National Conservation Area.
- (2) A National Volcanic Monument.
- (3) A destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media.
- (4) An area—
 - (A) that provides significant opportunities for outdoor recreation;
 - (B) that has substantial Federal investments;
 - (C) where fees can be efficiently collected; and
 - (D) that contains all of the following amenities:
 - (i) Designated developed parking.
 - (ii) A permanent toilet facility.
 - (iii) A permanent trash receptacle.
 - (iv) Interpretive sign, exhibit, or kiosk.
 - (v) Picnic tables.
 - (vi) Security services.

(g) EXPANDED AMENITY RECREATION FEE.—

(1) NPS AND USFWS AUTHORITY.—Except as limited by subsection (d), the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service or the United States Fish and Wildlife Service when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.

(2) OTHER FEDERAL LAND MANAGEMENT AGENCIES.—Except as limited by subsection (d), the Secretary may charge an expanded amenity recreation fee, either in addition to a standard amenity fee or by itself, at Federal recreational lands and waters under the jurisdiction of the Forest Service, the Bureau of Land Management, or the Bureau of Reclamation, but only for the following facilities or services:

- (A) Use of developed campgrounds that provide at least a majority of the following:
 - (i) Tent or trailer spaces.
 - (ii) Picnic tables.
 - (iii) Drinking water.
 - (iv) Access roads.
 - (v) The collection of the fee by an employee or agent of the Federal land management agency.
 - (vi) Reasonable visitor protection.
 - (vii) Refuse containers.
 - (viii) Toilet facilities.
 - (ix) Simple devices for containing a campfire.

(B) Use of highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms and other improvements such as boarding floats, loading ramps, or fish cleaning stations.

(C) Rental of cabins, boats, stock animals, lookouts, historic structures, group day-use or overnight sites, audio tour devices, portable sanitation devices, binoculars or other equipment.

(D) Use of hookups for electricity, cable, or sewer.

(E) Use of sanitary dump stations.

(F) Participation in an enhanced interpretive program or special tour.

(G) Use of reservation services.

(H) Use of transportation services.

(I) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the Federal Government.

(J) Use of developed swimming sites that provide at least a majority of the following:

(i) Bathhouse with showers and flush toilets.

(ii) Refuse containers.

(iii) Picnic areas.

(iv) Paved parking.

(v) Attendants, including lifeguards.

(vi) Floats encompassing the swimming area.

(vii) Swimming deck.

[(h) **SPECIAL RECREATION PERMIT FEE.**—The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.]

(h) *SPECIAL RECREATION PERMIT AND FEE.*—

(1) *IN GENERAL.*—*The Secretary may—*

(A) *issue a special recreation permit for Federal recreational lands and waters; and*

(B) *charge a special recreation permit fee in connection with the issuance of the permit.*

(2) *SPECIAL RECREATION PERMITS.*—*The Secretary may issue special recreation permits in the following circumstances:*

(A) *For specialized individual and group use of Federal facilities and Federal recreational lands and waters, such as, but not limited to, use of special areas or areas where use is allocated, motorized recreational vehicle use, and group activities or events.*

(B) *To recreation service providers who conduct outfitting, guiding, and other recreation services on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bureau of Reclamation, or the United States Fish and Wildlife Service.*

(C) *To recreation service providers who conduct recreation or competitive events, which may involve incidental sales on Federal recreational lands and waters managed by*

the Forest Service, Bureau of Land Management, Bureau of Reclamation, or the United States Fish and Wildlife Service.

(3) REDUCTION IN FEDERAL COSTS.—

(A) IN GENERAL.—To reduce Federal costs in administering this subsection, if the Secretary determines that the activity to be authorized by a special recreation permit under paragraph (2) is the same as or similar to an activity analyzed in a previous environmental impact statement or environmental assessment, then, to the extent environmental analysis is necessary, the Secretary shall adopt or incorporate material from the previous analysis to the maximum extent allowable under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) DEFINITION.—For the purposes of this paragraph, the term “similar” means—

(i) substantially similar in type, nature, and scope; and

(ii) will not result in significant new impacts.

(4) RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.—*An entity that pays a special recreation permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88-657 (16 U.S.C. 537).*

* * * * *

SEC. 805. RECREATION PASSES.

(a) AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—

(1) AVAILABILITY AND USE.—The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the “America the Beautiful—the National Parks and Federal Recreational Lands Pass”, which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

(2) IMAGE COMPETITION FOR RECREATION PASS.—The Secretaries shall hold an annual competition to select the image to be used on the National Parks and Federal Recreational Lands Pass for a year. The competition shall be open to the public and used as a means to educate the American people about Federal recreational lands and waters.

(3) NOTICE OF ESTABLISHMENT.—The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

(4) DURATION.—The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age and disability discounted passes issued under subsection (b).

(5) PRICE.—The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public.

(6) SALES LOCATIONS AND MARKETING.—

[(A) IN GENERAL.—The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.]

(A) *IN GENERAL.*—*The Secretaries shall sell 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) *USE OF VENDORS.*—The Secretary may enter into fee management agreements as provided in section 6.

(C) *MARKETING.*—The Secretaries shall take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.

(7) *ADMINISTRATIVE GUIDELINES.*—The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for age and disability discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) *DEVELOPMENT AND IMPLEMENTATION AGREEMENTS.*—The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

(9) *PROHIBITION ON OTHER NATIONAL RECREATION PASSES.*—The Secretary may not establish any national recreation pass, except as provided in this section *and section 805A.*

(b) *DISCOUNTED PASSES.*—(1) *AGE DISCOUNT.*—

(A) The Secretary shall make the National Parks and Federal Recreational Lands Pass available to any United States citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be available—

(i) for a period of 12 months from the date of the issuance, at a cost of \$20; and

(ii) for the lifetime of the passholder, at a cost equal to the cost of the National Parks and Federal Recreational Lands Pass purchased under subsection (a).

(B) The Secretary shall issue a pass under subparagraph (A)(ii), for no additional cost, to any individual who provides evidence, under policies and guidelines determined by the Secretary, that the individual has purchased a pass under subparagraph (A)(i) for each of the 4 years prior to being issued a pass under this subparagraph.

(2) **DISABILITY DISCOUNT.**—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge, to any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 7(20)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person provides adequate proof of the disability and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the passholder.

(c) **SITE-SPECIFIC AGENCY PASSES.**—The Secretary may establish and charge a fee for a site-specific pass that will cover the entrance fee or standard amenity recreation fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

(d) **REGIONAL MULTIENTITY PASSES.**—

(1) **PASSES AUTHORIZED.**—The Secretary may establish and charge a fee for a regional multientity pass that will be accepted by one or more Federal land management agencies or by one or more governmental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

(2) **REGIONAL MULTIENTITY PASS AGREEMENT.**—In order to establish a regional multientity pass under this subsection, the Secretary shall enter into a regional multientity pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.

(e) **DISCOUNTED OR FREE ADMISSION DAYS OR USE.**—The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.

(f) **EFFECT ON EXISTING PASSPORTS AND PERMITS.**—

(1) **EXISTING PASSPORTS.**—A passport issued under section 4 of the Land and Water Conservation Fund Act of 1965 or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105–391), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms

agreed to at the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

(2) PERMITS.—A permit issued under section 4 of the Land and Water Conservation Fund Act of 1965 that was valid on the day before the date of the enactment of this Act shall be valid and remain in effect until expired, revoked, or suspended.

SEC. 805A. AVAILABILITY OF FEDERAL AND STATE RECREATION PASSES.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—*To improve the procurement 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 in a way that allows a purchaser to buy a Federal recreation pass and a State recreation pass at Federal and State facilities in the same transaction.*

(2) INCLUDED PASSES.—*Passes covered by the program established under paragraph (1) include—*

(A) *a National Parks and Federal Recreational Lands Pass under section 805; and*

(B) *a pass that shall cover 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)(1).*

(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.*

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PUBLIC LANDS CORPS ACT OF 1993

* * * * *

TITLE II—PUBLIC LANDS CORPS

* * * * *

[SEC. 202. CONGRESSIONAL FINDINGS AND PURPOSE.

[(a) FINDINGS.—The Congress finds the following:

[(1) Conserving or developing natural and cultural resources and enhancing and maintaining environmentally important lands and waters through the use of the Nation's young men and women in a Public Lands Corps can benefit those men and women by providing them with education and work opportuni-

ties, furthering their understanding and appreciation of the natural and cultural resources, and providing a means to pay for higher education or to repay indebtedness they have incurred to obtain higher education while at the same time benefiting the Nation's economy and its environment.

[(2) Many facilities and natural resources located on eligible service lands are in disrepair or degraded and in need of labor intensive rehabilitation, restoration, and enhancement work which cannot be carried out by Federal agencies at existing personnel levels.

[(3) Youth conservation corps have established a good record of restoring and maintaining these kinds of facilities and resources in a cost effective and efficient manner, especially when they have worked in partnership arrangements with government land management agencies.

