

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**S. 3266**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—OUTDOOR RECREATION AND INFRASTRUCTURE

Subtitle A—Declaration of Policy

Sec. 111. Congressional declaration of policy.

Subtitle B—Public Recreation on Federal Recreational Lands and Waters

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

## 2

- Sec. 122. Forest Service climbing guidance.
- Sec. 123. Designated target shooting ranges.

Subtitle C—Improving Recreation Infrastructure

- Sec. 131. Broadband internet connectivity at developed recreation sites.
- Sec. 132. Extension of seasonal recreation opportunities.
- Sec. 133. Gateway communities.
- Sec. 134. Parking opportunities for Federal recreational lands and waters.
- Sec. 135. Travel management.
- Sec. 136. Public-private partnerships to modernize federally-owned campgrounds, resorts, cabins, and visitor centers on Federal recreational lands and waters.
- Sec. 137. Forest Service pay-for-performance projects.

Subtitle D—Engagement

- Sec. 141. Identifying opportunities for recreation.
- Sec. 142. Federal Interagency Council on Outdoor Recreation.
- Sec. 143. Informing the public of access closures.
- Sec. 144. Improved recreation visitation data.
- Sec. 145. Monitoring for improved recreation decisionmaking.
- Sec. 146. Access for servicemembers and veterans.
- Sec. 147. Increasing youth recreation visits to Federal land.

TITLE II—AMENDMENTS TO THE FEDERAL LANDS RECREATION  
ENHANCEMENT ACT

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

TITLE III—SPECIAL RECREATION PERMITS FOR OUTFITTING  
AND GUIDING

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

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

Subtitle B—Additional Provisions Relating to Special Recreation Permits

- Sec. 321. Permitting process improvements.
- Sec. 322. Service First Initiative and multijurisdictional trips.
- Sec. 323. Permit flexibility.
- Sec. 324. Liability.

- Sec. 325. Cost recovery reform.  
 Sec. 326. Permit relief for picnic areas.  
 Sec. 327. Interagency report on special recreation permits for underserved communities.

Subtitle C—Effect

- Sec. 331. Effect.

TITLE IV—MISCELLANEOUS PROVISIONS

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

14 (3) **FEDERAL RECREATIONAL LANDS AND**  
 15 **WATERS.**—The term “Federal recreational lands and  
 16 waters” has the meaning given the term in section

1 802 of the Federal Lands Recreation Enhancement  
2 Act (16 U.S.C. 6801).

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

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

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

14 (A) the Secretary; and

15 (B) the Secretary of Agriculture.

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

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

20 (A) the Secretary, with respect to land  
21 under the jurisdiction of the Secretary; or

22 (B) the Secretary of Agriculture, with re-  
23 spect to land managed by the Forest Service.

24 (9) SPECIAL RECREATION PERMIT.—The term  
25 “special recreation permit” has the meaning given

1 the term in section 802 of the Federal Lands Recre-  
2 ation Enhancement Act (16 U.S.C. 6801) (as  
3 amended by section 202(10)).

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

9 **TITLE I—OUTDOOR RECRE-**  
10 **ATION AND INFRASTRUC-**  
11 **TURE**

12 **Subtitle A—Declaration of Policy**

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

14 Congress declares that it is the policy of the Federal  
15 Government to foster and encourage recreation on Federal  
16 recreational lands and waters, to the extent consistent  
17 with the laws applicable to specific areas of Federal rec-  
18 reational lands and waters, including multiple-use man-  
19 dates and land management planning requirements.

20 **Subtitle B—Public Recreation on**  
21 **Federal Recreational Lands and**  
22 **Waters**

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

24 (a) DEFINITION OF LONG-DISTANCE BIKE TRAIL.—  
25 In this section, the term “long-distance bike trail” means

1 a continuous route, consisting of 1 or more trails or rights-  
2 of-way, that—

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

5 (2) to the maximum extent practicable, makes  
6 use of existing trails;

7 (3) is composed generally of a consistent type  
8 of trail;

9 (4) may be used for mountain biking,  
10 bikepacking, road biking, bicycle touring, or gravel  
11 biking; and

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

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

16 (1) IDENTIFICATION OF LONG-DISTANCE BIKE  
17 TRAILS.—Subject to paragraph (2), the Secretaries  
18 shall—

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

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

6 (ii) coordinate with stakeholders on the  
7 feasibility of, and identifying any resources nec-  
8 essary for, completing the development of the  
9 trails identified under clause (i); and

10 (iii) incorporate existing applicable re-  
11 search and planning decisions in carrying out  
12 this section.

13 (2) CONFLICT AVOIDANCE WITH OTHER  
14 USES.—Before identifying a trail or road as a long-  
15 distance bike trail under paragraph (1), the Sec-  
16 retary concerned shall ensure that the identification  
17 of the long-distance bike trail would not conflict with  
18 an existing use of the trail or road, including horse-  
19 back riding or use by pack and saddle stock.

20 (3) MAPS, SIGNAGE, AND PROMOTIONAL MATE-  
21 RIALS.—For any long-distance bike trail identified  
22 under paragraph (1), the Secretary concerned may  
23 publish and distribute maps, install signage, and  
24 issue promotional materials.

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

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

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

13           (a) CLIMBING GUIDANCE IN WILDERNESS.—

14           (1) IN GENERAL.—Not later than 18 months  
15 after the date of enactment of this Act, the Sec-  
16 retary of Agriculture shall issue guidance on climb-  
17 ing management in designated wilderness areas on  
18 National Forest System land that recognizes the ap-  
19 propriateness of the allowable activities described in  
20 paragraph (2) in the designated wilderness areas, if  
21 the allowable activities are undertaken in accordance  
22 with—

23                       (A) the Wilderness Act (16 U.S.C. 1131 et  
24 seq.);



1 (B) other applicable laws (including regu-  
2 lations); and

3 (C) any terms and conditions that are de-  
4 termined to be necessary by the Secretary of  
5 Agriculture.

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

8 (A) recreational climbing;

9 (B) the placement, use, and maintenance  
10 of fixed anchors; and

11 (C) the use of other equipment necessary  
12 for recreational climbing.

13 (b) PUBLIC NOTICE AND COMMENT.—Prior to taking  
14 any significant management action affecting the allowable  
15 activities described in subsection (a)(2) on National For-  
16 est System land, the Secretary of Agriculture shall provide  
17 the public with notice and an opportunity to comment on  
18 the proposed action.

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

20 (a) DEFINITION OF DESIGNATED TARGET SHOOTING  
21 RANGE.—In this section, the term “designated target  
22 shooting range” means a developed and managed area  
23 that is designed and operated by the Forest Service or  
24 the Bureau of Land Management specifically for the pur-

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

3 (b) IDENTIFICATION OF DESIGNATED TARGET  
4 SHOOTING RANGES.—

5 (1) IN GENERAL.—The Secretaries shall iden-  
6 tify a suitable location for, and construct, designated  
7 target shooting ranges on Federal recreational lands  
8 and waters administered by the Chief of the Forest  
9 Service and Federal recreational lands and waters  
10 administered by the Director of the Bureau of Land  
11 Management for the public to use for recreational  
12 target shooting.

13 (2) MINIMUM NUMBER OF DESIGNATED TAR-  
14 GET SHOOTING RANGES.—To the maximum extent  
15 practicable and where the Secretary concerned deter-  
16 mines that the use is consistent with applicable law  
17 and the applicable land use plan—

18 (A) the Secretary of Agriculture shall en-  
19 sure that each National Forest has not fewer  
20 than 1 designated target shooting range; and

21 (B) the Secretary shall ensure each Bu-  
22 reau of Land Management district has not  
23 fewer than 1 designated target shooting range.

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

1 (A)(i) shall be able to accommodate rifles,  
2 pistols, and shotguns; and

3 (ii) may accommodate archery;

4 (B) shall include—

5 (i) significantly modified landscapes,  
6 including berms, buffer distances, or other  
7 public safety designs or features;

8 (ii) a designated firing line; and

9 (iii) benches; and

10 (C) may include—

11 (i) shade structures;

12 (ii) trash containers;

13 (iii) restrooms; and

14 (iv) any other features that the Sec-  
15 retary concerned determines to be nec-  
16 essary.

17 (c) REQUIREMENTS.—

18 (1) EXISTING USE.—The Secretaries, in co-  
19 operation with the entities described in subsection  
20 (d), shall—

21 (A) consider the proximity of areas fre-  
22 quently used by recreational shooters when  
23 identifying a suitable location for a designated  
24 target shooting range; and

1 (B) ensure a designated target shooting  
2 range would not impact a target shooting range  
3 operated or maintained by a non-Federal entity,  
4 including a target shooting range located on  
5 private land.

6 (2) CLOSURES.—Except in emergency situa-  
7 tions, the Secretary concerned shall seek to ensure  
8 that a designated target shooting range, or an equiv-  
9 alent shooting range adjacent to a National Forest  
10 or Bureau of Land Management district, is available  
11 to the public prior to closing Federal recreational  
12 lands and waters administered by the Chief of the  
13 Forest Service or the Director of the Bureau of  
14 Land Management to recreational shooting, in ac-  
15 cordance with section 4103 of the John D. Dingell,  
16 Jr. Conservation, Management, and Recreation Act  
17 (16 U.S.C. 7913).

