

118TH CONGRESS
1ST SESSION

S. 1630

To modify the procedures for issuing special recreation permits for certain public land units, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2023

Mr. HEINRICH (for himself, Mrs. CAPITO, Mr. BENNET, Mr. RISCH, Mr. KING, Ms. COLLINS, Ms. CORTEZ MASTO, Mr. DAINES, Mr. WYDEN, Mr. CRAPO, Mr. TESTER, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To modify the procedures for issuing special recreation permits for certain public land units, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Simplifying Outdoor
5 Access for Recreation Act” or the “SOAR Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **COMMERCIAL USE AUTHORIZATION.**—The
9 term “commercial use authorization” means a com-

1 mercial use authorization to provide services to visi-
2 tors to units of the National Park System under
3 subchapter II of chapter 1019 of title 54, United
4 States Code.

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

10 (3) FEDERAL RECREATIONAL LANDS AND
11 WATERS.—The term “Federal recreational lands and
12 waters” has the meaning given the term in section
13 802 of the Federal Lands Recreation Enhancement
14 Act (16 U.S.C. 6801).

15 (4) RECREATION SERVICE PROVIDER.—The
16 term “recreation service provider” has the meaning
17 given the term in section 802 of the Federal Lands
18 Recreation Enhancement Act (16 U.S.C. 6801) (as
19 amended by section 3(b)(9)).

20 (5) SECRETARIES.—The term “Secretaries”
21 means each of—

22 (A) the Secretary; and

23 (B) the Secretary of Agriculture.

24 (6) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

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

3 (A) the Secretary, with respect to land
4 under the jurisdiction of the Secretary; or

5 (B) the Secretary of Agriculture, with re-
6 spect to land managed by the Forest Service.

7 (8) SPECIAL RECREATION PERMIT.—The term
8 “special recreation permit” has the meaning given
9 the term in section 802 of the Federal Lands Recre-
10 ation Enhancement Act (16 U.S.C. 6801) (as
11 amended by section 3(b)(10)).

12 (9) VISITOR-USE DAY.—The term “visitor-use
13 day” means a visitor-use day, user day, launch, or
14 other metric used by the Secretary concerned for
15 purposes of authorizing use under a special recre-
16 ation permit.

17 **SEC. 3. AMENDMENTS TO THE FEDERAL LANDS RECRE-**
18 **ATION ENHANCEMENT ACT.**

19 (a) SHORT TITLE.—The Federal Lands Recreation
20 Enhancement Act (16 U.S.C. 6801 et seq.) is amended
21 by striking section 801 and inserting the following:

22 **“SEC. 801. SHORT TITLE.**

23 “‘This title may be cited as the ‘Federal Lands Recre-
24 ation Enhancement Act’.”.

1 (b) DEFINITIONS.—Section 802 of the Federal Lands
2 Recreation Enhancement Act (16 U.S.C. 6801) is amend-
3 ed—

4 (1) in the matter preceding paragraph (1), by
5 striking “this Act” and inserting “this title”;

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

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

10 (4) in paragraph (6), by striking “section
11 5(a)(7)” and inserting “section 805(a)(7)”;

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

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

16 (7) in paragraph (13), by striking “section
17 3(h)” and inserting “section 803(h)(2)”;

18 (8) by redesignating paragraphs (1), (3), (4),
19 (5), (6), (7), (8), (9), (10), (11), and (13) as para-
20 graphs (15), (1), (3), (4), (5), (6), (7), (8), (11),
21 (10), and (14), respectively, and moving the para-
22 graphs so as to appear in numerical order;

23 (9) by inserting after paragraph (8) (as so re-
24 designated) the following:

1 “(9) RECREATION SERVICE PROVIDER.—The
2 term ‘recreation service provider’ means a person
3 that provides recreational services to the public
4 under a special recreation permit under clause (iii)
5 or (iv) of paragraph (13)(A).”; and

6 (10) by inserting after paragraph (12) the fol-
7 lowing:

8 “(13) SPECIAL RECREATION PERMIT.—

9 “(A) IN GENERAL.—The term ‘special
10 recreation permit’ means a permit issued by a
11 Federal land management agency for the use of
12 Federal recreational lands and waters—

13 “(i) for a specialized recreational use
14 not described in clause (ii), (iii), or (iv),
15 such as—

16 “(I) an organizational camp;

17 “(II) a single event that does not
18 require an entry or participation fee
19 that is not strictly a sharing of ex-
20 penses for the purposes of the event;
21 and

22 “(III) participation by the public
23 in a recreation activity or recreation
24 use of a specific area of Federal rec-

1 recreational lands and waters in which
2 use by the public is allocated;

3 “(ii) for a large-group activity or
4 event for not fewer than 75 participants;

5 “(iii) for—

6 “(I) at the discretion of the Sec-
7 retary, a single organized group recre-
8 ation activity or event (including an
9 activity or event in which motorized
10 recreational vehicles are used or in
11 which outfitting and guiding services
12 are used) that—

13 “(aa) is a structured or
14 scheduled event or activity;

15 “(bb) is not competitive and
16 is for fewer than 75 participants;

17 “(cc) may charge an entry
18 or participation fee;

19 “(dd) involves fewer than
20 200 visitor-use days; and

21 “(ee) is undertaken or pro-
22 vided by the recreation service
23 provider at the same site not
24 more frequently than 3 times a
25 year;

1 “(II) a single competitive event;
2 or

3 “(III) at the discretion of the
4 Secretary, a recurring organized
5 group recreation activity (including an
6 outfitting and guiding activity) that—

7 “(aa) is a structured or
8 scheduled activity;

9 “(bb) is not competitive;

10 “(cc) may charge a partici-
11 pation fee;

12 “(dd) occurs in a group size
13 of fewer than 7 participants;

14 “(ee) involves fewer than 40
15 visitor-use days; and

16 “(ff) is undertaken or pro-
17 vided by the recreation service
18 provider for a term of not more
19 than 180 days; or

20 “(iv) for—

21 “(I) a recurring outfitting, guid-
22 ing, or, at the discretion of the Sec-
23 retary, other recreation service, the
24 authorization for which is for a term
25 of not more than 10 years; or

1 “(II) a recurring outfitting, guid-
 2 ing, or, at the discretion of the Sec-
 3 retary, other recreation service, that
 4 occurs under a transitional special
 5 recreation permit authorized under
 6 section 5(a) of the Simplifying Out-
 7 door Access for Recreation Act.

