

SIMPLIFYING OUTDOOR ACCESS FOR RECREATION ACT

DECEMBER 18, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3879]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3879) to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are 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 “Simplifying Outdoor Access for Recreation Act” or the “SOAR Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Sense of Congress regarding outdoor recreation.

TITLE I—MODERNIZING RECREATION PERMITTING

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

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.

TITLE IV—MAINTENANCE OF PUBLIC LAND

Subtitle A—Volunteers

Sec. 401. Private-sector volunteer enhancement program.

Sec. 402. Enhancing outdoor recreation through public lands service organizations.

Subtitle B—Priority Trail Maintenance

Sec. 411. Interagency trail management.

SEC. 2. DEFINITIONS.

In this Act:

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

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

(3) **SECRETARIES.**—Except as otherwise provided in this Act, the term “Secretaries” means—

- (A) the Secretary of the Interior; and
- (B) the Secretary of Agriculture.

SEC. 3. SENSE OF CONGRESS REGARDING OUTDOOR RECREATION.

It is the sense of Congress that—

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

(2) access to outdoor recreation on Federal recreational lands and waters is important to the health and wellness of all people of the United States, especially young people;

(3) in addition to the overall economic benefit of outdoor recreation, the economic benefits of outdoor recreation on Federal recreational lands and waters creates significant economic and employment benefits to rural economies;

(4) Congress supports the creation of outdoor recreation sector leadership positions within State governments, as well as coordination with recreation and tourism organizations within the State to guide the growth of this sector, as evidenced by recent 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) it is vital—

(A) to support 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

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

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

TITLE I—MODERNIZING RECREATION PERMITTING

SEC. 101. DEFINITIONS.

In this title:

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

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

- (3) **LONG-TERM SPECIAL RECREATION PERMIT.**—The term “long-term special recreation permit” means—
- (A) for a public land unit managed by the Forest Service, a priority use permit; and
 - (B) for a public land unit managed by the Bureau of Land Management, a multiyear special recreation permit.
- (4) **MULTIJURISDICTIONAL TRIP.**—The term “multijurisdictional trip” means a trip that—
- (A) uses 2 or more public land units; and
 - (B) is under the jurisdiction of 2 or more Federal land management agencies.
- (5) **PUBLIC LAND UNIT.**—The term “public land unit” means—
- (A) a unit of the National Forest System;
 - (B) a unit of the National Park System;
 - (C) a unit of the National Wildlife Refuge System;
 - (D) a district of the Bureau of Land Management; and
 - (E) a project of the Bureau of Reclamation.
- (6) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—
- (A) the Secretary of Agriculture, with respect to a public land unit described in paragraph (5)(A); and
 - (B) the Secretary of the Interior, with respect to a public land unit described in subparagraph (B), (C), (D), or (E) of paragraph (5).
- (7) **SPECIAL RECREATION PERMIT.**—The term “special recreation permit” has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801).

SEC. 102. SPECIAL RECREATION PERMIT AND FEE.

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

- (1) in paragraph (1), by striking “section 3(f)” and inserting “section 803(f)”;
- (2) in paragraph (2), by striking “section 3(g)” and inserting “section 803(g)”;
- (3) in paragraph (6), by striking “section 5” and inserting “section 805”;
- (4) in paragraph (9), by striking “section 5” and inserting “section 805”;
- (5) in paragraph (12), by striking “section 7” and inserting “section 807”;
- (6) in paragraph (13), by striking “section 3(h)” and inserting “section 803(h)”;
- (7) by redesignating paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (13) as paragraphs (15), (1), (3), (4), (5), (6), (7), (8), (11), (10), and (14), respectively, and moving the paragraphs so as to appear in numerical order;
- (8) by inserting after paragraph (8) (as so redesignated) the following:
 - “(9) **RECREATION SERVICE PROVIDER.**—The term ‘recreation service provider’ means an individual or entity that—
 - “(A) provides outfitting, guiding, or other recreation services; or
 - “(B) conducts recreational or competitive events, including incidental sales.”; and
- (9) by inserting after paragraph (12) the following:
 - “(13) **SPECIAL RECREATION PERMIT.**—The term ‘special recreation permit’ means a permit issued by a Federal Land Management Agency for specialized individual or group uses of Federal recreational lands and waters, including—
 - “(A) for outfitting, guiding, or other recreation services;
 - “(B) for recreation or competitive events, which may include incidental sales;
 - “(C) for the use of—
 - “(i) a special area; or
 - “(ii) an area in which use is allocated;
 - “(D) for motorized recreational vehicle use in compliance with an applicable travel management plan or other regulation; and
 - “(E) for a group activity or event.”.

