

116TH CONGRESS
1ST SESSION

S. _____

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

Mr. HEINRICH (for himself and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on

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) ASSOCIATED AGENCY.—The term “associ-
9 ated agency” means the Federal land management
10 agency, other than the lead agency, that manages a

1 public land unit that is the subject of a single joint
2 special recreation permit under section 7(a).

3 (2) FEDERAL LAND MANAGEMENT AGENCY.—

4 The term “Federal land management agency” has
5 the meaning given the term in section 802 of the
6 Federal Lands Recreation Enhancement Act (16
7 U.S.C. 6801).

8 (3) LEAD AGENCY.—With respect to a single

9 joint special recreation permit application submitted
10 under section 7(a), the term “lead agency” means
11 the Federal land management agency designated to
12 administer the single joint special recreation permit
13 under section 7(a)(2).

14 (4) LONG-TERM SPECIAL RECREATION PER-
15 MIT.—The term “long-term special recreation per-
16 mit” means—

17 (A) for a public land unit managed by the
18 Forest Service, a priority use permit; and

19 (B) for a public land unit managed by the
20 Bureau of Land Management, a multiyear spe-
21 cial recreation permit.

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

24 (A) uses 2 or more public land units; and

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

3 (6) PUBLIC LAND UNIT.—The term “public
4 land unit” means—

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

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

7 (C) a unit of the National Wildlife Refuge
8 System;

9 (D) a district of the Bureau of Land Man-
10 agement; and

11 (E) a project of the Bureau of Reclama-
12 tion.

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

15 (A) the Secretary of Agriculture, with re-
16 spect to a public land unit described in para-
17 graph (6)(A); and

18 (B) the Secretary of the Interior, with re-
19 spect to a public land unit described in sub-
20 paragraph (B), (C), (D), or (E) of paragraph
21 (6).

22 (8) SPECIAL RECREATION PERMIT.—The term
23 “special recreation permit” has the meaning given
24 the term in section 802 of the Federal Lands Recre-
25 ation Enhancement Act (16 U.S.C. 6801).

1 **SEC. 3. SPECIAL RECREATION PERMIT AND FEE.**

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

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

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

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

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

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

15 (6) in paragraph (13), by striking “section
16 3(h)” and inserting “section 803(h)”;

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

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

24 “(9) RECREATION SERVICE PROVIDER.—The
25 term ‘recreation service provider’ means an indi-
26 vidual or entity that—

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

3 “(B) conducts recreational or competitive
4 events, including incidental sales.”; and

5 (9) by inserting after paragraph (12) the fol-
6 lowing:

7 “(13) SPECIAL RECREATION PERMIT.—The
8 term ‘special recreation permit’ means—

9 “(A) with respect to the Forest Service, an
10 outfitting and guiding special use permit;

11 “(B) with respect to the National Park
12 Service, a commercial use authorization for out-
13 fitting and guiding issued under—

14 “(i) this Act; or

15 “(ii) section 101925 of title 54,
16 United States Code;

17 “(C) with respect to the United States
18 Fish and Wildlife Service, a special use permit
19 for recreational, sport fishing, or hunting outfit-
20 ting and guiding;

21 “(D) with respect to the Bureau of Land
22 Management, a special recreation permit for
23 commercial outfitting and guiding; and

1 “(2) SPECIAL RECREATION PERMIT FEE.—

2 “(A) IN GENERAL.—The Secretary may
3 charge a special recreation permit fee in con-
4 nection with the issuance of a special recreation
5 permit under paragraph (1).

6 “(B) FEES FOR CERTAIN LANDS.—

7 “(i) IN GENERAL.—Subject to clauses
8 (ii) and (iii), a special recreation permit fee
9 under subparagraph (A) for use of Federal
10 recreational lands and waters managed by
11 the Forest Service, the Bureau of Land
12 Management, the Bureau of Reclamation,
13 or the United States Fish and Wildlife
14 Service shall not exceed the difference be-
15 tween—

16 “(I) the sum of—

17 “(aa) 3 percent of the an-
18 nual gross revenue of the recre-
19 ation service provider for all ac-
20 tivities authorized by the special
21 recreation permit; and

22 “(bb) any applicable revenue
23 addition; and

24 “(II) any applicable revenue ex-
25 clusion.

