

Calendar No. 501

117TH CONGRESS
2D SESSION**S. 3266****[Report No. 117-158]**

To improve recreation opportunities on, and facilitate greater access to,
Federal public land, and for other purposes.

 IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2021

Mr. MANCHIN (for himself and Mr. BARRASSO) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

SEPTEMBER 21, 2022

Reported by Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To improve recreation opportunities on, and facilitate greater
access to, Federal 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; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the

5 ~~“Outdoor Recreation Act”.~~

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—INCREASING RECREATION OPPORTUNITIES

Sec. 101. Permit relief.
 Sec. 102. Planning and managing for recreation.
 Sec. 103. Forest Service climbing guidance.
 Sec. 104. Target shooting ranges.

TITLE II—IMPROVING RECREATION OPPORTUNITIES

Sec. 201. Broadband internet connectivity at recreation sites.
 Sec. 202. Federal land and aquatic resource activities assistance.
 Sec. 203. Improved recreation visitation data.
 Sec. 204. Travel management.

TITLE III—INVESTING IN RECREATION INFRASTRUCTURE AND
 RURAL COMMUNITIES

Sec. 301. Gateway communities.
 Sec. 302. Forest Service conservation finance partnerships.
 Sec. 303. Availability of Federal land infrastructure during shoulder seasons.
 Sec. 304. Public-private partnerships to modernize campgrounds on Federal
 land.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) FEDERAL LAND.—The term “Federal land”
 6 means—

7 (A) land under the jurisdiction of the Sec-
 8 retary; and

9 (B) National Forest System land.

10 (2) INDIAN TRIBE.—The term “Indian Tribe”
 11 has the meaning given the term in section 4 of the
 12 Indian Self-Determination and Education Assistance
 13 Act (25 U.S.C. 5304).

1 (3) SECRETARIES.—The term “Secretaries”
2 means each of—

3 (A) the Secretary; and

4 (B) the Secretary of Agriculture.

5 (4) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

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

9 (A) the Secretary, with respect to land
10 under the jurisdiction of the Secretary; or

11 (B) the Secretary of Agriculture, with re-
12 spect to National Forest System land.

13 **TITLE I—INCREASING** 14 **RECREATION OPPORTUNITIES**

15 **SEC. 101. PERMIT RELIEF.**

16 (a) DEFINITION OF YOUTH GROUP.—In this section,
17 the term “youth group” means any of the following that
18 serves individuals not older than 25 years of age:

19 (1) A nonprofit organization.

20 (2) A youth service organization.

21 (3) An educational institution.

22 (4) A faith-based organization.

23 (b) REMOVAL OF PERMIT REQUIREMENTS FOR CER-
24 TAIN AREAS.—If the Secretary concerned does not require
25 the public to obtain a permit or reservation to access an

1 existing picnic area, the Secretary concerned may not re-
 2 quire an outfitter or guide serving fewer than 40 clients
 3 to obtain a permit to access that site.

4 (c) ~~STUDY ON ACCESS FOR YOUTH GROUPS TO FED-~~
 5 ~~ERAL LAND AND PERMITS.—~~

6 (1) ~~IN GENERAL.—~~Not later than 4 years after
 7 the date of enactment of this Act, the Secretaries
 8 shall—

9 (A) ~~conduct a study on impediments relat-~~
 10 ~~ing to permitting that are hindering the ability~~
 11 ~~of youth groups to access and recreate on Fed-~~
 12 ~~eral land; and~~

13 (B) ~~submit to the Committee on Energy~~
 14 ~~and Natural Resources of the Senate and the~~
 15 ~~Committee on Natural Resources of the House~~
 16 ~~of Representatives a report that describes the~~
 17 ~~findings of the study under subparagraph (A).~~

18 (2) ~~TEMPORARY PERMITS AND DE MINIMIS USE~~
 19 ~~PERMITS.—~~For purposes of the study conducted
 20 under paragraph (1)(A), for the 4-year period begin-
 21 ning on the date that is 1 year before the date of
 22 enactment of this Act, the Secretaries shall—

23 (A) ~~assess the frequency and appropriate-~~
 24 ~~ness of the issuance of temporary permits or~~

1 other special recreation permits for youth
2 groups on Federal land;

3 (B) assess the quantity of requests made
4 by youth groups to access a publicly accessible
5 site on a unit of the National Forest System,
6 Federal land administered by the Bureau of
7 Reclamation, or Federal land administered by
8 the Bureau of Land Management;

9 (C) provide any recommendations to facili-
10 tate and streamline access and recreation by
11 youth groups; and

12 (D) consider any implications regarding
13 the health and safety of participants and liabil-
14 ity exposure of the Secretaries and the youth
15 groups.

16 (d) VOLUNTARY RETURN OF SURPLUS SERVICE
17 DAYS.—

18 (1) IN GENERAL.—The Secretary concerned
19 shall establish a program to allow a permittee issued
20 a special recreation permit for a public land unit to
21 voluntarily and temporarily return to the Secretary
22 concerned 1 or more service days, to be made avail-
23 able to any other existing or potential permittee.

24 (2) EFFECT.—The return of surplus service
25 days shall not affect future-year special recreation

1 permits or the number of service days available to
2 the permittee in future years.

3 **SEC. 102. PLANNING AND MANAGING FOR RECREATION.**

4 (a) **POLICY.**—

5 (1) **IN GENERAL.**—It is the policy of the Fed-
6 eral Government to foster and encourage recreation
7 on Federal land, consistent with—

8 (A) the multiple-use mission of the applica-
9 ble Federal land management agency; and

10 (B) the laws applicable to specific areas of
11 Federal land.

12 (2) **ADMINISTRATION.**—The Secretary con-
13 cerned shall carry out the policy described in para-
14 graph (1) in administering programs and activities
15 authorized by law.

16 (b) **DEFINITION OF LAND MANAGEMENT PLAN.**—In
17 this section, the term “land management plan” means—

18 (1) a land use plan prepared by the Secretary
19 pursuant to section 202 of the Federal Land Policy
20 and Management Act of 1976 (43 U.S.C. 1712);
21 and

22 (2) a land management plan prepared by the
23 Forest Service for a unit of the National Forest
24 Service pursuant to section 6 of the Forest and

1 Rangeland Renewable Resources Planning Act of
2 1974 (16 U.S.C. 1604).

3 ~~(c) INVENTORY AND ASSESSMENT.—~~

4 ~~(1) IN GENERAL.—~~In developing or revising a
5 land management plan, the Secretary concerned
6 shall conduct, using public outreach, an inventory
7 and assessment of recreation resources for the Fed-
8 eral land subject to the land management plan.

9 ~~(2) UNIQUE RECREATION VALUES.—~~An inven-
10 tory and assessment conducted under paragraph ~~(1)~~
11 shall recognize—

12 ~~(A) any unique recreation values and uses~~
13 ~~of each landscape that make a landscape, or a~~
14 ~~portion of a landscape, desirable for a par-~~
15 ~~ticular type of recreation opportunity; and~~

16 ~~(B) points of concentrated use by~~
17 ~~recreationists.~~

18 ~~(3) INVENTORY.—~~The inventory under para-
19 graph ~~(1)~~ shall identify and list recreation resources
20 by—

21 ~~(A) type of recreation and type of natural~~
22 ~~or manmade recreation infrastructure;~~

23 ~~(B) to the extent available, the level and~~
24 ~~demographics of use of the recreation resource~~
25 ~~as of the date of the inventory; and~~

1 ~~(C)~~ any trend relating to recreation oppor-
 2 tunities or use.

3 ~~(4)~~ ASSESSMENT.—For any recreation resource
 4 inventoried under paragraph ~~(1)~~, the Secretary con-
 5 cerned shall assess—

6 ~~(A)~~ the level of demand for the recreation
 7 resource;

8 ~~(B)~~ the maintenance needs of, and ex-
 9 penses necessary to administer, the recreation
 10 resource;

11 ~~(C)~~ the benefits of current and projected
 12 future recreation use, including to the local
 13 economy;

14 ~~(D)~~ the impacts of current and projected
 15 future recreation use on—

16 ~~(i)~~ natural, cultural, and other re-
 17 sources; and

18 ~~(ii)~~ other authorized uses and activi-
 19 ties on the Federal land subject to the land
 20 management plan; and

21 ~~(E)~~ the suitability for developing, expand-
 22 ing, or enhancing the recreation resource.

23 ~~(d)~~ FUTURE RECREATION NEEDS AND MANAGE-
 24 MENT.—

1 (1) ~~FUTURE NEEDS.~~—Based on the inventory
2 and assessment under subsection (e)(1), the Sec-
3 retary concerned shall—

4 (A) consider future recreation needs;

5 (B) identify underutilized locations that
6 are suitable for developing, expanding, or en-
7 hancing recreation use; and

8 (C) select additional high-value recreation
9 resources at which to encourage recreation use.

10 (2) ~~SAVINGS CLAUSE.~~—The Secretary con-
11 cerned shall manage any high-value recreation re-
12 source identified under paragraph (1)(C) in a man-
13 ner that—

14 (A) is consistent with applicable law;

15 (B) recognizes other uses and activities in
16 the area of the high-value recreation resource;

17 (C) seeks input from the public, including
18 adjacent landowners and individuals or entities
19 with existing permits and leases; and

20 (D) protects and enhances the recreation
21 values of the high-value recreation resource.

22 (3) ~~FORECASTS.~~—In developing or revising a
23 land management plan, the Secretary concerned
24 shall predict the manner in which the following

1 would change under the desired future conditions
 2 identified in the applicable land management plan:

3 (A) The number of visitors to the respec-
 4 tive unit of Federal land.

5 (B) The maintenance needs of, and the ex-
 6 penses necessary to administer, the recreation
 7 resources on the respective unit of Federal land.

8 (C) The benefits of recreation use, includ-
 9 ing to the local economy.

10 (D) The impacts of recreation use on—

11 (i) natural, cultural, or other re-
 12 sources; and

13 (ii) other authorized uses and activi-
 14 ties on the Federal land subject to the land
 15 management plan.

16 **SEC. 103. FOREST SERVICE CLIMBING GUIDANCE.**

17 (a) FINDINGS.—Congress finds that—

18 (1) recreational climbing in wilderness areas on
 19 National Forest System land is being managed in-
 20 consistently; and

21 (2) recreational climbing is a legitimate and ap-
 22 propriate use of wilderness areas on National Forest
 23 System land if the recreational climbing is conducted
 24 and managed in accordance with—

1 (A) the Wilderness Act (16 U.S.C. 1131 et
2 seq.);

3 (B) other applicable laws (including regu-
4 lations); and

5 (C) any reasonable terms and conditions
6 that are determined to be necessary by the Sec-
7 retary of Agriculture.

8 (b) CLIMBING GUIDANCE IN WILDERNESS.—Not
9 later than 18 months after the date of enactment of this
10 Act, the Secretary of Agriculture shall issue guidance on
11 climbing management for National Forest System land,
12 including the placement, maintenance, or removal of fixed
13 anchors and the appropriate use of other equipment in
14 designated wilderness areas on National Forest System
15 land under the Wilderness Act (16 U.S.C. 1131 et seq.).

16 (c) PUBLIC NOTICE AND COMMENT.—Prior to taking
17 any significant management action affecting recreational
18 climbing on National Forest System land, the Secretary
19 of Agriculture shall provide the public with notice and an
20 opportunity to comment on the proposed action.

21 **SEC. 104. TARGET SHOOTING RANGES.**

22 (a) DEFINITION OF DESIGNATED SHOOTING
23 RANGE.—In this section, the term “designated shooting
24 range” means a developed and managed area on Federal
25 land that is designed and operated specifically for the pur-

1 poseful discharge of legal firearms, firearms training,
2 archery, or other associated activities.

3 (b) IDENTIFICATION OF DESIGNATED SHOOTING
4 RANGE.—

5 (1) IN GENERAL.—The Secretaries shall iden-
6 tify a suitable location for, and construct, designated
7 shooting ranges on National Forest System land and
8 public land administered by the Bureau of Land
9 Management for the public to use for recreational
10 target shooting.

11 (2) MINIMUM NUMBER OF RANGES.—To the
12 maximum extent practicable—

13 (A) the Secretary of Agriculture shall en-
14 sure that each National Forest has not fewer
15 than 1 designated shooting range; and

16 (B) the Secretary shall ensure each Bu-
17 reau of Land Management district has not
18 fewer than 1 designated shooting range.

19 (3) REQUIREMENTS.—A designated shooting
20 range under paragraph (1)—

21 (A)(i) shall be able to accommodate rifles,
22 pistols, and shotguns; and

23 (ii) may accommodate archery;

24 (B) shall include—

- 1 (i) significantly modified landscapes,
2 including berms, buffer distances, or other
3 public safety designs or features;
4 (ii) a designated firing line; and
5 (iii) benches; and
6 (C) may include—
7 (i) shade structures;
8 (ii) trash containers;
9 (iii) restrooms; and
10 (iv) any other features that the Sec-
11 retary concerned determines to be nec-
12 essary.

13 (e) REQUIREMENTS.—

14 (1) EXISTING USE.—The Secretaries, in co-
15 operation with the entities described in subsection
16 (d), shall—

17 (A) consider the proximity of areas fre-
18 quently used by recreational shooters when
19 identifying a suitable location for a designated
20 shooting range; and

21 (B) ensure a designated shooting range
22 would not impact a non-Federal target shooting
23 range, including a target shooting range located
24 on private land.

1 (2) CLOSURES.—Except in emergency situa-
2 tions, the Secretary concerned shall seek to ensure
3 that a designated shooting range, or an equivalent
4 shooting range adjacent to a National Forest or Bu-
5 reau of Land Management district, is available to
6 the public prior to closing Federal land to rec-
7 reational shooting.

8 (d) COOPERATION.—In carrying out this section, the
9 Secretaries shall cooperate, as applicable, with—

10 (1) local and Tribal governments;

11 (2) nonprofit organizations;

12 (3) State fish and wildlife agencies;

13 (4) shooting clubs;

14 (5) Federal advisory councils relating to hunt-
15 ing and shooting sports;

16 (6) nongovernmental organizations that, as of
17 the date of enactment of this Act, are signatories to
18 the memorandum of understanding entitled “Federal
19 Lands Hunting, Fishing, and Shooting Sports
20 Roundtable Memorandum of Understanding”²² and
21 signed by the Forest Service and the Bureau of
22 Land Management on August 17, 2006;

23 (7) individuals or entities with authorized leases
24 or permits in an area under consideration for a des-
25 ignated shooting range; and

1 (8) the public.

2 (e) RESTRICTIONS.—

3 (1) IN GENERAL.—The management of a des-
4 ignated shooting range shall be subject to such con-
5 ditions as the Secretary concerned determines are
6 necessary for the safe, responsible use of—

7 (A) the designated shooting range; and

8 (B) the adjacent resources.

9 (2) FEES.—The Secretary concerned may not
10 require a user to pay a fee to use a designated
11 shooting range established under this section.

12 (f) ANNUAL REPORTS.—Not later than 1 year after
13 the date of enactment of this Act and annually thereafter,
14 the Secretaries shall submit to the Committee on Energy
15 and Natural Resources of the Senate and the Committee
16 on Natural Resources of the House of Representatives a
17 report describing the progress made with respect to the
18 implementation of this section.

19 **TITLE II—IMPROVING**
20 **RECREATION OPPORTUNITIES**

21 **SEC. 201. BROADBAND INTERNET CONNECTIVITY AT**
22 **RECREATION SITES.**

23 (a) IN GENERAL.—The Secretary and the Chief of
24 the Forest Service shall enter into an agreement with the
25 Administrator of the Rural Utilities Service to install or

1 construct broadband internet infrastructure at recreation
 2 sites on Federal land to establish broadband internet
 3 connectivity—

4 (1) subject to the availability of appropriations;

5 and

6 (2) consistent with applicable law.

7 (b) IDENTIFICATION.—Not later than 1 year after
 8 the date of enactment of this Act, and annually thereafter,
 9 the Secretary and the Chief of the Forest Service, in co-
 10 ordination with States, shall make publically available—

11 (1) a list of the highest priority recreation sites
 12 on Federal land that lack broadband internet; and

13 (2) an estimate of the cost to equip each of
 14 those sites with broadband internet infrastructure.

15 (c) PRIORITIES.—In selecting recreation sites for the
 16 list described in subsection (b)(1), the Secretary and the
 17 Chief of the Forest Service shall give priority to recreation
 18 sites—

19 (1) at which broadband internet infrastructure
 20 has not been constructed by traditional utilities due
 21 to—

22 (A) geographic challenges; or

23 (B) the location having an insufficient
 24 number of permanent residents, despite high
 25 seasonal or daily visitation levels; or

1 (2) that are located in an economically dis-
 2 tressed county that could benefit significantly from
 3 developing the outdoor recreation economy of the
 4 county.

5 **SEC. 202. FEDERAL LAND AND AQUATIC RESOURCE ACTIVI-**
 6 **TIES ASSISTANCE.**

7 (a) DEFINITIONS.—In this section:

8 (1) AQUATIC NUISANCE SPECIES TASK
 9 FORCE.—The term “Aquatic Nuisance Species Task
 10 Force” means the Aquatic Nuisance Species Task
 11 Force established by section 1201(a) of the Non-
 12 indigenous Aquatic Nuisance Prevention and Control
 13 Act of 1990 (16 U.S.C. 4721(a)).

14 (2) FEDERAL LAND AND WATER.—The term
 15 “Federal land and water” means Federal land and
 16 water operated and maintained by the Bureau of
 17 Land Management or the National Park Service, as
 18 applicable.

19 (3) INSPECTION.—The term “inspection”
 20 means an inspection to prevent and respond to bio-
 21 logical invasions of an aquatic ecosystem.

22 (4) PARTNER.—The term “partner” means—
 23 (A) a Reclamation State;
 24 (B) an Indian Tribe in a Reclamation
 25 State;

1 (C) an applicable nonprofit organization in
2 a Reclamation State; or

3 (D) a unit of local government in a Rec-
4 lamation State.

5 (5) RECLAMATION STATE.—

6 (A) IN GENERAL.—The term “Reclamation
7 State” means any State in which a Bureau of
8 Reclamation reservoir is located.

9 (B) INCLUSIONS.—The term “Reclamation
10 State” includes any of the States of—

11 (i) Alaska;

12 (ii) Arizona;

13 (iii) California;

14 (iv) Colorado;

15 (v) Idaho;

16 (vi) Kansas;

17 (vii) Montana;

18 (viii) Nebraska;

19 (ix) Nevada;

20 (x) New Mexico;

21 (xi) North Dakota;

22 (xii) Oklahoma;

23 (xiii) Oregon;

24 (xiv) South Dakota;

25 (xv) Texas;

- 1 (xvi) Utah;
2 (xvii) Washington; and
3 (xviii) Wyoming.

4 (b) ~~AUTHORITY OF BUREAU OF LAND MANAGEMENT~~
5 ~~AND NATIONAL PARK SERVICE WITH RESPECT TO CER-~~
6 ~~TAIN AQUATIC RESOURCE ACTIVITIES ON FEDERAL LAND~~
7 ~~AND WATER.—~~

8 (1) ~~IN GENERAL.—~~The Secretary may inspect
9 and decontaminate watercraft entering and leaving
10 Federal land and water located within a river basin
11 that contains a Bureau of Reclamation water
12 project.

13 (2) ~~REQUIREMENTS.—~~The Secretary, acting
14 through the Director of the Bureau of Land Man-
15 agement and the Director of the National Park
16 Service, shall—

17 (A) in carrying out an inspection under
18 paragraph (1), coordinate with 1 or more part-
19 ners;

20 (B) consult with the Aquatic Nuisance
21 Species Task Force to identify potential im-
22 provements in the detection and management of
23 invasive species on Federal land and water; and

24 (C) to the maximum extent practicable, in-
25 spect watercraft in a manner that minimizes

1 disruptions to public access for boating and
2 recreation in noncontaminated watercraft.

3 ~~(3)~~ PARTNERSHIPS.—The Secretary, acting
4 through the Director of the Bureau of Land Man-
5 agement and the Director of the National Park
6 Service, may enter into a partnership to provide
7 technical assistance to a partner—

8 (A) to carry out an inspection or decon-
9 tamination of watercraft; or

10 (B) to establish an inspection and decon-
11 tamination station for watercraft.

12 ~~(c)~~ GRANT PROGRAM FOR RECLAMATION STATES
13 FOR WATERCRAFT INSPECTION AND DECONTAMINATION
14 STATIONS.—

15 ~~(1)~~ WATERCRAFT INSPECTION IN RECLAMATION
16 STATES.—Subject to the availability of appropria-
17 tions, the Secretary, acting through the Commis-
18 sioner of Reclamation, shall establish a competitive
19 grant program to provide grants to partners to con-
20 duct inspections and decontamination of watercraft
21 in reservoirs operated and maintained by the Sec-
22 retary, including to purchase, establish, operate, or
23 maintain a watercraft inspection and decontamina-
24 tion station.

1 (2) COST SHARE.—The Federal share of the
2 cost of a grant under paragraph (1), including per-
3 sonnel costs, shall not exceed 75 percent.

4 (3) STANDARDS.—Before awarding a grant
5 under paragraph (1), the Secretary shall determine
6 that the project is technically and financially fea-
7 sible.

8 (4) COORDINATION.—In carrying out this sub-
9 section, the Secretary shall coordinate with—

10 (A) each of the Reclamation States;

11 (B) affected Indian Tribes; and

12 (C) the Aquatic Nuisance Species Task
13 Force.

14 **SEC. 203. IMPROVED RECREATION VISITATION DATA.**

15 (a) IN GENERAL.—The Secretaries shall establish a
16 single visitation data management and modeling system
17 for public recreation to provide accurate, real-time visita-
18 tion data, at a site-specific level and in a consistent man-
19 ner, with respect to Federal land managed by each of—

20 (1) the Chief of the Forest Service;

21 (2) the Director of the Bureau of Land Man-
22 agement;

23 (3) the Director of the Bureau of Indian Af-
24 fairs, in coordination with Indian Tribes;

25 (4) the Director of the National Park Service;

1 (5) the Director of the United States Fish and
2 Wildlife Service; and

3 (6) the Commissioner of Reclamation.

4 (b) ~~THIRD-PARTY PROVIDERS AND PARTNERS.~~—For
5 purposes of carrying out this section, the Secretary con-
6 cerned shall coordinate or contract with private sector
7 partners, including—

8 (1) technology companies;

9 (2) mapping companies;

10 (3) experts in data science, analytics, and oper-
11 ations research; or

12 (4) data companies.

13 (c) ~~INTERFACE.~~—The Secretaries shall coordinate
14 with trade associations, State outdoor recreation offices,
15 offices of tourism, and local outdoor recreation marketing
16 organizations to design and deploy, for purposes of mak-
17 ing data available under subsection (a), the optimum user
18 interface that balances ease of use by the public with the
19 available resources of the Secretaries.

20 (d) ~~SMART PHONE TECHNOLOGY.~~—The Secretaries
21 and any partner described in subsection (b) may make use
22 of smart phone technology for purposes of making data
23 available under subsection (a).

24 (e) ~~PRIVACY CLAUSE.~~—Nothing in this section pro-
25 vides authority to the Secretaries—

1 (1) to monitor or record the movements of a
2 visitor to Federal land;

3 (2) to restrict, interfere with, or monitor a pri-
4 vate communication of a visitor to Federal land;

5 (3) to take possession of any documents, data,
6 or other personal effects of a visitor to Federal land;

7 or

8 (4) to collect—

9 (A) information from owners of land adja-
10 cent to Federal land; or

11 (B) information on non-Federal land.

12 (f) CATEGORIES OF USE.—To the maximum extent
13 practicable, the Secretaries shall categorize the data col-
14 lected under subsection (a) by recreational activity.

15 (g) LIMITATION.—Information or data collected
16 under this section shall be limited only to actual recreation
17 visitation information for recreation sites managed by the
18 Secretary concerned.

19 (h) REPORT.—Not later than January 1, 2024, and
20 annually thereafter, the Secretaries shall publish on a
21 website of the Secretaries a report that describes the an-
22 nual visitation of each unit of Federal land, including, to
23 the maximum extent practicable, visitation categorized by
24 recreational activity.

1 **SEC. 204. TRAVEL MANAGEMENT.**

2 (a) IN GENERAL.—The Secretaries shall—

3 (1) prioritize finalizing travel management
4 planning activities of the Bureau of Land Manage-
5 ment and the Forest Service, as applicable, including
6 evaluating and designating as open, limited, or
7 closed applicable Federal land areas or routes,
8 roads, trails, or staging areas on applicable Federal
9 land for nonmotorized or motorized use, including
10 for over-snow vehicles; and

11 (2) not later than 5 years after the date of en-
12 actment of this Act, develop a ground transportation
13 linear feature or motor vehicle use map and over-
14 snow vehicle use map for each district administered
15 by the Bureau of Land Management and each unit
16 of the National Forest System, in a printed and
17 publically available format that is compliant with the
18 format for geographic information systems.

19 (b) PROCEDURES.—For purposes of meeting the re-
20 quirements of subsection (a), the Secretary concerned—

21 (1) may use an existing evaluation or designa-
22 tion;

23 (2) may evaluate and alter an existing designa-
24 tion for applicable Federal land areas or routes,
25 roads, trails, or staging areas on applicable Federal

1 land in accordance with applicable laws (including
2 regulations);

3 ~~(3)~~ shall consider—

4 (A) the protection of the resources of the
5 Federal land;

6 (B) the promotion of the safety of the
7 users of the Federal land;

8 (C) the minimization of conflicts among
9 various uses of the Federal land; and

10 (D) other designation criteria or route op-
11 tions developed by the Secretaries at the local
12 level, such as seasonal restrictions, temporary
13 or seasonal access, minimization of impacts to
14 wildlife, and other appropriate criteria or op-
15 tions;

16 ~~(4)~~ shall increase—

17 (A) multiple-use recreation opportunities;
18 and

19 (B) opportunities for nonmotorized and
20 motorized access and experiences on Federal
21 land;

22 ~~(5)~~ shall coordinate with States, local govern-
23 ments, Indian Tribes, other stakeholders, adjoining
24 landowners, businesses that use the features on Fed-
25 eral land, and the public; and

1 (6) shall update any travel management plan
2 that was finalized before the date that is 15 years
3 before the date of enactment of this Act.

4 (c) RULEMAKING.—The Secretaries may revise exist-
5 ing regulations to implement this section.

6 (d) EFFECT.—Nothing in this section limits or re-
7 stricts—

8 (1) emergency access use or the administrative
9 use of the Federal land by the Secretary concerned
10 by motorized or nonmotorized means, including any
11 use or activity necessary to carry out terms and con-
12 ditions associated with an authorized permit, lease,
13 or contract with respect to the Federal land; or

14 (2) any other motorized or nonmotorized use or
15 activity on the Federal land that is authorized on
16 the applicable Federal land, as determined by the
17 Secretary concerned.