8 “(B) EXCLUSIONS.—The term ‘special
 9 recreation permit’ does not include—

10 “(i) a concession contract for the pro-
 11 vision of accommodations, facilities, or
 12 services;

13 “(ii) a commercial use authorization
 14 issued under section 101925 of title 54,
 15 United States Code; or

16 “(iii) any other type of permit, includ-
 17 ing a special use permit administered by
 18 the National Park Service.”.

19 (c) SPECIAL RECREATION PERMITS AND FEES.—
 20 Section 803 of the Federal Lands Recreation Enhance-
 21 ment Act (16 U.S.C. 6802) is amended—

22 (1) by striking “this Act” each place it appears
 23 and inserting “this title”;

24 (2) in subsection (b)(5), by striking “section
 25 4(d)” and inserting “section 804(d)”; and

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

3 “(h) SPECIAL RECREATION PERMITS AND FEES.—

4 “(1) SPECIAL RECREATION PERMITS.—

5 “(A) APPLICATIONS.—The Secretary—

6 “(i) may develop and make available
7 to the public an application to obtain a
8 special recreation permit described in
9 clause (i) of section 802(13)(A); and

10 “(ii) shall develop and make available
11 to the public an application to obtain a
12 special recreation permit described in
13 clause (ii), (iii), or (iv) of section
14 802(13)(A).

15 “(B) ISSUANCE OF PERMITS.—On review
16 of a completed application developed under sub-
17 paragraph (A), as applicable, and a determina-
18 tion by the Secretary that the applicant is eligi-
19 ble for the special recreation permit, the Sec-
20 retary may issue to the applicant a special
21 recreation permit, subject to any terms and
22 conditions that are determined to be necessary
23 by the Secretary.

24 “(C) INCIDENTAL SALES.—A special recre-
25 ation permit issued under this paragraph may

1 include an authorization for sales that are inci-
2 dental in nature to the permitted use of the
3 Federal recreational lands and waters.

4 “(2) SPECIAL RECREATION PERMIT FEES.—

5 “(A) IN GENERAL.—The Secretary may
6 charge a special recreation permit fee for the
7 issuance of a special recreation permit in ac-
8 cordance with this paragraph.

9 “(B) PREDETERMINED SPECIAL RECRE-
10 ATION PERMIT FEES.—

11 “(i) IN GENERAL.—For purposes of
12 subparagraphs (D) and (E), the Secretary
13 shall establish and may charge a predeter-
14 mined fee, described in clause (ii), for a
15 special recreation permit described in
16 clause (iii) or (iv) of section 802(13)(A)
17 for a specific type of use on a unit of Fed-
18 eral recreational lands and waters, con-
19 sistent with the criteria set forth in clause
20 (iii).

21 “(ii) TYPE OF FEE.—A predetermined
22 fee described in clause (i) shall be—

23 “(I) a fixed fee that is assessed
24 per special recreation permit, includ-
25 ing a fee with an associated size limi-

1 tation or other criteria as determined
2 to be appropriate by the Secretary; or

3 “(II) an amount assessed per vis-
4 itor-use day.

5 “(iii) CRITERIA.—A predetermined fee
6 under clause (i) shall—

7 “(I) have been established before
8 the date of enactment of the Simpli-
9 fying Outdoor Access for Recreation
10 Act;

11 “(II) be established after the
12 date of enactment of the Simplifying
13 Outdoor Access for Recreation Act in
14 accordance with subsection (b);

15 “(III)(aa) be established after
16 the date of enactment of the Simpli-
17 fying Outdoor Access for Recreation
18 Act; and

19 “(bb) be comparable to an
20 amount described in subparagraph
21 (D)(ii) or (E)(ii), as applicable; or

22 “(IV) beginning on the date that
23 is 2 years after the date of enactment
24 of the Simplifying Outdoor Access for
25 Recreation Act, be \$6 per visitor-use

1 day in instances in which the Sec-
2 retary has not established a predeter-
3 mined fee under subclause (I), (II), or
4 (III).

5 “(C) CALCULATION OF FEES FOR SPECIAL-
6 IZED RECREATIONAL USES AND LARGE-GROUP
7 ACTIVITIES OR EVENTS.—The Secretary may,
8 at the discretion of the Secretary, establish and
9 charge a fee for a special recreation permit de-
10 scribed in clause (i) or (ii) of section
11 802(13)(A).

12 “(D) CALCULATION OF FEES FOR SINGLE
13 ORGANIZED GROUP RECREATION ACTIVITIES OR
14 EVENTS, COMPETITIVE EVENTS, AND CERTAIN
15 RECURRING ORGANIZED GROUP RECREATION
16 ACTIVITIES.—If the Secretary elects to charge a
17 fee for a special recreation permit described in
18 section 802(13)(A)(iii), the Secretary shall
19 charge the recreation service provider, based on
20 the election of the recreation service provider—

21 “(i) the applicable predetermined fee
22 established under subparagraph (B); or

23 “(ii) an amount equal to a percentage
24 of, to be determined by the Secretary, but
25 to not to exceed 5 percent of, adjusted

1 gross receipts calculated under subpara-
2 graph (F).

3 “(E) CALCULATION OF FEES FOR TRANSI-
4 TIONAL PERMITS AND LONG-TERM PERMITS.—
5 Subject to subparagraph (G), if the Secretary
6 elects to charge a fee for a special recreation
7 permit described in section 802(13)(A)(iv), the
8 Secretary shall charge the recreation service
9 provider, based on the election of the recreation
10 service provider—

11 “(i) the applicable predetermined fee
12 established under subparagraph (B); or

13 “(ii) an amount equal to a percentage
14 of, to be determined by the Secretary, but
15 not to exceed 3 percent of, adjusted gross
16 receipts calculated under subparagraph
17 (F).

18 “(F) ADJUSTED GROSS RECEIPTS.—For
19 the purposes of subparagraphs (D)(ii) and
20 (E)(ii), the Secretary shall calculate the ad-
21 justed gross receipts collected for each trip or
22 event authorized under a special recreation per-
23 mit, using either of the following calculations,
24 based on the election of the recreation service
25 provider:

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“(i) The sum of—
 “(I) the product obtained by multiplying—
 “(aa) the general amount paid by participants of the trip or event to the recreation service provider for the applicable trip or event (excluding amounts related to goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider); and
 “(bb) the quotient obtained by dividing—
 “(AA) the number of days of the trip or event that occurred on Federal recreational lands and waters covered by the special recreation permit, rounded to the nearest whole day; by
 “(BB) the total number of days of the trip or event;
and

1 “(II) the amount of any addi-
2 tional revenue received by the recre-
3 ation service provider for an add-on
4 activity or an optional excursion that
5 occurred on the Federal recreational
6 lands and waters covered by the spe-
7 cial recreation permit.