(b) **SPECIAL RECREATION PERMIT AND FEE.**—Section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) is amended—

- (1) in subsection (b)(5), by striking “section 4(d)” and inserting “section 804(d)”;
- (2) by striking subsection (h) and inserting the following:
 - “(h) **SPECIAL RECREATION PERMIT AND FEE.**—
 - “(1) **SPECIAL RECREATION PERMIT.**—The Secretary may issue a special recreation permit for specialized individual or group uses of Federal recreational lands and waters as defined in section 802(13) of this Act (16 U.S.C. 6801).
 - “(2) **SPECIAL RECREATION PERMIT FEE.**—

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

“(B) FEES FOR CERTAIN LANDS.—

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

“(I) the sum of—

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

“(bb) any applicable revenue addition; and

“(II) any applicable revenue exclusion.

“(ii) EXCLUSION OF CERTAIN REVENUES AND PAYMENTS.—In calculating the amount of a fee for a special recreation permit under clause (i), the Secretary concerned shall exclude—

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

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

“(iii) ALTERNATIVE PER-PERSON FEE.—

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

“(II) AMOUNT OF FEE.—The total amount charged by the Secretary in connection with the issuance of a special recreation permit under paragraph (1) using a per-person fee under subclause (I) shall not exceed the amount the Secretary may charge for a special recreation permit fee under subparagraph (A) and clauses (i) and (ii).

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

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

“(3) REPORTS.—

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

“(B) REQUIREMENTS.—The report under subparagraph (A) shall include a description of how the fees are used in each public land unit (as defined in section 101 of the SOAR Act) administered by the Secretary, including an identification of the amounts used for specific activities within the public land unit.”

(c) USE OF SPECIAL RECREATION PERMIT REVENUE.—Section 808 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807) is amended—

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

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

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

(4) by inserting after subsection (a) the following:

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

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

“(2) expenses—

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

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

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

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

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

(2) by adding at the end the following:

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

“(1) section 802;

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

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

SEC. 103. PERMITTING PROCESS IMPROVEMENTS.

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

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

(A) evaluate the special recreation permitting process; and

(B) identify opportunities—

(i) to eliminate duplicative processes;

(ii) to reduce costs; and

(iii) to decrease processing times; and

(2) not later than 180 days after the date on which the Secretary concerned completes the evaluation and identification processes under paragraph (1), revise, as necessary, relevant agency regulations and policy statements to implement the improvements identified under paragraph (1)(B).

(b) CATEGORICAL EXCLUSIONS.—

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

(A) evaluate whether 1 or more additional categorical exclusions developed in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) would reduce processing times or costs for the issuance or renewal of special recreation permits without significantly affecting the human environment; and

(B) if the Secretary concerned determines under subparagraph (A) that 1 or more additional categorical exclusions would reduce processing times or costs for the issuance or renewal of special recreation permits without significantly affecting the human environment—

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

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

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

(2) ADMINISTRATION.—

(A) IN GENERAL.—In administering a categorical exclusion established under paragraph (1)(B), the Secretary concerned shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including regulations promulgated pursuant to that Act).