18 (e) REPORT.—Not later than 3 years after the date
19 of enactment of this Act, the Secretaries shall submit to
20 the Committee on Energy and Natural Resources of the
21 Senate and the Committee on Natural Resources of the
22 House of Representatives a report that describes the
23 progress of the Secretaries in carrying out this section.

1 **TITLE III—INVESTING IN RECRE-**
2 **ATION INFRASTRUCTURE**
3 **AND RURAL COMMUNITIES**

4 **SEC. 301. GATEWAY COMMUNITIES.**

5 (a) **IN GENERAL.**—The Secretary of Agriculture (act-
6 ing through the Administrator of the Rural Business-Co-
7 operative Service), in coordination with the Secretary and
8 the Secretary of Commerce, shall provide to businesses in
9 rural communities that are adjacent to recreation destina-
10 tions (including recreation destinations on Federal land)
11 the assistance described in subsection (b) to establish, op-
12 erate, or expand infrastructure to accommodate and man-
13 age sustainable visitation, including hotels, campgrounds,
14 and restaurants.

15 (b) **ASSISTANCE.**—The Secretary of Agriculture may
16 provide assistance under subsection (a) through the use
17 of existing, or the establishment of new, entrepreneur and
18 vocational training programs, technical assistance pro-
19 grams, low-interest business loan programs, and loan
20 guarantee programs.

21 **SEC. 302. FOREST SERVICE CONSERVATION FINANCE PART-**
22 **NERSHIPS.**

23 (a) **FINDINGS.**—Congress finds that—

1 (1) innovative funding models are an appro-
 2 priate way to develop and maintain recreation infra-
 3 structure on Federal land; and

4 (2) in carrying out this section, the Secretary of
 5 Agriculture should build on the successes of the Bai-
 6 leys Mountain Bike Trail System project on the
 7 Wayne National Forest, which was designed specifi-
 8 cally to make Athens County, Ohio, a more popular
 9 recreation destination.

10 (b) DEFINITIONS.—In this section:

11 (1) CONSERVATION PARTNER.—The term “con-
 12 servation partner” means—

13 (A) a private nonprofit, for-profit, or chari-
 14 table entity or other person; or

15 (B) a unit of State, local, or Tribal govern-
 16 ment.

17 (2) INDEPENDENT EVALUATOR.—The term
 18 “independent evaluator” means an individual or en-
 19 tity, including an institution of higher education,
 20 that is selected by the Secretary of Agriculture, in
 21 consultation with a conservation partner, to make
 22 the determinations and prepare the reports required
 23 under subsection (f).

24 (3) PROJECT.—The term “project” means 1 or
 25 more activities conducted on National Forest System

1 land, or on other land if the activities would benefit
 2 National Forest System land, to enhance a ree-
 3 creational opportunity for which the Secretary of Ag-
 4 riculture has approved a record of decision, decision
 5 notice, or decision memo.

6 (4) PROJECT AGREEMENT.—The term “project
 7 agreement” means a cooperative agreement, a mu-
 8 tual benefit agreement, or a contract, as appro-
 9 priate, executed by the Secretary of Agriculture and
 10 a project broker or a conservation partner in accord-
 11 ance with applicable law.

12 (5) PROJECT BROKER.—The term “project
 13 broker” means a nonprofit or for-profit intermediary
 14 that assists in establishing or implementing a project
 15 agreement.

16 (c) ESTABLISHMENT OF PILOT PROGRAM.—The Sec-
 17 retary of Agriculture shall establish a pilot program in ae-
 18 cordance with this section to carry out 1 or more projects
 19 that are financed by conservation partners.

20 (d) PROJECT AGREEMENTS.—

21 (1) IN GENERAL.—Notwithstanding the Act of
 22 June 30, 1914 (commonly known as the “Coopera-
 23 tive Funds Act”) (16 U.S.C. 498), or subtitle C of
 24 title XX of the Social Security Act (42 U.S.C.
 25 1397n et seq.), in carrying out the pilot program

1 under this section, the Secretary of Agriculture may
2 enter into a project agreement with a conservation
3 partner or a project broker under which the con-
4 servation partner or project broker agrees to pay for
5 all or part of a project.

6 (2) ~~TERM.~~—The term of a project agreement
7 shall be not longer than 20 years.

8 (3) ~~SIZE LIMITATION.~~—The Secretary of Agri-
9 culture may not enter into a project agreement
10 under the pilot program under this section for a
11 project valued at more than \$10,000,000.

12 (4) ~~STRUCTURE OF AGREEMENTS.~~—Notwith-
13 standing any other provision of law, funds may be
14 exchanged between non-Federal parties under a
15 project agreement, if—

16 (A) the project agreement uses an innova-
17 tive funding model, such as pay-for-perform-
18 ance, or pay-for-success, under which payments
19 are paid when specified recreation-related out-
20 comes are met; and

21 (B) an independent evaluator determines
22 pursuant to subsection (f) that the outcome
23 specified in the project agreement has been
24 met.

1 (5) MAINTENANCE AND DECOMMISSIONING.—A
2 project agreement shall—

3 (A) include a plan for maintaining any
4 capital improvement made as part of a project
5 after the date on which the project is com-
6 pleted; and

7 (B) specify the party that will be respon-
8 sible for decommissioning the improvements as-
9 sociated with the project—

10 (i) at the end of the useful life of the
11 improvements; or

12 (ii) if the project fails.

13 (6) ELIGIBLE PAYMENTS.—Under a project
14 agreement, a conservation partner, a project broker,
15 or the Secretary of Agriculture shall agree to pay to
16 the other party to the project agreement any of the
17 following:

18 (A) A percentage of the estimated value of
19 the outcomes achieved by the applicable project.

20 (B) A percentage of the estimated cost
21 savings to the conservation partner or the Sec-
22 retary of Agriculture as a result of the project.

23 (C) A percentage of the enhanced revenue
24 to the conservation partner or the Secretary of
25 Agriculture as a result of the project.

1 ~~(D)~~ The cost of the project.

2 (7) COST-SHARE.—Subject to the availability of
3 appropriations, the Secretary of Agriculture may
4 only contribute funding for a project if—

5 (A) the Secretary of Agriculture dem-
6 onstrates the project will provide a cost savings
7 to the United States; and

8 (B) the contribution of the Secretary of
9 Agriculture is in an amount equal to less than
10 50 percent of the total cost of the project.

11 (8) CONSULTANTS.—Subject to the availability
12 of appropriations, the Secretary of Agriculture may
13 hire a contractor—

14 (A) to conduct a feasibility analysis of a
15 proposed project; or

16 (B) to assist in the formation or evaluation
17 of a proposed project.

18 ~~(c)~~ PROJECTS.—

19 ~~(1)~~ IN GENERAL.—All or any portion of a
20 project may be implemented by—

21 (A) the Secretary of Agriculture; or

22 (B) a conservation partner or third party,
23 subject to the conditions that—

1 (i) the Secretary of Agriculture shall
2 approve the implementation by the con-
3 servation partner or third party; and

4 (ii) the implementation shall be in ac-
5 cordance with applicable law.

6 ~~(2) RELATION TO LAND AND RESOURCE MAN-~~
7 ~~AGEMENT PLANS.—~~A project carried out under this
8 section shall be consistent with any applicable land
9 and resource management plan developed under sec-
10 tion 6 of the Forest and Rangeland Renewable Re-
11 sources Planning Act of 1974 (16 U.S.C. 1604).

12 ~~(3) OWNERSHIP.—~~

13 ~~(A) IN GENERAL.—~~Each project shall be
14 vested to the United States.

15 ~~(B) TREATMENT.—~~The carrying out of
16 any action for a project does not provide any
17 right to any party to a project agreement.

18 ~~(4) POTENTIAL CONFLICTS.—~~Before approving
19 a project under this section, the Secretary of Agri-
20 culture shall consider and seek to avoid potential
21 conflicts (including economic competition) with an
22 existing authorization.

23 ~~(f) INDEPENDENT EVALUATIONS.—~~

24 ~~(1) PROGRESS REPORTS.—~~An independent eval-
25 uator shall submit to the Secretary of Agriculture

1 and each party to the relevant project agreement a
2 written report—

3 (A) by not later than 2 years after the
4 date on which a project agreement is executed;
5 and not less frequently than once every 2 years
6 thereafter, summarizing the progress that has
7 been made in achieving each outcome specified
8 in the project agreement; and

9 (B) before the first scheduled outcome pay-
10 ment date, and each subsequent payment date,
11 summarizing the results of the evaluation con-
12 ducted to determine whether an outcome pay-
13 ment should be made, together with information
14 relating to the factors contributing to the con-
15 servation partner achieving, or failing to
16 achieve, an outcome.

17 (2) FINAL REPORT.—Not later than 180 days
18 after the date on which a project is completed, the
19 applicable independent evaluator shall submit to the
20 Secretary of Agriculture and each party to the rel-
21 evant project agreement a written report that in-
22 cludes—

23 (A) an evaluation of the effects of the
24 project with respect to each outcome specified
25 in the project agreement; and

1 (B) a determination of whether the con-
 2 servation partner has met each outcome speci-
 3 fied in the project agreement.

4 (g) **TERMINATION OF PROJECT AGREEMENTS.**—The
 5 Secretary of Agriculture may unilaterally terminate a
 6 project agreement, in whole or in part, for any program
 7 year beginning after the program year during which the
 8 Secretary of Agriculture provides to each party to the
 9 project agreement a notice of the termination.

10 (h) **DURATION OF PILOT PROGRAM.**—

11 (1) **SUNSET.**—The authority to enter into
 12 project agreements under this section terminates on
 13 September 30, 2032.

14 (2) **SAVINGS CLAUSE.**—Nothing in paragraph
 15 (1) affects any project agreement entered into by the
 16 Secretary of Agriculture pursuant to this section be-
 17 fore the date described in that paragraph.

18 **SEC. 303. AVAILABILITY OF FEDERAL LAND INFRASTRUC-**
 19 **TURE DURING SHOULDER SEASONS.**

20 (a) **COORDINATION.**—The Secretaries shall consult
 21 and coordinate with outdoor recreation-related businesses
 22 operating on or adjacent to Federal land, State offices of
 23 outdoor recreation, local destination marketing organiza-
 24 tions, Indian Tribes, local governments, and institutions
 25 of higher education—

1 (1) to better understand trends with respect to
2 visitors to the Federal land;

3 (2) to coordinate with outdoor recreation mar-
4 keting campaigns; and

5 (3) to better understand—

6 (A) the effect of seasonal closures of areas
7 of, or infrastructure on, Federal land on out-
8 door recreation opportunities, adjacent busi-
9 nesses, and local tax revenue; and

10 (B) opportunities to extend the period of
11 time during which areas of, or infrastructure
12 on, Federal land are open to the public to in-
13 crease outdoor recreation opportunities and as-
14 sociated revenues for businesses and local gov-
15 ernments.

16 (b) AVAILABILITY OF INFRASTRUCTURE.—The Sec-
17 retaries shall make efforts to make infrastructure avail-
18 able to accommodate increased visitation to the Federal
19 land during shoulder seasons—

20 (1) to extend the outdoor recreation season and
21 the duration of income to gateway communities; and

22 (2) to provide more opportunities to visit re-
23 sources on Federal land to reduce crowding during
24 peak seasons.

25 (c) AGREEMENTS.—

1 (1) IN GENERAL.—The Secretaries may enter
 2 into agreements with businesses, local governments,
 3 or other entities to share the cost of additional ex-
 4 penses necessary to extend the period of time during
 5 which an area of, or infrastructure on, Federal land
 6 is made open to the public.

7 (2) IN-KIND CONTRIBUTIONS.—The Secretaries
 8 may accept in-kind contributions of goods and serv-
 9 ices provided by businesses, local governments, or
 10 other entities for purposes of paragraph (1).

11 **SEC. 304. PUBLIC-PRIVATE PARTNERSHIPS TO MODERNIZE**
 12 **CAMPGROUNDS ON FEDERAL LAND.**

13 (a) IN GENERAL.—The Secretaries shall establish a
 14 pilot program under which the Secretary concerned may
 15 enter into an agreement with a private entity providing
 16 for capital improvements (including the construction of
 17 structures and improvements), management, and mainte-
 18 nance by the private entity of a campground, in existence
 19 on the date of enactment of this Act, on Federal land,
 20 subject to the requirements of this section.

21 (b) MINIMUM NUMBER OF AGREEMENTS.—Not later
 22 than 3 years after the date of enactment of this Act, the
 23 Secretary concerned shall enter into at least 1 agreement
 24 under subsection (a) in—

1 (1) a unit of the National Forest System in
2 each region of the National Forest System; and

3 (2) Federal land administered by the Bureau of
4 Land Management in not fewer than 5 States in
5 which the Bureau of Land Management administers
6 Federal land.

7 (c) REQUIREMENTS.—

8 (1) PLANS.—Before entering into an agreement
9 under subsection (a), the private entity shall submit
10 to the Secretary concerned a development plan
11 that—

12 (A) describes investments in the camp-
13 ground to be made by the private entity during
14 the first 3 years of the agreement;

15 (B) describes annual maintenance spend-
16 ing for each year of the agreement; and

17 (C) includes any other terms and condi-
18 tions determined to be necessary by the Sec-
19 retary concerned.

20 (2) AGREEMENTS.—An agreement entered into
21 under subsection (a) shall—

22 (A) be for a term of not more than 30
23 years;

24 (B) require that, not later than 3 years
25 after the date on which the Secretary concerned

1 enters into an agreement the private entity ex-
2 pend, or place in an escrow account for expend-
3 iture, for the construction or improvement of
4 structures and infrastructure relating to the op-
5 eration of, or access to, the applicable camp-
6 ground, not less than \$2,000,000, or a specified
7 percentage, as determined by the Secretary con-
8 cerned, of the anticipated receipts for the period
9 of the agreement;

10 (C) require the private entity to maintain
11 the campground facility and any associated in-
12 frastructure designated by the Secretary con-
13 cerned in a manner acceptable to the Secretary
14 concerned and the private entity;

15 (D) include any terms and conditions that
16 the Secretary concerned determines to be nec-
17 essary for a recreational special use permit
18 issued under section 7 of the Act of April 24,
19 1950 (commonly known as the "Granger-Thye
20 Act") (64 Stat. 84, chapter 97; 16 U.S.C.
21 580d), including the payment described in sub-
22 paragraph (E);

23 (E) provide for payment to the Federal
24 Government of a fee consistent with a special
25 use permit under section 7 of the Act of April

1 24, 1950 (commonly known as the “Granger-
2 Thye Act”) (64 Stat. 84, chapter 97; 16 U.S.C.
3 580d), including a fee offset agreement for
4 work to be performed that is separate from
5 maintaining the campground facility and any
6 associated infrastructure designated by the Sec-
7 retary concerned; if determined to be appro-
8 priate by the Secretary concerned, on consider-
9 ation of the probable value to the private entity
10 of the rights provided by the agreement, taking
11 into account the capital invested by, and obliga-
12 tions of, the private entity under the agreement;

13 (F) include provisions that state—

14 (i) the private entity shall obtain no
15 property interest pursuant to the expendi-
16 tures of the private entity, as required by
17 the agreement; and

18 (ii) all structures and improvements
19 constructed by the private entity under the
20 agreement shall be the property of the
21 United States; and

22 (G) be subject to any other terms and con-
23 ditions determined to be necessary by the Sec-
24 retary concerned.

1 ~~(d) FEE RETENTION.—A fee or revenue shared with~~
 2 the Secretary concerned under an agreement authorized
 3 by this section shall be available for expenditure by the
 4 Secretary concerned for recreation-related purposes on the
 5 unit of Federal land at which the fee or revenue is col-
 6 lected, without further appropriation.

7 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

8 (a) *SHORT TITLE.—This Act may be cited as the*
 9 *“America’s Outdoor Recreation Act of 2022”.*

10 (b) *TABLE OF CONTENTS.—The table of contents for*
 11 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—OUTDOOR RECREATION AND INFRASTRUCTURE

Subtitle A—Declaration of Policy

Sec. 111. Congressional declaration of policy.

Subtitle B—Public Recreation on Federal Recreational Lands and Waters

Sec. 121. Biking on long-distance bike trails.

Sec. 122. Forest Service climbing guidance.

Sec. 123. Designated target shooting ranges.

Subtitle C—Improving Recreation Infrastructure

Sec. 131. Broadband internet connectivity at developed recreation sites.

Sec. 132. Extension of seasonal recreation opportunities.

Sec. 133. Gateway communities.

Sec. 134. Parking opportunities for Federal recreational lands and waters.

Sec. 135. Travel management.

*Sec. 136. Public-private partnerships to modernize federally-owned campgrounds,
 resorts, cabins, and visitor centers on Federal recreational lands
 and waters.*

Sec. 137. Forest Service pay-for-performance projects.

Subtitle D—Engagement

Sec. 141. Identifying opportunities for recreation.

Sec. 142. Federal Interagency Council on Outdoor Recreation.

Sec. 143. Informing the public of access closures.

Sec. 144. Improved recreation visitation data.

- Sec. 145. Monitoring for improved recreation decisionmaking.*
Sec. 146. Access for servicemembers and veterans.
Sec. 147. Increasing youth recreation visits to Federal land.

*TITLE II—AMENDMENTS TO THE FEDERAL LANDS RECREATION
 ENHANCEMENT ACT*

- Sec. 201. Short title.*
Sec. 202. Definitions.
Sec. 203. Special recreation permits and fees.
Sec. 204. Online collection of certain recreation fees.
*Sec. 205. Online purchases and establishment of a digital version of America the
 Beautiful—the National Parks and Federal Recreational Lands
 Passes.*
Sec. 206. Availability of Federal, State, and local recreation passes.
Sec. 207. Use of special recreation permit fee revenue.
Sec. 208. Permanent authorization.

*TITLE III—SPECIAL RECREATION PERMITS FOR OUTFITTING AND
 GUIDING*

*Subtitle A—Administration of Special Recreation Permits for Outfitting and
 Guiding*

- Sec. 311. Permit administration.*
*Sec. 312. Forest Service and Bureau of Land Management transitional special
 recreation permits for outfitting and guiding.*
Sec. 313. Surrender of unused visitor-use days.
Sec. 314. Permit reviews.
Sec. 315. Adjustment of allocated visitor-use days.

Subtitle B—Additional Provisions Relating to Special Recreation Permits

- Sec. 321. Permitting process improvements.*
Sec. 322. Service First Initiative and multijurisdictional trips.
Sec. 323. Permit flexibility.
Sec. 324. Liability.
Sec. 325. Cost recovery reform.
Sec. 326. Permit relief for picnic areas.
*Sec. 327. Interagency report on special recreation permits for underserved com-
 munities.*

Subtitle C—Effect

- Sec. 331. Effect.*

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Filming and still photography within the National Park System and
 on other Federal land.*
Sec. 402. Volunteer enhancement program.
Sec. 403. Cape and antler preservation enhancement.
Sec. 404. Federal land and water aquatic resource activities assistance.
Sec. 405. Amendments to the Modernizing Access to Our Public Land Act.
Sec. 406. Outdoor Recreation Legacy Partnership Program.
Sec. 407. Recreation budget crosscut.

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *COMMERCIAL USE AUTHORIZATION.*—The
4 term “commercial use authorization” means a com-
5 mercial use authorization to provide services to visi-
6 tors to units of the National Park System under sub-
7 chapter II of chapter 1019 of title 54, United States
8 Code.

9 (2) *FEDERAL LAND MANAGEMENT AGENCY.*—The
10 term “Federal land management agency” has the
11 meaning given the term in section 802 of the Federal
12 Lands Recreation Enhancement Act (16 U.S.C.
13 6801).

14 (3) *FEDERAL RECREATIONAL LANDS AND*
15 *WATERS.*—The term “Federal recreational lands and
16 waters” has the meaning given the term in section
17 802 of the Federal Lands Recreation Enhancement
18 Act (16 U.S.C. 6801).

19 (4) *INDIAN TRIBE.*—The term “Indian Tribe”
20 has the meaning given the term in section 4 of the In-
21 dian Self-Determination and Education Assistance
22 Act (25 U.S.C. 5304).

23 (5) *RECREATION SERVICE PROVIDER.*—The term
24 “recreation service provider” has the meaning given
25 the term in section 802 of the Federal Lands Recre-

1 *ation Enhancement Act (16 U.S.C. 6801) (as amend-*
2 *ed by section 202(9)).*

3 (6) *SECRETARIES.—The term “Secretaries”*
4 *means each of—*

5 (A) *the Secretary; and*

6 (B) *the Secretary of Agriculture.*

7 (7) *SECRETARY.—The term “Secretary” means*
8 *the Secretary of the Interior.*

9 (8) *SECRETARY CONCERNED.—The term “Sec-*
10 *retary concerned” means—*

11 (A) *the Secretary, with respect to land*
12 *under the jurisdiction of the Secretary; or*

13 (B) *the Secretary of Agriculture, with re-*
14 *spect to land managed by the Forest Service.*

15 (9) *SPECIAL RECREATION PERMIT.—The term*
16 *“special recreation permit” has the meaning given the*
17 *term in section 802 of the Federal Lands Recreation*
18 *Enhancement Act (16 U.S.C. 6801) (as amended by*
19 *section 202(10)).*

20 (10) *VISITOR-USE DAY.—The term “visitor-use*
21 *day” means a visitor-use day, user day, launch, or*
22 *other metric used by the Secretary concerned for pur-*
23 *poses of authorizing use under a special recreation*
24 *permit.*

1 **TITLE I—OUTDOOR RECREATION**
2 **AND INFRASTRUCTURE**
3 **Subtitle A—Declaration of Policy**

4 **SEC. 111. CONGRESSIONAL DECLARATION OF POLICY.**

5 *Congress declares that it is the policy of the Federal*
6 *Government to foster and encourage recreation on Federal*
7 *recreational lands and waters, to the extent consistent with*
8 *the laws applicable to specific areas of Federal recreational*
9 *lands and waters, including multiple-use mandates and*
10 *land management planning requirements.*

11 **Subtitle B—Public Recreation on**
12 **Federal Recreational Lands and**
13 **Waters**

14 **SEC. 121. BIKING ON LONG-DISTANCE BIKE TRAILS.**

15 *(a) DEFINITION OF LONG-DISTANCE BIKE TRAIL.—In*
16 *this section, the term “long-distance bike trail” means a*
17 *continuous route, consisting of 1 or more trails or rights-*
18 *of-way, that—*

19 *(1) is not less than a total of 80 miles in length*
20 *on Federal recreational lands and waters;*

21 *(2) to the maximum extent practicable, makes*
22 *use of existing trails;*

23 *(3) is composed generally of a consistent type of*
24 *trail;*

1 (4) may be used for mountain biking,
2 bikepacking, road biking, bicycle touring, or gravel
3 biking; and

4 (5) may include short connections by way of a
5 road or highway.

6 (b) *LONG-DISTANCE BIKE TRAILS ON FEDERAL REC-*
7 *REATIONAL LANDS AND WATERS.*—

8 (1) *IDENTIFICATION OF LONG-DISTANCE BIKE*
9 *TRAILS.*—Subject to paragraph (2), the Secretaries
10 shall—

11 (A) identify not fewer than 10 long-distance
12 bike trails, consistent with management require-
13 ments for the Federal recreational lands and
14 waters identified, that make use of trails and
15 roads in existence on the date of enactment of
16 this Act; and

17 (B)(i) identify not fewer than 10 areas in
18 which there is an opportunity to develop or com-
19 plete long-distance bike trails, consistent with the
20 management requirements for the Federal rec-
21 reational lands and waters identified;

22 (ii) coordinate with stakeholders on the fea-
23 sibility of, and identifying any resources nec-
24 essary for, completing the development of the
25 trails identified under clause (i); and

1 (iii) incorporate existing applicable re-
2 search and planning decisions in carrying out
3 this section.

4 (2) *CONFLICT AVOIDANCE WITH OTHER USES.*—
5 *Before identifying a trail or road as a long-distance*
6 *bike trail under paragraph (1), the Secretary con-*
7 *cerned shall ensure that the identification of the long-*
8 *distance bike trail would not conflict with an existing*
9 *use of the trail or road, including horseback riding or*
10 *use by pack and saddle stock.*

11 (3) *MAPS, SIGNAGE, AND PROMOTIONAL MATE-*
12 *RIALS.*—*For any long-distance bike trail identified*
13 *under paragraph (1), the Secretary concerned may*
14 *publish and distribute maps, install signage, and*
15 *issue promotional materials.*

16 (4) *GEOGRAPHIC REPRESENTATION.*—*To the ex-*
17 *tent practicable, the Secretary concerned shall seek to*
18 *identify long-distance bike trails and areas for the de-*
19 *velopment or completion of long-distance bike trails*
20 *under paragraph (1) in a geographically equitable*
21 *manner.*

22 (5) *REPORT.*—*Not later than 2 years after the*
23 *date of enactment of this Act, the Secretaries, in part-*
24 *nership with interested organizations, shall prepare*

1 *and publish a report that lists the long-distance bike*
2 *trails identified under paragraph (1).*

3 **SEC. 122. FOREST SERVICE CLIMBING GUIDANCE.**

4 *(a) CLIMBING GUIDANCE IN WILDERNESS.—*

5 *(1) IN GENERAL.—Not later than 18 months*
6 *after the date of enactment of this Act, the Secretary*
7 *of Agriculture shall issue guidance on climbing man-*
8 *agement in designated wilderness areas on National*
9 *Forest System land that recognizes the appropriate-*
10 *ness of the allowable activities described in paragraph*
11 *(2) in the designated wilderness areas, if the allowable*
12 *activities are undertaken in accordance with—*

13 *(A) the Wilderness Act (16 U.S.C. 1131 et*
14 *seq.);*

15 *(B) other applicable laws (including regula-*
16 *tions); and*

17 *(C) any terms and conditions that are de-*
18 *termined to be necessary by the Secretary of Ag-*
19 *riculture.*

20 *(2) ALLOWABLE ACTIVITIES.—The allowable ac-*
21 *tivities referred to in paragraph (1) are—*

22 *(A) recreational climbing;*

23 *(B) the placement, use, and maintenance of*
24 *fixed anchors; and*

1 (C) the use of other equipment necessary for
2 recreational climbing.

3 (b) *PUBLIC NOTICE AND COMMENT.*—Prior to taking
4 any significant management action affecting the allowable
5 activities described in subsection (a)(2) on National Forest
6 System land, the Secretary of Agriculture shall provide the
7 public with notice and an opportunity to comment on the
8 proposed action.