[(b) PURPOSE.—It is the purpose of this title to—

[(1) perform, in a cost-effective manner, appropriate conservation projects on eligible service lands where such projects will not be performed by existing employees;

[(2) assist governments and Indian tribes in performing research and public education tasks associated with natural and cultural resources on eligible service lands;

[(3) expose young men and women to public service while furthering their understanding and appreciation of the Nation's natural and cultural resources;

[(4) expand educational opportunities by rewarding individuals who participate in national service with an increased ability to pursue higher education or job training; and

[(5) stimulate interest among the Nation's young men and women in conservation careers by exposing them to conservation professionals in land managing agencies.

[SEC. 203. DEFINITIONS.

[For purposes of this title:

[(1) APPROPRIATE CONSERVATION PROJECT.—The term “appropriate conservation project” means any project for the conservation, restoration, construction or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

[(2) CORPS AND PUBLIC LANDS CORPS.—The terms “Corps” and “Public Lands Corps” mean the Public Lands Corps established under section 204.

[(3) ELIGIBLE SERVICE LANDS.—The term “eligible service lands” means public lands, Indian lands, and Hawaiian home lands.

[(4) HAWAIIAN HOME LANDS.—The term “Hawaiian home lands” means all lands given the status of Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 1101, or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 863; 73 Stat. 5).

[(5) INDIAN.—The term “Indian” means a person who—

[(A) is a member of an Indian tribe; or

- [(B) is a “Native”, as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).
- [(6) INDIAN LANDS.—The term “Indian lands” means—
- [(A) any Indian reservation;
 - [(B) any public domain Indian allotments;
 - [(C) any former Indian reservation in the State of Oklahoma;
 - [(D) any land held by incorporated Native regional corporations, and village corporations under the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.); and
 - [(E) any land held by dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State.
- [(7) INDIAN TRIBE.—The term “Indian tribe” means an Indian tribe, band, nation, or other organized group or community, including any Native village, Regional Corporation, or Village Corporation, as defined in subsection (c), (g), or (j), respectively, of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c), (g), or (j)), that is recognized as eligible for the special programs and services provided by the United States under federal law to Indians because of their status as Indians.
- [(8) PRIORITY PROJECT.—The term “priority project” means an appropriate conservation project conducted on eligible service lands to further 1 or more of the purposes of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.), as follows:
- [(A) To reduce wildfire risk to a community, municipal water supply, or other at-risk Federal land.
 - [(B) To protect a watershed or address a threat to forest and rangeland health, including catastrophic wildfire.
 - [(C) To address the impact of insect or disease infestations or other damaging agents on forest and rangeland health.
 - [(D) To protect, restore, or enhance forest ecosystem components to—
 - [(i) promote the recovery of threatened or endangered species;
 - [(ii) improve biological diversity; or
 - [(iii) enhance productivity and carbon sequestration.
- [(9) PUBLIC LANDS.—The term “public lands” means any lands or waters (or interest therein) owned or administered by the United States, except that such term does not include any Indian lands.
- [(10) QUALIFIED YOUTH OR CONSERVATION CORPS.—The term “qualified youth or conservation corps” means any program established by a State or local government, by the governing body of any Indian tribe, or by a nonprofit organization that—
- [(A) is capable of offering meaningful, full-time, productive work for individuals between the ages of 16 and 30, inclusive, in a natural or cultural resource setting;
 - [(B) gives participants a mix of work experience, basic and life skills, education, training, and support services; and

[(C) provides participants with the opportunity to develop citizenship values and skills through service to their community and the United States.

[(11) RESOURCE ASSISTANT.—The term “resource assistant” means a resource assistant selected under section 206.

[(12) SECRETARY.—The term “Secretary” means—

[(A) with respect to National Forest System land, the Secretary of Agriculture; and

[(B) with respect to Indian lands, Hawaiian home lands, or land administered by the Department of the Interior, the Secretary of the Interior.

[(13) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[SEC. 204. PUBLIC LANDS CORPS PROGRAM.

[(a) ESTABLISHMENT OF PUBLIC LANDS CORPS.—There is hereby established in the Department of the Interior and the Department of Agriculture a Public Lands Corps.

[(b) PARTICIPANTS.—The Corps shall consist of individuals between the ages of 16 and 30, inclusive, who are enrolled as participants in the Corps by the Secretary. To be eligible for enrollment in the Corps, an individual shall satisfy the criteria specified in section 137(b) of the National and Community Service Act of 1990. The Secretary may enroll such individuals in the Corps without regard to the civil service and classification laws, rules, or regulations of the United States. The Secretary may establish a preference for the enrollment in the Corps of individuals who are economically, physically, or educationally disadvantaged.

[(c) QUALIFIED YOUTH OR CONSERVATION CORPS.—

[(1) IN GENERAL.—The Secretary is authorized to enter into contracts and cooperative agreements with any qualified youth or conservation corps to perform appropriate conservation projects referred to in subsection (d).

[(2) PREFERENCE.—

[(A) IN GENERAL.—For purposes of entering into contracts and cooperative agreements under paragraph (1), the Secretary may give preference to qualified youth or conservation corps located in a specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged to carry out projects within the area.

[(B) PRIORITY PROJECTS.—In carrying out priority projects in a specific area, the Secretary shall, to the maximum extent practicable, give preference to qualified youth or conservation corps located in that specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged.

[(d) PROJECTS TO BE CARRIED OUT.—

[(1) IN GENERAL.—The Secretary may utilize the Corps or any qualified youth or conservation corps to carry out appropriate conservation projects which the Secretary is authorized to carry out under other authority of law on public lands.

【(2) PROJECTS ON INDIAN LANDS.—Appropriate conservation projects may also be carried out under this title on Indian lands with the approval of the Indian tribe involved and on Hawaiian home lands with the approval of the Department of Hawaiian Home Lands of the State of Hawaii.

【(3) DISASTER PREVENTION OR RELIEF PROJECTS.—The Secretary may authorize appropriate conservation projects and other appropriate projects to be carried out on Federal, State, local, or private land as part of a Federal disaster prevention or relief effort.

【(e) PREFERENCE FOR CERTAIN PROJECTS.—In selecting appropriate conservation projects to be carried out under this title, the Secretary shall give preference to those projects which—

【(1) will provide long-term benefits to the public;

【(2) will instill in the enrollee involved a work ethic and a sense of public service;

【(3) will be labor intensive;

【(4) can be planned and initiated promptly; and

【(5) will provide academic, experiential, or environmental education opportunities.

【(f) CONSISTENCY.—Each appropriate conservation project carried out under this title on eligible service lands shall be consistent with the provisions of law and policies relating to the management and administration of such lands, with all other applicable provisions of law, and with all management, operational, and other plans and documents which govern the administration of the area.】

SEC. 202. PURPOSES.

The purposes of this title are—

(1) *to engage youth and veterans in the United States in civilian national service positions to conserve, rebuild, and enhance the outdoors, natural resources, infrastructure, and recreation assets of the United States;*

(2) *to increase public access to, and use of, public and tribal land and water, infrastructure, and natural, cultural, and historical resources and treasures, while spurring economic development and outdoor recreation and addressing backlogged maintenance on public land;*

(3) *to conserve, restore, and enhance public and tribal land and water, infrastructure, and natural, cultural, and historical resources and treasures by carrying out high-quality, cost-effective 21st Century Conservation Service Corps projects;*

(4) *to ensure that, in any State or territory of the United States or on any tribal land, the activities and expertise of Corpsmembers will be accessible to any public organization, nonprofit organization, or tribal agency responsible for the stewardship of land and water that is—*

(A) *public;*

(B) *tribal; or*

(C) *private and has a direct or recognized public benefit, in coordination with the owner of the land or water;*

(5) *to place youth and veterans in civilian national service positions to protect, restore, and enhance the great outdoors, natural resources, infrastructure, and recreation assets of the United States in a cost-effective manner without undue duplica-*

tion or overlap of activities or programs carried out by Federal agencies;

(6) to provide youth and veterans placed in civilian national service positions with opportunities to gain in-demand skills, credentials, and education to prepare for, and transition to, success in the 21st century workforce; and

(7) to channel widespread interest among youth and veterans in serving in civilian national service positions to help conserve, restore, and enhance public and tribal land and water, infrastructure, and natural, cultural, and historical resources and treasures—

(A) for the enjoyment and use of future generations; and

(B) to develop the next generation of outdoor stewards, entrepreneurs, recreationists, and sportsmen and sportswomen.

SEC. 203. DEFINITIONS.

In this title:

(1) **21CSC.**—The term “21CSC” means the 21st Century Conservation Service Corps established by section 204(a).

(2) **21CSC ORGANIZATION.**—The term “21CSC organization” means an organization or association that meets the requirements described in section 204(d).

(3) **21CSC PROJECT.**—The term “21CSC project” means a project that is carried out by a 21CSC organization.

(4) **CORPSMEMBER.**—The term “Corpsmember” means an individual who is selected by a 21CSC organization to serve on a 21CSC project.

