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SENATE

{ REPORT
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AMERICA'S OUTDOOR RECREATION ACT

JULY 26, 2023.—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. 873]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 873), 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 amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

The amendments are as follows:

1. Strike section 122 and insert the following:

SEC. 122. CLIMBING GUIDANCE.

(a) **GUIDANCE.**—Not later than 18 months after the date of enactment of this Act, each Secretary concerned shall issue guidance for recreational climbing activities on Federal land under the jurisdiction of the Secretary concerned, including within components of the National Wilderness Preservation System.

(b) **APPLICABLE LAW.**—The guidance issued under subsection (a) shall ensure that recreational climbing activities comply with the laws (including regulations) applicable to the land under the jurisdiction of the Secretary concerned.

(c) **WILDERNESS AREAS.**—

(1) **IN GENERAL.**—The guidance issued under subsection (a) shall recognize that recreational climbing (including the placement and maintenance of fixed an-

chors, where necessary for safety) is an appropriate recreational use within a component of the National Wilderness Preservation System, if undertaken—

(A) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations); and

(B) subject to any terms and conditions determined to be appropriate by the Secretary concerned.

(2) AUTHORIZATION.—The guidance issued under subsection (a) shall describe the requirements, if any, for the placement and maintenance of fixed anchors for recreational climbing in a component of the National Wilderness Preservation System, including any terms and conditions determined by the Secretary concerned to be appropriate, which may be issued programmatically or on a case-by-case basis.

(d) EXISTING ROUTES.—The guidance issued under subsection (a) shall include direction providing for the continued use and maintenance of recreational climbing routes (including fixed anchors along the routes) in existence as of the date of enactment of this Act, in accordance with this section, and where appropriate.

(e) PUBLIC COMMENT.—Before finalizing the guidance issued under subsection (a), the Secretary concerned shall provide opportunities for public comment with respect to the guidance.

2. On page 26, lines 12 and 13, strike “that has adequate snowfall for over-snow vehicle use to occur” and insert “on which over-snow vehicle use occurs, in accordance with existing law”.

3. On page 26, line 18, insert “seek to” after “shall”.

4. On page 27, between lines 2 and 3, insert the following:

(e) SAVINGS CLAUSE.—Nothing in this section prohibits a lawful use, including a motorized or nonmotorized use, on Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management, if the Secretary concerned fails to meet a timeline established under this section.

5. On page 124, strike lines 7 through 9 and insert the following:

“(C) is a news-gathering activity, unless the news-gathering activity—
 “(i) involves more than 8 individuals; or
 “(ii) does not meet each of the requirements described in paragraph (5).

6. On page 126, line 11, strike “and”.

7. On page 126, line 12, strike the period at the end and insert “; and”.

8. On page 126, between lines 12 and 13, insert the following:

“(iv) is not a filming or still photography activity described in subparagraph (B) or (C) of paragraph (2).

9. On page 127, line 3, strike “(2)(A)(ii), (3)(F)(ii), (4)(B)” after “paragraphs” and insert “(2)(A)(ii), (2)(C)(ii), (3)(F)(ii), and (4)(B)”.

10. On page 129, between lines 3 and 4, insert the following:

“(6) CALCULATIONS WITH RESPECT TO NUMBER OF INDIVIDUALS.—

“(A) IN GENERAL.—For the purposes of calculating the number of individuals under paragraphs (2), (3), and (4), the Secretary shall only include an individual described in subparagraph (B) that is conducting a filming or still photography activity or that is carrying out or participating as part of a team or crew in a filming or still photography activity at the same time in the same System unit.

“(B) DESCRIPTION OF INDIVIDUAL.—An individual referred to in subparagraph (A) is a photographer, videographer, director, model, actor, helper, assistant, or any other individual who is purposefully or knowingly on-site at the System unit as a part of the team or crew in a filming or still photography activity.

11. On page 129, line 4, strike “(6)” and insert “(7)”.

12. On page 129, line 10, strike “(7)” and insert “(8)”.

13. On page 130, line 23, strike “(7)(A)” and insert “(8)(A)”.

14. On page 134, line 6, strike the closing quotation mark and period at the end.

15. On page 134, between lines 6 and 7, insert the following:

“(e) GUIDANCE.—Not later than 2 years after the date of enactment of the America’s Outdoor Recreation Act of 2023, the Secretary shall issue guidance to implement this section, including establishing a civil penalty for failing to obtain a de minimis use authorization required under subsection (a)(3) or a permit required under subsection (a)(4).”.