(B) EXTRAORDINARY CIRCUMSTANCES.—In determining whether to use a categorical exclusion established under paragraph (1)(B), the Secretary concerned shall apply, as applicable, the extraordinary circumstances procedures described in—

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

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

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

(d) ONLINE APPLICATIONS.—The Secretary concerned shall make applications for special recreation permits available to be completed and submitted online unless the Secretary concerned determines that making applications for special recreation permits available to be completed and submitted online would not improve the efficiency or accessibility of the permitting process.

SEC. 104. PERMIT FLEXIBILITY.

(a) SIMILAR ACTIVITIES.—The Secretary concerned shall establish a permit administration protocol that authorizes, to the maximum extent practicable, a permittee

issued a special recreation permit for a public land unit under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)) to engage in a recreational activity that is substantially similar to the specific activity authorized under the special recreation permit, if the substantially similar recreational activity—

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

(2) does not result in a greater impact on natural and cultural resources than the authorized activity;

(3) does not adversely affect any other permittee issued a special recreation permit for a public land unit under that subsection;

(4) does not involve the use of a motor, including an electric motor, for a previously non-motorized use; and

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

(b) VOLUNTARY RETURN OF SURPLUS SERVICE DAYS.—The Secretary concerned shall establish a program to allow a permittee issued a special recreation permit for a public land unit to voluntarily and temporarily return to the Secretary concerned 1 or more surplus service days, to be made available to any other existing or potential permittee.

(c) FOREST SERVICE AND BUREAU OF LAND MANAGEMENT TEMPORARY SPECIAL RECREATION PERMITS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary concerned shall establish and implement a program to authorize the issuance of temporary special recreation permits for new or additional recreational uses of Federal recreational land and water managed by the Forest Service and the Bureau of Land Management.

(2) TERM OF TEMPORARY PERMITS.—A temporary special recreation permit issued under paragraph (1) shall be issued for a period of not more than 2 years.

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

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

SEC. 105. PERMIT ADMINISTRATION.

(a) PERMIT AVAILABILITY.—

(1) NOTIFICATION OF PERMIT AVAILABILITY.—

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

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

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

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

or

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

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

(i) to issue a new special recreation permit;

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

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

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

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

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

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

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

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

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

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

SEC. 106. PERMITS FOR MULTIJURISDICTIONAL TRIPS.

(a) **SINGLE JOINT SPECIAL RECREATION PERMITS.**—

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

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

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

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

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

(D) Other relevant administrative considerations.

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

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

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

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

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

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

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

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

(c) **COST RECOVERY.**—The coordination with the associated agency under subsection (b) shall not be subject to cost recovery.

(d) **ENFORCEMENT AUTHORITY.**—

(1) **DELEGATION OF AUTHORITY TO LEAD AGENCY.**—In administering a single joint special recreation permit under subsection (a), the associated agency shall delegate to the lead agency the authority—

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

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

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

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

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

(2) **RETENTION OF AUTHORITY BY THE ASSOCIATED AGENCY.**—The associated agency shall retain the authority to enforce the terms, stipulations, conditions, and agreements in the joint special recreation permit that apply specifically to the use occurring on the public land unit managed by the associated agency.

(e) **WITHDRAWAL.**—

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

(2) **ISSUANCE OF SEPARATE PERMITS.**—

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

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

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

(f) **TREATMENT OF PUBLIC LAND UNITS CHARGING ENTRANCE FEES.**—Entrance fees may still be collected in addition to any special recreation permit fees for any trip that originates on, or outside of but passes through, a public lands unit that charges such fees.

SEC. 107. FOREST SERVICE PERMIT USE REVIEWS.

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

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

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

(b) **ADDITIONAL CAPACITY.**—

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

(2) **ASSIGNMENT NOT SUBJECT TO CAP ON USE.**—Notwithstanding subsection (a), in assigning additional use capacity under paragraph (1), the Secretary may assign additional use capacity to an existing special recreation permit holder even if that assignment would exceed the amount of use allocated to the special recreation permit holder on the date on which the special recreation permit was issued.

