

and private wetlands, and agricultural lands damaged by nutria.

(b) Activities

In the State of Maryland, the Secretary shall require that the program consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled “Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds”, dated March 2002.

(c) Cost sharing

(1) Federal share

The Federal share of the costs of a State program referred to in subsection (a) may not exceed 75 percent of the total costs of the program.

(2) In-kind contributions

The non-Federal share of the costs of a State program referred to in subsection (a) may be provided in the form of in-kind contributions of materials or services.

(d) Limitation on administrative expenses

Not more than 5 percent of financial assistance provided to a State by the Secretary under this section may be used for administrative expenses.

(e) Authorization of appropriations

For financial assistance under this section, there is authorized to be appropriated to the Secretary \$12,000,000 for each of fiscal years 2021 through 2025.

(Pub. L. 108–16, §3, Apr. 23, 2003, 117 Stat. 621; Pub. L. 116–186, §1(2), Oct. 30, 2020, 134 Stat. 901.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 108–16, Apr. 23, 2003, 117 Stat. 621, known as the Nutria Eradication and Control Act of 2003, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 8101 of this title and Tables.

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–186, §1(2)(A), amended subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of the Interior (in this chapter referred to as the ‘Secretary’), subject to the availability of appropriations, may provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.”

Subsecs. (b), (c). Pub. L. 116–186, §1(2)(B), (F), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which related to goals of the program.

Subsec. (d). Pub. L. 116–186, §1(2)(F), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (d)(1). Pub. L. 116–186, §1(2)(C)(i), substituted “a State program referred to in subsection (a) may” for “the program may”.

Subsec. (d)(2). Pub. L. 116–186, §1(2)(C)(ii), substituted “a State program referred to in subsection (a) may” for “the program may”.

Subsec. (e). Pub. L. 116–186, §1(2)(F), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Pub. L. 116–186, §1(2)(D), inserted “to a State” after “provided”.

Subsec. (f). Pub. L. 116–186, §1(2)(F), redesignated subsec. (f) as (e).

Pub. L. 116–186, §1(2)(E), substituted “\$12,000,000 for each of fiscal years 2021 through 2025.” for “\$4,000,000 for the State of Maryland program and \$2,000,000 for the State of Louisiana program for each of fiscal years 2004, 2005, 2006, 2007, and 2008.”

CHAPTER 101—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS

Sec.

8201.	Purpose.
8202.	Definitions.
8203.	National Fish Habitat Board.
8204.	Fish Habitat Partnerships.
8205.	Fish habitat conservation projects.
8206.	Technical and scientific assistance.
8207.	Coordination with States and Indian Tribes.
8208.	Interagency operational plan.
8209.	Accountability and reporting.
8210.	Effect of this chapter.
8211.	Nonapplicability of Federal Advisory Committee Act.
8212.	Funding.
8213.	Prohibition against implementation of regulatory authority by Federal agencies through partnerships.

§ 8201. Purpose

The purpose of this chapter is to encourage partnerships among public agencies and other interested persons to promote fish conservation—

(1) to achieve measurable habitat conservation results through strategic actions of Fish Habitat Partnerships that lead to better fish habitat conditions and increased fishing opportunities by—

- (A) improving ecological conditions;
- (B) restoring natural processes; or
- (C) preventing the decline of intact and healthy systems;

(2) to establish a consensus set of national conservation strategies as a framework to guide future actions and investment by Fish Habitat Partnerships;

(3) to broaden the community of support for fish habitat conservation by—

- (A) increasing fishing opportunities;
- (B) fostering the participation of local communities, especially young people in local communities, in conservation activities; and

(C) raising public awareness of the role healthy fish habitat play in the quality of life and economic well-being of local communities;

(4) to fill gaps in the National Fish Habitat Assessment and the associated database of the National Fish Habitat Assessment—

(A) to empower strategic conservation actions supported by broadly available scientific information; and

(B) to integrate socioeconomic data in the analysis to improve the lives of humans in a manner consistent with fish habitat conservation goals; and

(5) to communicate to the public and conservation partners—

- (A) the conservation outcomes produced collectively by Fish Habitat Partnerships; and

(B) new opportunities and voluntary approaches for conserving fish habitat.

(Pub. L. 116–188, title II, §201, Oct. 30, 2020, 134 Stat. 924.)

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2024 AMENDMENT

Pub. L. 118–198, §1(a), Dec. 23, 2024, 138 Stat. 2678, provided that: “This Act [amending sections 666c–1, 667h, 3709, 4406, 8203 to 8206, 8209, 8211, and 8212 of this title, sections 8355 and 8356 of Title 7, Agriculture, and section 1267 of Title 33, Navigation and Navigable Waters, and provisions set out as notes under section 2601 of Title 15, Commerce and Trade, section 1267 of Title 33, and section 320101 of Title 54, National Park Service and Related Programs] may be cited as the ‘America’s Conservation Enhancement Reauthorization Act of 2024.’”

SHORT TITLE

Pub. L. 116–188, §1(a), Oct. 30, 2020, 134 Stat. 905, provided that: “This Act [enacting this chapter, sections 667h and 669l of this title, and sections 8355 and 8356 of Title 7, Agriculture, amending sections 666c–1, 3702, 3703, 3709, 3710, 4403, and 4406 of this title and section 1267 of Title 33, Navigation and Navigable Waters, enacting provisions set out as notes under section 2601 of Title 15, Commerce and Trade, and section 1267 of Title 33, and amending provisions set out as notes under sections 669 and 742b of this title and section 320101 of Title 54, National Park Service and Related Programs] may be cited as the ‘America’s Conservation Enhancement Act.’”

§ 8202. Definitions

In this chapter:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) Board

The term “Board” means the National Fish Habitat Board established by section 8203 of this title.

(3) Director

The term “Director” means the Director of the United States Fish and Wildlife Service.

(4) Environmental Protection Agency Assistant Administrator

The term “Environmental Protection Agency Assistant Administrator” means the Assistant Administrator for Water of the Environmental Protection Agency.

(5) Indian Tribe

The term “Indian Tribe” has the meaning given to the term “Indian tribe” in section 5304 of title 25.

(6) National Oceanic and Atmospheric Administration Assistant Administrator

The term “National Oceanic and Atmospheric Administration Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(7) Partnership

The term “Partnership” means an entity designated by Congress as a Fish Habitat Partnership under section 8204 of this title.

(8) Real property interest

The term “real property interest” means an ownership interest in—

(A) land; or

(B) water (including water rights).

(9) Marine Fisheries Commissions

The term “Marine Fisheries Commissions” means—

(A) the Atlantic States Marine Fisheries Commission;

(B) the Gulf States Marine Fisheries Commission; and

(C) the Pacific States Marine Commission.

(10) Secretary

The term “Secretary” means the Secretary of the Interior.

(11) State

The term “State” means each of the several States, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the United States Virgin Islands, and the District of Columbia.

(12) State agency

The term “State agency” means—

(A) the fish and wildlife agency of a State; and

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources of the State or sustains the habitat for those fishery resources pursuant to State law or the constitution of the State.

(Pub. L. 116–188, title II, §202, Oct. 30, 2020, 134 Stat. 925.)

§ 8203. National Fish Habitat Board

(a) Establishment

(1) Fish Habitat Board

There is established a board, to be known as the “National Fish Habitat Board”, whose duties are—

(A) to promote, oversee, and coordinate the implementation of this chapter;

(B) to establish national goals and priorities for fish habitat conservation;

(C) to recommend to Congress entities for designation as Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) Membership

The Board shall be composed of 28 members, of whom—

(A) 2 shall be representatives of the Department of the Interior, including the United States Fish and Wildlife Service and the Bureau of Land Management;

(B) 1 shall be a representative of the United States Geological Survey;

(C) 1 shall be a representative of the Department of Commerce;

(D) 1 shall be a representative of the Department of Agriculture;

(E) 1 shall be a representative of the Association of Fish and Wildlife Agencies;

(F) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(G) 2 shall be representatives of Indian Tribes, of whom—

(i) 1 shall be a representative of Indian Tribes in the State of Alaska; and

(ii) 1 shall be a representative of Indian Tribes in States other than the State of Alaska;

(H) 2 shall be representatives of—

(i) the Regional Fishery Management Councils established by section 1852(a)(1) of this title; or

(ii) the Marine Fisheries Commissions;

(I) 1 shall be a representative of the Sport Fishing and Boating Partnership Council;

(J) 7 shall be representatives selected from at least one from each of the following:

(i) the recreational sportfishing industry;

(ii) the commercial fishing industry;

(iii) marine recreational anglers;

(iv) freshwater recreational anglers;

(v) habitat conservation organizations; and

(vi) science-based fishery organizations;

(K) 1 shall be a representative of a national private landowner organization;

(L) 1 shall be a representative of an agricultural production organization;

(M) 1 shall be a representative of local government interests involved in fish habitat restoration;

(N) 2 shall be representatives from different sectors of corporate industries, which may include—

(i) natural resource commodity interests, such as petroleum or mineral extraction;

(ii) natural resource user industries; and

(iii) industries with an interest in fish and fish habitat conservation; and

(O) 1 shall be an individual in a leadership position in the private sector or landowner representative of an active partnership.

(3) Compensation

A member of the Board shall serve without compensation.

(4) Travel expenses

A member of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) Appointment and terms

(1) In general

Except as otherwise provided in this section, a member of the Board described in any of subparagraphs (F) through (O) of subsection (a)(2) shall serve for a term of 3 years.

(2) Initial Board membership

(A) In general

The initial Board shall consist of representatives as described in subparagraphs (A) through (F) of subsection (a)(2).

(B) Remaining members

Not later than 60 days after October 30, 2020, the representatives of the initial Board under subparagraph (A) shall appoint the remaining members of the Board described in subparagraphs (H) through (O) of subsection (a)(2).

(C) Tribal representatives

Not later than 60 days after October 30, 2020, the Secretary shall provide to the Board a recommendation of not fewer than three Tribal representatives, from which the Board shall appoint one representative pursuant to subparagraph (G) of subsection (a)(2).

(3) Staggered terms

Of the members described in subsection (a)(2)(J) initially appointed to the Board—

(A) two shall be appointed for a term of 1 year;

(B) two shall be appointed for a term of 2 years; and

(C) three shall be appointed for a term of 3 years.

(4) Vacancies

(A) In general

A vacancy of a member of the Board described in subparagraph (H), (I), (J), (K), (L), (M), (N), or (O) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) Tribal representatives

Following a vacancy of a member of the Board described in subparagraph (G) of subsection (a)(2), the Secretary shall recommend to the Board a list of not fewer than three Tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) Continuation of service

An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) Removal

If a member of the Board described in any of subparagraphs (H) through (O) of subparagraph (a)(2) misses three consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) Chairperson

(1) In general

The representative of the Association of Fish and Wildlife Agencies appointed under subsection (a)(2)(E) shall serve as Chairperson of the Board.

(2) Term

The Chairperson of the Board shall serve for a term of 3 years.

(d) Meetings**(1) In general**

The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) Public access

All meetings of the Board shall be open to the public.

(e) Procedures**(1) In general**

The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of two-thirds of the members present;

(C) procedures for establishing national goals and priorities for fish habitat conservation for the purposes of this chapter;

(D) procedures for designating Partnerships under section 8204 of this title; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) Quorum

A majority of the members of the Board shall constitute a quorum.

(Pub. L. 116–188, title II, §203, Oct. 30, 2020, 134 Stat. 926; Pub. L. 118–198, title II, §201, Dec. 23, 2024, 138 Stat. 2681.)

Editorial Notes**AMENDMENTS**

2024—Subsec. (a)(2). Pub. L. 118–198, §201(1)(A), substituted “28 members” for “26 members” in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 118–198, §201(1)(B), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “1 shall be a representative of the Department of the Interior;”.

Subsec. (a)(2)(G), (H). Pub. L. 118–198, §201(1)(C), added subpars. (G) and (H) and struck out former subpars. (G) and (H) which read as follows:

“(G) 2 shall be representatives of either—

“(i) Indian Tribes in the State of Alaska; or

“(ii) Indian Tribes in States other than the State of Alaska;

“(H) 1 shall be a representative of either—

“(i) the Regional Fishery Management Councils established under section 1852 of this title; or

“(ii) a representative of the Marine Fisheries Commissions;”.

Subsec. (e)(1)(B). Pub. L. 118–198, §201(2), substituted “the members present” for “all members”.

§ 8204. Fish Habitat Partnerships**(a) Authority to recommend**

The Board may recommend to Congress the designation of Fish Habitat Partnerships in accordance with this section.

(b) Purposes

The purposes of a Partnership shall be—

(1) to work with other regional habitat conservation programs to promote cooperation and coordination to enhance fish populations and fish habitats;

(2) to engage local and regional communities to build support for fish habitat conservation;

(3) to involve diverse groups of public and private partners;

(4) to develop collaboratively a strategic vision and achievable implementation plan that is scientifically sound;

(5) to leverage funding from sources that support local and regional partnerships;

(6) to use adaptive management principles, including evaluation of project success and functionality;

(7) to develop appropriate local or regional habitat evaluation and assessment measures and criteria that are compatible with national habitat condition measures; and

(8) to implement local and regional priority projects that improve conditions for fish and fish habitat.

(c) Criteria for designation

An entity seeking to be designated by Congress as a Partnership shall—

(1) submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require; and

(2) demonstrate to the Board that the entity has—

(A) a focus on promoting the health of important fish and fish habitats;

(B) an ability to coordinate the implementation of priority projects that support the goals and national priorities set by the Board that are within the Partnership boundary;

(C) a self-governance structure that supports the implementation of strategic priorities for fish habitat;

(D) the ability to develop local and regional relationships with a broad range of entities to further strategic priorities for fish and fish habitat;

(E) a strategic plan that details required investments for fish habitat conservation that addresses the strategic fish habitat priorities of the Partnership and supports and meets the strategic priorities of the Board;

(F) the ability to develop and implement fish habitat conservation projects that address strategic priorities of the Partnership and the Board; and

(G) the ability to develop fish habitat conservation priorities based on sound science and data, the ability to measure the effectiveness of fish habitat projects of the Partnership, and a clear plan as to how Partnership science and data components will be integrated with the overall Board science and data effort.

(d) Requirements for recommendation to Congress

The Board may recommend to Congress for designation an application for a Partnership

submitted under subsection (c) if the Board determines that the applicant—

(1) meets the criteria described in subsection (c)(2);

(2) identifies representatives to provide support and technical assistance to the Partnership from a diverse group of public and private partners, which may include State or local governments, nonprofit entities, Indian Tribes, and private individuals, that are focused on conservation of fish habitats to achieve results across jurisdictional boundaries on public and private land;

(3) is organized to promote the health of important fish species and important fish habitats, including reservoirs, natural lakes, coastal and marine environments, coral reefs, and estuaries;

(4) identifies strategic fish and fish habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decision making;

(5) is able to address issues and priorities on a nationally significant scale;

(6) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decision making by the applicant;

(7) demonstrates completion of, or significant progress toward the development of, a strategic plan to address declines in fish populations, rather than simply treating symptoms, in accordance with the goals and national priorities established by the Board; and

(8) promotes collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

(e) Report to Congress

(1) In general

Not later than February 1 of the first fiscal year beginning after October 30, 2020, and, subject to paragraph (3), each February 1 thereafter, the Board shall develop and submit to the appropriate congressional committees an annual report, to be entitled “Report to Congress on Future Fish Habitat Partnerships and Modifications”, that—

(A) identifies each entity that—

(i) meets the requirements described in subsection (d); and

(ii) the Board recommends to Congress for designation as a Partnership;

(B) describes any proposed modifications to a Partnership previously designated by Congress under subsection (f);¹

(C) with respect to each entity recommended for designation as a Partnership, describes, to the maximum extent practicable—

(i) the purpose of the recommended Partnership; and

(ii) how the recommended Partnership fulfills the requirements described in subsection (d).

(2) Public availability; notification

The Board shall—

(A) make the report publicly available, including on the internet; and

(B) provide to the appropriate congressional committees and the State agency of any State included in a recommended Partnership area written notification of the public availability of the report.

(3) Limitation

The Board shall only submit a report required under paragraph (1) in the fiscal years in which the Board is proposing modifications to, or new designations of, 1 or more Partnerships.

(f) Designation or modification of Partnership

(1) In general

Congress shall have the exclusive authority to designate or modify a Partnership.

(2) Designation or modification process

A Partnership designation or modification the Board recommends to Congress shall be deemed to be approved by Congress if Congress does not pass a joint resolution of disapproval with respect to the designation or modification by the date that is 90 days after the date on which the relevant congressional committees receive such recommendation.

(g) Existing partnerships

(1) Designation review

Not later than 5 years after October 30, 2020, any partnership receiving Federal funds as of October 30, 2020, shall be subject to a designation review by Congress in which Congress shall have the opportunity to designate the partnership under subsection (f).

(2) Ineligibility for Federal funds

A partnership referred to in paragraph (1) that Congress does not designate as described in that paragraph shall be ineligible to receive Federal funds under this chapter.

(Pub. L. 116–188, title II, §204, Oct. 30, 2020, 134 Stat. 928; Pub. L. 118–198, title II, §202, Dec. 23, 2024, 138 Stat. 2681.)

Editorial Notes

AMENDMENTS

2024—Subsec. (e)(1). Pub. L. 118–198, §202(1)(A), inserted “, subject to paragraph (3),” after “October 30, 2020, and” in introductory provisions.

Subsec. (e)(3). Pub. L. 118–198, §202(1)(B), added par. (3).

Subsec. (f). Pub. L. 118–198, §202(2), amended subsec. (f) generally. Prior to amendment, text read as follows: “Congress shall have the exclusive authority to designate or modify a Partnership.”

§ 8205. Fish habitat conservation projects

(a) Submission to Board

Not later than March 31 of each year, each Partnership shall submit to the Board a list of priority fish habitat conservation projects recommended by the Partnership for annual funding under this chapter.

(b) Recommendations by Board

Not later than July 1 of each year, the Board shall submit to the Secretary a priority list of

¹ So in original. Probably should be followed by “and”.

fish habitat conservation projects that includes a description, including estimated costs, of each project that the Board recommends that the Secretary approve and fund under this chapter.

(c) Criteria for project selection

The Board shall select each fish habitat conservation project recommended to the Secretary under subsection (b) after taking into consideration, at a minimum, the following information:

(1) A recommendation of the Partnership that is, or will be, participating actively in implementing the fish habitat conservation project.

(2) The capabilities and experience of project proponents to implement successfully the proposed project.

(3) The extent to which the fish habitat conservation project—

(A) fulfills a local or regional priority that is directly linked to the strategic plan of the Partnership and is consistent with the purpose of this chapter;

(B) addresses the national priorities established by the Board;

(C) is supported by the findings of the habitat assessment of the Partnership or the Board, and aligns or is compatible with other conservation plans;

(D) identifies appropriate monitoring and evaluation measures and criteria that are compatible with national measures;

(E) provides a well-defined budget linked to deliverables and outcomes;

(F) leverages other funds to implement the project;

(G) addresses the causes and processes behind the decline of fish or fish habitats; and

(H) includes an outreach or education component that includes the local or regional community.