1 reau of Land Management, the Bu-
2 reau of Reclamation, or the United
3 States Fish and Wildlife Service, the
4 Secretary may charge a per-person fee
5 in connection with the issuance of a
6 special recreation permit under para-
7 graph (1).

8 “(II) AMOUNT OF FEE.—The
9 total amount charged by the Secretary
10 in connection with the issuance of a
11 special recreation permit under para-
12 graph (1) using a per-person fee
13 under subclause (I) shall be com-
14 parable to the amount the Secretary
15 may charge for a special recreation
16 permit fee under subparagraph (A)
17 and clauses (i) and (ii).

18 “(iv) EFFECT.—Nothing in this sub-
19 paragraph affects any fee for a commercial
20 use authorization for use of Federal rec-
21 reational lands and waters managed by the
22 National Park Service.

23 “(C) DISCLOSURE OF FEES.—A special
24 recreation permit holder may inform customers

1 of any fee charged by the Secretary under this
2 section.

3 “(3) REPORTS.—

4 “(A) IN GENERAL.—The Secretary shall
5 make available to holders of special recreation
6 permits under paragraph (1) and the public an
7 annual report describing the use of fees col-
8 lected by the Secretary under paragraph (2).

9 “(B) REQUIREMENTS.—The report under
10 subparagraph (A) shall include a description of
11 how the fees are used in each public land unit
12 (as defined in section 2 of the SOAR Act) ad-
13 ministered by the Secretary, including an iden-
14 tification of the amounts used for specific ac-
15 tivities within the public land unit.”.

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

19 (1) in subsection (a)(3)(F), by striking “section
20 6(a)” and inserting “section 806(a)”;

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

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

1 (4) by inserting after subsection (a) the fol-
2 lowing:

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

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

8 “(2) expenses—

9 “(A) associated with processing applica-
10 tions for special recreation permits; and

11 “(B) incurred in the improvement of the
12 operation of the special recreation permit sys-
13 tem.”.

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

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

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

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

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

24 “(1) section 802;

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

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

2 **SEC. 4. PERMITTING PROCESS IMPROVEMENTS.**

3 (a) IN GENERAL.—To simplify the process of the
4 issuance and renewal of special recreation permits and re-
5 duce the cost of administering special recreation permits,
6 the Secretary concerned shall—

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

9 (A) evaluate the special recreation permit-
10 ting process; and

11 (B) identify opportunities—

12 (i) to eliminate duplicative processes;

13 (ii) to reduce costs; and

14 (iii) to decrease processing times; and

15 (2) not later than 180 days after the date on
16 which the Secretary concerned completes the evalua-
17 tion and identification processes under paragraph
18 (1), revise, as necessary, relevant agency regulations
19 and policy statements to implement the improve-
20 ments identified under paragraph (1)(B).

21 (b) ENVIRONMENTAL REVIEWS.—

22 (1) IN GENERAL.—In issuing or renewing a
23 special recreation permit, the Secretary concerned
24 may, in compliance with the National Environmental
25 Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

1 (A) use a programmatic environmental re-
2 view; and

3 (B) adopt or incorporate material from a
4 previous environmental impact statement or en-
5 vironmental assessment.

6 (2) RULEMAKING.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary con-
8 cerned shall promulgate such regulations as are nec-
9 essary to carry out this subsection.

10 (c) CATEGORICAL EXCLUSIONS.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary con-
13 cerned shall—

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

22 (B) if the Secretary concerned determines
23 under subparagraph (A) that 1 or more addi-
24 tional categorical exclusions would reduce proc-
25 essing times or costs for the issuance or re-

1 newal of special recreation permits without sig-
2 nificantly affecting the human environment—

3 (i) establish those categorical exclu-
4 sions in compliance with the National En-
5 vironmental Policy Act of 1969 (42 U.S.C.
6 4321 et seq.); and

7 (ii) revise relevant agency regulations
8 and policy statements to implement those
9 categorical exclusions.