9 **SEC. 123. DESIGNATED TARGET SHOOTING RANGES.**

10 (a) *DEFINITION OF DESIGNATED TARGET SHOOTING*
11 *RANGE.*—In this section, the term “designated target shoot-
12 ing range” means a developed and managed area that is
13 designed and operated by the Forest Service or the Bureau
14 of Land Management specifically for the purposeful dis-
15 charge of legal firearms, firearms training, archery, or other
16 associated activities.

17 (b) *IDENTIFICATION OF DESIGNATED TARGET SHOOT-*
18 *ING RANGES.*—

19 (1) *IN GENERAL.*—The Secretaries shall identify
20 a suitable location for, and construct, designated tar-
21 get shooting ranges on Federal recreational lands and
22 waters administered by the Chief of the Forest Service
23 and Federal recreational lands and waters adminis-
24 tered by the Director of the Bureau of Land Manage-

1 *ment for the public to use for recreational target*
2 *shooting.*

3 (2) *MINIMUM NUMBER OF DESIGNATED TARGET*
4 *SHOOTING RANGES.—To the maximum extent prac-*
5 *ticable and where the Secretary concerned determines*
6 *that the use is consistent with applicable law and the*
7 *applicable land use plan—*

8 (A) *the Secretary of Agriculture shall ensure*
9 *that each National Forest has not fewer than 1*
10 *designated target shooting range; and*

11 (B) *the Secretary shall ensure each Bureau*
12 *of Land Management district has not fewer than*
13 *1 designated target shooting range.*

14 (3) *REQUIREMENTS.—A designated target shoot-*
15 *ing range under paragraph (1)—*

16 (A)(i) *shall be able to accommodate rifles,*
17 *pistols, and shotguns; and*

18 (ii) *may accommodate archery;*

19 (B) *shall include—*

20 (i) *significantly modified landscapes,*
21 *including berms, buffer distances, or other*
22 *public safety designs or features;*

23 (ii) *a designated firing line; and*

24 (iii) *benches; and*

25 (C) *may include—*

- 1 (i) shade structures;
2 (ii) trash containers;
3 (iii) restrooms; and
4 (iv) any other features that the Sec-
5 retary concerned determines to be necessary.

6 (c) *REQUIREMENTS.*—

7 (1) *EXISTING USE.*—*The Secretaries, in coopera-*
8 *tion with the entities described in subsection (d),*
9 *shall—*

10 (A) *consider the proximity of areas fre-*
11 *quently used by recreational shooters when iden-*
12 *tifying a suitable location for a designated target*
13 *shooting range; and*

14 (B) *ensure a designated target shooting*
15 *range would not impact a target shooting range*
16 *operated or maintained by a non-Federal entity,*
17 *including a target shooting range located on pri-*
18 *vate land.*

19 (2) *CLOSURES.*—*Except in emergency situations,*
20 *the Secretary concerned shall seek to ensure that a*
21 *designated target shooting range, or an equivalent*
22 *shooting range adjacent to a National Forest or Bu-*
23 *reau of Land Management district, is available to the*
24 *public prior to closing Federal recreational lands and*
25 *waters administered by the Chief of the Forest Service*

1 *or the Director of the Bureau of Land Management*
2 *to recreational shooting, in accordance with section*
3 *4103 of the John D. Dingell, Jr. Conservation, Man-*
4 *agement, and Recreation Act (16 U.S.C. 7913).*

5 *(d) CONSULTATIONS.—*

6 *(1) IN GENERAL.—In carrying out this section,*
7 *the Secretaries shall consult, as applicable, with—*

8 *(A) local and Tribal governments;*

9 *(B) nonprofit or nongovernmental organiza-*
10 *tions, including organizations that are signato-*
11 *ries to the memorandum of understanding enti-*
12 *tled “Federal Lands Hunting, Fishing, and*
13 *Shooting Sports Roundtable Memorandum of*
14 *Understanding” and signed by the Forest Service*
15 *and the Bureau of Land Management on August*
16 *17, 2006;*

17 *(C) State fish and wildlife agencies;*

18 *(D) shooting clubs;*

19 *(E) Federal advisory councils relating to*
20 *hunting and shooting sports;*

21 *(F) individuals or entities with authorized*
22 *leases or permits in an area under consideration*
23 *for a designated target shooting range;*

24 *(G) State and local offices of outdoor recre-*
25 *ation; and*

1 (H) *the public.*

2 (2) *PARTNERSHIPS.—The Secretaries may—*

3 (A) *coordinate with an entity described in*
4 *paragraph (1) to assist with the construction,*
5 *operation, and maintenance of a designated tar-*
6 *get shooting range; and*

7 (B) *explore opportunities to leverage fund-*
8 *ing to maximize non-Federal investment in the*
9 *construction, operation, and maintenance of a*
10 *designated target shooting range.*

11 (3) *RECREATION AND PUBLIC PURPOSES ACT.—*

12 *The Secretary concerned may consider a designated*
13 *target shooting range that is located on land trans-*
14 *ferred pursuant to the Act of June 14, 1926 (com-*
15 *monly known as the “Recreation and Public Purposes*
16 *Act”)* (44 Stat. 741, chapter 578; 43 U.S.C. 869 *et*
17 *seq.) as a designated target shooting range on Federal*
18 *recreational lands and waters administered by the*
19 *Chief of the Forest Service or the Director of the Bu-*
20 *reau of Land Management for the purposes of sub-*
21 *section (b)(2).*

22 (e) *RESTRICTIONS.—*

23 (1) *IN GENERAL.—The management of a des-*
24 *ignated target shooting range shall be subject to such*

1 *conditions as the Secretary concerned determines are*
2 *necessary for the safe, responsible use of—*

3 *(A) the designated target shooting range;*

4 *and*

5 *(B) the adjacent resources.*

6 *(2) FEES.—The Secretary concerned may not re-*
7 *quire a user to pay a fee to use a designated target*
8 *shooting range established under this section.*

9 *(f) APPLICABILITY.—*

10 *(1) IN GENERAL.—This section (including the re-*
11 *striction under subsection (e)(2)), shall only apply*
12 *only to the minimum number of designated target*
13 *shooting ranges at each National Forest or Bureau of*
14 *Land Management district established under sub-*
15 *section (b)(2).*

16 *(2) ADDITIONAL DESIGNATED TARGET SHOOTING*
17 *RANGES.—In the case of a National Forest or a Bu-*
18 *reau of Land Management district that has more*
19 *than the minimum number of designated target shoot-*
20 *ing ranges required under subsection (b)(2), any des-*
21 *ignated target shooting range at the National Forest*
22 *or Bureau of Land Management district, as applica-*
23 *ble, that exceeds the minimum number may, but is*
24 *not required to, comply with this section.*

1 (g) *ANNUAL REPORTS.*—Not later than 1 year after
 2 the date of enactment of this Act and annually thereafter
 3 through fiscal year 2032, the Secretaries shall submit to the
 4 Committee on Energy and Natural Resources of the Senate
 5 and the Committee on Natural Resources of the House of
 6 Representatives a report describing the progress made with
 7 respect to the implementation of this section.

8 ***Subtitle C—Improving Recreation***
 9 ***Infrastructure***

10 ***SEC. 131. BROADBAND INTERNET CONNECTIVITY AT DE-***
 11 ***VELOPED RECREATION SITES.***

12 (a) *IN GENERAL.*—The Secretary and the Chief of the
 13 Forest Service shall enter into an agreement with the Ad-
 14 ministrator of the Rural Utilities Service to foster the in-
 15 stallation or construction of broadband internet infrastruc-
 16 ture at developed recreation sites on Federal recreational
 17 lands and waters to establish broadband internet
 18 connectivity—

19 (1) *subject to the availability of appropriations;*

20 *and*

21 (2) *in accordance with applicable law.*

22 (b) *IDENTIFICATION.*—Not later than 2 years after the
 23 date of enactment of this Act, and annually thereafter
 24 through fiscal year 2032, the Secretary and the Chief of the

1 *Forest Service, in coordination with States and local com-*
2 *munities, shall make publicly available—*

3 (1) *a list of the highest priority developed recre-*
4 *ation sites, as determined under subsection (c), on*
5 *Federal recreational lands and waters that lack*
6 *broadband internet; and*

7 (2) *an estimate of the cost to equip each of those*
8 *sites with broadband internet infrastructure.*

9 (c) *PRIORITIES.—In selecting developed recreation*
10 *sites for the list described in subsection (b)(1), the Secretary*
11 *and the Chief of the Forest Service shall give priority to*
12 *developed recreation sites—*

13 (1) *at which broadband internet infrastructure*
14 *has not been constructed due to—*

15 (A) *geographic challenges; or*

16 (B) *the location having an insufficient*
17 *number of nearby permanent residents, despite*
18 *high seasonal or daily visitation levels; or*

19 (2) *that are located in an economically distressed*
20 *county that could benefit significantly from devel-*
21 *oping the outdoor recreation economy of the county.*

1 **SEC. 132. EXTENSION OF SEASONAL RECREATION OPPOR-**
2 **TUNITIES.**

3 (a) *DEFINITION OF SEASONAL CLOSURE.*—*In this sec-*
4 *tion, the term “seasonal closure” means any period during*
5 *which—*

6 (1) *a unit of Federal recreational lands and*
7 *waters, or a portion of a unit of Federal recreational*
8 *lands and waters, is closed to the public for a contin-*
9 *uous period of not less than 30 days; and*

10 (2) *permitted or allowable recreational activities,*
11 *which provide an economic benefit, including off-sea-*
12 *son or winter-season tourism, are not taking place*
13 *at—*

14 (A) *the unit of Federal recreational lands*
15 *and waters; or*

16 (B) *a portion of a unit of Federal rec-*
17 *reational lands and waters.*

18 (b) *COORDINATION.*—*The Secretaries shall consult and*
19 *coordinate with multiple outdoor recreation-related busi-*
20 *nesses operating on or adjacent to a unit of Federal rec-*
21 *reational lands and waters, State offices of outdoor recre-*
22 *ation, local destination marketing organizations, applicable*
23 *trade organizations, nonprofit organizations, Indian*
24 *Tribes, local governments, and institutions of higher edu-*
25 *cation—*

1 (1) *to better understand trends with respect to*
2 *visitors to the unit of Federal recreational lands and*
3 *waters;*

4 (2) *to solicit input from, and provide informa-*
5 *tion for, outdoor recreation marketing campaigns;*
6 *and*

7 (3) *to better understand—*

8 (A) *the effect of seasonal closures of areas of,*
9 *or infrastructure on, units of Federal rec-*
10 *reational lands and waters on outdoor recreation*
11 *opportunities, adjacent businesses, and local tax*
12 *revenue; and*

13 (B) *opportunities to extend the period of*
14 *time during which areas of, or infrastructure on,*
15 *units of Federal recreational lands and waters*
16 *are open to the public to increase outdoor recre-*
17 *ation opportunities and associated revenues for*
18 *businesses and local governments.*

19 (c) *AVAILABILITY OF INFRASTRUCTURE.—*

20 (1) *IN GENERAL.—The Secretaries shall make ef-*
21 *forts to make infrastructure available to accommodate*
22 *increased visitation to units of Federal recreational*
23 *lands and waters during periods that are at or before*
24 *the beginning or at or after the end of traditional sea-*
25 *sonal closures—*

1 (A) to extend the outdoor recreation season
2 and the duration of income to gateway commu-
3 nities; and

4 (B) to provide more opportunities to visit
5 resources on units of Federal recreational lands
6 and waters to reduce crowding during peak sea-
7 sons.

8 (2) INCLUSIONS.—Efforts described in paragraph
9 (1) may include—

10 (A) the addition of a facility at the unit of
11 Federal recreational lands and waters; or

12 (B) the improvement of access to or on the
13 unit of Federal recreational lands and waters.

14 (d) AGREEMENTS.—

15 (1) IN GENERAL.—The Secretaries may enter
16 into agreements with businesses, local governments, or
17 other entities to share the cost of additional expenses
18 necessary to extend the period of time during which
19 an area of, or infrastructure on, a unit of Federal
20 recreational lands and waters is made open to the
21 public.

22 (2) IN-KIND CONTRIBUTIONS.—The Secretaries
23 may accept in-kind contributions of goods and serv-
24 ices provided by businesses, local governments, or
25 other entities for purposes of paragraph (1).

1 **SEC. 133. GATEWAY COMMUNITIES.**

2 (a) *DEFINITION OF GATEWAY COMMUNITY.*—*In this*
 3 *section, the term “gateway community” means a commu-*
 4 *nity that serves as an entry point or is adjacent to a recre-*
 5 *ation destination on Federal recreational lands and waters*
 6 *or non-Federal land at which there is consistently high, in*
 7 *the determination of the Secretaries, seasonal or year-round*
 8 *visitation.*

9 (b) *ASSESSMENT OF IMPACTS AND NEEDS IN GATEWAY*
 10 *COMMUNITIES.*—*Using existing funds available to the Sec-*
 11 *retaries, the Secretaries—*

12 (1) *shall collaborate with State and local govern-*
 13 *ments, Indian Tribes, housing authorities, applicable*
 14 *trade associations, nonprofit organizations, and other*
 15 *relevant stakeholders to identify needs and economic*
 16 *impacts in gateway communities, including—*

17 (A) *housing shortages;*

18 (B) *demands on existing municipal infra-*
 19 *structure;*

20 (C) *accommodation and management of*
 21 *sustainable visitation; and*

22 (D) *the expansion and diversification of vis-*
 23 *itor experiences by bolstering the visitation at—*

24 (i) *underutilized locations, as identi-*
 25 *fied under section 141(c)(1)(B), on nearby*
 26 *Federal recreational lands and waters; or*

1 (ii) *lesser-known recreation sites, as*
2 *identified under section 144(b)(1)(B), on*
3 *nearby land managed by a State agency or*
4 *a local agency; and*

5 (2) *may address a need identified under para-*
6 *graph (1) by—*

7 (A) *providing financial or technical assist-*
8 *ance to a gateway community under an existing*
9 *program;*

10 (B) *entering into a lease, right-of-way, or*
11 *easement, in accordance with applicable laws; or*

12 (C) *issuing an entity referred to in para-*
13 *graph (1) a special use permit (other than a spe-*
14 *cial recreation permit), in accordance with ap-*
15 *plicable laws.*

16 (c) *TECHNICAL AND FINANCIAL ASSISTANCE TO BUSI-*
17 *NESSES.—*

18 (1) *IN GENERAL.—The Secretary of Agriculture*
19 *(acting through the Administrator of the Rural Busi-*
20 *ness-Cooperative Service), in coordination with the*
21 *Secretary and the Secretary of Commerce, shall pro-*
22 *vide to businesses in gateway communities the assist-*
23 *ance described in paragraph (2) to establish, operate,*
24 *or expand infrastructure to accommodate and manage*

1 *sustainable visitation, including hotels, campgrounds,*
2 *and restaurants.*

3 (2) *ASSISTANCE.*—*The Secretary of Agriculture*
4 *may provide assistance under paragraph (1) through*
5 *the use of existing, or the establishment of new, entre-*
6 *preneur and vocational training programs, technical*
7 *assistance programs, low-interest business loan pro-*
8 *grams, and loan guarantee programs.*

9 (d) *PARTNERSHIPS.*—*In carrying out this section, the*
10 *Secretaries may, in accordance with applicable laws, enter*
11 *into a public-private partnership, cooperative agreement,*
12 *memorandum of understanding, or similar agreement with*
13 *a gateway community or a business in a gateway commu-*
14 *nity.*

15 **SEC. 134. PARKING OPPORTUNITIES FOR FEDERAL REC-**
16 **REATIONAL LANDS AND WATERS.**

17 (a) *IN GENERAL.*—*The Secretaries shall seek to in-*
18 *crease parking opportunities for persons recreating on Fed-*
19 *eral recreational lands and waters—*

20 (1) *in accordance with existing laws; and*

21 (2) *in a manner that does not increase mainte-*
22 *nance obligations on Federal recreational lands and*
23 *waters.*

24 (b) *AUTHORITY.*—*To supplement the quantity of park-*
25 *ing spaces available at units of Federal recreational lands*

1 *and waters on the date of enactment of this Act, the Secre-*
 2 *taries may—*

3 (1) *enter into a public-private partnership for*
 4 *parking opportunities on non-Federal land;*

5 (2) *lease non-Federal land for parking opportu-*
 6 *nities; or*

7 (3) *provide alternative transportation systems*
 8 *for a unit of Federal recreational lands and waters.*

9 **SEC. 135. TRAVEL MANAGEMENT.**

10 (a) *TRAVEL MANAGEMENT PLANS.—The Secretary*
 11 *concerned shall seek to have, not later than 5 years after*
 12 *the date of enactment of this Act, in a printed and publicly*
 13 *available format that is compliant with the format for geo-*
 14 *graphic information systems—*

15 (1) *for each district administered by the Director*
 16 *of the Bureau of Land Management, a ground trans-*
 17 *portation linear feature; and*

18 (2) *for each unit of the National Forest System,*
 19 *a motor vehicle use map.*

20 (b) *OVER-SNOW VEHICLE-USE MAPS.—The Secretary*
 21 *concerned shall seek to have, not later than 10 years after*
 22 *the date of enactment of this Act, in a printed and publicly*
 23 *available format that is compliant with the format for geo-*
 24 *graphic information systems, an over-snow vehicle use map*
 25 *for each unit of Federal recreational lands and waters ad-*

1 ministered by the Chief of the Forest Service or Director
 2 of the Bureau of Land Management that has adequate
 3 snowfall for over-snow vehicle use to occur.

4 (c) *OUT-OF-DATE PLANS AND MAPS.*—Not later than
 5 20 years after the date on which the Secretary concerned
 6 adopted or reviewed, through public notice and comment,
 7 a travel management plan or map described in subsection
 8 (a) or (b), the Secretary concerned shall review, through
 9 public notice and comment, and update, as necessary, the
 10 applicable travel management plan or map.

11 (d) *MOTORIZED AND NONMOTORIZED ACCESS.*—The
 12 Secretaries shall seek to create additional opportunities, as
 13 appropriate, for motorized and nonmotorized access and ex-
 14 periences on Federal recreational lands and waters admin-
 15 istered by the Chief of the Forest Service or the Director
 16 of the Bureau of Land Management.

17 **SEC. 136. PUBLIC-PRIVATE PARTNERSHIPS TO MODERNIZE**
 18 **FEDERALLY-OWNED CAMPGROUNDS, RE-**
 19 **SORTS, CABINS, AND VISITOR CENTERS ON**
 20 **FEDERAL RECREATIONAL LANDS AND**
 21 **WATERS.**

22 (a) *IN GENERAL.*—The Secretaries shall establish a
 23 pilot program under which the Secretary concerned may
 24 enter into an agreement with or issue a land use authoriza-
 25 tion to a private entity that provides for the private entity

1 *to make capital improvements (including the construction*
2 *of structures and improvements) to, and to operate and*
3 *maintain, a federally-owned campground, resort, cabin, or*
4 *visitor center in existence on the date of enactment of this*
5 *Act on Federal recreational lands and waters administered*
6 *by the Chief of the Forest Service or Director of the Bureau*
7 *of Land Management, subject to the requirements of this*
8 *section, regardless of whether the private entity holds, on*
9 *the date of enactment of this Act, an authorization to be*
10 *a concessionaire for the relevant campground, resort, cabin,*
11 *or visitor center.*

12 *(b) MINIMUM NUMBER OF AGREEMENTS OR LAND USE*
13 *AUTHORIZATIONS.—Not later than 3 years after the date*
14 *of enactment of this Act, the Secretary concerned, with the*
15 *consent of an affected holder of an authorization to be a*
16 *concessionaire for the campground, resort, cabin, or visitor*
17 *center, if applicable, shall enter into at least 1 agreement*
18 *or land use authorization under subsection (a) in—*

19 *(1) a unit of the National Forest System in each*
20 *region of the National Forest System; and*

21 *(2) Federal recreational lands and waters ad-*
22 *ministered by the Director of the Bureau of Land*
23 *Management in not fewer than 5 States in which the*
24 *Bureau of Land Management administers Federal*
25 *recreational lands and waters.*

1 (c) *REQUIREMENTS.*—

2 (1) *DEVELOPMENT PLANS.*—*Before entering into*
3 *an agreement or issuing a land use authorization*
4 *under subsection (a), the private entity shall submit*
5 *to the Secretary concerned a development plan that—*

6 (A) *describes investments in the camp-*
7 *ground, resort, cabin, or visitor center to be*
8 *made by the private entity during the first 3*
9 *years of the agreement or land use authorization;*

10 (B) *describes annual maintenance spending*
11 *for each year of the agreement or land use au-*
12 *thorization; and*

13 (C) *includes any other terms and conditions*
14 *determined to be necessary by the Secretary con-*
15 *cerned.*

16 (2) *AGREEMENTS AND LAND USE AUTHORIZA-*
17 *TIONS.*—*An agreement entered into or land use au-*
18 *thorization issued under subsection (a) shall—*

19 (A) *be for a term of not more than 30 years,*
20 *commensurate with the level of investment;*

21 (B) *require that, not later than 3 years*
22 *after the date on which the Secretary concerned*
23 *enters into an agreement or issues a land use au-*
24 *thorization, the private entity expend, or place*
25 *in an escrow account for expenditure, for the*

1 *construction or improvement of structures and*
2 *infrastructure relating to the operation of, or ac-*
3 *cess to, the applicable campground, resort, cabin,*
4 *or visitor center, an amount or a specified per-*
5 *centage, as determined by the Secretary con-*
6 *cerned, of the anticipated receipts for the term of*
7 *the agreement or land use authorization, which*
8 *shall be an amount not less than \$2,000,000;*

9 *(C) require the private entity to maintain*
10 *the campground facility, resort, cabin, or visitor*
11 *center and any associated infrastructure des-*
12 *ignated by the Secretary concerned in a manner*
13 *acceptable to the Secretary concerned and the*
14 *private entity;*

15 *(D) include any terms and conditions that*
16 *the Secretary concerned determines to be nec-*
17 *essary for a special use permit issued under sec-*
18 *tion 7 of the Act of April 24, 1950 (commonly*
19 *known as the “Granger-Thye Act”) (64 Stat. 84,*
20 *chapter 97; 16 U.S.C. 580d), including the pay-*
21 *ment described in subparagraph (E) or the Fed-*
22 *eral Land Policy and Management Act of 1976*
23 *(43 U.S.C. 1701 et seq.), as applicable;*

24 *(E) provide for payment to the Federal*
25 *Government of a fee or a sharing of revenue—*

1 (i) consistent with—

2 (I) the land use fee for a special
3 use permit authorized under section 7
4 of the Act of April 24, 1950 (commonly
5 known as the “Granger-Thye Act”) (64
6 Stat. 84, chapter 97; 16 U.S.C. 580d);
7 or

8 (II) the value to the private entity
9 of the rights provided by the agreement
10 or land use authorization, taking into
11 account the capital invested by, and
12 obligations of, the private entity under
13 the agreement or land use authoriza-
14 tion; and

15 (ii) all or part of which may be offset
16 by the work to be performed at the expense
17 of the private entity that is separate from
18 the routine costs of operating and main-
19 taining the campground facility, resort,
20 cabin, or visitor center and any associated
21 infrastructure designated by the Secretary
22 concerned, as determined to be appropriate
23 by the Secretary concerned;

24 (F) include provisions that state—

1 (i) the private entity shall obtain no
2 property interest pursuant to the expendi-
3 tures of the private entity, as required by
4 the agreement or land use authorization;
5 and

6 (ii) all structures and improvements
7 constructed by the private entity under the
8 agreement or land use authorization on
9 land owned by the United States shall be
10 the property of the United States; and

11 (G) be subject to any other terms and condi-
12 tions determined to be necessary by the Secretary
13 concerned.

14 (d) **LAND USE FEE RETENTION.**—A land use fee paid
15 or revenue shared with the Secretary concerned under an
16 agreement or land use authorization authorized under this
17 section shall be available for expenditure by the Secretary
18 concerned for recreation-related purposes on the unit of
19 Federal recreational lands and waters at which the land
20 use fee or revenue is collected, without further appropria-
21 tion.

22 **SEC. 137. FOREST SERVICE PAY-FOR-PERFORMANCE**
23 **PROJECTS.**

24 (a) **DEFINITIONS.**—In this section:

1 (1) *INDEPENDENT EVALUATOR*.—The term “independent evaluator” means an individual or entity,
2 including an institution of higher education, that is
3 selected by the pay-for-performance beneficiary and
4 pay-for-performance investor, as applicable, or by the
5 pay-for-performance project developer, in consultation
6 with the Secretary of Agriculture, to make the deter-
7 minations and prepare the reports required under
8 subsection (e).
9

10 (2) *NATIONAL FOREST SYSTEM LAND*.—The term
11 “National Forest System land” means land in the
12 National Forest System (as defined in section 11(a)
13 of the Forest and Rangeland Renewable Resources
14 Planning Act of 1974 (16 U.S.C. 1609(a))).

15 (3) *PAY-FOR-PERFORMANCE AGREEMENT*.—The
16 term “pay-for-performance agreement” means a mutual benefit agreement (excluding a procurement contract, grant agreement, or cooperative agreement described in chapter 63 of title 31, United States Code) for a pay-for-performance project—

21 (A) with a term of—

22 (i) not less than 1 year; and

23 (ii) not more than 20 years; and

24 (B) that is executed, in accordance with applicable law, by—
25

- 1 (i) the Secretary of Agriculture; and
 2 (ii) a pay-for-performance beneficiary
 3 or pay-for-performance project developer.

4 (4) *PAY-FOR-PERFORMANCE BENEFICIARY.*—The
 5 term “pay-for-performance beneficiary” means a
 6 State or local government, an Indian Tribe, or a non-
 7 profit or for-profit organization that—

8 (A) repays capital loaned upfront by a pay-
 9 for-performance investor, based on a project out-
 10 come specified in a pay-for-performance agree-
 11 ment; or

12 (B) provides capital directly for costs asso-
 13 ciated with a pay-for-performance project.

14 (5) *PAY-FOR-PERFORMANCE INVESTOR.*—The
 15 term “pay-for-performance investor” means a State
 16 or local government, an Indian Tribe, or a nonprofit
 17 or for-profit organization that provides upfront
 18 loaned capital for a pay-for-performance project with
 19 the expectation of a financial return dependent on a
 20 project outcome.

