

119TH CONGRESS
1ST 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 preserved
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 management
21 and public-private partnership;

22 (5) the centennial of the Appalachian Trail
23 Conservancy in 2025 is an opportunity to strengthen
24 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, main-
13 tenance, operation, and stewardship of the Ap-
14 palachian National Scenic Trail, which inspired
15 the establishment of the National Trails Sys-
16 tem; and

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

21 (7) there are inherently governmental functions
22 referred to in the National Trails System Act (16
23 U.S.C. 1241 et seq.) relating to the administration
24 of national historic trails and national scenic trails,

1 which is distinct from the management and oper-
2 ation of those trails;

3 (8) the Federal Government is responsible for—

4 (A) the administration of national historic
5 trails and national scenic trails; and

6 (B) in cases in which the United States is
7 the landowner, the management of national his-
8 toric trails and national scenic trails;

9 (9) volunteers, volunteer organizations, and
10 other cooperating individuals or entities are empow-
11 ered to undertake non-inherently governmental and
12 delegable roles in the management and operation of
13 national historic trails and national scenic trails;

14 (10) the operation of a national historic trail or
15 national scenic trail does not require land manage-
16 ment authority over the land on which the national
17 historic trail or national scenic trail is located; and

18 (11) it is the policy of the Federal Government
19 that national historic trails and national scenic
20 trails—

21 (A) are conservation units managed and
22 operated in partnership with governmental and
23 nongovernmental entities; and

24 (B) while administered by Federal agen-
25 cies, are intended to be cooperatively developed

1 with appropriate non-Federal governmental and
2 nongovernmental partners.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) ADMINISTRATION.—The term “administra-
6 tion”, with respect to a covered trail, means the
7 roles and responsibilities of the Secretary concerned
8 with respect to the covered trail that may not be
9 shared with any other individual or entity.

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

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

20 (A) permissible under law; and

21 (B) within the categories of—

22 (i) administration;

23 (ii) management; and

24 (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 1 or more enti-
19 ties designated for the covered trail under subpara-
20 graph (A) or (B) of section 4(b)(1).

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 and

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 pursuant to a coop-
9 erative agreement on land on which the
10 covered trail is located;

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) the identification and acquisition of
21 land for a covered trail;

22 (ii) the planning, construction, and
23 maintenance of a facility or other improve-
24 ment on, across, or along a covered trail;

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

3 (iv) the conceptual development of a
4 covered trail;

5 (v) the maintenance of the treadway
6 of a 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 conservation 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(b)(3).

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) VISITOR CAPACITY.—The term “visitor ca-
5 pacity” means, with respect to a covered trail, the
6 maximum number and types of visitor use that the
7 covered trail can accommodate while achieving and
8 maintaining the desired resource conditions and vis-
9 itor experiences that are consistent with the pur-
10 poses for which the covered trail was established,
11 which may vary for different segments of a covered
12 trail.

13 (14) VOLUNTEER ORGANIZATION.—The term
14 “volunteer organization” means any organization
15 providing operation or management support to a
16 covered trail administrator or land manager, includ-
17 ing by organizing volunteers.

18 **SEC. 4. STRENGTHENING ADMINISTRATION, MANAGEMENT,**
19 **AND OPERATION FOR NATIONAL HISTORIC**
20 **TRAILS AND NATIONAL SCENIC TRAILS.**

21 (a) STATUS.—Each covered trail shall be—

- 22 (1) a unit of the National Trails System; and
23 (2) a unit of the federally administered area to
24 which the Secretary concerned assigns the covered
25 trail.

1 (b) OPERATION.—

2 (1) DESIGNATED OPERATIONAL PARTNERS.—

3 (A) APPALACHIAN TRAIL CONSERVANCY.—

4 Not later than 1 year after the date of enact-
5 ment of this Act, the Secretary concerned shall
6 designate the Appalachian Trail Conservancy as
7 the Designated Operational Partner for the Ap-
8 palachian National Scenic Trail.