8 “(ii) The difference between—

9 “(I) the total cost paid by the
10 participants of the trip or event for
11 the trip or event to the recreation
12 service provider, including any addi-
13 tional revenue received by the recre-
14 ation service provider for an add-on
15 activity or an optional excursion that
16 occurred on the Federal recreational
17 lands and waters covered by the spe-
18 cial recreation permit; and

19 “(II) the sum of—

20 “(aa) the amount of any
21 revenues from goods, souvenirs,
22 merchandise, gear, and additional
23 food provided or sold by the
24 recreation service provider to the

1 participants of the applicable trip
2 or event;

3 “(bb) the amount of any
4 costs or revenues from services
5 and activities provided or sold by
6 the recreation service provider to
7 the participants of the trip or
8 event that occurred in a location
9 other than the Federal rec-
10 reational lands and waters cov-
11 ered by the special recreation
12 permit (including costs for travel
13 and lodging outside the Federal
14 recreational lands and waters
15 covered by the special recreation
16 permit); and

17 “(cc) the amount of any rev-
18 enues from any service provided
19 by a recreation service provider
20 for an activity on Federal rec-
21 reational lands and waters that is
22 not covered by the special recre-
23 ation permit.

24 “(G) EXCEPTION.—Notwithstanding sub-
25 paragraph (E), the Secretary may charge a

1 recreation service provider a minimum annual
2 fee for a special recreation permit described in
3 section 802(13)(A)(iv).

4 “(H) SAVINGS CLAUSES.—

5 “(i) EFFECT.—Nothing in this para-
6 graph affects any fee for—

7 “(I) a concession contract admin-
8 istered by the National Park Service
9 for the provision of accommodations,
10 facilities, or services; or

11 “(II) a commercial use authoriza-
12 tion for use of Federal recreational
13 lands and waters managed by the Na-
14 tional Park Service.

15 “(ii) COST RECOVERY.—Nothing in
16 this paragraph affects the ability of the
17 Secretary to recover any administrative
18 costs under section 13 of the Simplifying
19 Outdoor Access for Recreation Act.

20 “(iii) SPECIAL RECREATION PERMIT
21 FEES AND OTHER RECREATION FEES.—

22 The collection of a special recreation per-
23 mit fee under this paragraph shall not af-
24 fect the authority of the Secretary to col-
25 lect an entrance fee, a standard amenity

1 recreation fee, or an expanded amenity
 2 recreation fee authorized under subsections
 3 (e), (f), and (g).

4 “(3) REPORT AND DISCLOSURE.—

5 “(A) REPORT.—

6 “(i) IN GENERAL.—The Secretaries
 7 shall make available to recreation service
 8 providers and the public an annual report
 9 describing the use of fees collected by the
 10 Secretaries under paragraph (2).

11 “(ii) REQUIREMENT.—The report
 12 under clause (i) shall include a description
 13 of how the fees are used by each Federal
 14 land management agency.

15 “(B) DISCLOSURE.—A recreation service
 16 provider may inform customers of any fee
 17 charged by the Secretary under this section.”.

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

21 (1) by striking “this Act” each place it appears
 22 and inserting “this title”;

23 (2) in subsection (a)(3)—

24 (A) in subparagraph (E), by striking
 25 “and” at the end;

1 (B) in subparagraph (F), by striking “6(a)
2 or a visitor reservation service.” and inserting
3 “806(a) or a visitor reservation service;” and

4 (C) by adding at the end the following:

5 “(G) the processing of special recreation
6 permit applications and administration of spe-
7 cial recreation permits; and

8 “(H) the improvement of the operation of
9 the special recreation permit program under
10 section 803(h).”; and

11 (3) in subsection (d)—

12 (A) in paragraph (1), by striking “section
13 5” and inserting “section 805”; and

14 (B) in paragraph (2), by striking “section
15 5” and inserting “section 805”.

16 (e) PERMANENT AUTHORIZATION.—The Federal
17 Lands Recreation Enhancement Act (16 U.S.C. 6801 et
18 seq.) is amended—

19 (1) by striking section 810; and

20 (2) by redesignating sections 811 through 815
21 as sections 810 through 814, respectively.

22 **SEC. 4. PERMIT ADMINISTRATION.**

23 (a) PERMIT AVAILABILITY.—

24 (1) NOTIFICATIONS OF PERMIT AVAIL-
25 ABILITY.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), in an area of Federal rec-
3 reational lands and waters in which use by
4 recreation service providers is allocated, if the
5 Secretary concerned has determined that vis-
6 itor-use days are available for allocation to
7 recreation service providers or holders of a com-
8 mercial use authorization for outfitting and
9 guiding, the Secretary concerned shall publish
10 the information on the website of the agency
11 that administers the applicable area of Federal
12 recreational lands and waters.

13 (B) EFFECT.—Nothing in this para-
14 graph—

15 (i) applies to—

16 (I) the reissuance of an existing
17 special recreation permit or commer-
18 cial use authorization for outfitting
19 and guiding; or

20 (II) the issuance of a new special
21 recreation permit or new commercial
22 use authorization for outfitting and
23 guiding issued to the purchaser of—

24 (aa) a recreation service pro-
25 vider that is the holder of an ex-

1 isting special recreation permit;

2 or

3 (bb) a holder of an existing
4 commercial use authorization for
5 outfitting and guiding; or

6 (ii) creates a prerequisite to the
7 issuance of a special recreation permit or
8 commercial use authorization for outfitting
9 and guiding or otherwise limits the author-
10 ity of the Secretary concerned—

11 (I) to issue a new special recre-
12 ation permit or new commercial use
13 authorization for outfitting and guid-
14 ing; or

15 (II) to add a new or additional
16 use to an existing special recreation
17 permit or an existing commercial use
18 authorization for outfitting and guid-
19 ing.

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

24 (3) ELECTRONIC MAIL NOTIFICATIONS.—The
25 Secretary concerned shall establish a system by

1 which potential applicants for special recreation per-
2 mits or commercial use authorizations for outfitting
3 and guiding may subscribe to receive notification by
4 electronic mail of the availability of special recre-
5 ation permits under subsection (h)(1) of section 803
6 of the Federal Lands Recreation Enhancement Act
7 (16 U.S.C. 6802) (as amended by section 3(c)(3) or
8 commercial use authorizations for outfitting and
9 guiding.