21 (6) *PAY-FOR-PERFORMANCE PROJECT.*—The term
 22 “pay-for-performance project” means a project that—

23 (A) would provide or enhance a recreational
 24 opportunity;

25 (B) is conducted on—

1 (i) *National Forest System land; or*

2 (ii) *other land, if the activities would*
 3 *benefit National Forest System land (in-*
 4 *cluding a recreational use of National For-*
 5 *est System land); and*

6 (C) *would use an innovative funding or fi-*
 7 *nancing model that leverages—*

8 (i) *loaned capital from a pay-for-per-*
 9 *formance investor to cover upfront costs as-*
 10 *sociated with a pay-for-performance project,*
 11 *with the loaned capital repaid by a pay-for-*
 12 *performance beneficiary at a rate of return*
 13 *dependent on a project outcome, as meas-*
 14 *ured by an independent evaluator; or*

15 (ii) *capital directly from a pay-for-*
 16 *performance beneficiary to support costs as-*
 17 *sociated with a pay-for-performance project*
 18 *in an amount based on an anticipated*
 19 *project outcome.*

20 (7) *PAY-FOR-PERFORMANCE PROJECT DEVEL-*
 21 *OPER.—The term “pay-for-performance project devel-*
 22 *oper” means a nonprofit or for-profit organization*
 23 *that serves as an intermediary to assist in developing*
 24 *or implementing a pay-for-performance agreement or*
 25 *a pay-for-performance project.*

1 (8) *PROJECT OUTCOME.*—*The term “project out-*
 2 *come” means a measurable, beneficial result (whether*
 3 *economic, environmental, or social) that is attrib-*
 4 *utable to a pay-for-performance project and described*
 5 *in a pay-for-performance agreement.*

6 (b) *ESTABLISHMENT OF PILOT PROGRAM.*—*The Sec-*
 7 *retary of Agriculture shall establish a pilot program in ac-*
 8 *cordance with this section to carry out 1 or more pay-for-*
 9 *performance projects.*

10 (c) *PAY-FOR-PERFORMANCE PROJECTS.*—

11 (1) *IN GENERAL.*—*Using funds made available*
 12 *through a pay-for-performance agreement or appro-*
 13 *priations, all or any portion of a pay-for-performance*
 14 *project may be implemented by—*

15 (A) *the Secretary of Agriculture; or*

16 (B) *a pay-for-performance project developer*
 17 *or a third party, subject to the conditions that—*

18 (i) *the Secretary of Agriculture shall*
 19 *approve the implementation by the pay-for-*
 20 *performance project developer or third*
 21 *party; and*

22 (ii) *the implementation is in accord-*
 23 *ance with applicable law.*

24 (2) *RELATION TO LAND MANAGEMENT PLANS.*—

25 *A pay-for-performance project carried out under this*

1 *section shall be consistent with any applicable land*
2 *management plan developed under section 6 of the*
3 *Forest and Rangeland Renewable Resources Planning*
4 *Act of 1974 (16 U.S.C. 1604).*

5 (3) *OWNERSHIP.—*

6 (A) *NEW IMPROVEMENTS.—The United*
7 *States shall have title to any improvements in-*
8 *stalled on National Forest System land as part*
9 *of a pay-for-performance project.*

10 (B) *EXISTING IMPROVEMENTS.—Investing*
11 *in, conducting, or completing a pay-for-perform-*
12 *ance project on National Forest System land*
13 *shall not affect the title of the United States to—*

14 (i) *any federally owned improvements*
15 *involved in the pay-for-performance project;*

16 *or*

17 (ii) *the underlying land.*

18 (4) *SAVINGS CLAUSE.—The carrying out of any*
19 *action for a pay-for-performance project does not pro-*
20 *vide any right to any party to a pay-for-performance*
21 *agreement.*

22 (5) *POTENTIAL CONFLICTS.—Before approving a*
23 *pay-for-performance project under this section, the*
24 *Secretary of Agriculture shall consider and seek to*

1 *avoid potential conflicts (including economic competi-*
2 *tion) with any existing written authorized use.*

3 *(d) PROJECT AGREEMENTS.—*

4 *(1) IN GENERAL.—Notwithstanding the Act of*
5 *June 30, 1914 (38 Stat. 430, chapter 131; 16 U.S.C.*
6 *498), or subtitle C of title XX of the Social Security*
7 *Act (42 U.S.C. 1397n et seq.), in carrying out the*
8 *pilot program under this section, the Secretary of Ag-*
9 *riculture may enter into a pay-for-performance agree-*
10 *ment under which a pay-for-performance beneficiary,*
11 *pay-for-performance investor, or pay-for-performance*
12 *project developer agrees to pay for or finance all or*
13 *part of a pay-for-performance project.*

14 *(2) SIZE LIMITATION.—The Secretary of Agri-*
15 *culture may not enter into a pay-for-performance*
16 *agreement under the pilot program under this section*
17 *for a pay-for-performance project valued at more than*
18 *\$15,000,000.*

19 *(3) FINANCING.—*

20 *(A) IN GENERAL.—A pay-for-performance*
21 *agreement shall specify the amounts that a pay-*
22 *for-performance beneficiary or a pay-for-per-*
23 *formance project developer agrees to pay to a*
24 *pay-for-performance investor or a pay-for-per-*
25 *formance project developer, as appropriate, in*

1 *the event of an independent evaluator deter-*
2 *mining pursuant to subsection (e) the degree to*
3 *which a project outcome has been achieved.*

4 *(B) ELIGIBLE PAYMENTS.—An amount de-*
5 *scribed in subparagraph (A) shall be—*

6 *(i) based on—*

7 *(I) the respective contributions of*
8 *the parties under the pay-for-perform-*
9 *ance agreement; and*

10 *(II) the economic, environmental,*
11 *or social benefits derived from the*
12 *project outcomes; and*

13 *(ii)(I) a percentage of the estimated*
14 *value of a project outcome;*

15 *(II) a percentage of the estimated cost*
16 *savings to the pay-for-performance bene-*
17 *ficiary or the Secretary of Agriculture de-*
18 *rived from a project outcome;*

19 *(III) a percentage of the enhanced rev-*
20 *enue to the pay-for-performance beneficiary*
21 *or the Secretary of Agriculture derived from*
22 *a project outcome; or*

23 *(IV) a percentage of the cost of the*
24 *pay-for-performance project.*

1 (C) *FOREST SERVICE FINANCIAL ASSIST-*
2 *ANCE.*—*Subject to the availability of appropria-*
3 *tions, the Secretary of Agriculture may only con-*
4 *tribute funding for a pay-for-performance project*
5 *if—*

6 (i) *the Secretary of Agriculture dem-*
7 *onstrates that—*

8 (I) *the pay-for-performance*
9 *project will provide a cost savings to*
10 *the United States; or*

11 (II) *the funding would accelerate*
12 *the pace of implementation of an activ-*
13 *ity previously planned to be completed*
14 *by the Secretary of Agriculture; and*

15 (ii) *the contribution of the Secretary of*
16 *Agriculture has a value that is not more*
17 *than 50 percent of the total cost of the pay-*
18 *for-performance project.*

19 (D) *SPECIAL ACCOUNT.*—*Any funds re-*
20 *ceived by the Secretary of Agriculture under sub-*
21 *section (c)(1) shall be—*

22 (i) *retained in a separate fund in the*
23 *Treasury to be used solely for pay-for-per-*
24 *formance projects; and*

1 (ii) shall be remain available until ex-
2 pended and without further appropriation.

3 (4) *MAINTENANCE AND DECOMMISSIONING OF*
4 *PAY-FOR-PERFORMANCE PROJECT IMPROVEMENTS.—A*
5 *pay-for-performance agreement shall—*

6 (A) include a plan for maintaining any
7 capital improvement constructed as part of a
8 pay-for-performance project after the date on
9 which the pay-for-performance project is com-
10 pleted; and

11 (B) specify the party that will be respon-
12 sible for decommissioning the improvements as-
13 sociated with the pay-for-performance project—

14 (i) at the end of the useful life of the
15 improvements;

16 (ii) if the improvements no longer
17 serve the purpose for which the improve-
18 ments were developed; or

19 (iii) if the pay-for-performance project
20 fails.

21 (5) *TERMINATION OF PAY-FOR-PERFORMANCE*
22 *PROJECT AGREEMENTS.—The Secretary of Agri-*
23 *culture may unilaterally terminate a pay-for-per-*
24 *formance agreement, in whole or in part, for any pro-*
25 *gram year beginning after the program year during*

1 *which the Secretary of Agriculture provides to each*
2 *party to the pay-for-performance agreement a notice*
3 *of the termination.*

4 *(e) INDEPENDENT EVALUATIONS.—*

5 *(1) PROGRESS REPORTS.—An independent eval-*
6 *uator shall submit to the Secretary of Agriculture and*
7 *each party to the applicable pay-for-performance*
8 *agreement—*

9 *(A) by not later than 2 years after the date*
10 *on which the pay-for-performance agreement is*
11 *executed, and at least once every 2 years there-*
12 *after, a written report that summarizes the*
13 *progress that has been made in achieving each*
14 *project outcome; and*

15 *(B) before the first scheduled date for a pay-*
16 *ment described in subsection (d)(3)(A), and each*
17 *subsequent date for payment, a written report*
18 *that—*

19 *(i) summarizes the results of the eval-*
20 *uation conducted by the independent eval-*
21 *uator to determine whether a payment*
22 *should be made pursuant to the pay-for-per-*
23 *formance agreement; and*

24 *(ii) analyzes the reasons why a project*
25 *outcome was achieved or was not achieved.*

1 (2) *FINAL REPORTS.*—Not later than 180 days
2 after the date on which a pay-for-performance project
3 is completed, the independent evaluator shall submit
4 to the Secretary of Agriculture and each party to the
5 pay-for-performance agreement a written report that
6 includes, with respect to the period covered by the re-
7 port—

8 (A) an evaluation of the effects of the pay-
9 for-performance project with respect to each
10 project outcome;

11 (B) a determination of whether the pay-for-
12 performance project has met each project out-
13 come; and

14 (C) the amount of the payments made for
15 the pay-for-performance project pursuant to sub-
16 section (d)(3)(A).

17 (f) *ADDITIONAL FOREST SERVICE-PROVIDED ASSIST-*
18 *ANCE.*—

19 (1) *TECHNICAL ASSISTANCE.*—The Secretary of
20 Agriculture may provide technical assistance to facili-
21 tate pay-for-performance project development, such as
22 planning, permitting, site preparation, and design
23 work.

1 (2) *CONSULTANTS.*—*Subject to the availability of*
2 *appropriations, the Secretary of Agriculture may hire*
3 *a contractor—*

4 (A) *to conduct a feasibility analysis of a*
5 *proposed pay-for-performance project;*

6 (B) *to assist in the development, implemen-*
7 *tation, or evaluation of a proposed pay-for-per-*
8 *formance project or a pay-for-performance agree-*
9 *ment; or*

10 (C) *to assist with an environmental anal-*
11 *ysis of a proposed pay-for-performance project.*

12 (g) *SAVINGS CLAUSE.*—*The Secretary of Agriculture*
13 *shall approve a record of decision, decision notice, or deci-*
14 *sion memo for any activities to be carried out on National*
15 *Forest System land as part of a pay-for-performance project*
16 *before the Secretary of Agriculture may enter into a pay-*
17 *for-performance agreement involving the applicable pay-*
18 *for-performance project.*

19 (h) *DURATION OF PILOT PROGRAM.*—

20 (1) *SUNSET.*—*The authority to enter into a pay-*
21 *for-performance agreement under this section termi-*
22 *nates on September 30, 2032.*

23 (2) *SAVINGS CLAUSE.*—*Nothing in paragraph*
24 (1) *affects any pay-for-performance project agreement*
25 *entered into by the Secretary of Agriculture under*

1 *this section before the date described in that para-*
2 *graph.*

3 ***Subtitle D—Engagement***

4 ***SEC. 141. IDENTIFYING OPPORTUNITIES FOR RECREATION.***

5 *(a) DEFINITION OF LAND USE PLAN.—In this section,*
6 *the term “land use plan” means—*

7 *(1) a land use plan prepared by the Secretary*
8 *pursuant to section 202 of the Federal Land Policy*
9 *and Management Act of 1976 (43 U.S.C. 1712); and*

10 *(2) a land management plan prepared by the*
11 *Forest Service for a unit of the National Forest Serv-*
12 *ice pursuant to section 6 of the Forest and Rangeland*
13 *Renewable Resources Planning Act of 1974 (16*
14 *U.S.C. 1604).*

15 *(b) INVENTORY AND ASSESSMENTS.—*

16 *(1) IN GENERAL.—The Secretaries shall—*

17 *(A) conduct a single inventory and assess-*
18 *ment of recreation resources for Federal rec-*
19 *reational lands and waters; and*

20 *(B) publish the inventory and assessment*
21 *conducted under subparagraph (A) for public*
22 *comment.*

23 *(2) UNIQUE RECREATION VALUES.—An inven-*
24 *tory and assessment conducted under paragraph (1)*
25 *shall recognize—*

1 (A) any unique recreation values and recre-
2 ation opportunities; and

3 (B) areas of concentrated recreational use.

4 (3) INVENTORY.—The inventory conducted under
5 paragraph (1) shall —

6 (A) identify, list, and map recreation re-
7 sources by—

8 (i) type of recreation opportunity and
9 type of natural or artificial recreation in-
10 frastructure;

11 (ii) to the extent available, the level of
12 use of the recreation resource as of the date
13 of the inventory; and

14 (iii) location; and

15 (B) identify, to the extent practicable, any
16 trend relating to recreation opportunities or use
17 at a recreation resource identified under sub-
18 paragraph (A).

19 (4) ASSESSMENTS.—For any recreation resource
20 inventoried under paragraph (1), the Secretary con-
21 cerned shall assess—

22 (A) the level of demand for the recreation
23 resource;

24 (B) the maintenance needs of, and expenses
25 necessary to administer, the recreation resource;

1 (C) the benefits of current and projected fu-
 2 ture recreation use, including to the local econ-
 3 omy;

4 (D) the capacity of the recreation resource
 5 to meet the demand described in subparagraph
 6 (A), including the relationship of current and
 7 projected future recreation use on—

8 (i) natural, cultural, and other re-
 9 sources;

10 (ii) other authorized uses and activities
 11 on the Federal recreational lands and
 12 waters subject to the applicable land use
 13 plan; and

14 (iii) existing infrastructure;

15 (E) the suitability for developing, expand-
 16 ing, or enhancing the recreation resource;

17 (F) technological developments and innova-
 18 tion that affects recreation use; and

19 (G) the adequacy of the current manage-
 20 ment of the recreation resource.

21 (c) *FUTURE RECREATION NEEDS AND MANAGE-*
 22 *MENT.—*

23 (1) *FUTURE NEEDS.—Based on the inventory*
 24 *and assessment conducted under subsection (b)(1), the*
 25 *Secretary concerned shall—*

1 (A) estimate future recreation needs through
2 a collaborative process;

3 (B) identify underutilized locations that are
4 suitable for developing, expanding, or enhancing
5 recreation use; and

6 (C) select additional high-value recreation
7 resources at which to encourage recreation use,
8 consistent with the applicable land use plan.

9 (2) CONSIDERATIONS.—In selecting a high-value
10 recreation resource under paragraph (1)(C), the Sec-
11 retary concerned shall consider the following:

12 (A) The future recreation needs estimated
13 under paragraph (1)(A).

14 (B) The maintenance needs of, and the ex-
15 penses necessary to administer, the high-value
16 recreation resource.

17 (C) The presence of partner organizations
18 prepared to assist in the stewardship of recre-
19 ation resource.

20 (D) The benefits of recreation use, including
21 benefits to the local economy.

22 (E) The impacts of recreation use on—
23 (i) natural, cultural, or other resources;
24 (ii) other authorized uses and activities
25 on the Federal recreational lands and

1 *waters subject to any applicable land use*
2 *plan; and*

3 *(iii) adjacent landowners.*

4 (3) *MANAGEMENT.—The Secretary concerned*
5 *shall—*

6 (A) *seek input from the public, including*
7 *adjacent landowners and individuals or entities*
8 *with existing land use authorizations, with re-*
9 *spect to the management of any high-value recre-*
10 *ation resource identified under paragraph*
11 *(1)(C);*

12 (B) *maintain or enhance the recreation val-*
13 *ues and encourage recreation use of the high-*
14 *value recreation resource identified, subject to the*
15 *availability of appropriations and consistent*
16 *with any applicable multiple-use mandates; and*

17 (C) *manage a high-value recreation resource*
18 *under this paragraph in a manner that is con-*
19 *sistent with applicable law.*

20 (d) *EXISTING EFFORTS.—To the extent practicable,*
21 *the Secretary concerned shall utilize or incorporate existing*
22 *applicable research and planning decisions and processes*
23 *in carrying out this section.*

24 (e) *CONFORMING AMENDMENTS.—Section 200103 of*
25 *title 54, United States Code, is amended—*

1 (1) *by striking subsection (d); and*

2 (2) *by redesignating subsections (e), (f), (g), (h),*
 3 *and (i) as subsections (d), (e), (f), (g), and (h), re-*
 4 *spectively.*

5 **SEC. 142. FEDERAL INTERAGENCY COUNCIL ON OUTDOOR**
 6 **RECREATION.**

7 (a) *IN GENERAL.*—*Section 200104 of title 54, United*
 8 *States Code, is amended to read as follows:*

9 **“§200104. Federal Interagency Council on Outdoor**
 10 **Recreation**

11 “(a) *DEFINITIONS.*—*In this section:*

12 “(1) *COUNCIL.*—*The term ‘Council’ means the*
 13 *Federal Interagency Council on Outdoor Recreation*
 14 *established under subsection (b).*

15 “(2) *FEDERAL RECREATIONAL LANDS AND*
 16 *WATERS.*—*The term ‘Federal recreational lands and*
 17 *waters’ has the meaning given the term in section 802*
 18 *of the Federal Lands Recreation Enhancement Act*
 19 *(16 U.S.C. 6801).*

20 “(b) *ESTABLISHMENT.*—*The Secretary shall establish*
 21 *an interagency council, to be known as the ‘Federal Inter-*
 22 *agency Council on Outdoor Recreation’.*

23 “(c) *MEMBERSHIP.*—

24 “(1) *IN GENERAL.*—*The Council shall be com-*
 25 *posed of members, to be appointed by the Secretary,*

1 *who have administrative responsibility over outdoor*
2 *recreation activities or resources, from the following:*

3 “(A) *The National Park Service.*

4 “(B) *The Bureau of Land Management.*

5 “(C) *The United States Fish and Wildlife*
6 *Service.*

7 “(D) *The Forest Service.*

8 “(E) *The Corps of Engineers.*

9 “(F) *The Council on Environmental Qual-*
10 *ity.*

11 “(2) *ADDITIONAL MEMBERS.—In addition to the*
12 *members described in paragraph (1), the Secretary*
13 *may appoint to the Council members from the fol-*
14 *lowing:*

15 “(A) *The Bureau of Indian Affairs.*

16 “(B) *The Bureau of Reclamation.*

17 “(C) *The Natural Resources Conservation*
18 *Service.*

19 “(D) *Rural development programs of the*
20 *Department of Agriculture.*

21 “(E) *The Economic Development Adminis-*
22 *tration.*

23 “(F) *The National Travel and Tourism Of-*
24 *fice of the Department of Commerce.*

1 “(G) *The National Center for Chronic Dis-*
2 *ease Prevention and Health Promotion.*

3 “(H) *The Environmental Protection Agen-*
4 *cy.*

5 “(I) *The Department of Transportation.*

6 “(J) *The Tennessee Valley Authority.*

7 “(K) *The National Oceanic and Atmos-*
8 *spheric Administration.*

9 “(L) *The Federal Energy Regulatory Com-*
10 *mission.*

11 “(M) *An applicable State agency or office.*

12 “(N) *An applicable agency or office of a*
13 *local government.*

14 “(3) *STATE COORDINATION.—In appointing*
15 *members to the Council under this subsection, the Sec-*
16 *retary shall seek to ensure not fewer than 1 State is*
17 *a member of the Council.*

18 “(d) *COORDINATION.—The Council shall meet as fre-*
19 *quently as appropriate for the purposes of coordinating—*

20 “(1) *implementation of the America’s Outdoor*
21 *Recreation Act of 2022, including carrying out any*
22 *reports required under that Act or an amendment*
23 *made by that Act;*

24 “(2) *recreation management policies across Fed-*
25 *eral agencies, including implementation of the Fed-*

1 *eral Lands Recreation Enhancement Act (16 U.S.C.*
2 *6801 et seq.);*

3 *“(3) the response by an agency that manages*
4 *Federal recreational lands and waters to public health*
5 *emergencies or other emergencies that result in dis-*
6 *ruptions to, or closures of, Federal recreational lands*
7 *and waters;*

8 *“(4) the expenditure of funds relating to outdoor*
9 *recreation on Federal recreational lands and waters,*
10 *including funds made available under section*
11 *40804(b)(7) of the Infrastructure Investment and Jobs*
12 *Act (16 U.S.C. 6592a(b)(7));*

13 *“(5) the adoption and expansion of emerging*
14 *technologies on Federal recreational lands and waters;*

15 *“(6) research activities, including quantifying*
16 *the economic impacts of recreation;*

17 *“(7) dissemination to the public of recreation-re-*
18 *lated information (including information relating to*
19 *opportunities, reservations, accessibility, and clo-*
20 *tures), in a manner that ensures the recreation-re-*
21 *lated information is easily accessible with modern*
22 *communication devices;*

23 *“(8) the improvement of access to Federal rec-*
24 *reational lands and waters; and*

1 “(9) *the identification and engagement of part-*
2 *ners outside the Federal Government—*

3 “(A) *to promote outdoor recreation;*

4 “(B) *to facilitate collaborative management*
5 *of outdoor recreation; and*

6 “(C) *to provide additional resources relat-*
7 *ing to enhancing outdoor recreation opportuni-*
8 *ties.*

9 “(e) *EFFEFFECT.—Nothing in this section affects the au-*
10 *thorities, regulations, or policies of any Federal agency de-*
11 *scribed in paragraph (1) or (2) of subsection (c).”.*

12 (b) *CLERICAL AMENDMENT.—The table of sections for*
13 *chapter 2001 of title 54, United States Code, is amended*
14 *by striking the item relating to section 200104 and insert-*
15 *ing the following:*

“200104. Federal Interagency Council on Outdoor Recreation.”.

16 **SEC. 143. INFORMING THE PUBLIC OF ACCESS CLOSURES.**

17 (a) *IN GENERAL.—The Secretaries shall, to the extent*
18 *practicable and in a timely fashion, alert the public to any*
19 *closure or disruption to public campsites, trails, roads, and*
20 *other public areas and access points under the jurisdiction*
21 *of the applicable Secretary.*

22 (b) *ONLINE ALERT.—An alert under subsection (a)*
23 *shall be posted online on a public website of the appropriate*
24 *land unit in a manner that—*

1 (1) ensures that the public can easily find the
2 alert in searching for the applicable campsite, trail,
3 road, or other access point; and

4 (2) consolidates all alerts under subsection (a).

5 **SEC. 144. IMPROVED RECREATION VISITATION DATA.**

6 (a) **CONSISTENT VISITATION DATA.**—

7 (1) **ANNUAL VISITATION DATA.**—The Secretaries
8 shall establish a single visitation data reporting sys-
9 tem to report accurate annual visitation data, in a
10 consistent manner, for—

11 (A) each unit of Federal recreational lands
12 and waters; and

13 (B) land held in trust for an Indian Tribe,
14 on request of the Indian Tribe.

15 (2) **CATEGORIES OF USE.**—Within the visitation
16 data reporting system established under paragraph
17 (1), the Secretaries shall—

18 (A) establish multiple categories of different
19 recreation activities that are reported consist-
20 ently across agencies; and

21 (B) provide an estimate of the number of
22 visitors for each applicable category established
23 under subparagraph (A) for each unit of Federal
24 recreational lands and waters.

25 (b) **REAL-TIME DATA PILOT PROGRAM.**—

1 (1) *IN GENERAL.*—Not later than 2 years after
2 the date of enactment of this Act, using existing funds
3 available to the Secretaries, the Secretaries shall carry
4 out a pilot program, to be known as the “Real-time
5 Data Pilot Program” (referred to in this section as
6 the “Pilot Program”), to make available to the public,
7 for each unit of Federal recreational lands and waters
8 selected for participation in the Pilot Program under
9 paragraph (2)—

10 (A) *real-time or predictive data on visita-*
11 *tion (including data and resources publicly*
12 *available from existing nongovernmental plat-*
13 *form) at—*

14 (i) *the unit of Federal recreational*
15 *lands and waters;*

16 (ii) *to the extent practicable, areas*
17 *within the unit of Federal recreational*
18 *lands and waters; and*

19 (iii) *to the extent practicable, recre-*
20 *ation sites managed by any other Federal*
21 *agency, a State agency, or a local agency*
22 *that are located near the unit of Federal*
23 *recreational lands and waters; and*

24 (B) *through multiple media platforms, in-*
25 *formation about lesser-known recreation sites lo-*

1 *cated near the unit of Federal recreational lands*
2 *and waters (including recreation sites managed*
3 *by any other Federal agency, a State agency, or*
4 *a local agency), in an effort to encourage visita-*
5 *tion among recreational sites.*

6 (2) *LOCATIONS.—*

7 (A) *INITIAL NUMBER OF UNITS.—On estab-*
8 *lishment of the Pilot Program, the Secretaries*
9 *shall select for participation in the Pilot Pro-*
10 *gram—*

11 (i) *15 units of Federal recreational*
12 *lands and waters managed by the Sec-*
13 *retary; and*

14 (ii) *5 units of Federal recreational*
15 *lands and waters managed by the Secretary*
16 *of Agriculture (acting through the Chief of*
17 *the Forest Service).*

18 (B) *EXPANSION.—Not later than 5 years*
19 *after the date of enactment of this Act, the Secre-*
20 *taries shall expand the Pilot Program by select-*
21 *ing 80 additional units of Federal recreational*
22 *lands and waters managed by the Secretaries for*
23 *participation in the Pilot Program, not fewer*
24 *than 50 of which shall be units managed by the*
25 *Secretary.*

1 (C) *FEEDBACK; SUPPORT OF GATEWAY COM-*
2 MUNITIES.—*The Secretaries shall—*

3 (i) *solicit feedback regarding participa-*
4 *tion in the Pilot Program from commu-*
5 *nities adjacent to units of Federal rec-*
6 *reational lands and waters and the public;*
7 *and*

8 (ii) *in carrying out subparagraphs (A)*
9 *and (B), select a unit of Federal recreation*
10 *lands and waters to participate in the Pilot*
11 *Program only if the community adjacent to*
12 *the unit of Federal recreational lands and*
13 *waters is supportive of the participation of*
14 *the unit of Federal recreational lands and*
15 *waters in the Pilot Program.*

16 (3) *DISSEMINATION OF INFORMATION.—The Sec-*
17 *retaries may disseminate the information described in*
18 *paragraph (1) directly or through an entity or orga-*
19 *nization referred to in subsection (c).*

20 (c) *COMMUNITY PARTNERS AND THIRD-PARTY PRO-*
21 *VIDERS.—For purposes of carrying out this section, the Sec-*
22 *retary concerned may—*

23 (1) *coordinate and partner with—*

24 (A) *communities adjacent to units of Fed-*
25 *eral recreational lands and waters;*

1 (B) *State and local outdoor recreation and*
2 *tourism offices;*

3 (C) *local governments;*

4 (D) *Indian Tribes;*

5 (E) *trade associations;*

6 (F) *local outdoor recreation marketing orga-*
7 *nizations;*

8 (G) *permitted facilitated recreation pro-*
9 *viders; or*

10 (H) *other relevant stakeholders; and*

11 (2) *coordinate or enter into agreements, as ap-*
12 *propriate, with private sector and nonprofit partners,*
13 *including—*

14 (A) *technology companies;*

15 (B) *geospatial data companies;*

16 (C) *experts in data science, analytics, and*
17 *operations research; or*

18 (D) *data companies.*

19 (d) *EXISTING PROGRAMS.—The Secretaries may use*
20 *existing programs or products of the Secretaries to carry*
21 *out this section.*

22 (e) *PRIVACY CLAUSES.—Nothing in this section pro-*
23 *vides authority to the Secretaries—*

1 (1) to monitor or record the movements of a vis-
2 itor to a unit of Federal recreational lands and
3 waters;

4 (2) to restrict, interfere with, or monitor a pri-
5 vate communication of a visitor to a unit of Federal
6 recreational lands and waters; or

7 (3) to collect—

8 (A) information from owners of land adja-
9 cent to a unit of Federal recreational lands and
10 waters; or

11 (B) information on non-Federal land.