10 (2) ADMINISTRATION.—

11 (A) IN GENERAL.—In administering a cat-
12 egorical exclusion established under paragraph
13 (1)(B), the Secretary concerned shall comply
14 with the National Environmental Policy Act of
15 1969 (42 U.S.C. 4321 et seq.) (including regu-
16 lations promulgated pursuant to that Act).

17 (B) EXTRAORDINARY CIRCUMSTANCES.—
18 In determining whether to use a categorical ex-
19 clusion established under paragraph (1)(B), the
20 Secretary concerned shall apply the extraor-
21 dinary circumstances procedures described in—

22 (i) section 1508.4 of title 40, Code of
23 Federal Regulations (or a successor regula-
24 tion); and

25 (ii) as applicable—

1 (I) section 220.6 of title 36, Code
2 of Federal Regulations (or a successor
3 regulation); and

4 (II) section 46.215 of title 43,
5 Code of Federal Regulations (or a
6 successor regulation);

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

13 (e) ONLINE APPLICATIONS.—The Secretary con-
14 cerned shall make applications for special recreation per-
15 mits available to be completed and submitted online unless
16 the Secretary concerned determines that making applica-
17 tions for special recreation permits available to be com-
18 pleted and submitted online would not improve the effi-
19 ciency or accessibility of the permitting process.

20 **SEC. 5. PERMIT FLEXIBILITY.**

21 (a) SIMILAR ACTIVITIES.—The Secretary concerned
22 shall establish a permit administration protocol that au-
23 thorizes, to the maximum extent practicable, a permittee
24 issued a special recreation permit for a public land unit
25 under section 803(h) of the Federal Lands Recreation En-

1 hancement Act (16 U.S.C. 6802(h)) to engage in a rec-
2 reational activity that is substantially similar to the spe-
3 cific activity authorized under the special recreation per-
4 mit, if the substantially similar recreational activity—

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

8 (2) does not result in a greater impact on nat-
9 ural and cultural resources than the authorized ac-
10 tivity; and

11 (3) does not adversely affect any other per-
12 mittee issued a special recreation permit for a public
13 land unit under that subsection.

14 (b) VOLUNTARY RETURN OF SURPLUS SERVICE
15 DAYS.—The Secretary concerned shall establish a pro-
16 gram to allow a permittee issued a special recreation per-
17 mit for a public land unit to voluntarily and temporarily
18 return to the Secretary concerned 1 or more surplus serv-
19 ice days, to be made available to any other existing or po-
20 tential permittee.

21 (c) FOREST SERVICE AND BUREAU OF LAND MAN-
22 AGEMENT TEMPORARY SPECIAL RECREATION PER-
23 MITS.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, the Sec-

1 retary concerned shall establish and implement a
2 program to authorize the issuance of temporary spe-
3 cial recreation permits for new or additional rec-
4 reational uses of Federal recreational land and water
5 managed by the Forest Service and the Bureau of
6 Land Management.

7 (2) TERM OF TEMPORARY PERMITS.—A tem-
8 porary special recreation permit issued under para-
9 graph (1) shall be issued for a period of not more
10 than 2 years.

11 (3) CONVERSION TO LONG-TERM PERMIT.—If
12 the Secretary concerned determines that a permittee
13 under paragraph (1) has completed 2 years of satis-
14 factory operation under the permit proposed to be
15 converted, the Secretary may provide for the conver-
16 sion of a temporary special recreation permit issued
17 under paragraph (1) to a long-term special recre-
18 ation permit.

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

24 **SEC. 6. PERMIT ADMINISTRATION.**

25 (a) PERMIT AVAILABILITY.—

1 (1) NOTIFICATION OF PERMIT AVAILABILITY.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraphs (B) and (C), if the Secretary
4 concerned has determined that the Department
5 of Agriculture or the Department of the Inte-
6 rior, as applicable, is able to issue new special
7 recreation permits to recreation service pro-
8 viders seeking to use a public land unit, the
9 Secretary concerned shall publish that informa-
10 tion on the website of the agency that admin-
11 isters the relevant public land unit.