10 (b) PERMIT APPLICATION OR PROPOSAL ACKNOWLEDGMENTS.—
11

12 (1) IN GENERAL.—Not later than 60 days after
13 the date on which the Secretary concerned receives
14 a completed application or a complete proposal for
15 a special recreation permit under subsection (h)(1)
16 of section 803 of the Federal Lands Recreation En-
17 hancement Act (16 U.S.C. 6802) (as amended by
18 section 3(c)(3)), the Secretary concerned shall—

19 (A) provide to the applicant notice ac-
20 knowledging receipt of the application or pro-
21 posal; and

22 (B)(i) issue a final decision with respect to
23 the application or proposal; or

1 (1) IN GENERAL.—On the request of a recre-
2 ation service provider that holds a transitional spe-
3 cial recreation permit under the program imple-
4 mented under subsection (a), the Secretary con-
5 cerned shall provide for the issuance of a long-term
6 special recreation permit for outfitting and guiding
7 to replace the transitional special recreation permit
8 if the Secretary concerned determines that the recre-
9 ation service provider—

10 (A) has held not less than 2 transitional
11 special recreation permits or similar permits
12 issued under—

13 (i) the program implemented under
14 subsection (a); or

15 (ii) any other program to issue similar
16 special recreation permits in existence be-
17 fore the date of enactment of this Act;

18 (B) during the 3-year period preceding the
19 request, has not been determined to have a per-
20 formance that is less than satisfactory, as de-
21 termined under the monitoring process de-
22 scribed in section 7(a), for any transitional spe-
23 cial recreation permits or similar special recre-
24 ation permits issued by the Secretary con-
25 cerned, including the transitional special recre-

1 ation permit proposed to be replaced, for the re-
2 spective unit of Federal recreational lands and
3 waters; and

4 (C) notwithstanding section 7(b)(3), has
5 used not less than 50 percent of the visitor-use
6 days allocated to the recreation service provider
7 under the transitional special recreation permit.

8 (2) TERM.—The term of a long-term special
9 recreation permit under this subsection issued to re-
10 place a transitional special recreation permit under
11 paragraph (1) shall be for a period of 5 or 10 years,
12 as determined to be appropriate by the Secretary
13 concerned.

14 (3) VISITOR-USE DAY ALLOCATIONS.—In re-
15 placing a transitional special recreation permit under
16 paragraph (1) with a long-term special recreation
17 permit for outfitting and guiding, the Secretary con-
18 cerned may, at the discretion of the Secretary con-
19 cerned, increase the number of visitor-use days allo-
20 cated to the recreation service provider under the
21 long-term special recreation permit for outfitting
22 and guiding.

23 (d) EFFECT.—Nothing in this section alters or af-
24 fects the authority of the Secretary concerned to issue a
25 special recreation permit under subsection (h)(1) of sec-

1 tion 803 of the Federal Lands Recreation Enhancement
2 Act (16 U.S.C. 6802) (as amended by section 3(c)(3)).

3 **SEC. 6. SURRENDER OF UNUSED VISITOR-USE DAYS.**

4 (a) IN GENERAL.—A recreation service provider hold-
5 ing a special recreation permit described in paragraph
6 (13)(A)(iv) of section 802 of the Federal Lands Recre-
7 ation Enhancement Act (16 U.S.C. 6801) (as amended
8 by section 3(b)(10)) may—

9 (1) notify the Secretary concerned of an inabil-
10 ity to use visitor-use days annually allocated to the
11 recreation service provider under the special recre-
12 ation permit; and

13 (2) surrender to the Secretary concerned the
14 unused visitor-use days for the applicable year for
15 temporary reassignment under section 8(b).

16 (b) DETERMINATION.—To ensure a recreation service
17 provider described in subsection (a) is able to make an
18 informed decision before surrendering any unused visitor-
19 use day under subsection (a)(2), the Secretary concerned
20 shall, on the request of the applicable recreation service
21 provider, determine and notify the recreation service pro-
22 vider whether the unused visitor-use day meets the re-
23 quirement described in section 7(b)(3)(B) before the recre-
24 ation service provider surrenders the unused visitor-use
25 day.

1 **SEC. 7. REVIEWS FOR TRANSITIONAL PERMITS AND LONG-**
2 **TERM PERMITS.**

3 (a) MONITORING.—The Secretary concerned shall
4 monitor for compliance a recreation service provider—

5 (1) annually, in the case of a transitional spe-
6 cial recreation permit for outfitting and guiding
7 issued under section 5;

8 (2) once every 2 years, in the case of a special
9 recreation permit described in paragraph
10 (13)(A)(iv)(I) of section 802 of the Federal Lands
11 Recreation Enhancement Act (16 U.S.C. 6801) (as
12 amended by section 3(b)(10)) that is issued for a
13 term of 10 years;

14 (3) in the case of a special recreation permit re-
15 placed under section 5 with a long-term special
16 recreation permit for outfitting and guiding with a
17 term of 10 years, during each of the 4th, 6th, 8th,
18 and 10th years in which the long-term special recre-
19 ation permit is in effect; and

20 (4) in the case of a special recreation permit re-
21 placed under section 5 with a long-term special
22 recreation permit for outfitting and guiding with a
23 term of 5 years, during each of the 4th and 5th
24 years in which the special recreation permit is in ef-
25 fect.

26 (b) USE-OF-ALLOCATION REVIEWS.—

1 (1) IN GENERAL.—If the Secretary of Agri-
2 culture, acting through the Chief of the Forest Serv-
3 ice, or the Secretary, as applicable, allocates visitor-
4 use days among special recreation permits for outfit-
5 ting and guiding, the Secretary of Agriculture, act-
6 ing through the Chief of the Forest Service, shall,
7 and the Secretary may, review the use by the recre-
8 ation service provider of the visitor-use days allo-
9 cated—

10 (A) under a transitional special recreation
11 permit issued under section 5, not later than 90
12 days before the date on which the transitional
13 special recreation permit expires; and

14 (B) under a long-term special recreation
15 permit described in paragraph (13)(A)(iv)(I) of
16 section 802 of the Federal Lands Recreation
17 Enhancement Act (16 U.S.C. 6801) (as amend-
18 ed by section 3(b)(10)), once every 5 years.

19 (2) REQUIREMENTS OF THE REVIEW.—In con-
20 ducting a review under paragraph (1), the Secretary
21 of Agriculture, acting through the Chief of the For-
22 est Service, or the Secretary, as applicable, shall de-
23 termine—

24 (A) the number of visitor-use days that the
25 recreation service provider has used each year

1 under the transitional special recreation permit
2 or the special recreation permit, in accordance
3 with paragraph (3); and

4 (B) of the years identified under subpara-
5 graph (A), the year in which the recreation
6 service provider used the most visitor-use days.

