

Showing Current Law as Amended by H.R. 3400

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Section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802)

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(h) Special recreation permit fee

(1) IN GENERAL.--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.

(2) OUTFITTERS AND GUIDES.

(A) DEFINITIONS.-- In this paragraph:

(i) **ASSOCIATED AGENCY.**-- The term “associated agency” means any agency that manages the land or water on which a minority portion of the trip or activity that is the subject of a special recreation permit will take place.

(ii) **LEAD AGENCY.**-- The term “lead agency” means the agency that manages the land or water on which the majority of the trip or activity that is the subject of the special recreation permit will take place.

(B) OUTFITTER AND GUIDE PERMITS.-- In issuing special recreation permits or charging special recreation permit fees in connection with the issuance of permits under paragraph (1) with respect to outfitters and guides, within a reasonable time after the date of enactment of the Recreation Not Red-Tape Act, the Director of the Bureau of Land Management and the Chief of the Forest Service shall, in consultation with the public, including stakeholder groups that represent the interests of organizations that facilitate outdoor access--

(i) review permit application forms and revise if needed to improve efficiency and ensure the paperwork is concise and understandable to the general public;

(ii) review the process for the issuance and renewal of outfitter and guide special recreation permits and use existing authorities to streamline permit processes if applicable;

(iii) coordinate between agencies to develop consistent submission deadlines for activities that cross jurisdictional boundaries;

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

(v) create outreach materials and make the materials available online and in print to help outfitters and guides navigate the permitting process.

(C) PERMITS FOR CROSS-JURISDICTIONAL TRIPS.

(i) **IN GENERAL.**-- In the case of an activity or trip requiring a permit issued under the subsection for use of land managed by the Forest Service and the Bureau of Land Management that will cross jurisdictional boundaries, the

Secretaries shall issue a joint permit based on a single application to both agencies if the issuance of a joint permit based on a single application will lower the processing and other administrative costs for the permittee, unless the permit applicant opts to apply for separate permits rather than a joint permit.

(ii) PERMIT APPLICATION- The permit application required under clause (i) shall be--

(I) the application required by the lead agency; and

(II) submitted to the lead agency.

(iii) REQUIREMENTS OF LEAD AGENCY- The lead agency for a permit issued under clause (i) shall--

(I) coordinate, consistent with the authority of the Secretaries under section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (43 U.S.C. 1703), to develop, in consultation with the public (including stakeholder groups that represent the interests of organizations that facilitate outdoor access), a process for issuing 1 joint permit that covers the entirety of the trip;

(II) in processing the joint permit application, consider the findings, requirements, interests, and needs of the lead agency and any associated agencies; and

(III) coordinate with the associated agencies to develop a method for cost sharing.

(D) REASONABLE TIMEFRAME- The Secretaries shall complete the permitting process under this paragraph within a reasonable timeframe.

(E) ONLINE AVAILABILITY- To the maximum extent practicable, where feasible and efficient, the Secretaries shall make available--

(i) all special recreation permit applications, to be filled out and submitted online; and

(ii) online information regarding--

(I) the application process; and

(II) the means by which an applicant can contact the Secretaries for guidance on the permit process before submitting a permit application.

Section 805 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804)

§6804. Recreation passes

(a) America the Beautiful-the National Parks and Federal Recreational Lands Pass

(1) Availability and use

The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the "America the Beautiful-the National Parks and Federal Recreational Lands Pass", which shall cover the entrance fee and standard amenity recreation fee for all Federal

recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

(2) Image competition for recreation pass

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

(3) Notice of establishment

The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

(4) Duration

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

(5) Price

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

(6) Sales locations and marketing

[(A) In general

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

(A) IN GENERAL- The Secretaries shall sell the National Parks and Federal Recreational Lands Pass--

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

(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 6805 of this title.

(C) Marketing

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

(7) Administrative guidelines

The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of

revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for age and disability discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) Development and implementation agreements

The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

(9) Prohibition on other national recreation passes

The Secretary may not establish any national recreation pass, except as provided in this section and section 805A.

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

(a) Establishment of Program-

(1) IN GENERAL- To improve the procurement of Federal and State outdoor recreation passes, the Secretaries are encouraged to consult with States to coordinate the availability of Federal and State recreation passes in a way that allows a purchaser to buy a Federal recreation pass and a State recreation pass at Federal and State facilities in the same transaction.

(2) INCLUDED PASSES- Passes covered by the program established under paragraph (1) include--

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

(B) a pass that shall cover any fees charged by participating States and localities for entrance and recreational use of parks and public land in the participating States.

(b) Agreements With States-

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

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

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

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

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

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

Section 701 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 497c)

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(k) Ski Area Fee Retention Account-

(1) DEFINITIONS- In this subsection:

(A) ACCOUNT- The term "Account" means the Ski Area Fee Retention Account established under paragraph (2).

(B) COVERED UNIT- The term "covered unit" means an administrative unit of the National Forest System subject to a rental charge under this section.

(C) RENTAL CHARGE- The term "rental charge" means a permit rental charge that is charged under subsection (a).