18 (d) CONSULTATIONS.—

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

21 (A) local and Tribal governments;

22 (B) nonprofit or nongovernmental organi-  
23 zations, including organizations that are sig-  
24 natories to the memorandum of understanding  
25 entitled “Federal Lands Hunting, Fishing, and

1 Shooting Sports Roundtable Memorandum of  
2 Understanding” and signed by the Forest Serv-  
3 ice and the Bureau of Land Management on  
4 August 17, 2006;

5 (C) State fish and wildlife agencies;

6 (D) shooting clubs;

7 (E) Federal advisory councils relating to  
8 hunting and shooting sports;

9 (F) individuals or entities with authorized  
10 leases or permits in an area under consideration  
11 for a designated target shooting range;

12 (G) State and local offices of outdoor  
13 recreation; and

14 (H) the public.

15 (2) PARTNERSHIPS.—The Secretaries may—

16 (A) coordinate with an entity described in  
17 paragraph (1) to assist with the construction,  
18 operation, and maintenance of a designated tar-  
19 get shooting range; and

20 (B) explore opportunities to leverage fund-  
21 ing to maximize non-Federal investment in the  
22 construction, operation, and maintenance of a  
23 designated target shooting range.

24 (3) RECREATION AND PUBLIC PURPOSES  
25 ACT.—The Secretary concerned may consider a des-

1       ignated target shooting range that is located on land  
2       transferred pursuant to the Act of June 14, 1926  
3       (commonly known as the “Recreation and Public  
4       Purposes Act”) (44 Stat. 741, chapter 578; 43  
5       U.S.C. 869 et seq.) as a designated target shooting  
6       range on Federal recreational lands and waters ad-  
7       ministered by the Chief of the Forest Service or the  
8       Director of the Bureau of Land Management for the  
9       purposes of subsection (b)(2).

10       (e) RESTRICTIONS.—

11               (1) IN GENERAL.—The management of a des-  
12       ignated target shooting range shall be subject to  
13       such conditions as the Secretary concerned deter-  
14       mines are necessary for the safe, responsible use  
15       of—

16                       (A) the designated target shooting range;

17                       and

18                       (B) the adjacent resources.

19               (2) FEES.—The Secretary concerned may not  
20       require a user to pay a fee to use a designated tar-  
21       get shooting range established under this section.

22       (f) APPLICABILITY.—

23               (1) IN GENERAL.—This section (including the  
24       restriction under subsection (e)(2)), shall only apply  
25       only to the minimum number of designated target

1 shooting ranges at each National Forest or Bureau  
2 of Land Management district established under sub-  
3 section (b)(2).

4 (2) ADDITIONAL DESIGNATED TARGET SHOOT-  
5 ING RANGES.—In the case of a National Forest or  
6 a Bureau of Land Management district that has  
7 more than the minimum number of designated tar-  
8 get shooting ranges required under subsection  
9 (b)(2), any designated target shooting range at the  
10 National Forest or Bureau of Land Management  
11 district, as applicable, that exceeds the minimum  
12 number may, but is not required to, comply with  
13 this section.

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

1     **Subtitle C—Improving Recreation**  
2                     **Infrastructure**

3     **SEC. 131. BROADBAND INTERNET CONNECTIVITY AT DE-**  
4                     **VELOPED RECREATION SITES.**

5             (a) IN GENERAL.—The Secretary and the Chief of  
6 the Forest Service shall enter into an agreement with the  
7 Administrator of the Rural Utilities Service to foster the  
8 installation or construction of broadband internet infra-  
9 structure at developed recreation sites on Federal rec-  
10 reational lands and waters to establish broadband internet  
11 connectivity—

12                 (1) subject to the availability of appropriations;  
13             and

14                 (2) in accordance with applicable law.

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

20                 (1) a list of the highest priority developed recre-  
21 ation sites, as determined under subsection (c), on  
22 Federal recreational lands and waters that lack  
23 broadband internet; and

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



1 (c) PRIORITIES.—In selecting developed recreation  
2 sites for the list described in subsection (b)(1), the Sec-  
3 retary and the Chief of the Forest Service shall give pri-  
4 ority to developed recreation sites—

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

7 (A) geographic challenges; or

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

11 (2) that are located in an economically dis-  
12 tressed county that could benefit significantly from  
13 developing the outdoor recreation economy of the  
14 county.

15 **SEC. 132. EXTENSION OF SEASONAL RECREATION OPPOR-**  
16 **TUNITIES.**

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

20 (1) a unit of Federal recreational lands and  
21 waters, or a portion of a unit of Federal recreational  
22 lands and waters, is closed to the public for a con-  
23 tinuous period of not less than 30 days; and

24 (2) permitted or allowable recreational activi-  
25 ties, which provide an economic benefit, including

1 off-season or winter-season tourism, are not taking  
2 place at—

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

5 (B) a portion of a unit of Federal rec-  
6 reational lands and waters.

7 (b) COORDINATION.—The Secretaries shall consult  
8 and coordinate with multiple outdoor recreation-related  
9 businesses operating on or adjacent to a unit of Federal  
10 recreational lands and waters, State offices of outdoor  
11 recreation, local destination marketing organizations, ap-  
12 plicable trade organizations, nonprofit organizations, In-  
13 dian Tribes, local governments, and institutions of higher  
14 education—

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

18 (2) to solicit input from, and provide informa-  
19 tion for, outdoor recreation marketing campaigns;  
20 and

21 (3) to better understand—

22 (A) the effect of seasonal closures of areas  
23 of, or infrastructure on, units of Federal rec-  
24 reational lands and waters on outdoor recre-

1           ation opportunities, adjacent businesses, and  
2           local tax revenue; and

3                   (B) opportunities to extend the period of  
4           time during which areas of, or infrastructure  
5           on, units of Federal recreational lands and  
6           waters are open to the public to increase out-  
7           door recreation opportunities and associated  
8           revenues for businesses and local governments.

9           (c) AVAILABILITY OF INFRASTRUCTURE.—

10                   (1) IN GENERAL.—The Secretaries shall make  
11           efforts to make infrastructure available to accommo-  
12           date increased visitation to units of Federal rec-  
13           reational lands and waters during periods that are  
14           at or before the beginning or at or after the end of  
15           traditional seasonal closures—

16                           (A) to extend the outdoor recreation sea-  
17           son and the duration of income to gateway com-  
18           munities; and

19                           (B) to provide more opportunities to visit  
20           resources on units of Federal recreational lands  
21           and waters to reduce crowding during peak sea-  
22           sons.

23                   (2) INCLUSIONS.—Efforts described in para-  
24           graph (1) may include—

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

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

5 (d) AGREEMENTS.—

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

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

17 **SEC. 133. GATEWAY COMMUNITIES.**

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

1 (b) ASSESSMENT OF IMPACTS AND NEEDS IN GATE-  
2 WAY COMMUNITIES.—Using existing funds available to  
3 the Secretaries, the Secretaries—

4 (1) shall collaborate with State and local gov-  
5 ernments, Indian Tribes, housing authorities, appli-  
6 cable trade associations, nonprofit organizations,  
7 and other relevant stakeholders to identify needs and  
8 economic impacts in gateway communities, includ-  
9 ing—

10 (A) housing shortages;

11 (B) demands on existing municipal infra-  
12 structure; and

13 (C) accommodation and management of  
14 sustainable visitation; and

15 (2) may address a need identified under para-  
16 graph (1) by—

17 (A) providing financial or technical assist-  
18 ance to a gateway community under an existing  
19 program;

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

22 (C) issuing an entity referred to in para-  
23 graph (1) a special use permit (other than a  
24 special recreation permit), in accordance with  
25 applicable laws.

1           (c) TECHNICAL AND FINANCIAL ASSISTANCE TO  
2 BUSINESSES.—

3           (1) IN GENERAL.—The Secretary of Agriculture  
4           (acting through the Administrator of the Rural  
5           Business-Cooperative Service), in coordination with  
6           the Secretary and the Secretary of Commerce, shall  
7           provide to businesses in gateway communities the  
8           assistance described in paragraph (2) to establish,  
9           operate, or expand infrastructure to accommodate  
10          and manage sustainable visitation, including hotels,  
11          campgrounds, and restaurants.

12          (2) ASSISTANCE.—The Secretary of Agriculture  
13          may provide assistance under paragraph (1) through  
14          the use of existing, or the establishment of new, en-  
15          trepreneur and vocational training programs, tech-  
16          nical assistance programs, low-interest business loan  
17          programs, and loan guarantee programs.

18          (d) PARTNERSHIPS.—In carrying out this section, the  
19          Secretaries may, in accordance with applicable laws, enter  
20          into a public-private partnership, cooperative agreement,  
21          memorandum of understanding, or similar agreement with  
22          a gateway community or a business in a gateway commu-  
23          nity.

1 **SEC. 134. PARKING OPPORTUNITIES FOR FEDERAL REC-**  
2 **REATIONAL LANDS AND WATERS.**

3 (a) IN GENERAL.—The Secretaries shall seek to in-  
4 crease parking opportunities for persons recreating on  
5 Federal recreational lands and waters—

6 (1) in accordance with existing laws; and

7 (2) in a manner that does not increase mainte-  
8 nance obligations on Federal recreational lands and  
9 waters.

10 (b) AUTHORITY.—To supplement the quantity of  
11 parking spaces available at units of Federal recreational  
12 lands and waters on the date of enactment of this Act,  
13 the Secretaries may—

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

16 (2) lease non-Federal land for parking opportu-  
17 nities; or

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

20 **SEC. 135. TRAVEL MANAGEMENT.**

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

1           (1) for each district administered by the Direc-  
2           tor of the Bureau of Land Management, a ground  
3           transportation linear feature; and

4           (2) for each unit of the National Forest Sys-  
5           tem, a motor vehicle use map.