7 (3) CONSIDERATION OF SURRENDERED, UN-
8 USED VISITOR-USE DAYS.—For the purposes of de-
9 termining the number of visitor-use days a recre-
10 ation service provider has used in a specified year
11 under paragraph (2)(A), the Secretary of Agri-
12 culture, acting through the Chief of the Forest Serv-
13 ice, and the Secretary, as applicable, shall consider
14 an unused visitor-use day that has been surrendered
15 under section 6(a)(2) as—

16 (A) $\frac{1}{2}$ of a visitor-use day used; or

17 (B) 1 visitor-use day used, if the Secretary
18 of Agriculture, acting through the Chief of the
19 Forest Service, or the Secretary, as applicable,
20 determines the use of the allocated visitor-use
21 day had been or will be prevented by a cir-
22 cumstance beyond the control of the recreation
23 service provider.

1 **SEC. 8. ADJUSTMENT OF ALLOCATED VISITOR-USE DAYS.**

2 (a) ADJUSTMENTS FOLLOWING USE OF ALLOCATION
3 REVIEWS.—On the completion of a use-of-allocation re-
4 view of a special recreation permit described in paragraph
5 (13)(A)(iv)(I) of section 802 of the Federal Lands Recre-
6 ation Enhancement Act (16 U.S.C. 6801) (as amended
7 by section 3(b)(10)) conducted under section 7(b), the
8 Secretary of Agriculture, acting through the Chief of the
9 Forest Service, or the Secretary, as applicable, shall adjust
10 the number of visitor-use days allocated to a recreation
11 service provider under the special recreation permit as fol-
12 lows:

13 (1) If the Secretary concerned determines that
14 the performance of the recreation service provider
15 was satisfactory during the most recent review con-
16 ducted under subsection (a) of section 7, the annual
17 number of visitor-use days allocated for each re-
18 maining year of the permit shall be equal to 125
19 percent of the number of visitor-use days used, as
20 determined under subsection (b)(2)(A) of that sec-
21 tion, during the year identified under subsection
22 (b)(2)(B) of that section, not to exceed the level allo-
23 cated to the recreation service provider on the date
24 on which the special recreation permit was issued.

25 (2) If the Secretary concerned determines the
26 performance of the recreation service provider is less

1 than satisfactory during the most recent perform-
2 ance review conducted under subsection (a) of sec-
3 tion 7, the annual number of visitor-use days allo-
4 cated for each remaining year of the special recre-
5 ation permit shall be equal to not more than 100
6 percent of the number of visitor-use days used, as
7 determined under subsection (b)(2)(A) of that sec-
8 tion during the year identified under subsection
9 (b)(2)(B) of that section.

10 (b) TEMPORARY REASSIGNMENT OF UNUSED VIS-
11 ITOR-USE DAYS.—The Secretary concerned may tempo-
12 rarily assign unused visitor-use days, made available under
13 section 6(a)(2) to—

14 (1) any other existing or potential recreation
15 service provider, notwithstanding the number of vis-
16 itor-use days allocated to the special recreation per-
17 mit holder under the special recreation permit held
18 or to be held by the recreation service provider; or

19 (2) any existing or potential holder of a special
20 recreation permit described in clause (i) or (iii) of
21 paragraph (13)(A) of section 802 of the Federal
22 Lands Recreation Enhancement Act (16 U.S.C.
23 6801) (as amended by section 3(b)(10)), including
24 the public.

1 (c) ADDITIONAL CAPACITY.—If unallocated visitor-
2 use days are available, the Secretary concerned may, at
3 any time, amend a special recreation permit to allocate
4 additional visitor-use days to a qualified recreation service
5 provider.

6 **SEC. 9. PERMITTING PROCESS IMPROVEMENTS.**

7 (a) IN GENERAL.—To simplify the process of the
8 issuance and reissuance of special recreation permits and
9 reduce the cost of administering special recreation permits
10 under subsection (h) of section 803 of the Federal Lands
11 Recreation Enhancement Act (16 U.S.C. 6802) (as
12 amended by section 3(c)(3)), the Secretaries shall—

13 (1) during the period beginning on January 1,
14 2021, and ending on January 1, 2025—

15 (A) evaluate the process for issuing special
16 recreation permits; and

17 (B) based on the evaluation under sub-
18 paragraph (A), identify opportunities—

19 (i) to eliminate duplicative processes
20 with respect to issuing special recreation
21 permits;

22 (ii) to reduce costs for the issuance of
23 special recreation permits;

24 (iii) to decrease processing times for
25 special recreation permits; and

1 (iv) to issue simplified special recre-
2 ation permits, including special recreation
3 permits for an organized group recreation
4 activity or event under subsection (e); and

5 (2) not later than 1 year after the date on
6 which the Secretaries complete the evaluation and
7 identification processes under paragraph (1), revise,
8 as necessary, relevant agency regulations and guid-
9 ance documents, including regulations and guidance
10 documents relating to the environmental review
11 process, for special recreation permits to implement
12 the improvements identified under paragraph (1)(B).

13 (b) ENVIRONMENTAL REVIEWS.—

14 (1) IN GENERAL.—The Secretary concerned
15 shall, to the maximum extent practicable, utilize
16 available tools, including tiering to existing pro-
17 grammatic reviews, as appropriate, to facilitate an
18 effective and efficient environmental review process
19 for activities undertaken by the Secretary concerned
20 relating to the issuance of special recreation permits.

21 (2) CATEGORICAL EXCLUSIONS.—Not later
22 than 1 year after the date of enactment of this Act,
23 the Secretary concerned shall—

24 (A) evaluate—

1 (i) whether existing categorical exclu-
2 sions available to the Secretary concerned
3 on the date of enactment of this Act are
4 consistent with the provisions of this Act;
5 and

6 (ii) whether a modification of an exist-
7 ing categorical exclusion or the establish-
8 ment of 1 or more new categorical exclu-
9 sions developed in compliance with the Na-
10 tional Environmental Policy Act of 1969
11 (42 U.S.C. 4321 et seq.) is necessary to
12 undertake an activity described in para-
13 graph (1) in a manner consistent with the
14 authorities and requirements in this Act;
15 and

16 (B) revise relevant agency regulations and
17 policy statements, as necessary, to modify exist-
18 ing categorical exclusions or incorporate new
19 categorical exclusions based on the evaluation
20 conducted under subparagraph (A).

