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SENATE

{ REPORT
{ 117-158

AMERICA'S OUTDOOR RECREATION ACT

SEPTEMBER 21, 2022.—Ordered to be printed

Mr. MANCHIN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 3266]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 3266), to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “America’s Outdoor Recreation Act of 2022”.

(b) Table of Contents.—The table of contents for 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 communities.

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.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **COMMERCIAL USE AUTHORIZATION.**—The term “commercial use authorization” means a commercial use authorization to provide services to visitors to units of the National Park Sys-

tem under subchapter II of chapter 1019 of title 54, United States Code.

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

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

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

(5) RECREATION SERVICE PROVIDER.—The term “recreation service provider” has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(9)).

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

- (A) the Secretary; and
- (B) the Secretary of Agriculture.

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

(8) SECRETARY CONCERNED.—The term “Secretary concerned” means—

- (A) the Secretary, with respect to land under the jurisdiction of the Secretary; or
- (B) the Secretary of Agriculture, with respect to land managed by the Forest Service.

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

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

TITLE I—OUTDOOR RECREATION AND INFRASTRUCTURE

Subtitle A—Declaration of Policy

SEC. 111. CONGRESSIONAL DECLARATION OF POLICY.

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

Subtitle B—Public Recreation on Federal Recreational Lands and Waters

SEC. 121. BIKING ON LONG DISTANCE BIKE TRAILS.

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

- (1) is not less than a total of 80 miles in length on Federal recreational lands and waters;
- (2) to the maximum extent practicable, makes use of existing trails;
- (3) is composed generally of a consistent type of trail;
- (4) may be used for mountain biking, bikepacking, road biking, bicycle touring, or gravel biking; and
- (5) may include short connections by way of a road or highway.

(b) **LONG-DISTANCE BIKE TRAILS ON FEDERAL RECREATIONAL LANDS AND WATERS.**—

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

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

(B)(i) identify not fewer than 10 areas in which there is an opportunity to develop or complete long-distance bike trails, consistent with the management requirements for the Federal recreational lands and waters identified;

(ii) coordinate with stakeholders on the feasibility of, and identifying any resources necessary for, completing the development of the trails identified under clause (i); and

(iii) incorporate existing applicable research and planning decisions in carrying out this section.

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

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

(4) **GEOGRAPHIC REPRESENTATION.**—To the extent practicable, the Secretary concerned shall seek to identify long-distance bike trails and areas for the development or completion of long-distance bike trails under paragraph (1) in a geographically equitable manner.

(5) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretaries, in partnership with interested organizations, shall prepare and publish a report that lists the long-distance bike trails identified under paragraph (1).

SEC. 122. FOREST SERVICE CLIMBING GUIDANCE.**(a) CLIMBING GUIDANCE IN WILDERNESS.—**

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall issue guidance on climbing management in designated wilderness areas on National Forest System land that recognizes the appropriateness of the allowable activities described in paragraph (2) in the designated wilderness areas, if the allowable activities are undertaken in accordance with—

- (A) the Wilderness Act (16 U.S.C. 1131 et seq.);
- (B) other applicable laws (including regulations); and
- (C) any terms and conditions that are determined to be necessary by the Secretary of Agriculture.

(2) **ALLOWABLE ACTIVITIES.**—The allowable activities referred to in paragraph (1) are—

- (A) recreational climbing;
- (B) the placement, use, and maintenance of fixed anchors; and
- (C) the use of other equipment necessary for recreational climbing.

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

SEC. 123. DESIGNATED TARGET SHOOTING RANGES.

(a) **DEFINITION OF DESIGNATED TARGET SHOOTING RANGE.**—In this section, the term “designated target shooting range” means a developed and managed area that is designed and operated by the Forest Service or the Bureau of Land Management specifically for the purposeful discharge of legal firearms, firearms training, archery, or other associated activities.

(b) IDENTIFICATION OF DESIGNATED TARGET SHOOTING RANGES.—

(1) **IN GENERAL.**—The Secretaries shall identify a suitable location for, and construct, designated target shooting ranges on Federal recreational lands and waters administered by the Chief of the Forest Service and Federal recreational lands and waters administered by the Director of the Bureau of Land Management for the public to use for recreational target shooting.

(2) **MINIMUM NUMBER OF DESIGNATED TARGET SHOOTING RANGES.**—To the maximum extent practicable and where the Secretary concerned determines that the use is consistent with applicable law and the applicable land use plan—

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

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

(3) **REQUIREMENTS.**—A designated target shooting range under paragraph (1)—

- (A)(i) shall be able to accommodate rifles, pistols, and shotguns; and
- (ii) may accommodate archery;

- (B) shall include—
 - (i) significantly modified landscapes, including berms, buffer distances, or other public safety designs or features;
 - (ii) a designated firing line; and
 - (iii) benches; and
 - (C) may include—
 - (i) shade structures;
 - (ii) trash containers;
 - (iii) restrooms; and
 - (iv) any other features that the Secretary concerned determines to be necessary.
- (c) REQUIREMENTS.—
- (1) EXISTING USE.—The Secretaries, in cooperation with the entities described in subsection (d), shall—
 - (A) consider the proximity of areas frequently used by recreational shooters when identifying a suitable location for a designated target shooting range; and
 - (B) ensure a designated target shooting range would not impact a target shooting range operated or maintained by a non-Federal entity, including a target shooting range located on private land.
 - (2) CLOSURES.—Except in emergency situations, the Secretary concerned shall seek to ensure that a designated target shooting range, or an equivalent shooting range adjacent to a National Forest or Bureau of Land Management district, is available to the public prior to closing Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management to recreational shooting, in accordance with section 4103 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (16 U.S.C. 7913).
- (d) CONSULTATIONS.—
- (1) IN GENERAL.—In carrying out this section, the Secretaries shall consult, as applicable, with—
 - (A) local and Tribal governments;
 - (B) nonprofit or nongovernmental organizations, including organizations that are signatories to the memorandum of understanding entitled “Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding” and signed by the Forest Service and the Bureau of Land Management on August 17, 2006;
 - (C) State fish and wildlife agencies;
 - (D) shooting clubs;
 - (E) Federal advisory councils relating to hunting and shooting sports;
 - (F) individuals or entities with authorized leases or permits in an area under consideration for a designated target shooting range;
 - (G) State and local offices of outdoor recreation; and
 - (H) the public.
 - (2) PARTNERSHIPS.—The Secretaries may—
 - (A) coordinate with an entity described in paragraph (1) to assist with the construction, operation, and maintenance of a designated target shooting range; and

(B) explore opportunities to leverage funding to maximize non-Federal investment in the construction, operation, and maintenance of a designated target shooting range.

(3) RECREATION AND PUBLIC PURPOSES ACT.—The Secretary concerned may consider a designated target shooting range that is located on land transferred pursuant to the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.) as a designated target shooting range on Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management for the purposes of subsection (b)(2).

(e) RESTRICTIONS.—

(1) IN GENERAL.—The management of a designated target shooting range shall be subject to such conditions as the Secretary concerned determines are necessary for the safe, responsible use of—

- (A) the designated target shooting range; and
- (B) the adjacent resources.

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

(f) APPLICABILITY.—

(1) IN GENERAL.—This section (including the restriction under subsection (e)(2)), shall only apply only to the minimum number of designated target shooting ranges at each National Forest or Bureau of Land Management district established under subsection (b)(2).

(2) ADDITIONAL DESIGNATED TARGET SHOOTING RANGES.—In the case of a National Forest or a Bureau of Land Management district that has more than the minimum number of designated target shooting ranges required under subsection (b)(2), any designated target shooting range at the National Forest or Bureau of Land Management district, as applicable, that exceeds the minimum number may, but is not required to, comply with this section.

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

Subtitle C—Improving Recreation Infrastructure

SEC. 131. BROADBAND INTERNET CONNECTIVITY AT DEVELOPED RECREATION SITES.

(a) IN GENERAL.—The Secretary and the Chief of the Forest Service shall enter into an agreement with the Administrator of the Rural Utilities Service to foster the installation or construction of broadband internet infrastructure at developed recreation sites on Federal recreational lands and waters to establish broadband internet connectivity—

- (1) subject to the availability of appropriations; and

(2) in accordance with applicable law.

(b) IDENTIFICATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter through fiscal year 2032, the Secretary and the Chief of the Forest Service, in coordination with States and local communities, shall make publicly available—

(1) a list of the highest priority developed recreation sites, as determined under subsection (c), on Federal recreational lands and waters that lack broadband internet; and

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

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

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

(A) geographic challenges; or

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

(2) that are located in an economically distressed county that could benefit significantly from developing the outdoor recreation economy of the county.

SEC. 132. EXTENSION OF SEASONAL RECREATION OPPORTUNITIES.

(a) DEFINITION OF SEASONAL CLOSURE.—In this section, the term “seasonal closure” means any period during which—

(1) a unit of Federal recreational lands and waters, or a portion of a unit of Federal recreational lands and waters, is closed to the public for a continuous period of not less than 30 days; and

(2) permitted or allowable recreational activities, which provide an economic benefit, including off-season or winter-season tourism, are not taking place at—

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

(B) a portion of a unit of Federal recreational lands and waters.

(b) COORDINATION.—The Secretaries shall consult and coordinate with multiple outdoor recreation-related businesses operating on or adjacent to a unit of Federal recreational lands and waters, State offices of outdoor recreation, local destination marketing organizations, applicable trade organizations, nonprofit organizations, Indian Tribes, local governments, and institutions of higher education—

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

(2) to solicit input from, and provide information for, outdoor recreation marketing campaigns; and

(3) to better understand—

(A) the effect of seasonal closures of areas of, or infrastructure on, units of Federal recreational lands and waters on outdoor recreation opportunities, adjacent businesses, and local tax revenue; and

(B) opportunities to extend the period of time during which areas of, or infrastructure on, units of Federal recreational lands and waters are open to the public to in-

crease outdoor recreation opportunities and associated revenues for businesses and local governments.

(c) AVAILABILITY OF INFRASTRUCTURE.—

(1) IN GENERAL.—The Secretaries shall make efforts to make infrastructure available to accommodate increased visitation to units of Federal recreational lands and waters during periods that are at or before the beginning or at or after the end of traditional seasonal closures—

(A) to extend the outdoor recreation season and the duration of income to gateway communities; and

(B) to provide more opportunities to visit resources on units of Federal recreational lands and waters to reduce crowding during peak seasons.

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

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

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

(d) AGREEMENTS.—

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

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

SEC. 133. GATEWAY COMMUNITIES.

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

(b) ASSESSMENT OF IMPACTS AND NEEDS IN GATEWAY COMMUNITIES.—Using existing funds available to the Secretaries, the Secretaries—

(1) shall collaborate with State and local governments, Indian Tribes, housing authorities, applicable trade associations, nonprofit organizations, and other relevant stakeholders to identify needs and economic impacts in gateway communities, including—

(A) housing shortages;

(B) demands on existing municipal infrastructure;

(C) accommodation and management of sustainable visitation; and

(D) the expansion and diversification of visitor experiences by bolstering the visitation at—

(i) underutilized locations, as identified under section 141(c)(1)(B), on nearby Federal recreational lands and waters; or

- (ii) lesser-known recreation sites, as identified under section 144(b)(1)(B), on nearby land managed by a State agency or a local agency; and
- (2) may address a need identified under paragraph (1) by—
 - (A) providing financial or technical assistance to a gateway community under an existing program;
 - (B) entering into a lease, right-of-way, or easement, in accordance with applicable laws; or
 - (C) issuing an entity referred to in paragraph (1) a special use permit (other than a special recreation permit), in accordance with applicable laws.
- (c) **TECHNICAL AND FINANCIAL ASSISTANCE TO BUSINESSES.—**
 - (1) **IN GENERAL.—**The Secretary of Agriculture (acting through the Administrator of the Rural Business-Cooperative Service), in coordination with the Secretary and the Secretary of Commerce, shall provide to businesses in gateway communities the assistance described in paragraph (2) to establish, operate, or expand infrastructure to accommodate and manage sustainable visitation, including hotels, campgrounds, and restaurants.
 - (2) **ASSISTANCE.—**The Secretary of Agriculture may provide assistance under paragraph (1) through the use of existing, or the establishment of new, entrepreneur and vocational training programs, technical assistance programs, low-interest business loan programs, and loan guarantee programs.
 - (d) **PARTNERSHIPS.—**In carrying out this section, the Secretaries may, in accordance with applicable laws, enter into a public-private partnership, cooperative agreement, memorandum of understanding, or similar agreement with a gateway community or a business in a gateway community.

SEC. 134. PARKING OPPORTUNITIES FOR FEDERAL RECREATIONAL LANDS AND WATERS.

- (a) **IN GENERAL.—**The Secretaries shall seek to increase parking opportunities for persons recreating on Federal recreational lands and waters—
 - (1) in accordance with existing laws; and
 - (2) in a manner that does not increase maintenance obligations on Federal recreational lands and waters.
- (b) **AUTHORITY.—**To supplement the quantity of parking spaces available at units of Federal recreational lands and waters on the date of enactment of this Act, the Secretaries may—
 - (1) enter into a public-private partnership for parking opportunities on non-Federal land;
 - (2) lease non-Federal land for parking opportunities; or
 - (3) provide alternative transportation systems for a unit of Federal recreational lands and waters.

SEC. 135. TRAVEL MANAGEMENT.

- (a) **TRAVEL MANAGEMENT PLANS.—**The Secretary concerned shall seek to have, not later than 5 years after the date of enactment of this Act, in a printed and publicly available format that is compliant with the format for geographic information systems—
 - (1) for each district administered by the Director of the Bureau of Land Management, a ground transportation linear feature; and

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

(b) **OVER-SNOW VEHICLE-USE MAPS.**—The Secretary concerned shall seek to have, not later than 10 years after the date of enactment of this Act, in a printed and publicly available format that is compliant with the format for geographic information systems, an over-snow vehicle use map for each unit of Federal recreational lands and waters administered by the Chief of the Forest Service or Director of the Bureau of Land Management that has adequate snowfall for over-snow vehicle use to occur.

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

(d) **MOTORIZED AND NONMOTORIZED ACCESS.**—The Secretaries shall seek to create additional opportunities, as appropriate, for motorized and nonmotorized access and experiences on Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management.

SEC. 136. PUBLIC-PRIVATE PARTNERSHIPS TO MODERNIZE FEDERALLY-OWNED CAMPGROUNDS, RESORTS, CABINS, AND VISITOR CENTERS ON FEDERAL RECREATIONAL LANDS AND WATERS.

(a) **IN GENERAL.**—The Secretaries shall establish a pilot program under which the Secretary concerned may enter into an agreement with or issue a land use authorization to a private entity that provides for the private entity to make capital improvements (including the construction of structures and improvements) to, and to operate and maintain, a federally-owned campground, resort, cabin, or visitor center in existence on the date of enactment of this Act on Federal recreational lands and waters administered by the Chief of the Forest Service or Director of the Bureau of Land Management, subject to the requirements of this section, regardless of whether the private entity holds, on the date of enactment of this Act, an authorization to be a concessionaire for the relevant campground, resort, cabin, or visitor center.

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

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

(2) Federal recreational lands and waters administered by the Director of the Bureau of Land Management in not fewer than 5 States in which the Bureau of Land Management administers Federal recreational lands and waters.

(c) **REQUIREMENTS.**—

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

(A) describes investments in the campground, resort, cabin, or visitor center to be made by the private entity during the first 3 years of the agreement or land use authorization;

(B) describes annual maintenance spending for each year of the agreement or land use authorization; and

(C) includes any other terms and conditions determined to be necessary by the Secretary concerned.

(2) AGREEMENTS AND LAND USE AUTHORIZATIONS.—An agreement entered into or land use authorization issued under subsection (a) shall—

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

(B) require that, not later than 3 years after the date on which the Secretary concerned enters into an agreement or issues a land use authorization, the private entity expend, or place in an escrow account for expenditure, for the construction or improvement of structures and infrastructure relating to the operation of, or access to, the applicable campground, resort, cabin, or visitor center, an amount or a specified percentage, as determined by the Secretary concerned, of the anticipated receipts for the term of the agreement or land use authorization, which shall be an amount not less than \$2,000,000;

(C) require the private entity to maintain the campground facility, resort, cabin, or visitor center and any associated infrastructure designated by the Secretary concerned in a manner acceptable to the Secretary concerned and the private entity;

(D) include any terms and conditions that the Secretary concerned determines to be necessary for a special use permit issued under section 7 of the Act of April 24, 1950 (commonly known as the “Granger-Thye Act”) (64 Stat. 84, chapter 97; 16 U.S.C. 580d), including the payment described in subparagraph (E) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), as applicable;

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

(i) consistent with—

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

(II) the value to the private entity of the rights provided by the agreement or land use authorization, taking into account the capital invested by, and obligations of, the private entity under the agreement or land use authorization; and

(ii) all or part of which may be offset by the work to be performed at the expense of the private entity that is separate from the routine costs of operating and maintaining the campground facility, resort, cabin, or visitor center and any associated infrastruc-

ture designated by the Secretary concerned, as determined to be appropriate by the Secretary concerned;

(F) include provisions that state—

(i) the private entity shall obtain no property interest pursuant to the expenditures of the private entity, as required by the agreement or land use authorization; and

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

(G) be subject to any other terms and conditions determined to be necessary by the Secretary concerned.

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

SEC. 137. FOREST SERVICE PAY-FOR-PERFORMANCE PROJECTS.

(a) **DEFINITIONS.**—In this section:

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

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

(3) **PAY-FOR-PERFORMANCE AGREEMENT.**—The 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—

(A) with a term of—

(i) not less than 1 year; and

(ii) not more than 20 years; and

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

(i) the Secretary of Agriculture; and

(ii) a pay-for-performance beneficiary or pay-for-performance project developer.

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

(A) repays capital loaned upfront by a pay-for-performance investor, based on a project outcome specified in a pay-for-performance agreement; or

(B) provides capital directly for costs associated with a pay-for-performance project.

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

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

(A) would provide or enhance a recreational opportunity;

(B) is conducted on—

(i) National Forest System land; or

(ii) other land, if the activities would benefit National Forest System land (including a recreational use of National Forest System land); and

(C) would use an innovative funding or financing model that leverages—

(i) loaned capital from a pay-for-performance investor to cover upfront costs associated with a pay-for-performance project, with the loaned capital repaid by a pay-for-performance beneficiary at a rate of return dependent on a project outcome, as measured by an independent evaluator; or

(ii) capital directly from a pay-for-performance beneficiary to support costs associated with a pay-for-performance project in an amount based on an anticipated project outcome.

(7) PAY-FOR-PERFORMANCE PROJECT DEVELOPER.—The term “pay-for-performance project developer” means a nonprofit or for-profit organization that serves as an intermediary to assist in developing or implementing a pay-for-performance agreement or a pay-for-performance project.

(8) PROJECT OUTCOME.—The term “project outcome” means a measurable, beneficial result (whether economic, environmental, or social) that is attributable to a pay-for-performance project and described in a pay-for-performance agreement.

(b) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Agriculture shall establish a pilot program in accordance with this section to carry out 1 or more pay-for-performance projects.

(c) PAY-FOR-PERFORMANCE PROJECTS.—

(1) IN GENERAL.—Using funds made available through a pay-for-performance agreement or appropriations, all or any portion of a pay-for-performance project may be implemented by—

(A) the Secretary of Agriculture; or

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

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

(ii) the implementation is in accordance with applicable law.

(2) RELATION TO LAND MANAGEMENT PLANS.—A pay-for-performance project carried out under this section shall be consistent with any applicable land management plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(3) OWNERSHIP.—

(A) NEW IMPROVEMENTS.—The United States shall have title to any improvements installed on National Forest System land as part of a pay-for-performance project.

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

- (i) any federally owned improvements involved in the pay-for-performance project; or
- (ii) the underlying land.

(4) SAVINGS CLAUSE.—The carrying out of any action for a pay-for-performance project does not provide any right to any party to a pay-for-performance agreement.

(5) POTENTIAL CONFLICTS.—Before approving a pay-for-performance project under this section, the Secretary of Agriculture shall consider and seek to avoid potential conflicts (including economic competition) with any existing written authorized use.

(d) PROJECT AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding the Act of June 30, 1914 (38 Stat. 430, chapter 131; 16 U.S.C. 498), or subtitle C of title XX of the Social Security Act (42 U.S.C. 1397n et seq.), in carrying out the pilot program under this section, the Secretary of Agriculture may enter into a pay-for-performance agreement under which a pay-for-performance beneficiary, pay-for-performance investor, or pay-for-performance project developer agrees to pay for or finance all or part of a pay-for-performance project.

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

(3) FINANCING.—

(A) IN GENERAL.—A pay-for-performance agreement shall specify the amounts that a pay-for-performance beneficiary or a pay-for-performance project developer agrees to pay to a pay-for-performance investor or a pay-for-performance project developer, as appropriate, in the event of an independent evaluator determining pursuant to subsection (e) the degree to which a project outcome has been achieved.

(B) ELIGIBLE PAYMENTS.—An amount described in subparagraph (A) shall be—

- (i) based on—
 - (I) the respective contributions of the parties under the pay-for-performance agreement; and
 - (II) the economic, environmental, or social benefits derived from the project outcomes; and
- (ii)(I) a percentage of the estimated value of a project outcome;
 - (II) a percentage of the estimated cost savings to the pay-for-performance beneficiary or the Secretary of Agriculture derived from a project outcome;

(III) a percentage of the enhanced revenue to the pay-for-performance beneficiary or the Secretary of Agriculture derived from a project outcome; or

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

(C) FOREST SERVICE FINANCIAL ASSISTANCE.—Subject to the availability of appropriations, the Secretary of Agriculture may only contribute funding for a pay-for-performance project if—

(i) the Secretary of Agriculture demonstrates that—

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

(II) the funding would accelerate the pace of implementation of an activity previously planned to be completed by the Secretary of Agriculture; and

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

(D) SPECIAL ACCOUNT.—Any funds received by the Secretary of Agriculture under subsection (c)(1) shall be—

(i) retained in a separate fund in the Treasury to be used solely for pay-for-performance projects; and

(ii) shall be remain available until expended and without further appropriation.

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

(A) include a plan for maintaining any capital improvement constructed as part of a pay-for-performance project after the date on which the pay-for-performance project is completed; and

(B) specify the party that will be responsible for decommissioning the improvements associated with the pay-for-performance project—

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

(ii) if the improvements no longer serve the purpose for which the improvements were developed; or

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

(5) TERMINATION OF PAY-FOR-PERFORMANCE PROJECT AGREEMENTS.—The Secretary of Agriculture may unilaterally terminate a pay-for-performance agreement, in whole or in part, for any program year beginning after the program year during which the Secretary of Agriculture provides to each party to the pay-for-performance agreement a notice of the termination.

(e) INDEPENDENT EVALUATIONS.—

(1) PROGRESS REPORTS.—An independent evaluator shall submit to the Secretary of Agriculture and each party to the applicable pay-for-performance agreement—

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

- (B) before the first scheduled date for a payment described in subsection (d)(3)(A), and each subsequent date for payment, a written report that—
- (i) summarizes the results of the evaluation conducted by the independent evaluator to determine whether a payment should be made pursuant to the pay-for-performance agreement; and
 - (ii) analyzes the reasons why a project outcome was achieved or was not achieved.
- (2) FINAL REPORTS.—Not later than 180 days after the date on which a pay-for-performance project is completed, the independent evaluator shall submit to the Secretary of Agriculture and each party to the pay-for-performance agreement a written report that includes, with respect to the period covered by the report—
- (A) an evaluation of the effects of the pay-for-performance project with respect to each project outcome;
 - (B) a determination of whether the pay-for-performance project has met each project outcome; and
 - (C) the amount of the payments made for the pay-for-performance project pursuant to subsection (d)(3)(A).
- (f) ADDITIONAL FOREST SERVICE-PROVIDED ASSISTANCE.—
- (1) TECHNICAL ASSISTANCE.—The Secretary of Agriculture may provide technical assistance to facilitate pay-for-performance project development, such as planning, permitting, site preparation, and design work.
 - (2) CONSULTANTS.—Subject to the availability of appropriations, the Secretary of Agriculture may hire a contractor—
 - (A) to conduct a feasibility analysis of a proposed pay-for-performance project;
 - (B) to assist in the development, implementation, or evaluation of a proposed pay-for-performance project or a pay-for-performance agreement; or
 - (C) to assist with an environmental analysis of a proposed pay-for-performance project.
- (g) SAVINGS CLAUSE.—The Secretary of Agriculture shall approve a record of decision, decision notice, or decision memo for any activities to be carried out on National Forest System land as part of a pay-for-performance project before the Secretary of Agriculture may enter into a pay-for-performance agreement involving the applicable pay-for-performance project.
- (h) DURATION OF PILOT PROGRAM.—
- (1) SUNSET.—The authority to enter into a pay-for-performance agreement under this section terminates on September 30, 2032.
 - (2) SAVINGS CLAUSE.—Nothing in paragraph (1) affects any pay-for-performance project agreement entered into by the Secretary of Agriculture under this section before the date described in that paragraph.

Subtitle D—Engagement

SEC. 141. IDENTIFYING OPPORTUNITIES FOR RECREATION.

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

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

(2) a land management plan prepared by the Forest Service for a unit of the National Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(b) INVENTORY AND ASSESSMENTS.—

(1) IN GENERAL.—The Secretaries shall—

(A) conduct a single inventory and assessment of recreation resources for Federal recreational lands and waters; and

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

(2) UNIQUE RECREATION VALUES.—An inventory and assessment conducted under paragraph (1) shall recognize—

(A) any unique recreation values and recreation opportunities; and

(B) areas of concentrated recreational use.

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

(A) identify, list, and map recreation resources by—

(i) type of recreation opportunity and type of natural or artificial recreation infrastructure;

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

(iii) location; and

(B) identify, to the extent practicable, any trend relating to recreation opportunities or use at a recreation resource identified under subparagraph (A).

(4) ASSESSMENTS.—For any recreation resource inventoried under paragraph (1), the Secretary concerned shall assess—

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

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

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

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

(i) natural, cultural, and other resources;

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

(iii) existing infrastructure;

(E) the suitability for developing, expanding, or enhancing the recreation resource;

(F) technological developments and innovation that affects recreation use; and

(G) the adequacy of the current management of the recreation resource.

(c) FUTURE RECREATION NEEDS AND MANAGEMENT.—

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

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

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

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

(2) **CONSIDERATIONS.**—In selecting a high-value recreation resource under paragraph (1)(C), the Secretary concerned shall consider the following:

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

(B) The maintenance needs of, and the expenses necessary to administer, the high-value recreation resource.

(C) The presence of partner organizations prepared to assist in the stewardship of recreation resource.

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

(E) The impacts of recreation use on—

(i) natural, cultural, or other resources;

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

(iii) adjacent landowners.

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

(A) seek input from the public, including adjacent landowners and individuals or entities with existing land use authorizations, with respect to the management of any high-value recreation resource identified under paragraph (1)(C);

(B) maintain or enhance the recreation values and encourage recreation use of the high-value recreation resource identified, subject to the availability of appropriations and consistent with any applicable multiple-use mandates; and

(C) manage a high-value recreation resource under this paragraph in a manner that is consistent with applicable law.

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

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

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively.

SEC. 142. FEDERAL INTERAGENCY COUNCIL ON OUTDOOR RECREATION.

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

“200104. Federal Interagency Council on Outdoor Recreation

“(a) DEFINITIONS.—In this section:

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

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

“(b) ESTABLISHMENT.—The Secretary shall establish an interagency council, to be known as the ‘Federal Interagency Council on Outdoor Recreation’.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Council shall be composed of members, to be appointed by the Secretary, who have administrative responsibility over outdoor recreation activities or resources, from the following:

“(A) The National Park Service.

“(B) The Bureau of Land Management.

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

“(D) The Forest Service.

“(E) The Corps of Engineers.

“(F) The Council on Environmental Quality.