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

15          (c) OUT-OF-DATE PLANS AND MAPS.—Not later than  
16          20 years after the date on which the Secretary concerned  
17          adopted or reviewed, through public notice and comment,  
18          a travel management plan or map described in subsection  
19          (a) or (b), the Secretary concerned shall review, through  
20          public notice and comment, and update, as necessary, the  
21          applicable travel management plan or map.

22          (d) MOTORIZED AND NONMOTORIZED ACCESS.—The  
23          Secretaries shall seek to create additional opportunities,  
24          as appropriate, for motorized and nonmotorized access  
25          and experiences on Federal recreational lands and waters



1 administered by the Chief of the Forest Service or the Di-  
2 rector of the Bureau of Land Management.

3 **SEC. 136. PUBLIC-PRIVATE PARTNERSHIPS TO MODERNIZE**  
4 **FEDERALLY-OWNED CAMPGROUNDS, RE-**  
5 **SORTS, CABINS, AND VISITOR CENTERS ON**  
6 **FEDERAL RECREATIONAL LANDS AND**  
7 **WATERS.**

8 (a) IN GENERAL.—The Secretaries shall establish a  
9 pilot program under which the Secretary concerned may  
10 enter into an agreement with or issue a land use author-  
11 ization to a private entity that provides for the private  
12 entity to make capital improvements (including the con-  
13 struction of structures and improvements) to, and to oper-  
14 ate and maintain, a federally-owned campground, resort,  
15 cabin, or visitor center in existence on the date of enact-  
16 ment of this Act on Federal recreational lands and waters  
17 administered by the Chief of the Forest Service or Direc-  
18 tor of the Bureau of Land Management, subject to the  
19 requirements of this section, regardless of whether the pri-  
20 vate entity holds, on the date of enactment of this Act,  
21 an authorization to be a concessionaire for the relevant  
22 campground, resort, cabin, or visitor center.

23 (b) MINIMUM NUMBER OF AGREEMENTS OR LAND  
24 USE AUTHORIZATIONS.—Not later than 3 years after the  
25 date of enactment of this Act, the Secretary concerned,

1 with the consent of an affected holder of an authorization  
2 to be a concessionaire for the campground, resort, cabin,  
3 or visitor center, if applicable, shall enter into at least 1  
4 agreement or land use authorization under subsection (a)  
5 in—

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

8 (2) Federal recreational lands and waters ad-  
9 ministered by the Director of the Bureau of Land  
10 Management in not fewer than 5 States in which the  
11 Bureau of Land Management administers Federal  
12 recreational lands and waters.

13 (c) REQUIREMENTS.—

14 (1) DEVELOPMENT PLANS.—Before entering  
15 into an agreement or issuing a land use authoriza-  
16 tion under subsection (a), the private entity shall  
17 submit to the Secretary concerned a development  
18 plan that—

19 (A) describes investments in the camp-  
20 ground, resort, cabin, or visitor center to be  
21 made by the private entity during the first 3  
22 years of the agreement or land use authoriza-  
23 tion;

1 (B) describes annual maintenance spend-  
2 ing for each year of the agreement or land use  
3 authorization; and

4 (C) includes any other terms and condi-  
5 tions determined to be necessary by the Sec-  
6 retary concerned.

7 (2) AGREEMENTS AND LAND USE AUTHORIZA-  
8 TIONS.—An agreement entered into or land use au-  
9 thorization issued under subsection (a) shall—

10 (A) be for a term of not more than 30  
11 years, commensurate with the level of invest-  
12 ment;

13 (B) require that, not later than 3 years  
14 after the date on which the Secretary concerned  
15 enters into an agreement or issues a land use  
16 authorization, the private entity expend, or  
17 place in an escrow account for expenditure, for  
18 the construction or improvement of structures  
19 and infrastructure relating to the operation of,  
20 or access to, the applicable campground, resort,  
21 cabin, or visitor center, an amount or a speci-  
22 fied percentage, as determined by the Secretary  
23 concerned, of the anticipated receipts for the  
24 term of the agreement or land use authoriza-



1 Act'') (64 Stat. 84, chapter 97; 16  
2 U.S.C. 580d); or

3 (II) the value to the private enti-  
4 ty of the rights provided by the agree-  
5 ment or land use authorization, taking  
6 into account the capital invested by,  
7 and obligations of, the private entity  
8 under the agreement or land use au-  
9 thorization; and

10 (ii) all or part of which may be offset  
11 by the work to be performed at the ex-  
12 pense of the private entity that is separate  
13 from the routine costs of operating and  
14 maintaining the campground facility, re-  
15 sort, cabin, or visitor center and any asso-  
16 ciated infrastructure designated by the  
17 Secretary concerned, as determined to be  
18 appropriate by the Secretary concerned;

19 (F) include provisions that state—

20 (i) the private entity shall obtain no  
21 property interest pursuant to the expendi-  
22 tures of the private entity, as required by  
23 the agreement or land use authorization;  
24 and

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

6 (G) be subject to any other terms and con-  
7 ditions determined to be necessary by the Sec-  
8 retary concerned.

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

17 **SEC. 137. FOREST SERVICE PAY-FOR-PERFORMANCE**  
18 **PROJECTS.**

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

20 (1) **INDEPENDENT EVALUATOR.**—The term  
21 “independent evaluator” means an individual or en-  
22 tity, including an institution of higher education,  
23 that is selected by the pay-for-performance bene-  
24 ficiary and pay-for-performance investor, as applica-  
25 ble, or by the pay-for-performance project developer,

1 in consultation with the Secretary of Agriculture, to  
2 make the determinations and prepare the reports re-  
3 quired under subsection (e).

4 (2) NATIONAL FOREST SYSTEM LAND.—The  
5 term “National Forest System land” means land in  
6 the National Forest System (as defined in section  
7 11(a) of the Forest and Rangeland Renewable Re-  
8 sources Planning Act of 1974 (16 U.S.C. 1609(a))).

9 (3) PAY-FOR-PERFORMANCE AGREEMENT.—The  
10 term “pay-for-performance agreement” means a mu-  
11 tual benefit agreement (excluding a procurement  
12 contract, grant agreement, or cooperative agreement  
13 described in chapter 63 of title 31, United States  
14 Code) for a pay-for-performance project—

15 (A) with a term of—

16 (i) not less than 1 year; and

17 (ii) not more than 20 years; and

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

20 (i) the Secretary of Agriculture; and

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

23 (4) PAY-FOR-PERFORMANCE BENEFICIARY.—  
24 The term “pay-for-performance beneficiary” means

1 a State or local government, an Indian Tribe, or a  
2 nonprofit or for-profit organization that—

3 (A) repays upfront, loaned capital from a  
4 pay-for-performance investor, based on a  
5 project outcome specified in a pay-for-perform-  
6 ance agreement; or

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

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

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

19 (A) would provide or enhance a rec-  
20 reational opportunity;

21 (B) is conducted on—

22 (i) National Forest System land; or

23 (ii) other land, if the activities would  
24 benefit National Forest System land (in-



1 cluding a recreational use of National For-  
2 est System land); and

3 (C) would use an innovative funding or fi-  
4 nancing model that leverages—

5 (i) loaned capital from a pay-for-per-  
6 formance investor to cover upfront costs  
7 associated with a pay-for-performance  
8 project, with the loaned capital repaid by a  
9 pay-for-performance beneficiary at a rate  
10 of return dependent on a project outcome,  
11 as measured by an independent evaluator;  
12 or

13 (ii) capital directly from a pay-for-per-  
14 formance beneficiary to support costs asso-  
15 ciated with a pay-for-performance project  
16 in an amount based on an anticipated  
17 project outcome.

18 (7) PAY-FOR-PERFORMANCE PROJECT DEVEL-  
19 OPER.—The term “pay-for-performance project de-  
20 veloper” means a nonprofit or for-profit organization  
21 that serves as an intermediary to assist in devel-  
22 oping or implementing a pay-for-performance agree-  
23 ment or a pay-for-performance project.

24 (8) PROJECT OUTCOME.—The term “project  
25 outcome” means a measurable, beneficial result

1 (whether economic, environmental, or social) that is  
2 attributable to a pay-for-performance project and de-  
3 scribed in a pay-for-performance agreement.

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

8 (c) PAY-FOR-PERFORMANCE PROJECTS.—

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

13 (A) the Secretary of Agriculture; or

14 (B) a pay-for-performance project devel-  
15 oper or a third party, subject to the conditions  
16 that—

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

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

23 (2) RELATION TO LAND MANAGEMENT  
24 PLANS.—A pay-for-performance project carried out  
25 under this section shall be consistent with any appli-

1 cable land management plan developed under section  
2 6 of the Forest and Rangeland Renewable Resources  
3 Planning Act of 1974 (16 U.S.C. 1604).

4 (3) OWNERSHIP.—

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

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

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

17 (ii) the underlying land.

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

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

1       avoid potential conflicts (including economic com-  
2       petition) with any existing written authorized use.

3       (d) PROJECT AGREEMENTS.—

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

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

20           (3) FINANCING.—

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

1 formance project developer, as appropriate, in  
2 the event of an independent evaluator deter-  
3 mining pursuant to subsection (e) the degree to  
4 which a project outcome has been achieved.