12 (f) **REPORTS.**—Not later than January 1, 2024, and
13 annually thereafter, the Secretaries shall publish on a
14 website of the Secretaries a report that describes the annual
15 visitation of each unit of Federal recreational lands and
16 waters, including, to the maximum extent practicable, visi-
17 tation categorized by recreational activity.

18 **SEC. 145. MONITORING FOR IMPROVED RECREATION DECI-**

19 **SIONMAKING.**

20 (a) **IN GENERAL.**—The Secretaries shall seek to cap-
21 ture comprehensive recreation use data to better understand
22 and inform decisionmaking by the Secretaries.

23 (b) **PILOT PROTOCOLS.**—Not later than 1 year after
24 the date of enactment of this Act, and after public notice
25 and comment, the Secretaries shall establish pilot protocols

1 *at not fewer than 10 land management units under the ju-*
2 *isdiction of each of the Secretaries to model recreation use*
3 *patterns (including low-use recreation activities and dis-*
4 *persed recreation activities) that may not be effectively*
5 *measured by existing general and opportunistic survey and*
6 *monitoring protocols.*

7 **SEC. 146. ACCESS FOR SERVICEMEMBERS AND VETERANS.**

8 *The Secretaries are encouraged to work with the Sec-*
9 *retary of Defense and the Secretary of Veterans Affairs to*
10 *ensure servicemembers and veterans have access to outdoor*
11 *recreation and outdoor-related volunteer and wellness pro-*
12 *grams as a part of the basic services provided to*
13 *servicemembers and veterans.*

14 **SEC. 147. INCREASING YOUTH RECREATION VISITS TO FED-**
15 **ERAL LAND.**

16 (a) *STRATEGY.*—*Not later than 1 year after the date*
17 *of enactment of this Act, and not less frequently than once*
18 *every 5 years thereafter, the Secretaries shall develop and*
19 *make public a national strategy, after public notice and*
20 *comment, to increase the number of youth recreation visits*
21 *to Federal land.*

22 (b) *REQUIREMENTS.*—*A strategy developed under sub-*
23 *section (a)—*

24 (1) *shall—*

1 (A) emphasize increased recreation opportu-
2 nities on Federal land for underserved youth;

3 (B) establish objectives and quantifiable tar-
4 gets for increasing youth recreation visits; and

5 (C) provide the anticipated costs to achieve
6 the objectives and meet the targets established
7 under subparagraph (B); and

8 (2) shall not establish any preference between
9 similar recreation facilitated by noncommercial or
10 commercial entities.

11 (c) *AGREEMENTS.*—*The Secretaries may enter into*
12 *contracts or cost-share agreements (including contracts or*
13 *agreements for the acquisition of vehicles) to carry out this*
14 *section.*

15 **TITLE II—AMENDMENTS TO THE**
16 **FEDERAL LANDS RECRE-**
17 **ATION ENHANCEMENT ACT**

18 **SEC. 201. SHORT TITLE.**

19 *The Federal Lands Recreation Enhancement Act (16*
20 *U.S.C. 6801 et seq.) is amended by striking section 801 and*
21 *inserting the following:*

22 **“SEC. 801. SHORT TITLE.**

23 *“This title may be cited as the ‘Federal Lands Recre-*
24 *ation Enhancement Act’.”*

1 **SEC. 202. DEFINITIONS.**

2 *Section 802 of the Federal Lands Recreation Enhance-*
 3 *ment Act (16 U.S.C. 6801) is amended—*

4 *(1) in the matter preceding paragraph (1), by*
 5 *striking “this Act” and inserting “this title”;*

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

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

10 *(4) in paragraph (6), by striking “section*
 11 *5(a)(7)” and inserting “section 805(a)(7)”;*

12 *(5) in paragraph (9), by striking “section 5(d)”*
 13 *and inserting “section 805(d)”;*

14 *(6) in paragraph (12), by striking “section 7”*
 15 *and inserting “section 807”;*

16 *(7) in paragraph (13), by striking “section 3(h)”*
 17 *and inserting “section 803(h)(2)”;*

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

23 *(9) by inserting after paragraph (8) (as so redес-*
 24 *ignated) the following:*

25 *“(9) RECREATION SERVICE PROVIDER.—The*
 26 *term ‘recreation service provider’ means a person that*

1 *provides recreational services to the public under a*
2 *special recreation permit under clause (iii) or (iv) of*
3 *paragraph (13)(A).”; and*

4 *(10) by inserting after paragraph (12) the fol-*
5 *lowing:*

6 *“(13) SPECIAL RECREATION PERMIT.—*

7 *“(A) IN GENERAL.—The term ‘special recre-*
8 *ation permit’ means a permit issued by a Fed-*
9 *eral land management agency for the use of Fed-*
10 *eral recreational lands and waters—*

11 *“(i) for a specialized recreational use*
12 *not described in clause (ii), (iii), or (iv),*
13 *such as—*

14 *“(I) an organizational camp;*

15 *“(II) a single event that does not*
16 *require an entry or participation fee*
17 *that is not strictly a sharing of ex-*
18 *penses for the purposes of the event;*
19 *and*

20 *“(III) participation by the public*
21 *in a recreation activity or recreation*
22 *use of a specific area of Federal rec-*
23 *reational lands and waters in which*
24 *use by the public is allocated;*

1 “(ii) for a large group activity or event
2 for not fewer than 75 participants;

3 “(iii) for—

4 “(I) at the discretion of the Sec-
5 retary, a single organized group recre-
6 ation activity or event (including an
7 activity or event in which motorized
8 recreational vehicles are used or in
9 which outfitting and guiding services
10 are used) that—

11 “(aa) is a structured or
12 scheduled event;

13 “(bb) is not competitive and
14 is for fewer than 75 participants;

15 “(cc) may charge an entry or
16 participation fee;

17 “(dd) involves fewer than 200
18 visitor-use days; and

19 “(ee) is undertaken or pro-
20 vided by the recreation service
21 provider at the same site not more
22 frequently than 3 times a year; or

23 “(II) a single competitive event;

24 or

25 “(iv) for—

1 “(I) a recurring outfitting, guid-
2 ing, or, at the discretion of the Sec-
3 retary, other recreation service, the au-
4 thorization for which is for a term of
5 not more than 10 years; or

6 “(II) a recurring outfitting, guid-
7 ing, or, at the discretion of the Sec-
8 retary, other recreation service, that oc-
9 curs under a transitional special recre-
10 ation permit authorized section 312(a)
11 of the America’s Outdoor Recreation
12 Act of 2022.

13 “(B) *EXCLUSIONS.*—The term ‘special recre-
14 ation permit’ does not include—

15 “(i) a concession contract for the provi-
16 sion of accommodations, facilities, or serv-
17 ices;

18 “(ii) a commercial use authorization
19 issued under section 101925 of title 54,
20 United States Code; or

21 “(iii) any other type of permit, includ-
22 ing a special use permit administered by
23 the National Park Service.”.

1 **SEC. 203. SPECIAL RECREATION PERMITS AND FEES.**

2 (a) *IN GENERAL.*—Section 803 of the Federal Lands
3 *Recreation Enhancement Act (16 U.S.C. 6802)* is amend-
4 *ed—*

5 (1) *by striking “this Act” each place it appears*
6 *and inserting “this title”;*

7 (2) *in subsection (b)(5), by striking “section*
8 *4(d)” and inserting “section 804(d)”;* and

9 (3) *by striking subsection (h) and inserting the*
10 *following:*

11 “(h) *SPECIAL RECREATION PERMITS AND FEES.*—

12 “(1) *SPECIAL RECREATION PERMITS.*—

13 “(A) *APPLICATIONS.*—*The Secretary shall*
14 *develop and make available to the public an ap-*
15 *plication to obtain a special recreation permit*
16 *described in clause (ii), (iii), or (iv) of section*
17 *802(13)(A).*

18 “(B) *ISSUANCE OF PERMITS.*—*On review of*
19 *a completed application developed under sub-*
20 *paragraph (A) and a determination by the Sec-*
21 *retary that the applicant is eligible for the spe-*
22 *cial recreation permit, the Secretary may issue*
23 *to the applicant a special recreation permit, sub-*
24 *ject to any terms and conditions that are deter-*
25 *mined to be necessary by the Secretary.*

1 “(C) *INCIDENTAL SALES.*—*A special recre-*
2 *ation permit issued under this paragraph may*
3 *include an authorization for sales that are inci-*
4 *dental in nature to the permitted use of the Fed-*
5 *eral recreational lands and waters.*

6 “(2) *SPECIAL RECREATION PERMIT FEES.*—

7 “(A) *IN GENERAL.*—*The Secretary may*
8 *charge a special recreation permit fee for the*
9 *issuance of a special recreation permit issued*
10 *under paragraph (1) in accordance with this*
11 *paragraph.*

12 “(B) *PREDETERMINED SPECIAL RECRE-*
13 *ATION PERMIT FEES.*—

14 “(i) *IN GENERAL.*—*For purposes of*
15 *subparagraphs (D) and (E), the Secretary*
16 *shall establish and charge a predetermined*
17 *fee, described in clause (ii), for a special*
18 *recreation permit described in clause (iii)*
19 *or (iv) of section 802(13)(A) for a specific*
20 *type of use on a unit of Federal recreational*
21 *lands and waters, consistent with the cri-*
22 *teria set forth in clause (iii).*

23 “(ii) *TYPE OF FEE.*—*A predetermined*
24 *fee described in clause (i) shall be—*

1 “(I) a fixed fee that is assessed
2 per special recreation permit, includ-
3 ing a fee with an associated size limi-
4 tation or other criteria as determined
5 to be appropriate by the Secretary; or

6 “(II) an amount assessed per vis-
7 itor-use day.

8 “(iii) CRITERIA.—A predetermined fee
9 under clause (i) shall—

10 “(I) have been established before
11 the date of enactment of the America’s
12 Outdoor Recreation Act of 2022;

13 “(II) be established after the date
14 of enactment of the America’s Outdoor
15 Recreation Act of 2022, in accordance
16 with subsection (b);

17 “(III)(aa) be established after the
18 date of enactment of the America’s
19 Outdoor Recreation Act of 2022; and

20 “(bb) be comparable to an amount
21 described in subparagraph (D)(ii) or
22 E(ii), as applicable; or

23 “(IV) beginning on the date that
24 is 2 years after the date of enactment
25 of the America’s Outdoor Recreation

1 *Act of 2022, be \$6 in instances in*
2 *which the Secretary has not established*
3 *a predetermined fee under subclause*
4 *(I), (II), or (III).*

5 “(C) *CALCULATION OF FEES FOR ALLO-*
6 *CATED PUBLIC USE, LARGE GROUP ACTIVITIES,*
7 *AND OTHER ACTIVITIES.—The Secretary may, at*
8 *the discretion of the Secretary, establish and*
9 *charge a fee for a special recreation permit de-*
10 *scribed in clause (i) or (ii) of section 802(13)(A).*

11 “(D) *CALCULATION OF FEES FOR SINGLE*
12 *ORGANIZED GROUP RECREATION ACTIVITIES,*
13 *COMPETITIVE EVENTS, AND EVENTS FOR WHICH*
14 *A PARTICIPATION FEE IS CHARGED.—If the Sec-*
15 *retary elects to charge a fee for a special recre-*
16 *ation permit described in section 802(13)(A)(iii),*
17 *the Secretary shall charge the recreation service*
18 *provider, based on the election of the recreation*
19 *service provider—*

20 “(i) *the applicable predetermined fee*
21 *established under subparagraph (B); or*

22 “(ii) *an amount equal to a percentage*
23 *of, to be determined by the Secretary, but to*
24 *not to exceed 5 percent of, adjusted gross re-*
25 *ceipts calculated under subparagraph (F).*

1 “(E) *CALCULATION OF FEES FOR TRANSI-*
 2 *TIONAL PERMITS AND LONG-TERM PERMITS.—*
 3 *Subject to subparagraph (G), if the Secretary*
 4 *elects to charge a fee for a special recreation per-*
 5 *mit described in section 802(13)(A)(iv), the Sec-*
 6 *retary shall charge the recreation service pro-*
 7 *vider, based on the election of the recreation serv-*
 8 *ice provider—*

9 “(i) *the applicable predetermined fee*
 10 *established under subparagraph (B); or*

11 “(ii) *an amount equal to a percentage*
 12 *of, to be determined by the Secretary, but*
 13 *not to exceed 3 percent of, adjusted gross re-*
 14 *ceipts calculated under subparagraph (F).*

15 “(F) *ADJUSTED GROSS RECEIPTS.—For the*
 16 *purposes of subparagraphs (D)(ii) and (E)(ii),*
 17 *the Secretary shall calculate the adjusted gross*
 18 *receipts collected for each trip or event author-*
 19 *ized under a special recreation permit, using ei-*
 20 *ther of the following calculations, based on the*
 21 *election of the recreation service provider:*

22 “(i) *The sum of—*

23 “(I) *the product obtained by mul-*
 24 *tiplying—*

1 “(aa) the general amount
2 paid by participants of the trip or
3 event to the recreation service pro-
4 vider for the applicable trip or
5 event (excluding amounts related
6 to goods, souvenirs, merchandise,
7 gear, and additional food pro-
8 vided or sold by the recreation
9 service provider); and

10 “(bb) the quotient obtained
11 by dividing—

12 “(AA) the number of
13 days of the trip or event that
14 occurred on Federal rec-
15 reational lands and waters
16 covered by the special recre-
17 ation permit, rounded to the
18 nearest whole day; by

19 “(BB) the total number
20 of days of the trip or event;
21 and

22 “(II) the amount of any addi-
23 tional revenue received by the recre-
24 ation service provider for an add-on
25 activity or an optional excursion that

1 *occurred on the Federal recreational*
2 *lands and waters covered by the special*
3 *recreation permit.*

4 “(ii) *The difference between—*

5 “(I) *the total cost paid by the*
6 *participants of the trip or event for the*
7 *trip or event to the recreation service*
8 *provider, including any additional rev-*
9 *enue received by the recreation service*
10 *provider for an add-on activity or an*
11 *optional excursion that occurred on the*
12 *Federal recreational lands and waters*
13 *covered by the special recreation per-*
14 *mit; and*

15 “(II) *the sum of—*

16 “(aa) *the amount of any rev-*
17 *enues from goods, souvenirs, mer-*
18 *chandise, gear, and additional*
19 *food provided or sold by the recre-*
20 *ation service provider to the par-*
21 *ticipants of the applicable trip or*
22 *event;*

23 “(bb) *the amount of any costs*
24 *or revenues from services and ac-*
25 *tivities provided or sold by the*

1 recreation service provider to the
2 participants of the trip or event
3 that occurred in a location other
4 than the Federal recreational
5 lands and waters covered by the
6 special recreation permit (includ-
7 ing costs for travel and lodging
8 outside the Federal recreational
9 lands and waters covered by the
10 special recreation permit); and

11 “(cc) the amount of any reve-
12 nues from any service provided by
13 a recreation service provider for
14 an activity on Federal rec-
15 reational lands and waters that is
16 not covered by the special recre-
17 ation permit.

18 “(G) EXCEPTION.—Notwithstanding sub-
19 paragraph (E), the Secretary may charge a
20 recreation service provider a minimum annual
21 fee for a special recreation permit described in
22 section 802(13)(A)(iv).

23 “(H) SAVINGS CLAUSES.—

24 “(i) EFFECT.—Nothing in this para-
25 graph affects any fee for—

1 “(I) a concession contract admin-
2 istered by the National Park Service
3 for the provision of accommodations,
4 facilities, or services; or

5 “(II) a commercial use authoriza-
6 tion for use of Federal recreational
7 lands and waters managed by the Na-
8 tional Park Service.

9 “(ii) *COST RECOVERY*.—Nothing in
10 this paragraph affects the ability of the Sec-
11 retary to recover any administrative costs
12 under section 325 of the America’s Outdoor
13 Recreation Act of 2022.

14 “(iii) *SPECIAL RECREATION PERMIT*
15 *FEES AND OTHER RECREATION FEES*.—The
16 collection of a special recreation permit fee
17 under this paragraph shall not affect the
18 authority of the Secretary to collect an en-
19 trance fee, a standard amenity recreation
20 fee, or an expanded amenity recreation fee
21 authorized under subsections (e), (f), and
22 (g).

23 “(i) *DISCLOSURE OF RECREATION FEES AND USE OF*
24 *RECREATION FEES*.—

1 “(1) *NOTICE OF ENTRANCE FEES, STANDARD*
2 *AMENITY RECREATION FEES, EXPANDED AMENITY*
3 *RECREATION FEES, AND PASSES.—*

4 “(A) *IN GENERAL.—The Secretary shall*
5 *post clear notice of any entrance fee, standard*
6 *amenity recreation fee, expanded amenity recre-*
7 *ation fee, and available recreation passes at ap-*
8 *propriate locations in each unit or area of Fed-*
9 *eral recreational land and waters at which an*
10 *entrance fee, standard amenity recreation fee, or*
11 *expanded amenity recreation fee is charged.*

12 “(B) *PUBLICATIONS.—The Secretary shall*
13 *include in publications distributed at a unit or*
14 *area or described in subparagraph (A) the notice*
15 *described in that subparagraph.*

16 “(2) *NOTICE OF USES OF FEES.—Beginning on*
17 *January 1, 2024, the Secretary shall annually post,*
18 *at the location at which a recreation fee described in*
19 *paragraph (1)(A) is collected, clear notice of—*

20 “(A) *the total recreation fees collected dur-*
21 *ing each of the 2 preceding fiscal years at the re-*
22 *spective unit or area of the Federal land man-*
23 *agement agency; and*

1 “(B) each use during the preceding fiscal
2 year of the applicable recreation fee or recreation
3 pass revenues collected under this section.

4 “(3) NOTICE OF RECREATION FEE PROJECTS.—
5 To the extent practicable, the Secretary shall post
6 clear notice at the location at which work is per-
7 formed using recreation fee and recreation pass reve-
8 nues collected under this section.

9 “(4) CENTRALIZED REPORTING ON AGENCY
10 WEBSITES.—

11 “(A) IN GENERAL.—Not later than January
12 1, 2023, and not later than 60 days after the be-
13 ginning of each fiscal year thereafter, the Sec-
14 retary shall post on the website of the applicable
15 Federal land management agency a searchable
16 list of each use during the preceding fiscal year
17 of the recreation fee or recreation pass revenues
18 collected under this section.

19 “(B) LIST COMPONENTS.—The list required
20 under subparagraph (A) shall include, with re-
21 spect to each use described in that subpara-
22 graph—

23 “(i) a title and description of the over-
24 all project;

1 “(ii) a title and description for each
2 component of the project;

3 “(iii) the location of the project; and

4 “(iv) the amount obligated for the
5 project.

6 “(5) NOTICE TO CUSTOMERS.—A recreation serv-
7 ice provider may inform a customer of the recreation
8 service provider of any fee charged by the Secretary
9 under this section.”.

10 (b) CONFORMING AMENDMENT.—Section 804 of the
11 Federal Lands Recreation Enhancement Act (16 U.S.C.
12 6803) is amended by striking subsection (e).

13 **SEC. 204. ONLINE COLLECTION OF CERTAIN RECREATION**
14 **FEES.**

15 Section 803 of the Federal Lands Recreation Enhance-
16 ment Act (16 U.S.C. 6802) (as amended by section
17 203(a)(3)) is amended by adding at the end the following:

18 “(j) ONLINE PAYMENTS.—

19 “(1) IN GENERAL.—In addition to providing on-
20 site payment methods, the Secretaries may collect
21 payment online for—

22 “(A) entrance fees under subsection (e);

23 “(B) standard amenity recreation fees;

24 “(C) expanded amenity recreation fees; and

25 “(D) special recreation permit fees.

1 “(2) *DISTRIBUTION OF ONLINE PAYMENTS.*—An
 2 *online payment collected under paragraph (1) that is*
 3 *associated with a specific unit or area of a Federal*
 4 *land management agency shall be distributed in ac-*
 5 *cordance with section 805(c).”.*

6 **SEC. 205. ONLINE PURCHASES AND ESTABLISHMENT OF A**
 7 ***DIGITAL VERSION OF AMERICA THE BEAU-***
 8 ***TIFUL—THE NATIONAL PARKS AND FEDERAL***
 9 ***RECREATIONAL LANDS PASSES.***

10 *Section 805(a) of the Federal Lands Recreation En-*
 11 *hancement Act (16 U.S.C. 6804(a)) is amended—*

12 (1) *in paragraph (6), by striking subparagraph*
 13 *(A) and inserting the following:*

14 “(A) *IN GENERAL.*—*The Secretaries shall*
 15 *sell the National Parks and Federal Recreational*
 16 *Lands Pass—*

17 “(i) *at all Federal recreational lands*
 18 *and waters at which—*

19 “(I) *an entrance fee or a standard*
 20 *amenity recreation fee is charged; and*

21 “(II) *such sales are feasible;*

22 “(ii) *at such other locations as the Sec-*
 23 *retaries determine to be appropriate and*
 24 *feasible; and*

1 “(iii) through the website of each of the
2 Federal land management agencies and the
3 websites of the relevant units and subunits
4 of the Federal land management agencies,
5 which shall include—

6 “(I) a prominent link on each
7 website; and

8 “(II) information about where
9 and when the National Parks and Fed-
10 eral Recreational Lands Pass may be
11 used.”; and

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

13 “(10) *DIGITAL RECREATION PASSES*.—By not
14 later than January 1, 2024, the Secretaries shall—

15 “(A) establish a digital version of the Na-
16 tional Parks and Federal Recreational Lands
17 Pass that is able to be stored on a mobile device;
18 and

19 “(B) on the completion of a sale carried out
20 under paragraph (6)(A)(iii), make available to
21 the passholder the digital version of the National
22 Parks and Federal Recreational Lands Pass es-
23 tablished under subparagraph (A).”.

1 **SEC. 206. AVAILABILITY OF FEDERAL, STATE, AND LOCAL**
2 **RECREATION PASSES.**

3 *Section 806 of the Federal Lands Recreation Enhance-*
4 *ment Act (16 U.S.C. 6805) is amended by adding at the*
5 *end the following:*

6 “(d) **FEDERAL SALES OF STATE AND COUNTY RECRE-**
7 **ATION PASSES.**—

8 “(1) **IN GENERAL.**—*On receipt of a request by a*
9 *State or county, the Secretaries may, on behalf of the*
10 *State or county—*

11 “(A) *sell a pass covering a fee charged by*
12 *a State or county for entrance to, or recreational*
13 *use of, a park or public land in the State or*
14 *county; and*

15 “(B) *collect any required fees for a pass sold*
16 *under subparagraph (A).*

17 “(2) **REVENUE FROM PASS SALES.**—*The Secre-*
18 *taries shall transfer to the applicable State or county*
19 *any amounts collected on behalf of the State or county*
20 *under paragraph (1)(B).*

21 “(e) **COORDINATING THE SALES OF FEDERAL, STATE,**
22 **AND LOCAL RECREATION PASSES.**—*The Secretaries, in con-*
23 *sultation with States and counties, shall seek to coordinate*
24 *the availability of Federal, State, and county recreation*
25 *passes to allow an individual to purchase a Federal recre-*

1 *ation pass and a State or county recreation pass in a single*
 2 *transaction.”.*

3 **SEC. 207. USE OF SPECIAL RECREATION PERMIT FEE REV-**
 4 **ENUE.**

5 *Section 808 of the Federal Lands Recreation Enhance-*
 6 *ment Act (16 U.S.C. 6807) is amended—*

7 *(1) by striking “this Act” each place it appears*
 8 *and inserting “this title”;*

9 *(2) in subsection (a)(3)—*

10 *(A) in subparagraph (E), by striking “and”*
 11 *at the end;*

12 *(B) in subparagraph (F), by striking “6(a)*
 13 *or a visitor reservation service.” and inserting*
 14 *“806(a) or a visitor reservation service;”; and*

15 *(C) by adding at the end the following:*

16 *“(G) the processing of special recreation*
 17 *permit applications and administration of spe-*
 18 *cial recreation permits; and*

19 *“(H) the improvement of the operation of*
 20 *the special recreation permit program under sec-*
 21 *tion 803(h).”; and*

22 *(3) in subsection (d)—*

23 *(A) in paragraph (1), by striking “section*
 24 *5” and inserting “section 805”; and*

1 (B) in paragraph (2), by striking “section
2 5” and inserting “section 805”.