“(2) ADDITIONAL MEMBERS.—In addition to the members described in paragraph (1), the Secretary may appoint to the Council members from the following:

“(A) The Bureau of Indian Affairs.

“(B) The Bureau of Reclamation.

“(C) The Natural Resources Conservation Service.

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

“(E) The Economic Development Administration.

“(F) The National Travel and Tourism Office of the Department of Commerce.

“(G) The National Center for Chronic Disease Prevention and Health Promotion.

“(H) The Environmental Protection Agency.

“(I) The Department of Transportation.

“(J) The Tennessee Valley Authority.

“(K) The National Oceanic and Atmospheric Administration.

“(L) The Federal Energy Regulatory Commission.

“(M) An applicable State agency or office.

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

“(3) STATE COORDINATION.—In appointing members to the Council under this subsection, the Secretary shall seek to ensure not fewer than 1 State is a member of the Council.

“(d) COORDINATION.—The Council shall meet as frequently as appropriate for the purposes of coordinating—

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

“(2) recreation management policies across Federal agencies, including implementation of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.);

“(3) the response by an agency that manages Federal recreational lands and waters to public health emergencies or other emergencies that result in disruptions to, or closures of, Federal recreational lands and waters;

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

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

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

“(7) dissemination to the public of recreation-related information (including information relating to opportunities, reservations, accessibility, and closures), in a manner that ensures the recreation-related information is easily accessible with modern communication devices;

“(8) the improvement of access to Federal recreational lands and waters; and

“(9) the identification and engagement of partners outside the Federal Government—

“(A) to promote outdoor recreation;

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

“(C) to provide additional resources relating to enhancing outdoor recreation opportunities.

“(e) EFFECT.—Nothing in this section affects the authorities, regulations, or policies of any Federal agency described in paragraph (1) or (2) of subsection (c).”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2001 of title 54, United States Code, is amended by striking the item relating to section 200104 and inserting the following:

“200104. Federal Interagency Council on Outdoor Recreation.”

SEC. 143. INFORMING THE PUBLIC OF ACCESS CLOSURES.

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

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

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

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

SEC. 144. IMPROVED RECREATION VISITATION DATA.

(a) CONSISTENT VISITATION DATA.—

(1) ANNUAL VISITATION DATA.—The Secretaries shall establish a single visitation data reporting system to report accurate annual visitation data, in a consistent manner, for—

- (A) each unit of Federal recreational lands and waters; and
 - (B) land held in trust for an Indian Tribe, on request of the Indian Tribe.
- (2) CATEGORIES OF USE.—Within the visitation data reporting system established under paragraph (1), Secretaries shall—
- (A) establish multiple categories of different recreation activities that are reported consistently across agencies; and
 - (B) provide an estimate of the number of visitors for each applicable category established under subparagraph (A) for each unit of Federal recreational lands and waters.
- (b) REAL-TIME DATA PILOT PROGRAM.—
- (1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, using existing funds available to the Secretaries, the Secretaries shall carry out a pilot program, to be known as the “Real-time Data Pilot Program” (referred to in this section as the “Pilot Program”), to make available to the public, for each unit of Federal recreational lands and waters selected for participation in the Pilot Program under paragraph (2)—
- (A) real-time or predictive data on visitation (including data and resources publicly available from existing non-governmental platform) at—
 - (i) the unit of Federal recreational lands and waters;
 - (ii) to the extent practicable, areas within the unit of Federal recreational lands and waters; and
 - (iii) to the extent practicable, recreation sites managed by any other Federal agency, a State agency, or a local agency that are located near the unit of Federal recreational lands and waters; and
 - (B) through multiple media platforms, information about lesser-known recreation sites located near the unit of Federal recreational lands and waters (including recreation sites managed by any other Federal agency, a State agency, or a local agency), in an effort to encourage visitation among recreational sites.
- (2) LOCATIONS.—
- (A) INITIAL NUMBER OF UNITS.—On establishment of the Pilot Program, the Secretaries shall select for participation in the Pilot Program—
 - (i) 15 units of Federal recreational lands and waters managed by the Secretary; and
 - (ii) 5 units of Federal recreational lands and waters managed by the Secretary of Agriculture (acting through the Chief of the Forest Service).
 - (B) EXPANSION.—Not later than 5 years after the date of enactment of this Act, the Secretaries shall expand the Pilot Program by selecting 80 additional units of Federal recreational lands and waters managed by the Secretaries for participation in the Pilot Program, not fewer than 50 of which shall be units managed by the Secretary.
 - (C) FEEDBACK; SUPPORT OF GATEWAY COMMUNITIES.—The Secretaries shall—

(i) solicit feedback regarding participation in the Pilot Program from communities adjacent to units of Federal recreational lands and waters and the public; and

(ii) in carrying out subparagraphs (A) and (B), select a unit of Federal recreation lands and waters to participate in the Pilot Program only if the community adjacent to the unit of Federal recreational lands and waters is supportive of the participation of the unit of Federal recreational lands and waters in the Pilot Program.

(3) DISSEMINATION OF INFORMATION.—The Secretaries may disseminate the information described in paragraph (1) directly or through an entity or organization referred to in subsection (c).

(c) COMMUNITY PARTNERS AND THIRD-PARTY PROVIDERS.—For purposes of carrying out this section, the Secretary concerned may—

(1) coordinate and partner with—

(A) communities adjacent to units of Federal recreational lands and waters;

(B) State and local outdoor recreation and tourism offices;

(C) local governments;

(D) Indian Tribes;

(E) trade associations;

(F) local outdoor recreation marketing organizations;

(G) permitted facilitated recreation providers; or

(H) other relevant stakeholders; and

(2) coordinate or enter into agreements, as appropriate, with private sector and nonprofit partners, including—

(A) technology companies;

(B) geospatial data companies;

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

(D) data companies.

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

(e) PRIVACY CLAUSES.—Nothing in this section provides authority to the Secretaries—

(1) to monitor or record the movements of a visitor to a unit of Federal recreational lands and waters;

(2) to restrict, interfere with, or monitor a private communication of a visitor to a unit of Federal recreational lands and waters; or

(3) to collect—

(A) information from owners of land adjacent to a unit of Federal recreational lands and waters; or

(B) information on non-Federal land.

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

SEC. 145. MONITORING FOR IMPROVED RECREATION DECISION-MAKING.

(a) **IN GENERAL.**—The Secretaries shall seek to capture comprehensive recreation use data to better understand and inform decisionmaking by the Secretaries.

(b) **PILOT PROTOCOLS.**—Not later than 1 year after the date of enactment of this Act, and after public notice and comment, the Secretaries shall establish pilot protocols at not fewer than 10 land management units under the jurisdiction of each of the Secretaries to model recreation use patterns (including low-use recreation activities and dispersed recreation activities) that may not be effectively measured by existing general and opportunistic survey and monitoring protocols.

SEC. 146. ACCESS FOR SERVICEMEMBERS AND VETERANS.

The Secretaries are encouraged to work with the Secretary of Defense and the Secretary of Veterans Affairs to ensure servicemembers and veterans have access to outdoor recreation and outdoor-related volunteer and wellness programs as a part of the basic services provided to servicemembers and veterans.

SEC. 147. INCREASING YOUTH RECREATION VISITS TO FEDERAL LAND.

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

(b) **REQUIREMENTS.**—A strategy developed under subsection (a)—

(1) shall—

(A) emphasize increased recreation opportunities on Federal land for underserved youth;

(B) establish objectives and quantifiable targets for increasing youth recreation visits; and

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

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

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

TITLE II—AMENDMENTS TO THE FEDERAL LANDS RECREATION ENHANCEMENT ACT

SEC. 201. SHORT TITLE.

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

“SEC. 801. SHORT TITLE.

“This title may be cited as the ‘Federal Lands Recreation Enhancement Act’.”.

SEC. 202. DEFINITIONS.

Section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) is amended—

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

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

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

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

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

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

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

(8) by redesignating paragraphs (1), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (13) as paragraphs (15), (1), (3), (4), (5), (6), (7), (8), (11), (10), and (14), respectively, and moving the paragraphs so as to appear in numerical order;

(9) by inserting after paragraph (8) (as so redesignated) the following:

“(9) RECREATION SERVICE PROVIDER.—The term ‘recreation service provider’ means a person that provides recreational services to the public under a special recreation permit under clause (iii) or (iv) of paragraph (13)(A).”; and

(10) by inserting after paragraph (12) the following:

“(13) SPECIAL RECREATION PERMIT.—

“(A) IN GENERAL.—The term ‘special recreation permit’ means a permit issued by a Federal land management agency for the use of Federal recreational lands and waters—

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

“(I) an organizational camp;

“(II) a single event that does not require an entry or participation fee that is not strictly a sharing of expenses for the purposes of the event; and

“(III) participation by the public in a recreation activity or recreation use of a specific area of Federal recreational lands and waters in which use by the public is allocated;

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

“(iii) for—

“(I) at the discretion of the Secretary, a single organized group recreation activity or event (including an activity or event in which motorized recreational vehicles are used or in which outfitting and guiding services are used) that—

“(aa) is a structured or scheduled event;

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

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

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

“(ee) is undertaken or provided by the recreation service provider at the same site not more frequently than 3 times a year; or

“(II) a single competitive event; or

“(iv) for—

“(I) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, the authorization for which is for a term of not more than 10 years; or

“(II) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, that occurs under a transitional special recreation permit authorized section 312(a) of the America’s Outdoor Recreation Act of 2022.

“(B) EXCLUSIONS.—The term ‘special recreation permit’ does not include—

“(i) a concession contract for the provision of accommodations, facilities, or services;

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

“(iii) any other type of permit, including a special use permit administered by the National Park Service.”.

SEC. 203. SPECIAL RECREATION PERMITS AND FEES.

(a) IN GENERAL.—Section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) is amended—

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

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

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

“(h) SPECIAL RECREATION PERMITS AND FEES.—

“(1) SPECIAL RECREATION PERMITS.—

“(A) APPLICATIONS.—The Secretary shall develop and make available to the public an application to obtain a special recreation permit described in clause (ii), (iii), or (iv) of section 802(13)(A).

“(B) ISSUANCE OF PERMITS.—On review of a completed application developed under subparagraph (A) and a determination by the Secretary that the applicant is eligible for the special recreation permit, the Secretary may issue to the applicant a special recreation permit, subject to any terms and conditions that are determined to be necessary by the Secretary.

“(C) INCIDENTAL SALES.—A special recreation permit issued under this paragraph may include an authorization for sales that are incidental in nature to the permitted use of the Federal recreational lands and waters.

“(2) SPECIAL RECREATION PERMIT FEES.—

“(A) IN GENERAL.—The Secretary may charge a special recreation permit fee for the issuance of a special recre-

ation permit issued under paragraph (1) in accordance with this paragraph.

“(B) PREDETERMINED SPECIAL RECREATION PERMIT FEES.—

“(i) IN GENERAL.—For purposes of subparagraphs (D) and (E), the Secretary shall establish and charge a predetermined fee, described in clause (ii), for a special recreation permit described in clause (iii) or (iv) of section 802(13)(A) for a specific type of use on a unit of Federal recreational lands and waters, consistent with the criteria set forth in clause (iii).

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

“(I) a fixed fee that is assessed per special recreation permit, including a fee with an associated size limitation or other criteria as determined to be appropriate by the Secretary; or

“(II) an amount assessed per visitor-use day.

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

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

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

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

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

“(IV) beginning on the date that is 2 years after the date of enactment of the America’s Outdoor Recreation Act of 2022, be \$6 in instances in which the Secretary has not established a predetermined fee under subclause (I), (II), or (III).

“(C) CALCULATION OF FEES FOR ALLOCATED PUBLIC USE, LARGE GROUP ACTIVITIES, AND OTHER ACTIVITIES.—The Secretary may, at the discretion of the Secretary, establish and charge a fee for a special recreation permit described in clause (i) or (ii) of section 802(13)(A).

“(D) CALCULATION OF FEES FOR SINGLE ORGANIZED GROUP RECREATION ACTIVITIES, COMPETITIVE EVENTS, AND EVENTS FOR WHICH A PARTICIPATION FEE IS CHARGED.—If the Secretary elects to charge a fee for a special recreation permit described in section 802(13)(A)(iii), the Secretary shall charge the recreation service provider, based on the election of the recreation service provider—

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

“(ii) an amount equal to a percentage of, to be determined by the Secretary, but to not to exceed 5 percent of, adjusted gross receipts calculated under subparagraph (F).

“(E) CALCULATION OF FEES FOR TRANSITIONAL PERMITS AND LONG TERM PERMITS.—Subject to subparagraph (G), if the Secretary elects to charge a fee for a special recreation permit described in section 802(13)(A)(iv), the Secretary shall charge the recreation service provider, based on the election of the recreation service provider—

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

“(ii) an amount equal to a percentage of, to be determined by the Secretary, but not to exceed 3 percent of, adjusted gross receipts calculated under subparagraph (F).

“(F) ADJUSTED GROSS RECEIPTS.—For the purposes of subparagraphs (D)(ii) and (E)(ii), the Secretary shall calculate the adjusted gross receipts collected for each trip or event authorized under a special recreation permit, using either of the following calculations, based on the election of the recreation service provider:

“(i) The sum of—

“(I) the product obtained by multiplying—

“(aa) the general amount paid by participants of the trip or event to the recreation service provider for the applicable trip or event (excluding amounts related to goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider); and

“(bb) the quotient obtained by dividing—

“(AA) the number of days of the trip or event that occurred on Federal recreational lands and waters covered by the special recreation permit, rounded to the nearest whole day; by

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

“(II) the amount of any additional revenue received by the recreation service provider for an add-on activity or an optional excursion that occurred on the Federal recreational lands and waters covered by the special recreation permit.

“(ii) The difference between—

“(I) the total cost paid by the participants of the trip or event for the trip or event to the recreation service provider, including any additional revenue received by the recreation service provider for an add-on activity or an optional excursion that occurred on the Federal recreational lands and waters covered by the special recreation permit; and

“(II) the sum of—

“(aa) the amount of any revenues from goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider to the participants of the applicable trip or event;

“(bb) the amount of any costs or revenues from services and activities provided or sold by the recreation service provider to the participants of the trip or event that occurred in a location other than the Federal recreational lands and waters covered by the special recreation permit (including costs for travel and lodging outside the Federal recreational lands and waters covered by the special recreation permit); and

“(cc) the amount of any revenues from any service provided by a recreation service provider for an activity on Federal recreational lands and waters that is not covered by the special recreation permit.

“(G) EXCEPTION.—Notwithstanding subparagraph (E), the Secretary may charge a recreation service provider a minimum annual fee for a special recreation permit described in section 802(13)(A)(iv).

“(H) SAVINGS CLAUSES.—

“(i) EFFECT.—Nothing in this paragraph affects any fee for—

“(I) a concession contract administered by the National Park Service for the provision of accommodations, facilities, or services; or

“(II) a commercial use authorization for use of Federal recreational lands and waters managed by the National Park Service.

“(ii) COST RECOVERY.—Nothing in this paragraph affects the ability of the Secretary to recover any administrative costs under section 325 of the America’s Outdoor Recreation Act of 2022.

“(iii) SPECIAL RECREATION PERMIT FEES AND OTHER RECREATION FEES.—The collection of a special recreation permit fee under this paragraph shall not affect the authority of the Secretary to collect an entrance fee, a standard amenity recreation fee, or an expanded amenity recreation fee authorized under subsections (e), (f), and (g).

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

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

“(A) IN GENERAL.—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, expanded amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of Federal recreational land and waters at which an entrance fee, standard amenity recreation fee, or expanded amenity recreation fee is charged.

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

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

“(A) the total recreation fees collected during each of the 2 preceding fiscal years at the respective unit or area of the Federal land management agency; and

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

“(3) NOTICE OF RECREATION FEE PROJECTS.—To the extent practicable, the Secretary shall post clear notice at the location at which work is performed using recreation fee and recreation pass revenues collected under this section.

“(4) CENTRALIZED REPORTING ON AGENCY WEBSITES.—

“(A) IN GENERAL.—Not later than January 1, 2023, and not later than 60 days after the beginning of each fiscal year thereafter, the Secretary shall post on the website of the applicable Federal land management agency a searchable list of each use during the preceding fiscal year of the recreation fee or recreation pass revenues collected under this section.

“(B) LIST COMPONENTS.—The list required under subparagraph (A) shall include, with respect to each use described in that subparagraph—

“(i) a title and description of the overall project;

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

“(iii) the location of the project; and

“(iv) the amount obligated for the project.

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

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

SEC. 204. ONLINE COLLECTION OF CERTAIN RECREATION FEES.

Section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) is amended by adding at the end the following—

“(j) ONLINE PAYMENTS.—

“(1) IN GENERAL.—In addition to providing onsite payment methods, the Secretaries may collect payment online for—

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

“(B) standard amenity recreation fees;

“(C) expanded amenity recreation fees; and

“(D) special recreation permit fees.

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

SEC. 205. ONLINE PURCHASES AND ESTABLISHMENT OF A DIGITAL VERSION OF AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASSES.

Section 805(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(a)) is amended—

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

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

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

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

“(II) such sales are feasible;

“(ii) at such other locations as the Secretaries determine to be appropriate and feasible; and

“(iii) through the website of each of the Federal land management agencies and the websites of the relevant units and subunits of the Federal land management agencies, which shall include—

“(I) a prominent link on each website; and

“(II) information about where and when the National Parks and Federal Recreational Lands Pass may be used.”; and

(2) by adding at the end the following:

“(10) DIGITAL RECREATION PASSES.—By not later than January 1, 2024, the Secretaries shall—

“(A) establish a digital version of the National Parks and Federal Recreational Lands Pass that is able to be stored on a mobile device; and

“(B) on the completion of a sale carried out under paragraph (6)(A)(iii), make available to the passholder the digital version of the National Parks and Federal Recreational Lands Pass established under subparagraph (A).”.

SEC. 206. AVAILABILITY OF FEDERAL, STATE, AND LOCAL RECREATION PASSES.

Section 806 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6805) is amended by adding at the end the following:

“(d) FEDERAL SALES OF STATE AND COUNTY RECREATION PASSES.—

“(1) IN GENERAL.—On receipt of a request by a State or county, the Secretaries may, on behalf of the State or county—

“(A) sell a pass covering a fee charged by a State or county for entrance to, or recreational use of, a park or public land in the State or county; and

“(B) collect any required fees for a pass sold under subparagraph (A).

“(2) REVENUE FROM PASS SALES.—The Secretaries shall transfer to the applicable State or county any amounts collected on behalf of the State or county under paragraph (1)(B).

“(e) COORDINATING THE SALES OF FEDERAL, STATE, AND LOCAL RECREATION PASSES.—The Secretaries, in consultation with States and counties, shall seek to coordinate the availability of Federal, State, and county recreation passes to allow an individual to purchase a Federal recreation pass and a State or county recreation pass in a single transaction.”.

SEC. 207. USE OF SPECIAL RECREATION PERMIT FEE REVENUE.

Section 808 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807) is amended—

- (1) by striking “this Act” each place it appears and inserting “this title”;
- (2) in subsection (a)(3)—
 - (A) in subparagraph (E), by striking “and” at the end;
 - (B) in subparagraph (F), by striking “6(a) or a visitor reservation service.” and inserting “806(a) or a visitor reservation service.”; and
 - (C) by adding at the end the following:
 - “(G) the processing of special recreation permit applications and administration of special recreation permits; and
 - “(H) the improvement of the operation of the special recreation permit program under section 803(h).”; and
- (3) in subsection (d)—
 - (A) in paragraph (1), by striking “section 5” and inserting “section 805”; and
 - (B) in paragraph (2), by striking “section 5” and inserting “section 805”.

SEC. 208. PERMANENT AUTHORIZATION.

The Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.) is amended—

- (1) by striking section 810; and
- (2) by redesignating sections 811 through 815 as sections 810 through 814, respectively.

TITLE III—SPECIAL RECREATION PERMITS FOR OUTFITTING AND GUIDING

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

SEC. 311. PERMIT ADMINISTRATION.

(a) PERMIT AVAILABILITY.—

(1) NOTIFICATIONS OF PERMIT AVAILABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in an area of Federal recreational lands and waters in which use by recreation service providers is allocated, if the Secretary concerned has determined that visitor-use days are available for allocation to recreation service providers or holders of a commercial use authorization for outfitting and guiding, the Secretary concerned shall publish the information on the website of the agency that administers the applicable area of Federal recreational lands and waters.

(B) EFFECT.—Nothing in this paragraph—

(i) applies to—

(I) a reissuance of an existing special recreation permit or an existing commercial use authorization for outfitting and guiding; or

(II) a new special recreation permit or new commercial use authorization for outfitting and guiding issued to the purchaser of—

(aa) a recreation service provider that is the holder of an existing special recreation permit; or

(bb) a holder of an existing commercial use authorization for outfitting and guiding; or

(ii) creates a prerequisite to the issuance of a special recreation permit or commercial use authorization for outfitting and guiding or otherwise limits the authority of the Secretary concerned—

(I) to issue a new special recreation permit or new commercial use authorization for outfitting and guiding; or

(II) to add a new or additional use to an existing special recreation permit or an existing commercial use authorization for outfitting and guiding.

(2) **UPDATES.**—The Secretary concerned shall ensure that information published on the website under this subsection is consistently updated to provide current and correct information to the public.

(3) **ELECTRONIC MAIL NOTIFICATIONS.**—The Secretary concerned shall establish a system by which potential applicants for special recreation permits or commercial use authorizations for outfitting and guiding may subscribe to receive notification by electronic mail of the availability of special recreation permits under subsection (h)(1) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)) or commercial use authorizations for outfitting and guiding.

(b) **PERMIT APPLICATION OR PROPOSAL ACKNOWLEDGMENTS.**—

(1) **IN GENERAL.**—Not later than 60 days after the date on which the Secretary concerned receives a completed application or a complete proposal for a special recreation permit under subsection (h)(1) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)), the Secretary concerned shall—

(A) provide to the applicant notice acknowledging receipt of the application or proposal; and

(B)(i) issue a final decision with respect to the application or proposal; or

(ii) provide to the applicant notice of a projected date for a final decision on the application or proposal.

(2) **EFFECT.**—Nothing in this subsection applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.

SEC. 312. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT TRANSITIONAL SPECIAL RECREATION PERMITS FOR OUTFITTING AND GUIDING.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary concerned shall implement a program to authorize the issuance of transitional special recreation permits for a new or additional reoccurring outfitting, guiding, or other recreation service, as determined by the Secretary concerned, on Federal recreational lands and waters managed by the Chief of the Forest Service or the Director of the Bureau of Land Management.

(b) **TERM OF TRANSITIONAL PERMITS FOR OUTFITTING AND GUIDING.**—A transitional special recreation permit issued under subsection (a) shall be issued for a term of 2 years.

(c) **CONVERSION TO LONG-TERM PERMITS FOR OUTFITTING AND GUIDING.**—

(1) **IN GENERAL.**—On the request of a recreation service provider that holds a transitional special recreation permit under the program implemented under subsection (a), the Secretary concerned shall provide for the conversion of the transitional special recreation permit to a long-term special recreation permit for outfitting and guiding if the Secretary concerned determines that the recreation service provider—

(A) has held not less than 2 transitional special recreation permits or similar permits issued under—

(i) the program implemented under subsection (a);

or

(ii) any other program to issue similar special recreation permits in existence before the date of enactment of this Act;

(B) during the 3-year period preceding the request, has not been determined to have a performance that is less than satisfactory, as determined under the monitoring process described in section 314(a), for any transitional special recreation permits or similar special recreation permits issued by the Secretary concerned, including the transitional special recreation permit proposed to be converted, for the respective unit of Federal recreational lands and waters; and

(C) notwithstanding section 314(b)(3), has used not less than 50 percent of the visitor-use days allocated to the recreation service provider under the transitional special recreation permit.

(2) **TERM.**—The term of a special recreation permit converted to a long-term special recreation permit under this subsection shall be for a period of 5 or 10 years, as determined to be appropriate by the Secretary concerned.

(3) **VISITOR USE DAY ALLOCATIONS.**—In converting a transitional special recreation permit under paragraph (1) to a long-term special recreation permit for outfitting and guiding, the Secretary concerned may, at the discretion of the Secretary concerned, increase the number of visitor-use days allocated to the recreation service provider under the long-term special recreation permit for outfitting and guiding.

(d) **EFFECT.**—Nothing in this section alters or affects the authority of the Secretary concerned to issue a special recreation permit under subsection (h)(1) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)).

SEC. 313. SURRENDER OF UNUSED VISITOR USE DAYS.

(a) **IN GENERAL.**—A recreation service provider holding a special recreation permit described in paragraph (13)(A)(iv) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)) may—

(1) notify the Secretary concerned of an inability to use visitor-use days annually allocated to the recreation service provider under the special recreation permit; and

(2) surrender to the Secretary concerned the unused visitor-use days for the applicable year for temporary reassignment under section 315(b).

(b) DETERMINATION.—To ensure a recreation service provider described in subsection (a) is able to make an informed decision before surrendering any unused visitor-use day under subsection (a)(2), the Secretary concerned shall, on the request of the applicable recreation service provider, determine and notify the recreation service provider whether the unused visitor-use day meets the requirement described in section 314(b)(3)(B) before the recreation service provider surrenders the unused visitor-use day.

SEC. 314. PERMIT REVIEWS.

(a) MONITORING.—The Secretary concerned shall monitor for compliance a recreation service provider—

(1) annually, in the case of a transitional special recreation permit for outfitting and guiding issued under section 312;

(2) once every 2 years, in the case of a special recreation permit described in paragraph (13)(A)(iv)(I) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)) that is issued for a term of 10 years;

(3) in the case of a special recreation permit converted under section 312 to a long-term special recreation permit for outfitting and guiding with a term of 10 years, during each of the 4th, 6th, 8th, and 10th years in which the long-term special recreation permit is in effect; and

(4) in the case of a special recreation permit converted under section 312 to a long-term special recreation permit for outfitting and guiding with a term of 5 years, during each of the 4th and 5th years in which the special recreation permit is in effect.

(b) USE-OF-ALLOCATION REVIEWS.—

(1) IN GENERAL.—If the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, allocates visitor-use days among special recreation permits for outfitting and guiding, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall, and the Secretary may, review the use by the recreation service provider of the visitor-use days allocated—

(A) under a transitional special recreation permit issued under section 312, not later than 90 days before the date on which the transitional special recreation permit expires; and

(B) under a long-term special recreation permit described in paragraph (13)(A)(iv)(I) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)), once every 5 years.

(2) REQUIREMENTS OF THE REVIEW.—In conducting a review under paragraph (1), the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, shall determine—

(A) the number of visitor-use days that the recreation service provider has used each year under the transitional special recreation permit or the special recreation permit, in accordance with paragraph (3); and

(B) of the years identified under subparagraph (A), the year in which the recreation service provider used the most visitor-use days.

(3) CONSIDERATION OF SURRENDERED, UNUSED VISITOR USE DAYS.—For the purposes of determining the number of visitor-use days a recreation service provider has used in a specified year under paragraph (2)(A), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary, as applicable, shall consider an unused visitor-use day that has been surrendered under section 313(a)(2) as—

(A) $\frac{1}{2}$ of a visitor-use day used; or

(B) 1 visitor-use day used, if the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, determines the use of the allocated visitor-use day had been or will be prevented by a circumstance beyond the control of the recreation service provider.

SEC. 315. ADJUSTMENT OF ALLOCATED VISITOR USE DAYS.

(a) ADJUSTMENTS FOLLOWING USE OF ALLOCATION REVIEWS.—On the completion of a use-of-allocation review of a special recreation permit described in paragraph (13)(A)(iv)(I) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)) conducted under section 314(b), the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, shall adjust the number of visitor-use days allocated to a recreation service provider under the special recreation permit as follows:

(1) If the Secretary concerned determines that the performance of the recreation service provider was satisfactory during the most recent review conducted under subsection (a) of section 314, the annual number of visitor-use days allocated for each remaining year of the permit shall be equal to 125 percent of the number of visitor-use days used, as determined under subsection (b)(2)(A) of that section, during the year identified under subsection (b)(2)(B) of that section, not to exceed the level allocated to the special recreation permit holder on the date on which the special recreation permit was issued.