(5) **INDIAN.**—The term “Indian” has the meaning given the term in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(6) **INDIAN YOUTH 21ST CENTURY CONSERVATION SERVICE CORPS.**—The term “Indian Youth 21st Century Conservation Service Corps” means a program of a 21CSC organization that—

(A) enrolls participants, the majority of whom are Indians; and

(B) is established pursuant to an agreement between a tribal agency and a 21CSC organization for the benefit of the members of the tribal agency.

(7) **INSTITUTION OF HIGHER EDUCATION.**—

(A) **IN GENERAL.**—The term “institution of higher education” has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(B) **EXCLUSION.**—The term “institution of higher education” does not include an institution outside the United States, as described in section 102(a)(1)(C) of that Act (20 U.S.C. 1002(a)(1)(C)).

(8) **PARTICIPATING ENTITY.**—The term “participating entity” means a Federal entity described in section 204(c)(2).

(9) **PRIORITY PROJECT.**—The term “priority project” means a 21CSC project conducted to further 1 or more of the purposes described in section 202 or in section 2 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501), including by—

(A) reducing wildfire risk to a community, municipal water supply, or at-risk land;

- (B) protecting a watershed;
 - (C) addressing a threat to forest land or rangeland health, including catastrophic wildfire;
 - (D) addressing the impact of insect or disease infestation or any other damaging agent on forest land, water, or rangeland health; or
 - (E) conserving, restoring, or enhancing a forest ecosystem or an ecosystem on public, private, or tribal land—
 - (i) to improve biological diversity; or
 - (ii) to enhance—
 - (I) the productivity of fish and wildlife habitat;
 - (II) the recovery of a species; or
 - (III) carbon sequestration.
- (10) **RESOURCE ASSISTANT.**—The term “resource assistant” means a resource assistant selected under section 206.
- (11) **STATE.**—The term “State” means—
- (A) each of the several States of the United States;
 - (B) the District of Columbia;
 - (C) the Commonwealth of Puerto Rico;
 - (D) the United States Virgin Islands;
 - (E) Guam;
 - (F) American Samoa; and
 - (G) the Commonwealth of the Northern Mariana Islands.
- (12) **TRIBAL AGENCY.**—The term “tribal agency” has the meaning given the term “Indian tribe” in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).
- (13) **TRIBAL LAND OR WATER.**—The term “tribal land or water” means any real property or water—
- (A) owned by a tribal agency;
 - (B) held in trust by the United States for an Indian or a tribal agency; or
 - (C) held by an Indian or a tribal agency that is subject to a restriction on alienation imposed by the United States.
- (14) **VETERAN.**—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.
- (15) **YOUTH.**—The term “youth” means an individual who is not younger than age 15 and not older than age 30.

SEC. 204. 21ST CENTURY CONSERVATION SERVICE CORPS.

(a) **ESTABLISHMENT.**—There is established the 21st Century Conservation Service Corps, to be comprised of 21CSC organizations and Corpsmembers, to carry out, in partnership with participating entities, the purposes of this title.

(b) **DESIGNATION OF COORDINATORS.**—The head of each participating entity, and the head of any bureau or subdivision of each participating entity, shall designate a 21CSC coordinator to coordinate any activity of the 21CSC or a 21CSC project carried out by the participating entity or the bureau or subdivision of the participating entity.

(c) **PARTICIPATING ENTITIES.**—

(1) **IN GENERAL.**—The 21CSC shall be implemented jointly by the heads of the participating entities, who may support the 21CSC by carrying out the activities described in paragraph (3).

(2) **LIST OF PARTICIPATING ENTITIES.**—The participating entities shall be—

- (A) *the Department of the Interior;*
 - (B) *the Department of Agriculture;*
 - (C) *the Department of Transportation;*
 - (D) *the Department of Labor;*
 - (E) *the Department of Energy;*
 - (F) *the Department of Defense;*
 - (G) *the Department of Veterans Affairs;*
 - (H) *the Department of Commerce;*
 - (I) *the Department of Education;*
 - (J) *the Department of Housing and Urban Development;*
 - (K) *the Corporation for National and Community Service;*
 - (L) *the Office of the Assistant Secretary of the Army for Civil Works;*
 - (M) *the Federal Emergency Management Agency; and*
 - (N) *any other Federal agency designated by the President as necessary to carry out a 21CSC project.*
- (3) *SUPPORT FOR THE 21CSC.—*
- (A) *IN GENERAL.—The head of a participating entity may provide support to the 21CSC by—*
 - (i) *establishing standards for the 21CSC;*
 - (ii) *establishing a process for an organization to apply and be approved to become a 21CSC organization;*
 - (iii) *developing and supporting a public-private partnership referred to in paragraph (5)(A)(i);*
 - (iv) *using or leveraging existing funds, or acquiring funds and other resources, under section 210 to support 21CSC projects through entering into a cooperative agreement under paragraph (5)(A)(i);*
 - (v) *leveraging existing resources described in section 210(b) to expand the use of the 21CSC to meet the mission of the participating entity;*
 - (vi) *using technology to support 21CSC projects; and*
 - (vii) *collecting performance data on 21CSC projects—*
 - (I) *to prepare the reports referred to in subparagraph (C)(i)(I); and*
 - (II) *to demonstrate the impact of the 21CSC projects.*
 - (B) *COORDINATION.—*
 - (i) *IN GENERAL.—The heads of each of the participating entities shall, to the maximum extent practicable, coordinate with each other or the head of any other Federal agency that is affected by, or carrying out, an activity that is similar to a 21CSC project—*
 - (I) *to minimize, to the maximum extent practicable, the duplication of any specific project performed by any other participating entity or Federal agency; and*
 - (II) *to maximize 21CSC project completion in a cost-effective manner by collaborating to leverage existing resources described in section 210(b).*
 - (ii) *APPROVAL AND DATA COLLECTION.—The head of each participating entity shall, to the maximum extent*

practicable, coordinate with each other head of a participating entity—

(I) to approve organizations as 21CSC organizations; and

(II) to collect the data, when practicable in coordination with a national non-Federal 21CSC organization coordinating entity, referred to in items (aa) through (dd) of subparagraph (C)(i)(I).

(iii) *GUIDANCE.*—The head of each participating entity shall, to the maximum extent practicable, seek guidance from—

(I) the Corporation for National and Community Service;

(II) the Departments of Veterans Affairs and Labor on methods to increase the participation of veterans in 21CSC projects;

(III) the Secretary of the Interior, acting through the Assistant Secretary for Indian Affairs, on methods to increase the participation of Indians in 21CSC projects;

(IV) the Secretary of Defense on participation for the 21CSC in the Skillbridge program (DoD Instruction 1322.29), and on recruiting generally, to encourage more veteran and transitioning service member engagement in 21CSC projects;

(V) the Secretary of Labor and the Secretary of Agriculture on methods to increase rural youth engagement in 21CSC projects;

(VI) the Secretary of Labor on methods to increase the creation of apprenticeships through 21CSC organizations, private-sector employer partnerships, and identifying career pathways aligned with 21CSC projects; and

(VII) the Secretary of Education on methods to increase the recognition of Corpsmembers' experience with 21CSC projects as post-secondary credit at higher education institutions.

(C) *REPORTING.*—

(i) *21CSC REPORTS.*—

(I) *REPORT TO CONGRESS.*—As soon as practicable after the date of enactment of the 21st Century Conservation Service Corps Act, the Chief Executive Officer of the Corporation for National and Community Service, in coordination with the head of each participating entity, shall submit to Congress a report that includes data, for the year covered by the report, including—

(aa) the number of Corpsmembers that carried out 21CSC projects and the length of the term of service for each Corpsmember;

(bb) the total amount of funding provided by participating entities for the service of Corpsmembers;

(cc) the type of service performed by Corpsmembers and the impact and accomplishments of the service; and

(dd) any other similar data determined by the Chief Executive Officer of the Corporation for National and Community Service or the head of a participating entity to be appropriate, including data sufficient to determine the effectiveness of 21CSC organizations in carrying out activities to achieve the purposes of this title in a manner that—

(AA) is cost-effective; and

(BB) does not unduly duplicate or overlap with any other activity or program carried out by any other Federal agency.

(II) DATA FROM PARTICIPATING ENTITIES.—Not later than 1 year after the date of enactment of the 21st Century Conservation Service Corps Act, and annually thereafter, the head of each participating entity shall submit to the Chief Executive Officer of the Corporation for National and Community Service the data described in items (aa) through (dd) of subclause (I).

(III) DATA COLLECTION.—The Chief Executive Officer of the Corporation for National and Community Service may coordinate with individual 21CSC organizations to improve the collection of the required data described in items (aa) through (dd) of subclause (I).

(ii) COMPTROLLER GENERAL REPORTS.—

(I) IN GENERAL.—The Comptroller General of the United States shall prepare and submit to Congress—

(aa) not later than 3 years after the date of submission of the first report under clause (i)(I), an interim report; and

(bb) not later than 5 years after the date of submission of the first report under that clause, a final report.