16. On page 135, strike lines 22 through 24 and insert the following:

“(C) is a news-gathering activity, unless the news-gathering activity—

“(i) involves more than 8 individuals; or

“(ii) does not meet each of the requirements described in paragraph (5).

17. On page 138, line 7, strike “and”.

18. On page 138, line 8, strike the period at the end and insert “; and”.

19. On page 138, between lines 8 and 9, insert the following:

“(iv) is not a filming or still photography activity described in subparagraph (B) or (C) of paragraph (2).

20. On page 138, line 24, strike “(2)(A)(ii), (3)(F)(ii), (4)(B)” after “paragraphs” and insert “(2)(A)(ii), (2)(C)(ii), (3)(F)(ii), and (4)(B)”.

21. On page 141, between lines 2 and 3, insert the following:

“(6) CALCULATIONS WITH RESPECT TO NUMBER OF INDIVIDUALS.—

“(A) IN GENERAL.—For the purposes of calculating the number of individuals under paragraphs (2), (3), and (4), the Secretary concerned shall only include an individual described in subparagraph (B) that is conducting a filming or still photography activity or that is carrying out or participating as part of a team or crew in a filming or still photography activity at the same time in the same Federal land management unit.

“(B) DESCRIPTION OF INDIVIDUAL.—An individual referred to in subparagraph (A) is a photographer, videographer, director, model, actor, helper, assistant, or any other individual who is purposefully or knowingly on-site at the Federal land management unit as a part of the team or crew in a filming or still photography activity.

- 22. On page 141, line 3, strike “(6)” and insert “(7)”.
- 23. On page 141, line 9, strike “(7)” and insert “(8)”.
- 24. On page 142, line 22, strike “(7)(A)” and insert “(8)(A)”.
- 25. On page 146, between lines 9 and 10, insert the following:

“(e) GUIDANCE.—Not later than 2 years after the date of enactment of the America’s Outdoor Recreation Act of 2023, each of the Secretary of the Interior and the Secretary of Agriculture shall issue guidance to implement this section, including establishing a civil penalty for failing to obtain a de minimis use authorization required under subsection (a)(3) or a permit required under subsection (a)(4).”.

- 26. On page 146, line 10, strike “(e)” and insert “(f)”.

PURPOSE

The purpose of S. 873 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. 873 would provide needed updates to these existing laws.

LEGISLATIVE HISTORY

S. 873 was introduced by Senators Manchin and Barrasso on March 16, 2023. Similar legislation, S. 3266, was introduced in the 117th Congress, 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 ordered S. 3266 reported favorably with an amendment in the nature of a substitute (S. Rept. 117–284).

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on May 17, 2023, by a majority voice vote of a quorum present, recommends that the Senate pass S. 873, as amended as described herein.

COMMITTEE AMENDMENTS

During its consideration of S. 873, the Committee adopted numerous amendments to modify section 122, relating to the issuance of climbing guidance in wilderness areas, to clarify section 135(b), relating to over-snow vehicle use maps, to add a savings clause to section 135, relating to travel management, to clarify section 401, relating to filming on public lands, and to make various technical, clarifying, and conforming amendments to the bill. The following section-by-section analysis includes the changes made to S. 873 as ordered reported.

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 2023” 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 section further requires the Secretaries to issue a report that lists the trails identified under this section.

Sec. 122. Climbing guidance

This section directs the Forest Service and agencies within the Department of the Interior, within 18 months and after a notice and comment period, to issue guidance on climbing management on Federal lands, including within designated wilderness areas. Such guidance must recognize that recreational climbing is an appropriate use within wilderness areas when undertaken in accordance with applicable laws and subject to terms and conditions that the relevant agency determines are appropriate. The guidance must describe any requirements for the placement and maintenance of fixed anchors and associated routes in wilderness areas and must include direction providing for the continued use and maintenance of existing recreational climbing routes.

