

119TH CONGRESS
1ST SESSION

S. _____

To ensure access to certain public land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To ensure access to certain public land, 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 “Outdoor Americans
5 with Disabilities Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **DISABILITY-ACCESSIBLE LAND.**—The term
9 “disability-accessible land” means each square mile
10 of public land assessed, as of the date of enactment
11 of this Act, to have not less than 2.5 miles of au-

1 thorized road accessible to motorized vehicles or off-
2 road vehicles.

3 (2) OFF-ROAD VEHICLE.—The term “off-road
4 vehicle” means any motorized vehicle capable of, or
5 designed for, travel on or immediately over land,
6 water, or other natural terrain.

7 (3) PUBLIC LAND.—The term “public land”
8 means—

9 (A) National Forest System land; and

10 (B) land under the jurisdiction of the Sec-
11 retary of the Interior.

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

14 (A) the Secretary of Agriculture (acting
15 through the Chief of the Forest Service), with
16 respect to National Forest System land; and

17 (B) the Secretary of the Interior, with re-
18 spect to land under the jurisdiction of the Sec-
19 retary of the Interior.

20 **SEC. 3. UPDATES TO TRAVEL MANAGEMENT PLANS AND**
21 **MOTOR VEHICLE USE PLANS.**

22 Notwithstanding any other provision of law (includ-
23 ing regulations), the Secretaries concerned shall prioritize
24 updating travel management plans and motor vehicle use

1 plans of the Bureau of Land Management and the Forest
2 Service.

3 **SEC. 4. MOTOR VEHICLE USE MAPS AND DESIGNATION OF**
4 **CERTAIN PUBLIC LAND AS OPEN, LIMITED,**
5 **OR CLOSED TO OFF-ROAD VEHICLES.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law (including regulations), the Secretary of Agri-
8 culture (acting through the Chief of the Forest Service),
9 for purposes of developing motor vehicle use maps under
10 section 212.56 of title 36, Code of Federal Regulations
11 (or a successor regulation), and the Secretary of the Inte-
12 rior, for purposes of designating public land under the ju-
13 risdiction of the Secretary of the Interior as open, limited,
14 or closed to off-road vehicles under section 8342.3 of title
15 43, Code of Federal Regulations (or a successor regula-
16 tion), shall—

17 (1) account for the total length of traversable,
18 approved roads in each square mile of public land
19 managed by the applicable Secretary concerned;

20 (2) for purposes of closing roads under the ju-
21 risdiction of the Secretary concerned, comply with
22 the requirements established under subsection (b);

23 (3) prioritize the inclusion and approval of
24 roads on public land that provide access to diverse
25 opportunities for recreation, including hunting, fish-

1 ing, visiting cultural and natural sites, birdwatching,
2 hiking, picnicking, camping, boating, mountain
3 biking, and the use of motorized vehicles or off-road
4 vehicles (including electric bicycles and over-snow ve-
5 hicles);

6 (4) coordinate with appropriate Federal agen-
7 cies, State, county, and other local governmental en-
8 tities, and Tribal governments for purposes of iden-
9 tifying routes on public land that are considered to
10 be desirable for recreation to ensure the public land
11 is disability-accessible land;

12 (5) have the authority to revise a route on pub-
13 lic land as the Secretary concerned determines to be
14 necessary to address changes to conditions occurring
15 after the date of the designation of the route; and

16 (6) ensure that any road that is subject to a
17 claim under section 2477 of the Revised Statutes
18 (43 U.S.C. 932) (repealed by section 706 of the
19 Federal Land Policy and Management Act of 1976
20 (Public Law 94–579; 90 Stat. 2793)) that has not
21 been adjudicated or litigated shall remain open until
22 the adjudication or litigation has been completed.