(4) The availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e).

(5) The extent to which the fish habitat conservation project—

(A) will increase fish populations in a manner that leads to recreational fishing opportunities for the public;

(B) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian Tribes, and private entities;

(C) increases public access to land or water for fish and wildlife-dependent recreational opportunities;

(D) advances the conservation of fish and wildlife species that have been identified by a State agency as species of greatest conservation need;

(E) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(F) promotes strong and healthy fish habitats so that desired biological communities are able to persist and adapt.

(6) The substantiality of the character and design of the fish habitat conservation project.

(d) Limitations

(1) Requirements for evaluation

No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this chapter unless the fish habitat conservation project includes an evaluation plan designed using applicable Board guidance—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met;

(C) to identify improvements to existing fish populations, recreational fishing opportunities, and the overall economic benefits for the local community of the fish habitat conservation project; and

(D) to require the submission to the Board of a report describing the findings of the assessment.

(2) Acquisition authorities

(A) In general

A State, local government, or other non-Federal entity is eligible to receive funds for the acquisition of real property from willing sellers under this chapter if the acquisition ensures—

(i) public access for fish and wildlife-dependent recreation; or

(ii) a scientifically based, direct enhancement to the health of fish and fish populations, as determined by the Board.

(B) State agency approval

(i) In general

All real property interest acquisition projects funded under this chapter must be approved by the State agency in the State in which the project is occurring.

(ii) Prohibition

The Board may not recommend, and the Secretary may not provide any funding for, any real property interest acquisition that has not been approved by the State agency.

(C) Assessment of other authorities

The Board may not recommend, and the Secretary may not provide any funding under this chapter for, any real property interest acquisition unless the Partnership that recommended the project has conducted a project assessment, submitted with the funding request and approved by the Board, to demonstrate all other Federal, State, and local authorities for the acquisition of real property have been exhausted.

(D) Restrictions

A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, local government, or other non-Federal entity conducted with funds provided under this chapter, unless—

(i) the owner of the real property authorizes the State, local government, or other non-Federal entity to acquire the real property; and

(ii) the Secretary and the Board determine that the State, local government, or other non-Federal entity would benefit from undertaking the management of the real property being acquired because that is in accordance with the goals of a Partnership.

(e) Non-Federal contributions

(1) In general

The non-Federal share of the total cost of all fish habitat conservation projects carried out by a Partnership each year shall be at least 50 percent.

(2) Non-Federal share

The non-Federal share described in paragraph (1)—

(A) may not be derived from another Federal grant program; and

(B) may include in-kind contributions and cash.

(3) Special rule for Indian Tribes

Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian Tribe pursuant to this chapter may be considered to be non-Federal funds for the purpose of paragraph (1).

(4) Waiver authority

The Secretary, in consultation with the Secretary of Commerce with respect to marine or estuarine projects, may waive the application of paragraph (2)(A) with respect to a State or an Indian Tribe, or otherwise reduce the portion of the non-Federal share of the cost of an activity required to be paid by a State or an Indian Tribe under paragraph (1), if the Secretary determines that the State or Indian Tribe does not have sufficient funds not derived from another Federal grant program to pay such non-Federal share, or portion of the non-Federal share, without the use of loans.

(f) Approval

(1) In general

Not later than 90 days after the date of receipt of the recommended priority list of fish habitat conservation projects under subsection (b), and subject to subsection (d) and based, to the maximum extent practicable, on the criteria described in subsection (c), the Secretary, after consulting with the Secretary of Commerce on marine or estuarine projects, shall approve or reject any fish habitat conservation project recommended by the Board.

(2) Funding

If the Secretary approves a fish habitat conservation project under paragraph (1), the Secretary shall use amounts made available to carry out this chapter to provide funds to carry out the fish habitat conservation project.

(3) Notification

If the Secretary rejects under paragraph (1) any fish habitat conservation project rec-

ommended by the Board, not later than 90 days after the date of receipt of the recommendation, the Secretary shall provide to the Board, the appropriate Partnership, and the appropriate congressional committees a written statement of the reasons that the Secretary rejected the fish habitat conservation project.

(Pub. L. 116-188, title II, §205, Oct. 30, 2020, 134 Stat. 931; Pub. L. 118-198, title II, §203, Dec. 23, 2024, 138 Stat. 2682.)

Editorial Notes

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (c)(5)(E), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

AMENDMENTS

2024—Subsec. (b). Pub. L. 118-198, §203(1), struck out “for the following fiscal year” before period at end.

Subsec. (e)(1). Pub. L. 118-198, §203(2)(A), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “Except as provided in paragraphs (2) and (4), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this chapter unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.”

Subsec. (e)(2). Pub. L. 118-198, §203(2)(B), substituted “The non-Federal share described in paragraph (1)” for “Such non-Federal share of the cost of a fish habitat conservation project” in introductory provisions.

§ 8206. Technical and scientific assistance

(a) In general

The Director, the National Oceanic and Atmospheric Administration Assistant Administrator, the Environmental Protection Agency Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service, the Bureau of Land Management, and other appropriate Federal departments and agencies, may provide scientific and technical assistance to Partnerships, participants in fish habitat conservation projects, and the Board.

(b) Inclusions

Scientific and technical assistance provided under subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian Tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment;

(6) ensuring the availability of experts to assist in conducting scientifically based evaluation and reporting of the results of fish habitat conservation projects; and

(7) providing resources to secure State agency scientific and technical assistance to support Partnerships, participants in fish habitat conservation projects, and the Board.

(Pub. L. 116–188, title II, §206, Oct. 30, 2020, 134 Stat. 934; Pub. L. 118–198, title II, §204, Dec. 23, 2024, 138 Stat. 2682.)

Editorial Notes

AMENDMENTS

2024—Subsec. (a). Pub. L. 118–198 inserted “, the Bureau of Land Management,” after “the Forest Service”.

§ 8207. Coordination with States and Indian Tribes

The Secretary shall provide a notice to, and cooperate with, the appropriate State agency or Tribal agency, as applicable, of each State and Indian Tribe within the boundaries of which an activity is planned to be carried out pursuant to this chapter, including notification, by not later than 30 days before the date on which the activity is implemented.

(Pub. L. 116–188, title II, §207, Oct. 30, 2020, 134 Stat. 934.)

§ 8208. Interagency operational plan

Not later than 1 year after October 30, 2020, and every 5 years thereafter, the Director, in cooperation with the National Oceanic and Atmospheric Administration Assistant Administrator, the Environmental Protection Agency Assistant Administrator, the Director of the United States Geological Survey, and the heads of other appropriate Federal departments and agencies (including, at a minimum, those agencies represented on the Board) shall develop an interagency operational plan that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs for the implementation of this chapter; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(Pub. L. 116–188, title II, §208, Oct. 30, 2020, 134 Stat. 935.)

§ 8209. Accountability and reporting

(a) In general

Not later than 5 years after October 30, 2020, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the progress of this chapter.

(b) Contents

Each report submitted under subsection (a) shall include—

(1) an estimate of the number of acres, stream miles, or acre-feet, or other suitable measures of fish habitat, that was maintained or improved by Partnerships under this chapter during the 5-year period ending on the date of submission of the report;

(2) a description of the public access to fish habitats established or improved under this chapter during that 5-year period;

(3) a description of the improved opportunities for public recreational fishing achieved under this chapter;

(4) a description of the status of fish habitats in the United States as identified by Partnerships; and

(5) an assessment of the status of fish habitat conservation projects carried out with funds provided under this chapter during that period, disaggregated by year, including—

(A) a description of the fish habitat conservation projects recommended by the Board under section 8205(b) of this title;

(B) a description of each fish habitat conservation project approved by the Secretary under section 8205(f) of this title, in order of priority for funding;

(C) a justification for—

(i) the approval of each fish habitat conservation project; and

(ii) the order of priority for funding of each fish habitat conservation project;

(D) a justification for any rejection of a fish habitat conservation project recommended by the Board under section 8205(b) of this title that was based on a factor other than the criteria described in section 8205(c) of this title; and

(E) an accounting of expenditures by Federal, State, or local governments, Indian Tribes, or other entities to carry out fish habitat conservation projects under this chapter.

(Pub. L. 116–188, title II, §209, Oct. 30, 2020, 134 Stat. 935; Pub. L. 118–198, title II, §205, Dec. 23, 2024, 138 Stat. 2682.)

Editorial Notes

AMENDMENTS

2024—Subsec. (a). Pub. L. 118–198, §205(2)(A), inserted subsec. (a) designation and heading and struck out former subsec. (a) designation and heading “Reporting” and former par. (1) designation and heading “In general” before “Not later than”.

Subsec. (a)(2). Pub. L. 118–198, §205(2)(B), redesignated par. (2) of subsec. (a) as subsec. (b) and realigned margins.

Subsec. (b). Pub. L. 118–198, §205(1), (2)(B), (3)(A), (B), redesignated par. (2) of subsec. (a) as subsec. (b) and subpars. (A), (B), (C), and (D) of former par. (2) of subsec. (a) as pars. (1), (2), (3), and (5), respectively, of subsec. (b), realigned margins, substituted “subsection (a)” for “paragraph (1)” in introductory provisions, and struck out former subsec. (b) which authorized the Board to submit status and trends report to appropriate congressional committees.

Subsec. (b)(4). Pub. L. 118–198, §205(3)(C), (D), added par. (4).

Subsec. (b)(5). Pub. L. 118–198, §205(3)(E)(i), redesignated cls. (i) to (v) as subpars. (A) to (E), respectively, and realigned margins.

Subsec. (b)(5)(C). Pub. L. 118–198, §205(3)(E)(ii), redesignated subcls. (I) and (II) as cls. (i) and (ii), respectively, and realigned margins.

§ 8210. Effect of this chapter

(a) Water rights

Nothing in this chapter—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on October 30, 2020;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on October 30, 2020, regarding water quality or water quantity.

(b) Authority to acquire water rights or rights to property

Only a State, local government, or other non-Federal entity may acquire, under State law, water rights or rights to property with funds made available through section 8212 of this title.

(c) State authority

Nothing in this chapter—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(d) Effect on Indian Tribes

Nothing in this chapter abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian Tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian Tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(e) Adjudication of water rights

Nothing in this chapter diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 666 of title 43.

(f) Department of Commerce authority

Nothing in this chapter affects the authority, jurisdiction, or responsibility of the Department of Commerce to manage, control, or regulate fish or fish habitats under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(g) Effect on other authorities

(1) Private property protection

Nothing in this chapter permits the use of funds made available to carry out this chapter to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest, respectively.

(2) Mitigation

Nothing in this chapter authorizes the use of funds made available to carry out this chapter for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

(3) Clean Water Act

Nothing in this chapter affects any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including any definition in that Act.

(Pub. L. 116-188, title II, §210, Oct. 30, 2020, 134 Stat. 936.)

Editorial Notes

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (f), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Federal Water Pollution Control Act, referred to in subsec. (g)(2)(A), (3), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Fish and Wildlife Coordination Act, referred to in subsec. (g)(2)(B), is act Mar. 10, 1934, ch. 55, 48 Stat. 401, which is classified generally to sections 661 to 666c-1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 661 of this title and Tables.

The Water Resources Development Act of 1986, referred to in subsec. (g)(2)(C), is Pub. L. 99-662, Nov. 17, 1986, 100 Stat. 4082. For complete classification of this Act to the Code, see section 1(a) of Pub. L. 99-662, set out as a Short Title note under section 2201 of Title 33, Navigation and Navigable Waters, and Tables.

§ 8211. Nonapplicability of Federal Advisory Committee Act

Chapter 10 of title 5 (commonly known as the “Federal Advisory Committee Act”), shall not apply to—

(1) the Board; or

(2) any Partnership.

(Pub. L. 116-188, title II, §211, Oct. 30, 2020, 134 Stat. 937; Pub. L. 118-198, title II, §207, Dec. 23, 2024, 138 Stat. 2683.)

Editorial Notes

AMENDMENTS

2024—Pub. L. 118-198 substituted “Chapter 10 of title 5 (commonly known as the ‘Federal Advisory Committee Act’),” for “The Federal Advisory Committee Act (5 U.S.C. App.)” in introductory provisions.

§ 8212. Funding

(a) Authorization of appropriations

(1) Fish habitat Partnerships and conservation projects

There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2021 through 2030 to provide funds for Partnership operations under section 8204 of this title and fish habitat conservation projects approved under section 8205(f) of this title, of which 5 percent is authorized only for projects carried out by Indian Tribes.

(2) Administrative and planning expenses

There is authorized to be appropriated to the Secretary for each of fiscal years 2021 through 2030 an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1)—

- (A) for administrative and planning expenses under this chapter; and
- (B) to carry out section 8209 of this title.

(3) Technical and scientific assistance

There is authorized to be appropriated for each of fiscal years 2021 through 2030 to carry out, and provide technical and scientific assistance under, section 8206 of this title—

- (A) \$400,000 to the Secretary for use by the United States Fish and Wildlife Service;
- (B) \$400,000 to the National Oceanic and Atmospheric Administration Assistant Administrator for use by the National Oceanic and Atmospheric Administration;
- (C) \$400,000 to the Environmental Protection Agency Assistant Administrator for use by the Environmental Protection Agency;
- (D) \$400,000 to the Secretary for use by the United States Geological Survey; and
- (E) \$400,000 to the Secretary of Agriculture, acting through the Chief of the Forest Service, for use by the Forest Service.

(b) Agreements and grants

The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31 and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity to provide funds authorized by this chapter for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and, subject to the availability of appropriations, use a grant from any individual or entity to carry out the purposes of this chapter; and

(3) subject to the availability of appropriations, make funds authorized by this Act available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this chapter.

(c) Donations

(1) In general

The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of title 26 that is exempt from taxation under section 501(a) of title 26 to solicit private donations to carry out the purposes of this chapter; and

(B) accept donations of funds, property, and services to carry out the purposes of this chapter.

(2) Treatment

A donation accepted under this chapter—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

- (i) used directly by the Secretary; or
- (ii) provided to another Federal department or agency through an interagency agreement.

(Pub. L. 116-188, title II, §212, Oct. 30, 2020, 134 Stat. 937; Pub. L. 118-198, title II, §206, Dec. 23, 2024, 138 Stat. 2683.)

Editorial Notes

REFERENCES IN TEXT

The Federal Financial Assistance Management Improvement Act of 1999, referred to in subsec. (b)(1), is Pub. L. 106-107, Nov. 20, 1999, 113 Stat. 1486, which was formerly set out as a note under section 6101 of Title 31, Money and Finance. Pursuant to section 11 of the Act, the Act ceased to be effective 8 years after Nov. 20, 1999.

This Act, referred to in subsec. (b)(3), is Pub. L. 116-188, Oct. 30, 2020, 134 Stat. 905, known as America's Conservation Enhancement Act. For complete classification of this Act to the Code, see Short Title note set out under section 8201 of this title and Tables.

AMENDMENTS

2024—Subsec. (a)(1). Pub. L. 118-198, §206(1), inserted “Partnerships and” after “habitat” in heading and “Partnership operations under section 8204 of this title and” after “to provide funds for” in text and substituted “2030” for “2025”.

Subsec. (a)(2). Pub. L. 118-198, §206(2), substituted “2030” for “2025” in introductory provisions.

Subsec. (a)(3). Pub. L. 118-198, §206(3), substituted “2030” for “2025” in introductory provisions.

§ 8213. Prohibition against implementation of regulatory authority by Federal agencies through partnerships

Any Partnership designated under this chapter—

- (1) shall be for the sole purpose of promoting fish conservation; and
- (2) shall not be used to implement any regulatory authority of any Federal agency.

(Pub. L. 116-188, title II, §213, Oct. 30, 2020, 134 Stat. 938.)

CHAPTER 102—COASTAL HABITAT CONSERVATION

Sec.	
8301.	Purpose.
8302.	Definitions.
8303.	Coastal Program.
8304.	Reports.
8305.	Authorization of appropriations.

§ 8301. Purpose

The purpose of this chapter is to legislatively authorize the Coastal Program of the Service in effect as of December 11, 2024, to conduct collaborative landscape-level planning and on-the-ground coastal habitat assessment, coastal habitat protection, coastal habitat restoration, and coastal habitat enhancement projects in priority coastal landscapes to conserve and recover Federal trust species.

(Pub. L. 118-138, §2, Dec. 11, 2024, 138 Stat. 1651.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 118-138, §1, Dec. 11, 2024, 138 Stat. 1651, provided that: “This Act [enacting this chapter] may be

cited as the ‘Coastal Habitat Conservation Act of 2023.’”

§ 8302. Definitions

In this chapter:

(1) Coastal ecosystem

The term “coastal ecosystem” means a biological community of organisms interacting with each other and their habitats in a coastal landscape.

(2) Coastal habitat assessment

The term “coastal habitat assessment” means the process of evaluating the physical, chemical, and biological function of a coastal site to determine the value of the site to fish and wildlife.

(3) Coastal habitat enhancement

The term “coastal habitat enhancement” means the manipulation of the physical, chemical, or biological characteristics of a coastal ecosystem to increase or decrease specific biological functions that make the ecosystem valuable to fish and wildlife.

(4) Coastal habitat planning

The term “coastal habitat planning” means the process of developing a comprehensive plan that—

- (A) characterizes a coastal ecosystem;
- (B) sets protection, restoration, or enhancement goals and identifies the priorities of those goals;
- (C) describes conservation strategies and methodologies;
- (D) establishes a timetable for implementation of the plan; and
- (E) identifies roles of participants and stakeholders.

(5) Coastal habitat protection

(A) In general

The term “coastal habitat protection” means a long-term action to safeguard habitat of value to fish and wildlife in a coastal ecosystem.

(B) Inclusion

The term “coastal habitat protection” includes activities to support establishment of a conservation easement or fee title acquisition by Federal and non-Federal partners.

(6) Coastal habitat restoration

The term “coastal habitat restoration” means the manipulation of the physical, chemical, or biological characteristics of a coastal ecosystem with the goal of returning, to the maximum extent practicable, the full natural biological functions to lost or degraded native habitat.

(7) Coastal landscape

The term “coastal landscape” means a portion of a coastal ecosystem within or adjacent to a coastal State that contains various habitat types, including—

- (A) a fresh or saltwater wetland in a coastal watershed;
- (B) a coastal river, stream, or waterway;
- (C) a coastal bay or estuary;

- (D) a seagrass bed, reef, or other nearshore marine habitat;
- (E) a beach or dune system;
- (F) a mangrove forest; and
- (G) an associated coastal upland.

(8) Coastal State

The term “coastal State” means—

- (A) a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, the Long Island Sound, or 1 or more of the Great Lakes;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico;
- (D) Guam;
- (E) American Samoa;
- (F) the Commonwealth of the Northern Mariana Islands;
- (G) the Federated States of Micronesia;
- (H) the Republic of the Marshall Islands;
- (I) the Republic of Palau; and
- (J) the United States Virgin Islands.