9 (B) ADDITIONAL DESIGNATIONS.—

10 (i) IN GENERAL.—In addition to the
11 designation under subparagraph (A), the
12 Secretary concerned may designate to
13 serve as the Designated Operational Part-
14 ner for any other covered trail 1 or more
15 eligible entities described in clause (ii) that
16 the Secretary concerned determines—

17 (I) are capable of supporting the
18 partnership nature of the covered trail
19 as a mechanism for conservation, vol-
20 unteer mobilization, and land and fa-
21 cility management; and

22 (II) would be successful partners
23 for the applicable covered trail.

24 (ii) DESCRIPTION OF ELIGIBLE ENTI-
25 TIES.—An eligible entity referred to in

1 clause (i) is an organization, institution,
2 corporation, or other entity that, as deter-
3 mined by the Secretary concerned—

4 (I) is described in section 501(c)
5 of the Internal Revenue Code of 1986
6 and exempt from tax under section
7 501(a) of that Code;

8 (II) has demonstrated experience
9 in the operation, maintenance, and
10 preservation of the resources of the
11 covered trail, regardless of whether
12 the experience was before or after the
13 designation of the covered trail under
14 the National Trails System Act (16
15 U.S.C. 1241 et seq.);

16 (III) has a plan for providing, fa-
17 cilitating, and coordinating the serv-
18 ices of volunteers to contribute to the
19 stewardship of the covered trail;

20 (IV) has a record, including
21 through a predecessor organization, of
22 engagement with the establishment,
23 management, maintenance, or oper-
24 ation of the covered trail;

1 (V) adheres to reasonable finan-
2 cial, accounting, and risk management
3 practices;

4 (VI) adheres to applicable re-
5 quirements of Federal agreements,
6 grants, and contracts; and

7 (VII) would not supplant an or-
8 ganization already serving a substan-
9 tial operational role trail-wide for the
10 covered trail or across a significant
11 portion of the covered trail, unless the
12 Secretary concerned has determined
13 that the organization being sup-
14 planted has failed to perform the re-
15 sponsibilities of the organization
16 under a management agreement with
17 respect to the covered trail.

18 (iii) QUALIFICATIONS.—

19 (I) IN GENERAL.—An eligible en-
20 tity designated as a Designated Oper-
21 ational Partner under clause (i) shall
22 be considered to possess unique ex-
23 pertise, location capacity, cost-sharing
24 ability, or other unique qualities rel-
25 evant to the designation as a Des-

1 ignated Operational Partner for the
2 covered trail.

3 (II) NO COMPETITIVE PROC-
4 ESS.—An eligible entity designated as
5 a Designated Operational Partner
6 under clause (i) may be a direct bene-
7 ficiary or recipient of appropriated
8 funds without competition.

9 (III) PRESENT-FUNDED ACTIV-
10 ITY.—Designation of a Designated
11 Operational Partner for a covered
12 trail shall be considered to be a con-
13 tinuation or completion of a present-
14 funded activity.

15 (C) RESCISSION.—The Secretary con-
16 cerned may rescind the designation of an eligi-
17 ble entity as a Designated Operational Partner
18 under subparagraph (B) if the Secretary con-
19 cerned determines that the eligible entity has
20 ceased to meet 1 or more of the criteria de-
21 scribed in clause (ii) of that subparagraph.

22 (2) PROTECTION OF PROPERTY RIGHTS.—

23 (A) IN GENERAL.—If the Designated
24 Operational Partner for a covered trail becomes
25 aware of an allegation of trespass or other in-

1 fringement or violation of a property right held
2 by the Federal Government that adversely af-
3 fects the identified cultural, natural, scenic, rec-
4 reational, or historical resources of the covered
5 trail, the Designated Operational Partner may
6 submit to the Secretary concerned and the
7 United States Attorney for the Federal district
8 court in which the alleged violation occurred a
9 written request—

10 (i) to investigate the allegation; and

11 (ii) to enforce the rights of the United
12 States by preventing, reducing, mitigating,
13 or remediating the adverse effects of the
14 alleged violation.