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 target shooting range that is open to the public and does not require a user fee. Specifically, agencies are to identify whether each National Forest and BLM district has such a target shooting range; and for each National Forest and BLM district that does not, agencies are to determine whether applicable laws or plans prevent their establishment. If a determination is made that applicable laws or plans do not preclude the establishment of a target shooting range on a forest or district, the Forest Service and BLM are to (in coordination with non-federal stakeholders and partners) identify an appropriate location for a target shooting range, and, within five years of enactment, to either: construct a new or modify an existing target shooting range to conform with this section; or enter into an agreement with a non-federal stakeholder or partner that will establish or maintain a target shooting range. 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 qualify as a 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 Department of Commerce 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 information regarding financial and technical assistance opportunities to gateway communities (adjacent to recreation destinations, including non-Federal recreation destinations) to support economic opportunities through tourism.

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 help minimize any potential increases in 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 seek 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 (FICOR) 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 of 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 land management agencies, on the request of a State or country, to sell State or county entrance or recreational passes. The Federal agencies 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. Reviews for transitional permits and long-term permits

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 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 the bill 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 technology 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, clarifies when the Secretary should supervise volunteers, and states 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 and the Forest Service 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 legislatively authorizes the DOI’s Outdoor Recreational Legacy Partnership (ORLP) program—a competitive grant program administered by the National Park Service. The section changes the grant-eligibility requirements to expand the program to include more smaller and rural communities and gives the National Park Service flexibilities to improve program operations. The Committee notes that both the OLRP program and 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) are funded through the Land and Water Conservation Fund. The ORLP program was created as a complementary program to the State and Local Assistance Program. The Committee intends for the ORLP program to remain as a complementary program to the State and Local Assistance Program. The Committee notes 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. 873 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. 873. 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. 873, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 873, 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, similar legislation that was filed during the 117th Congress, 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 or-

ganizations, 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, includ-

ing 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 reissue 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 complements 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 providers 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 For-

est 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 Serv-

ice 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 partnerships, 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 des-

ignated 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 notification 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 admin-

istering 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 interests 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, capes, 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. 873, 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 that are carried out by the Secretaries to fulfill the missions of the Forest Service and the Bureau of Land Management and 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”.]

* * * * *

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 ap-

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 recording 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 in accordance with—*

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

(B) *the applicable general management plan; and*

(C) *this section.*

(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);*

(B) *is merely incidental to 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; or*

(C) *is a news-gathering activity, unless the news-gathering activity—*

(i) *involves more than 8 individuals; or*

(ii) *does not meet each of the requirements described in paragraph (5).*

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

(A) IN GENERAL.—*The Secretary concerned shall establish a de minimis use authorization for 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) *APPLICATION.*—The Secretary concerned shall provide for a person 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) *REQUIREMENTS.*—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);

(iii) is consistent with subsection (c); and

(iv) is not a filming or still photography activity described in subparagraph (B) or (C) of paragraph (2).

(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; or

(B) does not meet each of the requirements described in paragraph (5).

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

(i) *conduct the filming or still photography activity in a localized area that receives a very high volume of visitation; and*

(ii) *in the discretion of the Secretary, negatively impact the experience of another visitor in the localized area.*

(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) *CALCULATIONS WITH RESPECT TO NUMBER OF INDIVIDUALS.—*

(A) *IN GENERAL.—For the purposes of calculating the number of individuals under paragraphs (2), (3), and (4), the Secretary concerned shall only include an individual described in subparagraph (B) that is conducting a filming or still photography activity or that is carrying out or participating as part of a team or crew in a filming or still photography activity at the same time in the same Federal land management unit.*

(B) *DESCRIPTION OF INDIVIDUAL.—An individual referred to in subparagraph (A) is a photographer, videographer, director, model, actor, helper, assistant, or any other individual who is purposefully or knowingly on-site at the Federal land management unit as a part of the team or crew in a filming or still photography activity.*

(7) *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.

(8) 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 and assess a reasonable fee 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.—If any activity or event is allowed or authorized under a permit, such as a wedding, engagement party, family reunion, photography club outing, or celebration of a graduate, the activity or event organizers or any relevant party to the activity or event shall not need a separate permit for the filming or still photography activity at the allowed or permitted activity or event.

(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 or the application of the requirements under this section.