3 **SEC. 208. PERMANENT AUTHORIZATION.**

4 *The Federal Lands Recreation Enhancement Act (16*
5 *U.S.C. 6801 et seq.) is amended—*

6 (1) *by striking section 810; and*

7 (2) *by redesignating sections 811 through 815 as*
8 *sections 810 through 814, respectively.*

9 **TITLE III—SPECIAL RECREATION**
10 **PERMITS FOR OUTFITTING**
11 **AND GUIDING**

12 **Subtitle A—Administration of Spe-**
13 **cial Recreation Permits for Out-**
14 **fitting and Guiding**

15 **SEC. 311. PERMIT ADMINISTRATION.**

16 (a) *PERMIT AVAILABILITY.—*

17 (1) *NOTIFICATIONS OF PERMIT AVAILABILITY.—*

18 (A) *IN GENERAL.—Except as provided in*
19 *subparagraph (B), in an area of Federal rec-*
20 *reational lands and waters in which use by*
21 *recreation service providers is allocated, if the*
22 *Secretary concerned has determined that visitor-*
23 *use days are available for allocation to recre-*
24 *ation service providers or holders of a commer-*
25 *cial use authorization for outfitting and guiding,*

1 *the Secretary concerned shall publish the infor-*
2 *mation on the website of the agency that admin-*
3 *isters the applicable area of Federal recreational*
4 *lands and waters.*

5 *(B) EFFECT.—Nothing in this paragraph—*

6 *(i) applies to—*

7 *(I) a reissuance of an existing*
8 *special recreation permit or an exist-*
9 *ing commercial use authorization for*
10 *outfitting and guiding; or*

11 *(II) a new special recreation per-*
12 *mit or new commercial use authoriza-*
13 *tion for outfitting and guiding issued*
14 *to the purchaser of—*

15 *(aa) a recreation service pro-*
16 *vider that is the holder of an ex-*
17 *isting special recreation permit;*
18 *or*

19 *(bb) a holder of an existing*
20 *commercial use authorization for*
21 *outfitting and guiding; or*

22 *(ii) creates a prerequisite to the*
23 *issuance of a special recreation permit or*
24 *commercial use authorization for outfitting*

1 and guiding or otherwise limits the author-
2 ity of the Secretary concerned—

3 (I) to issue a new special recre-
4 ation permit or new commercial use
5 authorization for outfitting and guid-
6 ing; or

7 (II) to add a new or additional
8 use to an existing special recreation
9 permit or an existing commercial use
10 authorization for outfitting and guid-
11 ing.

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

16 (3) *ELECTRONIC MAIL NOTIFICATIONS.*—The Sec-
17 retary concerned shall establish a system by which po-
18 tential applicants for special recreation permits or
19 commercial use authorizations for outfitting and
20 guiding may subscribe to receive notification by elec-
21 tronic mail of the availability of special recreation
22 permits under subsection (h)(1) of section 803 of the
23 Federal Lands Recreation Enhancement Act (16
24 U.S.C. 6802) (as amended by section 203(a)(3)) or

1 *commercial use authorizations for outfitting and*
2 *guiding.*

3 **(b) PERMIT APPLICATION OR PROPOSAL ACKNOWLEDGMENTS.—**
4

5 **(1) IN GENERAL.—***Not later than 60 days after*
6 *the date on which the Secretary concerned receives a*
7 *completed application or a complete proposal for a*
8 *special recreation permit under subsection (h)(1) of*
9 *section 803 of the Federal Lands Recreation Enhance-*
10 *ment Act (16 U.S.C. 6802) (as amended by section*
11 *203(a)(3)), the Secretary concerned shall—*

12 **(A)** *provide to the applicant notice acknowl-*
13 *edging receipt of the application or proposal;*
14 *and*

15 **(B)(i)** *issue a final decision with respect to*
16 *the application or proposal; or*

17 **(ii)** *provide to the applicant notice of a pro-*
18 *jected date for a final decision on the application*
19 *or proposal.*

20 **(2) EFFECT.—***Nothing in this subsection applies*
21 *to a concession contract issued by the National Park*
22 *Service for the provision of accommodations, facili-*
23 *ties, or services.*

1 **SEC. 312. FOREST SERVICE AND BUREAU OF LAND MANAGE-**
2 **MENT TRANSITIONAL SPECIAL RECREATION**
3 **PERMITS FOR OUTFITTING AND GUIDING.**

4 (a) *IN GENERAL.*—Not later than 1 year after the date
5 of enactment of this Act, the Secretary concerned shall im-
6 plement a program to authorize the issuance of transitional
7 special recreation permits for a new or additional reoccur-
8 ring outfitting, guiding, or other recreation service, as de-
9 termined by the Secretary concerned, on Federal rec-
10 reational lands and waters managed by the Chief of the
11 Forest Service or the Director of the Bureau of Land Man-
12 agement.

13 (b) *TERM OF TRANSITIONAL PERMITS FOR OUTFIT-*
14 *TING AND GUIDING.*—A transitional special recreation per-
15 mit issued under subsection (a) shall be issued for a term
16 of 2 years.

17 (c) *CONVERSION TO LONG-TERM PERMITS FOR OUT-*
18 *FITTING AND GUIDING.*—

19 (1) *IN GENERAL.*—On the request of a recreation
20 service provider that holds a transitional special
21 recreation permit under the program implemented
22 under subsection (a), the Secretary concerned shall
23 provide for the conversion of the transitional special
24 recreation permit to a long-term special recreation
25 permit for outfitting and guiding if the Secretary

1 concerned determines that the recreation service pro-
2 vider—

3 (A) has held not less than 2 transitional
4 special recreation permits or similar permits
5 issued under—

6 (i) the program implemented under
7 subsection (a); or

8 (ii) any other program to issue similar
9 special recreation permits in existence be-
10 fore the date of enactment of this Act;

11 (B) during the 3-year period preceding the
12 request, has not been determined to have a per-
13 formance that is less than satisfactory, as deter-
14 mined under the monitoring process described in
15 section 314(a), for any transitional special recre-
16 ation permits or similar special recreation per-
17 mits issued by the Secretary concerned, includ-
18 ing the transitional special recreation permit
19 proposed to be converted, for the respective unit
20 of Federal recreational lands and waters; and

21 (C) notwithstanding section 314(b)(3), has
22 used not less than 50 percent of the visitor-use
23 days allocated to the recreation service provider
24 under the transitional special recreation permit.

1 (2) *TERM.*—*The term of a special recreation per-*
2 *mit converted to a long-term special recreation permit*
3 *under this subsection shall be for a period of 5 or 10*
4 *years, as determined to be appropriate by the Sec-*
5 *retary concerned.*

6 (3) *VISITOR-USE DAY ALLOCATIONS.*—*In con-*
7 *verting a transitional special recreation permit under*
8 *paragraph (1) to a long-term special recreation per-*
9 *mit for outfitting and guiding, the Secretary con-*
10 *cerned may, at the discretion of the Secretary con-*
11 *cerned, increase the number of visitor-use days allo-*
12 *cated to the recreation service provider under the*
13 *long-term special recreation permit for outfitting and*
14 *guiding.*

15 (d) *EFFECT.*—*Nothing in this section alters or affects*
16 *the authority of the Secretary concerned to issue a special*
17 *recreation permit under subsection (h)(1) of section 803 of*
18 *the Federal Lands Recreation Enhancement Act (16 U.S.C.*
19 *6802) (as amended by section 203(a)(3)).*

20 **SEC. 313. SURRENDER OF UNUSED VISITOR-USE DAYS.**

21 (a) *IN GENERAL.*—*A recreation service provider hold-*
22 *ing a special recreation permit described in paragraph*
23 *(13)(A)(iv) of section 802 of the Federal Lands Recreation*
24 *Enhancement Act (16 U.S.C. 6801) (as amended by section*
25 *202(10)) may—*

1 (1) *notify the Secretary concerned of an inability*
2 *to use visitor-use days annually allocated to the recre-*
3 *ation service provider under the special recreation*
4 *permit; and*

5 (2) *surrender to the Secretary concerned the un-*
6 *used visitor-use days for the applicable year for tem-*
7 *porary reassignment under section 315(b).*

8 (b) *DETERMINATION.*—*To ensure a recreation service*
9 *provider described in subsection (a) is able to make an in-*
10 *formed decision before surrendering any unused visitor-use*
11 *day under subsection (a)(2), the Secretary concerned shall,*
12 *on the request of the applicable recreation service provider,*
13 *determine and notify the recreation service provider wheth-*
14 *er the unused visitor-use day meets the requirement de-*
15 *scribed in section 314(b)(3)(B) before the recreation service*
16 *provider surrenders the unused visitor-use day.*

17 **SEC. 314. PERMIT REVIEWS.**

18 (a) *MONITORING.*—*The Secretary concerned shall*
19 *monitor for compliance a recreation service provider—*

20 (1) *annually, in the case of a transitional spe-*
21 *cial recreation permit for outfitting and guiding*
22 *issued under section 312;*

23 (2) *once every 2 years, in the case of a special*
24 *recreation permit described in paragraph*
25 *(13)(A)(iv)(I) of section 802 of the Federal Lands*

1 *Recreation Enhancement Act (16 U.S.C. 6801) (as*
2 *amended by section 202(10)) that is issued for a term*
3 *of 10 years;*

4 (3) *in the case of a special recreation permit*
5 *converted under section 312 to a long-term special*
6 *recreation permit for outfitting and guiding with a*
7 *term of 10 years, during each of the 4th, 6th, 8th, and*
8 *10th years in which the long-term special recreation*
9 *permit is in effect; and*

10 (4) *in the case of a special recreation permit*
11 *converted under section 312 to a long-term special*
12 *recreation permit for outfitting and guiding with a*
13 *term of 5 years, during each of the 4th and 5th years*
14 *in which the special recreation permit is in effect.*

15 (b) *USE-OF-ALLOCATION REVIEWS.—*

16 (1) *IN GENERAL.—If the Secretary of Agri-*
17 *culture, acting through the Chief of the Forest Service,*
18 *or the Secretary, as applicable, allocates visitor-use*
19 *days among special recreation permits for outfitting*
20 *and guiding, the Secretary of Agriculture, acting*
21 *through the Chief of the Forest Service, shall, and the*
22 *Secretary may, review the use by the recreation serv-*
23 *ice provider of the visitor-use days allocated—*

24 (A) *under a transitional special recreation*
25 *permit issued under section 312, not later than*

1 90 days before the date on which the transitional
2 special recreation permit expires; and

3 (B) under a long-term special recreation
4 permit described in paragraph (13)(A)(iv)(I) of
5 section 802 of the Federal Lands Recreation En-
6 hancement Act (16 U.S.C. 6801) (as amended by
7 section 202(10)), once every 5 years.

8 (2) *REQUIREMENTS OF THE REVIEW.*—In con-
9 ducting a review under paragraph (1), the Secretary
10 of Agriculture, acting through the Chief of the Forest
11 Service, or the Secretary, as applicable, shall deter-
12 mine—

13 (A) the number of visitor-use days that the
14 recreation service provider has used each year
15 under the transitional special recreation permit
16 or the special recreation permit, in accordance
17 with paragraph (3); and

18 (B) of the years identified under subpara-
19 graph (A), the year in which the recreation serv-
20 ice provider used the most visitor-use days.

21 (3) *CONSIDERATION OF SURRENDERED, UNUSED*
22 *VISITOR-USE DAYS.*—For the purposes of determining
23 the number of visitor-use days a recreation service
24 provider has used in a specified year under para-
25 graph (2)(A), the Secretary of Agriculture, acting

1 *through the Chief of the Forest Service, and the Sec-*
 2 *retary, as applicable, shall consider an unused vis-*
 3 *itor-use day that has been surrendered under section*
 4 *313(a)(2) as—*

5 *(A) 1/2 of a visitor-use day used; or*

6 *(B) 1 visitor-use day used, if the Secretary*
 7 *of Agriculture, acting through the Chief of the*
 8 *Forest Service, or the Secretary, as applicable,*
 9 *determines the use of the allocated visitor-use*
 10 *day had been or will be prevented by a cir-*
 11 *cumstance beyond the control of the recreation*
 12 *service provider.*

13 **SEC. 315. ADJUSTMENT OF ALLOCATED VISITOR-USE DAYS.**

14 *(a) ADJUSTMENTS FOLLOWING USE OF ALLOCATION*

15 *REVIEWS.—On the completion of a use-of-allocation review*
 16 *of a special recreation permit described in paragraph*
 17 *(13)(A)(iv)(I) of section 802 of the Federal Lands Recre-*
 18 *ation Enhancement Act (16 U.S.C. 6801) (as amended by*
 19 *section 202(10)) conducted under section 314(b), the Sec-*
 20 *retary of Agriculture, acting through the Chief of the Forest*
 21 *Service, or the Secretary, as applicable, shall adjust the*
 22 *number of visitor-use days allocated to a recreation service*
 23 *provider under the special recreation permit as follows:*

24 *(1) If the Secretary concerned determines that*
 25 *the performance of the recreation service provider was*

1 *satisfactory during the most recent review conducted*
2 *under subsection (a) of section 314, the annual num-*
3 *ber of visitor-use days allocated for each remaining*
4 *year of the permit shall be equal to 125 percent of the*
5 *number of visitor-use days used, as determined under*
6 *subsection (b)(2)(A) of that section, during the year*
7 *identified under subsection (b)(2)(B) of that section,*
8 *not to exceed the level allocated to the special recre-*
9 *ation permit holder on the date on which the special*
10 *recreation permit was issued.*

11 *(2) If the Secretary concerned determines the*
12 *performance of the recreation service provider is less*
13 *than satisfactory during the most recent performance*
14 *review conducted under subsection (a) of section 314,*
15 *the annual number of visitor-use days allocated for*
16 *each remaining year of the permit shall be equal to*
17 *not more than 100 percent of the number of visitor-*
18 *use days used, as determined under subsection*
19 *(b)(2)(A) of that section during the year identified*
20 *under subsection (b)(2)(B) of that section.*

21 *(b) TEMPORARY REASSIGNMENT OF UNUSED DAYS.—*
22 *The Secretary concerned may temporarily assign unused*
23 *visitor use-days, made available under section 313(a)(2)*
24 *to—*

1 (1) *any other existing or potential recreation*
2 *service provider, notwithstanding the number of vis-*
3 *itor-use days allocated to the special recreation per-*
4 *mit holder under the special recreation permit held or*
5 *to be held by the recreation service provider; or*

6 (2) *any existing or potential holder of a special*
7 *recreation permit described in clause (i) or (iii) of*
8 *paragraph (13)(A) of section 802 of the Federal*
9 *Lands Recreation Enhancement Act (16 U.S.C. 6801)*
10 *(as amended by section 202(10)), including the pub-*
11 *lic.*

12 (c) *ADDITIONAL CAPACITY.—If unallocated visitor-use*
13 *days are available, the Secretary concerned may, at any*
14 *time, revise a special recreation permit to assign additional*
15 *visitor-use days to a qualified recreation service provider.*

16 ***Subtitle B—Additional Provisions***
17 ***Relating to Special Recreation***
18 ***Permits***

19 ***SEC. 321. PERMITTING PROCESS IMPROVEMENTS.***

20 (a) *IN GENERAL.—To simplify the process of the*
21 *issuance and reissuance of special recreation permits and*
22 *reduce the cost of administering special recreation permits*
23 *under subsection (h) of section 803 of the Federal Lands*
24 *Recreation Enhancement Act (16 U.S.C. 6802) (as amended*
25 *by section 203(a)(3)), the Secretaries shall—*

1 (1) *not later than 1 year after the date of enact-*
2 *ment of this Act—*

3 (A) *evaluate the process for issuing special*
4 *recreation permits; and*

5 (B) *based on the evaluation under subpara-*
6 *graph (A), identify opportunities—*

7 (i) *to eliminate duplicative processes*
8 *with respect to issuing special recreation*
9 *permits;*

10 (ii) *to reduce costs for the issuance of*
11 *special recreation permits;*

12 (iii) *to decrease processing times for*
13 *special recreation permits; and*

14 (iv) *to issue simplified special recre-*
15 *ation permits; and*

16 (2) *not later than 1 year after the date on which*
17 *the Secretaries complete the evaluation and identifica-*
18 *tion processes under paragraph (1), revise, as nec-*
19 *essary, relevant agency regulations and guidance docu-*
20 *ments, including regulations and guidance docu-*
21 *ments relating to the environmental review process,*
22 *for special recreation permits to implement the im-*
23 *provements identified under paragraph (1)(B).*

24 (b) *ENVIRONMENTAL REVIEWS.—*

1 (1) *IN GENERAL.*—*The Secretary concerned shall,*
2 *to the maximum extent practicable, utilize available*
3 *tools, including tiering to existing programmatic re-*
4 *views, as appropriate, to facilitate an effective and ef-*
5 *ficient environmental review process for activities un-*
6 *dertaken by the Secretary concerned relating to the*
7 *issuance of special recreation permits.*

8 (2) *CATEGORICAL EXCLUSIONS.*—*Not later than*
9 *1 year after the date of enactment of this Act, the Sec-*
10 *retary concerned shall—*

11 (A) *evaluate—*

12 (i) *whether existing categorical exclu-*
13 *sions available to the Secretary concerned*
14 *on the date of enactment of this Act are con-*
15 *sistent with the provisions of this Act; and*

16 (ii) *whether a modification of an exist-*
17 *ing categorical exclusion or the establish-*
18 *ment of 1 or more new categorical exclu-*
19 *sions developed in compliance with the Na-*
20 *tional Environmental Policy Act of 1969*
21 *(42 U.S.C. 4321 et seq.) is necessary to un-*
22 *dertake an activity described in paragraph*
23 *(1) in a manner consistent with the au-*
24 *thorities and requirements in this Act; and*

1 (B) revise relevant agency regulations and
2 policy statements, as necessary, to modify exist-
3 ing categorical exclusions or incorporate new
4 categorical exclusions based on the evaluation
5 conducted under subparagraph (A).

6 (c) *NEEDS ASSESSMENTS.*—*Except as required under*
7 *subsection (c) or (d) of section 4 of the Wilderness Act (16*
8 *U.S.C. 1133), the Secretary concerned shall not conduct a*
9 *needs assessment as a condition of issuing a special recre-*
10 *ation permit under subsection (h) of section 803 of the Fed-*
11 *eral Lands Recreation Enhancement Act (16 U.S.C. 6802)*
12 *(as amended by section 203(a)(3)).*

13 (d) *ONLINE APPLICATIONS.*—*Not later than 2 years*
14 *after the date of enactment of this Act, the Secretaries shall*
15 *make the application for a special recreation permit under*
16 *subsection (h) of section 803 of the Federal Lands Recre-*
17 *ation Enhancement Act (16 U.S.C. 6802) (as amended by*
18 *section 203(a)(3)), including a reissuance of a special recre-*
19 *ation permit under that section, available for completion*
20 *and submission—*

21 (1) *online;*

22 (2) *by mail or electronic mail; and*

23 (3) *in person at the field office for the applicable*
24 *Federal recreational lands and waters.*

1 (e) *ORGANIZED GROUP ACTIVITY OR EVENT SPECIAL*
2 *RECREATION PERMITS.*—

3 (1) *DEFINITIONS.*—*In this subsection:*

4 (A) *ORGANIZED GROUP ACTIVITY OR EVENT*
5 *SPECIAL RECREATION PERMIT.*—*The term “orga-*
6 *nized group activity or event special recreation*
7 *permit” means a special recreation permit de-*
8 *scribed in paragraph (13)(A)(iii)(I) of section*
9 *802 of the Federal Lands Recreation Enhance-*
10 *ment Act (16 U.S.C. 6801) (as amended by sec-*
11 *tion 202(10)).*

12 (B) *YOUTH GROUP.*—*The term “youth*
13 *group” means a recreation service provider that*
14 *predominantly serves individuals not older than*
15 *25 years of age.*

16 (2) *EXEMPTION FROM CERTAIN ALLOCATIONS OF*
17 *USE.*—*If the Secretary concerned allocates visitor-use*
18 *days available for an area or activity on Federal rec-*
19 *reational lands and waters among recreation service*
20 *providers that hold a permit described in paragraph*
21 *(13)(A)(iv) of section 802 of the Federal Lands Recre-*
22 *ation Enhancement Act (16 U.S.C. 6801) (as amend-*
23 *ed by section 202(10)), an organized group activity or*
24 *event special recreation permit shall not be subject to*
25 *that allocation of visitor-use days.*

1 (3) *ISSUANCE.*—

2 (A) *IN GENERAL.*—*Except as provided in*
3 *subparagraphs (B) and (C), if use by the general*
4 *public is not subject to a limited entry permit*
5 *system and capacity is available for the times or*
6 *days in which the proposed activity or event*
7 *would be undertaken under an application for*
8 *an organized group activity or event special*
9 *recreation permit submitted by a recreation serv-*
10 *ice provider (including a youth group), the Sec-*
11 *retary concerned may issue the organized group*
12 *activity or event special recreation permit, sub-*
13 *ject to any terms and conditions determined to*
14 *be appropriate by the Secretary concerned.*

15 (B) *NOMINAL EFFECTS PERMITS.*—*Except*
16 *as provided in subparagraph (C), if the Sec-*
17 *retary concerned determines that an activity or*
18 *event to be undertaken by a recreation service*
19 *provider (including a youth group) proposed in*
20 *an application for an organized group activity*
21 *or event special recreation permit would require*
22 *terms and conditions to ensure the proposed ac-*
23 *tivity or event would have only nominal effects*
24 *on Federal recreational lands and waters, re-*
25 *sources, and programs, the Secretary concerned*

1 *shall issue the organized group activity or event*
2 *special recreation permit, subject to such terms*
3 *and conditions, if use by the general public is*
4 *not subject to a limited entry permit system and*
5 *capacity is available for the times or days in*
6 *which the proposed activity or event would be*
7 *undertaken under the organized group activity*
8 *or event special recreation permit.*

9 (C) *NO PERMIT REQUIRED.*—*The Secretary*
10 *concerned shall not require an organized group*
11 *activity or event special recreation permit for a*
12 *recreation activity or event conducted by a spe-*
13 *cial recreation provider (including a youth*
14 *group) if the Secretary concerned determines*
15 *based on the review of a proposal that—*

16 (i) *the proposed activity or event to be*
17 *undertaken would have only nominal effects*
18 *on Federal recreational lands and waters,*
19 *resources, and programs; and*

20 (ii) *establishing additional terms and*
21 *conditions for the proposed activity or event*
22 *is not necessary to protect or avoid conflict*
23 *on or with Federal recreational lands and*
24 *waters, resources, and programs.*

1 (4) *FEEES.*—*The Secretary concerned may elect*
 2 *not to charge a fee to a recreation service provider*
 3 *(including a youth group) for an organized group ac-*
 4 *tivity or event special recreation permit.*

5 (5) *SAVINGS CLAUSE.*—*Nothing in this sub-*
 6 *section prevents the Secretary concerned from lim-*
 7 *iting or abating issuance of an organized group activ-*
 8 *ity or event special recreation permit, based on re-*
 9 *source conditions, administrative burdens, or safety*
 10 *issues.*

11 **SEC. 322. SERVICE FIRST INITIATIVE AND MULTIJURIS-**
 12 **DICTIONAL TRIPS.**

13 (a) *REPEAL.*—*Section 330 of the Department of the*
 14 *Interior and Related Agencies Appropriations Act, 2001*
 15 *(43 U.S.C. 1703), is repealed.*

16 (b) *COOPERATIVE ACTION AND SHARING OF RE-*
 17 *SOURCES BY THE SECRETARIES OF THE INTERIOR AND AG-*
 18 *RICULTURE.*—

19 (1) *IN GENERAL.*—*For fiscal year 2012 and each*
 20 *fiscal year thereafter, the Secretaries, subject to an-*
 21 *annual review of Congress, may carry out an initiative,*
 22 *to be known as the “Service First Initiative”, under*
 23 *which the Secretaries and agencies and bureaus with-*
 24 *in the Department of the Interior and the Department*
 25 *of Agriculture—*

1 (A) may establish programs to conduct
2 projects, planning, permitting, leasing, con-
3 tracting, and other activities, either jointly or on
4 behalf of each other;

5 (B) may co-locate in Federal offices and fa-
6 cilities leased by an agency of the Department of
7 the Interior or the Department of Agriculture;
8 and

9 (C) may issue special rules to test the feasi-
10 bility of issuing unified permits, applications,
11 and leases.

12 (2) *DELEGATIONS OF AUTHORITY.*—The Secre-
13 taries may make reciprocal delegations of the respec-
14 tive authorities, duties, and responsibilities of the Sec-
15 retaries in support of the Service First Initiative
16 agency-wide to promote customer service and effi-
17 ciency.

18 (3) *EFFECT.*—Nothing in this section alters, ex-
19 pands, or limits the applicability of any law (includ-
20 ing regulations) to land administered by the Bureau
21 of Land Management, National Park Service, United
22 States Fish and Wildlife Service, or the Forest Service
23 or matters under the jurisdiction of any other bureaus
24 or offices of the Department of the Interior or the De-
25 partment of Agriculture, as applicable.