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

7 (i) based on—

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

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

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

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

20 (III) a percentage of the enhanced  
21 revenue to the pay-for-performance bene-  
22 ficiary or the Secretary of Agriculture de-  
23 rived from a project outcome; or

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

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

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

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

11 (II) the funding would accelerate  
12 the pace of implementation of an ac-  
13 tivity previously planned to be com-  
14 pleted by the Secretary of Agriculture;  
15 and

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

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

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

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

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

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

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

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

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

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

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

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

4       (e) INDEPENDENT EVALUATIONS.—

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

9             (A) by not later than 2 years after the  
10       date on which the pay-for-performance agree-  
11       ment is executed, and at least once every 2  
12       years thereafter, a written report that summa-  
13       rizes the progress that has been made in achiev-  
14       ing each project outcome; and

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

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

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



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

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

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

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

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

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

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

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

6                   (B) to assist in the development, imple-  
7                   mentation, or evaluation of a proposed pay-for-  
8                   performance project or a pay-for-performance  
9                   agreement; or

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

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

19           (h) DURATION OF PILOT PROGRAM.—

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

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

1 under this section before the date described in that  
2 paragraph.

### 3 **Subtitle D—Engagement**

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

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

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

11 (2) a land management plan prepared by the  
12 Forest Service for a unit of the National Forest  
13 Service pursuant to section 6 of the Forest and  
14 Rangeland Renewable Resources Planning Act of  
15 1974 (16 U.S.C. 1604).

16 (b) INVENTORY AND ASSESSMENTS.—

17 (1) IN GENERAL.—The Secretaries shall—

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

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

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

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

6                   (B) areas of concentrated recreational use.

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

9                   (A) identify, list, and map recreation re-  
10                  sources by—

11                           (i) type of recreation opportunity and  
12                           type of natural or artificial recreation in-  
13                           frastructure;

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

17                           (iii) location; and

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

22           (4) ASSESSMENTS.—For any recreation re-  
23           source inventoried under paragraph (1), the Sec-  
24           retary concerned shall assess—

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

3 (B) the maintenance needs of, and ex-  
4 penses necessary to administer, the recreation  
5 resource;

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

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

13 (i) natural, cultural, and other re-  
14 sources;

15 (ii) other authorized uses and activi-  
16 ties on the Federal recreational lands and  
17 waters subject to the applicable land use  
18 plan; and

19 (iii) existing infrastructure;

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

22 (F) technological developments and innova-  
23 tion that affects recreation use; and

24 (G) the adequacy of the current manage-  
25 ment of the recreation resource.

1 (c) FUTURE RECREATION NEEDS AND MANAGE-  
2 MENT.—

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

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

8 (B) identify underutilized locations that  
9 are suitable for developing, expanding, or en-  
10 hancing recreation use; and

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

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

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

19 (B) The maintenance needs of, and the ex-  
20 penses necessary to administer, the high-value  
21 recreation resource.

22 (C) The presence of partner organizations  
23 prepared to assist in the stewardship of recre-  
24 ation resource.

1 (D) The benefits of recreation use, includ-  
2 ing benefits to the local economy.

3 (E) The impacts of recreation use on—

4 (i) natural, cultural, or other re-  
5 sources;

6 (ii) other authorized uses and activi-  
7 ties on the Federal recreational lands and  
8 waters subject to any applicable land use  
9 plan; and

10 (iii) adjacent landowners.

11 (3) MANAGEMENT.—The Secretary concerned  
12 shall—

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

19 (B) maintain or enhance the recreation  
20 values and encourage recreation use of the  
21 high-value recreation resource identified, sub-  
22 ject to the availability of appropriations and  
23 consistent with any applicable multiple-use  
24 mandates; and

1 (C) manage a high-value recreation re-  
2 source under this paragraph in a manner that  
3 is consistent with applicable law.

4 (d) EXISTING EFFORTS.—To the extent practicable,  
5 the Secretary concerned shall utilize or incorporate exist-  
6 ing applicable research and planning decisions and proc-  
7 esses in carrying out this section.

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

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

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

14 **SEC. 142. FEDERAL INTERAGENCY COUNCIL ON OUTDOOR**  
15 **RECREATION.**

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

18 **“§ 200104. Federal Interagency Council on Outdoor**  
19 **Recreation**

20 “(a) DEFINITIONS.—In this section:

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

24 “(2) FEDERAL RECREATIONAL LANDS AND  
25 WATERS.—The term ‘Federal recreational lands and



1 waters' has the meaning given the term in section  
2 802 of the Federal Lands Recreation Enhancement  
3 Act (16 U.S.C. 6801).

4 “(b) ESTABLISHMENT.—The Secretary shall estab-  
5 lish an interagency council, to be known as the ‘Federal  
6 Interagency Council on Outdoor Recreation’.

7 “(c) MEMBERSHIP.—

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

12 “(A) The National Park Service.

13 “(B) The Bureau of Land Management.

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

16 “(D) The Forest Service.

17 “(E) The Corps of Engineers.

18 “(F) The Council on Environmental Qual-  
19 ity.

20 “(2) ADDITIONAL MEMBERS.—In addition to  
21 the members described in paragraph (1), the Sec-  
22 retary may appoint to the Council members from the  
23 following:

24 “(A) The Bureau of Indian Affairs.

25 “(B) The Bureau of Reclamation.

1                   “(C) The Natural Resources Conservation  
2                   Service.

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

5                   “(E) The Economic Development Adminis-  
6                   tration.

7                   “(F) The National Travel and Tourism Of-  
8                   fice of the Department of Commerce.

9                   “(G) The National Center for Chronic Dis-  
10                  ease Prevention and Health Promotion.

11                  “(H) The Environmental Protection Agen-  
12                  cy.

13                  “(I) The Department of Transportation.

14                  “(J) The Tennessee Valley Authority.

15                  “(K) The National Oceanic and Atmos-  
16                  pheric Administration.

17                  “(L) The Federal Energy Regulatory Com-  
18                  mission.

19                  “(M) An applicable State agency or office.

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

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

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

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

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

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

16           “(4) the expenditure of funds relating to out-  
17   door recreation on Federal recreational lands and  
18   waters, including funds made available under section  
19   40804(b)(7) of the Infrastructure Investment and  
20   Jobs Act (16 U.S.C. 6592a(b)(7));

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

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

1           “(7) dissemination to the public of recreation-  
2           related information (including information relating  
3           to opportunities, reservations, accessibility, and clo-  
4           sures), in a manner that ensures the recreation-re-  
5           lated information is easily accessible with modern  
6           communication devices;

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

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

11                   “(A) to promote outdoor recreation;

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

14                   “(C) to provide additional resources relat-  
15                   ing to enhancing outdoor recreation opportuni-  
16                   ties.

17          “(e) EFFECT.—Nothing in this section affects the au-  
18          thorities, regulations, or policies of any Federal agency de-  
19          scribed in paragraph (1) or (2) of subsection (c).”.

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

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

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

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

7 (b) ONLINE ALERT.—An alert under subsection (a)  
8 shall be posted online on a public website of the appro-  
9 priate land unit in a manner that—

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

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

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

15 (a) CONSISTENT VISITATION DATA.—

16 (1) ANNUAL VISITATION DATA.—The Secre-  
17 taries shall establish a single visitation data report-  
18 ing system to report accurate annual visitation data,  
19 in a consistent manner, for—

20 (A) each unit of Federal recreational lands  
21 and waters; and

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

24 (2) CATEGORIES OF USE.—Within the visitation  
25 data reporting system established under paragraph  
26 (1), the Secretaries shall—

1           (A) establish multiple categories of dif-  
2           ferent recreation activities that are reported  
3           consistently across agencies; and

4           (B) provide an estimate of the number of  
5           visitors for each applicable category established  
6           under subparagraph (A) for each unit of Fed-  
7           eral recreational lands and waters.

8           (b) REAL-TIME DATA PILOT PROGRAM.—

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

18                (A) real-time or predictive data on visita-  
19                tion (including data and resources publicly  
20                available from existing nongovernmental plat-  
21                form) at—

22                       (i) the unit of Federal recreational  
23                       lands and waters;

1 (ii) to the extent practicable, areas  
2 within the unit of Federal recreational  
3 lands and waters; and

4 (iii) to the extent practicable, recre-  
5 ation sites managed by any other Federal  
6 agency, a State agency, or a local agency  
7 that are located near the unit of Federal  
8 recreational lands and waters; and

9 (B) through multiple media platforms, in-  
10 formation about lesser-known recreation sites  
11 located near the unit of Federal recreational  
12 lands and waters (including recreation sites  
13 managed by any other Federal agency, a State  
14 agency, or a local agency), in an effort to en-  
15 courage visitation among recreational sites.

16 (2) LOCATIONS.—

17 (A) INITIAL NUMBER OF UNITS.—On es-  
18 tablishment of the Pilot Program, the Secre-  
19 taries shall select for participation in the Pilot  
20 Program—

21 (i) 15 units of Federal recreational  
22 lands and waters managed by the Sec-  
23 retary; and

24 (ii) 5 units of Federal recreational  
25 lands and waters managed by the Sec-

1           retary of Agriculture (acting through the  
2           Chief of the Forest Service).

3           (B) EXPANSION.—Not later than 5 years  
4           after the date of enactment of this Act, the Sec-  
5           retaries shall expand the Pilot Program by se-  
6           lecting 80 additional units of Federal rec-  
7           reational lands and waters managed by the Sec-  
8           retaries for participation in the Pilot Program,  
9           not fewer than 50 of which shall be units man-  
10          aged by the Secretary.

11          (C) FEEDBACK; SUPPORT OF GATEWAY  
12          COMMUNITIES.—The Secretaries shall—

13                 (i) solicit feedback regarding partici-  
14                 pation in the Pilot Program from commu-  
15                 nities adjacent to units of Federal rec-  
16                 reational lands and waters and the public;  
17                 and

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



1           (3) DISSEMINATION OF INFORMATION.—The  
2           Secretaries may disseminate the information de-  
3           scribed in paragraph (1) directly or through an enti-  
4           ty or organization referred to in subsection (c).