(c) **WAIVER.**—The Secretary may waive a special recreation permit use review for any period during which use of the assigned capacity has been prevented by a circumstance beyond the control of the special recreation permit holder, such as—

(1) unfavorable weather;

(2) fire;

(3) natural disaster;

(4) wildlife displacement;

- (5) business interruption;
- (6) insufficient availability of hunting and fishing licenses; or
- (7) significant seasonal variability or off-peak periods within the allocated period of use.

(d) APPROVAL OF NON-USE.—

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

(2) TEMPORARY REASSIGNMENT OF USE.—The Secretary may temporarily assign any period of non-use approved under paragraph (1) to any other existing or potential permittee.

SEC. 108. LIABILITY.

(a) EXCULPATORY AGREEMENTS.—

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

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

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

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

(2) the recreation service provider—

(A) carries the minimum amount of liability insurance coverage required by the issuing agency for the activities conducted under the special recreation permit; or

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

SEC. 109. COST RECOVERY REFORM.

(a) REVISION OF REGULATIONS.—

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

(2) LIMITATION.—In carrying out paragraph (1), the Secretary of Agriculture and the Secretary of the Interior shall not include anything in the revised regulations that would limit the authority of the Secretary concerned to issue or renew special recreation permits.

(b) DE MINIMIS EXEMPTION FROM COST RECOVERY.—

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

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

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

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

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

SEC. 110. EXTENSION OF SPECIAL RECREATION PERMITS.

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

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

(c) **RESPONSIBILITY OF THE SECRETARY CONCERNED.**—Before allowing the expiration of a permit to be tolled under subsection (a), the Secretary concerned, to the maximum extent practicable, shall complete the renewal process.

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

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

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

“(a) ESTABLISHMENT OF PROGRAM.—

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

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

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

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

“(b) AGREEMENTS WITH STATES.—

“(1) IN GENERAL.—The Secretaries, after consultation with the States, may enter into agreements with States to coordinate the availability of passes as described in subsection (a).

“(2) REVENUE FROM PASS SALES.—The agreements between the Secretaries and the States shall ensure that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) ENTRANCE PASS AND AMENITY FEES.—The Secretaries shall make available for payment online, if appropriate and feasible, for each public land unit where passes and fees are required—

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

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

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

TITLE II—ACCESSING THE OUTDOORS

SEC. 201. ACCESS FOR SERVICEMEMBERS AND VETERANS.

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

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

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

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

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

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

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

TITLE III—MAKING RECREATION A PRIORITY

SEC. 301. EXTENSION OF SEASONAL RECREATION OPPORTUNITIES.

(a) IN GENERAL.—

(1) EXTENSION OF RECREATIONAL SEASON.—The relevant unit managers of Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, and the National Park Service may—

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

(B) where appropriate, extend the recreation season or increase recreation use in a sustainable manner during the offseason; and

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

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

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

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

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

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

SEC. 302. RECREATION PERFORMANCE METRICS.

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

(b) METRICS.—

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

- (A) the advancement of recreation and tourism goals; and
- (B) the ability of the land manager to enhance the outdoor experience of the visitor.

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

- (A) the extent of positive economic impacts;
- (B) visitation by families;
- (C) the number of visiting school and youth groups;
- (D) the number of available recreational opportunities;
- (E) the quality of visitor experience;
- (F) the number of recreational and environmental educational programs offered;
- (G) visitor satisfaction; and
- (H) the maintenance and expansion of existing recreation infrastructure.

SEC. 303. RECREATION MISSION.

(a) DEFINITION OF FEDERAL AGENCY.—In this section, the term “Federal agency” means each of—

- (1) the Corps of Engineers;
- (2) the Bureau of Reclamation;
- (3) the Federal Energy Regulatory Commission; and
- (4) the Department of Transportation.

