

118TH CONGRESS
2D SESSION

S. _____

To enhance the preservation, maintenance, and management of national historic trails and national scenic trails, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KAINE (for himself and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To enhance the preservation, maintenance, and management of national historic trails and national scenic trails, 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 “Appalachian Trail Cen-
5 tennial Act”.

6 **SEC. 2. CONGRESSIONAL DECLARATION OF POLICY.**

7 Congress declares that—

8 (1) the large landscape conservation work relat-
9 ing to national historic trails and national scenic

1 trails is built on partnership, collaboration, and com-
2 munity engagement;

3 (2) national historic trails and national scenic
4 trails—

5 (A) are landscape conservation tools; and

6 (B) are federally designated areas, but
7 may include portions of non-Federal land under
8 the National Trails System Act (16 U.S.C.
9 1241 et seq.);

10 (3) national historic trails and national scenic
11 trails are intended to be developed and protected
12 over time, collaboratively and cooperatively, to fur-
13 ther the purposes of the National Trails System Act
14 (16 U.S.C. 1241 et seq.);

15 (4) the Appalachian National Scenic Trail, 1 of
16 the first 2 components of the National Trails Sys-
17 tem—

18 (A) is a realm of natural, scenic, historical,
19 and cultural wonder available to all; and

20 (B) is a model for cooperative stewardship
21 (historically known as “cooperative manage-
22 ment”) in the National Trails System;

23 (5) the centennial of the Appalachian National
24 Scenic Trail in 2025 is an opportunity to strengthen
25 the precepts of the cooperative management model—

1 (A) pioneered on the Appalachian National
2 Scenic Trail; and

3 (B) to be replicated as appropriate
4 throughout the National Trails System;

5 (6) the development of the Appalachian Na-
6 tional Scenic Trail is in large part due to the efforts
7 of volunteer organizations (commonly referred to as
8 “Appalachian Trail Maintaining Clubs”) that—

9 (A) directly or through subdivisions or sub-
10 sidiary organizations, have coordinated the par-
11 ticipation of tens of thousands of volunteers for
12 the planning, construction, development, and
13 stewardship of the Appalachian National Scenic
14 Trail, which inspired the establishment of the
15 National Trails System; and

16 (B) are the expert, dispersed corps of vol-
17 unteers who provide much of the day-to-day co-
18 operative operation of the Appalachian National
19 Scenic Trail;

20 (7) there are inherently governmental functions
21 referred to in the National Trails System Act (16
22 U.S.C. 1241 et seq.) relating to administration of
23 national historic trails and national scenic trails,
24 which is distinct from management and operation of
25 those trails;

1 (8) the Federal Government is responsible for
2 administration and, where the United States is the
3 landowner, management of national historic trails
4 and national scenic trails cooperatively stewarded
5 under this Act, while sharing, to the extent the Sec-
6 retary concerned determines to be practicable, oper-
7 ational responsibilities for those trails with Des-
8 ignated Operational Partners and other cooperating
9 individuals and entities pursuant to cooperative
10 agreements;

11 (9) operation of a national historic trail or na-
12 tional scenic trail does not require land management
13 authority over the land on which the national his-
14 toric trail or national scenic trail is located; and

15 (10) it is the policy of the Federal Government
16 that national historic trails and national scenic
17 trails—

18 (A) are conservation units managed and
19 operated in partnership with State and non-
20 governmental entities; and

21 (B) while administered by Federal agen-
22 cies, are intended to be cooperatively developed
23 with non-Federal governmental and nongovern-
24 mental partners.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATION.—The term “administra-
4 tion”, with respect to a covered trail, means the
5 roles and responsibilities that—

6 (A) are charged to the Secretary con-
7 cerned, as described in section 7(a) of the Na-
8 tional Trails System Act (16 U.S.C. 1246(a)),
9 with respect to the covered trail; and

10 (B) may not be shared with any other indi-
11 vidual or entity.

12 (2) COMPREHENSIVE PLAN.—The term “com-
13 prehensive plan” means a comprehensive plan for a
14 covered trail submitted under subsection (e) or (f) of
15 section 5 of the National Trails System Act (16
16 U.S.C. 1244).