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

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

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

23 (ii) a new special recreation permit
24 issued to the purchaser of a recreation

1 service provider that is the holder of an ex-
2 isting special recreation permit.

3 (D) EFFECT.—Nothing in this paragraph
4 creates a prerequisite to the issuance of a spe-
5 cial recreation permit or otherwise limits the
6 authority of the Secretary concerned—

7 (i) to issue a new special recreation
8 permit; or

9 (ii) to add a new or additional use to
10 an existing special recreation permit.

11 (2) UPDATES.—The Secretary concerned shall
12 ensure that information published on the website
13 under this subsection is consistently updated to pro-
14 vide current and correct information to the public.

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

17 (A) establish a system by which potential
18 special recreation permit applicants may sub-
19 scribe to receive notification of the availability
20 of special recreation permits by electronic mail;
21 and

22 (B) direct employees of the Department of
23 Agriculture or the Department of the Interior,
24 as applicable, to use that system to notify the

1 public of the availability of special recreation
2 permits.

3 (b) PERMIT APPLICATION ACKNOWLEDGMENT.—Not
4 later than 60 days after the date on which the Secretary
5 concerned receives an application for a special recreation
6 permit for a public land unit, the Secretary concerned
7 shall—

8 (1) provide to the applicant notice acknowl-
9 edging receipt of the application; and

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

12 (B) provide to the applicant notice of a pro-
13 jected date for a final decision on the application.

14 **SEC. 7. PERMITS FOR MULTIJURISDICTIONAL TRIPS.**

15 (a) SINGLE JOINT SPECIAL RECREATION PER-
16 MITS.—

17 (1) IN GENERAL.—In the case of a multijuris-
18 dictional trip, the Federal land management agen-
19 cies with jurisdiction over the multijurisdictional trip
20 may offer to the applicant a single joint special
21 recreation permit that authorizes the use of each
22 public land unit under the jurisdiction of those Fed-
23 eral land management agencies.

24 (2) LEAD AGENCY.—In offering a single joint
25 special recreation permit under paragraph (1), the

1 applicable Federal land management agencies shall
2 designate a lead agency for administering the single
3 joint special recreation permit based on the following
4 considerations:

5 (A) The length of the multijurisdictional
6 trip and the relative portions of the multijuris-
7 dictional trip on each public land unit.

8 (B) The congressional or administrative
9 designations that apply to the areas to be used
10 during the multijurisdictional trip and the de-
11 gree to which those designations impose limita-
12 tions on recreational use.

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

18 (D) Other relevant administrative consider-
19 ations.

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

24 (4) OPTION TO APPLY FOR SEPARATE PER-
25 MITS.—An applicant for a special recreation permit

1 for a multijurisdictional trip may apply to each ap-
2 plicable Federal land management agency for a sep-
3 arate permit for the portion of the multijuris-
4 dictional trip on the public land unit managed by
5 each applicable Federal land management agency.

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

9 (1) coordinate with each associated agency, con-
10 sistent with the authority of the Secretary concerned
11 under section 330 of the Department of the Interior
12 and Related Agencies Appropriations Act, 2001 (43
13 U.S.C. 1703), to develop and issue 1 joint permit
14 that covers the entirety of the multijurisdictional
15 trip;

16 (2) in processing the joint special recreation
17 permit application, incorporate the findings, inter-
18 ests, and needs of the associated agency;

19 (3) in issuing the joint special recreation per-
20 mit, clearly identify the agencies that have the au-
21 thority to enforce the terms, stipulations, conditions
22 and agreements of the joint special recreation per-
23 mit, as determined under subsection (d); and

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

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

4 (d) ENFORCEMENT AUTHORITY.—

5 (1) DELEGATION OF AUTHORITY TO LEAD
6 AGENCY.—In administering a single joint special
7 recreation permit under subsection (a), the associ-
8 ated agency shall delegate to the lead agency the au-
9 thority—

10 (A) to enforce the terms, stipulations, con-
11 ditions, and agreements of the joint special
12 recreation permit, as may be required by the
13 regulations of the Secretary of the associated
14 agency; and

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

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

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

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

1 (2) RETENTION OF AUTHORITY BY THE ASSOCI-
2 ATED AGENCY.—The associated agency shall retain
3 the authority to enforce the terms, stipulations, con-
4 ditions, and agreements in the joint special recre-
5 ation permit that apply specifically to the use occur-
6 ring on the public land unit managed by the associ-
7 ated agency.