(2) If the Secretary concerned determines the performance of the recreation service provider is less than satisfactory during the most recent performance review conducted under subsection (a) of section 314, the annual number of visitor-use days allocated for each remaining year of the permit shall be equal to not more than 100 percent of the number of visitor-use days used, as determined under subsection (b)(2)(A) of that section during the year identified under subsection (b)(2)(B) of that section.

(b) TEMPORARY REASSIGNMENT OF UNUSED DAYS.—The Secretary concerned may temporarily assign unused visitor use-days, made available under section 313(a)(2) to—

(1) any other existing or potential recreation service provider, notwithstanding the number of visitor-use days allocated

to the special recreation permit holder under the special recreation permit held or to be held by the recreation service provider; or

(2) any existing or potential holder of a special recreation permit described in clause (i) or (iii) of paragraph (13)(A) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)), including the public.

(c) **ADDITIONAL CAPACITY.**—If unallocated visitor-use days are available, the Secretary concerned may, at any time, revise a special recreation permit to assign additional visitor-use days to a qualified recreation service provider.

Subtitle B—Additional Provisions Relating to Special Recreation Permits

SEC. 321. PERMITTING PROCESS IMPROVEMENTS.

(a) **IN GENERAL.**—To simplify the process of the issuance and reissuance of special recreation permits and reduce the cost of administering special recreation permits under subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)), the Secretaries shall—

(1) not later than 1 year after the date of enactment of this Act—

(A) evaluate the process for issuing special recreation permits; and

(B) based on the evaluation under subparagraph (A), identify opportunities—

(i) to eliminate duplicative processes with respect to issuing special recreation permits;

(ii) to reduce costs for the issuance of special recreation permits;

(iii) to decrease processing times for special recreation permits; and

(iv) to issue simplified special recreation permits; and

(2) not later than 1 year after the date on which the Secretaries complete the evaluation and identification processes under paragraph (1), revise, as necessary, relevant agency regulations and guidance documents, including regulations and guidance documents relating to the environmental review process, for special recreation permits to implement the improvements identified under paragraph (1)(B).

(b) **ENVIRONMENTAL REVIEWS.**—

(1) **IN GENERAL.**—The Secretary concerned shall, to the maximum extent practicable, utilize available tools, including tiering to existing programmatic reviews, as appropriate, to facilitate an effective and efficient environmental review process for activities undertaken by the Secretary concerned relating to the issuance of special recreation permits.

(2) **CATEGORICAL EXCLUSIONS.**—Not later than 1 year after the date of enactment of this Act, the Secretary concerned shall—

(A) evaluate—

(i) whether existing categorical exclusions available to the Secretary concerned on the date of enactment of this Act are consistent with the provisions of this Act; and

(ii) whether a modification of an existing categorical exclusion or the establishment of 1 or more new categorical exclusions developed in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is necessary to undertake an activity described in paragraph (1) in a manner consistent with the authorities and requirements in this Act; and

(B) revise relevant agency regulations and policy statements, as necessary, to modify existing categorical exclusions or incorporate new categorical exclusions based on the evaluation conducted under subparagraph (A).

(c) NEEDS ASSESSMENTS.—Except as required under subsection (c) or (d) of section 4 of the Wilderness Act (16 U.S.C. 1133), the Secretary concerned shall not conduct a needs assessment as a condition of issuing a special recreation permit under subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)).

(d) ONLINE APPLICATIONS.—Not later than 2 years after the date of enactment of this Act, the Secretaries shall make the application for a special recreation permit under subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)), including a reissuance of a special recreation permit under that section, available for completion and submission—

(1) online;

(2) by mail or electronic mail; and

(3) in person at the field office for the applicable Federal recreational lands and waters.

(e) ORGANIZED GROUP ACTIVITY OR EVENT SPECIAL RECREATION PERMITS.—

(1) DEFINITIONS.—In this subsection:

(A) ORGANIZED GROUP ACTIVITY OR EVENT SPECIAL RECREATION PERMIT.—The term “organized group activity or event special recreation permit” means a special recreation permit described in paragraph (13)(A)(iii)(I) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)).

(B) YOUTH GROUP.—The term “youth group” means a recreation service provider that predominantly serves individuals not older than 25 years of age.

(2) EXEMPTION FROM CERTAIN ALLOCATIONS OF USE.—If the Secretary concerned allocates visitor-use days available for an area or activity on Federal recreational lands and waters among recreation service providers that hold a permit described in paragraph (13)(A)(iv) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)), an organized group activity or event special recreation permit shall not be subject to that allocation of visitor-use days.

(3) ISSUANCE.—

(A) **IN GENERAL.**—Except as provided in subparagraphs (B) and (C), if use by the general public is not subject to a limited entry permit system and capacity is available for the times or days in which the proposed activity or event would be undertaken under an application for an organized group activity or event special recreation permit submitted by a recreation service provider (including a youth group), the Secretary concerned may issue the organized group activity or event special recreation permit, subject to any terms and conditions determined to be appropriate by the Secretary concerned.

(B) **NOMINAL EFFECTS PERMITS.**—Except as provided in subparagraph (C), if the Secretary concerned determines that an activity or event to be undertaken by a recreation service provider (including a youth group) proposed in an application for an organized group activity or event special recreation permit would require terms and conditions to ensure the proposed activity or event would have only nominal effects on Federal recreational lands and waters, resources, and programs, the Secretary concerned shall issue the organized group activity or event special recreation permit, subject to such terms and conditions, if use by the general public is not subject to a limited entry permit system and capacity is available for the times or days in which the proposed activity or event would be undertaken under the organized group activity or event special recreation permit.

(C) **NO PERMIT REQUIRED.**—The Secretary concerned shall not require an organized group activity or event special recreation permit for a recreation activity or event conducted by a special recreation provider (including a youth group) if the Secretary concerned determines based on the review of a proposal that—

(i) the proposed activity or event to be undertaken would have only nominal effects on Federal recreational lands and waters, resources, and programs; and

(ii) establishing additional terms and conditions for the proposed activity or event is not necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs.

(4) **FEES.**—The Secretary concerned may elect not to charge a fee to a recreation service provider (including a youth group) for an organized group activity or event special recreation permit.

(5) **SAVINGS CLAUSE.**—Nothing in this subsection prevents the Secretary concerned from limiting or abating issuance of an organized group activity or event special recreation permit, based on resource conditions, administrative burdens, or safety issues.

SEC. 322. SERVICE FIRST INITIATIVE AND MULTIJURISDICTIONAL TRIPS.

(a) **REPEAL.**—Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (43 U.S.C. 1703), is repealed.

(b) COOPERATIVE ACTION AND SHARING OF RESOURCES BY THE SECRETARIES OF THE INTERIOR AND AGRICULTURE.—

(1) IN GENERAL.—For fiscal year 2012 and each fiscal year thereafter, the Secretaries, subject to annual review of Congress, may carry out an initiative, to be known as the “Service First Initiative”, under which the Secretaries and agencies and bureaus within the Department of the Interior and the Department of Agriculture—

(A) may establish programs to conduct projects, planning, permitting, leasing, contracting, and other activities, either jointly or on behalf of each other;

(B) may co-locate in Federal offices and facilities leased by an agency of the Department of the Interior or the Department of Agriculture; and

(C) may issue special rules to test the feasibility of issuing unified permits, applications, and leases.

(2) DELEGATIONS OF AUTHORITY.—The Secretaries may make reciprocal delegations of the respective authorities, duties, and responsibilities of the Secretaries in support of the Service First Initiative agency-wide to promote customer service and efficiency.

(3) EFFECT.—Nothing in this section alters, expands, or limits the applicability of any law (including regulations) to land administered by the Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, or the Forest Service or matters under the jurisdiction of any other bureaus or offices of the Department of the Interior or the Department of Agriculture, as applicable.

(4) TRANSFERS OF FUNDING.—To facilitate the sharing of resources under the Service First Initiative, the Secretaries may make transfers of funds and reimbursements of funds on an annual basis, including transfers and reimbursements for multi-year projects, subject to the limitation that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.

(c) PILOT PROGRAM FOR PERMITS FOR MULTIJURISDICTIONAL TRIPS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretaries shall establish a pilot program to offer to a person seeking an authorization for a multi-jurisdictional trip a single joint special recreation permit or commercial use authorization that authorizes the use of each unit of Federal recreational lands and waters on which the multijurisdictional trip occurs.

(2) MINIMUM NUMBER OF PERMITS.—Not later than 4 years after the date of enactment of this Act, the Secretaries shall issue not fewer than 10 single joint special recreation permits described in paragraph (13)(A)(iv) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)) or commercial use authorizations under the pilot program established under paragraph (1).

(3) LEAD AGENCIES.—In carrying out the pilot program established under paragraph (1), the Secretaries shall—

(A) designate a lead agency for issuing and administering a single joint special recreation permit or commercial use authorization; and

(B) select not fewer than 4 offices at which a person shall be able to apply for a single joint special recreation permit or commercial use authorization, of which—

(i) not fewer than 2 offices are managed by the Secretary; and

(ii) not fewer than 2 offices are managed by the Secretary of Agriculture, acting through the Chief of the Forest Service.

(4) **RETENTION OF AUTHORITY BY THE APPLICABLE SECRETARY.**—Each of the Secretaries shall retain the authority to enforce the terms, stipulations, conditions, and agreements in a single joint special recreation permit or commercial use authorization issued under the pilot program established under paragraph (1) that apply specifically to the use occurring on the Federal recreational lands and waters managed by the applicable Secretary.

(5) **OPTION TO APPLY FOR SEPARATE PERMITS OR COMMERCIAL USE AUTHORIZATIONS.**—A person seeking an authorization for a multijurisdictional trip may apply for—

(A) a separate special recreation permit or commercial use authorization for the use of each unit of Federal recreational lands and waters on which the multijurisdictional trip occurs; or

(B) a single joint special recreational permit or commercial use authorization made available under the pilot program established under paragraph (1).

(6) **EFFECT.**—Nothing in this subsection applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.

SEC. 323. PERMIT FLEXIBILITY.

(a) **IN GENERAL.**—The Secretary concerned shall establish guidelines to allow a holder of a special recreation permit under subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)), on the approval of the Secretary concerned, to engage in another recreational activity under the special recreation permit that is substantially similar to the specific activity authorized under the special recreation permit.

(b) **CRITERIA.**—For the purposes of this section, a recreational activity shall be considered to be a substantially similar recreational activity if the recreational activity—

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

(2) does not result in a greater impact on natural and cultural resources than the impact of the authorized activity;

(3) does not adversely affect—

(A) any other holder of a special recreation permit or other permit; or

(B) any other authorized use of the Federal recreational lands and waters; and

(4) is consistent with—

- (A) any applicable laws (including regulations); and
 - (B) the land management plan, resource management plan, or equivalent plan applicable to the Federal recreational lands and waters.
- (c) EFFECT.—Nothing in this section affects any authority of, regulation issued by, or decision of the Secretary concerned relating to the use of electric bicycles on Federal recreational lands and waters under any other Federal law.

SEC. 324. LIABILITY.

(a) INSURANCE REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), as a condition of issuing a special recreation permit under subsection (h)(1)(B) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)) or a commercial use authorization, the Secretary concerned may require the holder of the special recreation permit or commercial use authorization to have a commercial general liability insurance policy that—

(A) is commensurate with the level of risk of the activities to be conducted under the special recreation permit or commercial use authorization; and

(B) includes the United States as an additional insured in an endorsement to the applicable policy.

(2) EXCEPTION.—The Secretary concerned shall not require a holder of a special recreation permit or commercial use authorization for low-risk activities, as determined by the Secretary concerned, including commemorative ceremonies and participation by the public in a recreation activity or recreation use of a specific area of Federal recreational lands and waters in which use by the public is allocated, to comply with the requirements of paragraph (1).

(b) INDEMNIFICATION BY GOVERNMENTAL ENTITIES.—The Secretary concerned shall not require a State, State agency, State institution, or political subdivision of a State to indemnify the United States for tort liability as a condition for issuing a special recreation permit or commercial use authorization to the extent the State, State agency, State institution, or political subdivision of a State is precluded by State law from providing indemnification to the United States for tort liability, if the State, State agency, State institution, or political subdivision of the State maintains the minimum amount of liability insurance coverage required by the Federal land management agency for the activities conducted under the special recreation permit or commercial use authorization in the form of—

(1) a commercial general liability insurance policy, which includes the United States as an additional insured in an endorsement to the policy, if the State is authorized to obtain commercial general liability insurance by State law; or

(2) self-insurance, which covers the United States as an additional insured, if authorized by State law.

(c) EXCULPATORY AGREEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a Federal land management agency shall not implement, administer, or enforce any regulation, guidance, or policy prohibiting the use of an exculpatory agreement between a recreation service

provider or a holder of a commercial use authorization and a customer relating to services provided under a special recreation permit or a commercial use authorization.

(2) REQUIREMENTS.—Any exculpatory agreement used by a recreation service provider or holder of a commercial use authorization for an activity authorized under a special recreation permit or commercial use authorization—

(A) shall shield the United States from any liability, if otherwise allowable under Federal law; and

(B) shall not waive any liability of the recreation service provider that may not be waived under the laws (including common law) of the applicable State or for gross negligence, recklessness, or willful misconduct.

(3) CONSISTENCY.—Not later than 2 years after the date of enactment of this Act, the Secretaries shall—

(A) review the policies of the Secretaries pertaining to the use of exculpatory agreements by recreation service providers; and

(B) revise any policy described in subparagraph (A) as necessary to make the policies of the Secretaries pertaining to the use of exculpatory agreements by recreation service providers consistent with this subsection and across all Federal recreational lands and waters.

(d) EFFECT.—Nothing in this section applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.

SEC. 325. COST RECOVERY REFORM.

(a) COST RECOVERY FOR SPECIAL RECREATION PERMITS.—In addition to a fee collected under section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) or any other authorized fee collected by the Secretary concerned, the Secretary concerned may assess and collect a reasonable fee from an applicant for, and holder of, a special recreation permit to recover administrative costs incurred by the Secretary concerned for—

(1) processing the special recreation permit; and

(2) monitoring the special recreation permit to ensure compliance with the terms and conditions of the special recreation permit.

(b) DE MINIMIS EXEMPTIONS FROM COST RECOVERY.—

(1) IN GENERAL.—If the administrative costs described in subsection (a) are assessed on an hourly basis, the Secretary concerned shall establish an hourly de minimis threshold that exempts a specified number of hours from the assessment and collection of administrative costs described in subsection (a).

(2) EXEMPTION.—If the Secretary concerned establishes a threshold under paragraph (1) and assesses a fee under subsection (a), the Secretary concerned shall charge an applicant only for any hours that exceed the de minimis threshold.

(c) MULTIPLE APPLICATIONS.—If the Secretary concerned processes multiple applications for special recreation permits for similar services in the same unit of Federal recreational lands and waters, the Secretary concerned shall, to the extent practicable—

(1) assess from the applicants the fee described in subsection (a) on a prorated basis; and

(2) apply the exemption described in subsection (b) to each applicant on an individual basis. (d) Limitation.—The Secretary concerned shall not assess or collect administrative costs under this section for a programmatic environmental review.

SEC. 326. PERMIT RELIEF FOR PICNIC AREAS.

(a) IN GENERAL.—If the Secretary concerned does not require the public to obtain a permit or reservation to access a picnic area on Federal recreational lands and waters administered by the Chief of the Forest Service or Director of the Bureau of Land Management, the Secretary concerned may not require a covered person described in subsection (b) to obtain a permit solely to access the picnic area.

(b) DESCRIPTION OF COVERED PERSONS.—A covered person referred to in subsection (a) is a person (including an educational group) that provides—

- (1) outfitting and guiding services on Federal recreational lands and waters; and
- (2) the services described in paragraph (1) to fewer than 40 customers annually at the picnic area.

SEC. 327. INTERAGENCY REPORT ON SPECIAL RECREATION PERMITS FOR UNDERSERVED COMMUNITIES.

(a) DEFINITION OF COVERED COMMUNITY.—In this section, the term “covered community” means a rural or urban, low-income, or underserved community, including an Indian Tribe, that has been underrepresented in outdoor recreation opportunities on Federal recreational lands and waters.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretaries, acting jointly, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

- (1) the estimated use of special recreation permits serving covered communities;
- (2) examples of special recreation permits, partnerships, cooperative agreements, or other arrangements providing access to Federal recreational lands and waters for covered communities;
- (3) other ways covered communities are engaging on Federal recreational lands and waters, including through stewardship and conservation projects or activities;
- (4) any barriers for recreation service providers or prospective recreation service providers operating within or serving a covered community; and
- (5) any recommendations to facilitate and increase permitted access to Federal recreational lands 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 authorizing or permitting of a filming or still photography activity are carried out consistent with—

- “(A) the laws and policies applicable to the Service; and
- “(B) an applicable general management plan.

“(2) NO PERMITS REQUIRED.—The Secretary shall not require an authorization or a permit or assess a fee, if a fee for a filming or still photography activity is not otherwise required by law, for a filming or still photography activity that—

- “(A)(i) involves fewer than 6 individuals; and
- “(ii) meets each of the requirements described in paragraph (5); or

“(B) is merely incidental to, or documenting, an activity or event that is allowed or authorized at the System unit, regardless of—

- “(i) the number of individuals participating in the allowed or authorized activity or event; or
- “(ii) whether any individual receives compensation for any products of the filming or still photography activity.

“(3) FILMING AND STILL PHOTOGRAPHY AUTHORIZATIONS FOR DE MINIMIS USE.—

“(A) IN GENERAL.—The Secretary shall establish a de minimis use authorization for certain filming or still photography activities that meets the requirements described in subparagraph (F).

“(B) POLICY.—For a filming or still photography activity that meets the requirements described in subparagraph (F), the Secretary—

- “(i) may require a de minimis use authorization; and
- “(ii) shall not require a permit.

“(C) NO FEE.—The Secretary shall not charge a fee for a de minimis use authorization under this paragraph.

“(D) ACCESS.—The Secretary shall enable members of the public to apply for and obtain a de minimis use authorization under this paragraph—

- “(i) through the website of the Service; and
- “(ii) in person at the field office of the applicable System unit.

“(E) ISSUANCES.—The Secretary shall—

“(i) establish a procedure—

“(I) to automate the approval of an application submitted through the website of the Service under subparagraph (D)(i); and

“(II) to issue a de minimis use authorization under this paragraph immediately on receipt of an application that is submitted in person at the field office of the applicable System unit under subparagraph (D)(ii); and

“(ii) if an application submitted under subparagraph (D) meets the requirements of this paragraph, immediately on receipt of the application issue a de minimis use authorization for the filming or still photography activity.

“(F) REQUIREMENTS.—The Secretary shall only issue a de minimis use authorization under this paragraph if the filming or still photography activity—

“(i) involves a group of not fewer than 6 individuals and not more than 8 individuals;

“(ii) meets each of the requirements described in paragraph (5); and

“(iii) is consistent with subsection (c).

“(G) CONTENTS.—A de minimis use authorization issued under this paragraph shall list the requirements described in subparagraph (F).

“(4) REQUIRED PERMITS.—Except as provided in paragraph (2)(B), the Secretary may require a permit application and, if a permit is issued, assess a reasonable fee, as described in subsection (b)(1), for a filming or still photography activity that—

“(A) involves more than 8 individuals;

“(B) does not meet each of the requirements described in paragraph (5); or

“(C) is conducted in a component of the National Wilderness Preservation System.

“(5) REQUIREMENTS FOR FILMING OR STILL PHOTOGRAPHY ACTIVITY.—The requirements referred to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B), and (7)(C) are as follows:

“(A) A person conducts the filming or still photography activity in a manner that—

“(i) does not impede or intrude on the experience of other visitors to the applicable System unit;

“(ii) except as otherwise authorized, does not disturb or negatively impact—

“(I) a natural or cultural resource; or

“(II) an environmental or scenic value; and

“(iii) allows for equitable allocation or use of facilities of the applicable System unit.

“(B) The person conducts the filming or still photography activity at a location in which the public is allowed.

“(C) The person conducting the filming or still photography activity does not require the exclusive use of a site or area.

“(D) The person does not conduct the filming or still photography activity in a localized area that receives a very high volume of visitation.

“(E) The person conducting the filming or still photography activity does not use a set or staging equipment, subject to the limitation that handheld equipment (such as a tripod, monopod, and handheld lighting equipment) shall not be considered staging equipment for the purposes of this subparagraph.

“(F) The person conducting the filming or still photography activity complies with and adhere to visitor use policies, practices, and regulations applicable to the applicable System unit.

“(G) The filming or still photography activity is not likely to result in additional administrative costs being incurred by the Secretary with respect to the filming or still photography activity, as determined by the Secretary.

“(H) The person conducting the filming or still photography activity complies with other applicable Federal, State, and local laws (including regulations), including laws relating to the use of unmanned aerial equipment.

“(6) CONTENT CREATION.—Regardless of distribution platform, any video, still photograph, or audio recording for commercial or noncommercial content creation in a System unit shall be considered to be a filming or still photography activity under this subsection.

“(7) EFFECT.—

“(A) PERMITS REQUESTED THOUGH NOT REQUIRED.—On the request of a person intending to carry out a filming or still photography activity, the Secretary may issue a permit for the filming or still photography activity, even if a permit for the filming or still photography activity is not required under this section.

“(B) NO ADDITIONAL PERMITS, COMMERCIAL USE AUTHORIZATIONS, OR FEES FOR FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.—A filming or still photography activity at an activity or event that is allowed or authorized, including a wedding, engagement party, family reunion, or celebration of a graduate, shall be considered merely incidental for the purposes of paragraph (2)(B).

“(C) MONETARY COMPENSATION.—The receipt of monetary compensation by the person conducting the filming or still photography activity shall not affect the permissibility of the filming or still photography activity.

“(b) FEES AND RECOVERY COSTS.—

“(1) FEES.—The reasonable fees referred to in subsection (a)(4) shall meet each of the following criteria:

“(A) The reasonable fee shall provide a fair return to the United States.

“(B) The reasonable fee shall be based on the following criteria:

“(i) The number of days of the filming or still photography activity.

“(ii) The size of the film or still photography crew present in the System unit.

“(iii) The quantity and type of film or still photography equipment present in the System unit.

“(iv) Any other factors that the Secretary determines to be necessary.

“(2) RECOVERY OF COSTS.—

“(A) IN GENERAL.—The Secretary shall collect from the applicant for the applicable permit any costs incurred by the Secretary related to a filming or still photography activity subject to a permit under subsection (a)(4), including—

“(i) the costs of the review or issuance of the permit; and

“(ii) related administrative and personnel costs.

“(B) EFFECT ON FEES COLLECTED.—All costs recovered under subparagraph (A) shall be in addition to the fee described in paragraph (1).

“(3) USE OF PROCEEDS.—

“(A) FEES.—All fees collected under this section shall—

“(i) be available for expenditure by the Secretary, without further appropriation; and

“(ii) remain available until expended.

“(B) COSTS.—All costs recovered under paragraph (2)(A) shall—

“(i) be available for expenditure by the Secretary, without further appropriation, at the System unit at which the costs are collected; and

“(ii) remain available until expended.

“(c) PROTECTION OF RESOURCES.—The Secretary shall not allow a person to undertake a filming or still photography activity if the Secretary determines that—

“(1) there is a likelihood that the person would cause resource damage at the System unit, except as otherwise authorized;

“(2) the person would create an unreasonable disruption of the use and enjoyment by the public of the System unit; or

“(3) the filming or still photography activity poses a health or safety risk to the public.

“(d) PROCESSING OF PERMIT APPLICATIONS.—

“(1) IN GENERAL.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to an application for a permit for a filming or still photography activity required under subsection (a)(4).

“(2) COORDINATION.—If a permit is required under this section for 2 or more Federal agencies or System units, the Secretary and the head of any other applicable Federal agency, as applicable, shall, to the maximum extent practicable, coordinate permit processing procedures, including through the use of identifying a lead agency or lead System unit—

“(A) to review the application for the permit;

“(B) to issue the permit; and

“(C) to collect any required fees.”

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1009 of title 54, United States Code, is amended by striking the item relating to section 100905 and inserting the following: “100905. Filming and still photography in System units.”

(b) **FILMING ON OTHER FEDERAL LAND.**—Public Law 106–206 (16 U.S.C. 4601–6d) is amended by striking section 1 and inserting the following:

“SECTION 1. FILMING AND STILL PHOTOGRAPHY.

“(a) FILMING AND STILL PHOTOGRAPHY.—

“(1) IN GENERAL.—The Secretary concerned shall ensure that a filming or still photography activity or similar project at a Federal land management unit (referred to in this section as a ‘filming or still photography activity’) and the authorizing or permitting of a filming or still photography activity are carried out consistent with—

“(A) the laws and policies applicable to the Secretary concerned; and

“(B) an applicable general management plan.

“(2) NO PERMITS REQUIRED.—The Secretary concerned shall not require an authorization or a permit or assess a fee, if a fee for a filming or still photography activity is not otherwise required by law, for a filming or still photography activity that—

“(A)(i) involves fewer than 6 individuals; and

“(ii) meets each of the requirements described in paragraph (5); or

“(B) is merely incidental to, or documenting, an activity or event that is allowed or authorized at the Federal land management unit, regardless of—

“(i) the number of individuals participating in the allowed or authorized activity or event; or

“(ii) whether any individual receives compensation for any products of the filming or still photography activity.

“(3) FILMING AND STILL PHOTOGRAPHY AUTHORIZATIONS FOR DE MINIMIS USE.—

“(A) IN GENERAL.—The Secretary concerned shall establish a de minimis use authorization for certain filming or still photography activities that meets the requirements described in subparagraph (F).

“(B) POLICY.—For a filming or still photography activity that meets the requirements described in subparagraph (F), the Secretary concerned—

“(i) may require a de minimis use authorization; and

“(ii) shall not require a permit.

“(C) NO FEE.—The Secretary concerned shall not charge a fee for a de minimis use authorization under this paragraph.

“(D) ACCESS.—The Secretary concerned shall enable members of the public to apply for and obtain a de minimis use authorization under this paragraph—

“(i) through the website of the Department of the Interior or the Forest Service, as applicable; and

“(ii) in person at the field office for the Federal land management unit.

“(E) ISSUANCES.—The Secretary concerned shall—

“(i) establish a procedure—

“(I) to automate the approval of an application submitted through the website of the Department

of the Interior or the Forest Service, as applicable, under subparagraph (D)(i); and

“(II) to issue a de minimis use authorization under this paragraph immediately on receipt of an application that is submitted in person at the field office for the Federal land management unit under subparagraph (D)(ii); and

“(ii) if an application submitted under subparagraph (D) meets the requirements of this paragraph, immediately on receipt of the application issue a de minimis use authorization for the filming or still photography activity.

“(F) TERMS.—The Secretary concerned shall only issue a de minimis use authorization under this paragraph if the filming or still photography activity—

“(i) involves a group of not fewer than 6 individuals and not more than 8 individuals;

“(ii) meets each of the requirements described in paragraph (5); and

“(iii) is consistent with subsection (c).

“(G) CONTENTS.—A de minimis use authorization issued under this paragraph shall list the requirements described in subparagraph (F).

“(4) REQUIRED PERMITS.—Except as provided in paragraph (2)(B), the Secretary concerned may require a permit application and, if a permit is issued, assess a reasonable fee, as described in subsection (b)(1), for a filming or still photography activity that—

“(A) involves more than 8 individuals;

“(B) does not meet each of the requirements described in paragraph (5); or

“(C) is conducted in a component of the National Wilderness Preservation System.