(9) Federal trust species

The term “Federal trust species” means migratory birds, threatened species or endangered species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), inter-jurisdictional fish, and marine mammals for which the Secretary has management authority.

(10) Financial assistance

The term “financial assistance” means Federal funding provided to Federal, State, local, or Tribal governments, nongovernmental institutions, nonprofit organizations, and private individuals and entities through a grant or cooperative agreement.

(11) Secretary

The term “Secretary” means the Secretary of the Interior.

(12) Service

The term “Service” means the United States Fish and Wildlife Service.

(13) Technical assistance

The term “technical assistance” means a collaboration, facilitation, or consulting action relating to a coastal habitat planning, coastal habitat assessment, coastal habitat protection, coastal habitat restoration, or coastal habitat enhancement project or initiative in which the Service contributes scientific knowledge, skills, and expertise to the project or initiative.

(Pub. L. 118-138, §3, Dec. 11, 2024, 138 Stat. 1651.)

Editorial Notes

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in par. (9), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

§ 8303. Coastal Program

The Secretary shall carry out the Coastal Program within the Service to—

(1) identify the leading threats to priority coastal landscapes and conservation actions to address those threats in partnership with Federal, State, local, and Tribal governments, nongovernmental institutions, nonprofit organizations, and private individuals and entities;

(2) provide technical assistance and financial assistance through partnerships with Federal, State, local, and Tribal governments, nongovernmental institutions, nonprofit organizations, and private individuals and entities to conduct voluntary coastal habitat planning, coastal habitat assessment, coastal habitat protection, coastal habitat restoration, and coastal habitat enhancement projects on public land or private land;

(3) ensure the health and resilience of coastal ecosystems through adaptive management procedures based on the best available science;

(4) build the capacity of Federal, State, local, and Tribal governments, nongovernmental institutions, nonprofit organizations, and private individuals and entities to carry out environmental conservation and stewardship measures;

(5) assist in the development and implementation of monitoring protocols to ensure the success of coastal ecosystem restoration and coastal ecosystem enhancement measures; and

(6) collaborate and share information with partners and the public relating to best management practices for the conservation, restoration, and enhancement of coastal ecosystems.

(Pub. L. 118–138, § 4, Dec. 11, 2024, 138 Stat. 1653.)

§ 8304. Reports

(a) In general

Not later than 1 year after December 11, 2024, and annually thereafter, the Secretary, acting through the Director of the Service, shall submit to the Committees on Appropriations and Natural Resources of the House of Representatives and the Committees on Appropriations and Environment and Public Works of the Senate, and make available to the public on the website of the Service, a report on the Coastal Program carried out under this chapter.

(b) Requirements

Each report submitted under subsection (a) shall assess on regional and nationwide bases—

(1) Coastal Program work on coastal ecosystems;

(2) progress made by the Coastal Program toward identifying the leading threats to priority coastal landscapes and conservation actions to address those threats; and

(3) prospects for, and success of, protecting, restoring, and enhancing coastal ecosystems.

(c) Inclusions

Each report submitted under subsection (a) shall include—

(1) quantitative information on coastal landscapes protected, restored, or enhanced;

(2) funds appropriated to the Coastal Program that have been expended or leveraged;

(3) a description of adaptive management practices implemented; and

(4) a description of emerging challenges or data gaps that hinder the ability of the Coast-

al Program to achieve the purpose of this chapter.

(Pub. L. 118–138, § 5, Dec. 11, 2024, 138 Stat. 1653.)

§ 8305. Authorization of appropriations

There is authorized to be appropriated to carry out this chapter \$16,957,000 for each of fiscal years 2024 through 2028.

(Pub. L. 118–138, § 6, Dec. 11, 2024, 138 Stat. 1654.)

CHAPTER 103—EXPANDING PUBLIC LANDS OUTDOOR RECREATION EXPERIENCES

Sec.

8401. Definitions.

SUBCHAPTER I—OUTDOOR RECREATION AND INFRASTRUCTURE

PART A—OUTDOOR RECREATION POLICY

- 8411. Congressional declaration of policy.
- 8412. Identifying opportunities for recreation.
- 8413. Recreation budget crosscut.

PART B—PUBLIC RECREATION ON FEDERAL RECREATIONAL LANDS AND WATERS

- 8421. Biking on long-distance trails.
- 8422. Protecting America’s rock climbing.
- 8423. Range access.
- 8424. Restoration of overnight campsites.
- 8425. Motorized and nonmotorized access.
- 8426. Aquatic resource activities assistance.

PART C—SUPPORTING GATEWAY COMMUNITIES AND ADDRESSING PARK OVERCROWDING

- 8441. Gateway communities.
- 8442. Improved recreation visitation data.
- 8443. Monitoring for improved recreation decision making.

PART D—BROADBAND CONNECTIVITY ON FEDERAL RECREATIONAL LANDS AND WATERS

- 8451. Connect our parks.
- 8452. Broadband internet connectivity at developed recreation sites.
- 8453. Public lands telecommunications cooperative agreements.

PART E—PUBLIC-PRIVATE PARKS PARTNERSHIPS

- 8461. Partnership agreements to modernize federally owned campgrounds, resorts, cabins, and visitor centers on Federal recreational lands and waters.
- 8462. Parking and restroom opportunities for Federal recreational lands and waters.
- 8463. Pay-for-performance projects.
- 8464. Outdoor Recreation Legacy Partnership Program.

SUBCHAPTER II—ACCESS AMERICA

8471. Definitions.

PART A—ACCESS FOR PEOPLE WITH DISABILITIES

- 8481. Accessible recreation inventory.
- 8482. Trail inventory.
- 8483. Trail pilot program.
- 8484. Accessible trails.
- 8485. Accessible recreation opportunities.
- 8486. Assistive technology.
- 8487. Savings clause.

PART B—MILITARY AND VETERANS IN PARKS

- 8501. Promotion of outdoor recreation for military servicemembers and veterans.
- 8502. Military Veterans Outdoor Recreation Liaisons.

- Sec.
8503. Partnerships to promote military and veteran recreation.
8504. National strategy for military and veteran recreation.
8505. Career and volunteer opportunities for veterans.

PART C—YOUTH ACCESS

8521. Increasing youth recreation visits to Federal land.

SUBCHAPTER III—SIMPLIFYING OUTDOOR ACCESS FOR RECREATION

8531. Definitions.

PART A—MODERNIZING RECREATION PERMITTING

8541. Permitting process improvements.
8542. Permit flexibility.
8543. Permit administration.
8544. Service First Initiative; permits for multi-jurisdictional trips.
8545. Forest Service and Bureau of Land Management temporary special recreation permits for outfitting and guiding.
8546. Reviews for long-term permits.
8547. Adjustment of allocated visitor-use days.
8548. Liability.
8549. Cost recovery reform.
8550. Savings provision.

PART B—MAKING RECREATION A PRIORITY

8561. Extension of seasonal recreation opportunities.

PART C—RECREATION NOT RED TAPE

8571. Good neighbor authority for recreation.
8572. Permit relief for picnic areas.
8573. Interagency report on special recreation permits for underserved communities.
8574. Savings provision.

§ 8401. Definitions

In this chapter:

(1) Federal land management agency

The term “Federal land management agency” has the meaning given the term in section 6801 of this title.

(2) Federal recreational lands and waters

The term “Federal recreational lands and waters” has the meaning given the term in section 6801 of this title.

(3) Gateway community

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

(4) Indian Tribe

The term “Indian Tribe” has the meaning given the term in section 5304 of title 25.

(5) Land use plan

The term “land use plan” means—

(A) a land use plan prepared by the Secretary pursuant to section 1712 of title 43; and

(B) a land management plan prepared by the Forest Service for a unit of the National Forest Service pursuant to section 1604 of this title.

(6) Secretaries

The term “Secretaries” means each of—

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

(7) Secretary

The term “Secretary” means the Secretary of the Interior.

(8) Secretary concerned

The term “Secretary concerned” means—

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

(9) State

The term “State” means each of the several States, the District of Columbia, and each territory of the United States.

(Pub. L. 118–234, § 2, Jan. 4, 2025, 138 Stat. 2837.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in introductory provisions, was in the original “this Act”, meaning Pub. L. 118–234, Jan. 4, 2025, 138 Stat. 2836, known as the Expanding Public Lands Outdoor Recreation Experiences Act and also known as the EXPLORE Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 118–234, § 1(a), Jan. 4, 2025, 138 Stat. 2836, provided that: “This Act [enacting this chapter, sections 4601–6d, 558a to 558g, and 6804a of this title, and sections 100905 and 308106 of Title 54, National Park Service and Related Programs, amending sections 2113a, 6801 to 6804, 6807, 6809, 6852, 6854, and 6855 of this title, section 1761a of Title 43, Public Lands, and sections 101703, 104909, 200102 to 200104, 308101 to 308103, and 308105 of Title 54, repealing section 4601–6d of this title, section 1703 of Title 43, and section 100905 of Title 54, omitting sections 558a to 558d of this title, enacting provisions set out as notes under section 558a of this title, and amending provisions set out as notes under sections 580d and 6804 of this title] may be cited as the ‘Expanding Public Lands Outdoor Recreation Experiences Act’ or the ‘EXPLORE Act’.”

SUBCHAPTER I—OUTDOOR RECREATION AND INFRASTRUCTURE

PART A—OUTDOOR RECREATION POLICY

§ 8411. Congressional declaration of policy

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

(Pub. L. 118–234, title I, § 111, Jan. 4, 2025, 138 Stat. 2838.)

§ 8412. Identifying opportunities for recreation

(a) Inventory and assessments**(1) In general**

The Secretary concerned shall—

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

(B) develop the inventory and assessment with support from public comment; and

(C) update the inventory and assessment as the Secretary concerned determines appropriate.

(2) Unique recreation values

An inventory and assessment conducted under paragraph (1) shall—

(A) recognize—

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

(ii) areas of concentrated recreational use; and

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

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

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

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

(3) Assessments

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

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

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

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

(b) Existing efforts

To the extent practicable, the Secretary concerned shall use or incorporate existing applicable research and planning decisions and processes in carrying out this section.

(c) Omitted

(Pub. L. 118–234, title I, §112, Jan. 4, 2025, 138 Stat. 2838.)

Editorial Notes

CODIFICATION

Section is comprised of section 112 of Pub. L. 118–234. Subsec. (c) of section 112 of Pub. L. 118–234 amended section 200103 of Title 54, National Park Service and Related Programs.

§ 8413. Recreation budget crosscut

Not later than 30 days after the end of each fiscal year, beginning with fiscal year 2025, the Director of the Office of Management and Budget shall submit to Congress and make public online a report that describes and itemizes the total amount of funding relating to outdoor recreation that was obligated in the preceding fiscal year in accounts in the Treasury for the Department of the Interior and the Department of Agriculture.

(Pub. L. 118–234, title I, §114, Jan. 4, 2025, 138 Stat. 2841.)

PART B—PUBLIC RECREATION ON FEDERAL RECREATIONAL LANDS AND WATERS

§ 8421. Biking on long-distance trails

(a) Identification of long-distance trails

Not later than 18 months after January 4, 2025, the Secretaries shall identify—

(1) not fewer than 10 long-distance bike trails that make use of trails and roads in existence on January 4, 2025; and

(2) not fewer than 10 areas in which there is an opportunity to develop or complete a trail that would qualify as a long-distance bike trail.

(b) Public comment

The Secretaries shall—

(1) develop a process to allow members of the public to comment regarding the identification of trails and areas under subsection (a); and

(2) consider the identification, development, and completion of long-distance bike trails in a geographically equitable manner.

(c) Maps, signage, and promotional materials

For any long-distance bike trail identified under subsection (a), the Secretary concerned may—

(1) publish and distribute maps, install signage, and issue promotional materials; and

(2) coordinate with stakeholders to leverage any non-Federal resources necessary for the stewardship, development, or completion of trails.

(d) Report

Not later than 2 years after January 4, 2025, the Secretaries, in partnership with interested organizations, shall prepare and publish a report that lists the trails identified under subsection (a), including a summary of public comments received in accordance with the process developed under subsection (b).

(e) Conflict avoidance with other uses

Before identifying a long-distance bike trail under subsection (a), the Secretary concerned shall ensure the long-distance bike trail—

(1) minimizes conflict with—

(A) the uses, before January 4, 2025, of any trail or road that is part of that long-distance bike trail;

(B) multiple-use areas where biking, hiking, horseback riding, or use by pack and saddle stock are existing uses on January 4, 2025;

(C) the purposes for which any trail was or is established under the National Trails System Act (16 U.S.C. 1241 et seq.); and

(D) any area managed under the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) complies with land use and management plans of the Federal recreational lands and waters that are part of that long-distance bike trail.

(f) Eminent domain or condemnation

In carrying out this section, the Secretaries may not use eminent domain or condemnation.

(g) Definitions

In this section:

(1) Long-distance bike trail

The term “long-distance bike trail” means a continuous route, consisting of 1 or more trails or rights-of-way, that—

(A) is not less than 80 miles in length;

(B) primarily makes use of dirt or natural surface trails;

(C) may require connections along paved or other improved roads;

(D) does not include Federal recreational lands where mountain biking or related activities are not consistent with management requirements for those Federal recreational lands; and

(E) to the maximum extent practicable, makes use of trails and roads that were on Federal recreational lands on or before January 4, 2025.

(2) Secretaries

The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(Pub. L. 118-234, title I, §121, Jan. 4, 2025, 138 Stat. 2842.)

Editorial Notes

REFERENCES IN TEXT

The National Trails System Act, referred to in subsec. (e)(1)(C), is Pub. L. 90-543, Oct. 2, 1968, 82 Stat. 919, which is classified generally to chapter 27 (§1241 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1241 of this title and Tables.

The Wilderness Act, referred to in subsec. (e)(1)(D), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

§ 8422. Protecting America’s rock climbing**(a) In general**

Not later than 18 months after January 4, 2025, each Secretary concerned shall issue guidance for recreational climbing activities on covered Federal land.

(b) Applicable law

The guidance issued under subsection (a) shall ensure that recreational climbing activities comply with the laws (including regulations) applicable to the covered Federal land.

(c) Wilderness areas

The guidance issued under subsection (a) shall recognize that recreational climbing (including the use, placement, and maintenance of fixed anchors) is an appropriate use within a component of the National Wilderness Preservation System, if undertaken—

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

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

(d) Authorization

The guidance issued under subsection (a) shall describe the requirements, if any, for the place-

ment 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.

(e) 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 January 4, 2025, in accordance with this chapter.

(f) Public comment

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

(g) Covered Federal land defined

In this section, the term “covered Federal land”—

(1) means the lands described in subparagraphs (A) and (B) of paragraph (2); and

(2) includes components of the National Wilderness Preservation System.

(Pub. L. 118-234, title I, §122, Jan. 4, 2025, 138 Stat. 2843.)

Editorial Notes

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (c)(1), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

This chapter, referred to in subsec. (e), was in the original “this Act”, meaning Pub. L. 118-234, Jan. 4, 2025, 138 Stat. 2836, known as the Expanding Public Lands Outdoor Recreation Experiences Act and also known as the EXPLORE Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 8401 of this title and Tables.

§ 8423. Range access**(a) Definition of target shooting range**

In this section, the term “target shooting range” means a developed and managed area that is authorized or operated by the Forest Service, a concessioner of the Forest Service, or the Bureau of Land Management (or their lessee) specifically for the purposeful discharge by the public of legal firearms, firearms training, archery, or other associated activities.

(b) Assessment; identification of target shooting range locations**(1) Assessment**

Not later than 1 year after January 4, 2025, the Secretary concerned shall make available to the public a list that—

(A) identifies each National Forest and each Bureau of Land Management district that has a target shooting range that meets the requirements described in paragraph (3)(B);

(B) identifies each National Forest and each Bureau of Land Management district that does not have a target shooting range that meets the requirements described in paragraph (3)(B); and

(C) for each National Forest and each Bureau of Land Management district identified under subparagraph (B), provides a determination of whether applicable law or the applicable land use plan prevents the establishment of a target shooting range that meets the requirements described in paragraph (3)(B).

(2) Identification of target shooting range locations

(A) In general

The Secretary concerned shall identify at least 1 suitable location for a target shooting range that meets the requirements described in paragraph (3)(B) within each National Forest and each Bureau of Land Management district with respect to which the Secretary concerned has determined under paragraph (1)(C) that the establishment of a target shooting range is not prevented by applicable law or the applicable land use plan.

(B) Requirements

The Secretaries, in consultation with the entities described in subsection (d), shall, for purposes of identifying a suitable location for a target shooting range under subparagraph (A)—

- (i) consider the proximity of areas frequently used by recreational shooters;
- (ii) ensure that the target shooting range would not adversely impact a shooting range operated on non-Federal land; and
- (iii) consider other nearby recreational uses, including proximity to units of the National Park System, to minimize potential conflict and prioritize visitor safety.

(3) Establishment of new target shooting ranges

(A) In general

Not later than 5 years after January 4, 2025, at 1 or more suitable locations identified on each eligible National Forest and Bureau of Land Management district under paragraph (2)(A), the Secretary concerned shall—

- (i) subject to the availability of appropriations for such purpose, construct a target shooting range that meets the requirements described in subparagraph (B) or modify an existing target shooting range to meet the requirements described in subparagraph (B); or
- (ii) enter into an agreement with an entity described in subsection (d)(1), under which the entity shall establish or maintain a target shooting range that meets the requirements described in subparagraph (B).

(B) Requirements

A target shooting range established under this paragraph—

- (i)(I) shall be able to accommodate rifles and pistols;

(II) may include skeet, trap, or sporting clay infrastructure; and

(III) may accommodate archery;

(ii) shall include appropriate public safety designs and features, including—

(I) significantly modified landscapes, including berms, buffer distances, or other public safety designs or features; and

(II) a designated firing line; and

(iii) may include—

(I) shade structures;

(II) trash containers;

(III) restrooms;

(IV) benches; and

(V) any other features that the Secretary concerned determines to be necessary.

(C) Recreation and Public Purposes Act

For purposes of subparagraph (A), the Secretary concerned may consider a target shooting range that is located on land transferred or leased pursuant to the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.), as a target shooting range that meets the requirements described in subparagraph (B).

(c) Restrictions

(1) Management

The management of a target shooting range shall be subject to such conditions as the Secretary concerned determines are necessary for the safe, responsible use of—

(A) the target shooting range; and

(B) the adjacent land and resources.

(2) Closures

Except in emergency situations, the Secretary concerned shall seek to ensure that a target shooting range that meets the requirements described in subsection (b)(3)(B), or an equivalent shooting range adjacent to a National Forest or Bureau of Land Management district, is available to the public prior to closing Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management to recreational shooting, in accordance with section 7913 of this title.