(II) CONTENTS.—The interim and final reports referred to in subclause (I) shall include—

(aa) an assessment, based on the data described in items (aa) through (dd) of clause (i)(I), of the effectiveness of 21CSC organizations in achieving the purposes of this title in a manner that—

(AA) is cost-effective; and

(BB) does not unduly duplicate or overlap with any other activity or program carried out by any other Federal agency; and

(bb) recommendations on how to more effectively manage and carry out 21CSC projects to achieve the purposes of this title in the manner described in item (aa).

(III) *ADDITIONAL REPORTS.*—The Comptroller General of the United States may submit to Congress any additional report that includes the content described in subclause (II), as the Comptroller General determines to be necessary.

(4) *GIFTS AND DONATIONS.*—The head of a participating entity may accept, use, or dispose of a contribution that is a gift or donation of money, services, or property to support the development, implementation, and expansion of a 21CSC project, in accordance with applicable law (including regulations).

(5) *COOPERATIVE AGREEMENTS WITH 21CSC ORGANIZATIONS.*—

(A) *IN GENERAL.*—The head of each participating entity may—

(i) develop a public-private partnership with a 21CSC organization by entering into a cooperative agreement with the 21CSC organization to support and carry out 21CSC projects; and

(ii) leverage existing resources described in section 210(b) to support a cooperative agreement.

(B) *TYPE OF COOPERATIVE AGREEMENT.*—A cooperative agreement under this paragraph may—

(i) be limited to an agreement for a specific 21CSC project;

(ii) be a broad agreement covering multiple planned or future 21CSC projects; or

(iii) be an agreement for a 21CSC project to be part of a broader 21CSC initiative carried out in partnership with—

(I) the Federal Government;

(II) a State government; or

(III) a tribal agency.

(C) *SET SHARE.*—A cooperative agreement under this paragraph shall include a provision specifying the cost share that the 21CSC organization will provide under section 210(c).

(d) *21CSC ORGANIZATIONS.*—

(1) *IN GENERAL.*—To be considered and approved as a 21CSC organization, an organization shall, to the maximum extent practicable, demonstrate the ability to meet, and provide assurances that the organization will meet, each requirement described in paragraphs (2) through (6).

(2) *21CSC CORPSMEMBERS ENGAGED BY 21CSC ORGANIZATIONS.*—

(A) *IN GENERAL.*—In addition to meeting the requirement of subparagraph (B), any individual selected by a 21CSC organization to carry out a 21CSC project shall, to the maximum extent practicable, be—

(i) a youth, notwithstanding paragraphs (3) and (4) of section 137(a) of the National and Community Service Act of 1990 (42 U.S.C. 12591(a)) in the case of any Corpsmember participating in a 21CSC project supported and carried out by the Corporation for National and Community Service; or

(ii) a veteran not older than age 35.

- (B) *CITIZENSHIP REQUIREMENT.*—Any individual selected as a Corpsmember shall be—
- (i) a citizen or national of the United States;
 - (ii) a lawful permanent resident of the United States;
- or
- (iii) a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau and admitted to the United States as a non-immigrant under the terms of the applicable Compact of Free Association with the United States.
- (C) *EMPHASIS ON DIVERSITY AND INCLUSION.*—In selecting a Corpsmember, a 21CSC organization shall make deliberate outreach efforts to engage an individual who—
- (i) lives in the State or region of the 21CSC organization; and
 - (ii) represents a traditionally underserved population, including veterans, Indians, and disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).
- (3) *COMPENSATION FOR PARTICIPANTS.*—A 21CSC organization shall provide compensation to each Corpsmember that includes 1 or more of the following:
- (A) A wage.
 - (B) A stipend.
 - (C) A living allowance.
 - (D) An educational credit that may be applied towards a program of postsecondary education at an institution of higher education that agrees to award the credit for participation in a 21CSC project.
- (4) *ORGANIZATION OF SERVICE FOR PARTICIPANTS.*—
- (A) *IN GENERAL.*—In carrying out a 21CSC project, a 21CSC organization shall, to the maximum extent practicable, organize each Corpsmember as—
- (i) a crew-based participant who—
 - (I) serves together with other crew-based participants; and
 - (II) is directly supervised by a trained and experienced crew-based leader or conservation professional; or
 - (ii) an individual or small team-based participant who serves—
 - (I) individually or in a coordinated small team, as applicable;
 - (II) under the direction of a conservation professional; and
 - (III) on an initiative that requires specific skills and dedicated attention.
- (B) *VETERAN AND CIVILIAN COOPERATION.*—A 21CSC organization shall, to the maximum extent practicable, encourage cooperation among veteran and civilian Corpsmembers.
- (5) *21CSC PROJECTS.*—A 21CSC organization shall carry out a 21CSC project that includes national service, and may be a priority project, involving—
- (A) the conservation, restoration, and enhancement of—

(i) a unit of the National Park System or National Forest System;

(ii) public or tribal land or water; or

(iii) natural, cultural, or historical resources or treasures;

(B) the conservation, restoration, management, and development of the natural resources and infrastructure of the United States, including—

(i) removal of invasive species;

(ii) wildfire prevention and response;

(iii) disaster resiliency, mitigation, response, and recovery;

(iv) trail development and maintenance;

(v) coastal restoration and resiliency;

(vi) historic preservation;

(vii) public safety;

(viii) energy efficiency and alternative energy;

(ix) water infrastructure;

(x) construction, repair, rehabilitation, or maintenance of—

(I) a road;

(II) a campground; or

(III) any other recreation or visitor facility or housing structure; and

(xi) any other related project that furthers the purposes of this title;

(C) the support, development, and enhancement of outdoor recreation or urban green space for the purpose of public access;

(D) service that is primarily indoors, such as service in a science, policy, or program internship, with a clear benefit for natural, cultural, or historic resources or treasures, which may include the provision of interpretation and education services to—

(i) the public; or

(ii) a cooperating association, educational institution, friends group, or similar nonprofit partner organization; and

(E) notwithstanding section 132A of the National and Community Service Act of 1990 (42 U.S.C. 12584a), a project described in this paragraph on private land or water in partnership with a private entity if—

(i) the project has a direct or recognized public or environmental benefit; or

(ii) the funding for the project originated from a governmental entity, regardless of the end payor.

(6) 21CSC CORPSMEMBERS.—In carrying out a 21CSC project, a 21CSC organization shall provide each Corpsmember with—

(A) in-demand skills development, certification and credentials, and education to prepare the Corpsmember for success in transitioning to the 21st century workforce;

(B) community skill development to help the Corpsmember—

(i) acquire an ethic of service to others and the United States; and

(ii) become a more effective natural resource and community steward; and

(C) a greater understanding of the natural, cultural, or historic resources or treasures of the United States.

(e) CORPSMEMBER COMPENSATION AND EMPLOYMENT STANDARDS.—

(1) CORPSMEMBER COMPENSATION STANDARD.—

(A) SPECIFIC WAGE RATES.—A form of compensation provided under subparagraph (A), (B), or (C) of subsection (d)(3) shall be considered to be established at a specific wage rate, in the same manner as the compensation provided for a living allowance under section 140 of the National and Community Service Act of 1990 (42 U.S.C. 12594).

(B) COMPENSATION FOR CERTAIN CORPSMEMBERS.—The compensation provided under subsection (d)(3) to a Corpsmember who is not a participant in a 21CSC project supported by the Corporation for National and Community Service shall not be subject to any provision of (including a regulation under) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) relating to a wage rate, but shall be considered to be established at a specific wage rate, in the manner described in subparagraph (A).

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) applies a specific wage rate for a living allowance that is established under section 140 of the National and Community Service Act of 1990 (42 U.S.C. 12594) to the compensation of a Corpsmember under subsection (d)(3).

(2) CORPSMEMBER EMPLOYMENT STANDARD.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in parity with section 101(30) of the National and Community Service Act of 1990 (42 U.S.C. 12511(30)), a Corpsmember shall be considered to be a participant (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)), not an employee, of the 21CSC organization for which the Corpsmember serves.

(B) FEDERAL EMPLOYMENT PROVISIONS.—Notwithstanding subparagraph (A), Federal employment provisions shall apply to a Corpsmember to the extent that those provisions apply to a participant or crew leader under section 199M(b) of the National and Community Service Act of 1990 (42 U.S.C. 12655n(b)).

(C) CHILD LABOR PROVISIONS.—Notwithstanding subparagraph (A)—

(i) the child labor provisions under section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) (including any order or regulation issued under the authority of such section or section 3(l) of such Act (29 U.S.C. 203(l))) shall apply to a Corpsmember and the 21CSC organization for which the Corpsmember serves in the same manner as such provisions apply to an employee and an employer under such Act; and

(ii) a violation of a section specified in clause (i) by a 21CSC organization shall be enforced by the Secretary of Labor in the same manner, and subject to the

same penalties under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), as a violation by an employer of section 12 of such Act (29 U.S.C. 212).