8 (e) WITHDRAWAL.—

9 (1) IN GENERAL.—The lead agency or an asso-
10 ciated agency may withdraw from a joint special
11 recreation permit at any time.

12 (2) ISSUANCE OF SEPARATE PERMITS.—

13 (A) IN GENERAL.—In the case of a with-
14 drawal by 1 or more agencies under paragraph
15 (1), if the holder of the joint special recreation
16 permit is in compliance with the requirements
17 of the joint special recreation permit, the lead
18 agency and each associated agency shall issue
19 to the holder of the joint special recreation per-
20 mit a new, separate special recreation permit
21 for any use occurring on the public land unit
22 managed by the agency.

23 (B) REQUIREMENTS.—A special recreation
24 permit issued under subparagraph (A) shall
25 contain the same or substantially similar terms,

1 conditions, and operating stipulations as the
2 joint special recreation permit from which an
3 agency has withdrawn under paragraph (1).

4 (C) NO NEW APPLICATION.—The holder of
5 a joint special recreation permit from which an
6 agency has withdrawn under paragraph (1)
7 shall not be required to submit a new applica-
8 tion for a separate special recreation permit
9 under subparagraph (A).

10 **SEC. 8. FOREST SERVICE PERMIT USE REVIEWS.**

11 (a) IN GENERAL.—If the Secretary of Agriculture
12 (referred to in this section as the “Secretary”) conducts
13 a special recreation permit use review in renewing a spe-
14 cial recreation permit or adjusting allocations of use in
15 a special recreation permit, the Secretary shall—

16 (1) take into consideration the performance of
17 the special recreation permit holder during the re-
18 viewed period; and

19 (2) if the special recreation permit holder re-
20 ceives a satisfactory performance review, allocate to
21 the special recreation permit holder the highest level
22 of actual annual use during the period under review
23 plus 25 percent of that use, not to exceed the level
24 allocated to the special recreation permit holder on

1 the date on which the special recreation permit was
2 issued.

3 (b) ADDITIONAL CAPACITY.—

4 (1) IN GENERAL.—If additional use capacity is
5 available, the Secretary may, at any time, assign the
6 remaining use to 1 or more qualified recreation serv-
7 ice providers.

8 (2) ASSIGNMENT NOT SUBJECT TO CAP ON
9 USE.—Notwithstanding subsection (a), in assigning
10 additional use capacity under paragraph (1), the
11 Secretary may assign additional use capacity to an
12 existing special recreation permit holder even if that
13 assignment would exceed the amount of use allo-
14 cated to the special recreation permit holder on the
15 date on which the special recreation permit was
16 issued.

17 (c) WAIVER.—The Secretary may waive a special
18 recreation permit use review for any period during which
19 use of the assigned capacity has been prevented by a cir-
20 cumstance beyond the control of the special recreation per-
21 mit holder, such as—

22 (1) unfavorable weather;

23 (2) fire;

24 (3) natural disaster;

25 (4) wildlife displacement;

1 (5) business interruption;

2 (6) insufficient availability of hunting and fish-
3 ing licenses; or

4 (7) significant seasonal variability or off-peak
5 periods within the allocated period of use.

6 (d) APPROVAL OF NON-USE.—

7 (1) IN GENERAL.—In any circumstance for
8 which the holder of a special recreation permit would
9 qualify for a waiver under subsection (c), on request
10 of the holder of the special recreation permit, the
11 Secretary may approve non-use by the holder of the
12 special recreation permit without reducing the num-
13 ber of service days assigned to the special recreation
14 permit.

15 (2) REALLOCATION OF USE.—The Secretary
16 may assign any period of non-use approved under
17 paragraph (1) to another qualified recreation service
18 provider.