“(5) REQUIREMENTS FOR FILMING OR STILL PHOTOGRAPHY ACTIVITY.—The requirements referred to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B), and (7)(C) are as follows:

“(A) A person conducts the filming or still photography activity in a manner that—

“(i) does not impede or intrude on the experience of other visitors to the Federal land management unit;

“(ii) except as otherwise authorized, does not disturb or negatively impact—

“(I) a natural or cultural resource; or

“(II) an environmental or scenic value; and

“(iii) allows for equitable allocation or use of facilities of the Federal land management unit.

“(B) The person conducts the filming or still photography activity at a location in which the public is allowed.

“(C) The person conducting the filming or still photography activity does not require the exclusive use of a site or area.

“(D) The person does not conduct the filming or still photography activity in a localized area that receives a very high volume of visitation.

“(E) The person conducting the filming or still photography activity does not use a set or staging equipment, subject to the limitation that handheld equipment (such as a tripod, monopod, and handheld lighting equipment) shall not be considered staging equipment for the purposes of this subparagraph.

“(F) The person conducting the filming or still photography activity complies with and adhere to visitor use policies, practices, and regulations applicable to the Federal land management unit.

“(G) The filming or still photography activity is not likely to result in additional administrative costs being incurred by the Secretary concerned with respect to the filming or still photography activity, as determined by the Secretary concerned.

“(H) The person conducting the filming or still photography activity complies with other applicable Federal, State, and local laws (including regulations), including laws relating to the use of unmanned aerial equipment.

“(6) CONTENT CREATION.—Regardless of distribution platform, any video, still photograph, or audio recording for commercial or noncommercial content creation at a Federal land management unit shall be considered to be a filming or still photography activity under this subsection.

“(7) EFFECT.—

“(A) PERMITS REQUESTED THOUGH NOT REQUIRED.—On the request of a person intending to carry out a filming or still photography activity, the Secretary concerned may issue a permit for the filming or still photography activity, even if a permit for the filming or still photography activity is not required under this section.

“(B) NO ADDITIONAL PERMITS, COMMERCIAL USE AUTHORIZATIONS, OR FEES FOR FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.—A filming or still photography activity at an activity or event that is allowed or authorized, including a wedding, engagement party, family reunion, or celebration of a graduate, shall be considered merely incidental for the purposes of paragraph (2)(B).

“(C) MONETARY COMPENSATION.—The receipt of monetary compensation by the person engaged in the filming or still photography activity shall not affect the permissibility of the filming or still photography activity.

“(b) FEES AND RECOVERY COSTS.—

“(1) FEES.—The reasonable fees referred to in subsection (a)(4) shall meet each of the following criteria:

“(A) The reasonable fee shall provide a fair return to the United States.

“(B) The reasonable fee shall be based on the following criteria:

“(i) The number of days of the filming or still photography activity.

“(ii) The size of the film or still photography crew present at the Federal land management unit.

“(iii) The quantity and type of film or still photography equipment present at the Federal land management unit.

“(iv) Any other factors that the Secretary concerned determines to be necessary.

“(2) RECOVERY OF COSTS.—

“(A) IN GENERAL.—The Secretary concerned shall collect from the applicant for the applicable permit any costs incurred by the Secretary concerned related to a filming or still photography activity subject to a permit under subsection (a)(4), including—

“(i) the costs of the review or issuance of the permit; and

“(ii) related administrative and personnel costs.

“(B) EFFECT ON FEES COLLECTED.—All costs recovered under subparagraph (A) shall be in addition to the fee described in paragraph (1).

“(3) USE OF PROCEEDS.—

“(A) FEES.—All fees collected under this section shall—

“(i) be available for expenditure by the Secretary concerned, without further appropriation; and

“(ii) remain available until expended.

“(B) COSTS.—All costs recovered under paragraph (2)(A) shall—

“(i) be available for expenditure by the Secretary concerned, without further appropriation, at the Federal land management unit at which the costs are collected; and

“(ii) remain available until expended.

“(c) PROTECTION OF RESOURCES.—The Secretary concerned shall not allow a person to undertake a filming or still photography activity if the Secretary concerned determines that—

“(1) there is a likelihood that the person would cause resource damage at the Federal land management unit, except as otherwise authorized;

“(2) the person would create an unreasonable disruption of the use and enjoyment by the public of the Federal land management unit; or

“(3) the filming or still photography activity poses a health or safety risk to the public.

“(d) PROCESSING OF PERMIT APPLICATIONS.—

“(1) IN GENERAL.—The Secretary concerned shall establish a process to ensure that the Secretary concerned responds in a timely manner to an application for a permit for a filming or still photography activity required under subsection (a)(4).

“(2) COORDINATION.—If a permit is required under this section for 2 or more Federal agencies or Federal land management units, the Secretary concerned and the head of any other applicable Federal agency, as applicable, shall, to the maximum extent practicable, coordinate permit processing procedures, including through the use of identifying a lead agency or lead Federal land management unit—

“(A) to review the application for the permit;

“(B) to issue the permit; and

“(C) to collect any required fees.

“(e) DEFINITIONS.—In this section:

“(1) FEDERAL LAND MANAGEMENT UNIT.—The term ‘Federal land management unit’ means—

“(A) Federal land (other than National Park System land) under the jurisdiction of the Secretary of the Interior; and

“(B) National Forest System land.

“(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of the Interior, with respect to land described in paragraph (1)(A); and

“(B) the Secretary of Agriculture, with respect to land described in paragraph (1)(B).”.

SEC. 402. VOLUNTEER ENHANCEMENT PROGRAM.

The Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a et seq.) is amended—

(1) by striking section 5;

(2) by redesignating the first section and sections 2, 3, and 4 as sections 4, 5, 6, and 9, respectively;

(3) by inserting before section 4 (as so redesignated) the following:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Volunteers in the National Forests and Public Land Act’.

“SEC. 2. PURPOSE.

“The purpose of this Act is to leverage volunteer engagement to supplement projects carried out by the Secretaries to fulfill the missions of the Forest Service and the Bureau of Land Management that are accomplished with appropriated funds.

“SEC. 3. DEFINITION OF SECRETARIES.

“In this Act, the term ‘Secretaries’ means each of—

“(1) the Secretary of Agriculture, acting through the Chief of the Forest Service; and

“(2) the Secretary of the Interior, acting through the Director of the Bureau of Land Management.”;

(4) in section 4 (as so redesignated)—

(A) by striking the section designation and all that follows through “(hereinafter referred to as the ‘Secretary’) is” in the first sentence and inserting the following:

“SEC. 4. AUTHORIZATION.

“The Secretaries are”;

(B) in the first sentence—

(i) by inserting “and” after “civil service”;

(ii) by inserting “recreation access, trail construction or maintenance, facility construction or maintenance, educational uses (including outdoor classroom construction or maintenance),” after “for or in aid of”; and

(iii) by striking “Secretary through the Forest Service” and inserting “Secretaries”;

(C) in the second sentence, by striking “Secretary” and inserting “Secretaries”;

(5) in section 5 (as so redesignated)—

(A) by striking the section designation and all that follows through “Secretary is” and inserting the following:

“SEC. 5. INCIDENTAL EXPENSES.

“The Secretaries are”; and

(B) by inserting “training, equipment,” after “lodging,”;

(6) in section 6 (as so redesignated)—

(A) by striking the section designation and all that follows through “(a) Except as” and inserting the following:

“SEC. 6. CONSIDERATION AS FEDERAL EMPLOYEE.

“(a) Except as”; and

(B) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking “the Secretary” and inserting “either of the Secretaries”;

(ii) in paragraph (1), by striking “with the Secretary” and inserting “or cooperative agreement with either of the Secretaries”; and

(iii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “the Secretary in the mutual benefit agreement” and inserting “either of the Secretaries in the mutual benefit agreement or cooperative agreement”;

(II) in subparagraph (A), by striking “to be performed by the volunteers” and inserting “, including the geographic boundaries of the work to be performed by the volunteers.”;

(III) in subparagraph (B), by striking “and” at the end;

(IV) in subparagraph (C)—

(aa) by striking “the Secretary, when feasible” and inserting “either of the Secretaries, if feasible and only if necessary”; and

(bb) by striking the period at the end and inserting a semicolon; and

(V) by adding at the end the following:

“(D) the equipment the volunteers are authorized to use;

“(E) the training the volunteers are required to complete;

“(F) the actions the volunteers are authorized to take; and

“(G) any other terms and conditions that are determined to be necessary by the applicable Secretary.”;

(7) by inserting before section 9 (as so redesignated), the following:

“SEC. 7. PROMOTION OF VOLUNTEER OPPORTUNITIES.

“The Secretaries shall promote volunteer opportunities in areas administered by the Secretaries.

“SEC. 8. LIABILITY INSURANCE.

“The Secretaries shall not require a cooperator or volunteer (as those terms are used in section 6) to have liability insurance to provide the volunteer services authorized under this Act.”; and

(8) in section 9 (as so redesignated), by striking the section designation and all that follows through “There are” and inserting the following:

“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

“There are”.

SEC. 403. CAPE AND ANTLER PRESERVATION ENHANCEMENT.

Section 104909(c) of title 54, United States Code, is amended by striking “meat from” and inserting “meat and any other part of an animal removed pursuant to”.

SEC. 404. FEDERAL LAND AND WATER AQUATIC RESOURCE ACTIVITIES ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) AQUATIC NUISANCE SPECIES TASK FORCE.—The term “Aquatic Nuisance Species Task Force” means the Aquatic Nuisance Species Task Force established by section 1201(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721(a)).

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

(3) INSPECTION.—The term “inspection” means an inspection to prevent and respond to biological invasions of an aquatic ecosystem.

(4) PARTNER.—The term “partner” means—

(A) a Reclamation State;

(B) an Indian Tribe in a Reclamation State;

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

(D) a unit of local government in a Reclamation State.

(5) RECLAMATION STATE.—The term “Reclamation State” includes any of the States of—

(A) Alaska;

(B) Arizona;

(C) California;

(D) Colorado;

(E) Idaho;

(F) Kansas;

(G) Montana;

(H) Nebraska;

(I) Nevada;

(J) New Mexico;

(K) North Dakota;

(L) Oklahoma;

(M) Oregon;

(N) South Dakota;

(O) Texas;

(P) Utah;

(Q) Washington; and

(R) Wyoming.

(b) AUTHORITY OF BUREAU OF LAND MANAGEMENT, BUREAU OF RECLAMATION, AND NATIONAL PARK SERVICE WITH RESPECT TO CERTAIN AQUATIC RESOURCE ACTIVITIES ON FEDERAL LAND AND WATER.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Bureau of Land Management, the Commissioner of Reclamation, and the Director of the National Park Service, may inspect and decontaminate vessels entering and leaving Federal land and water located within a river basin that contains a Bureau of Reclamation water project.

(2) REQUIREMENTS.—The Secretary, acting through the Director of the Bureau of Land Management, the Commissioner of Reclamation, and the Director of the National Park Service, shall—

(A) in carrying out an inspection under paragraph (1), coordinate with 1 or more partners;

(B) consult with the Aquatic Nuisance Species Task Force to identify potential improvements and efficiencies in the detection and management of invasive species on Federal land and water; and

(C) to the maximum extent practicable, inspect vessels in a manner that minimizes disruptions to public access for boating and recreation in noncontaminated vessels.

(3) PARTNERSHIPS.—The Secretary, acting through the Director of the Bureau of Land Management, the Commissioner of Reclamation, and the Director of the National Park Service, may enter into a partnership to provide technical assistance to a partner—

(A) to carry out an inspection or decontamination of vessels; or

(B) to establish an inspection and decontamination station for vessels.

(4) LIMITATION.—The Secretary, acting through the Director of the Bureau of Land Management, the Commissioner of Reclamation, and the Director of the National Park Service, shall not prohibit access to vessels under this subsection in the absence of an inspector.

(5) DATA SHARING.—The Secretary, acting through the Director of the Bureau of Land Management, the Commissioner of Reclamation, and the Director of the National Park Service, shall make available to a Reclamation State any data gathered related to inspections carried out in the Reclamation State under this subsection.

(c) GRANT PROGRAM FOR RECLAMATION STATES FOR VESSEL INSPECTION AND DECONTAMINATION STATIONS.—

(1) VESSELS INSPECTIONS IN RECLAMATION STATES.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall establish a competitive grant program to provide grants to partners to conduct inspections and decontamination of vessels operating in reservoirs operated and maintained by the Secretary, including to purchase, establish, operate, or maintain a vessel inspection and decontamination station.

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

(3) STANDARDS.—Before awarding a grant under paragraph (1), the Secretary shall determine that the project is technically and financially feasible.

(4) COORDINATION.—In carrying out this subsection, the Secretary shall coordinate with—

- (A) each of the Reclamation States;
- (B) affected Indian Tribes; and
- (C) the Aquatic Nuisance Species Task Force.

SEC. 405. AMENDMENTS TO THE MODERNIZING ACCESS TO OUR PUBLIC LAND ACT.

The Modernizing Access to Our Public Land Act (Public Law 117–114) is amended—

- (1) in section 3(1), by striking “public outdoor recreational use” and inserting “recreation sites”;
- (2) in section 5(a)(4), by striking “permanently restricted or prohibited” and inserting “regulated or closed”; and
- (3) in section 6(b)—
 - (A) by striking “may” and inserting “shall”; and
 - (B) by striking “the Secretary of the Interior” and inserting “the Secretaries”.

SEC. 406. OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

- (1) ELIGIBLE ENTITY.—The term “eligible entity” means an entity that represents or otherwise serves a qualifying urban area.
- (2) ELIGIBLE NONPROFIT ORGANIZATION.—The term “eligible nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such code.
- (3) ENTITY.—The term “entity” means—
 - (A) a State;
 - (B) a political subdivision of a State, including—
 - (i) a city;
 - (ii) a county; and
 - (iii) a special purpose district that manages open space, including a park district; and
 - (C) an Indian Tribe, urban Indian organization, or Alaska Native or Native Hawaiian community or organization.
- (4) LOW INCOME COMMUNITY.—The term “low-income community” means any census block group in which 30 percent or more of the population are individuals with an annual household equal to, or less than, the greater of—
 - (A) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development; and
 - (B) an amount equal to 200 percent of the Federal poverty line.
- (5) OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM.—The term “Outdoor Recreation Legacy Partnership Program” means the program established under subsection (b)(1).
- (6) QUALIFYING URBAN AREA.—The term “qualifying urban area” means—
 - (A) an urbanized area or urban cluster that has a population of 25,000 or more in the most recent census;

- (B) 2 or more adjacent urban clusters with a combined population of 25,000 or more in the most recent census; or
 (C) an area administered by an Indian Tribe or an Alaska Native or Native Hawaiian community organization.
- (7) STATE.—The term “State” means each of the several States, the District of Columbia, and each territory of the United States.
- (b) GRANTS AUTHORIZED.—
- (1) ESTABLISHMENT OF PROGRAM.—
- (A) IN GENERAL.—The Secretary shall establish an outdoor recreation legacy partnership program under which the Secretary may award grants to eligible entities for projects—
- (i) to acquire land and water for parks and other outdoor recreation purposes in qualifying urban areas; and
 - (ii) to develop new or renovate existing outdoor recreation facilities that provide outdoor recreation opportunities to the public in qualifying urban areas.
- (B) PRIORITY.—In awarding grants to eligible entities under subparagraph (A), the Secretary shall give priority to projects that—
- (i) create or significantly enhance access to park and recreational opportunities in an urban neighborhood or community;
 - (ii) engage and empower underserved communities and youth;
 - (iii) provide employment or job training opportunities for youth or underserved communities;
 - (iv) establish or expand public-private partnerships, with a focus on leveraging resources; and
 - (v) take advantage of coordination among various levels of government.
- (2) MATCHING REQUIREMENT.—
- (A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), an eligible entity shall provide matching funds in the form of cash or an in-kind contribution in an amount equal to not less than 100 percent of the amounts made available under the grant.
- (B) WAIVER.—The Secretary may waive all or part of the matching requirement under subparagraph (A) if the Secretary determines that—
- (i) no reasonable means are available through which the eligible entity can meet the matching requirement; and
 - (ii) the probable benefit of the project outweighs the public interest in the matching requirement.
- (C) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of funds provided to an eligible entity under a grant awarded under paragraph (1) may be used for administrative expenses.
- (3) CONSIDERATIONS.—In awarding grants to eligible entities under paragraph (1), the Secretary shall consider the extent to which a project would—

- (A) provide recreation opportunities in underserved communities in which access to parks is not adequate to meet local needs;
 - (B) provide opportunities for outdoor recreation and public land volunteerism;
 - (C) support innovative or cost-effective ways to enhance parks and other recreation—
 - (i) opportunities; or
 - (ii) delivery of services;
 - (D) support park and recreation programming provided by cities, including cooperative agreements with community-based eligible nonprofit organizations;
 - (E) develop Native American event sites and cultural gathering spaces; and
 - (F) provide benefits such as community resilience, reduction of urban heat islands, enhanced water or air quality, or habitat for fish or wildlife.
- (4) ELIGIBLE USES.—
- (A) IN GENERAL.—Subject to subparagraph (B), a grant recipient may use a grant awarded under paragraph (1) for a project described in subparagraph (A) or (B) of that paragraph.
 - (B) LIMITATIONS ON USE.—A grant recipient may not use grant funds for—
 - (i) incidental costs related to land acquisition, including appraisal and titling;
 - (ii) operation and maintenance activities;
 - (iii) facilities that support semiprofessional or professional athletics;
 - (iv) indoor facilities, such as recreation centers or facilities that support primarily non-outdoor purposes;
 or
 - (v) acquisition of land or interests in land that restrict access to specific persons.
- (c) REVIEW AND EVALUATION REQUIREMENTS.—In carrying out the Outdoor Recreation Legacy Partnership Program, the Secretary shall—
- (1) conduct an initial screening and technical review of applications received;
 - (2) evaluate and score all qualifying applications; and
 - (3) provide culturally and linguistically appropriate information to eligible entities (including low-income communities and eligible entities serving low-income communities) on—
 - (A) the opportunity to apply for grants under this section;
 - (B) the application procedures by which eligible entities may apply for grants under this section; and
 - (C) eligible uses for grants under this section.
- (d) REPORTING.—
- (1) ANNUAL REPORTS.—Not later than 30 days after the last day of each report period, each State lead agency that receives a grant under this section shall annually submit to the Secretary performance and financial reports that—
 - (A) summarize project activities conducted during the report period; and

(B) provide the status of the project.

(2) FINAL REPORTS.—Not later than 90 days after the earlier of the date of expiration of a project period or the completion of a project, each State lead agency that receives a grant under this section shall submit to the Secretary a final report containing such information as the Secretary may require.

SEC. 407. RECREATION BUDGET CROSSCUT.

Not later than 30 days after the end of each fiscal year, beginning with fiscal year 2023, the Director of the Office of Management and Budget shall submit to Congress and make public online a report that describes and itemizes the total amount of funding relating to outdoor recreation that was obligated in the preceding fiscal year in accounts in the Treasury for the Department of the Interior and the Department of Agriculture.

PURPOSE

The purpose of S. 3266 is to improve recreation opportunities on, and facilitate greater access to, Federal public land.

BACKGROUND AND NEED

America’s vast outdoor recreation resources, particularly those located on Federal land, play a vital role in enhancing people’s lives and well-being. These resources also provide conservation benefits and critical economic support to local communities and businesses.

The first major Federal law passed specific to outdoor recreation was the Outdoor Recreation Act of 1963 (Public Law 88–29, now codified at 54 U.S.C. 200101–200104). The Land and Water Conservation Fund Act (Public Law 88–578, now codified at 54 U.S.C. 100101 et seq.), enacted in 1964, also helped to establish our Nation’s outdoor recreation policy. Subsequently, the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801–6814) was enacted in 2004 as part of the Omnibus Appropriations Act of 2005, and the Modernizing Access to Our Public Land Act (Public Law 117–114, 16 U.S.C. 6851–6857) was enacted in 2022. As visitation to Federal recreational lands has increased over the last several decades, new challenges have presented themselves, necessitating an update to existing laws, including those related to permitting, and Federal agency regulations implementing those laws, and necessitating new approaches to addressing infrastructure. S. 3266 would provide needed updates to these existing laws.

LEGISLATIVE HISTORY

S. 3266 was introduced on November 18, 2021 by Senators Manchin and Barrasso. The Committee on Energy and Natural Resources held a hearing on S. 3266 on December 2, 2021. During a Business Meeting on May 3, 2022, the Committee on Energy and Natural Resources ordered S. 3266 to be reported favorably with an amendment in the nature of a substitute.

COMMITTEE RECOMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on May 3, 2022, by a majority voice vote of

a quorum present, recommends that the Senate pass S. 3266, as amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 3266, the Committee adopted an amendment in the nature of a substitute. The amendment expands the scope of S. 3266 as introduced to include provisions of 9 other bills related to outdoor recreation pending before the Committee. These bills are:

- S. 1229, Simplifying Outdoor Access for Recreation Act;
- S. 1269, A bill to require the Secretary of the Interior and the Secretary of Agriculture to complete an interagency report on the effects of special recreation permits on environmental justice communities, and for other purposes;
- S. 1616, Federal Interior Land Media Act;
- S. 1874, Recreation Not Red Tape Act;
- S. 2258, Parks, Jobs, and Equity Act;
- S. 2886, Cape and antler Preservation Enhancement Act;
- S. 2887, Outdoors for All Act;
- S. 3264, Biking on Long-Distance Trails Act; and
- S. 3551, Gateway Community and Recreation Enhancement Act.

SECTION BY SECTION ANALYSIS

Section 1. Short title; Table of contents

Section 1 establishes the short title of the bill as “America’s Outdoor Recreation Act of 2022” and a table of contents.

Sec. 2. Definitions

Section 2 establishes definitions for the bill.

TITLE I—OUTDOOR RECREATION AND INFRASTRUCTURE

SUBTITLE A—DECLARATION OF POLICY

Sec. 111. Declaration of policy

This section declares that it is the policy of the Federal Government to foster and encourage recreation on Federal land, consistent with relevant agencies’ multiple use missions and the laws applicable to specific areas of Federal land.

SUBTITLE B—PUBLIC RECREATION ON FEDERAL RECREATIONAL LANDS AND WATERS

Sec. 121. Biking on long-distance trails

This section directs Federal land management agencies to identify not fewer than 10 long-distance bike trails (i.e., bike trails with at least 80 miles in total length on Federal land), and 10 areas where there is an opportunity to develop or complete long-distance bike trails. For any existing trails identified, the Secretaries may publish and distribute maps, install signage, and issue promotional materials. Prior to any trail identification, the Secretaries are required to ensure that identification would not conflict with an existing use of a trail or road, including horseback riding. This sec-

tion further requires the Secretaries to issue a report that lists the trails identified under this section.

Sec. 122. Forest service climbing guidance

This section directs the Forest Service to issue guidance on climbing management in designated wilderness areas on National Forests. Such guidance must recognize the appropriateness of recreational climbing in such areas, including the placement and maintenance of fixed anchors, and the use of other equipment necessary for recreational climbing.

Sec. 123. Designated target shooting ranges

This section requires the Forest Service and the Bureau of Land Management (BLM) to seek to ensure that each National Forest and BLM district has at least one designated target shooting range that is open to the public and does not require a user fee. Agencies are to cooperate with non-federal stakeholders and partners and ensure that any shooting range constructed under this section will not adversely impact any target shooting ranges operated by non-federal entities. Agencies may coordinate with non-Federal entities, and explore opportunities to leverage funding to maximize non-Federal investments in the construction, operation, and maintenance of target shooting ranges. This section allows a target shooting range located on land transferred pursuant to the Recreation and Public Purposes Act to count as a designated target shooting range under this section.

SUBTITLE C—IMPROVING RECREATION INFRASTRUCTURE

Sec. 131. Broadband internet connectivity at recreation sites

This section directs the Forest Service and BLM to publish a list of high-priority developed Federal recreation sites that lack broadband internet and to estimate the cost to equip those sites with broadband. This section also directs agencies to partner with the Rural Utilities Service to foster the installation of broadband internet infrastructure at developed recreation sites.

Sec. 132. Extension of seasonal recreation opportunities

This section directs the Department of the Interior (DOI) and the Forest Service to better understand visitor trends, the effect of seasonal closures of Federal land on adjacent businesses and local tax revenue, and opportunities to extend the period of time Federal land is open to the public during seasonal closures to increase associated revenues for businesses and local governments. This section directs the agencies to make efforts to minimize seasonal closures on lands where such closures prevent recreational activities that provide economic benefits.

Sec. 133. Gateway communities.

This section directs DOI and the Forest Service to collaborate with State and local governments, housing authorities, trade associations, and nonprofits to identify needs and economic impacts in gateway communities. Further, this section directs the Secretary of Agriculture, in coordination with the Secretaries of the Interior and Commerce, to provide financial and technical assistance to gateway

communities (adjacent to recreation destinations, including non-Federal recreation destinations) to establish, operate, or expand infrastructure to accommodate visitation, including hotels and restaurants. Assistance that may be provided includes training programs, technical assistance, low-interest business loans, and loan guarantees.

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

This section directs DOI and the Forest Service to seek to increase parking opportunities for people recreating on their lands. In order to ensure that such efforts do not add to the deferred maintenance backlog, this section allows the agencies to enter into public-private partnerships and lease non-Federal land for parking opportunities.

Sec. 135. Travel management

This section directs the BLM and Forest Service to have maps available to the public depicting where vehicles are allowed and where they are prohibited, as well as to update them periodically to ensure the maps do not become outdated. In carrying out this section, agencies are required to increase opportunities for motorized and non-motorized access and experiences on Federal land.

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

This section directs DOI and the Forest Service to establish a pilot program for public-private partnership agreements to modernize campgrounds and buildings on Forest Service and BLM land. Agreements are not to exceed 30 years and must include certain capital expenditure and maintenance requirements. At least one agreement would be required for each region of the National Forest System and for five States in which the BLM administers land.

Sec. 137. Forest service pay-for-performance partnerships

This section establishes a pilot program to formally authorize financing partnerships on National Forest service lands for recreation projects. This section allows the agency to enter into project agreements with private sector partners that agree to pay for all or part of projects on Forest Service lands as a long-term investment, using an innovative funding model where investments are paid in full when specified recreation-related outcomes are met. Project agreements cannot be longer than 20 years or exceed \$15 million.

SUBTITLE D—ENGAGEMENT

Sec. 141. Identifying opportunities for recreation

Consistent with the direction provided in Federal Land Policy and Management Act (FLPMA) and the Outdoor Recreation Act of 1963, this section requires the Federal land management agencies to conduct an inventory and assessment of current recreation resources, to identify any trends relating to use, and consider future

recreation needs. After identifying underutilized locations, the agencies must consider the suitability for developing, expanding, or enhancing these recreation resources. After, the agencies are to select high-value recreation resources at which to expand and encourage recreation use. To avoid duplicative efforts, the agencies may use existing work already completed or in progress for similar inventories required under FLPMA. This section does not affect land management plans, but actions undertaken pursuant this section are to be consistent with any applicable existing management plans.

Subsection (e) of this section repeals subsection (d) of section 200103 of title 54, United States Code, relating to the formulation and maintenance of a comprehensive nationwide outdoor recreation plan.

Sec. 142. Federal interagency council on outdoor recreation

This section establishes a Federal Interagency Council on Outdoor Recreation to help coordinate the implementation of this Act across multiple Federal departments and agencies, and applicable State and local agencies and offices.

Sec. 143. Informing the public of access closures

This section requires relevant land management agencies to post on their website notifications of any temporary closures of roads and trails on the respective unit.

Sec. 144. Improved recreation visitation data

This section directs the Forest Service and certain agencies within the DOI to establish a single visitation data system to collect, model, and report accurate annual visitation data, categorizing the data to capture estimates of different recreation activities. This section also establishes the Real-time Data Pilot Program to make available to the public real-time or predictive visitation data for Federal lands. The pilot program is only to be carried out in areas where gateway communities are supportive, and in coordination with community partners and third-party providers, such as technology and data companies.

Sec. 145. Monitoring for improved recreation decisionmaking

This section requires relevant land management agencies to pilot the use of new techniques to try to count visitors that participate in forms visitation that have been historically difficult to track.