17 (3) COOPERATIVE MANAGEMENT.—The term
18 “cooperative management”, with respect to a cov-
19 ered trail, means the negotiated division of roles and
20 responsibilities relating to the stewardship and devel-
21 opment of the covered trail that are—

22 (A) permissible under law; and

23 (B) within the categories of—

24 (i) administration;

25 (ii) management; and

26 (iii) operation.

1 (4) COOPERATIVE MANAGEMENT SYSTEM.—The
2 term “cooperative management system”, with re-
3 spect to a covered trail, means the negotiated man-
4 agement structure for cooperative management of
5 the covered trail, including—

6 (A) Federal and State trust resource man-
7 agers;

8 (B) Tribal governments;

9 (C) nongovernmental organizations; and

10 (D) volunteers organized by entities de-
11 scribed in subparagraphs (A) through (C).

12 (5) COVERED TRAIL.—The term “covered trail”
13 means a national historic trail or national scenic
14 trail designated by section 5(a) of the National
15 Trails System Act (16 U.S.C. 1244(a)).

16 (6) DESIGNATED OPERATIONAL PARTNER.—
17 The term “Designated Operational Partner”, with
18 respect to a covered trail, means the entity des-
19 igned for the covered trail under paragraph (1) or
20 (2) of section 4(a).

21 (7) GATEWAY COMMUNITY.—The term “gate-
22 way community” means a municipality or unincor-
23 porated settlement in the vicinity of a covered trail.

24 (8) MANAGEMENT.—The term “management”,
25 with respect to a covered trail, means the roles as

1 responsibilities under applicable law of the owner of
2 the land, or any interest in land, on which the cov-
3 ered trail is located with respect to the covered trail.

4 (9) OPERATION.—

5 (A) IN GENERAL.—The term “operation”,
6 with respect to a covered trail, means any activ-
7 ity permissible under law that—

8 (i) is carried out on land on which the
9 covered trail is located pursuant to a coop-
10 erative agreement;

11 (ii) is not an activity of administra-
12 tion; and

13 (iii) does not infringe on any manage-
14 ment or ownership authority of the appli-
15 cable land manager, if the land manager is
16 not the individual or entity carrying out
17 the activity.

18 (B) INCLUSIONS.—The term “operation”
19 includes—

20 (i) acquisition of land for a covered
21 trail;

22 (ii) construction and maintenance of a
23 facility or other improvement on, across, or
24 along a covered trail;

1 (iii) the provision of services for a cov-
2 ered trail;

3 (iv) conceptual development of a cov-
4 ered trail;

5 (v) maintenance of the treadway of a
6 covered trail;

7 (vi) conducting a research project re-
8 lating to a covered trail;

9 (vii) the provision to volunteers of
10 education and training relating to methods
11 of planning for, construction of, and main-
12 tenance of a covered trail; and

13 (viii) the stewardship of natural, cul-
14 tural, or other resources associated with a
15 covered trail.

16 (10) PROPOSED PRIORITY LIST.—The term
17 “proposed priority list” means a proposed priority
18 list for a covered trail developed under section
19 4(f)(1).

20 (11) SECRETARY.—The term “Secretary”
21 means the Secretary of the Interior.

22 (12) SECRETARY CONCERNED.—The term
23 “Secretary concerned” means—

24 (A) the Secretary, with respect to a cov-
25 ered trail administered by the Secretary; and

1 (B) the Secretary of Agriculture, with re-
2 spect to a covered trail administered by the
3 Secretary of Agriculture.

4 (13) VOLUNTEER ORGANIZATION.—The term
5 “volunteer organization” means an entity that co-
6 ordinales the participation of individuals in the oper-
7 ation of a covered trail, whether directly or through
8 a subdivision or subsidiary organization.

9 **SEC. 4. ESTABLISHING DESIGNATED OPERATIONAL PART-**
10 **NERS FOR NATIONAL HISTORIC TRAILS AND**
11 **NATIONAL SCENIC TRAILS.**

12 (a) DESIGNATION.—

13 (1) APPALACHIAN TRAIL CONSERVANCY.—Not
14 later than 1 year after the date of enactment of this
15 Act, the Secretary concerned shall designate the Ap-
16 palachian Trail Conservancy as the Designated
17 Operational Partner for the Appalachian National
18 Scenic Trail.