5           (c) COMMUNITY PARTNERS AND THIRD-PARTY PRO-  
6           VIDERS.—For purposes of carrying out this section, the  
7           Secretary concerned may—

8           (1) coordinate and partner with—

9                   (A) communities adjacent to units of Fed-  
10                  eral recreational lands and waters;

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

13                  (C) local governments;

14                  (D) Indian Tribes;

15                  (E) trade associations;

16                  (F) local outdoor recreation marketing or-  
17                  ganizations;

18                  (G) permitted facilitated recreation pro-  
19                  viders; or

20                  (H) other relevant stakeholders; and

21           (2) coordinate or enter into agreements, as ap-  
22           propriate, with private sector and nonprofit part-  
23           ners, including—

24                   (A) technology companies;

25                   (B) geospatial data companies;

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

3 (D) data companies.

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

7 (e) PRIVACY CLAUSES.—Nothing in this section pro-  
8 vides authority to the Secretaries—

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

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

15 (3) to collect—

16 (A) information from owners of land adja-  
17 cent to a unit of Federal recreational lands and  
18 waters; or

19 (B) information on non-Federal land.

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

1 **SEC. 145. MONITORING FOR IMPROVED RECREATION DECI-**  
2 **SIONMAKING.**

3 (a) IN GENERAL.—The Secretaries shall seek to cap-  
4 ture comprehensive recreation use data to better under-  
5 stand and inform decisionmaking by the Secretaries.

6 (b) PILOT PROTOCOLS.—Not later than 1 year after  
7 the date of enactment of this Act, and after public notice  
8 and comment, the Secretaries shall establish pilot proto-  
9 cols at not fewer than 10 land management units under  
10 the jurisdiction of each of the Secretaries to model recre-  
11 ation use patterns (including low-use recreation activities  
12 and dispersed recreation activities) that may not be effec-  
13 tively measured by existing general and opportunistic sur-  
14 vey and monitoring protocols.

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

16 The Secretaries are encouraged to work with the Sec-  
17 retary of Defense and the Secretary of Veterans Affairs  
18 to ensure servicemembers and veterans have access to out-  
19 door recreation and outdoor-related volunteer and wellness  
20 programs as a part of the basic services provided to  
21 servicemembers and veterans.

22 **SEC. 147. INCREASING YOUTH RECREATION VISITS TO FED-**  
23 **ERAL LAND.**

24 (a) STRATEGY.—Not later than 1 year after the date  
25 of enactment of this Act, and not less frequently than once  
26 every 5 years thereafter, the Secretaries shall develop and

1 make public a national strategy, after public notice and  
2 comment, to increase the number of youth recreation visits  
3 to Federal land.

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

6 (1) shall—

7 (A) emphasize increased recreation oppor-  
8 tunities on Federal land for underserved youth;

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

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

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

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

1 **TITLE II—AMENDMENTS TO THE**  
2 **FEDERAL LANDS RECRE-**  
3 **ATION ENHANCEMENT ACT**

4 **SEC. 201. SHORT TITLE.**

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

8 **“SEC. 801. SHORT TITLE.**

9 “This title may be cited as the ‘Federal Lands Recre-  
10 ation Enhancement Act’.”

11 **SEC. 202. DEFINITIONS.**

12 Section 802 of the Federal Lands Recreation En-  
13 hancement Act (16 U.S.C. 6801) is amended—

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

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

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

20 (4) in paragraph (6), by striking “section  
21 5(a)(7)” and inserting “section 805(a)(7)”;

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

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

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

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

8           (9) by inserting after paragraph (8) (as so re-  
9           designated) the following:

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

15           (10) by inserting after paragraph (12) the fol-  
16           lowing:

17           “(13) SPECIAL RECREATION PERMIT.—

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

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

25           “(I) an organizational camp;



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

3                   “(dd) involves fewer than  
4 200 visitor-use days; and

5                   “(ee) is undertaken or pro-  
6 vided by the recreation service  
7 provider at the same site not  
8 more frequently than 3 times a  
9 year; or

10                  “(II) a single competitive event;

11 or

12                  “(iv) for—

13                   “(I) a recurring outfitting, guid-  
14 ing, or, at the discretion of the Sec-  
15 retary, other recreation service, the  
16 authorization for which is for a term  
17 of not more than 10 years; or

18                   “(II) a recurring outfitting, guid-  
19 ing, or, at the discretion of the Sec-  
20 retary, other recreation service, that  
21 occurs under a transitional special  
22 recreation permit authorized section  
23 312(a) of the America’s Outdoor  
24 Recreation Act of 2022.



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

3                   “(i) a concession contract for the pro-  
4 vision of accommodations, facilities, or  
5 services;

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

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

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

13           (a) IN GENERAL.—Section 803 of the Federal Lands  
14 Recreation Enhancement Act (16 U.S.C. 6802) is amend-  
15 ed—

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

18                   (2) in subsection (b)(5), by striking “section  
19 4(d)” and inserting “section 804(d)”; and

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

22           “(h) SPECIAL RECREATION PERMITS AND FEES.—

23                   “(1) SPECIAL RECREATION PERMITS.—

24                   “(A) APPLICATIONS.—The Secretary shall  
25 develop and make available to the public an ap-

1           plication to obtain a special recreation permit  
2           described in clause (ii), (iii), or (iv) of section  
3           802(13)(A).

4           “(B) ISSUANCE OF PERMITS.—On review  
5           of a completed application developed under sub-  
6           paragraph (A) and a determination by the Sec-  
7           retary that the applicant is eligible for the spe-  
8           cial recreation permit, the Secretary may issue  
9           to the applicant a special recreation permit,  
10          subject to any terms and conditions that are de-  
11          termined to be necessary by the Secretary.

12          “(C) INCIDENTAL SALES.—A special recre-  
13          ation permit issued under this paragraph may  
14          include an authorization for sales that are inci-  
15          dental in nature to the permitted use of the  
16          Federal recreational lands and waters.

17          “(2) SPECIAL RECREATION PERMIT FEES.—

18                 “(A) IN GENERAL.—The Secretary may  
19                 charge a special recreation permit fee for the  
20                 issuance of a special recreation permit issued  
21                 under paragraph (1) in accordance with this  
22                 paragraph.

23                 “(B) PREDETERMINED SPECIAL RECRE-  
24                 ATION PERMIT FEES.—

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

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

12                   “(I) a fixed fee that is assessed  
13                   per special recreation permit, includ-  
14                   ing a fee with an associated size limi-  
15                   tation or other criteria as determined  
16                   to be appropriate by the Secretary; or

17                   “(II) an amount assessed per vis-  
18                   itor-use day.

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

21                   “(I) have been established before  
22                   the date of enactment of the Amer-  
23                   ica’s Outdoor Recreation Act of 2022;

24                   “(II) be established after the  
25                   date of enactment of the America’s

1 Outdoor Recreation Act of 2022, in  
2 accordance with subsection (b);

3 “(III)(aa) be established after  
4 the date of enactment of the Amer-  
5 ica’s Outdoor Recreation Act of  
6 2022;and

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

10 “(IV) beginning on the date that  
11 is 2 years after the date of enactment  
12 of the America’s Outdoor Recreation  
13 Act of 2022, be \$6 in instances in  
14 which the Secretary has not estab-  
15 lished a predetermined fee under sub-  
16 clause (I), (II), or (III).

17 “(C) CALCULATION OF FEES FOR ALLO-  
18 CATED PUBLIC USE, LARGE GROUP ACTIVITIES,  
19 AND OTHER ACTIVITIES.—The Secretary may,  
20 at the discretion of the Secretary, establish and  
21 charge a fee for a special recreation permit de-  
22 scribed in clause (i) or (ii) of section  
23 802(13)(A).

24 “(D) CALCULATION OF FEES FOR SINGLE  
25 ORGANIZED GROUP RECREATION ACTIVITIES,

1           COMPETITIVE EVENTS, AND EVENTS FOR  
2           WHICH A PARTICIPATION FEE IS CHARGED.—If  
3           the Secretary elects to charge a fee for a special  
4           recreation permit described in section  
5           802(13)(A)(iii), the Secretary shall charge the  
6           recreation service provider, based on the elec-  
7           tion of the recreation service provider—

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

10                   “(ii) an amount equal to a percentage  
11                   of, to be determined by the Secretary, but  
12                   to not to exceed 5 percent of, adjusted  
13                   gross receipts calculated under subpara-  
14                   graph (F).

15           “(E) CALCULATION OF FEES FOR TRANSI-  
16           TIONAL PERMITS AND LONG-TERM PERMITS.—  
17           Subject to subparagraph (G), if the Secretary  
18           elects to charge a fee for a special recreation  
19           permit described in section 802(13)(A)(iv), the  
20           Secretary shall charge the recreation service  
21           provider, based on the election of the recreation  
22           service provider—

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

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

6                   “(F) ADJUSTED GROSS RECEIPTS.—For  
7                   the purposes of subparagraphs (D)(ii) and  
8                   (E)(ii), the Secretary shall calculate the ad-  
9                   justed gross receipts collected for each trip or  
10                  event authorized under a special recreation per-  
11                  mit, using either of the following calculations,  
12                  based on the election of the recreation service  
13                  provider:

14                   “(i) The sum of—

15                   “(I) the product obtained by mul-  
16                   tiplying—

17                   “(aa) the general amount  
18                   paid by participants of the trip or  
19                   event to the recreation service  
20                   provider for the applicable trip or  
21                   event (excluding amounts related  
22                   to goods, souvenirs, merchandise,  
23                   gear, and additional food pro-  
24                   vided or sold by the recreation  
25                   service provider); and

1                   “(bb) the quotient obtained  
2                   by dividing—

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

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

13                  “(II) the amount of any addi-  
14                  tional revenue received by the recre-  
15                  ation service provider for an add-on  
16                  activity or an optional excursion that  
17                  occurred on the Federal recreational  
18                  lands and waters covered by the spe-  
19                  cial recreation permit.