(d) Coordination

(1) In general

In carrying out this section, the Secretaries shall coordinate with—

(A) State, Tribal, and local governments;

(B) nonprofit or nongovernmental organizations, including organizations that are signatories to the memorandum of understanding entitled “Federal Lands Hunting, Fishing, and Shooting Sports Roundtable Memorandum of Understanding” and signed by the Forest Service and the Bureau of Land Management on August 17, 2006;

(C) shooting clubs;

(D) Federal advisory councils relating to hunting and shooting sports; and

(E) individuals or entities with authorized leases or permits in an area under consideration for a target shooting range.

(2) Partnerships

The Secretaries may—

(A) coordinate with an entity described in paragraph (1) to assist with the construction, modification, operation, or maintenance of a target shooting range; and

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

(e) Annual reports

Not later than 2 years after January 4, 2025, and annually thereafter through fiscal year 2033, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the progress made with respect to the implementation of this section.

(f) Savings clause

Nothing in this section affects the authority of the Secretary concerned to administer a target shooting range that is in addition to the target shooting ranges that meet the requirements described in subsection (b)(3)(B) on Federal recreational lands and waters administered by the Secretary concerned.

(Pub. L. 118–234, title I, §123, Jan. 4, 2025, 138 Stat. 2844.)

§ 8424. Restoration of overnight campsites**(a) Definitions**

In this section:

(1) Recreation Area

The term “Recreation Area” means the recreation area and grounds associated with the recreation area on the map entitled “Ouachita National Forest Camping Restoration” and dated November 30, 2023, on file with the Forest Service.

(2) Secretary

The term “Secretary” means the Secretary of Agriculture.

(b) In general

The Secretary shall—

(1) not later than 6 months after January 4, 2025, identify 54 areas within the Recreation Area that may be suitable for overnight camping; and

(2) not later than 2 years after January 4, 2025—

(A) review each area identified under paragraph (1); and

(B) from the areas so identified, select and establish at least 27 campsites and related facilities within the Recreation Area for public use.

(c) Requirements related to campsites and related facilities

The Secretary shall—

(1) ensure that at least 27 campsites are available under subsection (b), of which not less than 8 shall have electric and water hook-ups; and

(2) ensure that each campsite and related facility identified or established under sub-

section (b) is located outside of the 1 percent annual exceedance probability flood elevation.

(d) Reopening of certain sites

Not later than 30 days after January 4, 2025, the Secretary shall open each campsite within the Recreation Area that—

(1) exists on January 4, 2025;

(2) is located outside of the 1 percent annual exceedance probability flood elevation;

(3) was in operation on June 1, 2010; and

(4) would not interfere with any current (as of January 4, 2025) day use areas.

(e) Day use areas

Not later than 1 year after January 4, 2025, the Secretary shall take such actions as are necessary to rehabilitate and make publicly accessible the areas in the Recreation Area identified for year-round day use, including the following:

(1) Loop A.

(2) Loop B.

(3) The covered, large-group picnic pavilion in Loop D.

(4) The parking lot in Loop D.

(Pub. L. 118–234, title I, §124, Jan. 4, 2025, 138 Stat. 2846.)

§ 8425. Motorized and nonmotorized access**(a) In general**

The Secretary concerned shall seek to have, not later than 5 years after January 4, 2025, in a printed and publicly available format that is compliant with the format for geographic information systems—

(1) for each district administered by the Director of the Bureau of Land Management, a ground transportation linear feature map authorized for public use or administrative use; and

(2) for each unit of the National Forest System, a motor vehicle use map, in accordance with existing law.

(b) Over-snow vehicle-use maps

The Secretary concerned shall seek to have, not later than 10 years after January 4, 2025, in a printed and publicly available format that is compliant with the format for geographic information systems, an over-snow vehicle-use map for each unit of Federal recreational lands and waters administered by the Chief of the Forest Service or Director of the Bureau of Land Management on which over-snow vehicle-use occurs, in accordance with existing law.

(c) Out-of-date maps

Not later than 20 years after the date on which the Secretary concerned adopted or reviewed, through public notice and comment, a map described in subsection (a) or (b), the Secretary concerned shall seek to review, through public notice and comment, and update, as necessary, the applicable map.

(d) Motorized and nonmotorized access

The Secretaries shall seek to create additional opportunities, as appropriate, and in accordance with existing law, for motorized and nonmotorized access and opportunities on Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management.

(e) Savings clause

Nothing in this section prohibits a lawful use, including authorized motorized or nonmotorized uses, 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.

(Pub. L. 118-234, title I, §127, Jan. 4, 2025, 138 Stat. 2855.)

§ 8426. Aquatic resource activities assistance**(a) Definitions**

In this section:

(1) Aquatic Nuisance Species Task Force

The term “Aquatic Nuisance Species Task Force” means the Aquatic Nuisance Species Task Force established by section 4721(a) of this title.

(2) Decontamination

The term “decontamination” means actions to remove aquatic nuisance species to prevent introduction or spread into new aquatic ecosystems.

(3) Federal land and water

The term “Federal land and water” means Federal land and water operated and maintained by the Bureau of Land Management, the U.S. Fish and Wildlife Service, the Bureau of Reclamation, the Forest Service, or the National Park Service, as applicable.

(4) Indian Tribe

The term “Indian Tribe” has the meaning given such term in section 5304 of title 25.

(5) Inspection

The term “inspection” means actions to find aquatic nuisance species to prevent introduction or spread into new aquatic ecosystems.

(6) Partner

The term “partner” means—

- (A) a Reclamation State;
- (B) an Indian Tribe in a Reclamation State;
- (C) an applicable nonprofit organization in a Reclamation State;
- (D) a unit of local government in a Reclamation State; or
- (E) a private entity.

(7) Reclamation State

The term “Reclamation State” includes any of the following States:

- (A) Alaska.
- (B) Arizona.
- (C) California.
- (D) Colorado.
- (E) Idaho.
- (F) Kansas.
- (G) Montana.
- (H) Nebraska.
- (I) Nevada.
- (J) New Mexico.
- (K) North Dakota.
- (L) Oklahoma.
- (M) Oregon.
- (N) South Dakota.

- (O) Texas.
- (P) Utah.
- (Q) Washington.
- (R) Wyoming.

(8) Reclamation project

The term “reclamation¹ project” has the meaning given such term in section 4601-32(3) of this title.

(9) Secretaries

The term “Secretaries” means each of the following:

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

(B) The Secretary of Agriculture, acting through the Chief of the Forest Service.

(10) Vessel

The term “vessel” means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.

(b) Authority of Bureau of Land Management, Bureau of Reclamation, National Park Service, and Forest Service with respect to certain aquatic resource activities on Federal land and waters**(1) In general**

The head of each Federal land management agency is authorized to carry out inspections and decontamination of vessels entering or leaving Federal land and waters under the jurisdiction of the respective Federal land management agency.

(2) Requirements

The Secretaries shall—

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

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

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

(3) Partnerships

The Secretaries may enter into a partnership to lead, collaborate with, or provide technical assistance to a partner—

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

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

(4) Limitation

The Secretaries shall not prohibit access to vessels due solely to the absence of a Federal, State, or partner’s inspection program or station.

¹So in original. “Reclamation” is capitalized in this term in section 4601-32(3) of this title and in this section.

(5) Exceptions**(A) Authority to regulate vessels**

Nothing in this section shall be construed to limit the authority of the Commandant of the Coast Guard to regulate vessels provided under any other provision of law.

(B) Applicability

Authorities granted in this subsection shall not apply at locations where inspection or decontamination activities would duplicate efforts by the Coast Guard.

(6) Data sharing

The Secretaries shall make available to a Reclamation State any relevant data gathered related to inspections or decontaminations carried out under this subsection in such State.

(c) Grant program for Reclamation States for vessel inspection and decontamination stations**(1) Vessels inspections in Reclamation States**

Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall establish a competitive grant program to provide financial assistance to partners to conduct inspections and decontamination of vessels operating in Reclamation projects, including to purchase, establish, operate, or maintain a vessel inspection and decontamination station.

(2) Cost share

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

(3) Standards

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

(4) Coordination

In carrying out this subsection, the Secretary shall coordinate with—

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

(Pub. L. 118-234, title I, §128, Jan. 4, 2025, 138 Stat. 2856.)

PART C—SUPPORTING GATEWAY COMMUNITIES
AND ADDRESSING PARK OVERCROWDING

§ 8441. Gateway communities**(a) Assessment of impacts and needs in gateway communities**

The Secretaries—

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

- (A) housing shortages;
- (B) demands on existing municipal infrastructure;

(C) accommodation and management of sustainable visitation; and

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

(i) existing developed locations that are underutilized on nearby Federal recreational lands and waters that are suitable for developing, expanding, or enhancing recreation use, as identified by the Secretaries; or

(ii) existing developed and suitable lesser-known recreation sites, as identified under section 5(b)(1)(B),¹ on nearby land managed by a State agency or a local agency; and

(2) may address a need identified under paragraph (1) by—

(A) providing financial or technical assistance to a gateway community under an existing program;

(B) entering into an agreement, right-of-way, or easement, in accordance with applicable laws; or

(C) issuing an entity referred to in paragraph (1) a special use permit (other than a special recreation permit (as defined in section 6801 of this title), in accordance with applicable laws.

(b) Technical and financial assistance to businesses**(1) In general**

The Secretary of Agriculture (acting through the Administrator of the Rural Business-Cooperative Service), in coordination with the Secretary and the Secretary of Commerce, shall provide to businesses in gateway communities the assistance described in paragraph (2) to establish, operate, or expand infrastructure to accommodate and manage sustainable visitation, including hotels, campgrounds, and restaurants.

(2) Assistance

The Secretary of Agriculture may provide assistance under paragraph (1) through the use of existing, or the establishment of new, entrepreneur and vocational training programs, technical assistance programs, low-interest business loan programs, and loan guarantee programs.

(c) Partnerships

In carrying out this section, the Secretaries may, in accordance with applicable laws, enter into a public-private partnership, cooperative agreement, memorandum of understanding, or similar agreement with a gateway community or a business in a gateway community.

(Pub. L. 118-234, title I, §131, Jan. 4, 2025, 138 Stat. 2858.)

Editorial Notes

REFERENCES IN TEXT

Section 5(b)(1)(B), referred to in subsec. (a)(1)(D)(ii), probably means section 8442(b)(1)(B) of this title. Section 5(b)(1)(B) probably referred to section 5(b)(1)(B) of

¹ See References in Text note below.

H.R. 3200 introduced in the House in the 118th Congress on May 10, 2023. A later version of H.R. 3200 was enacted as subtitle C of title I of Pub. L. 118-234, and, as enacted, does not contain a section 5. However, section 132(b)(1)(B) of Pub. L. 118-234, which is classified to section 8442(b)(1)(B) of this title, contains provisions identical to those in section 5(b)(1)(B) of H.R. 3200.

§ 8442. Improved recreation visitation data

(a) Consistent visitation data

(1) Annual visitation data

The Secretaries shall establish a single visitation data reporting system to report accurate annual visitation data, in a consistent manner, for—

- (A) each unit of Federal recreational lands and waters; and
- (B) land held in trust for an Indian Tribe, on request of the Indian Tribe.

(2) Categories of use

Within the visitation data reporting system established under paragraph (1), the Secretaries shall—

- (A) establish multiple categories of different recreation activities that are reported consistently across agencies; and
- (B) provide an estimate of the number of visitors for each applicable category established under subparagraph (A) for each unit of Federal recreational lands and waters.

(b) Real-Time Data Pilot Program

(1) In general

Not later than 5 years after January 4, 2025, using existing funds available to the Secretaries, the Secretaries shall carry out a pilot program, to be known as the “Real-Time Data Pilot Program” (referred to in this section as the “Pilot Program”), to make available to the public, for each unit of Federal recreational lands and waters selected for participation in the Pilot Program under paragraph (2)—

- (A) real-time or predictive data on visitation (including data and resources publicly available from existing nongovernmental platforms) at—
 - (i) the unit of Federal recreational lands and waters;
 - (ii) to the extent practicable, areas within the unit of Federal recreational lands and waters; and
 - (iii) to the extent practicable, recreation sites managed by any other Federal agency, a State agency, or a local agency that are located near the unit of Federal recreational lands and waters; and

(B) through multiple media platforms, information about lesser-known recreation sites located near the unit of Federal recreational lands and waters (including recreation sites managed by any other Federal agency, a State agency, or a local agency), in an effort to encourage visitation among recreational sites.

(2) Locations

(A) Initial number of units

On establishment of the Pilot Program, the Secretaries shall select for participation in the Pilot Program—

- (i) 10 units of Federal recreational lands and waters managed by the Secretary;
- (ii) 5 units of Federal recreational lands and waters managed by the Secretary of Agriculture (acting through the Chief of the Forest Service);
- (iii) 1 unit of Federal recreational lands and waters managed by the Secretary of Commerce (acting through the Administrator of the National Oceanic and Atmospheric Administration); and
- (iv) 1 unit of Federal recreational lands and waters managed by the Assistant Secretary of Army for Civil Works.

(B) Report

Not later than 6 years after January 4, 2025, the Secretaries shall submit a report to Congress regarding the implementation of the pilot program, including policy recommendations to expand the pilot program to additional units managed by the Secretaries.

(C) Feedback; support of gateway communities

The Secretaries shall—

- (i) solicit feedback regarding participation in the Pilot Program from communities adjacent to units of Federal recreational lands and waters and the public; and
- (ii) in carrying out subparagraphs (A) and (B), select a unit of Federal recreation lands and waters to participate in the Pilot Program only if the community adjacent to the unit of Federal recreational lands and waters is supportive of the participation of the unit of Federal recreational lands and waters in the Pilot Program.

(3) Dissemination of information

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

(4) Inclusion of current assessments

In carrying out the Pilot Program, the Secretaries may, to the extent practicable, rely on assessments completed or data gathered prior to January 4, 2025.

(c) Community partners and third-party providers

For purposes of carrying out this section, the Secretary concerned may—

- (1) coordinate and partner with—
 - (A) communities adjacent to units of Federal recreational lands and waters;
 - (B) State and local outdoor recreation and tourism offices;
 - (C) local governments;
 - (D) Indian Tribes;
 - (E) trade associations;
 - (F) local outdoor recreation marketing organizations;
 - (G) permitted facilitated recreation providers; or
 - (H) other relevant stakeholders; and

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

- (A) technology companies;
- (B) geospatial data companies;
- (C) experts in data science, analytics, and operations research; or
- (D) data companies.

(d) Existing programs

The Secretaries may use existing programs or products of the Secretaries to carry out this section.

(e) Privacy clauses

Nothing in this section provides authority to the Secretaries—

- (1) to monitor or record the movements of a visitor to a unit of Federal recreational lands and waters;
- (2) to restrict, interfere with, or monitor a private communication of a visitor to a unit of Federal recreational lands and waters; or
- (3) to collect—
 - (A) information from owners of land adjacent to a unit of Federal recreational lands and waters; or
 - (B) information on non-Federal land.

(f) Reports

Not later than 1 year after January 4, 2025, and annually thereafter, the Secretaries shall publish on a website of the Secretaries a report that describes the annual visitation of each unit of Federal recreational lands and waters, including, to the maximum extent practicable, visitation categorized by recreational activity.

(g) Definitions

In this section—

(1) Federal recreational lands and waters

The term “Federal recreational lands and waters”—

- (A) has the meaning given the term in section 6801 of this title; and
- (B) includes Federal lands and waters managed by the National Oceanic and Atmospheric Administration and the U.S. Army Corps of Engineers.

(2) Secretaries

The term “Secretaries” means—

- (A) the Secretary, with respect to lands under the jurisdiction of the Secretary;
- (B) the Secretary of Agriculture, acting through the Chief of the Forest Service, with respect to lands under the jurisdiction of the Forest Service;
- (C) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, with respect to Federal waters under the jurisdiction of the National Oceanic and Atmospheric Administration; and
- (D) the Assistant Secretary of Army for Civil Works, with respect to lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers.

(Pub. L. 118–234, title I, §132, Jan. 4, 2025, 138 Stat. 2859.)

§ 8443. Monitoring for improved recreation decision making

(a) In general

The Secretaries shall seek to capture comprehensive recreation use data to better under-

stand and inform decision making by the Secretaries.

(b) Pilot protocols

Not later than 1 year after January 4, 2025, and after public notice and comment, the Secretaries shall establish pilot protocols at not fewer than 10 land management units under the jurisdiction of each of the Secretaries to model recreation use patterns (including low-use recreation activities and dispersed recreation activities) that may not be effectively measured by existing general and opportunistic survey and monitoring protocols.

(c) Secretaries defined

In this section, the term “Secretaries” means—

- (1) the Secretary, with respect to lands under the jurisdiction of the Secretary;
- (2) the Secretary of Agriculture, acting through the Chief of the Forest Service, with respect to lands under the jurisdiction of the Forest Service;
- (3) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, with respect to Federal waters under the jurisdiction of the National Oceanic and Atmospheric Administration; and
- (4) the Assistant Secretary of Army for Civil Works, with respect to lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers.

(Pub. L. 118–234, title I, §133, Jan. 4, 2025, 138 Stat. 2862.)

PART D—BROADBAND CONNECTIVITY ON FEDERAL RECREATIONAL LANDS AND WATERS

§ 8451. Connect our parks

(a) Definitions

In this section:

(1) Appropriate committees of Congress

The term “appropriate committees of Congress” means—

- (A) the Committee on Energy and Natural Resources of the Senate;
- (B) the Committee on Commerce, Science, and Transportation of the Senate;
- (C) the Committee on Natural Resources of the House of Representatives; and
- (D) the Committee on Energy and Commerce of the House of Representatives.

(2) Broadband internet access service

The term “broadband internet access service” has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations (or a successor regulation).

(3) Cellular service

The term “cellular service” has the meaning given the term in section 22.99 of title 47, Code of Federal Regulations (or a successor regulation).

(4) National Park

The term “National Park” means a unit of the National Park System.

(5) Secretary

The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) Assessment**(1) In general**

Not later than 1 year after January 4, 2025, the Secretary shall complete an assessment of National Parks to identify—

- (A) locations in National Parks in which there is the greatest need for broadband internet access service, based on the considerations described in paragraph (2)(A); and
- (B) areas in National Parks in which there is the greatest need for cellular service, based on the considerations described in paragraph (2)(B).

(2) Considerations**(A) Broadband internet access service**

For purposes of identifying locations in National Parks under paragraph (1)(A), the Secretary shall consider, with respect to each National Park, the availability of broadband internet access service in—

- (i) housing;
- (ii) administrative facilities and related structures;
- (iii) lodging;
- (iv) developed campgrounds; and
- (v) any other location within the National Park in which broadband internet access service is determined to be necessary by the superintendent of the National Park.

(B) Cellular service

For purposes of identifying areas in National Parks under paragraph (1)(B), the Secretary shall consider, with respect to each National Park, the availability of cellular service in any developed area within the National Park that would increase—

- (i) the access of the public to emergency services and traveler information technologies; or
- (ii) the communications capabilities of National Park Service employees.

(3) Report

On completion of the assessment under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, and make available on the website of the Department of the Interior, a report describing the results of the assessment.