Sec. 146. Access for servicemembers and veterans

This section encourages the Secretaries of Agriculture and of the Interior to work with the Secretaries of Defense and Veterans Affairs to ensure servicemembers and veterans have access to outdoor recreation and outdoor-related volunteer wellness programs.

Sec. 147. Increasing youth recreation visits to federal land

This section requires the Department of Agriculture and DOI to develop a national strategy to increase youth recreation on Federal lands.

TITLE II—AMENDMENTS TO THE FEDERAL LANDS RECREATION
ENHANCEMENT ACT*Sec. 201. Short title*

This section amends section 801 of the Federal Lands Recreation Enhancement Act (FLREA) to eliminate the table contents in section 801(b).

Sec. 202. Definitions

This section amends section 802 of FLREA to place the definitions in alphabetical order and add new definitions for the terms “recreation service provider” and “special recreation permit.”

Sec. 203. Special recreation permits and fees

This section amends section 803 of FLREA to include special recreation permits and fees. Specifically, this section codifies direction to land management agencies to develop and make special recreation permit applications available to the public. Upon receipt of such applications, the agencies may issue special recreation permits to applicants (which may include an authorization for incidental sales).

As amended by this section, section 803 allows land management agencies to charge a special recreation permit fee for the issuance of a special recreation permit. Specifically, it allows the agency to charge fees one of several different ways: a predetermined fee based on visitor-use days or a flat rate, or one of two calculations based on gross receipts. In most of these cases, the permittee chooses the fee regime that will apply for their permit. This section does not affect commercial use authorizations or cost recovery.

This section relocates existing provisions of law pertaining to the disclosure of fees to section 803 of FLREA, including the requirement to post entrance fee requirements. Additionally, this section requires the agencies to disclose, at the point of collection, how much money is being collected annually and how the money is being spent. This section allows a recreation service provider to inform its customers of any fees charged by agencies under FLREA.

Subsection (b) is a conforming amendment that strikes section 804(e) of FLREA.

Sec. 204. Online collection of certain recreation fees

Section 204 adds a new subsection (j) to section 803 of FLREA to allow Federal land management agencies to collect online payment for entrance fees, standard and expanded amenity recreation fees, and special recreation permit fees.

Sec. 205. Online purchases and establishment of a digital version of America the Beautiful—the National Parks and Federal Recreational passes

Section 205 amends section 805(a) of FLREA to direct DOI and the Forest Service to sell the America the Beautiful—the National Parks and Federal Recreational Lands Pass online, in addition to in-person sale locations currently authorized under law. In addition, this section directs DOI and Forest Service to create a digital version of the pass to be used by the public.

Sec. 206. Availability of Federal, State, and local recreation passes

Section 206 amends section 806 of FLREA to allow Federal agencies, on the request of a State or county, to sell State or county entrance or recreational passes. The Secretaries may collect fees flowing from such sales, and are required to transfer any collected funds to the applicable State or county.

Sec. 207. Use of special recreation permit fee revenue

Section 207 amends section 808 of FLREA to allow fee revenues currently retained at the site of collection to be used to improve the special recreation permitting program (in addition to all current allowable expenditures).

Sec. 208. Permanent authorization

Section 208 permanently authorizes FLREA by repealing the sunset provision in section 810 of FLREA.

TITLE III—SPECIAL RECREATION PERMITS FOR OUTFITTING AND
GUIDING

SUBTITLE A—ADMINISTRATION OF SPECIAL RECREATION PERMITS FOR
OUTFITTING AND GUIDING

Sec. 311. Permit administration

This section requires land management agencies to publish on their websites when certain additional permit opportunities are available to outfitting and guiding businesses. Further, this section directs them to provide email subscriptions for potential applicants, notifying them of permit availability. Finally, this section requires agencies to respond to an applicant within 60 days of receipt of an application for a special recreation permit.

Sec. 312. Forest Service and Bureau of Land Management transitional special recreation permits for outfitting and guiding

This section directs relevant land management agencies to implement a program to issue special recreation permits that are for terms of two years that have the ability to be converted to 5 or 10-year terms, provided that certain requirements are met.

Sec. 313. Surrender of unused visitor-use days

This section specifies that a recreation service provider may notify relevant agencies of its inability to use the days allocated to them under their permit, and to surrender those days for temporary reassignment to other outdoor recreation service providers and the unguided public.

Sec. 314. Permit reviews

This section requires agencies to periodically review the performance of recreation service providers with longer-term, outfitter and guide-related special recreation permits. It also requires the Forest Service and allows DOI agencies to review whether all of the days made available to recreation service providers under their permit are being used. In making the latter determination, this section allows for recreation service providers to not be penalized for not using days if conditions exist beyond a recreation service provider's

control. In addition, this section incentivizes recreation service providers to make available to others any days that they were allocated but not able to use.

Sec. 315. Adjustment of allocated visitor-use days

This section establishes a framework that agencies may use to adjust the number of days available under longer-term permits after reviews required under section 314 are completed. Further, this section allows agencies to assign additional visitor-use days to special recreation permits.

SUBTITLE B—ADDITIONAL PROVISIONS RELATING TO SPECIAL RECREATION PERMITS

Sec. 321. Permitting process improvements

This section directs agencies to evaluate the current permitting process and to identify opportunities to decrease duplicative processes, costs, and permitting times in order to simplify the special recreation permitting process. In addition, this section directs the agencies to evaluate the wording and terms of their existing categorical exclusions to ensure consistency with this Act and to revise them as necessary.

This section prohibits agencies from conducting a needs assessment as a condition of issuing a special recreation permit, unless specifically required under the Wilderness Act. This section also requires agencies to make permit applications available online. Lastly, this section specifies when agencies are to issue special recreation permits and when they are not required because the activities to be undertaken only would have nominal effects on resources and programs.

Sec. 322. Service first initiative and multijurisdictional trips

Section 322 reauthorizes the “Service First Initiative” first established by section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001, and subsequently reauthorized, expanded, and made permanent in subsequent appropriations acts. Subsection (a) repeals the current statutory authorization for the Service First Initiative. Subsection (b) provides permanent authorization for the Initiative. Subsection (c) directs the Secretaries of the Interior and Agriculture to establish a pilot program that authorizes their agencies to issue a single joint special recreation permit for recreation activities that cross multiple agency boundaries. Subsection (c) requires agencies to issue at least 10 joint special recreation permits through at least 4 different offices under the pilot, and to designate a lead agency for issuing and administering each permit under the pilot. Subsection (c)(4) requires that agencies retain their own respective authorities for permit issuance and enforcement, and does not prohibit any person or entity from applying for separate special recreation permits.

Sec. 323. Permit flexibility

This section directs agencies to establish guidelines to allow permit holders to engage in new activities that are substantially similar to those authorized in their current permits without the issuance of entirely new and separate permits.

Sec. 324. Liability

This section clarifies when relevant land management agencies may require a commercial general liability insurance policy as a condition of receiving a special recreation permit, except in the case of low-risk activities conducted under the permit, as well as the required contents of such policies. This section also provides an exemption for state or local government entities from the current requirement to indemnify the United States government, in certain circumstances. This section also allows recreation service providers to use liability release forms in states where such forms are allowed. It also directs the agencies to have consistent policies for regulating the use of waivers within 2 years of the date of enactment of this Act.

Sec. 325. Cost recovery reform

This section clarifies that Federal land management agencies may collect and assess reasonable cost recovery fees from special recreation permit holders and applicants. This section stipulates that the agencies shall establish a *de minimis* threshold for cost recovery if work done for a permittee or applicant exceeds that *de minimis* threshold, the agencies may not back charge for hours below the threshold. This section also directs the agencies to process and charge fees on a prorated basis when work done for multiple special recreation permit applications overlaps. Finally, this section prohibits agencies from applying cost recovery for any programmatic environmental reviews.

Sec. 326. Permit relief for picnic areas

This section allows groups providing outfitting and guiding services (including educational groups) to use picnic areas on Federal lands without requiring a permit, subject to size and frequency restrictions.

Sec. 327. Interagency report on special recreation permits for underserved communities

This section directs the Secretary of the Interior and the Secretary of Agriculture to issue a report on special recreation permits serving rural or urban, underserved communities relative to outdoor recreation opportunities. The Secretaries are to submit the report to Congress within three years.

SUBTITLE C—EFFECT

Sec. 331. Effect

This section states that unless explicitly stated, nothing in title III of S. 3266 shall be construed as affecting the authority or responsibility of the Secretary of the Interior to award National Park Service concessions contracts or commercial use authorizations.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Filming and still photography within the National Park System and on other Federal Land

This section amends current law to modernize film and photography permitting on public lands to account for changing tech-

nology and social media, and to ensure that permitting determinations are appropriately based on actual impacts to resources instead of distinguishing between types of filming or photography, content, or financial gain. Subsection (a) amends 54 U.S.C. 100905 relating to filming in units of the National Park System. Subsection (b) amends Public Law 106–206 relating to filming on other Federal land.

Specifically, this section allows land management agencies to require permits and associated fees on recreational lands and waters for filming and photography that involve groups of more than eight people, or that do not adhere to certain requirements related to resource impacts. Further, this section prohibits permitting and fee requirements for filming and photography that is merely incidental to an otherwise authorized or allowable activity. In addition, this section directs the agencies to establish *de minimis* use authorizations for filming and photography activities that involve groups of six to eight people and that adhere to certain requirements related to resource impacts. Such authorizations are to be issued immediately upon request by an applicant.

Sec. 402. Volunteer Enhancement Program

This section updates the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a–558d). Specifically, this section adds the BLM to the Act, renames the act the “Volunteers in the National Forests and Public Land Act”, and adds a new section describing the purpose of the act. Further, this section adds additional authorized activities and expenses under the act and clarifies when the Secretary should supervise volunteers and that volunteers are not required to carry liability insurance to provide volunteer services under the Act.

Sec. 403. Cape and antler preservation enhancement

This section amends section 104909 of title 54 of the United States Code, which currently authorizes (under certain conditions) qualified volunteers to participate in non-native wildlife management activities on National Park System land. Upon taking a non-native animal, current law allows the Secretary to authorize the donation and distribution of meat of the animal to certain entities. This section extends the scope of current law to include any other part of the animal—including the cape, hide, horns and antlers.

Sec. 404. Federal land and aquatic resource activities assistance

This section clarifies that relevant DOI agencies may inspect and decontaminate watercraft entering and leaving Federal land and water located within a river basin that contains a Bureau of Reclamation project. This section establishes a competitive grant program within the Bureau of Reclamation to help non-Federal partners conduct inspections and decontamination of watercraft around reservoirs administered by the DOI.

In carrying out this section, DOI is to coordinate with non-Federal partners and consult the Aquatic Nuisance Species Task Force to identify potential improvements in the detection and management of invasive species on Federal land and water.

Sec. 405. Amendments to the Modernizing Access to our Public Land Act

This section makes technical modifications to the Modernizing Access to Our Public Land Act, Public Law 117–114, which was enacted into law on April 29, 2022.

Sec. 406. Outdoor Recreation Legacy Partnership

This section formally authorizes the DOI’s Outdoor Recreational Legacy Partnership (ORLP) program, but lowers the threshold for areas to be eligible from 50,000 people to 25,000 people and gives the National Park Service flexibilities to improve program operations.

The OLRP program is a complementary grant program to the financial assistance to states authorized under 54 U.S.C. 200305 (commonly referred to as the State and Local Assistance Program or the “Stateside” program. This section does not affect the allocation of funds under the Land and Water Conservation Fund in section 200304(b) of title 54, United States Code.

Sec. 407. Recreation budget crosscut

This section requires the Office of Management and Budget to report the total amount of funding spent by the U.S. Government related to outdoor recreation after each fiscal year.

COST AND BUDGETARY CONSIDERATIONS

The Committee has requested, but has not yet received, the Congressional Budget Office’s estimate of the cost of S. 3266 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 3266. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 3266, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 3266, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

At the December 2, 2021 hearing, the Department of Agriculture and the Department of the Interior provided the following testimonies on S. 3266 and related outdoor recreation bills (S. 1229, S.

1269, S. 1616, S. 1874, S. 2258, S. 2886, S. 2887, and S. 3264) incorporated into S. 3266 by the joint staff amendment:

STATEMENT OF CHRIS FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE

Chairman Manchin, Ranking Member Barrasso, and Members of the Committee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA), Forest Service, regarding various public land management bills.

S.1229, Simplifying Outdoor Access for Recreation (SOAR) Act, and S.1874, Recreation Not Red Tape Act

The USDA Forest Service manages 155 national forests and 20 national grasslands, comprising 193 million acres in 41 states and Puerto Rico. Outdoor recreation is a significant use of these lands which contain three million acres of lakes, 400,000 miles of streams, 122 Wild and Scenic Rivers for rafting, kayaking and other watersports, and 159,000 miles of trails for horseback riding, hiking, snowmobiling, mountain biking, and more.

The Forest Service is deeply committed to connecting all Americans to the outdoors, and we value the important role played by outfitters and guides, resorts, non-profit organizations, and others as partners in connecting people to recreation opportunities in the national forests and grasslands. Outdoor recreation attracts people to visit, live, and work in gateway and rural communities and supports the health, well-being, and economic vitality of those communities. Recreation on National Forest System lands contributes more than \$13.5 billion to America's gross domestic product and supports more than 161,000 full and part-time jobs, the vast majority of which are in gateway and rural communities.

In fiscal year 2020, the number of recreation visits to the National Forest System rose to 168 million, which represents a 12% increase compared to 2019. Annual visitation to national forests and grasslands increases to 450 million visitors if we account for the number of people who pass through these beautiful forests to enjoy the scenery and travel on our scenic roads and byways. Recreation pressure has been particularly significant on national forests close to urban areas. Now, more than any other time in recent history, people have been making their way out to the national forests as Americans turn to their public lands for respite and relaxation during the COVID-19 pandemic.

Moreover, recreation on National Forest System lands sustains more private sector jobs than any other Forest Service program and provides the single largest economic stimulus for many local communities adjacent to or within National Forest System lands. Outdoor recreation opportunities and amenities are consistently ranked as one of the primary reasons people move to rural towns and can be a

leading contributor to small town economies, and the Forest Service administers over 30,000 recreation special use authorizations for activities that generate nearly \$2 billion to their special use authorization holders. In particular, the Forest Service administers 122 ski area permits and approximately 8,000 outfitting and guiding permits.

These permits enable private sector professionals and educational institutions to lead a range of activities on National Forest System lands, from whitewater rafting, downhill skiing, horseback riding, and big game hunting to youth education trips in the wilderness and scenic jeep tours. For many, these activities represent their first introduction to the outdoors, and the outfitters and guides they employ are often small businesses that generate jobs and income for local communities. Forest Service permit holders help connect Americans to their natural world and help restore mental health and maintain healthy lifestyles.

With certain exceptions discussed below, USDA supports the goals of S.1229, Simplifying Outdoor Access for Recreation (SOAR) Act, and S.1874, Recreation Not Red Tape Act. These bills improve recreational access to National Forest System lands and we look forward to working with the bills' sponsors and the Committee to effect changes necessary to achieve those goals. Our comments on these bills pertain to their effects on the Forest Service, including management of National Forest System lands. USDA defers to the U.S. Department of the Interior (DOI) as to the effects of these bills on DOI bureaus and the federal lands under their jurisdiction.

PROVISIONS COMMON TO S. 1229, THE SOAR ACT, AND S. 1874,
RECREATION NOT RED TAPE ACT

S. 1229 (Section 2) and S. 1874 (Section 101): Definitions

We would like to work with the Committee to ensure the definitions in these sections are consistent with existing definitions in the Federal Lands Recreation Enhancement Act and Forest Service regulations and guidance documents.

S. 1229 (Section 3) and S. 1874 (Section 102): Special Recreation Permit and Fee

The Agency is supportive of the intent of these sections. We would like to work with the Committee to ensure the provisions do not duplicate existing Forest Service policies for land use fee determination or conflict with provisions in the Federal Lands Recreation Enhancement Act and Forest Service guidance documents governing noncommercial special recreation permits. Additionally, we would like to work with the Committee to clarify the scope of the permits to be affected by this legislation.

S. 1229 (Section 4) and S. 1874 (Section 103): Permitting Process Improvements

The Forest Service supports the overall intent of these sections. Since 2016, we have taken steps to implement several of the objectives of these sections, including reducing the number of expired permits by more than 50% in the last 5 years. Specifically, we conducted a Lean Six Sigma Analysis of our permitting process and are currently implementing recommended actions, many of which align with the intent of this bill. Additionally, in November 2020 we published a final rule revising the Forest Service's NEPA regulations, which include a revised categorical exclusion for reissuance of special use permits and a new categorical exclusion for issuance of new permits for recreational activities in locations where those types of activities are generally allowed (36 CFR 220.6(d)(11) and (12)). As with all administrative categories, both require consideration of extraordinary circumstances. We believe these actions have already met the intent of Section 4(b)/Section 103(b) and will allow the Forest Service to issue and re-issue recreation special use permits efficiently while still meeting environmental requirements. Although the Agency is supportive of the intent of these sections, we are concerned that the language duplicates our current work. We would like to work with the Committee to remove any redundancy and ensure that the language accomplishes its intent.

S. 1229 (Section 5) and S. 1874 (Section 104): Permit Flexibility

The Agency is supportive of these sections. We would like to work with the Committee to better understand the intent of Section 5(c), as we have a temporary outfitting and guiding permit system established through public notice and comment in our guidance documents.

S. 1229 (Section 6) and S. 1874 (Section 105): Permit Administration

These sections would require the Forest Service to notify the public of available permit opportunities online. The Agency would like to work with the Committee to ensure that the Agency's current practices and processes of open seasons and prospectus announcements provide adequate notification of permit opportunities within our existing resource capabilities.

S. 1229 (Section 7) and S. 1874 (Section 106): Multi-Jurisdictional Permits

We support the intent of these sections to streamline permitting by authorizing issuance of a single joint permit by a lead agency for multi-jurisdictional trips. We would like to work with the Committee to provide technical changes to the bill language that would achieve this intent consistent with existing authorities that apply to each affected agency and that would ensure the language com-

plements our existing Service First Authorities. We also would like to work with the Committee on appropriate cost recovery provisions for implementation of this program.

S. 1229 (Section 8) and S. 1874 (Section 107): Forest Service Permit Use Reviews

We support the intent of these sections and would like to work with the Committee to ensure that they do not duplicate current permitting policy.

S. 1229 (Section 9) and S. 1874 (Section 108): Liability

Subsection (a) would prohibit the Agency from administering any guidance or taking any actions related to exculpatory or liability agreements between a permit holder and their clientele. While we support authorizing use of waivers of liability, we do not support the language in this subsection, as it would preclude the Forest Service from ensuring that waivers of liability cover the United States as well as the concessioner. We would like to work with the Committee to amend this language.

Subsection (b) would exempt state governmental entities from indemnifying the United States if they are precluded by state or local law from doing so. This provision should be clarified to state the exemption would apply only to indemnity for tort and not environmental liability, since environmental liability is not limited by state law. Additionally, state governmental entities' self-insurance is generally an insufficient substitute for indemnification of the United States because states' self-insurance typically covers only state employees and cannot be extended to the United States. Commercial general liability insurance policies obtained by states do not cover the United States unless they contain an endorsement that includes the United States as an additional insured. Further, many states can unconditionally indemnify the United States under their state law, and even those states that cannot do so can typically indemnify the United States up to the liability limits under their state tort claims act. We would like to work with the Committee to make targeted changes to address these important issues.

S. 1229 (Section 10) and S. 1874 (Section 109): Cost Recovery Reform

While the Forest Service supports efforts to responsibly apply cost recovery for processing permit applications, we do not support these provisions in the bills because they would reduce our ability to process both simple and complex permit applications. Cost recovery has provided more resources to the agency for processing permit applications, thereby enabling the Forest Service to enhance customer service by processing applications faster. Small recreation service providers such as outfitters and guides are generally exempt from cost recovery fees under Forest Service regulations. Expanding the exemption as proposed in the bill would generally benefit large recreation service pro-

viders and would adversely affect customer service, thereby counteracting efficiencies gained from other provisions in the bill. The Agency believes these additional efficiencies would reduce processing times sufficiently to obviate the need to further limit our cost recovery authority.

S. 1229 (Section 11) and S. 1874 (Section 110): Extension of Special Recreation Permits

This provision would provide for renewal of an existing permit rather than issuance of a new permit upon expiration, which is the Agency's current practice for all types of special use permits. We would like to work with the Committee to preserve the Agency's ability to update permit forms, including new terms as necessary or appropriate, when a permit expires. This ability is particularly important when a permit has been in effect for many years to allow the Agency to make assessments and adjustments as needed to address current resource conditions. Additionally, the use and occupancy authorized under priority use outfitting and guiding permits are currently renewable under a Forest Service guidance document that was published for public notice and comment. Per the Administrative Procedure Act, there is no disruption of service upon expiration of an existing permit if a timely application has been submitted: the expired permit remains in effect until the application is processed. We support the intent of these sections and would like to work with the bill sponsors and the Committee to ensure these sections do not duplicate existing authority that is being fully utilized and that provides for updating authorizations when they are reissued upon expiration.

Provisions Unique to S. 1874, the Recreation Not Red Tape Act

Section 111 amends the Federal Lands Recreation Enhancement Act (FLREA) (16 U.S.C. 6804) by establishing a program to allow a purchaser to buy a federal recreation pass and a state recreation pass in the same transaction. This provision duplicates authority already available under FLREA.

Section 112 amends FLREA to mandate online sales of the America the Beautiful—the National Parks and Federal Recreational Lands Pass. This provision is unnecessary as the Forest Service and other federal land management agencies are already implementing online sales of this pass as a regular course of business.

Title II—Accessing the Outdoors

USDA supports Section 201, which would encourage the Secretary of Agriculture to work with the Secretaries of Defense and Veterans Affairs to ensure service members and veterans have access to outdoor recreation and outdoor-related volunteer and wellness programs. USDA defers to the Departments of Defense and Veterans Affairs on the portions of Title II under their jurisdiction.

Title III—Making Recreation a Priority

USDA is generally supportive of Title III and would like to work with the Committee to ensure the provisions align with implementation of other Administration priorities such as addressing climate change and racial equity and take into account the multiple-use mission of the Forest Service and statutory requirements under the Multiple Use-Sustained Yield Act.

Section 304 would establish policy and requirements for management of National Recreation Areas (NRAs). The Forest Service manages 22 NRAs, which draw visitors from across the nation and around the world. NRAs provide both jobs and revenue to local, state, and regional economies. NRAs also contribute to the sense of place and quality of life for local communities. We look forward to improving and expanding benefits from NRAs to further strengthen economies, enhance local communities, instill public conservation values, and encourage shared stewardship. We would like to work with the Committee and bill sponsors to ensure the necessary skill sets and capacity are available and strategically placed to address the associated workload to achieve the bill's intent.

Title IV—Maintenance of Public Land

USDA fully supports the intent of Section 401 to promote volunteerism and service to enhance stewardship of, recreational access to, and sustainability of National Forest System resources and facilities. We would like to work with the Committee and bill sponsors to ensure current Agency efforts through the Volunteers in the National Forests Act and existing cooperative authorities are not duplicated.

Section 411 would direct the Secretaries of Agriculture and the Interior to establish an interagency trail management plan to uniformly maintain and manage federal trails that cross jurisdictional boundaries between federal land management agencies. USDA supports the intent of Section 411 to ensure consistency in trail management across jurisdictional boundaries. Trails crossing multiple federal jurisdictions include National Scenic and National Historic Trails, as well as hundreds and possibly thousands of other trails. In compliance with the National Trails System Act, National Scenic and National Historic Trails are managed in accordance with comprehensive management plans that establish trail-wide management guidance and trail marking standards. Additionally, federally managed trails are subject to federal land management plans. Incorporating and applying standard management tools such as the Forest Service's Trail Management Objectives and working collaboratively through the interagency National Trails System Council to implement the intent of Section 411 could be an effective means for accomplishing the objectives of Section 411 without further legislative action.

S. 1616, the Federal Interior Land Media Act or “FILM Act”

Our comments on S. 1616, the Federal Interior Land Media Act or “FILM Act” pertain to the impact on the Forest Service, including management of National Forest System lands. USDA defers to the U.S. Department of the Interior (DOI) on the effects of this bill on DOI bureaus and the federal lands under their jurisdiction.

S.1616 would direct USDA not to require a permit or land use fee for commercial filming, regardless of the distribution platform, if the commercial filming occurs in a location where the public is allowed, complies with visitor use policies, does not impede the experience of other visitors, will not disturb resource values and wildlife, does not require the exclusive use of a site, complies with Federal, State, and local law, and does not involve a group larger than 10 individuals. Furthermore, the bill would allow USDA to require a permit and land use fee if the filming occurs in an area not generally open to the public, the agency accrues additional administrative costs associated with the filming, the filming occurs in a high-volume area, a set or staging equipment is required, or the filming involves a group of 11 or more individuals.

In *Price v. Barr*, a federal district court ruled that aspects of the existing commercial filming statute for the National Park Service violate the First Amendment. The National Park Service’s commercial filming statute is identical to the commercial filming statute for the Forest Service and other federal land management agencies. The federal government has appealed *Price v. Barr* to the D.C. Circuit, in a case now captioned *Price v. Garland*, and is arguing that the commercial filming statute is constitutional. USDA believes that judicial resolution of this pending litigation would inform whether and how Congress legislates in this area. Accordingly, USDA would like to work with the committee and bill sponsor on this issue once a decision is rendered in the case.

S. 3266, Outdoor Recreation Act

Outdoor recreation has dramatically increased in recent years, especially as Americans turned to federal lands for respite and relaxation during the COVID-19 pandemic. National forests play a vital role in the recreation economy by supporting millions of recreation visits annually, and spending by those visitors contributes greatly to local, state and national economies. Cities and towns across the country are tapping into the business of outdoor recreation, and for good reason. They recognize that outdoor recreation and open spaces are key ingredients to healthy communities, contribute to a high quality of life, and most importantly, attract and sustain businesses and families.

The Forest Service is working to rebuild its capacity to deliver high-quality recreation opportunities and services for the public. We welcome tools that assist us in undertaking more robust recreation planning, building new part-

nerships, investing in innovative conservation finance agreements with the private sector, improving our infrastructure, and making the recreation economy even stronger.

In fiscal year 2019, there were 150 million visits to national forests and grasslands. Consumer spending associated with these visits supported local businesses that provide food and lodging, guides, outfitting, transportation, and other services. Recreation visitor use on National Forests supported about 153,800 jobs and contributed \$12.6 billion to the nation's gross domestic product in 2019. National Forest System lands experienced unprecedented visitation levels in fiscal year 2020 as Americans sought refuge and relaxation from outdoor experiences during the COVID-19 pandemic. In fiscal year 2020, the 168 million recreation visits supported about 161,000 jobs and contributed \$13.5 billion to the nation's gross domestic product.

The recreation industry is a powerful driver of local and national economies by providing jobs, revenue from goods, services, and tourism. The Forest Service plays a crucial role in managing federal lands that are drawing record numbers of recreationists, including campers, bikers, canoers, skiers, snowmobilers, hikers, fishers, birders, hunters, and off-highway vehicle enthusiasts. In fact, recreation, hunting, fishing, and wildlife viewing together sustain more jobs than any other activity in the national forests and grasslands.

The S. 3266, the Outdoor Recreation Act addresses a wide variety of recreation issues on federal lands and in rural communities adjacent to federal lands. USDA supports the overall goals of this bill to improve recreation opportunities and infrastructure on National Forest System lands and looks forward to working with the Committee and the bill's sponsors to ensure these goals can be achieved and do not duplicate or conflict with existing authorities.

Title I—Increasing Recreation Opportunities

Title I seeks to increase recreation opportunities through changes in permitting and recreation planning policy as well as mandates for climbing guidance and target ranges in national forests.