20                  “(ii) The difference between—

21                  “(I) the total cost paid by the  
22                  participants of the trip or event for  
23                  the trip or event to the recreation  
24                  service provider, including any addi-  
25                  tional revenue received by the recre-

1           ation service provider for an add-on  
2           activity or an optional excursion that  
3           occurred on the Federal recreational  
4           lands and waters covered by the spe-  
5           cial recreation permit; and

6                   “(II) the sum of—

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

14                          “(bb) the amount of any  
15                          costs or revenues from services  
16                          and activities provided or sold by  
17                          the recreation service provider to  
18                          the participants of the trip or  
19                          event that occurred in a location  
20                          other than the Federal rec-  
21                          reational lands and waters cov-  
22                          ered by the special recreation  
23                          permit (including costs for travel  
24                          and lodging outside the Federal  
25                          recreational lands and waters



1 covered by the special recreation  
2 permit); and

3 “(cc) the amount of any rev-  
4 enues from any service provided  
5 by a recreation service provider  
6 for an activity on Federal rec-  
7 reational lands and waters that is  
8 not covered by the special recre-  
9 ation permit.

10 “(G) EXCEPTION.—Notwithstanding sub-  
11 paragraph (E), the Secretary may charge a  
12 recreation service provider a minimum annual  
13 fee for a special recreation permit described in  
14 section 802(13)(A)(iv).

15 “(H) SAVINGS CLAUSES.—

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

18 “(I) a concession contract admin-  
19 istered by the National Park Service  
20 for the provision of accommodations,  
21 facilities, or services; or

22 “(II) a commercial use authoriza-  
23 tion for use of Federal recreational  
24 lands and waters managed by the Na-  
25 tional Park Service.

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

6                   “(iii) SPECIAL RECREATION PERMIT  
7                   FEES AND OTHER RECREATION FEES.—  
8                   The collection of a special recreation per-  
9                   mit fee under this paragraph shall not af-  
10                  fect the authority of the Secretary to col-  
11                  lect an entrance fee, a standard amenity  
12                  recreation fee, or an expanded amenity  
13                  recreation fee authorized under subsections  
14                  (e), (f), and (g).

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

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

20                                 “(A) IN GENERAL.—The Secretary shall  
21                                 post clear notice of any entrance fee, standard  
22                                 amenity recreation fee, expanded amenity recre-  
23                                 ation fee, and available recreation passes at ap-  
24                                 propriate locations in each unit or area of Fed-  
25                                 eral recreational land and waters at which an

1 entrance fee, standard amenity recreation fee,  
2 or expanded amenity recreation fee is charged.

3 “(B) PUBLICATIONS.—The Secretary shall  
4 include in publications distributed at a unit or  
5 area or described in subparagraph (A) the no-  
6 tice described in that subparagraph.

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

11 “(A) the total recreation fees collected dur-  
12 ing each of the 2 preceding fiscal years at the  
13 respective unit or area of the Federal land man-  
14 agement agency; and

15 “(B) each use during the preceding fiscal  
16 year of the applicable recreation fee or recre-  
17 ation pass revenues collected under this section.

18 “(3) NOTICE OF RECREATION FEE PROJECTS.—  
19 To the extent practicable, the Secretary shall post  
20 clear notice at the location at which work is per-  
21 formed using recreation fee and recreation pass rev-  
22 enues collected under this section.

23 “(4) CENTRALIZED REPORTING ON AGENCY  
24 WEBSITES.—

1           “(A) IN GENERAL.—Not later than Janu-  
2           ary 1, 2023, and not later than 60 days after  
3           the beginning of each fiscal year thereafter, the  
4           Secretary shall post on the website of the appli-  
5           cable Federal land management agency a  
6           searchable list of each use during the preceding  
7           fiscal year of the recreation fee or recreation  
8           pass revenues collected under this section.

9           “(B) LIST COMPONENTS.—The list re-  
10          quired under subparagraph (A) shall include,  
11          with respect to each use described in that sub-  
12          paragraph—

13                 “(i) a title and description of the over-  
14                 all project;

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

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

18                 “(iv) the amount obligated for the  
19                 project.

20          “(5) NOTICE TO CUSTOMERS.—A recreation  
21          service provider may inform a customer of the recre-  
22          ation service provider of any fee charged by the Sec-  
23          retary under this section.”.

1 (b) CONFORMING AMENDMENT.—Section 804 of the  
2 Federal Lands Recreation Enhancement Act (16 U.S.C.  
3 6803) is amended by striking subsection (e).

4 **SEC. 204. ONLINE COLLECTION OF CERTAIN RECREATION**  
5 **FEES.**

6 Section 803 of the Federal Lands Recreation En-  
7 hancement Act (16 U.S.C. 6802) is amended by adding  
8 at the end the following—

9 “(i) ONLINE PAYMENTS.—

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

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

14 “(B) standard amenity recreation fees;

15 “(C) expanded amenity recreation fees;

16 and

17 “(D) special recreation permit fees.

18 “(2) DISTRIBUTION OF ONLINE PAYMENTS.—

19 An online payment collected under paragraph (1)  
20 that is associated with a specific unit or area of a  
21 Federal land management agency shall be distrib-  
22 uted in accordance with section 805(c).”.

1 **SEC. 205. ONLINE PURCHASES AND ESTABLISHMENT OF A**  
2 **DIGITAL VERSION OF AMERICA THE BEAU-**  
3 **TIFUL—THE NATIONAL PARKS AND FEDERAL**  
4 **RECREATIONAL LANDS PASSES.**

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

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

9 “(A) IN GENERAL.—The Secretaries shall  
10 sell the National Parks and Federal Rec-  
11 reational Lands Pass—

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

14 “(I) an entrance fee or a stand-  
15 ard amenity recreation fee is charged;  
16 and

17 “(II) such sales are feasible;

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

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

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

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

7 (2) by adding at the end the following:

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

10 “(A) establish a digital version of the Na-  
11 tional Parks and Federal Recreational Lands  
12 Pass that is able to be stored on a mobile de-  
13 vice; and

14 “(B) on the completion of a sale carried  
15 out under paragraph (6)(A)(iii), make available  
16 to the passholder the digital version of the Na-  
17 tional Parks and Federal Recreational Lands  
18 Pass established under subparagraph (A).”.

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

21 Section 806 of the Federal Lands Recreation En-  
22 hancement Act (16 U.S.C. 6805) is amended by adding  
23 at the end the following:

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

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

4                   “(A) sell a pass covering a fee charged by  
5                   a State or county for entrance to, or rec-  
6                   reational use of, a park or public land in the  
7                   State or county; and

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

10           “(2) REVENUE FROM PASS SALES.—The Secre-  
11           taries shall transfer to the applicable State or county  
12           any amounts collected on behalf of the State or  
13           county under paragraph (1)(B).

14           “(e) COORDINATING THE SALES OF FEDERAL,  
15           STATE, AND LOCAL RECREATION PASSES.—The Secre-  
16           taries, in consultation with States and counties, shall seek  
17           to coordinate the availability of Federal, State, and county  
18           recreation passes to allow an individual to purchase a Fed-  
19           eral recreation pass and a State or county recreation pass  
20           in a single transaction.”.

21           **SEC. 207. USE OF SPECIAL RECREATION PERMIT FEE REV-**  
22   **ENUE.**

23           Section 808 of the Federal Lands Recreation En-  
24           hancement Act (16 U.S.C. 6807) is amended—



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

3 (2) in subsection (a)(3)—

4 (A) in subparagraph (E), by striking  
5 “and” at the end;

6 (B) in subparagraph (F), by striking “6(a)  
7 or a visitor reservation service.” and inserting  
8 “806(a) or a visitor reservation service;” and

9 (C) by adding at the end the following:

10 “(G) the processing of special recreation  
11 permit applications and administration of spe-  
12 cial recreation permits; and

13 “(H) the improvement of the operation of  
14 the special recreation permit program under  
15 section 803(h).”; and

16 (3) in subsection (d)—

17 (A) in paragraph (1), by striking “section  
18 5” and inserting “section 805”; and

19 (B) in paragraph (2), by striking “section  
20 5” and inserting “section 805”.

21 **SEC. 208. PERMANENT AUTHORIZATION.**

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

24 (1) by striking section 810; and

1           (2) by redesignating sections 811 through 815  
2           as sections 810 through 814, respectively.

3   **TITLE     III—SPECIAL     RECRE-**  
4   **ATION PERMITS FOR OUTFIT-**  
5   **TING AND GUIDING**

6   **Subtitle A—Administration of Spe-**  
7   **cial Recreation Permits for Out-**  
8   **fitting and Guiding**

9   **SEC. 311. PERMIT ADMINISTRATION.**

10       (a) PERMIT AVAILABILITY.—

11           (1) NOTIFICATIONS OF PERMIT AVAIL-  
12        ABILITY.—

13           (A) IN GENERAL.—Except as provided in  
14        subparagraph (B), in an area of Federal rec-  
15        reational lands and waters in which use by  
16        recreation service providers is allocated, if the  
17        Secretary concerned has determined that vis-  
18        itor-use days use are available for allocation to  
19        recreation service providers or holders of a com-  
20        mercial use authorization for outfitting and  
21        guiding, the Secretary concerned shall publish  
22        the information on the website of the agency  
23        that administers the applicable area of Federal  
24        recreational lands and waters.