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

TITLE IV—MAINTENANCE OF PUBLIC LAND**Subtitle A—Volunteers****SEC. 401. PRIVATE-SECTOR VOLUNTEER ENHANCEMENT PROGRAM.**

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

(b) DEFINITIONS.—In this section:

- (1) SECRETARY CONCERNED.—The term “Secretary concerned” means—
 - (A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and
 - (B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management.
- (2) VOLUNTEER.—The term “volunteer” means any individual who performs volunteer services under this section.

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

- (1) enhance private-sector volunteer programs;
- (2) actively promote private-sector volunteer opportunities; and
- (3) provide outreach to, and coordinate with, the private sector for the purposes described in paragraphs (1) and (2).

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

(1) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary concerned may enter into cooperative agreements (in accordance with section 6305 of title 31, United States Code) with private agencies, organizations, institutions, corporations, individuals, or other entities to carry out one 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) promote the use of Federal land as outdoor classrooms.

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

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

(B) is consistent with an applicable management plan for any Federal recreational lands and waters involved;

(C) is monitored by the relevant Federal land management agency during the project and after project completion to determine compliance with the instructions under paragraph (2); and

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

SEC. 402. ENHANCING OUTDOOR RECREATION THROUGH PUBLIC LANDS SERVICE ORGANIZATIONS.

In carrying out projects on public lands that would directly or indirectly enhance recreation, the Secretaries shall—

(1) to the maximum extent practicable—

(A) use qualified youth or conservation corps as defined in section 203(11) of the Public Lands Corps Act of 1993 (16 U.S.C. 1722(11)); and

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

(2) consult with the Corps Network, the National Wilderness Stewardship Alliance, American Trails, and other public lands stewardship organizations for the purpose of identifying appropriate projects, activities, and workforce development outcomes; and

(3) waive any matching funds requirements, including under section 212(a)(1) of the Public Lands Corps Act of 1993 (16 U.S.C. 1729(a)(1)).

Subtitle B—Priority Trail Maintenance

SEC. 411. INTERAGENCY TRAIL MANAGEMENT.

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

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

Amend the title so as to read:

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

PURPOSE OF THE BILL

The purpose of H.R. 3879 is to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3879 is supported by a broad coalition of outdoor user groups, including for-profit outfitters and guides, non-profits, university and municipal recreation programs, and public lands serv-

ice organizations. There is broad agreement among recreational stakeholders about the need to improve the recreational permitting process on federal lands and water, increase access to public lands for all, and better enable future generations of Americans to have formative experiences on our public lands.

The Committee notes that H.R. 3879 is not intended to be endorsement of any current or future regulatory revisions under the National Environmental Policy Act. However, if finalized, kept in place, and properly implemented, one or more of the categorical exclusions promulgated under the U.S. Forest Service's proposed revisions to 36 CFR Part 220 may wholly or partially fulfill the Secretary of Agriculture's requirements under section 103(b) of H.R. 3879.

The Committee also notes its disapproval regarding the Department of the Interior's illegal or inappropriate use of funds collected under the Federal Lands Recreation Enhancement Act (FLREA) as documented in U.S. Government Accountability Office (GAO) Opinion B-330776 issued on September 5, 2019, and the GAO report GAO-20-470 published on July 17, 2020. The Committee considers such uses in the future to be knowing and willful violations of law and expects such violations to be reported to Congress as required. Although H.R. 3879 permanently authorizes the authority to use and collect fees for special recreation permits under FLREA, the authority to collect other recreation fees, including entrance fees, standard amenity recreation fees, and expanded amenity recreation fees will continue to be subject to reauthorization through annual appropriations bills.