(3) *CIVIL SERVICE.—An individual may be enrolled as a Corpsmember without regard to the civil service and classification laws, rules, or regulations.*

SEC. 205. CONSERVATION CENTERS AND PROGRAM SUPPORT.

(a) **ESTABLISHMENT AND USE.—**

(1) **IN GENERAL.—**The **【Secretary】** *head of a participating entity* may establish and use conservation centers owned and operated by the **【Secretary】** *head of a participating entity* for—

(A) use by the **【Public Lands Corps】** 21CSC; and

(B) the conduct of appropriate **【conservation projects】** 21CSC projects under this title.

(2) **ASSISTANCE FOR CONSERVATION CENTERS.—**The **【Secretary】** *head of a participating entity* may provide to a conservation center established under paragraph (1) any services, facilities, equipment, and supplies that the **【Secretary】** *head of a participating entity* determines to be necessary for the conservation center.

(3) **STANDARDS FOR CONSERVATION CENTERS.—**The **【Secretary】** *head of a participating entity* shall—

(A) establish basic standards of health, nutrition, sanitation, and safety for all conservation centers established under paragraph (1); and

(B) ensure that the standards established under subparagraph (A) are enforced.

(4) **MANAGEMENT.—**As the **【Secretary】** *head of a participating entity* determines to be appropriate, the **【Secretary】** *head of a participating entity* may enter into a contract or other appropriate arrangement with a State or local government agency or private organization to provide for the management of a conservation center.

(b) **LOGISTICAL SUPPORT, TEMPORARY HOUSING, AND TRANSPORTATION.—【The Secretary】**

(1) **LOGISTICAL SUPPORT.—**

(A) **IN GENERAL.—***The head of a participating entity* may make arrangements with the Secretary of Defense to have logistical support provided by the Armed Forces to **【the Corps】** the 21CSC and any conservation center established under this section, where feasible. **【Logistical support】**

(B) **INCLUSIONS.—***Logistical support provided under subparagraph (A)* may include the provision of temporary tent shelters where needed, transportation, and residential supervision.

(2) **TEMPORARY HOUSING.—***The head of a participating entity may make arrangements with another Federal agency or a State, local government, or private organization to provide temporary housing for Corpsmembers as needed and available.*

(3) **TRANSPORTATION.—***The head of a participating entity may provide transportation to and from 21CSC project sites for Corpsmembers that reside in their own homes.*

(c) **USE OF MILITARY INSTALLATIONS.—【The Secretary】** *The head of a participating entity* may make arrangements with the Secretary of Defense to identify military installations and other facili-

ties of the Department of Defense and, in consultation with the adjutant generals of the State National Guards, National Guard facilities that may be used, in whole or in part, by **the Corps for training or housing Corps participants** *the 21CSC for training or housing Corpsmembers.*

(d) ASSISTANCE.—**The Secretary** *The head of a participating entity* may provide any services, facilities, equipment, supplies, technical assistance, oversight, monitoring, or evaluations that are appropriate to carry out this title.

SEC. 206. RESOURCE ASSISTANTS.

(a) AUTHORIZATION.—**The Secretary** is authorized to provide individual placements of resource assistants with any Federal land managing agency under the jurisdiction of the Secretary to carry out research or resource protection activities on behalf of the agency. **]**

(1) *IN GENERAL.*—*The head of a participating entity may provide individual placements of resource assistants to carry out research or resource protection activities on behalf of the participating entity.* **[To be eligible]**

(2) *ELIGIBILITY.*—*To be eligible* for selection as a resource assistant, an individual must be at least 17 years of age. **[The Secretary]**

(3) *SELECTION.*—*The head of a participating entity* may select resource assistants without regard to the civil service and classification laws, rules, or regulations of the United States. **[The Secretary]**

(4) *PREFERENCE.*—*The head of a participating entity* shall give a preference to the selection of individuals who are enrolled in an institution of higher education or are recent graduates from an institution of higher education, with particular attention given to ensure full representation of women and participants from historically black, Hispanic, and Native American schools.

[(b) USE OF EXISTING NONPROFIT ORGANIZATIONS.—Whenever one or more existing nonprofit organizations can provide, in the judgment of the the Secretary, appropriate recruitment and placement services to fulfill the requirements of this section, the Secretary may implement this section through such existing organizations. Participating nonprofit organizations shall contribute to the expenses of providing and supporting the resource assistants, through private sources of funding, at a level equal to 25 percent of the total costs of each participant in the Resource Assistant program who has been recruited and placed through that organization. Any such participating nonprofit conservation service organization shall be required, by the respective land managing agency, to submit an annual report evaluating the scope, size, and quality of the program, including the value of work contributed by the Resource Assistants, to the mission of the agency. **]**

(b) PREFERENCE FOR THE USE OF 21CSC ORGANIZATIONS.—

(1) *IN GENERAL.*—*If the head of a participating entity determines that a 21CSC organization can provide appropriate recruitment and placement services to fulfill the requirements of this section, the head of the participating entity may implement this section through a 21CSC organization.*

(2) *CONTRIBUTION TO EXPENSES.*—A 21CSC organization providing recruitment and placement services under paragraph (1) shall contribute to the expenses of providing and supporting resource assistants, through 1 or more private sources of funding, at a level equal to 25 percent of the total costs of each participant in the resource assistant program that has been recruited and placed through the 21CSC organization.

(3) *ANNUAL REPORT.*—A 21CSC organization providing recruitment and placement services under paragraph (1) shall submit to the head of the applicable participating entity an annual report that evaluates the scope, size, and quality of the resource assistant program carried out by the 21CSC organization, including a description of the value of the work contributed by resource assistants to the mission of the participating entity.

[SEC. 207. LIVING ALLOWANCES AND TERMS OF SERVICE.

[(a) LIVING ALLOWANCES.—The Secretary shall provide each participant in the Public Lands Corps and each resource assistant with a living allowance in an amount established by the Secretary.

[(b) TERMS OF SERVICE.—Each participant in the Corps and each resource assistant shall agree to participate in the Corps or serve as a resource assistant, as the case may be, for such term of service as may be established by the Secretary enrolling or selecting the individual.

[(c) HIRING.—The Secretary may—

[(1) grant to a member of the Public Lands Corps credit for time served with the Public Lands Corps, which may be used toward future Federal hiring; and

[(2) provide to a former member of the Public Lands Corps noncompetitive hiring status for a period of not more than 2 years after the date on which the member's service with the Public Lands Corps is complete.]

SEC. 207. ELIGIBILITY FOR NONCOMPETITIVE HIRING STATUS.

(a) *DEFINITIONS.*—In this section—

(1) the terms “land management agency” and “time-limited appointment” have the meanings given those terms in section 9601 of title 5, United States Code; and

(2) the term “qualified Corpsmember” means a Corpsmember who is certified by a corresponding participating entity as having successfully completed 640 hours of service with a 21CSC organization.

(b) *HIRING.*—

(1) *IN GENERAL.*—Subject to paragraph (2) and subsection (c), a qualified Corpsmember shall be eligible for appointment in the competitive service in the same manner as a Peace Corps volunteer as prescribed in Executive Order 11103 (22 U.S.C. 2504 note; relating to Providing for the Appointment of Former Peace Corps Volunteers to the Civilian Career Services), as amended by Executive Order 12107 (44 Fed. Reg. 1055; relating to the Civil Service Commission and Labor-Management in the Federal Service).

(2) *PERIOD.*—A qualified Corpsmember shall be eligible for an appointment under paragraph (1) during the 2-year period be-

ginning on the date on which the Corpsmember completes the 640 hours of service required under subsection (a)(2).

(3) *TIME-LIMITED APPOINTMENT.*—For purposes of section 9602 of title 5, United States Code, a qualified Corpsmember hired by a participating entity that is a land management agency for a time-limited appointment shall be considered to be appointed initially under open, competitive examination.

(c) *SERVICE HOURS.*—

(1) *IN GENERAL.*—The 640 hours of service required under subsection (a)(2) may include service on 1 or more projects carried out by a Corpsmember with 1 or more participating entities during 1 or more terms of service in a 21CSC organization.

(2) *COMPETITIVE SERVICE.*—To be eligible for noncompetitive hiring status under subsection (b), a Corpsmember shall perform the 640 hours of service required under subsection (a)(2)—

(A) carrying out a project on public or tribal land or water; or

(B) in service with, or on a project supported in whole or in part by, a participating entity.

(3) *PRIORITIES.*—The head of each participating entity is encouraged, to the maximum extent practicable, to identify a sufficient number of 21CSC projects on public or tribal land or water that are aligned with the priorities of the participating entity so as to facilitate the attainment of the 640 hours of service by Corpsmembers required under subsection (a)(2).

(4) *TRACKING HOURS.*—Participating entities shall coordinate with 21CSC organizations to identify the most effective and efficient method for tracking and certifying the 640 hours of service required under subsection (a)(2).