(D) WILDERNESS ACT APPLICABILITY.—

(i) IN GENERAL.—Nothing in this subsection supersedes the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.).

(ii) APPLICABILITY.—The provisions of this section shall apply in a component of the National Wilderness Preservation System to the extent consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) FEES AND RECOVERY COSTS.—

(1) FEES.—The reasonable fees referred to in paragraphs (4) and (8)(A) of subsection (a) 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.—For any permit issued under subsection (a) and in addition to any fee assessed in accordance with paragraph (1), 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, in accordance with the formula and purposes established in the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.); 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 may create use limits on or require a person to cease, move, or modify a filming or still photography activity, whether or not the activity has been permitted, 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;

(3) the activity would impeded the routine, emergency, or otherwise necessary management and staff operations on the System unit; or

(4) 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) *GUIDANCE.*—Not later than 2 years after the date of enactment of the America’s Outdoor Recreation Act of 2023, each of the Secretary of the Interior and the Secretary of Agriculture shall issue guidance to implement this section, including establishing a civil penalty for failing to obtain a *de minimus* use authorization required under subsection (a)(3) or a permit required under subsection (a)(4).

(f) *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.]

* * * * *

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

* * * * *

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 or activity;

(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;*
- (II) a single competitive event; or*
- (III) at the discretion of the Secretary, a recurring organized group activity (including an outfitting and guiding activity (including an outfitting and guiding activity) that—*
 - (aa) is a structured or scheduled activity;*
 - (bb) is not competitive;*
 - (cc) may charge a participation fee;*
 - (dd) occurs in a group size of fewer than 7 participants;*
 - (e) involves fewer than 40 visitor-use days; and*
 - (ff) is undertaken or provided by the recreation service provider for a term of not more than 180 days; 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 under section 312(a) of the America’s Outdoor Recreation Act of 2023.

(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)

(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. ¹

(h) SPECIAL RECREATION PERMITS AND FEES.—

(1) SPECIAL RECREATION PERMITS.—

(A) APPLICATIONS.—The Secretary—

(i) may develop and make available to the public an application to obtain a special recreation permit described in clause (i) of section 802(13)(A); and

(ii) 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), as applicable, 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 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 may 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 2023;

(II) be established after the date of enactment of the America's Outdoor Recreation Act of 2023, in accordance with subsection (b);

(III)(aa) be established after the date of enactment of the America's Outdoor Recreation Act of 2023; 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 2023, be \$6 per visitor-use day in instances in which the Secretary has not established a predetermined fee under subclause (I), (II), or (III).

(C) CALCULATION OF FEES FOR SPECIALIZED RECREATIONAL USES AND LARGE-GROUP ACTIVITIES OR EVENTS.—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 OR EVENTS, COMPETITIVE EVENTS, AND CERTAIN RECURRING ORGANIZED GROUP RECREATION ACTIVITIES.—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 2023.

(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 AVAILABLE RECREATION 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 RECREATION FEES.*—Beginning on January 1, 2026, 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, 2025, 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, 2026, 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. 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.

* * * * *

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.

* * * * *

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.

* * * * *

**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 recording 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 in accordance with—

(A) the laws and policies applicable to the Service;

(B) the applicable general management plan; and

(C) this section.

(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);

(B) is merely incidental to 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; or

(C) is a news-gathering activity, unless the news-gathering activity—

(i) involves more than 8 individuals; or

(ii) does not meet each of the requirements described in paragraph (5).

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

(A) **IN GENERAL.**—The Secretary shall establish a de minimis use authorization for 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) **APPLICATION.**—The Secretary shall provide for a person 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);

(iii) is consistent with subsection (c); and

(iv) is not a filming or still photography activity described in subparagraph (B) or (C) of paragraph (2).

(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; or

(B) does not meet each of the requirements described in paragraph (5).

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

(i) conduct the filming or still photography activity in a localized area that receives a very high volume of visitation; and

(ii) in the discretion of the Secretary, negatively impact the experience of another visitor in the localized area.

(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) *CALCULATIONS WITH RESPECT TO NUMBER OF INDIVIDUALS.*—

(A) IN GENERAL.—*For the purposes of calculating the number of individuals under paragraphs (2), (3), and (4), the Secretary shall only include an individual described in*

subparagraph (B) that is conducting a filming or still photography activity or that is carrying out or participating as part of a team or crew in a filming or still photography activity at the same time in the same System unit.