1 (4) *TRANSFERS OF FUNDING.*—To facilitate the
2 *sharing of resources under the Service First Initia-*
3 *tive, the Secretaries may make transfers of funds and*
4 *reimbursements of funds on an annual basis, includ-*
5 *ing transfers and reimbursements for multi-year*
6 *projects, subject to the limitation that this authority*
7 *may not be used to circumvent requirements and lim-*
8 *itations imposed on the use of funds.*

9 (c) *PILOT PROGRAM FOR PERMITS FOR MULTIJURIS-*
10 *DICTIONAL TRIPS.*—

11 (1) *IN GENERAL.*—Not later than 2 years after
12 *the date of enactment of this Act, the Secretaries shall*
13 *establish a pilot program to offer to a person seeking*
14 *an authorization for a multijurisdictional trip a sin-*
15 *gle joint special recreation permit or commercial use*
16 *authorization that authorizes the use of each unit of*
17 *Federal recreational lands and waters on which the*
18 *multijurisdictional trip occurs.*

19 (2) *MINIMUM NUMBER OF PERMITS.*—Not later
20 *than 4 years after the date of enactment of this Act,*
21 *the Secretaries shall issue not fewer than 10 single*
22 *joint special recreation permits described in para-*
23 *graph (13)(A)(iv) of section 802 of the Federal Lands*
24 *Recreation Enhancement Act (16 U.S.C. 6801) (as*
25 *amended by section 202(10)) or commercial use au-*

1 *thorizations under the pilot program established*
2 *under paragraph (1).*

3 (3) *LEAD AGENCIES.—In carrying out the pilot*
4 *program established under paragraph (1), the Secre-*
5 *taries shall—*

6 (A) *designate a lead agency for issuing and*
7 *administering a single joint special recreation*
8 *permit or commercial use authorization; and*

9 (B) *select not fewer than 4 offices at which*
10 *a person shall be able to apply for a single joint*
11 *special recreation permit or commercial use au-*
12 *thorization, of which—*

13 (i) *not fewer than 2 offices are man-*
14 *aged by the Secretary; and*

15 (ii) *not fewer than 2 offices are man-*
16 *aged by the Secretary of Agriculture, acting*
17 *through the Chief of the Forest Service.*

18 (4) *RETENTION OF AUTHORITY BY THE APPLICA-*
19 *BLE SECRETARY.—Each of the Secretaries shall retain*
20 *the authority to enforce the terms, stipulations, condi-*
21 *tions, and agreements in a single joint special recre-*
22 *ation permit or commercial use authorization issued*
23 *under the pilot program established under paragraph*
24 *(1) that apply specifically to the use occurring on the*

1 *Federal recreational lands and waters managed by*
2 *the applicable Secretary.*

3 (5) *OPTION TO APPLY FOR SEPARATE PERMITS*
4 *OR COMMERCIAL USE AUTHORIZATIONS.*—A person
5 *seeking an authorization for a multijurisdictional*
6 *trip may apply for—*

7 (A) *a separate special recreation permit or*
8 *commercial use authorization for the use of each*
9 *unit of Federal recreational lands and waters on*
10 *which the multijurisdictional trip occurs; or*

11 (B) *a single joint special recreational per-*
12 *mit or commercial use authorization made avail-*
13 *able under the pilot program established under*
14 *paragraph (1).*

15 (6) *EFFECT.*—*Nothing in this subsection applies*
16 *to a concession contract issued by the National Park*
17 *Service for the provision of accommodations, facili-*
18 *ties, or services.*

19 **SEC. 323. PERMIT FLEXIBILITY.**

20 (a) *IN GENERAL.*—*The Secretary concerned shall es-*
21 *tablish guidelines to allow a holder of a special recreation*
22 *permit under subsection (h) of section 803 of the Federal*
23 *Lands Recreation Enhancement Act (16 U.S.C. 6802) (as*
24 *amended by section 203(a)(3)), on the approval of the Sec-*
25 *retary concerned, to engage in another recreational activity*

1 *under the special recreation permit that is substantially*
2 *similar to the specific activity authorized under the special*
3 *recreation permit.*

4 (b) *CRITERIA.*—*For the purposes of this section, a rec-*
5 *reational activity shall be considered to be a substantially*
6 *similar recreational activity if the recreational activity—*

7 (1) *is comparable in type, nature, scope, and ec-*
8 *ological setting to the specific activity authorized*
9 *under the special recreation permit;*

10 (2) *does not result in a greater impact on nat-*
11 *ural and cultural resources than the impact of the au-*
12 *thorized activity;*

13 (3) *does not adversely affect—*

14 (A) *any other holder of a special recreation*
15 *permit or other permit; or*

16 (B) *any other authorized use of the Federal*
17 *recreational lands and waters; and*

18 (4) *is consistent with—*

19 (A) *any applicable laws (including regula-*
20 *tions); and*

21 (B) *the land management plan, resource*
22 *management plan, or equivalent plan applicable*
23 *to the Federal recreational lands and waters.*

24 (c) *EFFECT.*—*Nothing in this section affects any au-*
25 *thority of, regulation issued by, or decision of the Secretary*

1 *concerned relating to the use of electric bicycles on Federal*
2 *recreational lands and waters under any other Federal law.*

3 **SEC. 324. LIABILITY.**

4 *(a) INSURANCE REQUIREMENTS.—*

5 *(1) IN GENERAL.—Except as provided in para-*
6 *graph (2), as a condition of issuing a special recre-*
7 *ation permit under subsection (h)(1)(B) of section*
8 *803 of the Federal Lands Recreation Enhancement*
9 *Act (16 U.S.C. 6802) (as amended by section*
10 *203(a)(3)) or a commercial use authorization, the*
11 *Secretary concerned may require the holder of the spe-*
12 *cial recreation permit or commercial use authoriza-*
13 *tion to have a commercial general liability insurance*
14 *policy that—*

15 *(A) is commensurate with the level of risk*
16 *of the activities to be conducted under the special*
17 *recreation permit or commercial use authoriza-*
18 *tion; and*

19 *(B) includes the United States as an addi-*
20 *tional insured in an endorsement to the applica-*
21 *ble policy.*

22 *(2) EXCEPTION.—The Secretary concerned shall*
23 *not require a holder of a special recreation permit or*
24 *commercial use authorization for low-risk activities,*
25 *as determined by the Secretary concerned, including*

1 *commemorative ceremonies and participation by the*
2 *public in a recreation activity or recreation use of a*
3 *specific area of Federal recreational lands and waters*
4 *in which use by the public is allocated, to comply*
5 *with the requirements of paragraph (1).*

6 **(b) INDEMNIFICATION BY GOVERNMENTAL ENTITI-**
7 **TIES.**—*The Secretary concerned shall not require a State,*
8 *State agency, State institution, or political subdivision of*
9 *a State to indemnify the United States for tort liability*
10 *as a condition for issuing a special recreation permit or*
11 *commercial use authorization to the extent the State, State*
12 *agency, State institution, or political subdivision of a State*
13 *is precluded by State law from providing indemnification*
14 *to the United States for tort liability, if the State, State*
15 *agency, State institution, or political subdivision of the*
16 *State maintains the minimum amount of liability insur-*
17 *ance coverage required by the Federal land management*
18 *agency for the activities conducted under the special recre-*
19 *ation permit or commercial use authorization in the form*
20 *of—*

21 *(1) a commercial general liability insurance pol-*
22 *icy, which includes the United States as an addi-*
23 *tional insured in an endorsement to the policy, if the*
24 *State is authorized to obtain commercial general li-*
25 *ability insurance by State law; or*

1 (2) *self-insurance, which covers the United States*
2 *as an additional insured, if authorized by State law.*

3 (c) *EXCULPATORY AGREEMENTS.*—

4 (1) *IN GENERAL.*—*Except as provided in para-*
5 *graph (2), a Federal land management agency shall*
6 *not implement, administer, or enforce any regulation,*
7 *guidance, or policy prohibiting the use of an excul-*
8 *patory agreement between a recreation service pro-*
9 *vider or a holder of a commercial use authorization*
10 *and a customer relating to services provided under a*
11 *special recreation permit or a commercial use author-*
12 *ization.*

13 (2) *REQUIREMENTS.*—*Any exculpatory agree-*
14 *ment used by a recreation service provider or holder*
15 *of a commercial use authorization for an activity au-*
16 *thorized under a special recreation permit or commer-*
17 *cial use authorization—*

18 (A) *shall shield the United States from any*
19 *liability, if otherwise allowable under Federal*
20 *law; and*

21 (B) *shall not waive any liability of the*
22 *recreation service provider that may not be*
23 *waived under the laws (including common law)*
24 *of the applicable State or for gross negligence,*
25 *recklessness, or willful misconduct.*

1 (3) *CONSISTENCY.*—*Not later than 2 years after*
2 *the date of enactment of this Act, the Secretaries*
3 *shall—*

4 (A) *review the policies of the Secretaries*
5 *pertaining to the use of exculpatory agreements*
6 *by recreation service providers; and*

7 (B) *revise any policy described in subpara-*
8 *graph (A) as necessary to make the policies of*
9 *the Secretaries pertaining to the use of excul-*
10 *patory agreements by recreation service pro-*
11 *viders consistent with this subsection and across*
12 *all Federal recreational lands and waters.*

13 (d) *EFFECT.*—*Nothing in this section applies to a con-*
14 *cession contract issued by the National Park Service for the*
15 *provision of accommodations, facilities, or services.*

16 **SEC. 325. COST RECOVERY REFORM.**

17 (a) *COST RECOVERY FOR SPECIAL RECREATION PER-*
18 *MITTS.*—*In addition to a fee collected under section 803 of*
19 *the Federal Lands Recreation Enhancement Act (16 U.S.C.*
20 *6802) or any other authorized fee collected by the Secretary*
21 *concerned, the Secretary concerned may assess and collect*
22 *a reasonable fee from an applicant for, and holder of, a*
23 *special recreation permit to recover administrative costs in-*
24 *curred by the Secretary concerned for—*

25 (1) *processing the special recreation permit; and*

1 (2) *monitoring the special recreation permit to*
2 *ensure compliance with the terms and conditions of*
3 *the special recreation permit.*

4 (b) *DE MINIMIS EXEMPTIONS FROM COST RECOV-*
5 *ERY.—*

6 (1) *IN GENERAL.—If the administrative costs de-*
7 *scribed in subsection (a) are assessed on an hourly*
8 *basis, the Secretary concerned shall establish an hour-*
9 *ly de minimis threshold that exempts a specified*
10 *number of hours from the assessment and collection of*
11 *administrative costs described in subsection (a).*

12 (2) *EXEMPTION.—If the Secretary concerned es-*
13 *tablishes a threshold under paragraph (1) and as-*
14 *sesses a fee under subsection (a), the Secretary con-*
15 *cerned shall charge an applicant only for any hours*
16 *that exceed the de minimis threshold.*

17 (c) *MULTIPLE APPLICATIONS.—If the Secretary con-*
18 *cerned processes multiple applications for special recreation*
19 *permits for similar services in the same unit of Federal rec-*
20 *reational lands and waters, the Secretary concerned shall,*
21 *to the extent practicable—*

22 (1) *assess from the applicants the fee described in*
23 *subsection (a) on a prorated basis; and*

24 (2) *apply the exemption described in subsection*
25 *(b) to each applicant on an individual basis.*

1 (d) *LIMITATION.*—*The Secretary concerned shall not*
 2 *assess or collect administrative costs under this section for*
 3 *a programmatic environmental review.*

4 **SEC. 326. PERMIT RELIEF FOR PICNIC AREAS.**

5 (a) *IN GENERAL.*—*If the Secretary concerned does not*
 6 *require the public to obtain a permit or reservation to access*
 7 *a picnic area on Federal recreational lands and waters ad-*
 8 *ministered by the Chief of the Forest Service or Director*
 9 *of the Bureau of Land Management, the Secretary con-*
 10 *cerned may not require a covered person described in sub-*
 11 *section (b) to obtain a permit solely to access the picnic*
 12 *area.*

13 (b) *DESCRIPTION OF COVERED PERSONS.*—*A covered*
 14 *person referred to in subsection (a) is a person (including*
 15 *an educational group) that provides—*

16 (1) *outfitting and guiding services on Federal*
 17 *recreational lands and waters; and*

18 (2) *the services described in paragraph (1) to*
 19 *fewer than 40 customers annually at the picnic area.*

20 **SEC. 327. INTERAGENCY REPORT ON SPECIAL RECREATION**
 21 **PERMITS FOR UNDERSERVED COMMUNITIES.**

22 (a) *DEFINITION OF COVERED COMMUNITY.*—*In this*
 23 *section, the term “covered community” means a rural or*
 24 *urban, low-income, or underserved community, including*
 25 *an Indian Tribe, that has been underrepresented in outdoor*

1 *recreation opportunities on Federal recreational lands and*
2 *waters.*

3 **(b) REPORT.**—*Not later than 3 years after the date*
4 *of enactment of this Act, the Secretaries, acting jointly,*
5 *shall submit to the Committee on Energy and Natural Re-*
6 *sources of the Senate and the Committee on Natural Re-*
7 *sources of the House of Representatives a report that de-*
8 *scribes—*

9 **(1)** *the estimated use of special recreation per-*
10 *mits serving covered communities;*

11 **(2)** *examples of special recreation permits, part-*
12 *nerships, cooperative agreements, or other arrange-*
13 *ments providing access to Federal recreational lands*
14 *and waters for covered communities;*

15 **(3)** *other ways covered communities are engaging*
16 *on Federal recreational lands and waters, including*
17 *through stewardship and conservation projects or ac-*
18 *tivities;*

19 **(4)** *any barriers for recreation service providers*
20 *or prospective recreation service providers operating*
21 *within or serving a covered community; and*

22 **(5)** *any recommendations to facilitate and in-*
23 *crease permitted access to Federal recreational lands*
24 *and waters for covered communities.*

Subtitle C—Effect

SEC. 331. EFFECT.

Except as provided in sections 311(a), 322, and 324, nothing in this title (including an amendment made by this title) affects the authority or responsibility of the Secretary to award concessions contracts for the provision of accommodations, facilities, or services, or commercial use authorizations.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FILMING AND STILL PHOTOGRAPHY WITHIN THE NATIONAL PARK SYSTEM AND ON OTHER FEDERAL LAND.

(a) FILMING IN NATIONAL PARK SYSTEM UNITS.—

(1) IN GENERAL.—Chapter 1009 of title 54, United States Code, is amended by striking section 100905 and inserting the following:

“§100905. *Filming and still photography in System units*

“(a) FILMING AND STILL PHOTOGRAPHY.—

“(1) IN GENERAL.—The Secretary shall ensure that a filming or still photography activity or similar project in a System unit (referred to in this section as a ‘filming or still photography activity’) and the

1 *authorizing or permitting of a filming or still photog-*
2 *raphy activity are carried out consistent with—*

3 *“(A) the laws and policies applicable to the*
4 *Service; and*

5 *“(B) an applicable general management*
6 *plan.*

7 *“(2) NO PERMITS REQUIRED.—The Secretary*
8 *shall not require an authorization or a permit or as-*
9 *sess a fee, if a fee for a filming or still photography*
10 *activity is not otherwise required by law, for a film-*
11 *ing or still photography activity that—*

12 *“(A)(i) involves fewer than 6 individuals;*
13 *and*

14 *“(ii) meets each of the requirements de-*
15 *scribed in paragraph (5); or*

16 *“(B) is merely incidental to, or docu-*
17 *menting, an activity or event that is allowed or*
18 *authorized at the System unit, regardless of—*

19 *“(i) the number of individuals partici-*
20 *pating in the allowed or authorized activity*
21 *or event; or*

22 *“(ii) whether any individual receives*
23 *compensation for any products of the film-*
24 *ing or still photography activity.*

1 “(3) *FILMING AND STILL PHOTOGRAPHY AU-*
2 *THORIZATIONS FOR DE MINIMIS USE.—*—

3 “(A) *IN GENERAL.—The Secretary shall es-*
4 *tablish a de minimis use authorization for cer-*
5 *tain filming or still photography activities that*
6 *meets the requirements described in subpara-*
7 *graph (F).*

8 “(B) *POLICY.—For a filming or still pho-*
9 *tography activity that meets the requirements de-*
10 *scribed in subparagraph (F), the Secretary—*

11 “(i) *may require a de minimis use au-*
12 *thorization; and*

13 “(ii) *shall not require a permit.*

14 “(C) *NO FEE.—The Secretary shall not*
15 *charge a fee for a de minimis use authorization*
16 *under this paragraph.*

17 “(D) *ACCESS.—The Secretary shall enable*
18 *members of the public to apply for and obtain a*
19 *de minimis use authorization under this para-*
20 *graph—*

21 “(i) *through the website of the Service;*
22 *and*

23 “(ii) *in person at the field office of the*
24 *applicable System unit.*

25 “(E) *ISSUANCES.—The Secretary shall—*

1 “(i) establish a procedure—

2 “(I) to automate the approval of
3 an application submitted through the
4 website of the Service under subpara-
5 graph (D)(i); and

6 “(II) to issue a de minimis use
7 authorization under this paragraph
8 immediately on receipt of an applica-
9 tion that is submitted in person at the
10 field office of the applicable System
11 unit under subparagraph (D)(ii); and

12 “(ii) if an application submitted under
13 subparagraph (D) meets the requirements of
14 this paragraph, immediately on receipt of
15 the application issue a de minimis use au-
16 thorization for the filming or still photog-
17 raphy activity.

18 “(F) REQUIREMENTS.—The Secretary shall
19 only issue a de minimis use authorization under
20 this paragraph if the filming or still photog-
21 raphy activity—

22 “(i) involves a group of not fewer than
23 6 individuals and not more than 8 individ-
24 uals;

1 “(ii) meets each of the requirements de-
2 scribed in paragraph (5); and

3 “(iii) is consistent with subsection (c).

4 “(G) CONTENTS.—A *de minimis* use au-
5 thorization issued under this paragraph shall list
6 the requirements described in subparagraph (F).

7 “(4) REQUIRED PERMITS.—Except as provided
8 in paragraph (2)(B), the Secretary may require a
9 permit application and, if a permit is issued, assess
10 a reasonable fee, as described in subsection (b)(1), for
11 a filming or still photography activity that—

12 “(A) involves more than 8 individuals;

13 “(B) does not meet each of the requirements
14 described in paragraph (5); or

15 “(C) is conducted in a component of the
16 National Wilderness Preservation System.

17 “(5) REQUIREMENTS FOR FILMING OR STILL
18 PHOTOGRAPHY ACTIVITY.—The requirements referred
19 to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B) , and
20 (7)(C) are as follows:

21 “(A) A person conducts the filming or still
22 photography activity in a manner that—

23 “(i) does not impede or intrude on the
24 experience of other visitors to the applicable
25 System unit;

1 “(ii) *except as otherwise authorized,*
2 *does not disturb or negatively impact—*

3 “(I) *a natural or cultural re-*
4 *source; or*

5 “(II) *an environmental or scenic*
6 *value; and*

7 “(iii) *allows for equitable allocation or*
8 *use of facilities of the applicable System*
9 *unit.*

10 “(B) *The person conducts the filming or*
11 *still photography activity at a location in which*
12 *the public is allowed.*

13 “(C) *The person conducting the filming or*
14 *still photography activity does not require the*
15 *exclusive use of a site or area.*

16 “(D) *The person does not conduct the film-*
17 *ing or still photography activity in a localized*
18 *area that receives a very high volume of visita-*
19 *tion.*

20 “(E) *The person conducting the filming or*
21 *still photography activity does not use a set or*
22 *staging equipment, subject to the limitation that*
23 *handheld equipment (such as a tripod, monopod,*
24 *and handheld lighting equipment) shall not be*

1 *considered staging equipment for the purposes of*
2 *this subparagraph.*

3 “(F) *The person conducting the filming or*
4 *still photography activity complies with and ad-*
5 *here to visitor use policies, practices, and regula-*
6 *tions applicable to the applicable System unit.*

7 “(G) *The filming or still photography activ-*
8 *ity is not likely to result in additional adminis-*
9 *trative costs being incurred by the Secretary*
10 *with respect to the filming or still photography*
11 *activity, as determined by the Secretary.*

12 “(H) *The person conducting the filming or*
13 *still photography activity complies with other*
14 *applicable Federal, State, and local laws (in-*
15 *cluding regulations), including laws relating to*
16 *the use of unmanned aerial equipment.*

17 “(6) *CONTENT CREATION.—Regardless of dis-*
18 *tribution platform, any video, still photograph, or*
19 *audio recording for commercial or noncommercial*
20 *content creation in a System unit shall be considered*
21 *to be a filming or still photography activity under*
22 *this subsection.*

23 “(7) *EFFECT.—*

24 “(A) *PERMITS REQUESTED THOUGH NOT*
25 *REQUIRED.—On the request of a person intend-*

1 *ing to carry out a filming or still photography*
 2 *activity, the Secretary may issue a permit for*
 3 *the filming or still photography activity, even if*
 4 *a permit for the filming or still photography ac-*
 5 *tivity is not required under this section.*

6 “(B) *NO ADDITIONAL PERMITS, COMMERCIAL*
 7 *USE AUTHORIZATIONS, OR FEES FOR FILM-*
 8 *ING AND STILL PHOTOGRAPHY AT AUTHORIZED*
 9 *EVENTS.—A filming or still photography activity*
 10 *at an activity or event that is allowed or author-*
 11 *ized, including a wedding, engagement party,*
 12 *family reunion, or celebration of a graduate,*
 13 *shall be considered merely incidental for the pur-*
 14 *poses of paragraph (2)(B).*

15 “(C) *MONETARY COMPENSATION.—The re-*
 16 *ceipt of monetary compensation by the person*
 17 *conducting the filming or still photography ac-*
 18 *tivity shall not affect the permissibility of the*
 19 *filming or still photography activity.*

20 “(b) *FEES AND RECOVERY COSTS.—*

21 “(1) *FEES.—The reasonable fees referred to in*
 22 *subsection (a)(4) shall meet each of the following cri-*
 23 *teria:*

24 “(A) *The reasonable fee shall provide a fair*
 25 *return to the United States.*

1 “(B) *The reasonable fee shall be based on*
2 *the following criteria:*

3 “(i) *The number of days of the filming*
4 *or still photography activity.*

5 “(ii) *The size of the film or still pho-*
6 *tography crew present in the System unit.*

7 “(iii) *The quantity and type of film or*
8 *still photography equipment present in the*
9 *System unit.*

10 “(iv) *Any other factors that the Sec-*
11 *retary determines to be necessary.*

12 “(2) *RECOVERY OF COSTS.—*

13 “(A) *IN GENERAL.—The Secretary shall col-*
14 *lect from the applicant for the applicable permit*
15 *any costs incurred by the Secretary related to a*
16 *filming or still photography activity subject to a*
17 *permit under subsection (a)(4), including—*

18 “(i) *the costs of the review or issuance*
19 *of the permit; and*

20 “(ii) *related administrative and per-*
21 *sonnel costs.*

22 “(B) *EFFECT ON FEES COLLECTED.—All*
23 *costs recovered under subparagraph (A) shall be*
24 *in addition to the fee described in paragraph (1).*

25 “(3) *USE OF PROCEEDS.—*

1 “(A) *FEES.*—*All fees collected under this*
2 *section shall—*

3 “(i) *be available for expenditure by the*
4 *Secretary, without further appropriation;*
5 *and*

6 “(ii) *remain available until expended.*

7 “(B) *COSTS.*—*All costs recovered under*
8 *paragraph (2)(A) shall—*

9 “(i) *be available for expenditure by the*
10 *Secretary, without further appropriation, at*
11 *the System unit at which the costs are col-*
12 *lected; and*

13 “(ii) *remain available until expended.*

14 “(c) *PROTECTION OF RESOURCES.*—*The Secretary*
15 *shall not allow a person to undertake a filming or still pho-*
16 *tography activity if the Secretary determines that—*

17 “(1) *there is a likelihood that the person would*
18 *cause resource damage at the System unit, except as*
19 *otherwise authorized;*

20 “(2) *the person would create an unreasonable*
21 *disruption of the use and enjoyment by the public of*
22 *the System unit; or*

23 “(3) *the filming or still photography activity*
24 *poses a health or safety risk to the public.*

25 “(d) *PROCESSING OF PERMIT APPLICATIONS.*—

1 “(1) *IN GENERAL.*—*The Secretary shall establish*
 2 *a process to ensure that the Secretary responds in a*
 3 *timely manner to an application for a permit for a*
 4 *filming or still photography activity required under*
 5 *subsection (a)(4).*

6 “(2) *COORDINATION.*—*If a permit is required*
 7 *under this section for 2 or more Federal agencies or*
 8 *System units, the Secretary and the head of any other*
 9 *applicable Federal agency, as applicable, shall, to the*
 10 *maximum extent practicable, coordinate permit proc-*
 11 *essing procedures, including through the use of identi-*
 12 *fying a lead agency or lead System unit—*

13 “(A) *to review the application for the per-*
 14 *mit;*

15 “(B) *to issue the permit; and*

16 “(C) *to collect any required fees.*”.

17 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 18 *tions for chapter 1009 of title 54, United States Code,*
 19 *is amended by striking the item relating to section*
 20 *100905 and inserting the following:*

“100905. Filming and still photography in System units.”.

21 (b) *FILMING ON OTHER FEDERAL LAND.*—*Public Law*
 22 *106–206 (16 U.S.C. 460l–6d) is amended by striking sec-*
 23 *tion 1 and inserting the following:*

24 **“SECTION 1. FILMING AND STILL PHOTOGRAPHY.**

25 “(a) *FILMING AND STILL PHOTOGRAPHY.*—

1 “(1) *IN GENERAL.*—*The Secretary concerned*
2 *shall ensure that a filming or still photography activ-*
3 *ity or similar project at a Federal land management*
4 *unit (referred to in this section as a ‘filming or still*
5 *photography activity’)* and the authorizing or permit-
6 *ting of a filming or still photography activity are*
7 *carried out consistent with—*

8 “(A) *the laws and policies applicable to the*
9 *Secretary concerned; and*

10 “(B) *an applicable general management*
11 *plan.*

12 “(2) *NO PERMITS REQUIRED.*—*The Secretary*
13 *concerned shall not require an authorization or a per-*
14 *mit or assess a fee, if a fee for a filming or still pho-*
15 *tography activity is not otherwise required by law,*
16 *for a filming or still photography activity that—*

17 “(A)(i) *involves fewer than 6 individuals;*
18 *and*

19 “(ii) *meets each of the requirements de-*
20 *scribed in paragraph (5); or*

21 “(B) *is merely incidental to, or docu-*
22 *menting, an activity or event that is allowed or*
23 *authorized at the Federal land management*
24 *unit, regardless of—*

1 “(i) *the number of individuals partici-*
2 *pating in the allowed or authorized activity*
3 *or event; or*

4 “(ii) *whether any individual receives*
5 *compensation for any products of the film-*
6 *ing or still photography activity.*

7 “(3) *FILMING AND STILL PHOTOGRAPHY AU-*
8 *THORIZATIONS FOR DE MINIMIS USE.—*

9 “(A) *IN GENERAL.—The Secretary con-*
10 *cerned shall establish a de minimis use author-*
11 *ization for certain filming or still photography*
12 *activities that meets the requirements described*
13 *in subparagraph (F).*

14 “(B) *POLICY.—For a filming or still pho-*
15 *tography activity that meets the requirements de-*
16 *scribed in subparagraph (F), the Secretary con-*
17 *cerned—*

18 “(i) *may require a de minimis use au-*
19 *thorization; and*

20 “(ii) *shall not require a permit.*

21 “(C) *NO FEE.—The Secretary concerned*
22 *shall not charge a fee for a de minimis use au-*
23 *thorization under this paragraph.*

24 “(D) *ACCESS.—The Secretary concerned*
25 *shall enable members of the public to apply for*

1 *and obtain a de minimis use authorization*
2 *under this paragraph—*

3 “(i) *through the website of the Depart-*
4 *ment of the Interior or the Forest Service,*
5 *as applicable; and*

6 “(ii) *in person at the field office for the*
7 *Federal land management unit.*

8 “(E) *ISSUANCES.—The Secretary concerned*
9 *shall—*

10 “(i) *establish a procedure—*

11 “(I) *to automate the approval of*
12 *an application submitted through the*
13 *website of the Department of the Inte-*
14 *rior or the Forest Service, as applica-*
15 *ble, under subparagraph (D)(i); and*

16 “(II) *to issue a de minimis use*
17 *authorization under this paragraph*
18 *immediately on receipt of an applica-*
19 *tion that is submitted in person at the*
20 *field office for the Federal land man-*
21 *agement unit under subparagraph*
22 *(D)(ii); and*

23 “(ii) *if an application submitted under*
24 *subparagraph (D) meets the requirements of*
25 *this paragraph, immediately on receipt of*

1 the application issue a *de minimis* use au-
2 thorization for the filming or still photog-
3 raphy activity.

4 “(F) *TERMS.*—The Secretary concerned
5 shall only issue a *de minimis* use authorization
6 under this paragraph if the filming or still pho-
7 tography activity—

8 “(i) involves a group of not fewer than
9 6 individuals and not more than 8 individ-
10 uals;

11 “(ii) meets each of the requirements de-
12 scribed in paragraph (5); and

13 “(iii) is consistent with subsection (c).