19 (2) ADDITIONAL DESIGNATIONS.—

20 (A) IN GENERAL.—In addition to the des-
21 ignation under paragraph (1), the Secretary
22 concerned may designate an eligible entity de-
23 scribed in subparagraph (B) to serve as the
24 Designated Operational Partner for any other
25 covered trail.

1 (B) DESCRIPTION OF ELIGIBLE ENTI-
2 TIES.—An eligible entity referred to in subpara-
3 graph (A) is an organization, institution, cor-
4 poration, or other entity that, as determined by
5 the Secretary concerned—

6 (i) is described in section 501(c) of
7 the Internal Revenue Code of 1986 and ex-
8 empt from tax under section 501(a) of that
9 Code;

10 (ii) has demonstrated experience in
11 the operation, maintenance, and preserva-
12 tion of the resources of the covered trail,
13 regardless of whether the experience was
14 before or after the designation of the cov-
15 ered trail under the National Trails Sys-
16 tem Act (16 U.S.C. 1241 et seq.);

17 (iii) has a plan for providing, facili-
18 tating, and coordinating the services of vol-
19 unteers to contribute to the stewardship of
20 the covered trail;

21 (iv) has a record, including through a
22 predecessor organization, of engagement
23 with the establishment, management,
24 maintenance, or operation of the covered
25 trail;

1 (v) adheres to reasonable financial,
2 accounting, and risk management prac-
3 tices;

4 (vi) adheres to applicable require-
5 ments of Federal agreements, grants, and
6 contracts; and

7 (vii) would not supplant a volunteer
8 organization already serving a substantial
9 operational role trail-wide or across a sig-
10 nificant portion of the covered trail unless
11 the Secretary concerned has determined
12 that the lead management partner has
13 failed to perform its responsibilities as
14 agreed to or assigned under a management
15 agreement with respect to the covered trail.

16 (C) QUALIFICATIONS.—

17 (i) IN GENERAL.—An eligible entity
18 designated as a Designated Operational
19 Partner under subparagraph (A) shall be
20 considered to possess unique expertise,
21 location capacity, cost-sharing ability, or
22 other unique qualities relevant to the des-
23 ignation as a Designated Operational Part-
24 ner for the covered trail.

1 (ii) PRESENT-FUNDED ACTIVITY.—
2 Designation of a Designated Operational
3 Partner for a covered trail shall be consid-
4 ered to be a continuation or completion of
5 a present-funded activity.

6 (3) RESCISSION.—The Secretary concerned
7 may rescind the designation of an eligible entity as
8 a Designated Operational Partner under paragraph
9 (2) if the Secretary concerned determines that the
10 eligible entity has ceased to meet 1 or more of the
11 criteria described in subparagraph (B) of that para-
12 graph.

13 (b) COOPERATION IN OPERATION.—

14 (1) IN GENERAL.—The Secretary concerned
15 may, subject to such terms and conditions as the
16 Secretary concerned considers to be appropriate,
17 enter into a cooperative agreement with a Des-
18 ignated Operational Partner for a covered trail to
19 provide for the operation of the covered trail.

20 (2) REQUIREMENTS AND AUTHORITIES.—A co-
21 operative agreement under paragraph (1)—

22 (A) shall be for a term of not more than
23 20 years;

24 (B) shall be for the purpose of facilitating
25 the effective and efficient operation of the appli-

1 cable covered trail under the cooperative man-
2 agement system of the covered trail; and

3 (C) may allow for sharing of responsibil-
4 ities between the Designated Operational Part-
5 ner and other entities.

6 (3) AUTHORIZED ACTIVITIES.—Notwith-
7 standing any other provision of law, the Secretary
8 concerned may, through a cooperative agreement
9 under paragraph (1)—

10 (A) provide financial assistance to the Des-
11 ignated Operational Partner for the purpose of
12 carrying out cooperative management activities,
13 in accordance with section 7 or 11 of the Na-
14 tional Trails System Act (16 U.S.C. 1246,
15 1250), for the purpose of—

16 (i) providing stewardship for, pre-
17 serving, conserving, or restoring—

18 (I) the natural resources of the
19 covered trail;

20 (II) the historical and cultural re-
21 sources of the covered trail;

22 (III) the scenic resources of the
23 covered trail; or

24 (IV) the recreational resources of
25 the covered trail;