USDA supports the intent of Section 101 to increase recreational use by youth groups and to better understand recreational use of federal lands by youth groups. We would like to work with the Committee to ensure the Forest Service has the authority to require a permit if needed to address liability or resource concerns and to conduct a visitor capacity assessment if legally required or appropriate based on resource impacts. We would also like to work with the Committee to ensure that it is feasible to meet any permitting deadlines while complying with all applicable environmental requirements.

Section 102 duplicates and potentially conflicts with requirements in the National Forest Management Act and

existing Forest Service protocols for developed recreation site inventory, visitor use management, and operation and maintenance of developed recreation sites. In addition to these legal concerns, the assessment requirements for Forest Service land management plan revisions at 36 CFR Part 219 and Forest Service Handbook 1909.12 already require consideration of recreation opportunities and demand. This provision would require a degree of data collection and outyear speculation that would add to the challenges of revising land management plans. We are actively trying to streamline and focus such assessments, and this one-size approach would expand the time and cost of land management plan revisions.

Section 103 directs the Forest Service to issue guidance on recreational climbing on National Forest System lands, including in wilderness areas. This provision, including requirements for public notice and comment, duplicates existing law and policy. The Forest Service has developed proposed recreational climbing directives, which will be published for public comment when they have completed the tribal consultation process.

Section 104 would require the Forest Service to identify suitable locations for designated target ranges on National Forest System lands and, to the maximum extent practical, ensure that each national forest has at least one designated target range. The Forest Service would be prohibited from charging a fee for use of a target range designated under this provision. USDA does not support this provision, as the Forest Service already has authority to identify appropriate sites for construction and operation of target ranges on National Forest System lands and is doing so where there is adequate demand, a suitable site, and available funding. Assessing site suitability for target ranges is critical because of the potential tort liability concerns they present, particularly if they are located close to homes, schools, or popular trails. Site selection may also be affected by environmental concerns associated with wildlife habitat and impacts of spent bullets. Section 104 does not take into account Section 4104(b) of the John D. Dingell, Jr. Conservation, Management and Recreation Act of 2019, which prohibits authorizing a target range on certain specified federal lands managed by the Bureau of Land Management or the Forest Service, such as congressionally designated wilderness, wild and scenic rivers, and national monuments. In addition, Section 104 would overlap with Section 4 of the Target Practice and Marksmanship Training Support Act, which facilitates the establishment of additional or expanded target ranges on federal land. Under the Federal Lands Recreation Enhancement Act (FLREA), the Forest Service is authorized to charge recreation fees for the use of target ranges operated and maintained by the Forest Service, which can be retained and spent by the Forest Service and are vital to finance continued operation and maintenance of these facilities. The agency has authority under other federal statutes to

charge a land use fee to concessioners that operate and maintain target ranges on National Forest System lands.

Title II—Improving Recreation Opportunities

Title II aims to improve recreation opportunities on federal lands with requirements for providing broadband connectivity at recreation sites, increased collection of visitor data, and changes to travel management policy and procedures.

Although USDA supports the intent of Section 201 to increase availability of broadband connectivity for recreational users, we have concerns with the scope and requirements of this provision. Federal land management agencies do not provide communications services, including broadband, to the public, nor do they install, operate, or maintain equipment that provides communications services to the public. Federal land management agencies do authorize communications uses, including broadband, and we are very willing to continue working with private entities to authorize broadband infrastructure on National Forest System lands where it is feasible and in demand. It may not be feasible or commercially viable to provide broadband service at many recreation sites on National Forest System lands, which tend to be in remote locations.

Section 203 requires USDA to work in concert with other federal land managers to establish a single visitation data management and modeling system for public recreation to provide accurate, real-time visitation data at a site-specific level. USDA would like to work with the Committee and bill sponsors to better understand the purpose and goals for visitation data requirements in Section 203. As written, it is unlikely that this provision could be implemented. A single system for all agencies could not produce data with the level of precision each agency's system currently produces. Each agency currently makes its visitation data publicly available on its website.

USDA supports the goals of Section 204 to finalize summer and winter motor vehicle use designations and improve associated maps. We are working diligently to address these goals and making good progress. Nearly all Forest Service administrative units have completed their summer motor vehicle use designations. Units where there is sufficient snow for winter motor vehicle use are moving forward with designations for that use. We are concerned that Section 204 would duplicate existing travel management authorities and in some ways contradict them. In particular, we are concerned that to the extent the designation criteria in Section 204 are different from the designation criteria in existing authorities, Section 204 would require the Forest Service to revisit every designation decision for both summer and winter motor vehicle use. The resulting work would be very time-consuming and would entail additional litigation risk. We also have technical concerns with the data and mapping requirements which

we would like to address with the Committee and bill sponsors.

Title III—Investing in Recreation Infrastructure and Rural Communities

Title III addresses recreation-related investments in communities adjacent to federal lands (gateway communities), conservation finance partnerships, availability of recreation facilities during shoulder seasons, and public-private partnerships to modernize federally owned campgrounds operated by concessioners on federal lands.

USDA strongly supports the goals in Section 301 of working with rural communities to undertake comprehensive recreation planning including providing technical and financial assistance to them. We would welcome an opportunity to work with the Committee and bill sponsors to improve upon the current legislation in support of these goals, in particular, by clarifying the scope of Section 301.

Section 302 would promote conservation finance partnerships as an innovative funding model to develop and maintain recreation infrastructure on federal lands. USDA supports the goal of expanding the use of conservation finance agreements for recreation facilities and enhancing authorities to support that goal. For conservation finance to succeed at larger scales, it is critical to provide the long-term certainty needed to guarantee the agency's financial commitment to large-scale public-private partnerships that leverage external capital. It is also important to establish objective measures for determining the value of the contributions of the parties under these types of agreements. USDA would like to work with the Committee and bill sponsors on technical amendments to clarify and enhance the conservation finance agreement authority in Section 302.

Section 303 seeks to expand the availability of recreation facilities during shoulder seasons. This practice is already ongoing. The Forest Service may operate campgrounds that are not under concession during shoulder seasons and may operate campground concessions during shoulder seasons when a concessioner has not agreed to do so. The Forest Service has authority under the Cooperative Funds Act to enter into the type of agreements outlined in Section 303(c).

Section 304 authorizes a pilot program for agreements with private entities to provide for capital improvements, management, and maintenance of federally owned campgrounds operated by concessioners on federal lands. USDA would be interested in exploring the concepts of this provision further with the Committee and bill sponsors to ensure the scope of the provision is commensurate with its intent.

S. 3264, Bikes Over Long-Distance Bike Trails on Federal Lands Act

S. 3264 would require the federal land management agencies to identify at least 10 long-distance bike trails on the federal lands they manage and to identify at least 10 areas where there is an opportunity to develop or complete long-distance bike trails. Long-distance bike trails are defined as trails being at least 80 miles in length that are available to mountain biking, road biking, touring, or cyclo-cross. The bill would provide for maps and other bike trail identification materials and would require a report to congress on the identified bike trails within two years of enactment.

USDA supports the goal of S. 3264 to identify and promote long-distance biking opportunities on National Forest System lands. However, we do not believe legislation is necessary. Consistent with its multiple-use mission, the Forest Service considers mountain biking in the context of all possible types of trail uses on National Forest System trails, including hiking and horseback riding. We would welcome the opportunity to discuss biking opportunities and trail designation authorities on National Forest System lands with the Committee and bill sponsors, and if desired, to work on technical improvements that would minimize litigation risk.

S. 1269: Report on the effects of special recreation permits on EJ communities

USDA supports the intent of this bill, specifically the identification of barriers impacting environmental justice communities and permit holders when trying to access and enjoy public lands. We value the data being requested and would like to work with the Committee to ensure the language is drafted in a way that ensures successful implementation. Additionally, we would like to work with the Committee to ensure the bill accounts for current Agency efforts under Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government."

That concludes my testimony, Chairman. I would be happy to answer any questions you or the other members have for me.

STATEMENT OF THE U.S. DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to provide testimony on S. 3266, the Outdoor Recreation Act; S.1229, the Simplifying Outdoor Access for Recreation (SOAR) Act; S. 1874, the Recreation Not Red Tape Act; S. 1269, concerning environmental justice in recreation permitting; and S. 3264, the Biking on Long-Distance Trails Act.

S. 3266 proposes to modernize and improve outdoor recreation opportunities and encourage economic growth in rural communities through a variety of provisions. S. 1229

aims to improve the process and reduce the cost of applying for and administering Special Recreation Permits (SRPs) and authorizes single joint SRPs for multi-jurisdictional trips across Federal lands. S. 1874 contains substantially similar provisions to those of S. 1229 regarding SRPs, but also provides for online sales of interagency “America the Beautiful—the National Parks and Federal Recreational Lands” passes and establishes a National Recreation Area System, among other provisions. S. 1269 requires the Secretary of the Interior to submit a report to Congress on the estimated use of SRPs by recreation service providers serving “environmental justice communities.” Finally, S. 3264 requires the identification of long-distance bike trails on Federal lands.

The Department of the Interior (Department) supports the overall goals of these bills, which align with the Secretary’s priorities to build healthy communities and economies, advance environmental justice, and provide safe and equitable access to outdoor recreation opportunities for all Americans. The Department is advancing these priorities as guided by the Great American Outdoors Act; the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Dingell Act); Executive Order (E.O.) 14008, Tackling the Climate Crisis at Home and Abroad; and E.O. 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. Given this direction from Congress and the Administration, the Department is actively seeking ways to encourage, facilitate, and improve partnerships with and access for youth, Tribes, and underserved communities to public lands. This includes improving public health, safety, and climate resiliency at developed recreation sites and areas by updating and modernizing infrastructure, with special consideration to meeting accessibility standards for people with disabilities.

We believe these bills have the potential to address some long-standing challenges, and we look forward to working with the sponsors and the Committee to address a number of technical issues in the measures. We defer to the Department of Agriculture regarding provisions affecting the management of lands administered by the U.S. Forest Service (Forest Service).

Background

Federal land management agencies oversee approximately 640 million surface acres. The Bureau of Land Management (BLM) is responsible for approximately 245 million of those acres while the Forest Service manages another 193 million. Most other Federal land is managed by the U.S. Fish and Wildlife Service (FWS), with over 92 million acres, and the National Park Service (NPS), with approximately 80 million acres. The Bureau of Reclamation (Reclamation) and the Army Corps of Engineers also manage Federal lands used for recreation.

The Department's bureaus contribute to its overall recreation mission and to the Secretary's recreation and equitable access priorities. The National Park System, which preserves some of our most important national treasures, hosts over 300 million visitors every year. The public lands managed by the BLM host a remarkable variety of recreational activities, and BLM lands supported more than 73 million recreational visits last year—an increase of three million from 2019. The National Wildlife Refuge System provides world-renowned places to see iconic wildlife and partake in a variety of outdoor activities, such as hiking, bird-watching, canoeing and hunting. The water projects of Reclamation, which is the largest wholesale water supplier in the nation, are among America's most popular sites for water-based outdoor recreation.

The Federal Lands Recreation and Enhancement Act (FLREA) authorizes the following four Interior Department agencies to collect fees on Federal lands and waters: the BLM, Reclamation, FWS, and NPS. FLREA also provides the Forest Service in the Department of Agriculture authority to collect recreation fees. Revenues collected under FLREA allow the Federal government to implement projects that benefit visitors, such as improving accessibility, maintaining recreation sites, and building informational exhibits. FLREA also authorizes agencies to issue SRPs, which include authorizations for commercial, competitive event, and group recreation uses of the public lands and waters. These permits are issued to manage visitor use, protect recreational and natural resources, and provide for the health and safety of visitors. The BLM administers approximately 4,700 SRPs per year. Other Interior bureaus use different authorities in addition to FLREA to manage recreation and collect associated fees: the FWS issues special use permits; Reclamation issues use authorizations; and NPS issues commercial use authorizations (CUAs) and special use permits.

S. 3266, Outdoor Recreation Act

S. 3266 proposes to modernize and improve outdoor recreation on Federal lands by addressing permitting processes, land management planning, broadband connectivity at recreation sites, visitation data analysis, travel management, and public-private partnerships to renovate campgrounds on Federal lands, among other provisions.

Title I

Title I of S. 3266 aims to increase outdoor recreation opportunities by directing a study on permitting challenges that hinder youth groups' ability to access and recreate on Federal land and easing permit requirements for outfitters and guides serving fewer than 40 clients at picnic areas. Title I also outlines additional requirements for the BLM and Forest Service land use planning process by requiring recreation resource inventories and consideration of future recreation needs in developing land use plans. Finally,

Title I requires at least one designated shooting range to be established in each National Forest and BLM district.

Regarding designated shooting ranges in Section 104 of the bill, the BLM notes that it currently manages only six designated shooting ranges, with plans to open four more in BLM Arizona's Phoenix District in the near future. To determine whether to establish such ranges, the BLM works with the local communities to assess the demand and viability. While the BLM recognizes the sponsors' interest in increasing access to designated shooting ranges, we note that significant resources are required to develop and maintain shooting ranges, including removal of lead ammunition, clean-up of hazardous materials, and berm management. The BLM further notes that, given the many uses of the public lands that compete for resources, it would be challenging to manage such a large number of designated shooting ranges, as envisioned in the bill, without the ability to charge a user fee, which the bill currently prohibits. Finally, the BLM notes that over 99 percent of public lands are open to recreational shooting and the BLM works with local communities and our partners to provide access for these opportunities. Currently, there are over 20 shooting ranges on public lands that are administered by non-Federal entities through a Recreational & Public Purpose (R&PP) Act lease, and over 50 shooting ranges that have been patented and conveyed under the R&PP Act.

Title II

Title II of the bill seeks to modernize and improve recreation on public land by requiring the Department and the Forest Service to publish a list of high priority Federal recreation sites that lack broadband access and estimate the cost of facilitating that access. The bill directs the Department and the Forest Service to partner with the Department of Agriculture's Rural Utilities Service to construct broadband infrastructure at recreation sites. Title II also establishes a competitive grant program to enable non-Federal partners to help with inspection and decontamination of watercraft at reservoirs managed by the Department to prevent the introduction and spread of aquatic invasive species.

Title II requires collection and publication of real-time visitation data on a single interagency system and directs the Forest Service and BLM to prioritize completion of travel management plans. Section 204 of Title II requires the BLM to develop a ground transportation linear feature or motor vehicle and over-snow vehicle use map for each BLM district in a GIS-compliant format within five years of enactment. The bill also requires the BLM to update any travel management plan that is fifteen years or older.

The BLM recognizes how important visitation data is to enhancing recreational opportunities and experiences for visitors while protecting natural and cultural resources. Most recreational opportunities on BLM-managed public

lands are not directly tied to developed sites and facilities. Due to the dispersed nature of these recreational activities, it would be challenging for the BLM to provide the real-time, site-specific visitation data required by the bill, and thus we are concerned that the provision could not be implemented as currently drafted. The Department would like to work with the Committee and bill sponsors to address technical issues in order to achieve the sponsors' goals.

Additionally, to date, the BLM has incorporated 90,000 miles of roads and trail routes into its transportation system through completion of 153 travel plans, but there are an estimated 400,000 miles of routes remaining that would need to be inventoried, evaluated, and incorporated into the transportation system as appropriate. Given the sheer volume of roads and trails on BLM lands and the process required to complete each travel plan, it may not be feasible to obtain the required road and trail information for the linear feature within five years of enactment. The BLM further recognizes that it must balance the need for public access with protecting natural and cultural resources through upholding the long-standing minimization criteria for travel management planning when designating travel and trail routes.

Title III

Title III seeks to encourage economic growth by providing for financial and technical assistance to develop visitation infrastructure in rural communities adjacent to recreation destinations. Specifically, Title III directs the Department and the Forest Service to explore extending recreation shoulder season opportunities and establishes a pilot program for public-private partnership agreements to modernize campgrounds on Forest Service and BLM-managed lands. In addition, Section 304 of the bill requires the BLM to enter into at least 1 public-private partnership agreement to modernize campgrounds in no fewer than 5 states in which the BLM administers public lands.

The BLM appreciates the sponsors' interest in finding innovative ways to modernize recreation facilities and meet the growing demand for outdoor recreation opportunities. The BLM notes that it does not currently have the authority to enter into concessions agreements, and the pilot program established in section 304 gives the BLM a similar authority for modernizing campgrounds covered by the pilot program. Finally, section 304 only allows the Secretaries to enter into agreements for modernizing campgrounds with private entities. Since the BLM currently engages with non-profit groups and local, state, and Tribal governments to cooperatively manage sites, the BLM recommends that the sponsors consider expanding this pilot program to include those entities, as they may also benefit from participating.

S. 1229, SOAR Act

S. 1229 authorizes single joint SRPs for multi-jurisdictional trips across Federal lands and makes various amendments to FLREA aimed at improving the process and reducing the cost of applying for and administering SRPs.

Single Joint SRPs for Multi-Jurisdictional Trips

Section 7 of S. 1229 authorizes agencies to issue single joint SRPs for trips crossing jurisdictional boundaries of more than one Federal land managing agency. When a single joint SRP for a multi-jurisdictional trip is proposed, the bill authorizes each of the land management agencies to identify a lead agency for the SRP. This designation is determined by the relative length of the portions of the proposed trip, the land use designations of the areas to be accessed during the trip, the relative ability of each agency to properly administer the single joint SRP, and any other considerations. Under the bill, the agencies would not be permitted to recover the costs of this coordination. S. 1229 also authorizes agencies to delegate their respective enforcement authorities to the designated lead agency.

The Department supports efforts to improve the permitting process for trips that cross jurisdictional boundaries and would like to continue to work with the sponsors on certain modifications. For example, the Department supports delegating enforcement authorities among agencies, but would like to ensure these delegations conform with the statutory authorities for each agency. In addition, the Department would like some clarity on how an environmental analysis would be handled by the identified lead agency to ensure compliance with standards for other agencies. Specifically, the Department is concerned that the use of categorical exclusions authorized by the lead agency and applied to a single joint SRP for a multi-jurisdictional trip could result in conflicts with another agency's established National Environmental Policy Act (NEPA) processes.

Although the Department appreciates the bill's option for agencies to withdraw from single joint SRPs, the Department feels the requirements to issue substantially similar permits with no new application may cause processing issues and other limitations that could impact the timeliness of the permitting process. If an agency needs to withdraw from a single joint SRP, presumably it is because the agency needs to issue a permit under terms different from the single joint SRP, whether due to differing management concerns or other circumstances. Lastly, the Department would like to continue to work with the sponsors to determine appropriate cost recovery options.

Alignment of Permitting Authorities & Fees

Section 3 of S. 1229 defines each land management agency's recreation permitting instruments as SRPs under FLREA and lays out a formula for the fees associated with

SRPs, including alternative fees. NPS is excluded from these fee-setting provisions in the bill; however, the Department is concerned that these provisions, coupled with the limited cost-recovery provided in the bill, would severely limit the NPS's ability to fund the program.

The Department generally supports expanding FLREA to coordinate recreation permitting across agencies. However, the Department believes the bill, as currently written, could create conflicts with existing statutory authorities. For example, the NPS issues CUAs (for activities included in the definition of SRPs under the bill) under the authority of the National Park Service Concessions Management Improvement Act of 1998, not under FLREA. Additionally, the NPS issues special use permits and recovers associated costs under 54 U.S.C. 103104 for many of the activities that would be permitted under SRPs. The Department would like to continue to work with the sponsors and Committee on modifications to these provisions.

Expedited Permitting

S. 1229 provides authority for agencies to improve recreation permitting processes. This includes the expanded use of categorical exclusions, programmatic NEPA, and expedited rulemaking. The bill also directs agencies to make online permit applications available. The Department supports these efforts as we continue to pursue opportunities to facilitate increased recreational access for all Americans, especially underserved communities. The BLM has already taken significant steps to develop online access to recreation information and permits, most recently through its launch of the pilot Recreation and Permit Tracking Online Reporting (RAPTOR) system. RAPTOR allows users to apply for and renew SRPs online. The BLM piloted RAPTOR in seven field offices during fiscal year 2021, and successfully issued 38 permits through the system. An additional 17 field offices will be added to the RAPTOR pilot in 2022.

S. 1229 authorizes permittees to voluntarily return unused service days to be available for other permittees. The bill also authorizes use of temporary SRPs and conversion of temporary permits to long-term permits. In addition, the bill includes provisions directing agencies to establish a permit administration protocol to automatically authorize permittees to engage in activities substantially similar to those for which they have a permit. The Department supports efforts to simplify the permitting process for applicants.

Permit Notifications

Section 6 of S. 1229 requires agencies to make notifications of permit opportunities available online. The Department supports these efforts and would welcome the opportunity to work further with the sponsors and the Committee on necessary modifications to these provisions. For example, the Department is concerned that providing noti-

fiction of all potential recreation permit opportunities could result in a speculative market for the most profitable ones. Additionally, recreation activities are generally proposed by the public, and bureaus then determine whether they require permits under Federal land management laws and regulations.

Liability & Cost Recovery

Section 9 of S. 1229 determines the terms under which agencies require permittees to waive the liability of the United States for permitted recreation activities. Section 10 also requires agencies to amend the cost recovery process for issuing and renewing SRPs. This section would exempt the first 50 hours of work from cost recovery in issuing and monitoring these permits. Under the bill, the exemption would be applied to multiple permit applications for similar services in the same area. The agencies would be required to determine the share of the aggregate amount to be allocated to each application on an equal or prorated basis. While the Department supports the goal of simplifying processes when they are overly burdensome, we would like to continue to work with the sponsors and the Committee to determine appropriate cost recovery options for the agencies. For example, limiting full cost recovery on larger, more complex applications could unintentionally prevent the effective administration of all SRPs.

S. 1874, Recreation Not Red Tape Act

Title I of S. 1874 contains substantially similar provisions authorizing single joint SRPs for multi-jurisdictional trips across Federal lands to the language in S. 1229 discussed above. Like S. 1229, Title I of S. 1874 also makes various amendments to FLREA aimed at improving the process and reducing the cost of applying for and administering SRPs. Titles II through IV of S. 1874 address access to public lands for recreation, job opportunities for veterans at Federal land management agencies, and establishment of a National Recreation Area System and inter-agency trail management program, among other provisions.

Title I

Title I of S. 1874 contains two sections that are not included in S. 1229. Sections 111 and 112 of S. 1874 encourage the agencies to work with states to allow a purchaser to buy a Federal recreation pass and state recreation pass in the same transaction and requires the Secretaries to sell the Federal America the Beautiful passes through the website of each Federal land management agency. The Department supports improvements in the retail of recreation passes for the recreating public and would like to work with the sponsors to ensure the Department has the ability to perform revenue transfers across multiple entities. We note the Federal America the Beautiful passes are currently available online through the USGS Store, including

the free Annual Military Pass for Gold Star Families and Veterans. Further, since Veteran's Day 2020, Gold Star Families and U.S. military veterans are eligible to receive free access to more than 2,000 Federal recreation areas, including national parks, wildlife refuges, and forests. The free access program is a way to thank America's veterans, Gold Star Families, and current military and their dependents for their support of our country and to encourage them to explore recreational opportunities on their public lands and waters.

Title II

Title II of S. 1874 directs agencies to work with branches of the military to improve veterans' and service members' opportunities to engage in outdoor recreation, and to hire veterans at Federal land management agencies. The Department is working diligently to expand recreation access for our military families and veterans, and strongly supports these provisions.

Titles III & IV

Title III establishes a National Recreation Area System composed of existing Forest Service and BLM National Recreation Areas and any future areas designated by Congress. It includes provisions to protect valid existing rights within the National Recreation Areas, as well as livestock grazing units, state and Tribal jurisdiction over fish and wildlife, water rights, and ski area land. Further, the title requires agencies to develop comprehensive management plans associated with each National Recreation Area. Title III also directs agencies to develop appropriate recreation performance metrics for evaluating public land managers and adds recreation to the missions of other Federal agencies. Title IV promotes the use of volunteers to support the stewardship of public lands and directs agencies to establish an interagency trail management plan.

The Department appreciates these efforts to highlight and support the incredible recreation values of our public lands and generally supports the goals of these provisions. We would like to work with the Committee and bill sponsors to ensure the necessary capacity is available and strategically placed to address the associated workload to achieve the bill's intent.

S. 1269, Concerning Environmental Justice in Recreation Permitting

S. 1269 requires the Department to prepare a report to Congress on the use of SRPs by recreation service providers serving environmental justice communities. The bill defines environmental justice communities as communities "with significant representation of communities of color, low-income communities, or Tribal and indigenous communities, that experiences, or is at risk of experiencing, higher or more adverse human health or environmental effects than other communities."

The bill requires the report to include estimated use of SRPs by recreation service providers serving environmental justice communities, and policies and barriers affecting their access. The report may also include illustrative case studies on effective use of SRPs to provide public land access for these providers, as well as recommendations for agency policy or Congressional action to encourage and simplify public land access for them. The bill does not require recreation service providers to participate in the Department's information gathering for the report, and the Department is prohibited from requiring SRP applicants or holders to provide any information to the Department for the report as a condition of a permit.

The Department strongly supports the goal of promoting equitable use of public lands by all Americans, especially communities of color, low-income communities, and rural and indigenous communities that have long suffered disproportionate and cumulative harm from air pollution, water pollution, and toxic sites. As directed by E.O. 14008, the Department is committed to making environmental justice part of its mission by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related, and other cumulative impacts on disadvantaged communities.

Finally, we would appreciate the opportunity to work with the sponsors and the Committee to ensure the Department is able to obtain sufficient information to complete the report within the three-year deadline, as well as ensure that all applicable agencies that issue SRPs are covered by the legislation.

S. 3264, Biking on Long-Distance Trails Act

S. 3264 requires the Secretary of the Interior and Secretary of Agriculture to identify no less than 10 existing long-distance bike trails and 10 areas presenting an opportunity to develop or complete long-distance bike trails. The long-distance trails would cross no less than 80 miles of lands managed by the Department of the Interior and National Forest System Lands to provide opportunities for mountain biking, road biking, touring, and gravel biking. S. 3264 directs the long-distance trails to be consistent with the management requirements of the Federal lands crossed and requires coordination with stakeholders to evaluate resources and feasibility. Further, Federal agencies may publish maps, install signage, and issue promotional materials for any identified long-distance bike trails under the bill. Lastly, S. 3264 requires the Secretaries, in partnership with interested organizations, to prepare and publish a report listing the trails within two years.

The Department supports the goals of establishing additional opportunities for bicycling on Federal lands. The diverse lands managed by the various agencies of the Department provide tremendous opportunities for cycling.

The BLM, for example, has a longstanding partnership with external organizations to provide information, GPS trail maps, and interactive virtual tours for mountain biking on public lands, and promotes the “Top 20 Mountain Biking Opportunities” on BLM-managed lands.

We would also welcome the opportunity to work with the sponsor and the Committee on some of the bill’s provisions. For example, we would like clarification regarding each Secretary’s responsibilities toward achieving the number of identified areas conducive to long-distance bike trails and opportunities for developing trails. Additionally, the Department notes that some of the best opportunities for developing long-distance bike trail routes could likely traverse non-Federal lands, and we would like to work with the sponsor to allow for the inclusion of non-Federal land segments in the trails. We would also like to ensure sufficient time and resources are provided in the bill for stakeholder outreach, coordination of public input on the feasibility of the trails, completing environmental analyses and any changes to local land use plans—as well as for managing and maintaining the trails upon their establishment. Finally, the Department would like to discuss further with the sponsor how to best define the intended use of these trail segments, including how uses such as electric bicycles would affect that use and the management of other uses, such as hiking, or off-highway vehicles, as appropriate.

ADDITIONAL BILLS

In addition to providing testimony on these public land recreation bills, the Department also provides testimony today on S. 1616, the Federal Interior Land Media Act; S. 2258, the Parks, Jobs, And Equity Act; S. 2887, the Outdoors For All Act; and S. 2886, the Cape and Antler Preservation Enhancement Act.

S. 1616, Federal Interior Land Media Act

S. 1616, the Federal Interior Land Media Act, would provide exceptions from permitting and fee requirements for content creation, regardless of distribution platform, including digital or analog video and digital or analog audio recording activities, conducted on land under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior.