(D) SECRETARY- The term "Secretary" means the Secretary of Agriculture.

(2) ESTABLISHMENT- The Secretary of the Treasury shall establish in the Treasury a special account, to be known as the "Ski Area Fee Retention Account", into which there shall be deposited--

(A) in the case of a covered unit at which not less than \$15,000,000 is collected by the covered unit from rental charges in a fiscal year, an amount equal to 50 percent of the rental charges collected at the covered unit in the fiscal year; or

(B) in the case of any other covered unit, an amount equal to 65 percent of the rental charges collected at the covered unit in a fiscal year.

(3) AVAILABILITY- Subject to paragraphs (4), (5), and (6), any amounts deposited in the Account under paragraph (2) shall remain available for expenditure, without further appropriation, until expended.

(4) LOCAL DISTRIBUTION OF AMOUNTS IN THE ACCOUNT-

(A) IN GENERAL- Except as provided in subparagraph (B), 100 percent of the amounts deposited in the Account from a specific covered unit shall remain available for expenditure at the covered unit at which the rental charges were collected.

(B) REDUCTION-

(i) IN GENERAL- Subject to clause (ii), the Secretary may reduce the percentage of amounts available to a covered unit under subparagraph (A) if the Secretary determines that the rental charges collected at the covered unit exceed the reasonable needs of the covered unit for that fiscal year for authorized expenditures described in paragraph (5)(A).

(ii) LIMITATION- The Secretary may not reduce the percentage of amounts available under clause (i)--

(I) in the case of a covered unit described in paragraph (2)(A), to less than 35 percent of the amount of rental charges deposited in the Account from the covered unit in a fiscal year; or

(II) in the case of any other covered unit, to less than 50 percent of the amount of rental charges deposited in the Account from the covered unit in a fiscal year.

(C) TRANSFER TO OTHER COVERED UNITS-

(i) DISTRIBUTION- If the Secretary determines that the percentage of amounts otherwise available to a covered unit under subparagraph (A) should be reduced under subparagraph (B), the Secretary may transfer to other covered units, for allocation in accordance with clause (ii), the percentage of the amounts withheld from the covered unit under subparagraph (B), to be expended by the other covered units in accordance with paragraph (5).

(ii) CRITERIA- In determining the allocation of amounts to be transferred under clause (i) among other covered units, the Secretary shall consider--

(I) the number of proposals for ski area improvements in the other covered units;

(II) any backlog in ski area permit administration or the processing of ski area proposals in the other covered units; and

(III) any need for services, training, or staffing in the other covered units that would improve the administration of the Forest Service Ski Area Program.

(5) AUTHORIZED EXPENDITURES-

(A) IN GENERAL- Amounts distributed from the Account to a covered unit under this subsection may be used for--

(i) ski area special use permit administration and processing of proposals for ski area improvement projects in the covered unit, including--

(I) upgrades to, or the replacement or installation of, passenger ropeways, including tramways, funiculars, chair lifts, conveyors, and tows;

(II) snowmaking improvements and new or upgraded water facilities;

(III) projects relating to buildings, structures, or other facilities owned by the ski area on National Forest System land;

(IV) trail, service road, or terrain change projects;

(V) additional seasonal or year-round recreational activities and associated facilities and trails in the covered unit, including activities carried out under section 3(c) of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b(c));

(VI) ski area employee housing constructed on the permit area or on nearby National Forest System land;

(VII) land exchanges relating to the ski area, in accordance with Federal laws (including regulations); and

(VIII) any other improvements or facilities to enhance or increase ski area recreational opportunities;

(ii) training programs on processing ski area applications and administering ski area permits; and

(iii) interpretation activities, visitor information, visitor services, and signage in the covered unit to enhance--

(I) the ski area visitor experience on National Forest System land; and

(II) avalanche information and education activities carried out by the Forest Service.

(B) LIMITATION- Amounts in the Account may not be used for--

(i) the conduct of wildfire suppression or preparedness activities;

(ii) the conduct of biological monitoring on National Forest System land under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for listed species or candidate species, except as required by law for environmental review of ski area projects;

(iii) the acquisition of land for inclusion in the National Forest System; or

(iv) Forest Service administrative sites.

(6) SAVINGS PROVISIONS-

(A) IN GENERAL- Nothing in this subsection affects the applicability of section 7 of the Act of April 24, 1950 (commonly known as the 'Granger-Thye Act') (16 U.S.C. 580d), to ski areas on National Forest System land.

(B) REVENUE ALLOCATION PAYMENTS- Rental charges deposited in the Account under paragraph (2) shall be considered to be amounts received from the National Forest System for purposes of calculating amounts to be paid under--

(i) the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7101 et seq.);

(ii) the sixth paragraph under the heading "forest service" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500); and

(iii) chapter 69 of title 31, United States Code.

(C) SUPPLEMENTAL FUNDING- Rental charges retained and expended under this subsection shall supplement (and not supplant) appropriated funding for the operation and maintenance of each covered unit.