(B) *DESCRIPTION OF INDIVIDUAL.*—an individual referred to in subparagraph (A) is a photographer, videographer, director, model, actor, helper, assistant, or any other individual who is purposefully or knowingly on-site at the System unit as part of a team or crew in a filming or still photography activity.

(7) *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.

(8) *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 and assess a reasonable fee 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.*—If an activity or event is allowed or authorized under a permit, such as a wedding, engagement party, family reunion, photography club outing, or celebration of a graduate, the activity or event organizers or any relevant party to the activity or event shall not need a separate permit for the filming or still photography activity at the allowed or permitted activity or event.

(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 or the application of the requirements under this section.

(D) *WILDERNESS ACT APPLICABILITY.*—

(i) *IN GENERAL.*—Nothing in this subsection supersedes the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.).

(ii) *APPLICABILITY.*—The provisions of this section shall apply in a component of the National Wilderness Preservation System to the extent consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) *FEES AND RECOVERY COSTS.*—

(1) *FEES.*—The reasonable fees referred to in paragraphs (4) and (8)(A) of subsection (a) 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 System unit.*

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

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

(2) *RECOVERY OF COSTS.—*

(A) *IN GENERAL.—For any permit issued under subsection (a) and in addition to any fee assessed in accordance with paragraph (1), 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, in accordance with the formula and purposes established under the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.); 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 may create use limits on or require a person to cease, move, or modify a filming or still photography activity, whether or not the activity has been permitted, 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;*

(3) *the activity would impede the routine, emergency, or otherwise necessary management and staff operations on the System unit; or*

(4) *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 appli-*

cable, 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.

(e) GUIDANCE.—Not later than 2 years after the date of enactment of the America’s Outdoor Recreation Act of 2023, the Secretary shall issue guidance to implement this section, including establishing a civil penalty for failing to obtain a de minimis use authorization required under subsection (a)(3) or a permit required under subsection (a)(4).

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Chapter 1049—Miscellaneous

* * * * *

§ 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.

* * * * *

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) COMPOSITION.—

(1) IN GENERAL.—*The Council shall be composed of representatives of the following departments and agencies, to be appointed by the head of the applicable department or agency:*

- (A) *The National Park Service.*
- (B) *The Bureau of Land Management.*
- (C) *The United States Fish and Wildlife Service.*
- (D) *The Bureau of Indian Affairs.*
- (E) *The Bureau of Reclamation.*
- (F) *The Forest Service.*
- (G) *The Corps of Engineers.*
- (H) *The National Oceanic and Atmospheric Administration.*

(2) ADDITIONAL PARTICIPANTS.—*In addition to the members described in paragraph (1), the Secretary may invite participation in the meetings or other activities of the Council from among the following:*

- (A) *The Council of Environmental Quality.*
- (B) *The Natural Resources Conservation Service.*

(C) Rural development programs of the Department of Agriculture.

(D) The Economic Development Administration.

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

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

(G) The Environmental Protection Agency.

(H) The Department of Transportation.

(I) The Tennessee Valley Authority.

(J) The Bureau of Economic Analysis of the Department of Commerce.

(K) The National Marine Fisheries Service.

(L) The Federal Energy Regulatory Commission.

(M) The Federal Highway Administration.

(N) An applicable State agency or office.

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

(3) STATE COORDINATION.— In determining additional participants under paragraph (2), the Secretary shall seek to ensure that not fewer than 1 State is invited to participate in each meeting or other activity of the Council.

(4) LEADERSHIP.—The leadership of the Council shall rotate annually among the members of the Council described in paragraph (1), or as otherwise determined by the Secretary, in consultation with the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Defense.

(5) FUNDING.—Notwithstanding section 708 of division E of the Consolidated Appropriations Act, 2023 (Public Law 117–328), the members of the Council described in paragraph (1) may enter into agreements to share the management and operational costs of the Council.

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

(1) the implementation of the America’s Outdoor Recreation Act of 2023, 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 outdoor recreation-related information (including information relating to opportunities, reservations, accessibility, and closures), in a manner that en-

sure 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).