COMMITTEE ACTION

H.R. 3879 was introduced on July 23, 2019, by Representative Deb Haaland (D-NM). The bill was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture. Within the Natural Resources Committee, the bill was referred to the Subcommittee on National Parks, Forests, and Public Lands. On September 19, 2019, the Subcommittee held a hearing on the bill. On July 29, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Representative Haaland offered an amendment in the nature of a substitute. The amendment was agreed to by unanimous consent. No additional amendments were offered. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 3879: legislative hearing by the Subcommittee on National Parks, Forests, and Public Lands held on September 19, 2019.

SECTION-BY-SECTION ANALYSIS

The following is a section-by-section summary of H.R. 3879 as amended, adopted, and ordered favorably reported by the Natural Resources Committee.

Sec. 1. Short title; table of contents

Sec. 2. Definitions

Sec. 3. Sense of Congress regarding outdoor recreation

TITLE I—MODERNIZING RECREATION PERMITTING

Sec. 101. Definitions

Sec. 102. Special recreation permit and fee. Expands the authority to issue special recreation permits for outfitting, guiding, recreation events and other group recreational activities on federal lands and waters. Specifies how fees for permits should be calculated and how fee revenue may be used, and requires published reports on the use of fee revenue.

Sec. 103. Permitting process improvements. Directs federal land management agencies to review National Environmental Policy Act (NEPA) procedures for recreation permits. Makes permit applications available online.

Sec. 104. Permit flexibility. Allows permit holders to engage in new activities that are substantially similar to those authorized in their permit. Allows permit holders to voluntarily return unused service days so that the land management agency may make those days available to other permittees. Directs the U.S. Forest Service (USFS) and Bureau of Land Management (BLM) to offer temporary permits that may be converted into long-term permits.

Sec. 105. Permit administration. Improves notification of where and when new permits are available and requires agencies to respond within 60 days of receipt of an application for a special recreation permit.

Sec. 106. Permits for multijurisdictional trips. Authorizes single joint special recreation permits for recreation activities that cross multiple agency boundaries.

Sec. 107. Forest Service permit use reviews. Modifies USFS rules regarding permit holder allocation reviews and waives allocation reviews for periods when non-use is due to circumstances beyond the permit holder's control.

Sec. 108. Liability. Establishes conditions regarding the use of exculpatory agreement and indemnification requirements for special recreation permits.

Sec. 109. Cost recovery reform. Establishes an exemption from cost recovery for the first 50 hours of work to process a special recreation permit application or monitor a special recreation permit authorization.

Sec. 110. Extension of special recreation permits. Allows the USFS and BLM to grant an extension of an expired long-term special recreation if a permit holder has made a request for renewal, but the agency requires additional time to complete the renewal request.

Sec. 111. Availability of Federal and State recreation passes. Improves the availability of federal and state outdoor recreation passes by allowing purchasers to buy a federal recreation pass and a state recreation pass in the same transaction.

Sec. 112. Online purchases of America the Beautiful—The National Parks and Federal Recreational Lands Pass. Authorizes the

online purchase of National Parks and Federal Recreational Lands Passes.

TITLE II—ACCESSING THE OUTDOORS

Sec. 201. Access for servicemembers and veterans. Encourages coordination between the Secretary of the Interior, Secretary of Agriculture, Secretary of Defense, and the Secretary of Veterans Affairs to increase opportunities for servicemembers and veterans to access public lands outdoor recreation. Encourages the armed forces to promote active-duty member participation in programs related to environmental stewardship or guided outdoor recreation, and encourages the hiring of veterans at federal land management agencies.

TITLE III—MAKING RECREATION A PRIORITY

Sec. 301. Extension of seasonal recreation opportunities. Requires land managers to identify areas of highly seasonal recreational use and develop plans to extend seasons and identify facilities that would increase recreational use during the off-season.

Sec. 302. Recreation performance metrics. Requires the evaluation of BLM and USFS employees based on the achievement of recreation and tourism goals, including the quality of visitor experience, the number of first-time visitors, and the number of repeat visitors.