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

1 803 of the Federal Lands Recreation Enhancement Act
 2 (16 U.S.C. 6802) (as amended by section 3(c)(3)).

3 (d) ONLINE APPLICATIONS.—Using funds made
 4 available to the Secretaries, not later than 3 years after
 5 the date of enactment of this Act, the Secretaries shall
 6 make the application for a special recreation permit under
 7 subsection (h) of section 803 of the Federal Lands Recre-
 8 ation Enhancement Act (16 U.S.C. 6802) (as amended
 9 by section 3(c)(3)), including a reissuance of a special
 10 recreation permit under that section, available for comple-
 11 tion and submission—

12 (1) online;

13 (2) by mail or electronic mail; and

14 (3) in person at the field office for the applica-
 15 ble Federal recreational lands and waters.

16 (e) SPECIAL RECREATION PERMITS FOR AN ORGA-
 17 NIZED GROUP RECREATION ACTIVITY OR EVENT.—

18 (1) DEFINITIONS.—In this subsection:

19 (A) SPECIAL RECREATION PERMIT FOR AN
 20 ORGANIZED GROUP RECREATION ACTIVITY OR
 21 EVENT.—The term “special recreation permit
 22 for an organized group recreation activity or
 23 event” means a special recreation permit de-
 24 scribed in subclause (I) or (III) of paragraph
 25 (13)(A)(iii) of section 802 of the Federal Lands

1 Recreation Enhancement Act (16 U.S.C. 6801)
2 (as amended by section 3(b)(10)).

3 (B) YOUTH GROUP.—The term “youth
4 group” means a recreation service provider that
5 predominantly serves individuals not older than
6 25 years of age.

7 (2) EXEMPTION FROM CERTAIN ALLOCATIONS
8 OF USE.—If the Secretary concerned allocates vis-
9 itor-use days available for an area or activity on
10 Federal recreational lands and waters among recre-
11 ation service providers that hold a permit described
12 in paragraph (13)(A)(iv) of section 802 of the Fed-
13 eral Lands Recreation Enhancement Act (16 U.S.C.
14 6801) (as amended by section 3(b)(10)), a special
15 recreation permit for an organized group recreation
16 activity or event shall not be subject to that alloca-
17 tion of visitor-use days.

18 (3) ISSUANCE.—In accordance with paragraphs
19 (5) and (6), if use by the general public is not sub-
20 ject to a limited entry permit system and if capacity
21 is available for the times or days in which the pro-
22 posed activity or event would be undertaken, on re-
23 quest of a recreation service provider (including a
24 youth group) to conduct an organized group recre-
25 ation activity or event described in subclause (I) or

1 (III) of paragraph (13)(A)(iii) of section 802 of the
2 Federal Lands Recreation Enhancement Act (16
3 U.S.C. 6801) (as amended by section 3(b)(10)), the
4 Secretary concerned—

5 (A) shall make a nominal effects deter-
6 mination to determine whether the proposed ac-
7 tivity or event would have more than nominal
8 effects on Federal recreational lands and
9 waters, resources, and programs; and

10 (B)(i) shall not require a recreation service
11 provider (including a youth group) to obtain a
12 special recreation permit for an organized group
13 recreation activity or event if the Secretary con-
14 cerned determines—

15 (I) the proposed activity or event to
16 be undertaken would have only nominal ef-
17 fects on Federal recreational lands and
18 waters, resources, and programs; and

19 (II) establishing additional terms and
20 conditions for the proposed activity or
21 event is not necessary to protect or avoid
22 conflict on or with Federal recreational
23 lands and waters, resources, and programs;

24 (ii) in the case of an organized group
25 recreation activity or event described in sub-

1 clause (I) of that paragraph, may issue to a
2 recreation service provider (including a youth
3 group) a special recreation permit for an orga-
4 nized group recreation activity or event, subject
5 to any terms and conditions as are determined
6 to be appropriate by the Secretary concerned, if
7 the Secretary concerned determines—

8 (I) the proposed activity or event to
9 be undertaken would have only nominal ef-
10 fects on Federal recreational lands and
11 waters, resources, and programs; and

12 (II) establishing additional terms and
13 conditions for the proposed activity or
14 event is necessary to protect or avoid con-
15 flict on or with Federal recreational lands
16 and waters, resources, and programs;

17 (iii) in the case of an organized group
18 recreation activity or event described in sub-
19 clause (III) of that paragraph, shall issue to a
20 recreation service provider (including a youth
21 group) a special recreation permit for an orga-
22 nized group recreation activity or event, subject
23 to such terms and conditions determined to be
24 appropriate by the Secretary concerned, if the
25 Secretary concerned determines—

1 (I) the proposed activity or event to
2 be undertaken would have only nominal ef-
3 fects on Federal recreational lands and
4 waters, resources, and programs; and

5 (II) establishing additional terms and
6 conditions for the proposed activity or
7 event is necessary to protect or avoid con-
8 flict on or with Federal recreational lands
9 and waters, resources, and programs; and

10 (iv) may issue to a recreation service pro-
11 vider (including a youth group) a special recre-
12 ation permit for an organized group recreation
13 activity or event, subject to any terms and con-
14 ditions determined to be appropriate by the
15 Secretary concerned, if the Secretary concerned
16 determines—

17 (I) the proposed activity or event to
18 be undertaken may have more than nomi-
19 nal effects on Federal recreational lands
20 and waters, resources, and programs; and

21 (II) establishing additional terms and
22 conditions for the proposed activity or
23 event would be necessary to protect or
24 avoid conflict on or with Federal rec-

1 reational lands and waters, resources, and
2 programs.

3 (4) FEES.—The Secretary concerned may elect
4 not to charge a fee to a recreation service provider
5 (including a youth group) for a special recreation
6 permit for an organized group recreation activity or
7 event.

8 (5) SAVINGS CLAUSE.—Nothing in this sub-
9 section prevents the Secretary concerned from lim-
10 iting or abating the allowance of a proposed activity
11 or event under paragraph (3)(B)(i) or the issuance
12 of a special recreation permit for an organized group
13 recreation activity or event, based on resource condi-
14 tions, administrative burdens, or safety issues.

15 (6) QUALIFICATIONS.—A special recreation per-
16 mit for an organized group recreation activity or
17 event issued under paragraph (3) shall be subject to
18 the health and safety standards required by the Sec-
19 retary concerned for a permit issued under para-
20 graph (13)(A)(iv) of section 802 of the Federal
21 Lands Recreation Enhancement Act (16 U.S.C.
22 6801) (as amended by section 3(b)(10)).