19 **SEC. 9. LIABILITY.**

20 (a) IN GENERAL.—To the extent authorized by appli-
21 cable State law, the Secretary concerned shall authorize
22 a permittee issued a special recreation permit for a public
23 land unit under section 803(h) of the Federal Lands
24 Recreation Enhancement Act (16 U.S.C. 6802(h)) to re-
25 quire a client of the permittee to sign a form that—

1 (1) releases the permittee and any agents, em-
2 ployees, and other persons affiliated with the per-
3 mittee from liability for ordinary negligence that
4 arises out of or in connection with the authorized ac-
5 tivities of the permittee;

6 (2) requires the client to indemnify and hold
7 harmless the permittee and any agents, employees,
8 and other persons affiliated with the permittee for
9 any injury or damages the permittee may sustain as
10 a result of any claim other than gross negligence
11 that is caused by or arises out of or in connection
12 with the involvement of the client in the authorized
13 activities of the permittee;

14 (3) releases the United States and any agents,
15 employees, and contractors of the United States
16 from liability for ordinary negligence that arises out
17 of or in connection with the authorized activities of
18 the permittee; and

19 (4) requires the client to indemnify and hold
20 harmless the United States and any agents, employ-
21 ees, and contractors of the United States for any in-
22 jury or damages the United States or any agents,
23 employees, and contractors of the United States may
24 sustain as a result of any claim other than gross
25 negligence that is caused by or arises out of or in

1 connection with the involvement of the client in the
2 authorized activities of the permittee.

3 (b) REQUIREMENTS.—A form under subsection (a)—

4 (1) shall not preclude claims of gross negligence
5 against the permittee;

6 (2) shall not eliminate the obligation of the per-
7 mittee to indemnify the United States unless the
8 permittee is a recreation service provider that meets
9 the requirements of paragraphs (1) and (2) of sub-
10 section (c);

11 (3) shall not affect the ability of the United
12 States to recover as an additional insured under any
13 insurance policy obtained by the permittee in con-
14 nection with the authorized activities of the per-
15 mittee;

16 (4) shall identify the State under the laws of
17 which—

18 (A) the form, including any waiver or re-
19 lease, shall be enforced; and

20 (B) any claim or cause of action, whether
21 in tort or in contract, relating to or arising out
22 of the form shall be governed; and

23 (5) may be subject to review and approval by
24 the Secretary concerned to ensure that the require-
25 ments of this subsection and subsection (a) are met.

1 (c) INDEMNIFICATION BY GOVERNMENT ENTITIES.—

2 The Secretary concerned may not require a recreation
3 service provider to indemnify the United States as a condi-
4 tion for issuing a special recreation permit for a public
5 land unit under this Act if—

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

9 (2) the recreation service provider—

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

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

15 **SEC. 10. COST RECOVERY REFORM.**

16 (a) REVISION OF REGULATIONS.—

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

24 (2) LIMITATION.—In carrying out paragraph
25 (1), the Secretary of Agriculture and the Secretary

1 of the Interior shall not include anything in the re-
2 vised regulations that would limit the authority of
3 the Secretary concerned to issue or renew special
4 recreation permits.

5 (b) DE MINIMIS EXEMPTION FROM COST RECOV-
6 ERY.—

7 (1) IN GENERAL.—Any regulation promulgated
8 by the Secretary of the Interior or the Secretary of
9 Agriculture to establish fees to recover the costs of
10 processing an application for a special recreation
11 permit or monitoring an authorization under a spe-
12 cial recreation permit shall include an exemption
13 providing that fees may not be recovered for not less
14 than the first 50 hours of work necessary in any 1
15 year to process the application or monitor the au-
16 thorization.

17 (2) MULTIPLE APPLICATIONS.—In situations
18 involving multiple applications for special recreation
19 permits for similar services in the same public land
20 unit or area that, in the aggregate, require more
21 hours to process than are exempt under the regula-
22 tions promulgated under paragraph (1), the Sec-
23 retary of the Interior or the Secretary of Agri-
24 culture, as applicable, shall, regardless of whether

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

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

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

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

16 **SEC. 11. EXTENSION OF SPECIAL RECREATION PERMITS.**

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

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

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