1 (B) EFFECT.—Nothing in this para-  
2 graph—

3 (i) applies to—

4 (I) a reissuance of an existing  
5 special recreation permit or an exist-  
6 ing commercial use authorization for  
7 outfitting and guiding; or

8 (II) a new special recreation per-  
9 mit or new commercial use authoriza-  
10 tion for outfitting and guiding issued  
11 to the purchaser of—

12 (aa) a recreation service pro-  
13 vider that is the holder of an ex-  
14 isting special recreation permit;  
15 or

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

19 (ii) creates a prerequisite to the  
20 issuance of a special recreation permit or  
21 commercial use authorization for outfitting  
22 and guiding or otherwise limits the author-  
23 ity of the Secretary concerned—

24 (I) to issue a new special recre-  
25 ation permit or new commercial use

1 authorization for outfitting and guid-  
2 ing; or

3 (II) to add a new or additional  
4 use to an existing special recreation  
5 permit or an existing commercial use  
6 authorization for outfitting and guid-  
7 ing.

8 (2) UPDATES.—The Secretary concerned shall  
9 ensure that information published on the website  
10 under this subsection is consistently updated to pro-  
11 vide current and correct information to the public.

12 (3) ELECTRONIC MAIL NOTIFICATIONS.—The  
13 Secretary concerned shall establish a system by  
14 which potential applicants for special recreation per-  
15 mits or commercial use authorizations for outfitting  
16 and guiding may subscribe to receive notification by  
17 electronic mail of the availability of special recre-  
18 ation permits under subsection (h)(1) of section 803  
19 of the Federal Lands Recreation Enhancement Act  
20 (16 U.S.C. 6802) (as amended by section 203(a)(3))  
21 or commercial use authorizations for outfitting and  
22 guiding.

23 (b) PERMIT APPLICATION OR PROPOSAL ACKNOWLEDGMENTS.—  
24

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

8                   (A) provide to the applicant notice ac-  
9                   knowledging receipt of the application or pro-  
10                  posal; and

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

13                   (ii) provide to the applicant notice of a  
14                  projected date for a final decision on the appli-  
15                  cation or proposal.

16           (2) EFFECT.—Nothing in this subsection ap-  
17           plies to a concession contract issued by the National  
18           Park Service for the provision of accommodations,  
19           facilities, or services.

20 **SEC. 312. FOREST SERVICE AND BUREAU OF LAND MAN-**  
21 **AGEMENT TRANSITIONAL SPECIAL RECRE-**  
22 **ATION PERMITS FOR OUTFITTING AND GUID-**  
23 **ING.**

24           (a) IN GENERAL.—Not later than 1 year after the  
25           date of enactment of this Act, the Secretary concerned

1 shall implement a program to authorize the issuance of  
2 transitional special recreation permits for a new or addi-  
3 tional reoccurring outfitting, guiding, or other recreation  
4 service, as determined by the Secretary concerned, on Fed-  
5 eral recreational lands and waters managed by the Chief  
6 of the Forest Service or the Director of the Bureau of  
7 Land Management.

8 (b) TERM OF TRANSITIONAL PERMITS FOR OUTFIT-  
9 TING AND GUIDING.—A transitional special recreation  
10 permit issued under subsection (a) shall be issued for a  
11 term of 2 years.

12 (c) CONVERSION TO LONG-TERM PERMITS FOR OUT-  
13 FITTING AND GUIDING.—

14 (1) IN GENERAL.—On the request of a recre-  
15 ation service provider that holds a transitional spe-  
16 cial recreation permit under the program imple-  
17 mented under subsection (a), the Secretary con-  
18 cerned shall provide for the conversion of the transi-  
19 tional special recreation permit to a long-term spe-  
20 cial recreation permit for outfitting and guiding if  
21 the Secretary concerned determines that the recre-  
22 ation service provider—

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

1 (i) the program implemented under  
2 subsection (a); or

3 (ii) any other program to issue similar  
4 special recreation permits in existence be-  
5 fore the date of enactment of this Act;

6 (B) during the 3-year period preceding the  
7 request, has not been determined to have a per-  
8 formance that is less than satisfactory, as de-  
9 termined under the monitoring process de-  
10 scribed in section 314(a), for any transitional  
11 special recreation permits or similar special  
12 recreation permits issued by the Secretary con-  
13 cerned, including the transitional special recre-  
14 ation permit proposed to be converted, for the  
15 respective unit of Federal recreational lands  
16 and waters; and

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

21 (2) TERM.—The term of a special recreation  
22 permit converted to a long-term special recreation  
23 permit under this subsection shall be for a period of  
24 5 or 10 years, as determined to be appropriate by  
25 the Secretary concerned.

1           (3) VISITOR-USE DAY ALLOCATIONS.—In con-  
2           verting a transitional special recreation permit under  
3           paragraph (1) to a long-term special recreation per-  
4           mit for outfitting and guiding, the Secretary con-  
5           cerned may, at the discretion of the Secretary con-  
6           cerned, increase the number of visitor-use days allo-  
7           cated to the recreation service provider under the  
8           long-term special recreation permit for outfitting  
9           and guiding.

10          (d) EFFECT.—Nothing in this section alters or af-  
11         fects the authority of the Secretary concerned to issue a  
12         special recreation permit under subsection (h)(1) of sec-  
13         tion 803 of the Federal Lands Recreation Enhancement  
14         Act (16 U.S.C. 6802) (as amended by section 203(a)(3)).

15         **SEC. 313. SURRENDER OF UNUSED VISITOR-USE DAYS.**

16          (a) IN GENERAL.—A recreation service provider hold-  
17         ing a special recreation permit described in paragraph  
18         (13)(A)(iv) of section 802 of the Federal Lands Recre-  
19         ation Enhancement Act (16 U.S.C. 6801) (as amended  
20         by section 202(10)) may—

21                 (1) notify the Secretary concerned of an inabil-  
22                 ity to use visitor-use days annually allocated to the  
23                 recreation service provider under the special recre-  
24                 ation permit; and



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

4           (b) DETERMINATION.—To ensure a recreation service  
5           provider described in subsection (a) is able to make an  
6           informed decision before surrendering any unused visitor-  
7           use day under subsection (a)(2), the Secretary concerned  
8           shall, on the request of the applicable recreation service  
9           provider, determine and notify the recreation service pro-  
10          vider whether the unused visitor-use day meets the re-  
11          quirement described in section 314(b)(3)(B) before the  
12          recreation service provider surrenders the unused visitor-  
13          use day.

14   **SEC. 314. PERMIT REVIEWS.**

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

17               (1) annually, in the case of a transitional spe-  
18               cial recreation permit for outfitting and guiding  
19               issued under section 312;

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

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

7           (4) in the case of a special recreation permit  
8 converted under section 312 to a long-term special  
9 recreation permit for outfitting and guiding with a  
10 term of 5 years, during each of the 4th and 5th  
11 years in which the special recreation permit is in ef-  
12 fect.

13 (b) USE-OF-ALLOCATION REVIEWS.—

14           (1) IN GENERAL.—If the Secretary of Agri-  
15 culture, acting through the Chief of the Forest Serv-  
16 ice, or the Secretary, as applicable, allocates visitor-  
17 use days among special recreation permits for outfit-  
18 ting and guiding, the Secretary of Agriculture, act-  
19 ing through the Chief of the Forest Service, shall,  
20 and the Secretary may, review the use by the recre-  
21 ation service provider of the visitor-use days allo-  
22 cated—

23           (A) under a transitional special recreation  
24 permit issued under section 312, not later than

1           90 days before the date on which the transi-  
2           tional special recreation permit expires; and

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

8           (2) REQUIREMENTS OF THE REVIEW.—In con-  
9           ducting a review under paragraph (1), the Secretary  
10          of Agriculture, acting through the Chief of the For-  
11          est Service, or the Secretary, as applicable, shall de-  
12          termine—

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

18                   (B) of the years identified under subpara-  
19          graph (A), the year in which the recreation  
20          service provider used the most visitor-use days.

21          (3) CONSIDERATION OF SURRENDERED, UN-  
22          USED VISITOR-USE DAYS.—For the purposes of de-  
23          termining the number of visitor-use days a recre-  
24          ation service provider has used in a specified year  
25          under paragraph (2)(A), the Secretary of Agri-

1 culture, acting through the Chief of the Forest Serv-  
2 ice, and the Secretary, as applicable, shall consider  
3 an unused visitor-use day that has been surrendered  
4 under section 313(a)(2) as—

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

6 (B) 1 visitor-use day used, if the Secretary  
7 of Agriculture, acting through the Chief of the  
8 Forest Service, or the Secretary, as applicable,  
9 determines the use of the allocated visitor-use  
10 day had been or will be prevented by a cir-  
11 cumstance beyond the control of the recreation  
12 service provider.