(c) Plan**(1) In general**

Not later than 3 years after January 4, 2025, the Secretary shall develop a plan, based on the results of the assessment completed under subsection (b) and subject to paragraph (4)—

- (A) to install broadband internet access service infrastructure in certain locations in National Parks; and
- (B) to install cellular service equipment and infrastructure in certain areas of National Parks.

(2) Consultation

In developing the plan under paragraph (1), the Secretary shall consult with—

- (A) affected Indian Tribes; and
- (B) local stakeholders that the superintendent of the applicable National Park determines to be appropriate.

(3) Requirements

The plan developed under paragraph (1) shall—

- (A) provide for avoiding or minimizing impacts to—
 - (i) National Park viewsheds;
 - (ii) cultural and natural resources;
 - (iii) the visitor experience;
 - (iv) historic properties and the viewsheds of historic properties; and
 - (v) other resources or values of the National Park.
- (B) provide for infrastructure providing broadband internet access service or cellular service to be located in—
 - (i) previously disturbed or developed areas; or
 - (ii) areas zoned for uses that would support the infrastructure;
- (C) provide for the use of public-private partnerships—
 - (i) to install broadband internet access service or cellular service equipment; and
 - (ii) to provide broadband internet access service or cellular service;
- (D) be technology neutral; and
- (E) in the case of broadband internet access service, provide for broadband internet access service of at least—
 - (i) a 100-Mbps downstream transmission capacity; and
 - (ii) a 20-Mbps upstream transmission capacity.

(4) Limitation

Notwithstanding paragraph (1), a plan developed under that paragraph shall not be required to address broadband internet access service or cellular service in any National Park with respect to which the superintendent of the National Park determines that there is adequate access to broadband internet access service or cellular service, as applicable.

(Pub. L. 118-234, title I, §141, Jan. 4, 2025, 138 Stat. 2862.)

§ 8452. Broadband internet connectivity at developed recreation sites**(a) In general**

The Secretary and the Chief of the Forest Service shall enter into an agreement with the Secretary of Commerce to foster the installation or construction of broadband internet infrastructure at developed recreation sites on Federal recreational lands and waters to establish broadband internet connectivity—

- (1) subject to the availability of appropriations; and
- (2) in accordance with applicable law.

(b) Identification

Not later than 3 years after January 4, 2025, and annually thereafter through fiscal year 2031, the Secretary and the Chief of the Forest Service, in coordination with States and local communities, shall make publicly available—

- (1) a list of the highest priority developed recreation sites, as determined under sub-

section (c), on Federal recreational lands and waters that lack broadband internet;

(2) to the extent practicable, an estimate of—

(A) the cost to equip each of those sites with broadband internet infrastructure; and

(B) the annual cost to operate that infrastructure; and

(3) a list of potential—

(A) barriers to operating the infrastructure described in paragraph (2)(A); and

(B) methods to recover the costs of that operation.

(c) Priorities

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

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

(A) geographic challenges; or

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

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

(Pub. L. 118–234, title I, §142, Jan. 4, 2025, 138 Stat. 2864.)

§ 8453. Public lands telecommunications cooperative agreements

(a) Cooperative agreements for the Department of the Interior

The Secretary may enter into cooperative agreements to carry out activities related to communications sites on lands managed by Federal land management agencies, including—

(1) administering communications use authorizations;

(2) preparing needs assessments or other programmatic analyses necessary to establish communications sites and authorize communications uses on or adjacent to Federal recreational lands and waters managed by a Federal land management agency;

(3) developing management plans for communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency on a competitively neutral, technology neutral, non-discriminatory basis;

(4) training for management of communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency;

(5) obtaining, improving access to, or establishing communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency; and

(6) any combination of purposes described in subparagraphs¹ (1) through (5).

¹ So in original. Probably should be “paragraphs”.

(b) Omitted

(c) Assessment of rental fee retention authority

Not later than 1 year after January 4, 2025, the Secretary shall conduct a comprehensive assessment to evaluate the potential benefits of rental fee retention whereby any fee collected for the occupancy and use of Federal lands and waters authorized by a communications use authorization would be deposited into a special account and used solely for activities related to communications sites on lands and waters managed by the Secretary.

(Pub. L. 118–234, title I, §143, Jan. 4, 2025, 138 Stat. 2865.)

Editorial Notes

CODIFICATION

Section is comprised of section 143 of Pub. L. 118–234. Subsec. (b) of section 143 of Pub. L. 118–234 amended section 1761a of Title 43, Public Lands.

PART E—PUBLIC–PRIVATE PARKS PARTNERSHIPS

§ 8461. Partnership agreements to modernize federally owned campgrounds, resorts, cabins, and visitor centers on Federal recreational lands and waters

(a) Definitions

In this section:

(1) Covered activity

The term “covered activity” means—

(A) a capital improvement, including the construction, reconstruction, and nonroutine maintenance of any structure, infrastructure, or improvement, relating to the operation of, or access to, a covered recreation facility; and

(B) any activity necessary to operate or maintain a covered recreation facility.

(2) Covered recreation facility

The term “covered recreation facility” means a federally owned campground, resort, cabin, or visitor center that is—

(A) in existence on January 4, 2025; and

(B) located on Federal recreational lands and waters administered by—

(i) the Chief of the Forest Service; or

(ii) the Director of the Bureau of Land Management.

(3) Eligible entity

The term “eligible entity” means—

(A) a unit of State, Tribal, or local government;

(B) a nonprofit organization; and

(C) a private entity.

(b) Pilot program

The Secretaries shall establish a pilot program under which the Secretary concerned may enter into an agreement with, or issue or amend a land use authorization to, an eligible entity to allow the eligible entity to carry out covered activities relating to a covered recreation facility, subject to the requirements of this section and the terms of any relevant land use authorization, regardless of whether the eligible entity holds, on January 4, 2025, an authorization to be

a concessionaire for the covered recreation facility.

(c) Minimum number of agreements or land use authorizations

Not later than 3 years after January 4, 2025, the Secretary concerned shall enter into at least 1 agreement or land use authorization under subsection (b) in—

- (1) a unit of the National Forest System in each region of the National Forest System; and
- (2) Federal recreational lands and waters administered by the Director of the Bureau of Land Management in not fewer than 5 States in which the Bureau of Land Management administers Federal recreational lands and waters.

(d) Requirements

(1) Development plans

Before entering into an agreement or issuing a land use authorization under subsection (b), an eligible entity shall submit to the Secretary concerned a development plan that—

- (A) describes investments in the covered recreation facility to be made by the eligible entity during the first 3 years of the agreement or land use authorization;
- (B) describes annual maintenance spending to be made by the eligible entity for each year of the agreement or land use authorization; and
- (C) includes any other terms and conditions determined to be necessary or appropriate by the Secretary concerned.

(2) Agreements and land use authorizations

An agreement or land use authorization under subsection (b) shall—

- (A) be for a term of not more than 30 years, commensurate with the level of investment;
- (B) require that, not later than 3 years after the date on which the Secretary concerned enters into the agreement or issues or amends the land use authorization, the applicable eligible entity shall expend, place in an escrow account for the eligible entity to expend, or deposit in a special account in the Treasury for expenditure by the Secretary concerned, without further appropriation, for covered activities relating to the applicable covered recreation facility, an amount or specified percentage, as determined by the Secretary concerned, which shall be equal to not less than \$500,000, of the anticipated receipts for the term of the agreement or land use authorization;
- (C) require the eligible entity to operate and maintain the covered recreation facility and any associated infrastructure designated by the Secretary concerned in a manner acceptable to the Secretary concerned and the eligible entity;
- (D) include any terms and conditions that the Secretary concerned determines to be necessary for a special use permit issued under section 580d of this title, including the payment described in subparagraph (E) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), as applicable;

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

(i) consistent with—

(I) the land use fee for a special use permit authorized under section 580d of this title; or

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

(ii) all or part of which may be offset by the work to be performed at the expense of the eligible entity that is separate from the routine costs of operating and maintaining the applicable covered recreation facility and any associated infrastructure designated by the Secretary concerned, as determined to be appropriate by the Secretary concerned;

(F) include provisions stating that—

(i) the eligible entity shall obtain no property interest in the covered recreation facility pursuant to the expenditures of the eligible entity, as required by the agreement or land use authorization;

(ii) all structures and other improvements constructed, reconstructed, or non-routinely maintained by that entity under the agreement or land use authorization on land owned by the United States shall be the property of the United States; and

(iii) the eligible entity shall be solely responsible for any cost associated with the decommissioning or removal of a capital improvement, if needed, at the conclusion of the agreement or land use authorization; and

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

(e) Land use fee retention

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

(Pub. L. 118-234, title I, § 153, Jan. 4, 2025, 138 Stat. 2868.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (d)(2)(D), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

§ 8462. Parking and restroom opportunities for Federal recreational lands and waters

(a) Parking opportunities

(1) In general

The Secretaries shall seek to increase and improve parking opportunities for persons recreating on Federal recreational lands and waters—

(A) in accordance with existing laws and applicable land use plans;

(B) in a manner that minimizes any increase in maintenance obligations on Federal recreational lands and waters; and

(C) in a manner that does not impact wildlife habitat that is critical to the mission of a Federal agency responsible for managing Federal recreational lands and waters.

(2) Authority

To supplement the quantity of parking spaces available at units of Federal recreational lands and waters on January 4, 2025, the Secretaries may—

(A) enter into a public-private partnership for parking opportunities on non-Federal land;

(B) enter into contracts or agreements with State, Tribal, or local governments for parking opportunities using non-Federal lands and resources; or

(C) provide alternative transportation systems for a unit of Federal recreational lands and waters.

(b) Restroom opportunities

(1) In general

The Secretaries shall seek to increase and improve the function, cleanliness, and availability of restroom facilities for persons recreating on Federal recreational lands and waters, including by entering into partnerships with non-Federal partners, including State, Tribal, and local governments and volunteer organizations.

(2) Report

Not later than 2 years after January 4, 2025, the Secretaries shall submit a report to Congress that identifies—

(A) challenges to maintaining or improving the function, cleanliness, and availability of restroom facilities on Federal recreational lands and waters;

(B) the current state of restroom facilities on Federal recreational lands and waters and the effect restroom facilities have on visitor experiences; and

(C) policy recommendations that suggest innovative new models or partnerships to increase or improve the function, cleanliness, and availability of restroom facilities for persons recreating on Federal recreational lands and waters.

(Pub. L. 118–234, title I, §154, Jan. 4, 2025, 138 Stat. 2870.)

§ 8463. Pay-for-performance projects

(a) Definitions

In this section:

(1) Independent evaluator

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

(2) National Forest System land

The term “National Forest System land” means land in the National Forest System (as defined in section 1609(a) of this title).

(3) Pay-for-performance agreement

The term “pay-for-performance agreement” means a mutual benefit agreement (excluding a procurement contract, grant agreement, or cooperative agreement described in chapter 63 of title 31) for a pay-for-performance project—

(A) with a term of—

(i) not less than 1 year; and

(ii) not more than 20 years; and

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

(i) the Secretary of Agriculture; and

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

(4) Pay-for-performance beneficiary

The term “pay-for-performance beneficiary” means a State or local government, an Indian Tribe, or a nonprofit or for-profit organization that—

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

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

(5) Pay-for-performance investor

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

(6) Pay-for-performance project

The term “pay-for-performance project” means a project that—

(A) would provide or enhance a recreational opportunity;

(B) is conducted on—

(i) National Forest System land; or

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

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

(i) loaned capital from a pay-for-performance investor to cover upfront costs associated with a pay-for-performance project, with the loaned capital repaid by a pay-for-performance beneficiary at a rate of return dependent on a project out-

come, as measured by an independent evaluator; or

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

(7) Pay-for-performance project developer

The term “pay-for-performance project developer” means a nonprofit or for-profit organization that serves as an intermediary to assist in developing or implementing a pay-for-performance agreement or a pay-for-performance project.

(8) Project outcome

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

(b) Establishment of pilot program

The Secretary of Agriculture shall establish a pilot program in accordance with this section to carry out 1 or more pay-for-performance projects.

(c) Pay-for-performance projects

(1) In general

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

(A) the Secretary of Agriculture; or

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

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

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

(2) Relation to land management plans

A pay-for-performance project carried out under this section shall be consistent with any applicable land management plan developed under section 1604 of this title.

(3) Ownership

(A) New improvements

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

(B) Existing improvements

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

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

(ii) the underlying land.

(4) Savings clause

The carrying out of any action for a pay-for-performance project does not provide any right to any party to a pay-for-performance agreement.

(5) Potential conflicts

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

(d) Project agreements

(1) In general

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

(2) Size limitation

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

(3) Financing

(A) In general

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

(B) Eligible payments

An amount described in subparagraph (A) shall be—

(i) based on—

(I) the respective contributions of the parties under the pay-for-performance agreement; and

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

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

(II) a percentage of the estimated cost savings to the pay-for-performance beneficiary or the Secretary of Agriculture derived from a project outcome;

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

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

(C) Forest service financial assistance

Subject to the availability of appropriations, the Secretary of Agriculture may contribute funding for a pay-for-performance project only if—

(i) the Secretary of Agriculture demonstrates that—

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

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

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

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

(D) Special account

Any funds received by the Secretary of Agriculture under subsection (c)(1)—

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

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

(4) Maintenance and decommissioning of pay-for-performance project improvements

A pay-for-performance agreement shall—

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

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

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

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

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

(5) Termination of pay-for-performance project agreements

The Secretary of Agriculture may unilaterally terminate a pay-for-performance agreement, in whole or in part, for any program year beginning after the program year during which the Secretary of Agriculture provides to each party to the pay-for-performance agreement a notice of the termination.

(e) Independent evaluations

(1) Progress reports

An independent evaluator shall submit to the Secretary of Agriculture and each party to the applicable pay-for-performance agreement—

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

(B) before the first scheduled date for a payment described in subsection (d)(3)(A), and each subsequent date for payment, a written report that—

(i) summarizes the results of the evaluation conducted by the independent eval-

uator to determine whether a payment should be made pursuant to the pay-for-performance agreement; and

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

(2) Final reports

Not later than 180 days after the date on which a pay-for-performance project is completed, the independent evaluator shall submit to the Secretary of Agriculture and each party to the pay-for-performance agreement a written report that includes, with respect to the period covered by the report—

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

(B) a determination of whether the pay-for-performance project has met each project outcome; and

(C) the amount of the payments made for the pay-for-performance project pursuant to subsection (d)(3)(A).

(f) Additional Forest Service-provided assistance

(1) Technical assistance

The Secretary of Agriculture may provide technical assistance to facilitate pay-for-performance project development, such as planning, permitting, site preparation, and design work.

(2) Consultants

Subject to the availability of appropriations, the Secretary of Agriculture may hire a contractor—

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

(B) to assist in the development, implementation, or evaluation of a proposed pay-for-performance project or a pay-for-performance agreement; or

(C) to assist with an environmental analysis of a proposed pay-for-performance project.

(g) Savings clause

The Secretary of Agriculture shall approve a record of decision, decision notice, or decision memo for any activities to be carried out on National Forest System land as part of a pay-for-performance project before the Secretary of Agriculture may enter into a pay-for-performance agreement involving the applicable pay-for-performance project.

(h) Duration of pilot program

(1) Sunset

The authority to enter into a pay-for-performance agreement under this section terminates on the date that is 7 years after January 4, 2025.

(2) Savings clause

Nothing in paragraph (1) affects any pay-for-performance project agreement entered into by the Secretary of Agriculture under this section before the date described in that paragraph.

(Pub. L. 118-234, title I, §155, Jan. 4, 2025, 138 Stat. 2871.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (d)(1), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Subtitle C of title XX of the Act is classified generally to division C (§1397n et seq.) of subchapter XX of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 8464. Outdoor Recreation Legacy Partnership Program**(a) Definitions**

In this section:

(1) Eligible entity

The term “eligible entity” means an entity or combination of entities that represents or otherwise serves a qualifying area.

(2) Eligible nonprofit organization

The term “eligible nonprofit organization” means an organization that is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of such title.

(3) Entity

The term “entity” means—

- (A) a State;
- (B) a political subdivision of a State, including—
 - (i) a city;
 - (ii) a county; or
 - (iii) a special purpose district that manages open space, including a park district; and
- (C) an Indian Tribe, urban Indian organization, or Alaska Native or Native Hawaiian community or organization.

(4) Low-income community

The term “low-income community” has the same meaning given that term in 26 U.S.C. 45D(e)(1).¹

(5) Outdoor Recreation Legacy Partnership Program

The term “Outdoor Recreation Legacy Partnership Program” means the program codified under subsection (b)(1).

(6) Qualifying area

The term “qualifying area” means—

- (A) an urbanized area or urban cluster that has a population of 25,000 or more in the most recent census;
- (B) 2 or more adjacent urban clusters with a combined population of 25,000 or more in the most recent census; or
- (C) an area administered by an Indian Tribe or an Alaska Native or Native Hawaiian community organization.

(b) Grants authorized**(1) Codification of program****(A) In general**

There is established an existing program, to be known as the “Outdoor Recreation Legacy Partnership Program”, under which

the Secretary may award grants to eligible entities for projects—

- (i) to acquire land and water for parks and other outdoor recreation purposes in qualifying areas; and
- (ii) to develop new or renovate existing outdoor recreation facilities that provide outdoor recreation opportunities to the public in qualifying areas.

(B) Priority

In awarding grants to eligible entities under subparagraph (A), the Secretary shall give priority to projects that—

- (i) create or significantly enhance access to park and recreational opportunities in a qualifying area;
- (ii) engage and empower low-income communities and youth;
- (iii) provide employment or job training opportunities for youth or low-income communities;
- (iv) establish or expand public-private partnerships, with a focus on leveraging resources; and
- (v) take advantage of coordination among various levels of government.

(2) Matching requirement**(A) In general**

As a condition of receiving a grant under paragraph (1), an eligible entity shall provide matching funds in the form of cash or an in-kind contribution in an amount equal to not less than 100 percent of the amounts made available under the grant.

(B) Administrative expenses

Not more than 7 percent of funds provided to an eligible entity under a grant awarded under paragraph (1) may be used for administrative expenses.

(3) Considerations

In awarding grants to eligible entities under paragraph (1), the Secretary shall consider the extent to which a project would—

- (A) provide recreation opportunities in low-income communities in which access to parks is not adequate to meet local needs;
- (B) provide opportunities for outdoor recreation and public land volunteerism;
- (C) support innovative or cost-effective ways to enhance parks and other recreation—
 - (i) opportunities; or
 - (ii) delivery of services;

(D) support park and recreation programming provided by local governments, including cooperative agreements with community-based eligible nonprofit organizations;

(E) develop Native American event sites and cultural gathering spaces;

(F) provide benefits such as community resilience, reduction of urban heat islands, enhanced water or air quality, or habitat for fish or wildlife; and

(G) facilitate any combination of purposes listed in subparagraphs (A) through (F).