1 (ii) providing stewardship for, devel-
2 oping, constructing, or maintaining facili-
3 ties associated with the covered trail, in-
4 cluding maintaining the treadway of a cov-
5 ered trail;

6 (iii) developing, delivering, or acquir-
7 ing educational materials or public commu-
8 nications regarding the covered trail, in-
9 cluding maps and guides to facilitate use
10 of the covered trail; or

11 (iv) conducting activities to facilitate
12 appropriate usage of the covered trail;

13 (B) carry out cooperative management ac-
14 tivities for the covered trail; and

15 (C) provide goods or services to, or receive
16 funds, goods, or services from, a Designated
17 Operational Partner.

18 (4) SURPLUS PERSONAL PROPERTY.—Notwith-
19 standing sections 541 through 559 of title 40,
20 United States Code, a Federal agency may dispose
21 of surplus personal property by transferring the
22 property to a Designated Operational Partner, to be
23 used by the Designated Operational Partner for pur-
24 poses of carrying out a cooperative agreement under
25 paragraph (1), subject to the requirement that the

1 cooperative agreement shall prohibit the Designated
2 Operational Partner, or any subsidiary or subdivi-
3 sion of the Designated Operational Partner, from—

4 (A) using the transferred property for pur-
5 poses other than carrying out the duties and
6 authorities of the Designated Operational Part-
7 ner under the cooperative agreement; or

8 (B) transferring the transferred property
9 to a recipient that is not a part of the coopera-
10 tive management system of the covered trail.

11 (5) ADDITIONAL RESOURCES.—A Designated
12 Operational Partner may seek and accept funds,
13 property, or services from individuals, foundations,
14 corporations, and other private and public entities—

15 (A) to carry out a cooperative agreement
16 under paragraph (1); or

17 (B) for related purposes.

18 (6) COOPERATIVE AGREEMENT.—A cooperative
19 agreement under paragraph (1)—

20 (A) shall be considered to be a cooperative
21 agreement under chapter 63 of title 31, United
22 States Code; and

23 (B) in accordance with the assignment of
24 responsibilities for the administration, manage-
25 ment, and operation of the covered trail, may

1 be a multilateral agreement among the Des-
2 ignated Operational Partner, the Secretary, and
3 the Secretary of Agriculture, as applicable.

4 (c) PROACTIVE COOPERATIVE MANAGEMENT CON-
5 SULTATION.—The Secretary concerned shall proactively
6 engage Designated Operational Partners in considering
7 management actions that may affect efforts to fulfill the
8 nature and purposes of a covered trail, as described in the
9 comprehensive plan for the covered trail—

10 (1) to determine the overall potential impact of
11 the administration and management actions on the
12 covered trail;

13 (2) to develop alternatives or opportunities to
14 avoid or mitigate undesirable impacts of administra-
15 tion and management actions on the covered trail;
16 and

17 (3) to use trail information to develop plans
18 that achieve the desired management outcome for
19 the covered trail.

20 (d) PROTECTION OF PROPERTY RIGHTS.—

21 (1) IN GENERAL.—If the Designated Oper-
22 ational Partner for a covered trail becomes aware of
23 an allegation of trespass or other infringement or
24 violation of a property right held by the Federal
25 Government that adversely affects the identified cul-

1 tural, natural, scenic, recreational, or historical re-
2 sources of the covered trail, the Designated Oper-
3 ational Partner may submit to the Secretary con-
4 cerned and the United States Attorney for the Fed-
5 eral district court in which the alleged violation oc-
6 curred a written request—

7 (A) to investigate the allegation; and

8 (B) to enforce the rights of the United
9 States by preventing, reducing, mitigating, or
10 remediating the adverse effects of the alleged
11 violation.

12 (2) NOTICE.—

13 (A) IN GENERAL.—A request under para-
14 graph (1) shall include, to the maximum extent
15 practicable, detailed information relating to the
16 alleged trespass, infringement, or violation, in-
17 cluding—

18 (i) the nature, location, duration, and
19 known identity of any alleged offender;

20 (ii) any efforts carried out to address
21 the alleged violation;

22 (iii) any impacts of the alleged viola-
23 tion on the applicable covered trail or re-
24 sources of the covered trail; and

25 (iv) any requested remedy.