15 (B) NOTICE.—

16 (i) IN GENERAL.—A request under
17 subparagraph (A) shall include, to the
18 maximum extent practicable, detailed in-
19 formation relating to the alleged trespass,
20 infringement, or violation, including—

21 (I) the nature, location, duration,
22 and known identity of any alleged of-
23 fender;

24 (II) any efforts carried out to ad-
25 dress the alleged violation;

1 (III) any impacts of the alleged
2 violation on the applicable covered
3 trail or resources of the covered trail;
4 and

5 (IV) any requested remedy.

6 (ii) SUBMISSION REQUIREMENTS.—A
7 request under subparagraph (A) shall be—

8 (I) submitted to the Secretary
9 concerned and appropriate United
10 States Attorney by—

11 (aa) electronic means; or

12 (bb) delivery to the address
13 on file for official correspondence;
14 and

15 (II) clearly identified as a “Des-
16 ignated Operational Partner Request
17 for Redress”.

18 (iii) SIGNATURES.—A request under
19 subparagraph (A) may be signed by—

20 (I) the applicable Designated
21 Operational Partner; and

22 (II) any other individual or entity
23 that is a part of the cooperative man-
24 agement system of the applicable cov-
25 ered trail.

1 (C) RESPONSE.—

2 (i) ASSESSMENT.—Not later than 60
3 days after the date on which a request is
4 submitted under subparagraph (A), the
5 Secretary shall submit to the United
6 States Attorney for the Federal district
7 court in which the applicable alleged tres-
8 pass, infringement, or violation occurred
9 and the Designated Operational Partner
10 an assessment of the alleged violation.

11 (ii) ADDITIONAL INFORMATION FROM
12 DESIGNATED OPERATIONAL PARTNER.—
13 Not later than 30 days after the date on
14 which the Designated Operational Partner
15 receives an assessment under clause (i),
16 the Designated Operational Partner may
17 provide to the Secretary concerned and the
18 relevant United States Attorney additional
19 information relating to the alleged viola-
20 tion.

21 (iii) RESPONSE FROM UNITED STATES
22 ATTORNEY.—Not later than 150 days after
23 the date on which a request is submitted
24 to a United States Attorney under sub-
25 paragraph (A), and not later than 60 days

1 after the date on which a Designated
2 Operational Partner provides additional in-
3 formation under clause (ii) to the United
4 States Attorney, if applicable, the United
5 States Attorney shall submit to the Sec-
6 retary concerned and the Designated Oper-
7 ational Partner information regarding
8 whether the United States Attorney is pur-
9 suing redress for the alleged violation.

10 (D) LITIGATION COSTS.—In issuing any
11 final order with respect to a petition brought
12 under this subsection, the relevant Federal dis-
13 trict court may award to a Designated Oper-
14 ational Partner the costs of petitioning (includ-
15 ing reasonable attorney and expert witness fees)
16 if the Secretary or United States Attorney
17 takes action to address the alleged violation of
18 the rights of the United States.

19 (E) EFFECT.—Nothing in this para-
20 graph—

21 (i) limits any cause of action that the
22 Federal Government may have under any
23 other law;

24 (ii) obligates—

1 (I) a Designated Operational
2 Partner to participate, or to present
3 claims or defenses, in any civil action
4 relating to the property rights of the
5 Federal Government; or

6 (II) the Federal Government to
7 participate, or to present claims or de-
8 fenses, in any civil action relating to
9 the property rights of the Designated
10 Operational Partner; or

11 (iii) makes—

12 (I) a Designated Operational
13 Partner a necessary party in any ac-
14 tion relating to the property rights of
15 the Federal Government; or

16 (II) the Federal Government a
17 necessary party in any action relating
18 to the property rights of the Des-
19 ignated Operational Partner.

20 (3) LAND AND RESOURCE PROTECTION PRO-
21 POSED PRIORITY LISTS.—

22 (A) IN GENERAL.—Each Designated Oper-
23 ational Partner shall periodically develop and
24 submit to the Secretary concerned and the
25 heads of any other appropriate Federal land

1 management agencies a proposed priority list
2 for land and resource protection for the applica-
3 ble covered trail.