(d) *GUIDANCE.*—The head of each participating entity, and any subdivision of a participating entity, shall coordinate with the head of each other participating entity, and subdivision of each other participating entity, to implement and issue guidance on eligibility for noncompetitive hiring status under subsection (b) in a uniform manner to—

(1) improve the efficiency and use of noncompetitive hiring authority; and

(2) minimize inconsistency.

SEC. 208. NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) *EDUCATIONAL BENEFITS AND AWARDS.*—If a [participant in the Public Lands Corps] *Corpsmember* or a resource assistant also serves in an approved national service position designated under subtitle C of title I of the National and Community Service Act of 1990, [the participant] *the Corpsmember* or resource assistant shall be eligible for a national service educational award in the manner prescribed in subtitle D of such title upon successfully complying with the requirements for the award. The period during which the national service educational award may be used, the purposes for which the award may be used, and the amount of the award shall be determined as provided under such subtitle.

(b) *FORBEARANCE IN THE COLLECTION OF STAFFORD LOANS.*—For purposes of section 428 of the Higher Education Act of 1965, in the case of borrowers who are [either participants in the Corps] *Corpsmembers* or resource assistants, upon written request, a lender shall grant a borrower forbearance on such terms as are otherwise

consistent with the regulations of the Secretary of Education, during periods in which the borrower is serving as [such a participant] a *Corpsmember* or a resource assistant.

SEC. 209. NONDISPLACEMENT.

The nondisplacement requirements of section 177 of the National and Community Service Act of 1990 shall be applicable to all activities carried out by the [Public Lands Corps] 21CSC, to all activities carried out under this title by a [qualified youth or conservation corps] *Corpsmember* or a 21CSC organization, and to the selection and service of resource assistants.

SEC. 210. FUNDING.

(a) *INVESTMENTS.*—

(1) *IN GENERAL.*—*In addition to using the funds described in subsections (b) and (c) to fund 21CSC projects, each 21CSC organization shall leverage those funds by soliciting cash or in-kind contributions from public or private sources.*

(2) *METHODS.*—*A 21CSC organization may leverage funds by soliciting contributions using innovative strategies, such as crowd-funding.*

(b) *EXISTING RESOURCES.*—*To fund a 21CSC project, the head of each participating entity shall be limited to using existing funds appropriated or allocated to the participating entity, as of the period of implementation of the 21CSC project, under any law or authority other than this title.*

(c) *SET COST SHARE.*—*A 21CSC organization carrying out a 21CSC project shall provide a cost share of not less than 10 percent of the total cost of the 21CSC project, which may include cash or in-kind contributions from a State, local, or private source.*

[(a)] (d) *COST SHARING.*—

(1) *PROJECTS BY [QUALIFIED YOUTH OR CONSERVATION CORPS] CORPSMEMBERS OR 21CSC ORGANIZATIONS.*—*[The Secretary is authorized to pay not more than 75 percent of the costs of any appropriate conservation project carried out pursuant to this title on public lands by a qualified youth or conservation corps. The remaining 25 percent of the costs of such a project may be provided from nonfederal sources in the form of funds, services, facilities, materials, equipment, or any combination of the foregoing.] No cost sharing shall be required in the case of any appropriate conservation project carried out on Indian lands or Hawaiian home lands under this title.*

(2) *[PUBLIC LANDS CORPS] 21CSC PROJECTS.*—*[The Secretary is authorized to] The head of a participating entity may accept donations of funds, services, facilities, materials, or equipment for the purposes of operating the [Public Lands Corps] 21CSC and carrying out appropriate conservation projects by [the Corps] the 21CSC. However, nothing in this title shall be construed to require any cost sharing for any project carried out directly by [the Corps] the 21CSC.*

[(b)] (e) *FUNDS AVAILABLE UNDER NATIONAL AND COMMUNITY SERVICE ACT.*—*[In order to carry out the Public Lands Corps or to support resource assistants and qualified youth or conservation corps under this title, the Secretary] To carry out the 21CSC or to support resource assistants and Corpsmembers or 21CSC organizations under this title, the head of a participating entity shall be eli-*

gible to apply for and receive assistance under section 121(b) of the National and Community Service Act of 1990.

[(c)] (f) OTHER FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under [section 211] section 213 are in addition to amounts allocated to the [Public Lands Corps] 21CSC through other Federal programs or projects.

SEC. 211. INDIAN YOUTH 21ST CENTURY CONSERVATION SERVICE CORPS.

(a) AUTHORIZATION OF COOPERATIVE AGREEMENTS.—*The head of a participating entity may offer to enter into a cooperative agreement with a tribal agency or a 21CSC organization to establish and administer the Indian Youth 21st Century Conservation Service Corps, which shall carry out 1 or more 21CSC projects on tribal land or water.*

(b) GUIDELINES.—*Not later than 18 months after the date of enactment of the 21st Century Conservation Service Corps Act, the Secretary of the Interior, in consultation with Indian tribes, shall issue guidelines for the management of the Indian Youth 21st Century Conservation Service Corps, in accordance with this Act and any other applicable Federal laws.*

SEC. 212. RULE OF CONSTRUCTION.

Except where otherwise provided for in this title, the requirements and authorities provided under this title with respect to Corpsmembers, 21CSC organizations, and participating entities with respect to a 21CSC project shall be in addition to any requirement or authority provided under other Federal law with respect to Corpsmembers, 21CSC organizations, and participating entities with respect to the 21CSC project.

SEC. [211.] 213. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$12,000,000 for each fiscal year, of which \$8,000,000 is authorized to carry out priority projects and \$4,000,000 of which is authorized to carry out other appropriate conservation projects.

(b) DISASTER RELIEF OR PREVENTION PROJECTS.—Notwithstanding subsection (a), any amounts made available under that subsection shall be available for disaster prevention or relief projects.

(c) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts appropriated for any fiscal year to carry out this title shall remain available for obligation and expenditure until the end of the fiscal year following the fiscal year for which the amounts are appropriated.

TITLE 40, UNITED STATES CODE

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SUBTITLE I—FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES

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CHAPTER 5—PROPERTY MANAGEMENT

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SUBCHAPTER VII—PROPERTY MANAGEMENT

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§ 623. Establishment of a Federal Real Property Council

(a) **ESTABLISHMENT.**—There is established a Federal Real Property Council.

(b) **PURPOSE.**—The purpose of the Council shall be—

(1) to develop guidance and ensure implementation of an efficient and effective real property management strategy;

(2) to identify opportunities for the Federal Government to better manage property and assets of the Federal Government; and

(3) to reduce the costs of managing property of the Federal Government, including operations, maintenance, and security associated with Federal property.

(c) **COMPOSITION.**—

(1) **IN GENERAL.**—The Council shall be composed exclusively of—

(A) the senior real property officers of each Federal agency;

(B) the Deputy Director for Management of the Office of Management and Budget;

(C) the Controller of the Office of Management and Budget;

(D) the Administrator; and

(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

(2) **CHAIRPERSON.**—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

(3) **EXECUTIVE DIRECTOR.**—

(A) **IN GENERAL.**—The Chairperson shall designate an Executive Director to assist in carrying out the duties of the Council.

(B) **QUALIFICATIONS.**—The Executive Director shall—

(i) be appointed from among individuals who have substantial experience in the areas of commercial real estate and development, real property management, and Federal operations and management; and

(ii) hold no outside employment that may conflict with duties inherent to the position.

(d) **MEETINGS.**—

(1) **IN GENERAL.**—The Council shall meet subject to the call of the Chairperson.

(2) **MINIMUM.**—The Council shall meet not fewer than 4 times each year.

(e) **DUTIES.**—The Council, in consultation with the Director and the Administrator, shall—

(1) not later than 1 year after the date of enactment of this subchapter, establish a real property management plan tem-

plate, to be updated annually, which shall include performance measures, specific milestones, measurable savings, strategies, and Government-wide goals based on the goals established under section 524(a)(7) to reduce surplus property or to achieve better utilization of underutilized property, and evaluation criteria to determine the effectiveness of real property management that are designed—

- (A) to enable Congress and heads of Federal agencies to track progress in the achievement of property management objectives on a Government-wide basis;
- (B) to improve the management of real property; and
- (C) to allow for comparison of the performance of Federal agencies against industry and other public sector agencies;
- (2) develop utilization rates consistent throughout each category of space, considering the diverse nature of the Federal portfolio and consistent with nongovernmental space use rates;
- (3) develop a strategy to reduce the reliance of Federal agencies on leased space for long-term needs if ownership would be less costly;
- (4) provide guidance on eliminating inefficiencies in the Federal leasing process;
- (5) compile a list of field offices that are suitable for collocation with other property assets;
- (6) research best practices regarding the use of public-private partnerships to manage properties and develop guidelines for the use of those partnerships in the management of Federal property; and
- (7) not later than 1 year after the date of enactment of this subchapter and annually during the 4-year period beginning on the date that is 1 year after the date of enactment of this subchapter and ending on the date that is 5 years after the date of enactment of this subchapter, the Council shall submit to the Director a report that contains—
 - (A) a list of the remaining excess property that is real property, surplus property that is real property, and underutilized property of each Federal agency;
 - (B) the progress of the Council toward developing guidance for Federal agencies to ensure that the assessment required under section 524(a)(11)(B) is carried out in a uniform manner;
 - (C) the progress of Federal agencies toward achieving the goals established under section 524(a)(7);
 - (D) if necessary, recommendations for legislation or statutory reforms that would further the goals of the Council, including streamlining the disposal of excess or underutilized real property; and
 - (E) a list of entities that are consulted under subsection (f).