1 (B) SUBMISSION REQUIREMENTS.—A re-
2 quest under paragraph (1) shall be—

3 (i) submitted to the Secretary con-
4 cerned and appropriate United States At-
5 torney by—

6 (I) electronic means; or

7 (II) delivery to the address on
8 file for official correspondence; and

9 (ii) clearly identified as a “Designated
10 Operational Partner Request for Redress”.

11 (C) SIGNATURES.—A request under para-
12 graph (1) may be signed by—

13 (i) the applicable Designated Oper-
14 ational Partner; and

15 (ii) any other entity operating under a
16 cooperative or other agreement to support
17 the cooperative management system of the
18 applicable covered trail.

19 (3) RESPONSE.—

20 (A) ASSESSMENT.—Not later than 60 days
21 after the date on which a request is submitted
22 under paragraph (1), the Secretary shall submit
23 to the United States Attorney for the Federal
24 district court in which the applicable alleged
25 trespass, infringement, or violation occurred

1 and the Designated Operational Partner an as-
2 sessment of the alleged violation.

3 (B) ADDITIONAL INFORMATION FROM DES-
4 IGNATED OPERATIONAL PARTNER.—Not later
5 than 30 days after the date on which the Des-
6 ignated Operational Partner receives an assess-
7 ment under subparagraph (A), the Designated
8 Operational Partner may provide to the Sec-
9 retary concerned and the relevant United States
10 Attorney additional information relating to the
11 alleged violation.

12 (C) RESPONSE FROM UNITED STATES AT-
13 TORNEY.—Not later than 150 days after the
14 date on which a request is submitted to a
15 United States Attorney under paragraph (1), or
16 not later than 60 days after the date on which
17 a Designated Operational Partner provides ad-
18 ditional information under subparagraph (B) to
19 the United States Attorney, if applicable, the
20 United States Attorney shall submit to the Sec-
21 retary concerned and the Designated Oper-
22 ational Partner information regarding whether
23 the United States Attorney is pursuing redress
24 for the alleged violation.

1 (4) LITIGATION COSTS.—In issuing any final
2 order in an action brought under this subsection, the
3 relevant Federal district court may award to a Des-
4 ignated Operational Partner the costs of litigation
5 (including reasonable attorney and expert witness
6 fees) if the Designated Operational Partner is a pre-
7 vailing or substantially prevailing party in the ac-
8 tion, as the court determines to be appropriate.

9 (5) EFFECT.—Nothing in this subsection—

10 (A) limits any cause of action that the
11 Federal Government may have under any other
12 law;

13 (B) obligates—

14 (i) a Designated Operational Partner
15 to participate, or to present claims or de-
16 fenses, in any civil action relating to the
17 property rights of the Federal Government;
18 or

19 (ii) the Federal Government to par-
20 ticipate, or to present claims or defenses,
21 in any civil action relating to the property
22 rights of the Designated Operational Part-
23 ner; or

24 (C) makes—

1 (i) a Designated Operational Partner
2 a necessary party in any action relating to
3 the property rights of the Federal Govern-
4 ment; or

5 (ii) the Federal Government a nec-
6 essary party in any action relating to the
7 property rights of the Designated Oper-
8 ational Partner.

9 (e) VOLUNTEER SERVICES.—

10 (1) CONSIDERATIONS.—In establishing and car-
11 rying out any policy relating to volunteers for a cov-
12 ered trail, the Secretary and the Secretary of Agri-
13 culture shall consider the volunteer coordination
14 needs and practices of the applicable Designated
15 Operational Partner and associated nongovern-
16 mental organizations engaged in the cooperative
17 management of the covered trail through the cooper-
18 ative management system of the covered trail.

19 (2) PROACTIVE COOPERATIVE MANAGEMENT
20 REQUIRED.—Before establishing or modifying a pol-
21 icy described in paragraph (1), the Secretary con-
22 cerned shall—

23 (A) consult with any Designated Oper-
24 ational Partner engaged in operation of a cov-
25 ered trail; and

1 (B) take into account any considerations
2 required under that paragraph.