Sec. 303. Recreation mission. Requires the U.S. Army Corps of Engineers, the Bureau of Reclamation, the Federal Energy Regulatory Commission, and the Department of Transportation to consider how agency decisions can enhance recreation opportunities and the recreation economy.

TITLE IV—MAINTENANCE OF PUBLIC LAND

Sec. 401. Private-sector volunteer enhancement program. Encourages public-private partnerships to enhance the use of volunteers in the stewardship and maintenance of public lands through cooperative agreements.

Sec. 402. Enhancing outdoor recreation through public lands service organizations. Encourages the use of qualified youth or conservation corps, and non-profit wilderness and trails stewardship organizations in identifying projects, activities, and workforce development outcomes that enhance recreation.

Sec. 411. Interagency trail management. Establishes an interagency trail management plan to help conform management standards for trails that cross jurisdictional boundaries.

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) of rule XIII of the Rules

of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of Rule XIII, the general performance goals and objectives of this bill are to modify the procedures for issuing special recreation permits for certain public land units.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

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 omit-

ted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

FEDERAL LANDS RECREATION ENHANCEMENT ACT

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DIVISION J—OTHER MATTERS

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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. 805A. Availability of Federal and State recreation passes.

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SEC. 802. DEFINITIONS.

In this Act:

[(3)] (1) **ENTRANCE FEE.**—The term “entrance fee” means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.

(2) **EXPANDED AMENITY RECREATION FEE.**—The term “expanded amenity recreation fee” means the recreation fee authorized by [section 3(g)] *section 803(g)*.

[(4)] (3) **FEDERAL LAND MANAGEMENT AGENCY.**—The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

[(5)] (4) **FEDERAL RECREATIONAL LANDS AND WATERS.**—The term “Federal recreational lands and waters” means lands or waters managed by a Federal land management agency.

[(6)] (5) **NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.**—The term “National Parks and Federal Recreational Lands Pass” means the interagency national pass authorized by [section 5] *section 805*.

[(7)] (6) **PASSHOLDER.**—The term “passholder” means the person who is issued a recreation pass.

[(8)] (7) **RECREATION FEE.**—The term “recreation fee” means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

[(9)] (8) **RECREATION PASS.**—The term “recreation pass” means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by [section 5] *section 805*.

(9) *RECREATION SERVICE PROVIDER.*—The term “recreation service provider” means an individual or entity that—

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

(B) conducts recreational or competitive events, including incidental sales.

[(11)] (10) *SECRETARIES.*—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

[(10)] (11) *SECRETARY.*—The term “Secretary” means—

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

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

(12) *SPECIAL ACCOUNT.*—The term “special account” means the special account established in the Treasury under [section 7] *section 807* for a Federal land management agency.

(13) *SPECIAL RECREATION PERMIT.*—The term “special recreation permit” means a permit issued by a Federal Land Management Agency for specialized individual or group uses of Federal recreational lands and waters, including—

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

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

(C) for the use of—

(i) a special area; or

(ii) an area in which use is allocated;

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

(E) for a group activity or event.

[(13)] (14) *SPECIAL RECREATION PERMIT FEE.*—The term “special recreation permit fee” means the fee authorized by [section 3(h)] *section 803(h)*.

[(1)] (15) *STANDARD AMENITY RECREATION FEE.*—The term “standard amenity recreation fee” means the recreation fee authorized by [section 3(f)] *section 803(f)*.

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)] *section 804(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, noncommercial use within the boundaries of any Federal rec-

reational 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 administered 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) SPECIAL RECREATION PERMIT.—*The Secretary may issue a special recreation permit for specialized individual or group uses of Federal recreational lands and waters as defined in section 802(13) of this Act (16 U.S.C. 6801).*

(2) SPECIAL RECREATION PERMIT FEE.—

(A) IN GENERAL.—*The Secretary may charge a special recreation permit fee in connection with the issuance of a special recreation permit under paragraph (1).*

(B) FEES FOR CERTAIN LANDS.—

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

(I) the sum of—

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

(bb) any applicable revenue addition; and

(II) any applicable revenue exclusion.