4 (B) APPLICABLE LAW.—

5 (i) IN GENERAL.—A proposed priority
6 list shall be considered to advance the
7 planning and development of the applicable
8 covered trail in accordance with section
9 2(c) of the National Trails System Act (16
10 U.S.C. 1241(c)).

11 (ii) EFFECT.—Nothing in this Act—

12 (I) conveys any land protection
13 authority not included in the National
14 Trails System Act (16 U.S.C. 1241 et
15 seq.); or

16 (II) prioritizes the use of funds
17 for land protection projects on covered
18 trails over funds for other land protec-
19 tion projects.

20 (C) CONTENTS.—A Designated Oper-
21 ational Partner shall include on a proposed pri-
22 ority list—

23 (i) the location and current ownership
24 of each parcel of land identified for inclu-
25 sion in the applicable covered trail;

1 (ii) the desired nature of ownership of
2 each parcel of land identified for inclusion
3 in the covered trail, including a partial or
4 fee ownership;

5 (iii) the name of the owner of each
6 identified parcel of land;

7 (iv) a description of the benefit to the
8 covered trail in the preservation of scenic,
9 recreational, historical, natural, or cultural
10 values for which the covered trail was des-
11 ignated; and

12 (v) the name of any nongovernmental
13 partner committed to advancing the pro-
14 tection of parcels of land identified on the
15 proposed priority list for inclusion in the
16 covered trail.

17 (D) INPUT; CRITERIA.—In developing a
18 proposed priority list, a Designated Operational
19 Partner shall—

20 (i) solicit input from a variety of gov-
21 ernmental, nongovernmental, Federal, and
22 State partners, the scope of which shall be
23 limited to a landscape or physiographic re-
24 gion agreed to by the Designated Oper-

ational Partner and the Secretary concerned; and

(ii) establish criteria to prioritize land and resource protection recommendations included on the proposed priority list.

(E) USE OF FEDERAL FUNDS.—

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

(I) the Secretary concerned shall prioritize the use of funds for land identified for Federal protection in the applicable proposed priority list, except to the extent that the Secretary concerned determines, based on considerations set forth in the National Trails System Act (16 U.S.C. 1241 et seq.) and the comprehensive plan for the covered trail, and subject to clause (ii), that—

(aa) a parcel of land included on the proposed priority list should not be prioritized; or

(bb) a parcel of land not included on the proposed priority list should be prioritized; and

1 (II) a State is encouraged to in-
2 corporate land identified for State
3 protection in the applicable land and
4 resource conservation plan of the
5 State, as appropriate, in accordance
6 with State law.

7 (ii) NOTICE.—If the Secretary con-
8 cerned determines under clause (i)(I) that
9 a parcel of land included on the proposed
10 priority list should not be prioritized or
11 that a parcel of land not included on the
12 proposed priority list should be prioritized
13 instead of a parcel of land included on the
14 proposed priority list, the Secretary con-
15 cerned shall submit to the Designated
16 Operational Partner notice of the deter-
17 mination, including a detailed explanation
18 of the reason for the determination.

19 (F) REPORTS.—Not less frequently than
20 once every 5 years, the Secretaries concerned
21 shall submit to Congress a report that describes
22 any progress or lack of progress of the Secre-
23 taries concerned with respect to advancing land
24 and resource conservation objectives under pro-
25 posed priority lists.

1 (G) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There are authorized to be appro-
3 priated to each of the Secretary and the Sec-
4 retary of Agriculture such sums as are nec-
5 essary to carry out planning activities relating
6 to the development, updating, and implementa-
7 tion of proposed priority lists under this para-
8 graph.