3 (f) LAND AND RESOURCE PRESERVATION PROPOSED
4 PRIORITY LISTS.—

5 (1) IN GENERAL.—Each Designated Oper-
6 ational Partner shall periodically develop and submit
7 to the Secretary concerned and the heads of any
8 other appropriate Federal land management agen-
9 cies a proposed priority list for land and resource
10 protection for the applicable covered trail.

11 (2) APPLICABLE LAW.—A proposed priority list
12 shall be considered to advance the planning and de-
13 velopment of the applicable covered trail in accord-
14 ance with section 2(c) of the National Trails System
15 Act (16 U.S.C. 1241(c)).

16 (3) CONTENTS.—A Designated Operational
17 Partner shall include on a proposed priority list—

18 (A) the location and current ownership of
19 each parcel of land identified for inclusion in
20 the applicable covered trail;

21 (B) the desired nature of ownership of
22 each parcel of land identified for inclusion in
23 the covered trail, including as a partial or fee
24 ownership;

1 (C) the name of the owner of each identi-
2 fied parcel of land;

3 (D) a description of the benefit to the cov-
4 ered trail in the preservation of scenic, rec-
5 reational, historical, natural, or cultural values
6 for which the covered trail was designated; and

7 (E) the name of any nongovernmental
8 partner committed to advancing the protection
9 of parcels of land identified on the proposed
10 priority list for inclusion in the covered trail.

11 (4) INPUT; CRITERIA.—In developing a pro-
12 posed priority list, a Designated Operational Partner
13 shall—

14 (A) solicit input from a variety of govern-
15 mental, nongovernmental, Federal, and State
16 partners, the scope of which shall be limited to
17 a landscape or physiographic region agreed to
18 by the Designated Operational Partner and the
19 Secretary concerned; and

20 (B) establish criteria to prioritize land and
21 resource protection recommendations included
22 on the proposed priority list.

23 (5) USE OF FEDERAL FUNDS.—

24 (A) IN GENERAL.—In using Federal funds
25 to protect land for a covered trail—

1 (i) the Secretary concerned shall
2 prioritize the use of funds for land identi-
3 fied for Federal protection in the applica-
4 ble proposed priority list, except to the ex-
5 tent that the Secretary concerned deter-
6 mines, based on considerations set forth in
7 the National Trails System Act (16 U.S.C.
8 1241 et seq.) and the comprehensive plan
9 for the covered trail, and subject to sub-
10 paragraph (B), that—

11 (I) a parcel of land included on
12 the proposed priority list should not
13 be prioritized; or

14 (II) a parcel of land not included
15 on the proposed priority list should be
16 prioritized instead of a parcel of land
17 included on the proposed priority list;
18 and

19 (ii) a State shall incorporate land
20 identified for State protection in the appli-
21 cable land and resource conservation plan
22 of the State, as appropriate, in accordance
23 with State law.

24 (B) NOTICE.—If the Secretary concerned
25 determines under subparagraph (A)(i) that a

1 parcel of land included on the proposed priority
2 list should not be prioritized or that a parcel of
3 land not included on the proposed priority list
4 should be prioritized instead of a parcel of land
5 included on the proposed priority list, the Sec-
6 retary concerned shall submit to the Designated
7 Operational Partner notice of the determina-
8 tion, including a detailed explanation of the rea-
9 son for the determination.

10 (6) REPORTS.—Not less frequently than once
11 every 5 years, the Secretaries concerned shall submit
12 to Congress a report that describes any progress or
13 lack of progress of the Secretaries concerned with
14 respect to advancing land and resource conservation
15 objectives under proposed priority lists.

16 (7) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated to each of
18 the Secretary and the Secretary of Agriculture such
19 sums as are necessary to carry out planning activi-
20 ties relating to the development or updating of pro-
21 posed priority lists under this subsection.

22 (g) OTHER AGREEMENTS.—The Secretary concerned
23 may enter into agreements with 1 or more entities that
24 are not Designated Operational Partners, in accordance
25 with the applicable procedures of the Department of the

1 Interior or the Department of Agriculture, as applicable,
2 and consistent with the National Trails System Act (16
3 U.S.C. 1241 et seq.)—

4 (1) to provide services with respect to a covered
5 trail that are not provided by the Designated Oper-
6 ational Partner; or

7 (2) to advance partnerships for a covered trail
8 to strengthen volunteer engagement and cooperative
9 management, consistent with the comprehensive plan
10 for the applicable covered trail.