(ii) EXCLUSION OF CERTAIN REVENUES AND PAYMENTS.—*In calculating the amount of a fee for a special recreation permit under clause (i), the Secretary concerned shall exclude—*

(I) revenue from goods, services, souvenirs, merchandise, gear, food, and activities provided or sold by a special recreation permit holder in a location other than the Federal recreational lands

and waters covered by the permit, including transportation costs, lodging, and any other service before or after a trip; and

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

(iii) ALTERNATIVE PER-PERSON FEE.—

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

(II) AMOUNT OF FEE.—The total amount charged by the Secretary in connection with the issuance of a special recreation permit under paragraph (1) using a per-person fee under subclause (I) shall not exceed the amount the Secretary may charge for a special recreation permit fee under subparagraph (A) and clauses (i) and (ii).

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

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

(3) REPORTS.—

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

(B) REQUIREMENTS.—The report under subparagraph (A) shall include a description of how the fees are used in each public land unit (as defined in section 101 of the SOAR Act) administered by the Secretary, including an identification of the amounts used for specific activities within the public land unit.

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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 America the Beautiful—the National Parks and Federal Recreational Lands Pass—*

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

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

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

(I) a prominent link on each website; and

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

(B) 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 develop-

ment 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.

(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 agree-

ment 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 availability of Federal and State outdoor recreation passes, the Secretaries are encouraged to consult with States to coordinate the availability of Federal and State recreation passes to allow a purchaser to buy a Federal recreation pass and a State recreation pass in the same transaction.*

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

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

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

(b) AGREEMENTS WITH STATES.—

(1) IN GENERAL.—*The Secretaries, after consultation with the States, may enter into agreements with States to coordinate the availability of passes as described in subsection (a).*

(2) REVENUE FROM PASS SALES.—*The agreements between the Secretaries and the States shall ensure that—*

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

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

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

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

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SEC. 808. EXPENDITURES.

(a) **USE OF FEES AT SPECIFIC SITE OR AREA.**—Amounts available for expenditure at a specific site or area—

(1) shall be accounted for separately from the amounts collected;

(2) may be distributed agency-wide; and

(3) shall be used only for—

(A) repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;

(B) interpretation, visitor information, visitor service, visitor needs assessments, and signs;

(C) habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;

(D) law enforcement related to public use and recreation;

(E) direct operating or capital costs associated with the recreation fee program; and

(F) a fee management agreement established under [section 6(a)] *section 806(a)* or a visitor reservation service.

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

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

(2) *expenses—*

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

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

[(b)] (c) **LIMITATION ON USE OF FEES.**—The Secretary may not use any recreation fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 for listed or candidate species.

[(c)] (d) **ADMINISTRATION, OVERHEAD, AND INDIRECT COSTS.**—The Secretary may use not more than an average of 15 percent of total revenues collected under this Act for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

[(d)] (e) **TRANSITIONAL EXCEPTION.**—Notwithstanding any other provision of this Act, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with—

(1) the National Parks and Federal Recreational Lands Pass during the 5-year period beginning on the date the joint guidelines are issued under [section 5] *section 805(a)(7)*; and

(2) a regional multientity pass authorized [section 5] *section 805(d)* during the 5-year period beginning on the date the

regional multientity pass agreement for that recreation pass takes effect.

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SEC. 810. SUNSET PROVISION.

【The authority】 (a) *IN GENERAL.*—*Except as provided in subsection (b), the authority of the Secretary to carry out this Act shall terminate September 30, 2019.*

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

- (1) *section 802;*
- (2) *subsection (d)(2) or (h) of section 803; or*
- (3) *subsection (a), (b) or (c) of section 808.*

* * * * *

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