9 (4) ACCEPTANCE OR REJECTION OF COM-
10 PREHENSIVE PLANS.—

11 (A) IN GENERAL.—Notwithstanding sub-
12 sections (e) and (f) of section 5 of the National
13 Trails System Act (16 U.S.C. 1244), a Des-
14 ignated Operational Partner may accept or re-
15 ject—

16 (i) a proposed comprehensive plan for
17 the applicable covered trail; and

18 (ii) any amendments or revisions to
19 the comprehensive plan for the applicable
20 covered trail (other than an addendum to
21 a comprehensive plan for the applicable
22 covered trail prepared in accordance with
23 the process established under subsection
24 (g)(3)).

1 (B) REPORT.—If a comprehensive plan or
2 amendment or revision to a comprehensive plan
3 rejected by a Designated Operational Partner
4 under subparagraph (A) is subsequently sub-
5 mitted to Congress, the Secretary concerned
6 shall submit to the Committee on Energy and
7 Natural Resources of the Senate and the Com-
8 mittee on Natural Resources of the House of
9 Representatives a report that describes the
10 basis for the submission of the rejected com-
11 prehensive plan or amendment or revision to
12 the comprehensive plan by the Secretary con-
13 cerned.

14 (5) SURPLUS PERSONAL PROPERTY.—

15 (A) IN GENERAL.—Notwithstanding sub-
16 chapter III of chapter 5 of title 40, United
17 States Code, a Federal agency may dispose of
18 surplus personal property by transferring the
19 property to a Designated Operational Partner,
20 to be used by the Designated Operational Part-
21 ner for purposes of carrying out a cooperative
22 agreement entered into under section 7(h) of
23 the National Trails System Act (16 U.S.C.
24 1246(h)).

1 (B) PROHIBITION.—A transfer of surplus
2 personal property under subparagraph (A) shall
3 be subject to the condition that the Designated
4 Operational Partner to whom the property is
5 transferred (including any subsidiary or sub-
6 division of the Designated Operational Partner)
7 may not—

8 (i) use the transferred property for
9 purposes other than carrying out the du-
10 ties and authorities of the Designated
11 Operational Partner under the cooperative
12 agreement; or

13 (ii) transfer the transferred property
14 to a recipient that is not a part of the co-
15 operative management system of the cov-
16 ered trail.

17 (c) MANAGEMENT.—Nothing in this Act or the Na-
18 tional Trails System Act (16 U.S.C. 1241 et seq.)—

19 (1) provides any authority to a Designated
20 Operational Partner, other volunteer organization,
21 volunteer, or other individual or entity any authority
22 to issue, amend, or revoke any land use authoriza-
23 tion unless provided for explicitly by statute;

24 (2) except as specifically provided in this Act or
25 the National Trails System Act (16 U.S.C. 1241 et

1 seq.), removes or transfers any authority otherwise
2 provided by law; or

3 (3) except as authorized by the processes estab-
4 lished under this Act or the National Trails System
5 Act (16 U.S.C. 1241 et seq.), provides any Des-
6 ignated Operational Partner, other volunteer organi-
7 zation, volunteer, or any other individual or entity
8 authority over the property, holdings, or possessory
9 or other interest of any other partner to a covered
10 trail.

11 (d) ADMINISTRATION.—

12 (1) IN GENERAL.—In making administration,
13 management, or operational decisions that would im-
14 pact the ability of volunteers or a volunteer organi-
15 zation to serve a substantial role on covered trails,
16 the Secretary concerned shall—

17 (A) rather than presuming absolute control
18 over the covered trail by the Federal Govern-
19 ment, encourage the participation of volunteers
20 and volunteer organizations; and

21 (B) to the extent practicable, remedy con-
22 straints on supporting the role of volunteers
23 and volunteer organizations on covered trails.

24 (2) REGULATIONS.—The Secretary and the
25 Secretary of Agriculture shall use the rulemaking

1 authority of section 7(i) of the National Trails Sys-
2 tem Act (16 U.S.C. 1246(i)), the Federal Lands
3 Recreation Enhancement Act (16 U.S.C. 6801 et
4 seq.), and any other applicable law to establish, by
5 regulation, a fee collection and distribution system
6 under which the administrator of a covered trail may
7 collect all permits and fees levied by federally admin-
8 istered areas and State-administered areas traversed
9 by a covered trail, to be remitted to the applicable
10 federally administered area or State-administered
11 area levying the permits and fees.