23 (b) ROAD CLOSURES.—

24 (1) IN GENERAL.—For purposes of subsection

25 (a)(2)—

1 (A) in the case of disability-accessible land,
2 the Secretary concerned shall not close roads
3 that would result in a net decrease of author-
4 ized road accessible to motorized vehicles or off-
5 road vehicles to the extent that the public land
6 would no longer be designated as disability-ac-
7 cessible land, unless—

8 (i) the road on public land being
9 closed was established during the 1-year
10 period ending on the date of the closure to
11 address a temporary need or emergency; or

12 (ii) the Secretary concerned—

13 (I) determines that the road on
14 public land being closed poses a direct
15 threat to the health or safety of per-
16 sonnel or visitors to the public land;
17 and

18 (II) complies with the require-
19 ments of paragraphs (3) and (4) with
20 respect to the closure; and

21 (B) in the case of public land that is not
22 considered to be disability-accessible land—

23 (i) the Secretary concerned shall con-
24 sider opening any road on public land that

1 was closed during the 10-year period end-
2 ing on the date of enactment of this Act;

3 (ii) the Secretary concerned shall not
4 close any additional roads on public land,
5 unless the Secretary concerned—

6 (I) determines that the road
7 poses a direct threat to the health or
8 safety of personnel or visitors to the
9 public land; and

10 (II) complies with the require-
11 ments of paragraphs (3) and (4) with
12 respect to the closure; and

13 (iii) the Secretary concerned shall not
14 close any roads on public land that the
15 Secretary concerned determines are bene-
16 ficial for fuels reduction treatments, wild-
17 fire response, or search and rescue activi-
18 ties.

19 (2) NOTICE AND HEARING.—For purposes of a
20 road closure under subparagraph (A) or (B) of para-
21 graph (1), the Secretary concerned shall—

22 (A) provide notice of the proposed closure
23 to allow for public comment, which may be pro-
24 vided after the closure if the Secretary con-
25 cerned determines that there is an immediate

1 threat to the health or safety of personnel or
2 visitors to the public land; and

3 (B) conduct a public hearing with respect
4 to the closure, which may be held after the clo-
5 sure if the Secretary concerned makes a deter-
6 mination in the affirmative under subparagraph
7 (A).

8 (3) NEW ROADS.—For purposes of a road clo-
9 sure under subparagraph (A) or (B) of paragraph
10 (1), the Secretary concerned shall—

11 (A) provide for the nomination of new
12 roads on public land to be added to a motor ve-
13 hicle use plan or travel management plan of the
14 Secretary concerned; and

15 (B) establish an appropriate new road on
16 public land not later than 1 year after the date
17 on which the road is closed under that para-
18 graph.

19 (4) CATEGORICAL EXCLUSION.—A road closure
20 that the Secretary concerned determines to be nec-
21 essary under subparagraph (A) or (B) of paragraph
22 (1) or the establishment of a new road nominated
23 for establishment under subparagraph (A) of para-
24 graph (3) shall be categorically excluded from the
25 requirements of the National Environmental Policy

1 Act of 1969 (42 U.S.C. 4321 et seq.), subject to any
2 regulations requiring a determination that there are
3 no extraordinary circumstances that warrant the
4 preparation of an environmental assessment or an
5 environmental impact statement with respect to the
6 proposed road closure or establishment of the new
7 road.

8 (5) REBUTTABLE PRESUMPTION.—For pur-
9 poses of the review of a road closure under subpara-
10 graph (A) or (B) of paragraph (1), there shall be a
11 rebuttable presumption that roads shall remain open
12 for public use, which may only be rebutted by clear
13 and compelling evidence demonstrating that the clo-
14 sure of the road is necessary in accordance with this
15 Act.

16 (c) REGULATIONS.—The Secretaries concerned may
17 issue or revise regulations to carry out this section.

18 **SEC. 5. EFFECT OF ACT.**

19 Nothing in this Act—

20 (1) prohibits the Secretary concerned from de-
21 veloping new roads or trails on public land for the
22 use of motorized vehicles or off-road vehicles; or

23 (2) establishes new roads or trails in a compo-
24 nent of the National Wilderness System, inventoried
25 roadless area, congressionally designated primitive

- 1 area, or unit of the National Park System (other
- 2 than a National Recreation Area).