11 (h) EXEMPTION FROM FACCA.—Chapter 10 of title
12 5, United States Code, shall not apply to a Designated
13 Operational Partner or any committee established before,
14 on, or after the date of enactment of this Act for purposes
15 of a cooperative management system.

16 (i) COMPREHENSIVE PLANS.—

17 (1) IN GENERAL.—Notwithstanding subsections
18 (e) and (f) of section 5 of the National Trails Sys-
19 tem Act (16 U.S.C. 1244), a Designated Operational
20 Partner may accept or reject—

21 (A) a proposed comprehensive plan for the
22 applicable covered trail; and

23 (B) any amendments or revisions to the
24 comprehensive plan for the applicable covered
25 trail.

1 (2) REGULATIONS.—In accordance with section
2 7(i) of the National Trails System Act (16 U.S.C.
3 1246(i)), the Secretary and the Secretary of Agri-
4 culture shall jointly promulgate regulations estab-
5 lishing procedures for resolving disputes with respect
6 to the rejection of a comprehensive plan under para-
7 graph (1).

8 (3) REPORT.—If a comprehensive plan rejected
9 by a Designated Operational Partner under para-
10 graph (1) is subsequently submitted to Congress, the
11 Secretary concerned shall submit to the appropriate
12 committees of Congress a report that describes the
13 basis for the submission of the rejected comprehen-
14 sive plan by the Secretary concerned.

15 **SEC. 5. IMPROVING COVERED TRAIL PLANNING AND DE-**
16 **VELOPMENT.**

17 (a) VISITATION ASSESSMENT.—

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of enactment of this Act, the Secretary and
20 the Secretary of Agriculture shall identify 1 or more
21 methods to assess visitation on covered trails.

22 (2) CONSULTATION REQUIRED.—For purposes
23 of identifying methods under paragraph (1), the Sec-
24 retary and the Secretary of Agriculture shall consult

1 with a variety of land managers and cooperative
2 management partners for covered trails, including—

3 (A) in the Department of Agriculture, the
4 Chief of the Forest Service and the Under Sec-
5 retary for Rural Development;

6 (B) in the Department of the Interior, rep-
7 resentatives from the National Park Service,
8 the Bureau of Land Management, and the
9 United States Fish and Wildlife Service;

10 (C) representatives from State agencies
11 participating in cooperative management sys-
12 tems;

13 (D) representatives from gateway commu-
14 nities and tourism boards that support covered
15 trails, such as through agency and nongovern-
16 mental partnerships;

17 (E) representatives from the Federal High-
18 way Administration;

19 (F) representatives from the Interagency
20 Council on the National Trails System;

21 (G) Designated Operational Partners; and

22 (H) other nongovernmental cooperative
23 management partners for covered trails.

24 (3) REPORT.—

1 (A) IN GENERAL.—Not later than 5 years
2 after the date on which methods are identified
3 under paragraph (1), and not less frequently
4 than once every 5 years thereafter, the Sec-
5 retary and the Secretary of Agriculture shall
6 make available to cooperative management
7 partners of the applicable covered trail and the
8 public a report describing the estimated visita-
9 tion at each covered trail for the period covered
10 by the report.

11 (B) CARRYING CAPACITY.—

12 (i) IN GENERAL.—The carrying ca-
13 pacity of a covered trail that is subject to
14 subsection (e) or (f) of section 5 of the Na-
15 tional Trails System Act (16 U.S.C. 1244)
16 shall be considered to be the desired use
17 conditions of the applicable covered trail,
18 as determined in accordance with applica-
19 ble guidelines established by the Inter-
20 agency Council on Visitor Use Manage-
21 ment.

22 (ii) REPORT.—The carrying capacity
23 for a covered trail not described in clause
24 (i) shall be determined using the visitation
25 numbers for the applicable covered trail

1 identified by the Secretary or the Secretary
2 of Agriculture in the initial report under
3 subparagraph (A).

4 (4) MONITORING.—The Secretary and the Sec-
5 retary of Agriculture, in cooperation with the Des-
6 ignated Operational Partner for a covered trail, if
7 applicable, shall, on an ongoing basis, monitor—

8 (A) the number of visitors to, and the
9 character of visitor use of, each covered trail,
10 using the 1 or more methods identified under
11 paragraph (1); and

12 (B) the effectiveness of management ac-
13 tions in achieving and maintaining desired con-
14 ditions for the covered trail.