12 (3) APPLICABLE LAW.—Chapter 10 of title 5,
13 United States Code, shall not apply to the coopera-
14 tive management of a covered trail.

15 (e) AVAILABILITY OF FUNDS.—

16 (1) IN GENERAL.—A covered trail shall be eligi-
17 ble for funds made available for—

18 (A) a unit of the National Trails System;

19 (B) any federally administered area to
20 which the covered trail is assigned; and

21 (C) any federally administered area tra-
22 versed by the covered trail.

23 (2) MULTIPLE AGENCIES.—The location of a
24 covered trail on land managed by 1 Federal agency
25 shall have no impact on the eligibility of the covered

1 trail for funding for any project, planning, volunteer
2 or visitor support effort, or any other component of
3 administering a covered trail by any other Federal
4 agency.

5 (3) LAND AND WATER CONSERVATION FUND.—

6 A covered trail shall be eligible for amounts made
7 available from the Land and Water Conservation
8 Fund established under chapter 2003 of title 54,
9 United States Code.

10 (4) PARTNERSHIPS.—The Secretary concerned
11 shall use interagency and intergovernmental partner-
12 ships to ensure the maximum recreational and con-
13 servation potential of a covered trail is achieved.

14 (f) COOPERATIVE AGREEMENTS.—To the maximum
15 extent practicable, the administrator of a covered trail
16 shall enter into a cooperative agreement under the Na-
17 tional Trails System Act (16 U.S.C. 1244 et seq.), for a
18 term of not longer than 20 years, with a volunteer organi-
19 zation partner, under which—

20 (1) the administrator of the covered trail shall
21 delegate to the volunteer organization partner the
22 authority to operate the covered trail (including the
23 provision of financial assistance for such purpose);

24 (2) operational and management responsibilities
25 with respect to the covered trail shall be shared be-

1 tween the administrator of the covered trail and vol-
2 unteer organization partner, including subsidiaries
3 or delegees of the volunteer organization partner; or
4 (3) any other appropriate arrangement between
5 the administrator of the covered trail and the volun-
6 teer organization partner authorized by the National
7 Trails System Act (16 U.S.C. 1244 et seq.) shall be
8 carried out.

9 (g) COMPREHENSIVE PLANS.—

10 (1) IN GENERAL.—The applicable comprehen-
11 sive plan—

12 (A) shall be incorporated into the manage-
13 ment of each federally administered area tra-
14 versed by the covered trail; and

15 (B) should be appropriately considered by
16 State-administered areas that are traversed by
17 a covered trail.

18 (2) INCORPORATION.—In updating a general
19 management plan or similar unit-level plan applica-
20 ble to a federally administered area traversed by a
21 covered trail, the Secretary concerned shall incor-
22 porate the requirements of any applicable com-
23 prehensive plan.

24 (3) RULEMAKING.—

1 (A) IN GENERAL.—The Secretary con-
2 cerned shall use the rulemaking authority of
3 section 7(i) of the National Trails System Act
4 (16 U.S.C. 1246(i)) to establish, by regulation,
5 a process for addenda to comprehensive plans,
6 as appropriate, to address location- or topic-
7 specific administration, management, or oper-
8 ation issues.

9 (B) REQUIREMENT.—The process estab-
10 lished under subparagraph (A) shall require
11 that any addendum to a comprehensive plan
12 shall be developed after consultation with the
13 applicable land manager and Designated Oper-
14 ational Partner, as applicable.

15 (4) VISITOR CAPACITY.—For a covered trail
16 that is subject to subsection (e) or (f) of section 5
17 of the National Trails System Act (16 U.S.C. 1244),
18 the applicable comprehensive plan shall ensure that
19 the visitor capacity requirement for the covered trail
20 is determined based on visitor capacities for targeted
21 sites, trail segments, or areas of the covered trail.