1 **SEC. 10. SERVICE FIRST INITIATIVE AND MULTIJURIS-**
2 **DICTIONAL TRIPS.**

3 (a) REPEAL.—Section 330 of the Department of the
4 Interior and Related Agencies Appropriations Act, 2001
5 (43 U.S.C. 1703), is repealed.

6 (b) COOPERATIVE ACTION AND SHARING OF RE-
7 SOURCES BY THE SECRETARIES OF THE INTERIOR AND
8 AGRICULTURE.—

9 (1) IN GENERAL.—For fiscal year 2012 and
10 each fiscal year thereafter, the Secretaries, subject
11 to annual review of Congress, may carry out an ini-
12 tiative, to be known as the “Service First Initiative”,
13 under which the Secretaries and agencies and bu-
14 reaus within the Department of the Interior and the
15 Department of Agriculture—

16 (A) may establish programs to conduct
17 projects, planning, permitting, leasing, con-
18 tracting, and other activities, either jointly or
19 on behalf of one another;

20 (B) may co-locate in Federal offices and
21 facilities leased by an agency of the Department
22 of the Interior or the Department of Agri-
23 culture; and

24 (C) may issue special rules to test the fea-
25 sibility of issuing unified permits, applications,
26 and leases.

1 (2) DELEGATIONS OF AUTHORITY.—The Secre-
2 taries may make reciprocal delegations of the respec-
3 tive authorities, duties, and responsibilities of the
4 Secretaries in support of the Service First Initiative
5 agency-wide to promote customer service and effi-
6 ciency.

7 (3) EFFECT.—Nothing in this section alters,
8 expands, or limits the applicability of any law (in-
9 cluding regulations) to land administered by the Bu-
10 reau of Land Management, National Park Service,
11 United States Fish and Wildlife Service, or the For-
12 est Service or matters under the jurisdiction of any
13 other bureaus or offices of the Department of the
14 Interior or the Department of Agriculture, as appli-
15 cable.

16 (4) TRANSFERS OF FUNDING.—To facilitate the
17 sharing of resources under the Service First Initia-
18 tive, the Secretaries may make transfers of funds
19 and reimbursements of funds on an annual basis, in-
20 cluding transfers and reimbursements for multi-year
21 projects, subject to the limitation that this authority
22 may not be used to circumvent requirements and
23 limitations imposed on the use of Federal funds.

24 (c) PILOT PROGRAM FOR SPECIAL RECREATION PER-
25 MITS FOR MULTIJURISDICTIONAL TRIPS.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Secretaries
3 shall establish a pilot program to offer to a person
4 seeking an authorization for a multijurisdictional
5 trip a single joint special recreation permit or com-
6 mercial use authorization that authorizes the use of
7 each unit of Federal recreational lands and waters
8 on which the multijurisdictional trip occurs, subject
9 to the authorities that apply to the applicable unit
10 of Federal recreational lands and waters.

11 (2) MINIMUM NUMBER OF PERMITS.—Not later
12 than 4 years after the date of enactment of this Act,
13 the Secretaries shall issue not fewer than 10 single
14 joint special recreation permits described in para-
15 graph (13)(A)(iv) of section 802 of the Federal
16 Lands Recreation Enhancement Act (16 U.S.C.
17 6801) (as amended by section 3(b)(10)) or commer-
18 cial use authorizations under the pilot program es-
19 tablished under paragraph (1).

20 (3) LEAD AGENCIES.—In carrying out the pilot
21 program established under paragraph (1), the Secre-
22 taries shall—

23 (A) designate a lead agency for issuing and
24 administering a single joint special recreation
25 permit or commercial use authorization; and

1 (B) select not fewer than 4 offices at which
2 a person shall be able to apply for a single joint
3 special recreation permit or commercial use au-
4 thorization, of which—

5 (i) not fewer than 2 offices are man-
6 aged by the Secretary; and

7 (ii) not fewer than 2 offices are man-
8 aged by the Secretary of Agriculture, act-
9 ing through the Chief of the Forest Serv-
10 ice.

11 (4) RETENTION OF AUTHORITY BY THE APPLI-
12 CABLE SECRETARY.—Each of the Secretaries shall
13 retain the authority to enforce the terms, stipula-
14 tions, conditions, and agreements in a single joint
15 special recreation permit or commercial use author-
16 ization issued under the pilot program established
17 under paragraph (1) that apply specifically to the
18 use occurring on the Federal recreational lands and
19 waters managed by the applicable Secretary, under
20 the authorities that apply to the applicable Federal
21 recreational lands and waters.

22 (5) OPTION TO APPLY FOR SEPARATE SPECIAL
23 RECREATION PERMITS OR COMMERCIAL USE AU-
24 THORIZATIONS.—A person seeking an authorization
25 for a multijurisdictional trip may apply for—

1 (A) a separate special recreation permit or
2 commercial use authorization for the use of
3 each unit of Federal recreational lands and
4 waters on which the multijurisdictional trip oc-
5 curs; or

6 (B) a single joint special recreational per-
7 mit or commercial use authorization made
8 available under the pilot program established
9 under paragraph (1).

10 (6) EFFECT.—Nothing in this subsection ap-
11 plies to a concession contract issued by the National
12 Park Service for the provision of accommodations,
13 facilities, or services.

14 **SEC. 11. PERMIT FLEXIBILITY.**

15 (a) IN GENERAL.—The Secretary concerned shall es-
16 tablish guidelines to allow a holder of a special recreation
17 permit under subsection (h) of section 803 of the Federal
18 Lands Recreation Enhancement Act (16 U.S.C. 6802) (as
19 amended by section 3(c)(3)), on the approval of the Sec-
20 retary concerned, to engage in another recreational activ-
21 ity under the special recreation permit that is substantially
22 similar to the specific activity authorized under the special
23 recreation permit.

24 (b) CRITERIA.—For the purposes of this section, a
25 recreational activity shall be considered to be a substan-

1 tially similar recreational activity if the recreational activ-
2 ity—

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

6 (2) does not result in a greater impact on nat-
7 ural and cultural resources than the impact of the
8 authorized activity;

9 (3) does not adversely affect—

10 (A) any other holder of a special recreation
11 permit or other permit; or

12 (B) any other authorized use of the Fed-
13 eral recreational lands and waters; and

14 (4) is consistent with—

15 (A) any applicable laws (including regula-
16 tions); and

17 (B) the land management plan, resource
18 management plan, or equivalent plan applicable
19 to the Federal recreational lands and waters.