(4) Eligible uses**(A) In general**

Subject to subparagraph (B), an eligible entity may use a grant awarded under para-

¹ See References in Text note below.

graph (1) for a project described in subparagraph (A) or (B) of that paragraph.

(B) Limitations on use

An eligible entity may not use grant funds for—

- (i) incidental costs related to land acquisition, including appraisal and titling;
- (ii) operation and maintenance activities;
- (iii) facilities that support semiprofessional or professional athletics;
- (iv) indoor facilities, such as recreation centers or facilities that support primarily nonoutdoor purposes; or
- (v) acquisition of land or interests in land that restrict public access.

(C) Conversion to other than public outdoor recreation use

(i) In general

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use.

(ii) Condition for approval

The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive Statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

(iii) Wetland areas and interests therein

Wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement property within the same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be deemed to be of reasonably equivalent usefulness with the property proposed for conversion.

(c) Review and evaluation requirements

In carrying out the Outdoor Recreation Legacy Partnership Program, the Secretary shall—

- (1) conduct an initial screening and technical review of applications received;
- (2) evaluate and score all qualifying applications; and
- (3) provide culturally and linguistically appropriate information to eligible entities (including low-income communities and eligible entities serving low-income communities) on—
 - (A) the opportunity to apply for grants under this section;
 - (B) the application procedures by which eligible entities may apply for grants under this section; and
 - (C) eligible uses for grants under this section.

(d) Reporting

(1) Annual reports

Not later than 30 days after the last day of each report period, each State-lead agency

that receives a grant under this section shall annually submit to the Secretary performance and financial reports that—

- (A) summarize project activities conducted during the report period; and
- (B) provide the status of the project.

(2) Final reports

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

(Pub. L. 118-234, title I, §156, Jan. 4, 2025, 138 Stat. 2876.)

Editorial Notes

REFERENCES IN TEXT

26 U.S.C. 45D(e)(1), referred to in subsec. (a)(4), was so in the original, but probably should have been a reference to section 45D(e)(1) of the Internal Revenue Code of 1986, which is classified to section 45D(e)(1) of Title 26, Internal Revenue Code.

SUBCHAPTER II—ACCESS AMERICA

§ 8471. Definitions

In this subchapter:

(1) Accessible trail

The term “accessible trail” means a trail that meets the requirements for a trail under the Architectural Barriers Act accessibility guidelines.

(2) Architectural Barriers Act accessibility guidelines

The term “Architectural Barriers Act accessibility guidelines” means the accessibility guidelines set forth in appendices C and D to part 1191 of title 36, Code of Federal Regulations (or successor regulations).

(3) Assistive technology

The term “assistive technology” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities, particularly with participating in outdoor recreation activities.

(4) Gold Star Family member

The term “Gold Star Family member” means an individual described in section 3.3 of Department of Defense Instruction 1348.36.

(5) Outdoor constructed feature

The term “outdoor constructed feature” has the meaning given such term in appendix C to part 1191 of title 36, Code of Federal Regulations (or successor regulations).

(6) Veterans organization

The term “veterans organization” means a service provider with outdoor recreation experience that serves members of the Armed Forces, veterans, or Gold Star Family members.

(Pub. L. 118-234, title II, §201, Jan. 4, 2025, 138 Stat. 2880.)

PART A—ACCESS FOR PEOPLE WITH
DISABILITIES

§ 8481. Accessible recreation inventory

(a) Assessment

Not later than 5 years after January 4, 2025, the Secretary concerned shall—

(1) carry out a comprehensive assessment of outdoor recreation facilities on Federal recreational lands and waters under the jurisdiction of the respective Secretary concerned to determine the accessibility of such outdoor recreation facilities, consistent with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 794 of title 29, including—

- (A) camp shelters, camping facilities, and camping units;
- (B) boat launch ramps;
- (C) hunting, fishing, shooting, or archery ranges or locations;
- (D) outdoor constructed features;
- (E) picnic facilities and picnic units; and
- (F) any other outdoor recreation facilities, as determined by the Secretary concerned; and

(2) make information about such opportunities available (including through the use of prominently displayed links) on public websites of—

- (A) each of the Federal land management agencies; and
- (B) each relevant unit and subunit of the Federal land management agencies.

(b) Inclusion of current assessments

As part of the comprehensive assessment required under subsection (a)(1), to the extent practicable, the Secretary concerned may rely on assessments completed or data gathered prior to January 4, 2025.

(c) Public information

Not later than 7 years after January 4, 2025, the Secretary concerned shall identify opportunities to create, update, or replace signage and other publicly available information, including web page information, related to accessibility and consistent with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 794 of title 29 at outdoor recreation facilities covered by the assessment required under subsection (a)(1).

(Pub. L. 118-234, title II, §211, Jan. 4, 2025, 138 Stat. 2881.)

Editorial Notes

REFERENCES IN TEXT

The Architectural Barriers Act of 1968, referred to in subsecs. (a)(1) and (c), is Pub. L. 90-480, Aug. 12, 1968, 82 Stat. 718, which is classified generally to chapter 51 (§4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of Title 42 and Tables.

Section 794 of title 29, referred to in subsecs. (a)(1) and (c), was in the original a reference to section 504 of the Rehabilitation Act, and was translated as meaning section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, to reflect the probable intent of Congress.

§ 8482. Trail inventory

(a) Assessment

Not later than 7 years after January 4, 2025, the Secretary concerned shall—

(1) conduct a comprehensive assessment of high-priority trails, in accordance with subsection (b), on Federal recreational lands and waters under the jurisdiction of the respective Secretary concerned, including measuring each trail's—

- (A) average and minimum tread width;
- (B) average and maximum running slope;
- (C) average and maximum cross slope;
- (D) tread type; and
- (E) length; and

(2) make information about such high-priority trails available (including through the use of prominently displayed links) on public websites of—

- (A) each of the Federal land management agencies; and
- (B) each relevant unit and subunit of the Federal land management agencies.

(b) Selection

The Secretary concerned shall select high-priority trails to be assessed under subsection (a)(1)—

(1) in consultation with stakeholders, including veterans organizations and organizations with expertise or experience providing outdoor recreation opportunities to individuals with disabilities;

(2) in a geographically equitable manner; and

(3) in no fewer than 15 units or subunits managed by the Secretary concerned.

(c) Inclusion of current assessments

As part of the assessment required under subsection (a)(1), the Secretary concerned may, to the extent practicable, rely on assessments completed or data gathered prior to January 4, 2025.

(d) Public information

(1) In general

Not later than 7 years after January 4, 2025, the Secretary concerned shall identify opportunities to replace signage and other publicly available information, including web page information, related to such high-priority trails and consistent with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 794 of title 29 at high-priority trails covered by the assessment required under subsection (a)(1).

(2) Tread obstacles

As part of the assessment required under subsection (a)(1), the Secretary may, to the extent practicable, include photographs or descriptions of tread obstacles and barriers.

(e) Assistive technology specification

In publishing information about each trail under this subsection, the Secretary concerned shall make public information about trails that do not meet the Architectural Barriers Act accessibility guidelines but could otherwise provide outdoor recreation opportunities to individuals with disabilities through the use of certain assistive technology.

(Pub. L. 118–234, title II, §212, Jan. 4, 2025, 138 Stat. 2881.)

Editorial Notes

REFERENCES IN TEXT

The Architectural Barriers Act of 1968, referred to in subsec. (d)(1), is Pub. L. 90–480, Aug. 12, 1968, 82 Stat. 718, which is classified generally to chapter 51 (§4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of Title 42 and Tables.

Section 794 of title 29, referred to in subsec. (d)(1), was in the original a reference to section 504 of the Rehabilitation Act, and was translated as meaning section 504 of the Rehabilitation Act of 1973, Pub. L. 93–112, to reflect the probable intent of Congress.

§ 8483. Trail pilot program

(a) In general

Not later than 2 years after January 4, 2025, the Secretary concerned shall carry out a pilot program to enter into partnerships with eligible entities to—

(1) measure high-priority trails as part of the assessment required under section 8482 of this title;

(2) develop accessible trails under section 8484 of this title; and

(3) make minor modifications to existing trails to enhance recreational experiences for individuals with disabilities using assistive technology—

(A) in compliance with all applicable land use and management plans of the Federal recreational lands and waters on which the accessible trail is located; and

(B) in consultation with stakeholders, including veterans organizations and organizations with expertise or experience providing outdoor recreation opportunities to individuals with disabilities.

(b) Locations

(1) In general

The Secretary concerned shall select no fewer than 5 units or subunits under the jurisdiction of the respective Secretary concerned to carry out the pilot program established under subsection (a).

(2) Special rule of construction for the Department of the Interior

In selecting the locations of the pilot program, the Secretary shall ensure that the pilot program is carried out in at least one unit managed by the—

(A) National Park Service;

(B) Bureau of Land Management; and

(C) United States Fish and Wildlife Service.

(c) Sunset

The pilot program established under this subsection¹ shall terminate on the date that is 7 years after January 4, 2025.

(Pub. L. 118–234, title II, §213, Jan. 4, 2025, 138 Stat. 2882.)

¹ So in original. Probably should be “this section”.

§ 8484. Accessible trails

(a) In general

Not later than 1 year after January 4, 2025, the Secretary concerned shall select a location or locations to develop at least 3 new accessible trails—

(1) on National Forest System lands in each region of the Forest Service;

(2) on land managed by the National Park Service in each region of the National Park Service;

(3) on land managed by the Bureau of Land Management in each region of the Bureau of Land Management; and

(4) on land managed by the United States Fish and Wildlife Service in each region of the United States Fish and Wildlife Service.

(b) Development

In developing an accessible trail under subsection (a), the Secretary concerned—

(1) may—

(A) create a new accessible trail;

(B) modify an existing trail into an accessible trail; or

(C) create an accessible trail from a combination of new and existing trails; and

(2) shall—

(A) consult with stakeholders with respect to the feasibility and resources necessary for completing the accessible trail;

(B) ensure the accessible trail complies with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 794 of title 29; and

(C) to the extent practicable, ensure that outdoor constructed features supporting the accessible trail, including trail bridges, parking spaces, and restroom facilities, meet the requirements of the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 794 of title 29.

(c) Completion

Not later than 7 years after January 4, 2025, the Secretary concerned, in coordination with stakeholders described under subsection (b)(2), shall complete each accessible trail developed under subsection (a).

(d) Maps, signage, and promotional materials

For each accessible trail developed under subsection (a), the Secretary concerned shall—

(1) publish and distribute maps and install signage, consistent with Architectural Barriers Act of 1968 accessibility guidelines and section 794d of title 29; and

(2) coordinate with stakeholders to leverage any non-Federal resources necessary for the development, stewardship, completion, or promotion of the accessible trail.

(e) Conflict avoidance with other uses

In developing each accessible trail under subsection (a), the Secretary concerned shall ensure that the accessible trail—

(1) minimizes conflict with—

(A) the uses in effect before January 4, 2025, with respect to any trail that is part of that accessible trail;

(B) multiple-use areas where biking, hiking, horseback riding, off-highway vehicle

recreation, or use by pack and saddle stock are existing uses on January 4, 2025; or

(C) the purposes for which any trail is established under the National Trails System Act (16 U.S.C. 1241 et seq.); and

(2) complies with all applicable land use and management plans of the Federal recreational lands and waters on which the accessible trail is located.

(f) Reports

(1) Interim report

Not later than 3 years after January 4, 2025, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish an interim report that lists the accessible trails developed under this section during the previous 3 years.

(2) Final report

Not later than 7 years after January 4, 2025, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish a final report that lists the accessible trails developed under this section.

(Pub. L. 118-234, title II, §214, Jan. 4, 2025, 138 Stat. 2883.)

Editorial Notes

REFERENCES IN TEXT

The Architectural Barriers Act of 1968, referred to in subsec. (b)(2)(B), (C), is Pub. L. 90-480, Aug. 12, 1968, 82 Stat. 718, which is classified generally to chapter 51 (§4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of Title 42 and Tables.

Section 794 of title 29, referred to in subsec. (b)(2)(B), (C), was in the original a reference to section 504 of the Rehabilitation Act, and was translated as meaning section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, to reflect the probable intent of Congress.

Section 794d of title 29, referred to in subsec. (d)(1), was in the original a reference to section 508 of the Rehabilitation Act, and was translated as meaning section 508 of the Rehabilitation Act of 1973, Pub. L. 93-112, to reflect the probable intent of Congress.

The National Trails System Act, referred to in subsec. (e)(1)(C), is Pub. L. 90-543, Oct. 2, 1968, 82 Stat. 919, which is classified generally to chapter 27 (§1241 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1241 of this title and Tables.

§ 8485. Accessible recreation opportunities

(a) In general

Not later than 1 year after January 4, 2025, the Secretary concerned shall select a location to develop at least 2 new accessible recreation opportunities—

(1) on National Forest System lands in each region of the Forest Service;

(2) on land managed by the National Park Service in each region of the National Park Service;

(3) on land managed by the Bureau of Land Management in each region of the Bureau of Land Management; and

(4) on land managed by the United States Fish and Wildlife Service in each region of the United States Fish and Wildlife Service.

(b) Development

In developing an accessible recreation opportunity under subsection (a), the Secretary concerned—

(1) may—

(A) create a new accessible recreation opportunity; or

(B) modify an existing recreation opportunity into an accessible recreation opportunity; and

(2) shall—

(A) consult with stakeholders with respect to the feasibility and resources necessary for completing the accessible recreation opportunity;

(B) ensure the accessible recreation opportunity complies with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 794 of title 29; and

(C) to the extent practicable, ensure that outdoor constructed features supporting the accessible recreation opportunity, including trail bridges, parking spaces and restroom facilities, meet the requirements of the Architectural Barriers Act of 1968 and section 794 of title 29.

(c) Accessible recreation opportunities

The accessible recreation opportunities developed under subsection (a) may include improving accessibility or access to—

(1) camp shelters, camping facilities, and camping units;

(2) hunting, fishing, shooting, or archery ranges or locations;

(3) snow activities, including skiing and snowboarding;

(4) water activities, including kayaking, paddling, canoeing, and boat launch ramps;

(5) rock climbing;

(6) biking;

(7) off-highway vehicle recreation;

(8) picnic facilities and picnic units;

(9) outdoor constructed features; and

(10) any other new or existing recreation opportunities identified in consultation with stakeholders under subsection (b)(2) and consistent with the applicable land management plan.

(d) Completion

Not later than 7 years after January 4, 2025, the Secretary concerned, in coordination with stakeholders consulted with under subsection (b)(2), shall complete each accessible recreation opportunity developed under subsection (a).

(e) Maps, signage, and promotional materials

For each accessible recreation opportunity developed under subsection (a), the Secretary concerned shall—

(1) publish and distribute maps and install signage, consistent with Architectural Barriers Act accessibility guidelines and section 794d of title 29; and

(2) coordinate with stakeholders to leverage any non-Federal resources necessary for the development, stewardship, completion, or promotion of the accessible trail.

(f) Conflict avoidance with other uses

In developing each accessible recreation opportunity under subsection (a), the Secretary

concerned shall ensure that the accessible recreation opportunity—

(1) minimizes conflict with—

(A) the uses in effect before January 4, 2025, with respect to any Federal recreational lands and waters on which the accessible recreation opportunity is located; or

(B) multiple-use areas in existence on January 4, 2025; and

(2) complies with all applicable land use and management plans of the Federal recreational lands and waters on which the accessible recreational opportunity is located.

(g) Reports

(1) Interim report

Not later than 3 years after January 4, 2025, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish an interim report that lists the accessible recreation opportunities developed under this section during the previous 3 years.

(2) Final report

Not later than 7 years after January 4, 2025, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish a final report that lists the accessible recreation opportunities developed under this section.

(Pub. L. 118–234, title II, §215, Jan. 4, 2025, 138 Stat. 2884.)

Editorial Notes

REFERENCES IN TEXT

The Architectural Barriers Act of 1968, referred to in subsec. (b)(2)(B), (C), is Pub. L. 90–480, Aug. 12, 1968, 82 Stat. 718, which is classified generally to chapter 51 (§4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of Title 42 and Tables.

Section 794 of title 29, referred to in subsec. (b)(2)(B), (C), was in the original a reference to section 504 of the Rehabilitation Act, and was translated as meaning section 504 of the Rehabilitation Act of 1973, Pub. L. 93–112, to reflect the probable intent of Congress.

Section 794d of title 29, referred to in subsec. (e)(1), was in the original a reference to section 508 of the Rehabilitation Act, and was translated as meaning section 508 of the Rehabilitation Act of 1973, Pub. L. 93–112, to reflect the probable intent of Congress.

§ 8486. Assistive technology

In carrying out this part, the Secretary concerned may enter into partnerships, contracts, or agreements with other Federal, State, Tribal, local, or private entities, including existing outfitting and guiding services, to make assistive technology available on Federal recreational lands and waters.

(Pub. L. 118–234, title II, §216, Jan. 4, 2025, 138 Stat. 2886.)

§ 8487. Savings clause

Nothing in the¹ part shall be construed to create any conflicting standards with the Architec-

¹ So in original. Probably should be “this”.

tural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 794 of title 29.

(Pub. L. 118–234, title II, §217, Jan. 4, 2025, 138 Stat. 2886.)

Editorial Notes

REFERENCES IN TEXT

The Architectural Barriers Act of 1968, referred to in text, is Pub. L. 90–480, Aug. 12, 1968, 82 Stat. 718, which is classified generally to chapter 51 (§4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of Title 42 and Tables.

Section 794 of title 29, referred to in text, was in the original a reference to section 504 of the Rehabilitation Act, and was translated as meaning section 504 of the Rehabilitation Act of 1973, Pub. L. 93–112, to reflect the probable intent of Congress.

PART B—MILITARY AND VETERANS IN PARKS

§ 8501. Promotion of outdoor recreation for military servicemembers and veterans

Not later than 2 years after January 4, 2025, the Secretary concerned, in coordination with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop educational and public awareness materials to disseminate to members of the Armed Forces and veterans, including through preseparation counseling of the Transition Assistance Program under chapter¹ 1142 of title 10, on—

(1) opportunities for members of the Armed Forces and veterans to access Federal recreational lands and waters free of charge under section 6804 of this title;

(2) the availability and location of accessible trails, including new accessible trails developed and completed under section 8484 of this title;

(3) the availability and location of accessible recreation opportunities, including new accessible recreation opportunities developed and completed under section 8485 of this title;

(4) access to, and assistance with, assistive technology;

(5) outdoor-related volunteer and wellness programs;

(6) the benefits of outdoor recreation for physical and mental health;

(7) resources to access guided outdoor trips and other outdoor programs connected to the Department of Defense, the Department of Veterans Affairs, the Department of the Interior, or the Department of Agriculture; and

(8) programs and jobs focused on continuing national service such as Public Land Corps, AmeriCorps, and conservation corps programs.

(Pub. L. 118–234, title II, §221, Jan. 4, 2025, 138 Stat. 2886.)