15 (b) ECONOMIC IMPACT ASSESSMENT.—

16 (1) IN GENERAL.—Not later than 3 years after
17 the date of enactment of this Act, and not less fre-
18 quently than once every 5 years thereafter, the Sec-
19 retary and the Secretary of Agriculture shall identify
20 1 or more methods to assess the economic impact of
21 covered trails on gateway communities.

22 (2) REQUIREMENTS.—In identifying methods
23 under paragraph (1), the Secretary and the Sec-
24 retary of Agriculture shall, to the maximum extent
25 practicable—

1 (A) aggregate and extrapolate economic
2 impact information from existing data, such as
3 data from land units on which covered trails are
4 located;

5 (B) use State and county economic impact
6 information;

7 (C) partner with State and local govern-
8 ments; and

9 (D) leverage the cooperative management
10 systems of the covered trails and local and land-
11 scape-wide partnerships to obtain and process
12 relevant information and report any relevant
13 findings.

14 (c) ADVANCING COVERED TRAIL PLANNING.—

15 (1) FINDINGS.—Congress finds that—

16 (A) the designation of a covered trail is the
17 onset of the long-term development and plan-
18 ning for the covered trail, rather than the con-
19 clusion of those activities; and

20 (B) the cultivation of partnerships, the ac-
21 quisition of land, including interests in land and
22 land use agreements, the conduct of accessible
23 and inclusive interpretation, and the develop-
24 ment of recreational facilities, as appropriate
25 for covered trails, are needed to advance the

1 purposes of the National Trails System Act (16
2 U.S.C. 1241 et seq.) to meet the ever-expand-
3 ing outdoor recreation needs of the United
4 States.

5 (2) REPORTS.—The Secretary and the Sec-
6 retary of Agriculture, acting jointly, shall submit to
7 the Committee on Energy and Natural Resources of
8 the Senate and the Committee on Natural Resources
9 of the House of Representatives—

10 (A) not later than 3 years after the date
11 of enactment of this Act, a report that describes
12 the successes and challenges in developing and
13 planning covered trails; and

14 (B) not later than 5 years after the date
15 of enactment of this Act, a report that assesses
16 the desired conditions and use of facilities on
17 each covered trail with respect to—

18 (i) visitor usage of specific segments
19 or sites of the covered trail, including the
20 extent to which visitors use the covered
21 trail in groups of not fewer than 10 indi-
22 viduals;

23 (ii) proposed priority segments or
24 sites for additional facilities or protection
25 of additional land or resources identified

1 by relevant cooperative management part-
2 ners, which shall be considered to be in-
3 cluded on a proposed priority list for the
4 covered trail if the covered trail has an
5 identified Designated Operational Partner;
6 and

7 (iii) any activities that the Secretary
8 and the Secretary of Agriculture determine
9 are necessary to advance the development
10 of and planning for the covered trail con-
11 sistent with the model used for the Appa-
12 lachian National Scenic Trail.

13 (3) COMMUNITY ENGAGEMENT.—In preparing
14 the reports under paragraph (2), the Secretary and
15 the Secretary of Agriculture shall consult with—

16 (A) communities located in the vicinity of
17 the proposed segments and sites described in
18 paragraph (2)(B)(ii);

19 (B) federally recognized Indian Tribes;

20 (C) any Federal and State agencies that
21 manage land traversed by covered trails; and

22 (D) Designated Operational Partners and
23 other cooperative management partners of cov-
24 ered trails.

1 (d) EXEMPTION FROM FACa.—Chapter 10 of title
2 5, United States Code, shall not apply to any committee
3 established before, on, or after the date of enactment of
4 this Act to carry out activities under this section.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary and
7 the Secretary of Agriculture for each of fiscal years 2025
8 through 2030—

9 (1) such sums as are necessary—

10 (A) to identify the methods under sub-
11 sections (a) and (b); and

12 (B) to prepare the reports required under
13 subsection (c); and

14 (2) such sums as are necessary for the acquisi-
15 tion, construction, and development of facilities (in-
16 cluding the acquisition of land or interests in land)
17 for covered trails.