20 (c) EFFECT.—Nothing in this section affects any au-
21 thority of, regulation issued by, or decision of the Sec-
22 retary concerned relating to the use of electric bicycles on
23 Federal recreational lands and waters under any other
24 Federal law.

1 **SEC. 12. LIABILITY.**

2 (a) **INSURANCE REQUIREMENTS.—**

3 (1) **IN GENERAL.—**Except as provided in para-
4 graph (2), as a condition of issuing a special recre-
5 ation permit under subsection (h)(1)(B) of section
6 803 of the Federal Lands Recreation Enhancement
7 Act (16 U.S.C. 6802) (as amended by section
8 3(c)(3)) or a commercial use authorization, the Sec-
9 retary concerned may require the holder of the spe-
10 cial recreation permit or commercial use authoriza-
11 tion to have a commercial general liability insurance
12 policy that—

13 (A) is commensurate with the level of risk
14 of the activities to be conducted under the spe-
15 cial recreation permit or commercial use au-
16 thorization; and

17 (B) includes the United States as an addi-
18 tional insured in an endorsement to the applica-
19 ble policy.

20 (2) **EXCEPTION.—**The Secretary concerned
21 shall not require a holder of a special recreation per-
22 mit or commercial use authorization for low-risk ac-
23 tivities, as determined by the Secretary concerned,
24 including commemorative ceremonies and participa-
25 tion by the public in a recreation activity or recre-
26 ation use of a specific area of Federal recreational

1 lands and waters in which use by the public is allo-
2 cated, to comply with the requirements of paragraph
3 (1).

4 (b) INDEMNIFICATION BY GOVERNMENTAL ENTI-
5 TIES.—The Secretary concerned shall not require a State,
6 State agency, State institution, or political subdivision of
7 a State to indemnify the United States for tort liability
8 as a condition for issuing a special recreation permit or
9 commercial use authorization to the extent the State,
10 State agency, State institution, or political subdivision of
11 a State is precluded by State law from providing indem-
12 nification to the United States for tort liability, if the
13 State, State agency, State institution, or political subdivi-
14 sion of the State maintains the minimum amount of liabil-
15 ity insurance coverage required by the Federal land man-
16 agement agency for the activities conducted under the spe-
17 cial recreation permit or commercial use authorization in
18 the form of—

19 (1) a commercial general liability insurance poli-
20 cy, which includes the United States as an addi-
21 tional insured in an endorsement to the policy, if the
22 State is authorized to obtain commercial general li-
23 ability insurance by State law;

1 (2) self-insurance, which covers the United
2 States as an additional insured, if authorized by
3 State law; or

4 (3) a combination of the coverage described in
5 paragraphs (1) and (2).

6 (c) EXCULPATORY AGREEMENTS.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), a Federal land management agency shall
9 not implement, administer, or enforce any regula-
10 tion, guidance, or policy prohibiting the use of an ex-
11 culpatory agreement between a recreation service
12 provider or a holder of a commercial use authoriza-
13 tion and a customer relating to services provided
14 under a special recreation permit or a commercial
15 use authorization.

16 (2) REQUIREMENTS.—Any exculpatory agree-
17 ment used by a recreation service provider or holder
18 of a commercial use authorization for an activity au-
19 thorized under a special recreation permit or com-
20 mercial use authorization—

21 (A) shall shield the United States from any
22 liability, if otherwise allowable under Federal
23 law; and

24 (B) shall not waive any liability of the
25 recreation service provider or holder of the com-

1 commercial use authorization that may not be
2 waived under the laws (including common law)
3 of the applicable State or for gross negligence,
4 recklessness, or willful misconduct.

5 (3) CONSISTENCY.—Not later than 2 years
6 after the date of enactment of this Act, the Secre-
7 taries shall—

8 (A) review the policies of the Secretaries
9 pertaining to the use of exculpatory agreements
10 by recreation service providers and holders of
11 commercial use authorizations; and

12 (B) revise any policy described in subpara-
13 graph (A) as necessary to make the policies of
14 the Secretaries pertaining to the use of excul-
15 patory agreements by recreation service pro-
16 viders and holders of commercial use authoriza-
17 tions consistent with this subsection and across
18 all Federal recreational lands and waters.

19 (d) EFFECT.—Nothing in this section applies to a
20 concession contract issued by the National Park Service
21 for the provision of accommodations, facilities, or services.

22 **SEC. 13. COST RECOVERY REFORM.**

23 (a) COST RECOVERY FOR SPECIAL RECREATION
24 PERMITS.—In addition to a fee collected under section
25 803 of the Federal Lands Recreation Enhancement Act

1 (16 U.S.C. 6802) or any other authorized fee collected by
2 the Secretary concerned, the Secretary concerned may as-
3 sess and collect a reasonable fee from an applicant for,
4 and holder of, a special recreation permit to recover ad-
5 ministrative costs incurred by the Secretary concerned
6 for—

7 (1) processing a proposal or application for the
8 special recreation permit;

9 (2) issuing the special recreation permit; and

10 (3) monitoring the special recreation permit to
11 ensure compliance with the terms and conditions of
12 the special recreation permit.

13 (b) DE MINIMIS EXEMPTIONS FROM COST RECOV-
14 ERY.—If the administrative costs described in subsection
15 (a) are assessed on an hourly basis, the Secretary con-
16 cerned shall—

17 (1) establish an hourly de minimis threshold
18 that exempts a specified number of hours from the
19 assessment and collection of administrative costs de-
20 scribed in subsection (a); and

21 (2) charge an applicant only for any hours that
22 exceed the de minimis threshold.

23 (c) MULTIPLE APPLICATIONS.—If the Secretary con-
24 cerned collectively processes multiple applications for spe-
25 cial recreation permits for the same or similar services in

1 the same unit of Federal recreational lands and waters,
2 the Secretary concerned shall, to the extent practicable—

3 (1) assess from the applicants the fee described
4 in subsection (a) on a prorated basis; and

5 (2) apply the requirement described in sub-
6 section (b) to each applicant on an individual basis.

7 (d) LIMITATION.—The Secretary concerned shall not
8 assess or collect administrative costs under this section for
9 a programmatic environmental review.

10 **SEC. 14. EFFECT.**

11 Except as provided in sections 4(a), 10, and 12, noth-
12 ing in this Act (including an amendment made by this
13 Act) affects the authority or responsibility of the Secretary
14 to award concessions contracts for the provision of accom-
15 modations, facilities, or services, or commercial use au-
16 thorizations.

○