§ 8502. Military Veterans Outdoor Recreation Liaisons

(a) In general

Not later than 1 year after January 4, 2025, the Secretaries and the Secretary of Veterans Affairs shall each establish within their Depart-

¹ So in original. Probably should be “section”.

ments the position of Military Veterans Outdoor Recreation Liaison.

(b) Duties

The Military Veterans Outdoor Recreation Liaison shall—

(1) coordinate the implementation of this part;

(2) implement recommendations identified by the Task Force on Outdoor Recreation for Veterans established under section 203 of the Veterans Comprehensive Prevention, Access to Care, and Treatment Act of 2020 (Public Law 116-214), including recommendations related to—

(A) identifying new opportunities to formalize coordination between the Department of Veterans Affairs, Department of Agriculture, Department of the Interior, and partner organizations regarding the use of Federal recreational lands and waters for facilitating health and wellness for veterans;

(B) addressing identified barriers that exist to providing veterans with opportunities to augment the delivery of services for health and wellness through the use of outdoor recreation on Federal recreational lands and waters; and

(C) facilitating the use of Federal recreational lands and waters for promoting wellness and facilitating the delivery of health care and therapeutic interventions for veterans;

(3) coordinate with Military Veterans Outdoor Recreation Liaisons at other Federal agencies and veterans organizations; and

(4) promote outdoor recreation experiences for veterans on Federal recreational lands and waters through new and innovative approaches.

(Pub. L. 118-234, title II, §222, Jan. 4, 2025, 138 Stat. 2887.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in subsec. (b)(1), was in the original “this subtitle” meaning subtitle B (§§221-226) of title II of Pub. L. 118-234, Jan. 4, 2025, 138 Stat. 2886, which enacted this part and amended section 6803 of this title.

Section 203 of the Veterans Comprehensive Prevention, Access to Care, and Treatment Act of 2020, also known as the Veterans COMPACT Act of 2020, referred to in subsec. (b)(2), is section 203 of Pub. L. 116-214, Dec. 5, 2020, 134 Stat. 1036, which is not classified to the Code.

§ 8503. Partnerships to promote military and veteran recreation

(a) In general

The Secretary concerned shall seek to enter into partnerships or agreements with State, Tribal, local, or private entities with expertise in outdoor recreation, volunteer, accessibility, and health and wellness programs for members of the Armed Forces or veterans.

(b) Partnerships

As part of a partnership or agreement entered into under subsection (a), the Secretary con-

cerned may host events on Federal recreational lands and waters designed to promote outdoor recreation among members of the Armed Forces and veterans.

(c) Financial and technical assistance

Under a partnership or agreement entered into pursuant to subsection (a), the Secretary concerned may provide financial or technical assistance to the entity with which the respective Secretary concerned has entered into the partnership or agreement to assist with—

(1) the planning, development, and execution of events, activities, or programs designed to promote outdoor recreation for members of the Armed Forces or veterans; or

(2) the acquisition of assistive technology to facilitate improved outdoor recreation opportunities for members of the Armed Forces or veterans.

(Pub. L. 118-234, title II, §223, Jan. 4, 2025, 138 Stat. 2887.)

§ 8504. National strategy for military and veteran recreation

(a) Strategy

Not later than 1 year after January 4, 2025, the Federal Interagency Council on Outdoor Recreation established under section 113¹ shall develop and make public a strategy to increase visits to Federal recreational lands and waters by members of the Armed Forces, veterans, and Gold Star Family members.

(b) Requirements

A strategy developed under subsection (a)—

(1) shall—

(A) establish objectives and quantifiable targets for increasing visits to Federal recreational lands and waters by members of the Armed Forces, veterans, and Gold Star Family members;

(B) include an opportunity for public notice and comment;

(C) emphasize increased recreation opportunities on Federal recreational lands and waters for members of the Armed Forces, veterans, and Gold Star Family members; and

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

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

(c) Update to strategy

Not later than 5 years after the date of the publication of the strategy required under subsection (a), and every 5 years thereafter, the Federal Interagency Council on Outdoor Recreation shall update the strategy and make public the update.

(Pub. L. 118-234, title II, §224, Jan. 4, 2025, 138 Stat. 2888.)

Editorial Notes

REFERENCES IN TEXT

Section 113, referred to in subsec. (a), is section 113 of Pub. L. 118-234, Jan. 4, 2025, 138 Stat. 2839, which amend-

¹ See References in Text note below.

ed sections 200102 and 200104 of Title 54, National Park Service and Related Programs. As amended, section 200104 of Title 54 establishes the Federal Interagency Council on Outdoor Recreation.

§ 8505. Career and volunteer opportunities for veterans

(a) Veteran hiring

The Secretaries are strongly encouraged to hire veterans in all positions related to the management of Federal recreational lands and waters.

(b) Pilot program

(1) Establishment

The Secretary, in consultation with the Assistant Secretary of Labor for Veterans' Employment and Training and the Secretary of Veterans Affairs, shall establish a pilot program under which veterans are employed by the Federal Government in positions that relate to the conservation and resource management activities of the Department of the Interior.

(2) Positions

The Secretary shall—

(A) identify vacant positions in the Department of the Interior that are appropriate to fill using the pilot program; and

(B) to the extent practicable, fill such positions using the pilot program.

(3) Application of civil service laws

A veteran employed under the pilot program shall be treated as an employee as defined by section 2105 of title 5.

(4) Briefings and report

(A) Initial briefing

Not later than 60 days after January 4, 2025, the Secretary and the Assistant Secretary of Labor for Veterans' Employment and Training shall jointly provide to the appropriate congressional committees a briefing on the pilot program under this subsection, which shall include—

(i) a description of how the pilot program will be carried out in a manner to reduce the unemployment of veterans; and

(ii) any recommendations for legislative actions to improve the pilot program.

(B) Implementation briefing

Not later than 1 year after the date on which the pilot program under subsection (a)¹ commences, the Secretary and the Assistant Secretary of Labor for Veterans' Employment and Training shall jointly provide to the appropriate congressional committees a briefing on the implementation of the pilot program.

(C) Final report

Not later than 30 days after the date on which the pilot program under subsection (a)¹ terminates under paragraph (5), the Secretary and the Assistant Secretary of Labor for Veterans' Employment and Training shall jointly submit to the appropriate con-

gressional committees a report on the pilot program that includes the following:

(i) The number of veterans who applied to participate in the pilot program.

(ii) The number of such veterans employed under the pilot program.

(iii) The number of veterans identified in clause (ii) who transitioned to full-time positions with the Federal Government after participating in the pilot program.

(iv) Any other information the Secretary and the Assistant Secretary of Labor for Veterans' Employment and Training determine appropriate with respect to measuring the effectiveness of the pilot program.

(5) Duration

The authority to carry out the pilot program under this subsection shall terminate on the date that is 2 years after the date on which the pilot program commences.

(c) Appropriate congressional committees defined

In this section, the term "appropriate congressional committees" means—

(1) the Committee on Veterans' Affairs and the Committee on Natural Resources of the House of Representatives; and

(2) the Committee on Veterans' Affairs and the Committee on Energy and Natural Resources of the Senate.

(d) Outdoor recreation program attendance

Each Secretary of a military department is encouraged to allow members of the Armed Forces on active duty status to participate in programs related to environmental stewardship or guided outdoor recreation.

(Pub. L. 118-234, title II, §226, Jan. 4, 2025, 138 Stat. 2889.)

PART C—YOUTH ACCESS

§ 8521. Increasing youth recreation visits to Federal land

(a) Strategy

Not later than 2 years after January 4, 2025, the Secretaries, acting jointly, shall develop and make public a strategy to increase the number of youth recreation visits to Federal recreational lands and waters.

(b) Requirements

A strategy developed under subsection (a)—

(1) shall—

(A) emphasize increased recreation opportunities on Federal recreational lands and waters for underserved youth;

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

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

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

(c) Update to strategy

Not later than 5 years after the date of the publication of the strategy required under sub-

¹ So in original. Probably should refer to "this subsection".

section (a), and every 5 years thereafter, the Secretaries shall update the strategy and make public the update.

(d) Agreements

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

(Pub. L. 118-234, title II, §231, Jan. 4, 2025, 138 Stat. 2890.)

SUBCHAPTER III—SIMPLIFYING OUTDOOR ACCESS FOR RECREATION

§ 8531. Definitions

In this subchapter:

(1) Commercial use authorization

The term “commercial use authorization” means a commercial use authorization to provide services to visitors to units of the National Park System under subchapter II of chapter 1019 of title 54.

(2) Multijurisdictional trip

The term “multijurisdictional trip” means a trip that—

- (A) uses 2 or more units of Federal recreational lands and waters; and
- (B) is under the jurisdiction of 2 or more Federal land management agencies.

(3) Recreation service provider

The term “recreation service provider” has the meaning given the term in section 6801 of this title (as amended by section 311).

(4) Special recreation permit

The term “special recreation permit” has the meaning given the term in section 6801 of this title (as amended by section 311).

(5) Visitor-use day

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

(Pub. L. 118-234, title III, §301, Jan. 4, 2025, 138 Stat. 2891.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in introductory provisions, was in the original “this title”, meaning title III of Pub. L. 118-234, Jan. 4, 2025, 138 Stat. 2891, which is classified principally to this subchapter. For complete classification of title III to the Code, see Tables.

Section 311, referred to in pars. (3) and (4), means section 311 of Pub. L. 118-234.

PART A—MODERNIZING RECREATION PERMITTING

§ 8541. Permitting process improvements

(a) In general

To simplify the process of the issuance and or reissuance of special recreation permits and reduce the cost of administering special recreation permits under section 6802(h) of this title (as amended by this title), the Secretaries shall each—

(1) during the period beginning on January 1, 2021, and ending on January 1, 2025—

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

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

- (i) eliminate duplicative processes with respect to issuing special recreation permits;
- (ii) reduce costs for the issuance of special recreation permits;
- (iii) decrease processing times for special recreation permits; and
- (iv) issue simplified special recreation permits, including special recreation permits for an organized group recreation activity or event under subsection (e); and

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

(b) Environmental reviews

(1) In general

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

(2) Categorical exclusions

Not later than 2 years after January 4, 2025, the Secretary concerned shall—

(A) evaluate whether existing categorical exclusions available to the Secretary concerned on January 4, 2025, are consistent with the provisions of this subchapter;

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

(C) revise relevant agency regulations and policy statements and guidance documents, as necessary, to modify existing categorical exclusions or incorporate new categorical exclusions based on evaluations conducted under this paragraph.

(c) Needs assessments

Except as required under subsection (c) or (d) of section 1133 of this title, the Secretary concerned shall not conduct a needs assessment as a condition of issuing a special recreation permit under section 6802(h) of this title (as amended by this title).

(d) Online applications

Not later than 3 years after January 4, 2025, the Secretaries shall make the application for a

special recreation permit under section 6802(h) of this title (as amended by this title), including a reissuance of a special recreation permit under that section, available for completion and submission—

- (1) online;
- (2) by mail or electronic mail; and
- (3) in person at the field office for the applicable Federal recreational lands and waters.

(e) Special recreation permits for an organized group recreation activity or event

(1) Definitions

In this subsection:

(A) Special recreation permit for an organized group recreation activity or event

The term “special recreation permit for an organized group recreation activity or event” means a special recreation permit described in subclause (I) or (III) of paragraph (13)(A)(iii) of section 6801 of this title (as amended by this title).

(B) Youth group

The term “youth group” means a recreation service provider that predominantly serves individuals not older than 25 years of age.

(2) Exemption from certain allocations of use

If the Secretary concerned allocates visitor-use days available for an area or activity on Federal recreational lands and waters among recreation service providers that hold a permit described in paragraph (13)(A)(iv) of section 6801 of this title (as amended by this title), a special recreation permit for an organized group recreation activity or event shall not be subject to that allocation of visitor-use days.

(3) Issuance

In accordance with paragraphs (5) and (6), if use by the general public is not subject to a limited entry permit system and if capacity is available for the times or days in which the proposed activity or event would be undertaken, on request of a recreation service provider (including a youth group) to conduct an organized group recreation activity or event described in subclause (I) or (III) of paragraph (13)(A)(iii) of section 6801 of this title (as amended by this title), the Secretary concerned—

(A) shall make a nominal effects determination to determine whether the proposed activity or event would have more than nominal effects on Federal recreational lands and waters, resources, and programs; and

(B)(i) shall not require a recreation service provider (including a youth group) to obtain a special recreation permit for an organized group recreation activity or event if the Secretary concerned determines—

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

(II) establishing additional terms and conditions for the proposed activity or event is not necessary to protect or avoid

conflict on or with Federal recreational lands and waters, resources, and programs;

(ii) in the case of an organized group recreation activity or event described in section 6801(13)(A)(iii)(I) of this title, may issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to any terms and conditions as are determined to be appropriate by the Secretary concerned, if the Secretary concerned determines—

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

(II) establishing additional terms and conditions for the proposed activity or event is necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs;

(iii) in the case of an organized group recreation activity or event described in section 6801(13)(A)(iii)(III) of this title, shall issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to such terms and conditions determined to be appropriate by the Secretary concerned, if the Secretary concerned determines—

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

(II) establishing additional terms and conditions for the proposed activity or event is necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs; and

(iv) may issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to any terms and conditions determined to be appropriate by the Secretary concerned, if the Secretary concerned determines—

(I) the proposed activity or event to be undertaken may have more than nominal effects on Federal recreational lands and waters, resources, and programs; and

(II) establishing additional terms and conditions for the proposed activity or event would be necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs.

(4) Fees

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

(5) Savings clause

Nothing in this subsection prevents the Secretary concerned from limiting or abating the allowance of a proposed activity or event under paragraph (3)(B)(i) or the issuance of a

special recreation permit for an organized group recreation activity or event, based on resource conditions, administrative burdens, or safety issues.

(6) Qualifications

A special recreation permit for an organized group recreation activity or event issued under paragraph (3) shall be subject to the health and safety standards required by the Secretary concerned for a permit issued under paragraph (13)(A)(iv) of section 6801 of this title (as amended by this title).

(Pub. L. 118-234, title III, §312, Jan. 4, 2025, 138 Stat. 2898.)

Editorial Notes

REFERENCES IN TEXT

As amended by this title, referred to in subsecs. (a), (c), (d), (e)(1)(A), (2), (3), and (6), means as amended by title III of Pub. L. 118-234.

This subchapter, referred to in subsec. (b)(2)(A), (B), was in the original “this title”, meaning title III of Pub. L. 118-234, Jan. 4, 2025, 138 Stat. 2891, which is classified principally to this subchapter. For complete classification of title III to the Code, see Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (b)(2)(B), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

§ 8542. Permit flexibility

(a) In general

The Secretary concerned shall establish guidelines to allow a holder of a special recreation permit under subsection (h) of section 6802 of this title (as amended by this title), to engage in another recreational activity under the special recreation permit that is substantially similar to the specific activity authorized under the special recreation permit.

(b) Criteria

For the purposes of this section, a recreational activity shall be considered to be a substantially similar recreational activity if the recreational activity—

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

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

(3) does not adversely affect—

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

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

(4) is consistent with—

(A) any applicable laws (including regulations); and

(B) the land management plan, resource management plan, or equivalent plan applicable to the Federal recreational lands and waters.

(c) Surrender of unused visitor-use days

(1) In general

A recreation service provider holding a special recreation permit described in paragraph

(13)(A)(iv) of section 6801 of this title (as amended by this title) may—

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

(B) surrender to the Secretary concerned the unused visitor-use days for the applicable year for temporary reassignment under section 8547(b) of this title.

(2) Determination

To ensure a recreation service provider described in paragraph (1) is able to make an informed decision before surrendering any unused visitor-use day under paragraph (1)(B), the Secretary concerned shall, on the request of the applicable recreation service provider, determine and notify the recreation service provider whether the unused visitor-use day meets the requirement described in section 8546(b)(3)(B) of this title before the recreation service provider surrenders the unused visitor-use day.

(d) Effect

Nothing in this section affects any authority of, regulation issued by, or decision of the Secretary concerned relating to the use of electric bicycles on Federal recreational lands and waters under any other Federal law.

(Pub. L. 118-234, title III, §313, Jan. 4, 2025, 138 Stat. 2901.)

Editorial Notes

REFERENCES IN TEXT

As amended by this title, referred to in subsecs. (a) and (c)(1), means as amended by title III of Pub. L. 118-234.

§ 8543. Permit administration

(a) Permit availability

(1) Notifications of permit availability

(A) In general

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

(B) Effect

Nothing in this paragraph—

(i) applies to—

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

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

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

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

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

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

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

(2) Updates

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

(3) Electronic mail notifications

The Secretary concerned shall establish a system by which potential applicants for special recreation permits or commercial use authorizations for outfitting and guiding may subscribe to receive notification by electronic mail of the availability of special recreation permits under section 6802(h)(1) of this title (as amended by this title) or commercial use authorizations for outfitting and guiding.

(b) Permit application or proposal acknowledgment

Not later than 60 days after the date on which the Secretary concerned receives a completed application or a complete proposal for a special recreation permit under section 6802(h)(1) of this title (as amended by this title), the Secretary concerned shall—

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

(2)(A) issue a final decision with respect to the application or proposal; or

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

(c) Effect

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

(Pub. L. 118-234, title III, §314, Jan. 4, 2025, 138 Stat. 2902.)

Editorial Notes

REFERENCES IN TEXT

As amended by this title, referred to in subsecs. (a)(3) and (b), means as amended by title III of Pub. L. 118-234.

§ 8544. Service First Initiative; permits for multi-jurisdictional trips

(a) Omitted

(b) Cooperative action and sharing of resources by the Secretaries of the Interior and Agriculture

(1) In general

For fiscal year 2024, and each fiscal year thereafter, the Secretaries may carry out an initiative, to be known as the “Service First Initiative”, under which the Secretaries, or Federal land management agencies within their departments, may—

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

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

(C) issue rules to test the feasibility of issuing unified permits, applications, and leases, subject to the limitations in this section.

(2) Delegations of authority

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

(3) Effect

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

(4) Transfers of funding

Subject to the availability of appropriations and to facilitate the sharing of resources under the Service First Initiative, the Secretaries are authorized to mutually transfer funds between, or reimburse amounts expended from, appropriate accounts of either Department on an annual basis, including transfers and reimbursements for multiyear projects, except that this authority may not be used in a manner that circumvents requirements or limitations imposed on the use of any of the funds so transferred or reimbursed.

(5) Report

The Secretaries shall submit an annual report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate describing the activities undertaken as part of the Service First Initiative in the prior year.

(c) Pilot program for special recreation permits for multijurisdictional trips

(1) In general

Not later than 2 years after January 4, 2025, the Secretaries shall establish a pilot program

to offer to a person seeking an authorization for a multijurisdictional trip a set of separate special recreation permits or commercial use authorizations that authorizes the use of each unit of Federal recreational lands and waters on which the multijurisdictional trip occurs, subject to the authorities that apply to the applicable unit of Federal recreational lands and waters.