In litigation pending before the U.S. Court of Appeals for the D.C. Circuit, *Price v. Garland*, No. 21–5073 (D.C. Cir.), a federal district court ruled that aspects of the existing commercial filming statute for the National Park Service violates the First Amendment. Judicial resolution of this pending litigation would inform whether and how Congress may choose to legislate in this area. The Department would like to work with the committee and bill sponsor on this issue once a decision is rendered in the case to consider legislative or other approaches to balance the inter-

ests and rights of those engaged in filming with the government's interest in protecting lands and resources.

S. 2258, Parks, Jobs, & Equity Act and S. 2887, the Outdoors for All Act

The Department is committed to ensuring that the public has access to the great outdoors, and developing parks for this goal, particularly in underserved and economically disadvantaged areas lacking in outdoor recreation opportunities. The NPS currently supports this goal by implementing the Outdoor Recreation Legacy Partnership (ORLP) program to assist the acquisition and development of outdoor recreation in urban areas that lack such resources with 50:50 matching Land and Water Conservation Fund (LWCF) grants as well as by jointly administering the LWCF State and Local Assistance program, which provides grants to states based on a legislated formula. The Great American Outdoors Act, which became law in 2020, permanently appropriated funds for these programs.

The Department supports the intent of both S. 2887 and S. 2258 to further this goal by legislating grant programs targeted to developing parks in underserved and economically disadvantaged areas. S. 2887, the Outdoors for All Act, would establish an outdoor recreation legacy partnership program under which the Secretary may award grants to eligible entities for prioritized projects that would serve qualifying areas, similar to the ORLP program. S. 2258, the Parks, Jobs, and Equity Act, would authorize a one-time grant program of \$500 million with the intent to support park development and the delivery of recreation services to help create and preserve jobs while providing economic stimulus. This grant program would provide funds based on a mandated formula, rather than a competitive process, the funds would not be subject to a matching grant or other requirements of the ORLP program regarding land protections and accountability.

The Department would like to work with the committee and sponsors on amendments that would more closely align S. 2887 and S. 2258 with the goals and structure of the current, successful ORLP Program.

S. 2886, Cape & Antler Preservation Enhancement Act

S. 2886, the Cape and Antler Preservation Enhancement Act, would amend title 54, United States Code, to authorize the donation and distribution of capes, horns, and antlers from wildlife management activities carried out on National Park System land. It also authorizes the Secretary to give priority consideration in the donation and distribution of these items to qualified volunteers that participate in wildlife management activities.

The Department opposes S. 2886 unless amended as follows. The Department recommends amending the language of S. 2886 to state that all portions of animals removed from NPS-managed lands, rather than only meat,

cap, horns, and antlers, may be donated to outside entities including, but not limited to, food banks, Indian Tribes, and qualified volunteers. This will allow the NPS to utilize the carcass of removed animals to the greatest extent and will allow for scientific study or natural degradation of the carcass if these practices are deemed the most important endpoint for the animal.

Additionally, the Department recommends striking the language that prioritizes qualified volunteers to receive meat and parts of animals removed as a result of management activities. Lethal removal is different from hunting and this language limits the ability to use the animal to fulfill the highest need(s). By striking this section it allows the NPS to determine the highest and best use of these carcasses whether it be donation to Tribes, food banks, or volunteers, and it allows for scientific research when warranted. If this language remains, it may compromise the ability to work productively with Tribes and local communities to meet nutritional and cultural needs, as well as impair the ability to manage wildlife resources with best available science and management actions.

CONCLUSION

The Department strongly supports efforts to promote equitable access to outdoor recreational opportunities on our nation's public lands, and we look forward to working further with the sponsors and the Committee on these important issues.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 3266, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 92-300

THE VOLUNTEERS IN THE NATIONAL FORESTS ACT OF 1972

AN ACT To Authorize the Secretary of Agriculture to Establish a Volunteers in the National Forests Program, and for Other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteers in the National Forests and Public Land Act".

SEC. 2. PURPOSE.

The purpose of this Act is to leverage volunteer engagement to supplement projects carried out by the Secretaries to fulfill the missions of the Forest Service and the Bureau of Land Management that are accomplished with appropriated funds.

SEC. 3. DEFINITION OF SECRETARIES.

In this Act, the term "Secretaries" means each of—

- (1) *the Secretary of Agriculture, acting through the Chief of the Forest Service; and*
- (2) *the Secretary of the Interior, acting through the Director of the Bureau of Land Management.*

[That the Secretary of Agriculture (hereinafter referred to as the "Secretary") is]

SEC. 4. AUTHORIZATION.

The Secretaries are authorized to recruit, train, and accept without regard to the civil service and classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of recreation access, trail construction or maintenance, facility construction or maintenance, educational uses (including outdoor classroom construction or maintenance), interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the [Secretary through the Forest Service] Secretaries. In carrying out this section, the [Secretary] Secretaries shall consider referrals of prospective volunteers made by the Corporation for National and Community Service.

SEC. [2]5. INCIDENTAL EXPENSES.

[The Secretary is] *The Secretaries are authorized to provide for incidental expenses, such as transportation, uniforms, lodging, training, equipment, and subsistence.*

SEC. [3]6. CONSIDERATION AS A FEDERAL EMPLOYEE.

(a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For the purpose of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

(d) For the purposes of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this Act shall be considered a Federal employee, and the provisions of 31 U.S.C. 3721 shall apply.

(e) For the purposes of subsections (b), (c), and (d), the term "volunteer" includes a person providing volunteer services to **[the Secretary]** *either of the Secretaries* who—

(1) *is recruited, trained, and supported by a cooperator under a mutual benefit agreement [with the Secretary] or cooperative agreement with either of the Secretaries; and*

(2) *performs such volunteer services under the supervision of the cooperator as directed by [the Secretary] either of the Secretaries in the mutual benefit agreement or cooperative agreement, including direction that specifies—*

(A) the volunteer services [to be performed by the volunteers], including the geographical boundaries of the work to be performed by the volunteers and the supervision to be provided by the cooperator;

(B) the applicable project safety standards and protocols to be adhered to by the volunteers and enforced by the cooperator; [and]

(C) the on-site visits to be made by [the Secretary, when feasible] either of the Secretaries, if feasible and only if necessary, to verify that volunteers are performing the volunteer services and the cooperator is providing the supervision agreed upon[.];

(D) the equipment the volunteers are authorized to use;

(E) the training the volunteers are required to complete;

(F) the actions the volunteers are authorized to take; and

(G) any other terms and conditions that are determined to be necessary by the applicable Secretary.

SEC. 7. PROMOTION OF VOLUNTEER OPPORTUNITIES.

The Secretaries shall promote volunteer opportunities in areas administered by the Secretaries.

SEC. 8. LIABILITY INSURANCE.

The Secretaries shall not require a cooperator or a volunteer (as those terms are used in in section 6) to have liability insurance to provide the volunteer services authorized under this Act.

[SEC. 4. There are]

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. [SEC. 5. This Act may be cited as the "Volunteers in the National Forests Act of 1972".]

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Public Law 106–206

AN ACT To Allow the Secretary of the Interior and the Secretary of Agriculture to Establish a Fee System for Commercial Filming Activities on Federal Land, and for Other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. COMMERCIAL FILMING.

(a) **COMMERCIAL FILMING FEE.**—The Secretary of the Interior and the Secretary of Agriculture (hereafter individually referred to as the “Secretary” with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

- (1) The number of days the filming activity or similar project takes place on Federal land under the Secretary’s jurisdiction.
- (2) The size of the film crew present on Federal land under the Secretary’s jurisdiction.
- (3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(b) **RECOVERY OF COSTS.**—The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) **STILL PHOTOGRAPHY.**— (1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

(d) **PROTECTION OF RESOURCES.**—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) that the activity poses health or safety risks to the public.

(e) **USE OF PROCEEDS.**—(1) All fees collected under this Act shall be available for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104–134). All fees collected shall remain available until expended.

(2) All costs recovered under this Act shall be available for expenditure by the Secretary, without further appropriation, at the site where collected. All costs recovered shall remain available until expended.

(f) **PROCESSING OF PERMIT APPLICATIONS.**—The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.]

SECTION 1. FILMING AND STILL PHOTOGRAPHY.

(a) **FILMING AND STILL PHOTOGRAPHY.**—

(1) **IN GENERAL.**—*The Secretary concerned shall ensure that a filming or still photography activity or similar project at a Federal land management unit (referred to in this section as a 'filming or still photography activity') and the authorizing or permitting of a filming or still photography activity are carried out consistent with—*

(A) *the laws and policies applicable to the Secretary concerned; and*

(B) *an applicable general management plan.*

(2) **NO PERMITS REQUIRED.**—*The Secretary concerned shall not require an authorization or a permit or assess a fee, if a fee for a filming or still photography activity is not otherwise required by law, for a filming or still photography activity that—*

(A)(i) involves fewer than 6 individuals; and
 (ii) meets each of the requirements described in paragraph (5); or

(B) is merely incidental to, or documenting, an activity or event that is allowed or authorized at the Federal land management unit, regardless of—

(i) the number of individuals participating in the allowed or authorized activity or event; or

(ii) whether any individual receives compensation for any products of the filming or still photography activity.

(3) **FILMING AND STILL PHOTOGRAPHY AUTHORIZATIONS FOR DE MINIMIS USE.**—

(A) **IN GENERAL.**—The Secretary concerned shall establish a de minimis use authorization for certain filming or still photography activities that meets the requirements described in subparagraph (F).

(B) **POLICY.**—For a filming or still photography activity that meets the requirements described in subparagraph (F), the Secretary concerned—

(i) may require a de minimis use authorization; and

(ii) shall not require a permit.

(C) **NO FEE.**—The Secretary concerned shall not charge a fee for a de minimis use authorization under this paragraph.

(D) **ACCESS.**—The Secretary concerned shall enable members of the public to apply for and obtain a de minimis use authorization under this paragraph—

(i) through the website of the Department of the Interior or the Forest Service, as applicable; and

(ii) in person at the field office for the Federal land management unit.

(E) **ISSUANCES.**—The Secretary concerned shall—

(i) establish a procedure—

(I) to automate the approval of an application submitted through the website of the Department of the Interior or the Forest Service, as applicable, under subparagraph (D)(i); and

(II) to issue a de minimis use authorization under this paragraph immediately on receipt of an application that is submitted in person at the field office for the Federal land management unit under subparagraph (D)(ii); and

(ii) if an application submitted under subparagraph (D) meets the requirements of this paragraph, immediately on receipt of the application issue a de minimis use authorization for the filming or still photography activity.

(F) **TERMS.**—The Secretary concerned shall only issue a de minimis use authorization under this paragraph if the filming or still photography activity—

(i) involves a group of not fewer than 6 individuals and not more than 8 individuals;

(ii) meets each of the requirements described in paragraph (5); and

(iii) is consistent with subsection (c).

(G) *CONTENTS.*—A *de minimis* use authorization issued under this paragraph shall list the requirements described in subparagraph (F).

(4) *REQUIRED PERMITS.*—Except as provided in paragraph (2)(B), the Secretary concerned may require a permit application and, if a permit is issued, assess a reasonable fee, as described in subsection (b)(1), for a filming or still photography activity that—

(A) involves more than 8 individuals;

(B) does not meet each of the requirements described in paragraph (5); or

(C) is conducted in a component of the National Wilderness Preservation System.

(5) *REQUIREMENTS FOR FILMING OR STILL PHOTOGRAPHY ACTIVITY.*—The requirements referred to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B), and (7)(C) are as follows:

(A) A person conducts the filming or still photography activity in a manner that—

(i) does not impede or intrude on the experience of other visitors to the Federal land management unit;

(ii) except as otherwise authorized, does not disturb or negatively impact—

(I) a natural or cultural resource; or

(II) an environmental or scenic value; and

(iii) allows for equitable allocation or use of facilities of the Federal land management unit.

(B) The person conducts the filming or still photography activity at a location in which the public is allowed.

(C) The person conducting the filming or still photography activity does not require the exclusive use of a site or area.

(D) The person does not conduct the filming or still photography activity in a localized area that receives a very high volume of visitation.

(E) The person conducting the filming or still photography activity does not use a set or staging equipment, subject to the limitation that handheld equipment (such as a tripod, monopod, and handheld lighting equipment) shall not be considered staging equipment for the purposes of this subparagraph.

(F) The person conducting the filming or still photography activity complies with and adheres to visitor use policies, practices, and regulations applicable to the Federal land management unit.

(G) The filming or still photography activity is not likely to result in additional administrative costs being incurred by the Secretary concerned with respect to the filming or still photography activity, as determined by the Secretary concerned.

(H) The person conducting the filming or still photography activity complies with other applicable Federal, State, and local laws (including regulations), including laws relating to the use of unmanned aerial equipment.

(6) *CONTENT CREATION.*—Regardless of distribution platform, any video, still photograph, or audio recording for commercial or noncommercial content creation at a Federal land management unit shall be considered to be a filming or still photography activity under this subsection.

(7) *EFFECT.*—

(A) *PERMITS REQUESTED THOUGH NOT REQUIRED.*—On the request of a person intending to carry out a filming or still photography activity, the Secretary concerned may issue a permit for the filming or still photography activity, even if a permit for the filming or still photography activity is not required under this section.

(B) *NO ADDITIONAL PERMITS, COMMERCIAL USE AUTHORIZATIONS, OR FEES FOR FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.*—A filming or still photography activity at an activity or event that is allowed or authorized, including a wedding, engagement party, family reunion, or celebration of a graduate, shall be considered merely incidental for the purposes of paragraph (2)(B).

(C) *MONETARY COMPENSATION.*—The receipt of monetary compensation by the person engaged in the filming or still photography activity shall not affect the permissibility of the filming or still photography activity.

(b) *FEES AND RECOVERY COSTS.*—

(1) *FEES.*—The reasonable fees referred to in subsection (a)(4) shall meet each of the following criteria:

(A) The reasonable fee shall provide a fair return to the United States.

(B) The reasonable fee shall be based on the following criteria:

(i) The number of days of the filming or still photography activity.

(ii) The size of the film or still photography crew present at the Federal land management unit.

(iii) The quantity and type of film or still photography equipment present at the Federal land management unit.

(iv) Any other factors that the Secretary concerned determines to be necessary.

(2) *RECOVERY OF COSTS.*—

(A) *IN GENERAL.*—The Secretary concerned shall collect from the applicant for the applicable permit any costs incurred by the Secretary concerned related to a filming or still photography activity subject to a permit under subsection (a)(4), including—

(i) the costs of the review or issuance of the permit; and

(ii) related administrative and personnel costs.

(B) *EFFECT ON FEES COLLECTED.*—All costs recovered under subparagraph (A) shall be in addition to the fee described in paragraph (1).

(3) *USE OF PROCEEDS.*—

(A) *FEES.*—All fees collected under this section shall—

(i) be available for expenditure by the Secretary concerned, without further appropriation; and

(ii) remain available until expended.

(B) COSTS.—All costs recovered under paragraph (2)(A) shall—

(i) be available for expenditure by the Secretary concerned, without further appropriation, at the Federal land management unit at which the costs are collected; and

(ii) remain available until expended.

(c) PROTECTION OF RESOURCES.—The Secretary concerned shall not allow a person to undertake a filming or still photography activity if the Secretary concerned determines that—

(1) there is a likelihood that the person would cause resource damage at the Federal land management unit, except as otherwise authorized;

(2) the person would create an unreasonable disruption of the use and enjoyment by the public of the Federal land management unit; or

(3) the filming or still photography activity poses a health or safety risk to the public.

(d) PROCESSING OF PERMIT APPLICATIONS.—

(1) IN GENERAL.—The Secretary concerned shall establish a process to ensure that the Secretary concerned responds in a timely manner to an application for a permit for a filming or still photography activity required under subsection (a)(4).

(2) COORDINATION.—If a permit is required under this section for 2 or more Federal agencies or Federal land management units, the Secretary concerned and the head of any other applicable Federal agency, as applicable, shall, to the maximum extent practicable, coordinate permit processing procedures, including through the use of identifying a lead agency or lead Federal land management unit—

(A) to review the application for the permit;

(B) to issue the permit; and

(C) to collect any required fees.

(e) DEFINITIONS.—In this section:

(1) FEDERAL LAND MANAGEMENT UNIT.—The term “Federal land management unit” means—

(A) Federal land (other than National Park System land) under the jurisdiction of the Secretary of the Interior; and

(B) National Forest System land.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to land described in paragraph (1)(A); and

(B) the Secretary of Agriculture, with respect to land described in paragraph (1)(B).

Public Law 106–291

**Department of the Interior and Related Agencies
Appropriations Act, 2001**

AN ACT Making Appropriations for the Department of the Interior and Related Agencies for the Fiscal Year Ending September 30, 2001, and for Other Purposes.

* * * * *

TITLE III—GENERAL PROVISIONS

* * * * *

【SEC. 330. In fiscal year 2012 and each fiscal year thereafter, the Secretaries of the Interior and Agriculture, subject to annual review of Congress, may establish programs to conduct projects, planning, permitting, leasing, contracting and other activities, either jointly or on behalf of one another; may co-locate in Federal offices and facilities leased by an agency of either Department; and may promulgate special rules as needed to test the feasibility of issuing unified permits, applications, and leases. The Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of the “Service First” initiative agency-wide to promote customer service and efficiency. Nothing herein shall alter, expand or limit the applicability of any public law or regulation to lands administered by the Bureau of Land Management, National Park Service, Fish and Wildlife Service, or the Forest Service or matters under the purview of other bureaus or offices of either Department. To facilitate the sharing of resources under the Service First initiative, the Secretaries of the Interior and Agriculture may make transfers of funds and reimbursement of funds on an annual basis, including transfers and reimbursements for multi-year projects, except that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.】

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Public Law 108–447

Consolidated Appropriations Act, 2005

AN ACT Making Appropriations for Foreign Operations, Export Financing, and Related Programs for the Fiscal Year Ending September 30, 2005, and for Other Purposes.

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DIVISION J—OTHER MATTERS

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VIII—FEDERAL LANDS RECREATION ENHANCEMENT ACT

【SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the “Federal Lands Recreation Enhancement Act”.

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

- Sec. 801. Short title and table of contents.
- Sec. 802. Definitions.
- Sec. 803. Recreation fee authority.
- Sec. 804. Public participation.
- Sec. 805. Recreation passes.
- Sec. 806. Cooperative agreements.
- Sec. 807. Special account and distribution of fees and revenues.
- Sec. 808. Expenditures.
- Sec. 809. Reports.
- Sec. 810. Sunset provision.
- Sec. 811. Volunteers.

- Sec. 812. Enforcement and protection of receipts.
 Sec. 813. Repeal of superseded admission and use fee authorities.
 Sec. 814. Relation to other laws and fee collection authorities.
 Sec. 815. Limitation on use of fees for employee bonuses.】

SEC. 801. SHORT TITLE.

This title may be cited as the “Federal Lands Recreation Enhancement Act”.

SEC. 802. DEFINITIONS.

In 【this Act】 *this title*:

【(3)】 (1) ENTRANCE FEE.—The term “entrance fee” means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States

(2) EXPANDED AMENITY RECREATION FEE.—The term “expanded amenity recreation fee” means the recreation fee authorized by 【section 3(g)】 *section 803(g)*.

Fish and Wildlife Service.

【(4)】 (3) FEDERAL LAND MANAGEMENT AGENCY.—The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

【(5)】 (4) FEDERAL RECREATIONAL LANDS AND WATERS.—The term “Federal recreational lands and waters” means lands or waters managed by a Federal land management agency.

【(6)】 (5) NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—The term “National Parks and Federal Recreational Lands Pass” means the interagency national pass authorized by 【section 5(a)(7)】 *section 805(a)(7)*.

【(7)】 (6) PASSHOLDER.—The term “passholder” means the person who is issued a recreation pass.

【(8)】 (7) RECREATION FEE.—The term “recreation fee” means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

【(9)】 (8) RECREATION PASS.—The term “recreation pass” means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by 【section 5(d)】 *section 805(d)*.

(9) RECREATION SERVICE PROVIDER.—*The term “recreation service provider” means a person that provides recreational services to the public under a special recreation permit under clause (iii) or (iv) of paragraph (13)(A).*

【(11)】 (10) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

【(10)】 (11) SECRETARY.—The term “Secretary” means—

(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

(B) the Secretary of Agriculture, with respect to the Forest Service.

(12) SPECIAL ACCOUNT.—The term “special account” means the special account established in the Treasury under 【section 7】 *section 807* for a Federal land management agency.

(13) SPECIAL RECREATION PERMIT.—

(A) *IN GENERAL.*—The term “special recreation permit” means a permit issued by a Federal land management agency for the use of Federal recreational lands and waters—

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

(I) an organizational camp;

(II) a single event that does not require an entry or participation fee that is not strictly a sharing of expenses for the purposes of the event; and

(III) participation by the public in a recreation activity or recreation use of a specific area of Federal recreational lands and waters in which use by the public is allocated;

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

(iii) for—

(I) at the discretion of the Secretary, a single organized group recreation activity or event (including an activity or event in which motorized recreational vehicles are used or in which outfitting and guiding services are used) that—

(aa) is a structured or scheduled event;

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

(cc) may charge an entry or participation fee;

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

(ee) is undertaken or provided by the recreation service provider at the same site not more frequently than 3 times a year; or

(II) a single competitive event; or

(iv) for—

(I) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, the authorization for which is for a term of not more than 10 years; or

(II) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, that occurs under a transitional special recreation permit authorized section 312(a) of the America’s Outdoor Recreation Act of 2022.

(B) *EXCLUSIONS.*—The term “special recreation permit” does not include—

(i) a concession contract for the provision of accommodations, facilities, or services;

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

(iii) any other type of permit, including a special use permit administered by the National Park Service.

[(13)] (14) SPECIAL RECREATION PERMIT FEE.—The term “special recreation permit fee” means the fee authorized by **[section 3(h)] section 803(h)(2).**

[(1)] (15) STANDARD AMENITY RECREATION FEE.—The term “standard amenity recreation fee” means the recreation fee authorized by [section 3(f)] *section 803(f)*.

SEC. 803. RECREATION FEE AUTHORITY.

(a) AUTHORITY OF SECRETARY.—Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) BASIS FOR RECREATION FEES.—Recreation fees shall be established in a manner consistent with the following criteria:

(1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.

(2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.

(3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.

(4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in [section 4(d)] *section 804(d)*.

(6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.

(c) SPECIAL CONSIDERATIONS.—The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.

(d) LIMITATIONS ON RECREATION FEES.—

(1) PROHIBITION ON FEES FOR CERTAIN ACTIVITIES OR SERVICES.—The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this [Act] *title* for any of the following:

(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

(B) For general access unless specifically authorized under this section.

(C) For dispersed areas with low or no investment unless specifically authorized under this section.

(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.

(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23, which is commonly used by the public as a means of travel between two places either or both of which

are outside any unit or area at which recreation fees are charged under this [Act] title.

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this [Act] title.

* * * * *

(4) NO RESTRICTION ON RECREATION OPPORTUNITIES.—Nothing in this [Act] title shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

* * * * *

[(h) SPECIAL RECREATION PERMIT FEE.—The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.]

(h) SPECIAL RECREATION PERMITS AND FEES.—

(1) SPECIAL RECREATION PERMITS.—

(A) APPLICATIONS.—The Secretary shall develop and make available to the public an application to obtain a special recreation permit described in clause (ii), (iii), or (iv) of section 802(13)(A).

(B) ISSUANCE OF PERMITS.—On review of a completed application developed under subparagraph (A) and a determination by the Secretary that the applicant is eligible for the special recreation permit, the Secretary may issue to the applicant a special recreation permit, subject to any terms and conditions that are determined to be necessary by the Secretary.

(C) INCIDENTAL SALES.—A special recreation permit issued under this paragraph may include an authorization for sales that are incidental in nature to the permitted use of the Federal recreational lands and waters.

(2) SPECIAL RECREATION PERMIT FEES.—

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

(B) PREDETERMINED SPECIAL RECREATION PERMIT FEES.—

(i) IN GENERAL.—For purposes of subparagraphs (D) and (E), the Secretary shall establish and charge a predetermined fee, described in clause (ii), for a special recreation permit described in clause (iii) or (iv) of section 802(13)(A) for a specific type of use on a unit of Federal recreational lands and waters, consistent with the criteria set forth in clause (iii).

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

(I) a fixed fee that is assessed per special recreation permit, including a fee with an associated

size limitation or other criteria as determined to be appropriate by the Secretary; or

(II) an amount assessed per visitor-use day.

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

(I) have been established before the date of enactment of the America's Outdoor Recreation Act of 2022;

(II) be established after the date of enactment of the America's Outdoor Recreation Act of 2022, in accordance with subsection (b);

(III)(aa) be established after the date of enactment of the America's Outdoor Recreation Act of 2022; and

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

(IV) beginning on the date that is 2 years after the date of enactment of the America's Outdoor Recreation Act of 2022, be \$6 in instances in which the Secretary has not established a predetermined fee under subclause (I), (II), or (III).

(C) CALCULATION OF FEES FOR ALLOCATED PUBLIC USE, LARGE GROUP ACTIVITIES, AND OTHER ACTIVITIES.—The Secretary may, at the discretion of the Secretary, establish and charge a fee for a special recreation permit described in clause (i) or (ii) of section 802(13)(A).

(D) CALCULATION OF FEES FOR SINGLE ORGANIZED GROUP RECREATION ACTIVITIES, COMPETITIVE EVENTS, AND EVENTS FOR WHICH A PARTICIPATION FEE IS CHARGED.—If the Secretary elects to charge a fee for a special recreation permit described in section 802(13)(A)(iii), the Secretary shall charge the recreation service provider, based on the election of the recreation service provider—

(i) the applicable predetermined fee established under subparagraph (B); or

(ii) an amount equal to a percentage of, to be determined by the Secretary, but to not to exceed 5 percent of, adjusted gross receipts calculated under subparagraph (F).

(E) CALCULATION OF FEES FOR TRANSITIONAL PERMITS AND LONG TERM PERMITS.—Subject to subparagraph (G), if the Secretary elects to charge a fee for a special recreation permit described in section 802(13)(A)(iv), the Secretary shall charge the recreation service provider, based on the election of the recreation service provider—

(i) the applicable predetermined fee established under subparagraph (B); or

(ii) an amount equal to a percentage of, to be determined by the Secretary, but not to exceed 3 percent of, adjusted gross receipts calculated under subparagraph (F).

(F) ADJUSTED GROSS RECEIPTS.—For the purposes of subparagraphs (D)(ii) and (E)(ii), the Secretary shall calculate the adjusted gross receipts collected for each trip or event authorized under a special recreation permit, using either

of the following calculations, based on the election of the recreation service provider:

(i) The sum of—

(I) the product obtained by multiplying—

(aa) the general amount paid by participants of the trip or event to the recreation service provider for the applicable trip or event (excluding amounts related to goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider); and

(bb) the quotient obtained by dividing—

(AA) the number of days of the trip or event that occurred on Federal recreational lands and waters covered by the special recreation permit, rounded to the nearest whole day; by

(BB) the total number of days of the trip or event; and (II) the amount of any additional revenue received by the recreation service provider for an add-on activity or an optional excursion that occurred on the Federal recreational lands and waters covered by the special recreation permit.

(ii) The difference between—

(I) the total cost paid by the participants of the trip or event for the trip or event to the recreation service provider, including any additional revenue received by the recreation service provider for an add-on activity or an optional excursion that occurred on the Federal recreational lands and waters covered by the special recreation permit; and

(II) the sum of—

(aa) the amount of any revenues from goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider to the participants of the applicable trip or event;

(bb) the amount of any costs or revenues from services and activities provided or sold by the recreation service provider to the participants of the trip or event that occurred in a location other than the Federal recreational lands and waters covered by the special recreation permit (including costs for travel and lodging outside the Federal recreational lands and waters covered by the special recreation permit); and

(cc) the amount of any revenues from any service provided by a recreation service provider for an activity on Federal recreational lands and waters that is not covered by the special recreation permit.