(f) CONSULTATION.—In carrying out the duties described in subsection (e), the Council shall also consult with representatives of—

- (1) State, local, and tribal authorities, as appropriate, and other affected communities; and
- (2) appropriate private sector entities and nongovernmental organizations that have expertise in areas of—
 - (A) commercial real estate and development;

- (B) government management and operations;
- (C) space planning;
- (D) community development, including transportation and planning;
- (E) historic preservation; and
- (F) providing housing to the homeless population.

(g) COUNCIL RESOURCES.—The Director and the Administrator shall provide staffing, and administrative support for the Council, as appropriate.

(h) ACCESS TO REPORT.—The Council shall provide, on an annual basis, the real property management plan template required under subsection (e)(1) and the reports required under subsection (e)(7) to—

- (1) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (2) the Committee on Environment and Public Works of the Senate;
- (3) the Committee on Oversight and Government Reform of the House of Representatives;
- (4) the Committee on Transportation and Infrastructure of the House of Representatives; and
- (5) the Comptroller General of the United States.

(i) EXCLUSIONS.—In this section, surplus property shall not include—

- (1) any military installation (as defined in section 2910 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; Public Law 101–510));
- (2) any property that is excepted from the definition of the term “property” under section 102;
- (3) Indian and native Eskimo property held in trust by the Federal Government as described in section 3301(a)(5)(C)(iii);
- (4) real property operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);
- (5) any real property the Director excludes for reasons of national security;
- (6) **any public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722))** *any land or water (or interest in land or water) owned by the United States (other than Indian land) administered by—*
 - (A) the Secretary of the Interior, acting through—
 - (i) the Director of the Bureau of Land Management;
 - (ii) the Director of the National Park Service;
 - (iii) the Commissioner of Reclamation; or
 - (iv) the Director of the United States Fish and Wildlife Service; or
 - (B) the Secretary of Agriculture, acting through the Chief of the Forest Service; or
- (7) any property operated and maintained by the United States Postal Service.

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**DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2012**

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**DIVISION E—DEPARTMENT OF THE INTERIOR, ENVI-
RONMENT, AND RELATED AGENCIES APPROPRIATIONS
ACT, 2012**

TITLE I

DEPARTMENT OF THE INTERIOR

* * * * *

HIRING AUTHORITIES

SEC. 121. (a) DIRECT HIRE AUTHORITY.—

(1) During fiscal year 2012 and thereafter, the [Secretary of the Interior] *head of a participating entity (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)) (referred to in this subsection as a “participating entity”)* may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described [in paragraph (1) directly to a position with a land managing agency of the Department of the Interior] *in paragraph (2) directly to a position with a participating entity* for which the candidate meets Office of Personnel Management qualification standards.

(2) Paragraph (1) applies with respect to a former resource assistant (as defined in section 203 of the Public Land Corps Act (16 U.S.C. 1722)) who—

(A) completed a rigorous undergraduate or graduate summer internship with a [land managing agency] *participating entity*, such as the National Park Service Business Plan Internship;

(B) successfully fulfilled the requirements of the internship program; and

(C) subsequently earned an undergraduate or graduate degree from an accredited institution of higher education.

(3) The direct hire authority under this subsection may not be exercised with respect to a specific qualified candidate after the end of the two-year period beginning on the date on which the candidate completed the undergraduate or graduate degree, as the case may be.

(b) LOCAL HIRE AUTHORITY.—Section 1308 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3198) is amended—

(1) in subsection (a), by striking “establish a program” and inserting “establish an excepted service appointment authority,”;

(2) in subsection (b), by striking “competitive service as defined in section 2102 of such title for which such person is eligible under subchapter I of chapter 33 of such title, in selection to such position” and inserting “excepted service as defined in section 2103 of such title”;

(3) in subsection (e), by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph (2):

“(2) **CONVERSION TO COMPETITIVE SERVICE.** Employees who satisfactorily complete two years of continuous service in a permanent appointment made under subsection (a) and who meet satisfactory performance and competitive service qualification requirements shall have their appointment converted to competitive service career-conditional or career employment as appropriate. This paragraph applies to individuals appointed on or after March 30, 2009. An employee who does not meet competitive service qualification requirements after two years of continuous service in an appointment made under subsection (a) shall be converted upon meeting such qualification requirements. Temporary and time-limited appointments will be made in the excepted service. There is no provision for conversion to competitive service when appointments are time-limited.”

(c) **GULF OF MEXICO REGION.**—For fiscal years 2012 and 2013, funds made available in this title for the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement may be used by the Secretary of the Interior to establish higher minimum rates of basic pay for employees of the Department of the Interior in the Gulf of Mexico Region in the Geophysicist (GS-1313), Geologist (GS-1350), and Petroleum Engineer (GS-0881) job series at grades 5 through 15 at rates no greater than 25 percent above the minimum rates of basic pay normally scheduled, and such higher rates shall be consistent with the subsections (e) through (h) of section 5305 of title 5, United States Code.

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NATIONAL AND COMMUNITY SERVICE ACT OF 1990

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TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

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Subtitle C—National Service Trust Program

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PART III—NATIONAL SERVICE PARTICIPANTS

SEC. 137. DESCRIPTION OF PARTICIPANTS.

(a) **IN GENERAL.**—For purposes of this subtitle, an individual shall be considered to be a participant in a national service program carried out using assistance provided under section 121 if the individual—

(1) meets such eligibility requirements, directly related to the tasks to be accomplished, as may be established by the program;

(2) is selected by the program to serve in a position with the program;

(3) is 17 years of age or older at the time the individual begins the term of service;

(4) has received a high school diploma or its equivalent, agrees to obtain a high school diploma or its equivalent (unless this requirement is waived based on an individual education assessment conducted by the program) and the individual did not drop out of an elementary or secondary school to enroll in the program, or is enrolled in an institution of higher education on an ability to benefit basis and is considered eligible for funds under section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091); and

[(5) is a citizen or national of the United States or lawful permanent resident alien of the United States.]

(5) is a citizen or national of the United States or lawful permanent resident alien of the United States, or is a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau and admitted to the United States as a nonimmigrant under the terms of the applicable Compact of Free Association with the United States.

(b) SPECIAL RULES FOR CERTAIN YOUTH PROGRAMS.—An individual shall be considered to be a participant in a youth corps program described in section 122(a)(3)(B)(x) that is carried out with assistance provided under section 121(a) if the individual—

(1) satisfies the requirements specified in subsection (a), except paragraph (3) of such subsection; and

(2) is between the ages of 16 and 25, inclusive, at the time the individual begins the term of service.

(c) WAIVER.—The Corporation may waive the requirements of subsection (a)(4) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its equivalent.

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Subtitle H—Investment for Quality and Innovation

* * * * *

PART V—NONPROFIT CAPACITY BUILDING PROGRAM

SEC. 198S. NONPROFIT CAPACITY BUILDING.

(a) DEFINITIONS.—In this section:

(1) INTERMEDIARY NONPROFIT GRANTEE.—The term “intermediary nonprofit grantee” means an intermediary nonprofit organization that receives a grant under subsection (b).

(2) INTERMEDIARY NONPROFIT ORGANIZATION.—The term “intermediary nonprofit organization” means an experienced and capable nonprofit entity with meaningful prior experience in providing organizational development assistance, or capacity building assistance, focused on small and midsize nonprofit organizations.

(3) NONPROFIT.—The term “nonprofit”, used with respect to an entity or organization, means—

(A) an entity or organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

(B) an entity or organization described in paragraph (1) or (2) of section 170(c) of such Code.

(4) STATE.—The term “State” means each of the several States, [and the District of Columbia] *the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.*

(b) GRANTS.—The Corporation shall establish a Nonprofit Capacity Building Program to make grants to intermediary nonprofit organizations to serve as intermediary nonprofit grantees. The Corporation shall make the grants to enable the intermediary nonprofit grantees to pay for the Federal share of the cost of delivering organizational development assistance, including training on best practices, financial planning, grantwriting, and compliance with the applicable tax laws, for small and midsize nonprofit organizations, especially those nonprofit organizations facing resource hardship challenges. Each of the grantees shall match the grant funds by providing a non-Federal share as described in subsection (f).

(c) AMOUNT.—To the extent practicable, the Corporation shall make such a grant to an intermediary nonprofit organization in each State, and shall make such grant in an amount of not less than \$200,000.