(2) Minimum number of permits

Not later than 4 years after January 4, 2025, the Secretaries shall issue not fewer than 10 sets of separate special recreation permits described in paragraph (13)(A)(iv) of section 6801 of this title (as amended by this title) or commercial use authorizations under the pilot program established under paragraph (1).

(3) Lead agencies

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

(A) designate a lead agency for issuing and administering a set of separate special recreation permits or commercial use authorizations; and

(B) select not fewer than 4 offices at which a person shall be able to apply for a set of separate special recreation permits or commercial use authorizations, of which—

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

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

(4) Retention of authority by the applicable Secretary

Each of the Secretaries shall retain the authority to enforce the terms, stipulations, conditions, and agreements in a set of separate special recreation permits or commercial use authorizations issued under the pilot program established under paragraph (1) that apply specifically to the use occurring on the Federal recreational lands and waters managed by the applicable Secretary, under the authorities that apply to the applicable Federal recreational lands and waters.

(5) Option to apply for separate special recreation permits or commercial use authorizations

A person seeking the appropriate permits or authorizations for a multijurisdictional trip may apply for—

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

(B) a set of separate special recreational permits or commercial use authorizations made available under the pilot program established under paragraph (1).

(6) Effect

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

(Pub. L. 118–234, title III, §315, Jan. 4, 2025, 138 Stat. 2903.)

Editorial Notes

REFERENCES IN TEXT

As amended by this title, referred to in subsec. (c)(2), means as amended by title III of Pub. L. 118–234.

CODIFICATION

Section is comprised of section 315 of Pub. L. 118–234. Subsec. (a) of section 315 of Pub. L. 118–234 repealed section 1703 of Title 43, Public Lands.

§ 8545. Forest Service and Bureau of Land Management temporary special recreation permits for outfitting and guiding

(a) In general

Not later than 180 days after January 4, 2025, the Secretary concerned shall establish and implement a program to authorize the issuance of temporary special recreation permits for new or additional recreational uses of Federal recreational land and water managed by the Forest Service and the Bureau of Land Management.

(b) Term of temporary permits

A temporary special recreation permit issued under paragraph (1)¹ shall be issued for a period of not more than 2 years.

(c) Conversion to long-term permit

If the Secretary concerned determines that a permittee under paragraph (1)¹ has completed 2 years of satisfactory operation under the permit proposed to be converted, the Secretary may provide for the conversion of a temporary special recreation permit issued under paragraph (1)¹ to a long-term special recreation permit.

(d) Effect

Nothing in this subsection² alters or affects the authority of the Secretary to issue a special recreation permit under subsection (h)(1) of section 6802 of this title (as amended by this title).

(Pub. L. 118–234, title III, §316, Jan. 4, 2025, 138 Stat. 2905.)

Editorial Notes

REFERENCES IN TEXT

As amended by this title, referred to in subsec. (d), means as amended by title III of Pub. L. 118–234.

§ 8546. Reviews for long-term permits

(a) Monitoring

The Secretary concerned shall monitor each recreation service provider issued a special recreation permit for compliance with the terms of the permit—

(1) not less than annually or as frequently as needed (as determined by the Secretary concerned), in the case of a temporary special recreation permit for outfitting and guiding issued under section 8545 of this title; and

(2) not less than once every 2 years or as frequently as needed (as determined by the Secretary concerned), in the case of a special recreation permit described in paragraph (13)(A)(iv)(I) of section 6801 of this title (as amended by this title) that is issued for a term of not more than 10 years.

¹ So in original. Probably should be “subsection (a)”.

² So in original. Probably should be “this section”.

(b) Use-of-allocation reviews**(1) In general**

If the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, allocates visitor-use days among special recreation permits for outfitting and guiding, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall, and the Secretary may, review the use by the recreation service provider of the visitor-use days allocated under a long-term special recreation permit described in paragraph (13)(A)(iv)(I) of section 6801 of this title (as amended by this title), once every 5 years.

(2) Requirements of the review

In conducting a review under paragraph (1), the Secretary concerned shall determine—

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

(B) the year in which the recreation service provider used the most visitor-use days under the special recreation permit.

(3) Consideration of surrendered, unused visitor-use days

For the purposes of determining the number of visitor-use days a recreation service provider used in a specified year under paragraph (2)(A), the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary, as applicable, shall consider an unused visitor-use day that has been surrendered under section 8542(c)(1)(B) of this title as—

(A) 1/2 of a visitor-use day used; or

(B) 1 visitor-use day used, if the Secretary concerned determines the use of the allocated visitor-use day had been or will be prevented by a circumstance beyond the control of the recreation service provider.

(Pub. L. 118-234, title III, §317, Jan. 4, 2025, 138 Stat. 2905.)

Editorial Notes

REFERENCES IN TEXT

As amended by this title, referred to in subsecs. (a)(2) and (b)(1), means as amended by title III of Pub. L. 118-234.

§ 8547. Adjustment of allocated visitor-use days**(a) Adjustments following use of allocation reviews**

On the completion of a use-of-allocation review conducted under section 8546(b) of this title for a special recreation permit described in paragraph (13)(A)(iv)(I) of section 6801 of this title (as amended by this title), the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, shall adjust the number of visitor-use days allocated to a recreation service provider under the special recreation permit as follows:

(1) If the Secretary concerned determines that the performance of the recreation service provider was satisfactory during the most re-

cent review conducted under subsection (a) of section 8546 of this title, the annual number of visitor-use days allocated for each remaining year of the permit shall be equal to 125 percent of the number of visitor-use days used, as determined under subsection (b)(2)(A) of that section, during the year identified under subsection (b)(2)(B) of that section, not to exceed the level allocated to the recreation service provider on the date on which the special recreation permit was issued.

(2) If the Secretary concerned determines the performance of the recreation service provider is less than satisfactory during the most recent performance review conducted under subsection (a) of section 8546 of this title, the annual number of visitor-use days allocated for each remaining year of the special recreation permit shall be equal to not more than 100 percent of the number of visitor-use days used, as determined under subsection (b)(2)(A) of that section during the year identified under subsection (b)(2)(B) of that section.

(b) Temporary reassignment of unused visitor-use days

The Secretary concerned may temporarily assign unused visitor-use days, made available under section 8542(c)(1)(B) of this title, to—

(1) any other existing or potential recreation service provider, notwithstanding the number of visitor-use days allocated to the special recreation permit holder under the special recreation permit held or to be held by the recreation service provider; or

(2) any existing or potential holder of a special recreation permit described in clause (i) or (iii) of paragraph (13)(A) of section 6801 of this title (as amended by this title), including the public.

(c) Additional capacity

If unallocated visitor-use days are available, the Secretary concerned may, at any time, amend a special recreation permit to allocate additional visitor-use days to a qualified recreation service provider.

(Pub. L. 118-234, title III, §318, Jan. 4, 2025, 138 Stat. 2906.)

Editorial Notes

REFERENCES IN TEXT

As amended by this title, referred to in subsecs. (a) and (b)(2), means as amended by title III of Pub. L. 118-234.

§ 8548. Liability**(a) Insurance requirements****(1) In general**

Except as provided in paragraph (2), as a condition of issuing a special recreation permit under subsection (h)(1)(B) of section 6802 of this title (as amended by this title) or a commercial use authorization, the Secretary concerned may require the holder of the special recreation permit or commercial use authorization to have a commercial general liability insurance policy that—

(A) is commensurate with the level of risk of the activities to be conducted under the

special recreation permit or commercial use authorization; and

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

(2) Exception

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

(b) Indemnification by governmental entities

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

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

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

(3) a combination of the coverage described in paragraphs (1) and (2).

(c) Exculpatory agreements

(1) In general

Except as provided in paragraph (2), a Federal land management agency shall not implement, administer, or enforce any regulation, guidance, or policy prohibiting the use of an exculpatory agreement between a recreation service provider or a holder of a commercial use authorization and a customer relating to services provided under a special recreation permit or a commercial use authorization.

(2) Requirements

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

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

(B) shall not waive any liability of the recreation service provider or holder of the commercial use authorization that may not

be waived under the laws (including common law) of the applicable State or for gross negligence, recklessness, or willful misconduct.

(3) Consistency

Not later than 2 years after January 4, 2025, the Secretaries shall—

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

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

(d) Effect

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

(Pub. L. 118-234, title III, §319, Jan. 4, 2025, 138 Stat. 2907.)

Editorial Notes

REFERENCES IN TEXT

As amended by this title, referred to in subsec. (a)(1), means as amended by title III of Pub. L. 118-234.

§ 8549. Cost recovery reform

(a) Cost recovery for special recreation permits

In addition to a fee collected under section 6802 of this title or any other authorized fee collected by the Secretary concerned, the Secretary concerned may assess and collect a reasonable fee from an applicant for, or holder of, a special recreation permit to recover administrative costs incurred by the Secretary concerned for—

(1) processing a proposal or application for the special recreation permit;

(2) issuing the special recreation permit; and

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

(b) De minimis exemption from cost recovery

If the administrative costs described in subsection (a) are assessed on an hourly basis, the Secretary concerned shall—

(1) establish an hourly de minimis threshold that exempts a specified number of hours from the assessment and collection of administrative costs described in subsection (a); and

(2) charge an applicant only for any hours that exceed the de minimis threshold.

(c) Multiple applications

If the Secretary concerned collectively processes multiple applications for special recreation permits for the same or similar services in the same unit of Federal recreational lands and waters, the Secretary concerned shall, to the extent practicable—

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

(2) apply the exemption described in subsection (b) to each applicant on an individual basis.

(d) Limitation

The Secretary concerned shall not assess or collect administrative costs under this section for a programmatic environmental review.

(e) Cost reduction

To the maximum extent practicable, the agency processing an application for a special recreation permit shall use existing studies and analysis to reduce the quantity of work and costs necessary to process the application.

(Pub. L. 118–234, title III, §320, Jan. 4, 2025, 138 Stat. 2908.)

§ 8550. Savings provision

Nothing in this part, or in any amendment made by this part, shall be construed as affecting the authority or responsibility of the Secretary of the Interior to award concessions contracts for the provision of accommodations, facilities, and services, or commercial use authorizations to provide services, to visitors to U.S. Fish and Wildlife Service refuges or units of the National Park System pursuant to subchapter II of chapter 1019 of title 54 (formerly known as the “National Park Service Concessions Management Improvement Act of 1998”), except that sections 8543(a), 8544, 8548(a), 8548(b), and 8548(c) of this title shall also apply to commercial use authorizations under that Act.

(Pub. L. 118–234, title III, §323, Jan. 4, 2025, 138 Stat. 2911.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle” meaning subtitle A (§§311–323) of title III of Pub. L. 118–234, Jan. 4, 2025, 138 Stat. 2891, which enacted sections 6804a and 8541 to 8550 of this title, amended sections 6801 to 6804, 6807, and 6809 of this title, and repealed section 1703 of Title 43, Public Lands.

The National Park Service Concessions Management Improvement Act of 1998, referred to in text, is title IV of Pub. L. 105–391, Nov. 13, 1998, 112 Stat. 3503. For complete classification of this Act to the Code, see Short Title of 1998 Act note set out under section 100101 of Title 54, National Park Service and Related Programs, and Tables.

PART B—MAKING RECREATION A PRIORITY

§ 8561. Extension of seasonal recreation opportunities

(a) Definition of seasonal closure

In this section, the term “seasonal closure” means any period during which—

(1) a unit, or portion of a unit, of Federal recreational lands and waters is closed to the public for a continuous period of 30 days or more, excluding temporary closures relating to wildlife conservation or public safety; and

(2) permitted or allowable recreational activities, which provide an economic benefit, including off-season or winter-season tourism, do not take place at the unit, or portion of a unit, of Federal recreational lands and waters.

(b) Coordination

(1) In general

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

(A) to better understand—

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

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

(iii) opportunities to extend the period of time during which areas of, or infrastructure on, units of Federal recreational lands and waters are open to the public to increase outdoor recreation opportunities and associated revenues for businesses and local governments; and

(B) to solicit input from, and provide information for, outdoor recreation marketing campaigns.

(2) Local coordination

As part of the consultation and coordination required under subparagraph¹ (1), the Secretaries shall encourage relevant unit managers of Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, and the National Park Service to consult and coordinate with local governments, Indian Tribes, outdoor recreation-related businesses, and other local stakeholders operating on or adjacent to the relevant unit of Federal recreational lands and waters.

(d)² Extensions beyond seasonal closures

(1) Extension of recreational season

In the case of a unit of Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, or the National Park Service in which recreational use is highly seasonal, the Secretary concerned, acting through the relevant unit manager, may—

(A) as appropriate, extend the recreation season or increase recreation use in a sustainable manner during the offseason; and

(B) make information about extended season schedules and related recreational opportunities available to the public and local communities.

(2) Determination

In determining whether to extend the recreation season under this subsection, the Secretary concerned, acting through the relevant unit manager, shall consider the benefits of extending the recreation season—

¹ So in original. Probably should be “paragraph”.

² So in original. There is no subsec. (c).

(A) for the duration of income to gateway communities; and

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

(3) Clarification

Nothing in this subsection precludes the Secretary concerned, acting through the relevant unit manager, from providing for additional recreational opportunities and uses at times other than those described in this subsection.

(4) Inclusions

An extension of a recreation season or an increase in recreation use during the offseason under paragraph (1) may include—

(A) the addition of facilities that would increase recreation use during the offseason; and

(B) improvement of access to the relevant unit to extend the recreation season.

(5) Requirement

An extension of a recreation season or increase in recreation use during the offseason under paragraph (1) shall be done in compliance with all applicable Federal laws, regulations, and policies, including land use plans.

(6) Agreements

(A) In general

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

(B) In-kind contributions

The Secretary concerned may accept in-kind contributions of goods and services provided by businesses, local governments, or other entities for purposes of paragraph (1).

(Pub. L. 118-234, title III, § 331, Jan. 4, 2025, 138 Stat. 2911.)

PART C—RECREATION NOT RED TAPE

§ 8571. Good neighbor authority for recreation

(a) Definitions

In this section:

(1) Authorized recreation services

The term “authorized recreation services” means similar and complementary recreation enhancement or improvement services carried out—

(A) on Federal land, non-Federal land, or land owned by an Indian Tribe; and

(B) by either the Secretary or a Governor, Indian Tribe, or county, as applicable, pursuant to a good neighbor agreement.

(2) County

The term “county” means—

(A) the appropriate executive official of an affected county; or

(B) in any case in which multiple counties are affected, the appropriate executive official of a compact of the affected counties.

(3) Federal land

The term “Federal land” means land that is—

(A) owned and administered by the United States as a part of—

- (i) the National Forest System; or
- (ii) the National Park System; or

(B) public lands (as defined in section 1702 of title 43).

(4) Recreation enhancement or improvement services

The term “recreation enhancement or improvement services” means—

(A) establishing, repairing, restoring, improving, relocating, constructing, or reconstructing new or existing—

- (i) trails or trailheads;
- (ii) campgrounds and camping areas;
- (iii) cabins;
- (iv) picnic areas or other day use areas;
- (v) shooting ranges;
- (vi) restroom or shower facilities;
- (vii) paved or permanent roads or parking areas that serve existing recreation facilities or areas;
- (viii) fishing piers, wildlife viewing platforms, docks, or other constructed features at a recreation site;
- (ix) boat landings;
- (x) hunting or fishing sites;
- (xi) infrastructure within ski areas; or
- (xii) visitor centers or other interpretative sites; and

(B) activities that create, improve, or restore access to existing recreation facilities or areas.

(5) Good neighbor agreement

The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and a Governor, Indian Tribe, or county, as applicable, to carry out authorized recreation services under this subchapter.

(6) Governor

The term “Governor” means the Governor or any other appropriate executive official of an affected State or the Commonwealth of Puerto Rico.

(7) Secretary concerned

The term “Secretary concerned” means—

- (A) the Secretary of Agriculture, with respect to National Forest System land; and
- (B) the Secretary of the Interior, with respect to National Park System land and public lands.

(b) Good neighbor agreements for recreation

(1) In general

The Secretary concerned may enter into a good neighbor agreement with a Governor, Indian Tribe, or county to carry out authorized recreation services in accordance with this subchapter.

(2) Public availability

The Secretary concerned shall make each good neighbor agreement available to the public.

(3) Financial and technical assistance**(A) In general**

The Secretary concerned may provide financial or technical assistance to a Governor, Indian Tribe, or county carrying out authorized recreation services.

(B) Omitted**(4) Retention of NEPA responsibilities**

Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized recreation services to be provided under this section on Federal land shall not be delegated to a Governor, Indian Tribe, or county.

(Pub. L. 118–234, title III, § 351, Jan. 4, 2025, 138 Stat. 2915.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a)(5) and (b)(1), was in the original “this title”, meaning title III of Pub. L. 118–234, Jan. 4, 2025, 138 Stat. 2891, which is classified principally to this subchapter. For complete classification of title III to the Code, see Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (b)(4), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

CODIFICATION

Section is comprised of section 351 of Pub. L. 118–234. Subsec. (b)(3)(B) of section 351 of Pub. L. 118–234 amended section 2113a of this title.

§ 8572. Permit relief for picnic areas**(a) In general**

If the Secretary concerned does not require the public to obtain a permit or reservation to access a picnic area on Federal recreational lands and waters administered by the Forest Service or the Bureau of Land Management, the Secretary concerned shall not require a covered person to obtain a permit solely to access the picnic area.

(b) Covered person defined

In this section, the term “covered person” means a person (including an educational group) that provides outfitting and guiding services to fewer than 40 customers per year at a picnic area described in subsection (a).

(Pub. L. 118–234, title III, § 352, Jan. 4, 2025, 138 Stat. 2916.)

§ 8573. Interagency report on special recreation permits for underserved communities**(a) Covered community defined**

In this section, the term “covered community” means a rural or urban community, including an Indian Tribe, that is—

- (1) low-income or underserved; and
- (2) has been underrepresented in outdoor recreation opportunities on Federal recreational lands and waters.

(b) Report

Not later than 3 years after January 4, 2025, the Secretaries, acting jointly, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the estimated use of special recreation permits serving covered communities;

(2) examples of special recreation permits, partnerships, cooperative agreements, or other arrangements providing access to Federal recreational lands and waters for covered communities;

(3) other ways covered communities are engaging on Federal recreational lands and waters, including through stewardship and conservation projects or activities;

(4) any barriers for existing or prospective recreation service providers and holders of commercial use authorizations operating within or serving a covered community; and

(5) any recommendations to facilitate and increase permitted access to Federal recreational lands and waters for covered communities.

(Pub. L. 118–234, title III, § 353, Jan. 4, 2025, 138 Stat. 2917.)

§ 8574. Savings provision

No additional Federal funds are authorized to carry out the requirements of this Act and the activities authorized by this Act are subject to the availability of appropriations made in advance for such purposes.

(Pub. L. 118–234, title III, § 355, Jan. 4, 2025, 138 Stat. 2917.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 118–234, Jan. 4, 2025, 138 Stat. 2836, known as the Expanding Public Lands Outdoor Recreation Experiences Act and also as the EXPLORE Act, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 8401 of this title and Tables.