(G) *EXCEPTION.*—Notwithstanding subparagraph (E), the Secretary may charge a recreation service provider a minimum annual fee for a special recreation permit described in section 802(13)(A)(iv).

(H) *SAVINGS CLAUSES.*—

(i) *EFFECT.*—Nothing in this paragraph affects any fee for—

(I) a concession contract administered by the National Park Service for the provision of accommodations, facilities, or services; or

(II) a commercial use authorization for use of Federal recreational lands and waters managed by the National Park Service.

(ii) *COST RECOVERY.*—Nothing in this paragraph affects the ability of the Secretary to recover any administrative costs under section 325 of the America's Outdoor Recreation Act of 2022.

(iii) *SPECIAL RECREATION PERMIT FEES AND OTHER RECREATION FEES.*—The collection of a special recreation permit fee under this paragraph shall not affect the authority of the Secretary to collect an entrance fee, a standard amenity recreation fee, or an expanded amenity recreation fee authorized under subsections (e), (f), and (g).

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

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

(A) *IN GENERAL.*—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, expanded amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of Federal recreational land and waters at which an entrance fee, standard amenity recreation fee, or expanded amenity recreation fee is charged.

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

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

(A) the total recreation fees collected during each of the 2 preceding fiscal years at the respective unit or area of the Federal land management agency; and

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

(3) *NOTICE OF RECREATION FEE PROJECTS.*—To the extent practicable, the Secretary shall post clear notice at the location at which work is performed using recreation fee and recreation pass revenues collected under this section.

(4) *CENTRALIZED REPORTING ON AGENCY WEBSITES.*—

(A) *IN GENERAL.*—Not later than January 1, 2023, and not later than 60 days after the beginning of each fiscal year thereafter, the Secretary shall post on the website of the applicable Federal land management agency a searchable list of each use during the preceding fiscal year of the recreation fee or recreation pass revenues collected under this section.

(B) *LIST COMPONENTS.*—The list required under subparagraph (A) shall include, with respect to each use described in that subparagraph—

- (i) a title and description of the overall project;
- (ii) a title and description for each component of the project;
- (iii) the location of the project; and
- (iv) the amount obligated for the project.

(5) *NOTICE TO CUSTOMERS.*—A recreation service provider may inform a customer of the recreation service provider of any fee charged by the Secretary under this section.

(j) *ONLINE PAYMENTS.*—

(1) *IN GENERAL.*—In addition to providing onsite payment methods, the Secretaries may collect payment online for—

- (A) entrance fees under subsection (e);
- (B) standard amenity recreation fees;
- (C) expanded amenity recreation fees; and
- (D) special recreation permit fees.

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

SEC. 804. PUBLIC PARTICIPATION.

* * * * *

[(e) MISCELLANEOUS ADMINISTRATIVE PROVISIONS REGARDING RECREATION FEES AND RECREATION PASSES.—

(1) *NOTICE OF ENTRANCE FEES, STANDARD AMENITY RECREATION FEES, AND PASSES.*—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of a Federal land management agency where an entrance fee or a standard amenity recreation fee is charged. The Secretary shall include such notice in publications distributed at the unit or area.

(2) *NOTICE OF RECREATION FEE PROJECTS.*—To the extent practicable, the Secretary shall post clear notice of locations where work is performed using recreation fee or recreation pass revenues collected under this Act.]

SEC. 805. RECREATION PASSES.

(a) *AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.*—

* * * * *

(6) *SALES LOCATIONS AND MARKETING.*—

[(A) *IN GENERAL.*—The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or

a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.】

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

(i) at all Federal recreational lands and waters at which—

(I) an entrance fee or a standard amenity recreation fee is charged; and

(II) such sales are feasible;

(ii) at such other locations as the Secretaries determine to be appropriate and feasible; and

(iii) through the website of each of the Federal land management agencies and the websites of the relevant units and subunits of the Federal land management agencies, which shall include—

(I) a prominent link on each website; and

(II) information about where and when the National Parks and Federal Recreational Lands Pass may be used.

(B) *USE OF VENDORS.*—*The Secretary may enter into fee management agreements as provided in section 6.*

(C) *MARKETING.*—*The Secretaries shall take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.*

(7) *ADMINISTRATIVE GUIDELINES.*—*The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.*

(8) *DEVELOPMENT AND IMPLEMENTATION AGREEMENTS.*—*The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.*

(9) *PROHIBITION ON OTHER NATIONAL RECREATION PASSES.*—*The Secretary may not establish any national recreation pass, except as provided in this section.*

(10) *DIGITAL RECREATION PASSES.*—*By not later than January 1, 2024, the Secretaries shall—*

(A) establish a digital version of the National Parks and Federal Recreational Lands Pass that is able to be stored on a mobile device; and

(B) on the completion of a sale carried out under paragraph (6)(A)(iii), make available to the passholder the digital version of the National Parks and Federal Recreational Lands Pass established under subparagraph (A).

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SEC. 806. COOPERATIVE AGREEMENTS

(a) **FEE MANAGEMENT AGREEMENT.**—Notwithstanding chapter 63 of title 31, the Secretary may enter into a fee management agreement, including a contract, which may provide for a reasonable commission, reimbursement, or discount, with the following entities for the following purposes:

- (1) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining fee collection and processing services, including visitor reservation services.
- (2) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining emergency medical services.
- (3) With any governmental entity, including those in a gateway community, to obtain law enforcement services.

(b) **REVENUE SHARING.**—A State or legal subdivision of a State that enters into an agreement with the Secretary under subsection (a) may share in a percentage of the revenues collected at the site in accordance with that fee management agreement.

(c) **COUNTY PROPOSALS.**—The Secretary shall consider any proposal submitted by a county to provide services described in subsection (a). If the Secretary decides not to enter into a fee management agreement with the county under subsection (a), the Secretary shall notify the county in writing of the decision, identifying the reasons for the decision. The fee management agreement may include cooperative site planning and management provisions.

(d) **FEDERAL SALES OF STATE AND COUNTY RECREATION PASSES.**—

- (1) *IN GENERAL.*—*On receipt of a request by a State or county, the Secretaries may, on behalf of the State or county—*
 - (A) *sell a pass covering a fee charged by a State or county for entrance to, or recreational use of, a park or public land in the State or county; and*
 - (B) *collect any required fees for a pass sold under subparagraph (A).*

(2) **REVENUE FROM PASS SALES.**—*The Secretaries shall transfer to the applicable State or county any amounts collected on behalf of the State or county under paragraph (1)(B).*

(e) **COORDINATING THE SALES OF FEDERAL, STATE, AND LOCAL RECREATION PASSES.**—*The Secretaries, in consultation with States and counties, shall seek to coordinate the availability of Federal, State, and county recreation passes to allow an individual to purchase a Federal recreation pass and a State or county recreation pass in a single transaction.*

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SEC. 808. EXPENDITURES

(a) **USE OF FEES AT SPECIFIC SITE OR AREA.**—Amounts available for expenditure at a specific site or area

- (1) shall be accounted for separately from the amounts collected;
- (2) may be distributed agency-wide; and
- (3) shall be used only for—

(A) repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;

(B) interpretation, visitor information, visitor service, visitor needs assessments, and signs;

(C) habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;

(D) law enforcement related to public use and recreation;

(E) direct operating or capital costs associated with the recreation fee program; **[and]**

(F) a fee management agreement established under section **[6(a)]806(a)** or a visitor reservation service**[.]**;

(G) *the processing of special recreation permit applications and administration of special recreation permits; and*

(H) *the improvement of the operation of the special recreation permit program under section 803(h).*

(b) **LIMITATION ON USE OF FEES.**—The Secretary may not use any recreation fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 for listed or candidate species.

(c) **ADMINISTRATION, OVERHEAD, AND INDIRECT COSTS.**—The Secretary may use not more than an average of 15 percent of total revenues collected under this **[Act] title** for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

(d) **TRANSITIONAL EXCEPTION.**—Notwithstanding any other provision of this **[Act] title**, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with

(1) the National Parks and Federal Recreational Lands Pass during the 5-year period beginning on the date the joint guidelines are issued under **[section 5] section 805(a)(7)**; and

(2) a regional multientity pass authorized **[section 5] section 805(d)** during the 5-year period beginning on the date the regional multientity pass agreement for that recreation pass takes effect.

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[SEC. 810. SUNSET PROVISION.

The authority of the Secretary to carry out this Act shall terminate 10 years after the date of the enactment of this Act.]

SEC. [811]810. VOLUNTEERS.

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SEC. [812]811. ENFORCEMENT AND PROTECTION OF RECEIPTS.

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SEC. [813]812. REPEAL OF SUPERSEDED ADMISSION AND USE FEE AUTHORITIES.

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SEC. [814]813. RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.

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SEC. [815]814. LIMITATION ON USE OF FEES FOR EMPLOYEE BONUSES

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Public Law 117–114

Modernizing Access to Our Public Land Act

AN ACT To Require the Secretary of the Interior, the Secretary of Agriculture, and the Assistant Secretary of the Army for Civil Works to Digitize and Make Publicly Available Geographic Information System Mapping Data Relating to Public Access to Federal Land and Waters for Outdoor Recreation, and for Other Purposes.

* * * * *

SEC. 3. INTERAGENCY DATA STANDARDIZATION.

Not later than 30 months after the date of enactment of this Act, the Secretaries shall jointly develop and adopt interagency standards to ensure compatibility and interoperability among applicable Federal databases with respect to the collection and dissemination of data—

- (1) relating to [public outdoor recreational use] *recreation sites* on Federal land; and
- (2) used to depict locations at which recreation uses are available to the public.

SEC. 4. DIGITIZATION AND PUBLICATION OF EASEMENTS.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, each of the Secretaries, to the maximum extent practicable, shall digitize and publish on the applicable agency website geographic information system mapping data that specifies, with respect to the relevant Secretary, all Federal interests in private land, including easements (other than flowage easements), reservations, and rights-of-way—

- (1) to which the Federal Government does not have a fee title interest; and
- (2) that may be used to provide public recreational access to the Federal land.

(b) PUBLIC COMMENT.—The Secretaries shall develop a process to allow members of the public to submit questions or comments regarding the information described in subsection (a).

SEC. 5. DATA CONSOLIDATION AND PUBLICATION OF ROUTE AND AREA DATA PUBLIC RECREATIONAL USE.

(a) IN GENERAL.—Beginning not later than 5 years after the date of enactment of this Act, each of the Secretaries, to the maximum extent practicable, shall make publicly available on the website of the Department of the Interior, the Forest Service, and the Corps of Engineers, as applicable, geographic information system data with respect to the following:

- (1) Status information with respect to whether roads and trails on the Federal land are open or closed.
- (2) The dates on which roads and trails on the Federal land are seasonally closed.
- (3) The classes of vehicles and types of recreational uses that are allowed on each segment of roads and trails on the Federal land, including the permissibility of—
 - (A) off-highway vehicles;
 - (B) motorcycles;
 - (C) nonmotorized bicycles;

- (D) electric bicycles;
- (E) passenger vehicles;
- (F) nonmechanized transportation; and
- (G) over-snow vehicles.

(4) The boundaries of areas where hunting or recreational shooting (including archery, firearm discharge, and target shooting) is **permanently restricted or prohibited** *regulated or closed* on the Federal land.

(b) UPDATES.—

(1) IN GENERAL.—The Secretaries, to the maximum extent practicable, shall update the data described in subsection (a) not less frequently than twice per year.

(2) PUBLIC COMMENT.—The Secretaries shall develop a process to allow members of the public to submit questions or comments regarding the information described in subsection (a).

(c) EFFECT.—Geographic information system data made publicly available under subsection (a) shall not disclose information regarding the nature, location, character, or ownership of historic, paleontological, or archaeological resources, consistent with applicable law.

SEC. 6. COOPERATION AND COORDINATION.

(a) THIRD-PARTY PROVIDERS.—The Secretaries may enter into an agreement with a third party to carry out any provision of this Act.

(b) US GEOLOGICAL SURVEY.—The Secretaries **may** *shall* work with the Director of the United States Geological Survey to collect, aggregate, digitize, standardize, or publish data on behalf of **the Secretary of the Interior** *the Secretaries* to meet the requirements of this Act.

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TITLE 54—NATIONAL PARK SERVICE AND RELATED PROGRAMS

Subtitle I—National Park System

Division A—Establishment and General Administration

* * * * *

Chapter 1009—Administration

Sec.

- 100901. Authority of Secretary to carry out certain activities.
- 100902. Rights of way for public utilities and power and communication facilities.
- 100903. Solid waste disposal operations.
- 100904. Admission and special recreation uses fees.
- 100905. Commercial filming.**
- 100905. Filming and still photography in System units.*
- 100906. Advisory committees.

100905. Commercial filming

(a) COMMERCIAL FILMING FEE.—

(1) IN GENERAL.—The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects in a System unit. The fee shall provide

a fair return to the United States and shall be based on the following criteria:

- (A) The number of days the filming activity or similar project takes place in the System unit.
 - (B) The size of the film crew present in the System unit.
 - (C) The amount and type of equipment present in the System unit.
- (2) OTHER FACTORS.—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.
- (b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred as a result of filming activities or similar projects, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).
- (c) STILL PHOTOGRAPHY.—
- (1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.
 - (2) EXCEPTION.—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that are not a part of the site's natural or cultural resources or administrative facilities.
- (d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—
- (1) there is a likelihood of resource damage;
 - (2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or
 - (3) the activity poses health or safety risks to the public.
- (e) USE OF PROCEEDS.—
- (1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.
 - (2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.
- (f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.】

§ 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 authorizing or permitting of a filming or still photography activity are carried out consistent with—*

(A) *the laws and policies applicable to the Service; and*

- (B) *an applicable general management plan.*
- (2) **NO PERMITS REQUIRED.**—*The Secretary shall not require an authorization or a permit or assess a fee, if a fee for a filming or still photography activity is not otherwise required by law, for a filming or still photography activity that—*
- (A)(i) *involves fewer than 6 individuals; and*
- (ii) *meets each of the requirements described in paragraph (5); or*
- (B) *is merely incidental to, or documenting, an activity or event that is allowed or authorized at the System unit, regardless of—*
- (i) *the number of individuals participating in the allowed or authorized activity or event; or*
- (ii) *whether any individual receives compensation for any products of the filming or still photography activity.*
- (3) **FILMING AND STILL PHOTOGRAPHY AUTHORIZATIONS FOR DE MINIMIS USE.**—
- (A) **IN GENERAL.**—*The Secretary shall establish a de minimis use authorization for certain filming or still photography activities that meets the requirements described in subparagraph (F).*
- (B) **POLICY.**—*For a filming or still photography activity that meets the requirements described in subparagraph (F), the Secretary—*
- (i) *may require a de minimis use authorization; and*
- (ii) *shall not require a permit.*
- (C) **NO FEE.**—*The Secretary shall not charge a fee for a de minimis use authorization under this paragraph.*
- (D) **ACCESS.**—*The Secretary shall enable members of the public to apply for and obtain a de minimis use authorization under this paragraph—*
- (i) *through the website of the Service; and*
- (ii) *in person at the field office of the applicable System unit.*
- (E) **ISSUANCES.**—*The Secretary shall—*
- (i) *establish a procedure—*
- (I) *to automate the approval of an application submitted through the website of the Service under subparagraph (D)(i); and*
- (II) *to issue a de minimis use authorization under this paragraph immediately on receipt of an application that is submitted in person at the field office of the applicable System unit under subparagraph (D)(ii); and*
- (ii) *if an application submitted under subparagraph (D) meets the requirements of this paragraph, immediately on receipt of the application issue a de minimis use authorization for the filming or still photography activity.*
- (F) **REQUIREMENTS.**—*The Secretary shall only issue a de minimis use authorization under this paragraph if the filming or still photography activity—*
- (i) *involves a group of not fewer than 6 individuals and not more than 8 individuals;*

(ii) meets each of the requirements described in paragraph (5); and

(iii) is consistent with subsection (c).

(G) *CONTENTS.*—A *de minimis* use authorization issued under this paragraph shall list the requirements described in subparagraph (F).

(4) *REQUIRED PERMITS.*—Except as provided in paragraph (2)(B), the Secretary may require a permit application and, if a permit is issued, assess a reasonable fee, as described in subsection (b)(1), for a filming or still photography activity that—

(A) involves more than 8 individuals;

(B) does not meet each of the requirements described in paragraph (5); or

(C) is conducted in a component of the National Wilderness Preservation System.

(5) *REQUIREMENTS FOR FILMING OR STILL PHOTOGRAPHY ACTIVITY.*—The requirements referred to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B), and (7)(C) are as follows:

(A) A person conducts the filming or still photography activity in a manner that—

(i) does not impede or intrude on the experience of other visitors to the applicable System unit;

(ii) except as otherwise authorized, does not disturb or negatively impact—

(I) a natural or cultural resource; or

(II) an environmental or scenic value; and

(iii) allows for equitable allocation or use of facilities of the applicable System unit.

(B) The person conducts the filming or still photography activity at a location in which the public is allowed.

(C) The person conducting the filming or still photography activity does not require the exclusive use of a site or area.

(D) The person does not conduct the filming or still photography activity in a localized area that receives a very high volume of visitation.

(E) The person conducting the filming or still photography activity does not use a set or staging equipment, subject to the limitation that handheld equipment (such as a tripod, monopod, and handheld lighting equipment) shall not be considered staging equipment for the purposes of this subparagraph.

(F) The person conducting the filming or still photography activity complies with and adheres to visitor use policies, practices, and regulations applicable to the applicable System unit.

(G) The filming or still photography activity is not likely to result in additional administrative costs being incurred by the Secretary with respect to the filming or still photography activity, as determined by the Secretary.

(H) The person conducting the filming or still photography activity complies with other applicable Federal, State, and local laws (including regulations), including laws relating to the use of unmanned aerial equipment.

(6) *CONTENT CREATION.*—Regardless of distribution platform, any video, still photograph, or audio recording for commercial or noncommercial content creation in a System unit shall be considered to be a filming or still photography activity under this subsection.

(7) *EFFECT.*—

(A) *PERMITS REQUESTED THOUGH NOT REQUIRED.*—On the request of a person intending to carry out a filming or still photography activity, the Secretary may issue a permit for the filming or still photography activity, even if a permit for the filming or still photography activity is not required under this section.

(B) *NO ADDITIONAL PERMITS, COMMERCIAL USE AUTHORIZATIONS, OR FEES FOR FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.*—A filming or still photography activity at an activity or event that is allowed or authorized, including a wedding, engagement party, family reunion, or celebration of a graduate, shall be considered merely incidental for the purposes of paragraph (2)(B).

(C) *MONETARY COMPENSATION.*—The receipt of monetary compensation by the person conducting the filming or still photography activity shall not affect the permissibility of the filming or still photography activity.

(b) *FEES AND RECOVERY COSTS.*—

(1) *FEES.*—The reasonable fees referred to in subsection (a)(4) shall meet each of the following criteria:

(A) The reasonable fee shall provide a fair return to the United States.

(B) The reasonable fee shall be based on the following criteria:

(i) The number of days of the filming or still photography activity.

(ii) The size of the film or still photography crew present in the System unit.

(iii) The quantity and type of film or still photography equipment present in the System unit.

(iv) Any other factors that the Secretary determines to be necessary.

(2) *RECOVERY OF COSTS.*—

(A) *IN GENERAL.*—The Secretary shall collect from the applicant for the applicable permit any costs incurred by the Secretary related to a filming or still photography activity subject to a permit under subsection (a)(4), including—

(i) the costs of the review or issuance of the permit; and

(ii) related administrative and personnel costs.

(B) *EFFECT ON FEES COLLECTED.*—All costs recovered under subparagraph (A) shall be in addition to the fee described in paragraph (1).

(3) *USE OF PROCEEDS.*—

(A) *FEES.*—All fees collected under this section shall—

(i) be available for expenditure by the Secretary, without further appropriation; and

(ii) remain available until expended.

(B) COSTS.—All costs recovered under paragraph (2)(A) shall—

(i) be available for expenditure by the Secretary, without further appropriation, at the System unit at which the costs are collected; and

(ii) remain available until expended.

(c) PROTECTION OF RESOURCES.—The Secretary shall not allow a person to undertake a filming or still photography activity if the Secretary determines that—

(1) there is a likelihood that the person would cause resource damage at the System unit, except as otherwise authorized;

(2) the person would create an unreasonable disruption of the use and enjoyment by the public of the System unit; or

(3) the filming or still photography activity poses a health or safety risk to the public.

(d) PROCESSING OF PERMIT APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to an application for a permit for a filming or still photography activity required under subsection (a)(4).

(2) COORDINATION.—If a permit is required under this section for 2 or more Federal agencies or System units, the Secretary and the head of any other applicable Federal agency, as applicable, shall, to the maximum extent practicable, coordinate permit processing procedures, including through the use of identifying a lead agency or lead System unit—

(A) to review the application for the permit;

(B) to issue the permit; and

(C) to collect any required fees.

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Chapter 1049—Miscellaneous

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§ 104909. Wildlife management in parks

(a) USE OF QUALIFIED VOLUNTEERS.—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

(b) REQUIREMENTS FOR QUALIFIED VOLUNTEERS.—Qualified volunteers providing assistance under subsection (a) shall be subject to—

(1) any training requirements or qualifications established by the Secretary; and

(2) any other terms and conditions that the Secretary may require.

(c) DONATIONS.—The Secretary may authorize the donation and distribution of meat ~~from~~ and any other part of an animal removed pursuant to wildlife management activities carried out under this section, including the donation and distribution to Indian Tribes, qualified volunteers, food banks, and other organizations that work to address hunger, in accordance with applicable

health guidelines and such terms and conditions as the Secretary may require.

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Subtitle II—Outdoor Recreation Programs

Chapter 2001—Coordination of Programs

Sec.

200101. Findings and declaration of policy.

200102. Definitions.

200103. Authority of Secretary to carry out certain functions and activities.

200104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan.

200104. *Federal Interagency Council on Outdoor Recreation.*

* * * * *

§ 200103. Authority of Secretary to carry out certain functions and activities

(a) IN GENERAL.—To carry out this chapter, the Secretary may perform the functions and activities described in this section.

(b) INVENTORY AND EVALUATION.—The Secretary may prepare and maintain a continuing inventory and evaluation of outdoor recreation needs and resources of the United States.

(c) CLASSIFICATION SYSTEM.—The Secretary may prepare a system for classification of outdoor recreation resources to assist in the effective and beneficial use and management of such resources.

[(d) RECREATION PLAN.—The Secretary may formulate and maintain a comprehensive nationwide outdoor recreation plan, taking into consideration the plans of the various Federal agencies, States, and their political subdivisions. The plan shall set forth the needs and demands of the public for outdoor recreation and the current and foreseeable availability in the future of outdoor recreation resources to meet those needs. The plan shall identify critical outdoor recreation problems, recommend solutions, and recommend desirable actions to be taken at each level of government and by private interests. The Secretary shall submit the plan to the President for transmittal to Congress. Revisions of the plan shall be similarly transmitted at succeeding 5-year intervals. When a plan or revision is transmitted to the Congress, the Secretary shall transmit copies to the chief executive officials of the States.]

[(e)](d) TECHNICAL ASSISTANCE AND ADVICE.—The Secretary may provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including non-profit organizations, with respect to outdoor recreation.

[(f)](e) INTERSTATE AND REGIONAL COOPERATION.—The Secretary may encourage interstate and regional cooperation in the planning, acquisition, and development of outdoor recreation resources.

[(g)](f) RESEARCH, INFORMATION, AND EDUCATION PROGRAMS AND ACTIVITIES.—The Secretary may—

- (1) sponsor, engage in, and assist in research relating to outdoor recreation, directly or by contract or cooperative agreements, and make payments for such purposes without regard to the limitations of section 3324(a) and (b) of title 31 concerning advances of funds when the Secretary considers such action to be in the public interest;

(2) undertake studies and assemble information concerning outdoor recreation, directly or by contract or cooperative agreement, and disseminate the information without regard to section 3204 of title 39; and

(3) cooperate with educational institutions and others to assist in establishing education programs and activities and to encourage public use and benefits from outdoor recreation.

[(h)](g) COOPERATION AND COORDINATION WITH FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may—

(A) cooperate with and provide technical assistance to Federal agencies and obtain from them information, data, reports, advice, and assistance that are needed and can reasonably be furnished in carrying out the purposes of this chapter; and

(B) promote coordination of Federal plans and activities generally relating to outdoor recreation.

(2) FUNDING.—An agency furnishing advice or assistance under this paragraph may expend its own funds for those purposes, with or without reimbursement, as may be agreed to by that agency.

[(i)](h) DONATIONS.—The Secretary may accept and use donations of money, property, personal services, or facilities for the purposes of this chapter.

§ 200104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan

To carry out the policy declared in section 200101 of this title, the heads of Federal agencies having administrative responsibility over activities or resources the conduct or use of which is pertinent to fulfillment of that policy shall, individually or as a group—

(1) consult with and be consulted by the Secretary from time to time both with respect to their conduct of those activities and their use of those resources and with respect to the activities that the Secretary carries on under authority of this chapter that are pertinent to their work; and

(2) carry out that responsibility in general conformance with the nationwide plan authorized under section 200103(d) of this title.]

§ 200104. Federal Interagency Council on Outdoor Recreation

(a) DEFINITIONS.—In this section:

(1) COUNCIL.—The term “Council” means the Federal Interagency Council on Outdoor Recreation established under subsection (b).

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

(b) ESTABLISHMENT.—The Secretary shall establish an interagency council, to be known as the “Federal Interagency Council on Outdoor Recreation”.

(c) MEMBERSHIP.—

(1) *IN GENERAL.*—The Council shall be composed of members, to be appointed by the Secretary, who have administrative responsibility over outdoor recreation activities or resources, from the following:

- (A) *The National Park Service.*
- (B) *The Bureau of Land Management.*
- (C) *The United States Fish and Wildlife Service.*
- (D) *The Forest Service.*
- (E) *The Corps of Engineers.*
- (F) *The Council on Environmental Quality.*

(2) *ADDITIONAL MEMBERS.*—In addition to the members described in paragraph (1), the Secretary may appoint to the Council members from the following:

- (A) *The Bureau of Indian Affairs.*
- (B) *The Bureau of Reclamation.*
- (C) *The Natural Resources Conservation Service.*
- (D) *Rural development programs of the Department of Agriculture.*
- (E) *The Economic Development Administration.*
- (F) *The National Travel and Tourism Office of the Department of Commerce.*
- (G) *The National Center for Chronic Disease Prevention and Health Promotion.*
- (H) *The Environmental Protection Agency.*
- (I) *The Department of Transportation.*
- (J) *The Tennessee Valley Authority.*
- (K) *The National Oceanic and Atmospheric Administration.*

(L) *The Federal Energy Regulatory Commission.*

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

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

(3) *STATE COORDINATION.*—In appointing members to the Council under this subsection, the Secretary shall seek to ensure not fewer than 1 State is a member of the Council.

(d) *COORDINATION.*—The Council shall meet as frequently as appropriate for the purposes of coordinating—

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

(2) *recreation management policies across Federal agencies, including implementation of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.);*

(3) *the response by an agency that manages Federal recreational lands and waters to public health emergencies or other emergencies that result in disruptions to, or closures of, Federal recreational lands and waters;*

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

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

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

(7) dissemination to the public of recreation-related information (including information relating to opportunities, reservations, accessibility, and closures), in a manner that ensures the recreation-related information is easily accessible with modern communication devices;

(8) the improvement of access to Federal recreational lands and waters; and

(9) the identification and engagement of partners outside the Federal Government—

(A) to promote outdoor recreation;

(B) to facilitate collaborative management of outdoor recreation; and

(C) to provide additional resources relating to enhancing outdoor recreation opportunities.

(e) *EFFECT.*—Nothing in this section affects the authorities, regulations, or policies of any Federal agency described in paragraph (1) or (2) of subsection (c).