22 **SEC. 5. IMPROVING COVERED TRAIL PLANNING AND DE-**
23 **VELOPMENT.**

24 (a) VISITOR CAPACITY.—The Secretary concerned
25 shall determine the visitor capacity of a covered trail that

1 is subject to subsection (e) or (f) of section 5 of the Na-
2 tional Trails System Act (16 U.S.C. 1244)—

3 (1) based on the desired conditions of the spe-
4 cific portion or segment of a covered trail rather
5 than the entire covered trail; and

6 (2) in accordance with applicable laws and
7 agency policies, including the applicable comprehen-
8 sive plan.

9 (b) ECONOMIC IMPACT ASSESSMENT.—

10 (1) IN GENERAL.—Not later than 3 years after
11 the date of enactment of this Act, and not less fre-
12 quently than once every 5 years thereafter, the Sec-
13 retary and the Secretary of Agriculture shall identify
14 1 or more methods to assess the economic impact of
15 covered trails on gateway communities.

16 (2) REQUIREMENTS.—In identifying methods
17 under paragraph (1), the Secretary and the Sec-
18 retary of Agriculture shall, to the maximum extent
19 practicable—

20 (A) aggregate and extrapolate economic
21 impact information from existing data, such as
22 data from land units on which covered trails are
23 located;

24 (B) use State and county economic impact
25 information;

1 (C) partner with State and local govern-
2 ments; and

3 (D) leverage the cooperative management
4 systems of the covered trails and local and land-
5 scape-wide partnerships to obtain and process
6 relevant information and report any relevant
7 findings.

8 (c) ADVANCING COVERED TRAIL PLANNING.—

9 (1) FINDINGS.—Congress finds that—

10 (A) the designation of a covered trail is the
11 onset of the long-term development and plan-
12 ning for the covered trail, rather than the con-
13 clusion of those activities; and

14 (B) the cultivation of partnerships, the ac-
15 quisition of land, including interests in land and
16 land use agreements, the conduct of accessible
17 and inclusive interpretation, and the develop-
18 ment of recreational facilities, as appropriate
19 for covered trails, are needed to advance the
20 purposes of the National Trails System Act (16
21 U.S.C. 1241 et seq.) to meet the ever-expand-
22 ing outdoor recreation needs of the United
23 States.

24 (2) REPORTS.—The Secretary and the Sec-
25 retary of Agriculture, acting jointly, shall submit to

1 the Committee on Energy and Natural Resources of
2 the Senate and the Committee on Natural Resources
3 of the House of Representatives—

4 (A) not later than 3 years after the date
5 of enactment of this Act, a report that describes
6 the successes and challenges in developing and
7 planning covered trails; and

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

12 (i) visitor usage of specific segments
13 or sites of the covered trail, including the
14 extent to which visitors use the covered
15 trail in groups of not fewer than 10 indi-
16 viduals;

17 (ii) proposed priority segments or
18 sites for additional facilities or protection
19 of additional land or resources identified
20 by relevant cooperative management part-
21 ners; and

22 (iii) any activities that the Secretary
23 and the Secretary of Agriculture determine
24 are necessary to advance the development
25 of and planning for the covered trail con-

1 sistent with the partnership nature of cov-
2 ered trails.

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

6 (A) communities located in the vicinity of
7 the proposed segments and sites described in
8 paragraph (2)(B)(ii);

9 (B) federally recognized Indian Tribes;

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

12 (D) Designated Operational Partners and
13 other cooperative management partners of cov-
14 ered trails.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary and
17 the Secretary of Agriculture—

18 (1) for each of fiscal years 2026 through 2031,
19 such sums as are necessary—

20 (A) to carry out subsection (a);

21 (B) to identify the methods under sub-
22 section (b); and

23 (C) to prepare the reports required under
24 subsection (c); and

1 (2) for each of fiscal years 2026 through 2031,
2 through programs determined to be appropriate by
3 the Secretary and the Secretary, such sums as are
4 necessary for the acquisition, construction, and de-
5 velopment of facilities (including the acquisition of
6 land or interests in land) for covered trails.