14 “(G) *CONTENTS.*—A *de minimis* use au-
15 thorization issued under this paragraph shall list
16 the requirements described in subparagraph (F).

17 “(4) *REQUIRED PERMITS.*—Except as provided
18 in paragraph (2)(B), the Secretary concerned may re-
19 quire a permit application and, if a permit is issued,
20 assess a reasonable fee, as described in subsection
21 (b)(1), for a filming or still photography activity
22 that—

23 “(A) involves more than 8 individuals;

24 “(B) does not meet each of the requirements
25 described in paragraph (5); or

1 “(C) is conducted in a component of the
2 *National Wilderness Preservation System.*

3 “(5) *REQUIREMENTS FOR FILMING OR STILL*
4 *PHOTOGRAPHY ACTIVITY.*—*The requirements referred*
5 *to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B), and*
6 *(7)(C) are as follows:*

7 “(A) *A person conducts the filming or still*
8 *photography activity in a manner that—*

9 “(i) *does not impede or intrude on the*
10 *experience of other visitors to the Federal*
11 *land management unit;*

12 “(ii) *except as otherwise authorized,*
13 *does not disturb or negatively impact—*

14 “(I) *a natural or cultural re-*
15 *source; or*

16 “(II) *an environmental or scenic*
17 *value; and*

18 “(iii) *allows for equitable allocation or*
19 *use of facilities of the Federal land manage-*
20 *ment unit.*

21 “(B) *The person conducts the filming or*
22 *still photography activity at a location in which*
23 *the public is allowed.*

1 “(C) *The person conducting the filming or*
2 *still photography activity does not require the*
3 *exclusive use of a site or area.*

4 “(D) *The person does not conduct the film-*
5 *ing or still photography activity in a localized*
6 *area that receives a very high volume of visita-*
7 *tion.*

8 “(E) *The person conducting the filming or*
9 *still photography activity does not use a set or*
10 *staging equipment, subject to the limitation that*
11 *handheld equipment (such as a tripod, monopod,*
12 *and handheld lighting equipment) shall not be*
13 *considered staging equipment for the purposes of*
14 *this subparagraph.*

15 “(F) *The person conducting the filming or*
16 *still photography activity complies with and ad-*
17 *here to visitor use policies, practices, and regula-*
18 *tions applicable to the Federal land management*
19 *unit.*

20 “(G) *The filming or still photography activ-*
21 *ity is not likely to result in additional adminis-*
22 *trative costs being incurred by the Secretary con-*
23 *cerned with respect to the filming or still photog-*
24 *raphy activity, as determined by the Secretary*
25 *concerned.*

1 “(H) *The person conducting the filming or*
2 *still photography activity complies with other*
3 *applicable Federal, State, and local laws (in-*
4 *cluding regulations), including laws relating to*
5 *the use of unmanned aerial equipment.*

6 “(6) *CONTENT CREATION.—Regardless of dis-*
7 *tribution platform, any video, still photograph, or*
8 *audio recording for commercial or noncommercial*
9 *content creation at a Federal land management unit*
10 *shall be considered to be a filming or still photog-*
11 *raphy activity under this subsection.*

12 “(7) *EFFECT.—*

13 “(A) *PERMITS REQUESTED THOUGH NOT*
14 *REQUIRED.—On the request of a person intend-*
15 *ing to carry out a filming or still photography*
16 *activity, the Secretary concerned may issue a*
17 *permit for the filming or still photography activ-*
18 *ity, even if a permit for the filming or still pho-*
19 *tography activity is not required under this sec-*
20 *tion.*

21 “(B) *NO ADDITIONAL PERMITS, COMMERCIAL*
22 *USE AUTHORIZATIONS, OR FEES FOR FILM-*
23 *ING AND STILL PHOTOGRAPHY AT AUTHORIZED*
24 *EVENTS.—A filming or still photography activity*
25 *at an activity or event that is allowed or author-*

1 *ized, including a wedding, engagement party,*
2 *family reunion, or celebration of a graduate,*
3 *shall be considered merely incidental for the pur-*
4 *poses of paragraph (2)(B).*

5 “(C) *MONETARY COMPENSATION.*—*The re-*
6 *ceipt of monetary compensation by the person*
7 *engaged in the filming or still photography ac-*
8 *tivity shall not affect the permissibility of the*
9 *filming or still photography activity.*

10 “(b) *FEEES AND RECOVERY COSTS.*—

11 “(1) *FEEES.*—*The reasonable fees referred to in*
12 *subsection (a)(4) shall meet each of the following cri-*
13 *teria:*

14 “(A) *The reasonable fee shall provide a fair*
15 *return to the United States.*

16 “(B) *The reasonable fee shall be based on*
17 *the following criteria:*

18 “(i) *The number of days of the filming*
19 *or still photography activity.*

20 “(ii) *The size of the film or still pho-*
21 *tography crew present at the Federal land*
22 *management unit.*

23 “(iii) *The quantity and type of film or*
24 *still photography equipment present at the*
25 *Federal land management unit.*

1 “(iv) Any other factors that the Sec-
2 retary concerned determines to be necessary.

3 “(2) RECOVERY OF COSTS.—

4 “(A) IN GENERAL.—The Secretary con-
5 cerned shall collect from the applicant for the ap-
6 plicable permit any costs incurred by the Sec-
7 retary concerned related to a filming or still pho-
8 tography activity subject to a permit under sub-
9 section (a)(4), including—

10 “(i) the costs of the review or issuance
11 of the permit; and

12 “(ii) related administrative and per-
13 sonnel costs.

14 “(B) EFFECT ON FEES COLLECTED.—All
15 costs recovered under subparagraph (A) shall be
16 in addition to the fee described in paragraph (1).

17 “(3) USE OF PROCEEDS.—

18 “(A) FEES.—All fees collected under this
19 section shall—

20 “(i) be available for expenditure by the
21 Secretary concerned, without further appro-
22 priation; and

23 “(ii) remain available until expended.

24 “(B) COSTS.—All costs recovered under
25 paragraph (2)(A) shall—

1 “(i) be available for expenditure by the
2 Secretary concerned, without further appro-
3 priation, at the Federal land management
4 unit at which the costs are collected; and

5 “(ii) remain available until expended.

6 “(c) *PROTECTION OF RESOURCES.*—The Secretary
7 concerned shall not allow a person to undertake a filming
8 or still photography activity if the Secretary concerned de-
9 termines that—

10 “(1) there is a likelihood that the person would
11 cause resource damage at the Federal land manage-
12 ment unit, except as otherwise authorized;

13 “(2) the person would create an unreasonable
14 disruption of the use and enjoyment by the public of
15 the Federal land management unit; or

16 “(3) the filming or still photography activity
17 poses a health or safety risk to the public.

18 “(d) *PROCESSING OF PERMIT APPLICATIONS.*—

19 “(1) *IN GENERAL.*—The Secretary concerned
20 shall establish a process to ensure that the Secretary
21 concerned responds in a timely manner to an appli-
22 cation for a permit for a filming or still photography
23 activity required under subsection (a)(4).

24 “(2) *COORDINATION.*—If a permit is required
25 under this section for 2 or more Federal agencies or

1 *Federal land management units, the Secretary con-*
 2 *cerned and the head of any other applicable Federal*
 3 *agency, as applicable, shall, to the maximum extent*
 4 *practicable, coordinate permit processing procedures,*
 5 *including through the use of identifying a lead agency*
 6 *or lead Federal land management unit—*

7 “(A) to review the application for the per-
 8 mit;

9 “(B) to issue the permit; and

10 “(C) to collect any required fees.

11 “(e) *DEFINITIONS.—In this section:*

12 “(1) *FEDERAL LAND MANAGEMENT UNIT.—The*
 13 *term ‘Federal land management unit’ means—*

14 “(A) *Federal land (other than National*
 15 *Park System land) under the jurisdiction of the*
 16 *Secretary of the Interior; and*

17 “(B) *National Forest System land.*

18 “(2) *SECRETARY CONCERNED.—The term ‘Sec-*
 19 *retary concerned’ means—*

20 “(A) *the Secretary of the Interior, with re-*
 21 *spect to land described in paragraph (1)(A); and*

22 “(B) *the Secretary of Agriculture, with re-*
 23 *spect to land described in paragraph (1)(B).”.*

1 **SEC. 402. VOLUNTEER ENHANCEMENT PROGRAM.**

2 *The Volunteers in the National Forests Act of 1972 (16*
3 *U.S.C. 558a et seq.) is amended—*

4 *(1) by striking section 5;*

5 *(2) by redesignating the first section and sections*
6 *2, 3, and 4 as sections 4, 5, 6, and 9, respectively;*

7 *(3) by inserting before section 4 (as so redesign-*
8 *ated) the following:*

9 **“SECTION 1. SHORT TITLE.**

10 *“This Act may be cited as the ‘Volunteers in the Na-*
11 *tional Forests and Public Land Act’.*

12 **“SEC. 2. PURPOSE.**

13 *“The purpose of this Act is to leverage volunteer en-*
14 *gagement to supplement projects carried out by the Secre-*
15 *taries to fulfill the missions of the Forest Service and the*
16 *Bureau of Land Management that are accomplished with*
17 *appropriated funds.*

18 **“SEC. 3. DEFINITION OF SECRETARIES.**

19 *“In this Act, the term ‘Secretaries’ means each of—*

20 *“(1) the Secretary of Agriculture, acting through*
21 *the Chief of the Forest Service; and*

22 *“(2) the Secretary of the Interior, acting through*
23 *the Director of the Bureau of Land Management.”;*

24 *(4) in section 4 (as so redesignated)—*

25 *(A) by striking the section designation and*
26 *all that follows through “(hereinafter referred to*

1 *as the ‘Secretary’ is” in the first sentence and*
2 *inserting the following:*

3 **“SEC. 4. AUTHORIZATION.**

4 *“The Secretaries are”;*

5 *(B) in the first sentence—*

6 *(i) by inserting “and” after “civil serv-*
7 *ice”;*

8 *(ii) by inserting “recreation access,*
9 *trail construction or maintenance, facility*
10 *construction or maintenance, educational*
11 *uses (including outdoor classroom construc-*
12 *tion or maintenance),” after “for or in aid*
13 *of”;* *and*

14 *(iii) by striking “Secretary through the*
15 *Forest Service” and inserting “Secretaries”;*
16 *and*

17 *(C) in the second sentence, by striking “Sec-*
18 *retary” and inserting “Secretaries”;*

19 *(5) in section 5 (as so redesignated)—*

20 *(A) by striking the section designation and*
21 *all that follows through “Secretary is” and in-*
22 *serting the following:*

23 **“SEC. 5. INCIDENTAL EXPENSES.**

24 *“The Secretaries are”;* *and*

1 (B) by inserting “training, equipment,”
2 after “lodging,”;

3 (6) in section 6 (as so redesignated)—

4 (A) by striking the section designation and
5 all that follows through “(a) Except as” and in-
6 serting the following:

7 **“SEC. 6. CONSIDERATION AS FEDERAL EMPLOYEE.**

8 “(a) Except as”; and

9 (B) in subsection (e)—

10 (i) in the matter preceding paragraph
11 (1), by striking “the Secretary” and insert-
12 ing “either of the Secretaries”;

13 (ii) in paragraph (1), by striking
14 “with the Secretary” and inserting “or co-
15 operative agreement with either of the Sec-
16 retaries”; and

17 (iii) in paragraph (2)—

18 (I) in the matter preceding sub-
19 paragraph (A), by striking “the Sec-
20 retary in the mutual benefit agree-
21 ment” and inserting “either of the Sec-
22 retaries in the mutual benefit agree-
23 ment or cooperative agreement”;

24 (II) in subparagraph (A), by
25 striking “to be performed by the volun-

1 *teers” and inserting “, including the*
2 *geographic boundaries of the work to be*
3 *performed by the volunteers,”;*

4 *(III) in subparagraph (B), by*
5 *striking “and” at the end;*

6 *(IV) in subparagraph (C)—*

7 *(aa) by striking “the Sec-*
8 *retary, when feasible” and insert-*
9 *ing “either of the Secretaries, if*
10 *feasible and only if necessary”;*

11 *and*

12 *(bb) by striking the period at*
13 *the end and inserting a semicolon;*

14 *and*

15 *(V) by adding at the end the fol-*
16 *lowing:*

17 *“(D) the equipment the volunteers are au-*
18 *thorized to use;*

19 *“(E) the training the volunteers are re-*
20 *quired to complete;*

21 *“(F) the actions the volunteers are author-*
22 *ized to take; and*

23 *“(G) any other terms and conditions that*
24 *are determined to be necessary by the applicable*
25 *Secretary.”;*

1 (7) *by inserting before section 9 (as so redesign-*
2 *ated), the following:*

3 **“SEC. 7. PROMOTION OF VOLUNTEER OPPORTUNITIES.**

4 *“The Secretaries shall promote volunteer opportunities*
5 *in areas administered by the Secretaries.*

6 **“SEC. 8. LIABILITY INSURANCE.**

7 *“The Secretaries shall not require a cooperator or vol-*
8 *unteer (as those terms are used in section 6) to have liabil-*
9 *ity insurance to provide the volunteer services authorized*
10 *under this Act.”; and*

11 (8) *in section 9 (as so redesignated), by striking*
12 *the section designation and all that follows through*
13 *“There are” and inserting the following:*

14 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

15 *“There are”.*

16 **SEC. 403. CAPE AND ANTLER PRESERVATION ENHANCE-**
17 **MENT.**

18 *Section 104909(c) of title 54, United States Code, is*
19 *amended by striking “meat from” and inserting “meat and*
20 *any other part of an animal removed pursuant to”.*

21 **SEC. 404. FEDERAL LAND AND WATER AQUATIC RESOURCE**
22 **ACTIVITIES ASSISTANCE.**

23 *(a) DEFINITIONS.—In this section:*

24 (1) *AQUATIC NUISANCE SPECIES TASK FORCE.—*

25 *The term “Aquatic Nuisance Species Task Force”*

1 *means the Aquatic Nuisance Species Task Force es-*
2 *tablished by section 1201(a) of the Nonindigenous*
3 *Aquatic Nuisance Prevention and Control Act of 1990*
4 *(16 U.S.C. 4721(a)).*

5 (2) *FEDERAL LAND AND WATER.*—*The term*
6 *“Federal land and water” means Federal land and*
7 *water operated and maintained by the Bureau of*
8 *Land Management, Bureau of Reclamation, or the*
9 *National Park Service, as applicable.*

10 (3) *INSPECTION.*—*The term “inspection” means*
11 *an inspection to prevent and respond to biological in-*
12 *vasions of an aquatic ecosystem.*

13 (4) *PARTNER.*—*The term “partner” means—*

14 (A) *a Reclamation State;*

15 (B) *an Indian Tribe in a Reclamation*
16 *State;*

17 (C) *an applicable nonprofit organization in*
18 *a Reclamation State; or*

19 (D) *a unit of local government in a Rec-*
20 *lamation State.*

21 (5) *RECLAMATION STATE.*—*The term “Reclama-*
22 *tion State” includes any of the States of—*

23 (A) *Alaska;*

24 (B) *Arizona;*

25 (C) *California;*

- 1 (D) *Colorado;*
2 (E) *Idaho;*
3 (F) *Kansas;*
4 (G) *Montana;*
5 (H) *Nebraska;*
6 (I) *Nevada;*
7 (J) *New Mexico;*
8 (K) *North Dakota;*
9 (L) *Oklahoma;*
10 (M) *Oregon;*
11 (N) *South Dakota;*
12 (O) *Texas;*
13 (P) *Utah;*
14 (Q) *Washington; and*
15 (R) *Wyoming.*

16 (b) *AUTHORITY OF BUREAU OF LAND MANAGEMENT,*
17 *BUREAU OF RECLAMATION, AND NATIONAL PARK SERVICE*
18 *WITH RESPECT TO CERTAIN AQUATIC RESOURCE ACTIVI-*
19 *TIES ON FEDERAL LAND AND WATER.—*

20 (1) *IN GENERAL.—The Secretary, acting through*
21 *the Director of the Bureau of Land Management, the*
22 *Commissioner of Reclamation, and the Director of the*
23 *National Park Service, may inspect and decontami-*
24 *nate vessels entering and leaving Federal land and*

1 *water located within a river basin that contains a*
2 *Bureau of Reclamation water project.*

3 (2) *REQUIREMENTS.—The Secretary, acting*
4 *through the Director of the Bureau of Land Manage-*
5 *ment, the Commissioner of Reclamation, and the Di-*
6 *rector of the National Park Service, shall—*

7 (A) *in carrying out an inspection under*
8 *paragraph (1), coordinate with 1 or more part-*
9 *ners;*

10 (B) *consult with the Aquatic Nuisance Spe-*
11 *cies Task Force to identify potential improve-*
12 *ments and efficiencies in the detection and man-*
13 *agement of invasive species on Federal land and*
14 *water; and*

15 (C) *to the maximum extent practicable, in-*
16 *spect vessels in a manner that minimizes disrupt-*
17 *tions to public access for boating and recreation*
18 *in noncontaminated vessels.*

19 (3) *PARTNERSHIPS.—The Secretary, acting*
20 *through the Director of the Bureau of Land Manage-*
21 *ment, the Commissioner of Reclamation, and the Di-*
22 *rector of the National Park Service, may enter into*
23 *a partnership to provide technical assistance to a*
24 *partner—*

1 (A) to carry out an inspection or decon-
2 tamination of vessels; or

3 (B) to establish an inspection and decon-
4 tamination station for vessels.

5 (4) *LIMITATION.*—The Secretary, acting through
6 the Director of the Bureau of Land Management, the
7 Commissioner of Reclamation, and the Director of the
8 National Park Service, shall not prohibit access to
9 vessels under this subsection in the absence of an in-
10 spector.

11 (5) *DATA SHARING.*—The Secretary, acting
12 through the Director of the Bureau of Land Manage-
13 ment, the Commissioner of Reclamation, and the Di-
14 rector of the National Park Service, shall make avail-
15 able to a Reclamation State any data gathered re-
16 lated to inspections carried out in the Reclamation
17 State under this subsection.

18 (c) *GRANT PROGRAM FOR RECLAMATION STATES FOR*
19 *VESSEL INSPECTION AND DECONTAMINATION STATIONS.*—

20 (1) *VESSELS INSPECTIONS IN RECLAMATION*
21 *STATES.*—Subject to the availability of appropri-
22 ations, the Secretary, acting through the Commissioner
23 of Reclamation, shall establish a competitive grant
24 program to provide grants to partners to conduct in-
25 spections and decontamination of vessels operating in

1 (A) by striking “may” and inserting
2 “shall”; and

3 (B) by striking “the Secretary of the Inte-
4 rior” and inserting “the Secretaries”.

5 **SEC. 406. OUTDOOR RECREATION LEGACY PARTNERSHIP**
6 **PROGRAM.**

7 (a) *DEFINITIONS.*—*In this section:*

8 (1) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
9 *ty” means an entity that represents or otherwise*
10 *serves a qualifying urban area.*

11 (2) *ELIGIBLE NONPROFIT ORGANIZATION.*—*The*
12 *term “eligible nonprofit organization” means an or-*
13 *ganization that is described in section 501(c)(3) of the*
14 *Internal Revenue Code of 1986 and is exempt from*
15 *taxation under section 501(a) of such code.*

16 (3) *ENTITY.*—*The term “entity” means—*

17 (A) *a State;*

18 (B) *a political subdivision of a State, in-*
19 *cluding—*

20 (i) *a city;*

21 (ii) *a county; and*

22 (iii) *a special purpose district that*
23 *manages open space, including a park dis-*
24 *trict; and*

1 (C) *an Indian Tribe, urban Indian organi-*
2 *zation, or Alaska Native or Native Hawaiian*
3 *community or organization.*

4 (4) *LOW-INCOME COMMUNITY.*—*The term “low-*
5 *income community” means any census block group in*
6 *which 30 percent or more of the population are indi-*
7 *viduals with an annual household equal to, or less*
8 *than, the greater of—*

9 (A) *an amount equal to 80 percent of the*
10 *median income of the area in which the house-*
11 *hold is located, as reported by the Department of*
12 *Housing and Urban Development; and*

13 (B) *an amount equal to 200 percent of the*
14 *Federal poverty line.*

15 (5) *OUTDOOR RECREATION LEGACY PARTNER-*
16 *SHIP PROGRAM.*—*The term “Outdoor Recreation Leg-*
17 *acy Partnership Program” means the program estab-*
18 *lished under subsection (b)(1).*

19 (6) *QUALIFYING URBAN AREA.*—*The term “quali-*
20 *fying urban area” means—*

21 (A) *an urbanized area or urban cluster that*
22 *has a population of 25,000 or more in the most*
23 *recent census;*

1 (B) 2 or more adjacent urban clusters with
2 a combined population of 25,000 or more in the
3 most recent census; or

4 (C) an area administered by an Indian
5 Tribe or an Alaska Native or Native Hawaiian
6 community organization.

7 (7) STATE.—The term “State” means each of the
8 several States, the District of Columbia, and each ter-
9 ritory of the United States.

10 (b) GRANTS AUTHORIZED.—

11 (1) ESTABLISHMENT OF PROGRAM.—

12 (A) IN GENERAL.—The Secretary shall es-
13 tablish an outdoor recreation legacy partnership
14 program under which the Secretary may award
15 grants to eligible entities for projects—

16 (i) to acquire land and water for parks
17 and other outdoor recreation purposes in
18 qualifying urban areas; and

19 (ii) to develop new or renovate existing
20 outdoor recreation facilities that provide
21 outdoor recreation opportunities to the pub-
22 lic in qualifying urban areas.

23 (B) PRIORITY.—In awarding grants to eli-
24 gible entities under subparagraph (A), the Sec-
25 retary shall give priority to projects that—

1 (i) create or significantly enhance ac-
2 cess to park and recreational opportunities
3 in an urban neighborhood or community;

4 (ii) engage and empower underserved
5 communities and youth;

6 (iii) provide employment or job train-
7 ing opportunities for youth or underserved
8 communities;

9 (iv) establish or expand public-private
10 partnerships, with a focus on leveraging re-
11 sources; and

12 (v) take advantage of coordination
13 among various levels of government.

14 (2) *MATCHING REQUIREMENT.*—

15 (A) *IN GENERAL.*—As a condition of receiv-
16 ing a grant under paragraph (1), an eligible en-
17 tity shall provide matching funds in the form of
18 cash or an in-kind contribution in an amount
19 equal to not less than 100 percent of the amounts
20 made available under the grant.

21 (B) *WAIVER.*—The Secretary may waive all
22 or part of the matching requirement under sub-
23 paragraph (A) if the Secretary determines
24 that—

1 (i) *no reasonable means are available*
2 *through which the eligible entity can meet*
3 *the matching requirement; and*

4 (ii) *the probable benefit of the project*
5 *outweighs the public interest in the match-*
6 *ing requirement.*

7 (C) *ADMINISTRATIVE EXPENSES.*—*Not more*
8 *than 10 percent of funds provided to an eligible*
9 *entity under a grant awarded under paragraph*
10 *(1) may be used for administrative expenses.*

11 (3) *CONSIDERATIONS.*—*In awarding grants to*
12 *eligible entities under paragraph (1), the Secretary*
13 *shall consider the extent to which a project would—*

14 (A) *provide recreation opportunities in un-*
15 *derserved communities in which access to parks*
16 *is not adequate to meet local needs;*

17 (B) *provide opportunities for outdoor recre-*
18 *ation and public land volunteerism;*

19 (C) *support innovative or cost-effective ways*
20 *to enhance parks and other recreation—*

21 (i) *opportunities; or*

22 (ii) *delivery of services;*

23 (D) *support park and recreation program-*
24 *ming provided by cities, including cooperative*

1 *agreements with community-based eligible non-*
2 *profit organizations;*

3 *(E) develop Native American event sites*
4 *and cultural gathering spaces; and*

5 *(F) provide benefits such as community re-*
6 *silience, reduction of urban heat islands, en-*
7 *hanced water or air quality, or habitat for fish*
8 *or wildlife.*

9 (4) *ELIGIBLE USES.—*

10 *(A) IN GENERAL.—Subject to subparagraph*
11 *(B), a grant recipient may use a grant awarded*
12 *under paragraph (1) for a project described in*
13 *subparagraph (A) or (B) of that paragraph.*

14 *(B) LIMITATIONS ON USE.—A grant recipi-*
15 *ent may not use grant funds for—*

16 *(i) incidental costs related to land ac-*
17 *quisition, including appraisal and titling;*

18 *(ii) operation and maintenance activi-*
19 *ties;*

20 *(iii) facilities that support*
21 *semiprofessional or professional athletics;*

22 *(iv) indoor facilities, such as recreation*
23 *centers or facilities that support primarily*
24 *non-outdoor purposes; or*

1 (v) acquisition of land or interests in
2 land that restrict access to specific persons.

3 (c) *REVIEW AND EVALUATION REQUIREMENTS.*—In
4 carrying out the Outdoor Recreation Legacy Partnership
5 Program, the Secretary shall—

6 (1) conduct an initial screening and technical
7 review of applications received;

8 (2) evaluate and score all qualifying applica-
9 tions; and

10 (3) provide culturally and linguistically appro-
11 priate information to eligible entities (including low-
12 income communities and eligible entities serving low-
13 income communities) on—

14 (A) the opportunity to apply for grants
15 under this section;

16 (B) the application procedures by which eli-
17 gible entities may apply for grants under this
18 section; and

19 (C) eligible uses for grants under this sec-
20 tion.

21 (d) *REPORTING.*—

22 (1) *ANNUAL REPORTS.*—Not later than 30 days
23 after the last day of each report period, each State
24 lead agency that receives a grant under this section

1 *shall annually submit to the Secretary performance*
2 *and financial reports that—*

3 *(A) summarize project activities conducted*
4 *during the report period; and*

5 *(B) provide the status of the project.*

6 (2) *FINAL REPORTS.—Not later than 90 days*
7 *after the earlier of the date of expiration of a project*
8 *period or the completion of a project, each State lead*
9 *agency that receives a grant under this section shall*
10 *submit to the Secretary a final report containing such*
11 *information as the Secretary may require.*

12 **SEC. 407. RECREATION BUDGET CROSSCUT.**

13 *Not later than 30 days after the end of each fiscal year,*
14 *beginning with fiscal year 2023, the Director of the Office*
15 *of Management and Budget shall submit to Congress and*
16 *make public online a report that describes and itemizes the*
17 *total amount of funding relating to outdoor recreation that*
18 *was obligated in the preceding fiscal year in accounts in*
19 *the Treasury for the Department of the Interior and the*
20 *Department of Agriculture.*

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117TH CONGRESS
2^D SESSION

S. 3266

[Report No. 117-158]

A BILL

To improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes.

SEPTEMBER 21, 2022

Reported with an amendment