(d) APPLICATION.—To be eligible to receive a grant under this section, an intermediary nonprofit organization shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require. The intermediary nonprofit organization shall submit in the application information demonstrating that the organization has secured sufficient resources to meet the requirements of subsection (f).

(e) PREFERENCE AND CONSIDERATIONS.—

(1) PREFERENCE.—In making such grants, the Corporation shall give preference to intermediary nonprofit organizations seeking to become intermediary nonprofit grantees in areas where nonprofit organizations face significant resource hardship challenges.

(2) CONSIDERATIONS.—In determining whether to make a grant the Corporation shall consider—

(A) the number of small and midsize nonprofit organizations that will be served by the grant;

(B) the degree to which the activities proposed to be provided through the grant will assist a wide number of nonprofit organizations within a State, relative to the proposed amount of the grant; and

(C) the quality of the organizational development assistance to be delivered by the intermediary nonprofit grantee,

including the qualifications of its administrators and representatives, and its record in providing services to small and midsize nonprofit organizations.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost as referenced in subsection (b) shall be 50 percent.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost as referenced in subsection (b) shall be 50 percent and shall be provided in cash.

(B) THIRD PARTY CONTRIBUTIONS.—

(i) IN GENERAL.—Except as provided in clause (ii), an intermediary nonprofit grantee shall provide the non-Federal share of the cost through contributions from third parties. The third parties may include charitable grantmaking entities and grantmaking vehicles within existing organizations, entities of corporate philanthropy, corporations, individual donors, and regional, State, or local government agencies, or other non-Federal sources.

(ii) EXCEPTION.—If the intermediary nonprofit grantee is a private foundation (as defined in section 509(a) of the Internal Revenue Code of 1986), a donor advised fund (as defined in section 4966(d)(2) of such Code), an organization which is described in section 4966(d)(4)(A)(i) of such Code, or an organization which is described in section 4966(d)(4)(B) of such Code, the grantee shall provide the non-Federal share from within that grantee’s own funds.

(iii) MAINTENANCE OF EFFORT, PRIOR YEAR THIRD-PARTY FUNDING LEVELS.—For purposes of maintaining private sector support levels for the activities specified by this program, a non-Federal share that includes donations by third parties shall be composed in a way that does not decrease prior levels of funding from the same third parties granted to the nonprofit intermediary grantee in the preceding year.

(g) RESERVATION.—Of the amount authorized to provide financial assistance under this subtitle, there shall be made available to carry out this section \$5,000,000 for each of fiscal years 2010 through 2014.

* * * * *

ACT OF AUGUST 13, 1970

(Public Law 91-378)

AN ACT To establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes.

TITLE I—YOUTH CONSERVATION CORPS

* * * * *

YOUTH CONSERVATION CORPS

SEC. 102. (a) To carry out the purposes of this title, there is established in the Department of the Interior and the Department of Agriculture a Youth Conservation Corps (hereinafter in this title referred to as the "Corps"). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, possessions, [trust territories, or] *or the Commonwealth of Puerto Rico (or who are citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau and admitted to the United States as nonimmigrants under the terms of the applicable Compact of Free Association with the United States)*, who have attained age fifteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining lands and waters of the United States.

(b) The Corps shall be open to youth from all parts of the country of both sexes and youth of all social, economic, and racial classifications with all Corps members receiving compensation consistent with work accomplished, and with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

* * * * *

GRANT PROGRAM FOR STATE PROJECTS

SEC. 104. (a) The Secretary of the Interior and the Secretary of Agriculture shall jointly establish a program under which grants shall be made to States to assist them in meeting the cost of projects for the employment of young men and women to develop, preserve, and maintain non-Federal public lands and waters within the States. For purposes of this section, the term "States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, [the Trust Territory of the Pacific Islands, and American Samoa] *American Samoa, and the Commonwealth of the Northern Mariana Islands.*

(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary of the Interior and the Secretary of Agriculture. Such application shall be in such form, and submitted in such manner, as the Secretaries shall jointly by regulation prescribe, and shall contain—

(A) assurances satisfactory to the Secretaries that individuals employed under the project for which the application is submitted shall—(i) have attained the age of fifteen but not attained the age of nineteen, (ii) be permanent residents of the United States or its territories[, possessions, or the Trust Territory of the Pacific Islands] *or possessions (or the citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau and admitted to the United States as nonimmigrants under the terms of the applicable Compact of Free Association with the United States)*, (iii) be employed without regard to the personnel laws, rules, and regulations applicable to full-time employees of the applicant,(iv)

be employed for a period of not more than ninety days in any calendar year, and(v) be employed without regard to their sex or social, economic, or racial classification; and

(B) such other information as the Secretaries may jointly by regulation prescribe.

(2) The Secretaries may approve applications which they determine (A) to meet the requirements of paragraph (1), and (B) are for projects which will further the development, preservation, or maintenance of non-Federal public lands or waters within the jurisdiction of the applicant.

(c)(1) The amount of any grant under this section shall be determined jointly by the Secretaries, except that no grant for any project may exceed 80 per centum of the cost (as determined by the Secretaries) of such project.

(2) Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretaries find necessary.

(d) Thirty per centum of the sums appropriated under section 106 for any fiscal year shall be made available for grants under this section for such fiscal year.

* * * * *

ROB BISHOP OF UTAH
CHAIRMAN

CODY STEWART
STAFF DIRECTOR

RAUL GRIJALVA OF ARIZONA
RANKING MEMBER

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 14, 2018

The Honorable Mac Thornberry
Chairman
Committee on Armed Services
2216 Rayburn HOB
Washington, DC 20515

Dear Mr. Chairman:

On April 18, 2018, the Committee on Natural Resources ordered favorably reported H.R. 3400, the Recreation Not Red Tape Act. This bill was additionally referred to the Committee on Armed Services.

I ask that the Committee on Armed Services not insist on its referral of the bill so that it may be scheduled for consideration by the Majority Leader. This concession in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have your committee represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report and in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop
Chairman
Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Kevin McCarthy, Majority Leader
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Thomas J. Wickham, Jr., Parliamentarian

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COMMITTEE ON ARMED SERVICES
U.S. House of Representatives
 Washington, DC 20515-6035
 ONE HUNDRED FIFTEENTH CONGRESS

June 14, 2018

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JENNIFER M. STEWART, STAFF DIRECTOR

The Honorable Rob Bishop
 Chairman, Committee on Natural Resources
 U.S. House of Representatives
 1324 Longworth House Office Building
 Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to you concerning H.R. 3400, the "Recreation Not Red Tape Act." There are certain provisions in the bill which fall within the Rule X jurisdiction of the Committee on Armed Services.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important legislation, I am willing to waive this committee's further consideration of H.R. 3400. I do so with the understanding that by waiving consideration of the bill, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the legislation which fall within its Rule X jurisdiction. The committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made.

Please place a copy of this letter and your request letter, which acknowledges our jurisdictional interest, into the committee report on H.R. 3400 and into the *Congressional Record* during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,


 William M. "Mac" Thornberry
 Chairman

ROB BISHOP OF UTAH
CHAIRMAN

CODY STEWART
STAFF DIRECTOR

RAUL GRIJALVA OF ARIZONA
RANKING MEMBER

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 7, 2018

The Honorable K. Michael Conaway
Chairman
Committee on Agriculture
1301 Longworth HOB
Washington, DC 20515

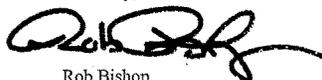
Dear Mr. Chairman:

On April 18, 2018, the Committee on Natural Resources ordered favorably reported H.R. 3400, the Recreation Not Red Tape Act. This bill was additionally referred to the Committee on Agriculture.

I ask that the Committee on Agriculture not insist on its referral of the bill so that it may be scheduled for consideration by the Majority Leader. This concession in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include this letter and your response in the bill report and in the Congressional Record.

Thank you for your consideration of my request and for the extraordinary cooperation shown by you and your staff over matters of shared jurisdiction. I look forward to further opportunities to work with you this Congress.

Sincerely,



Rob Bishop
Chairman
Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Kevin McCarthy, Majority Leader
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Thomas J. Wickham, Jr., Parliamentarian

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MATTHEW S. SCHERTZ
 STAFF DIRECTOR
 ANNE SIMMONS,
 MINORITY STAFF DIRECTOR

June 7, 2018

The Honorable Rob Bishop
 Chairman, Committee on Natural Resources
 1324 Longworth HOB
 Washington, D.C. 20515

RCVD
 JUN 08 2018

Dear Chairman Bishop:

Thank you for the opportunity to review the relevant provisions of the text of H.R. 3400, the Recreation Not Red-Tape Act which was favorably reported out of your Committee on April 18, 2018. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner. Accordingly, I agree to discharge H.R. 3400 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,

K. Michael Conaway
 K. Michael Conaway
 Chairman

cc: The Honorable Raúl Grijalva
 The Honorable Collin C. Peterson
 The Honorable Paul Ryan, Speaker
 Mr. Thomas J. Wickham, Parliamentarian