13 **SEC. 315. ADJUSTMENT OF ALLOCATED VISITOR-USE DAYS.**

14 (a) **ADJUSTMENTS FOLLOWING USE OF ALLOCATION**  
15 **REVIEWS.**—On the completion of a use-of-allocation re-  
16 view of a special recreation permit described in paragraph  
17 (13)(A)(iv)(I) of section 802 of the Federal Lands Recre-  
18 ation Enhancement Act (16 U.S.C. 6801) (as amended  
19 by section 202(10)) conducted under section 314(b), the  
20 Secretary of Agriculture, acting through the Chief of the  
21 Forest Service, or the Secretary, as applicable, shall adjust  
22 the number of visitor-use days allocated to a recreation  
23 service provider under the special recreation permit as fol-  
24 lows:

1           (1) If the Secretary concerned determines that  
2           the performance of the recreation service provider  
3           was satisfactory during the most recent review con-  
4           ducted under subsection (a) of section 314, the an-  
5           nual number of visitor-use days allocated for each  
6           remaining year of the permit shall be equal to 125  
7           percent of the number of visitor-use days used, as  
8           determined under subsection (b)(2)(A) of that sec-  
9           tion, during the year identified under subsection  
10          (b)(2)(B) of that section, not to exceed the level allo-  
11          cated to the special recreation permit holder on the  
12          date on which the special recreation permit was  
13          issued.

14          (2) If the Secretary concerned determines the  
15          performance of the recreation service provider is less  
16          than satisfactory during the most recent perform-  
17          ance review conducted under subsection (a) of sec-  
18          tion 314, the annual number of visitor-use days allo-  
19          cated for each remaining year of the permit shall be  
20          equal to not more than 100 percent of the number  
21          of visitor-use days used, as determined under sub-  
22          section (b)(2)(A) of that section during the year  
23          identified under subsection (b)(2)(B) of that section.

24          (b) TEMPORARY REASSIGNMENT OF UNUSED  
25          DAYS.—The Secretary concerned may temporarily assign

1 unused visitor use-days, made available under section  
2 313(a)(2) to—

3 (1) any other existing or potential recreation  
4 service provider, notwithstanding the number of vis-  
5 itor-use days allocated to the special recreation per-  
6 mit holder under the special recreation permit held  
7 or to be held by the recreation service provider; or

8 (2) any existing or potential holder of a special  
9 recreation permit described in clause (i) or (iii) of  
10 paragraph (13)(A) of section 802 of the Federal  
11 Lands Recreation Enhancement Act (16 U.S.C.  
12 6801) (as amended by section 202(10)), including  
13 the public.

14 (c) **ADDITIONAL CAPACITY.**—If unallocated visitor-  
15 use days are available, the Secretary concerned may, at  
16 any time, revise a special recreation permit to assign addi-  
17 tional visitor-use days to a qualified recreation service pro-  
18 vider.

19 **Subtitle B—Additional Provisions**  
20 **Relating to Special Recreation**  
21 **Permits**

22 **SEC. 321. PERMITTING PROCESS IMPROVEMENTS.**

23 (a) **IN GENERAL.**—To simplify the process of the  
24 issuance and reissuance of special recreation permits and  
25 reduce the cost of administering special recreation permits

1 under subsection (h) of section 803 of the Federal Lands  
2 Recreation Enhancement Act (16 U.S.C. 6802) (as  
3 amended by section 203(a)(3)), the Secretaries shall—

4 (1) not later than 1 year after the date of en-  
5 actment of this Act—

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

8 (B) based on the evaluation under sub-  
9 paragraph (A), identify opportunities—

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

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

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

17 (iv) to issue simplified special recre-  
18 ation permits; and

19 (2) not later than 1 year after the date on  
20 which the Secretaries complete the evaluation and  
21 identification processes under paragraph (1), revise,  
22 as necessary, relevant agency regulations and guid-  
23 ance documents, including regulations and guidance  
24 documents relating to the environmental review

1 process, for special recreation permits to implement  
2 the improvements identified under paragraph (1)(B).

3 (b) ENVIRONMENTAL REVIEWS.—

4 (1) IN GENERAL.—The Secretary concerned  
5 shall, to the maximum extent practicable, utilize  
6 available tools, including tiering to existing pro-  
7 grammatic reviews, as appropriate, to facilitate an  
8 effective and efficient environmental review process  
9 for activities undertaken by the Secretary concerned  
10 relating to the issuance of special recreation permits.

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

14 (A) evaluate—

15 (i) whether existing categorical exclu-  
16 sions available to the Secretary concerned  
17 on the date of enactment of this Act are  
18 consistent with the provisions of this Act;  
19 and

20 (ii) whether a modification of an exist-  
21 ing categorical exclusion or the establish-  
22 ment of 1 or more new categorical exclu-  
23 sions developed in compliance with the Na-  
24 tional Environmental Policy Act of 1969  
25 (42 U.S.C. 4321 et seq.) is necessary to



1           undertake an activity described in para-  
2           graph (1) in a manner consistent with the  
3           authorities and requirements in this Act;  
4           and

5           (B) revise relevant agency regulations and  
6           policy statements, as necessary, to modify exist-  
7           ing categorical exclusions or incorporate new  
8           categorical exclusions based on the evaluation  
9           conducted under subparagraph (A).

10       (c) **NEEDS ASSESSMENTS.**—Except as required  
11 under subsection (c) or (d) of section 4 of the Wilderness  
12 Act (16 U.S.C. 1133), the Secretary concerned shall not  
13 conduct a needs assessment as a condition of issuing a  
14 special recreation permit under subsection (h) of section  
15 803 of the Federal Lands Recreation Enhancement Act  
16 (16 U.S.C. 6802) (as amended by section 203(a)(3)).

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

25           (1) online;

1 (2) by mail or electronic mail; and

2 (3) in person at the field office for the applica-  
3 ble Federal recreational lands and waters.

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

6 (1) DEFINITIONS.—In this subsection:

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

15 (B) YOUTH GROUP.—The term “youth  
16 group” means a recreation service provider that  
17 predominantly serves individuals not older than  
18 25 years of age.

19 (2) EXEMPTION FROM CERTAIN ALLOCATIONS  
20 OF USE.—If the Secretary concerned allocates vis-  
21 itor-use days available for an area or activity on  
22 Federal recreational lands and waters among recre-  
23 ation service providers that hold a permit described  
24 in paragraph (13)(A)(iv) of section 802 of the Fed-  
25 eral Lands Recreation Enhancement Act (16 U.S.C.

1       6801) (as amended by section 202(10)), an orga-  
2       nized group activity or event special recreation per-  
3       mit shall not be subject to that allocation of visitor-  
4       use days.

5           (3) ISSUANCE.—

6           (A) IN GENERAL.—Except as provided in  
7       subparagraphs (B) and (C), if use by the gen-  
8       eral public is not subject to a limited entry per-  
9       mit system and capacity is available for the  
10      times or days in which the proposed activity or  
11      event would be undertaken under an application  
12      for an organized group activity or event special  
13      recreation permit submitted by a recreation  
14      service provider (including a youth group), the  
15      Secretary concerned may issue the organized  
16      group activity or event special recreation per-  
17      mit, subject to any terms and conditions deter-  
18      mined to be appropriate by the Secretary con-  
19      cerned.

20          (B) NOMINAL EFFECTS PERMITS.—Except  
21      as provided in subparagraph (C), if the Sec-  
22      retary concerned determines that an activity or  
23      event to be undertaken by a recreation service  
24      provider (including a youth group) proposed in  
25      an application for an organized group activity

1 or event special recreation permit would require  
2 terms and conditions to ensure the proposed ac-  
3 tivity or event would have only nominal effects  
4 on Federal recreational lands and waters, re-  
5 sources, and programs, the Secretary concerned  
6 shall issue the organized group activity or event  
7 special recreation permit, subject to such terms  
8 and conditions, if use by the general public is  
9 not subject to a limited entry permit system  
10 and capacity is available for the times or days  
11 in which the proposed activity or event would be  
12 undertaken under the organized group activity  
13 or event special recreation permit.

14 (C) NO PERMIT REQUIRED.—The Sec-  
15 retary concerned shall not require an organized  
16 group activity or event special recreation permit  
17 for a recreation activity or event conducted by  
18 a special recreation provider (including a youth  
19 group) if the Secretary concerned determines  
20 based on the review of a proposal that—

21 (i) the proposed activity or event to be  
22 undertaken would have only nominal ef-  
23 fects on Federal recreational lands and  
24 waters, resources, and programs; and

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

6 (4) FEES.—The Secretary concerned may elect  
7 not to charge a fee to a recreation service provider  
8 (including a youth group) for an organized group ac-  
9 tivity or event special recreation permit.

10 (5) SAVINGS CLAUSE.—Nothing in this sub-  
11 section prevents the Secretary concerned from lim-  
12 iting or abating issuance of an organized group ac-  
13 tivity or event special recreation permit, based on re-  
14 source conditions, administrative burdens, or safety  
15 issues.

16 **SEC. 322. SERVICE FIRST INITIATIVE AND MULTIJURIS-**  
17 **DICTIONAL TRIPS.**

18 (a) REPEAL.—Section 330 of the Department of the  
19 Interior and Related Agencies Appropriations Act, 2001  
20 (43 U.S.C. 1703), is repealed.

21 (b) COOPERATIVE ACTION AND SHARING OF RE-  
22 SOURCES BY THE SECRETARIES OF THE INTERIOR AND  
23 AGRICULTURE.—

24 (1) IN GENERAL.—For fiscal year 2012 and  
25 each fiscal year thereafter, the Secretaries, subject

1 to annual review of Congress, may carry out an ini-  
2 tiative, to be known as the “Service First Initiative”,  
3 under which the Secretaries and agencies and bu-  
4 reaus within the Department of the Interior and the  
5 Department of Agriculture—

6 (A) may establish programs to conduct  
7 projects, planning, permitting, leasing, con-  
8 tracting, and other activities, either jointly or  
9 on behalf of each other;

10 (B) may co-locate in Federal offices and  
11 facilities leased by an agency of the Department  
12 of the Interior or the Department of Agri-  
13 culture; and

14 (C) may issue special rules to test the fea-  
15 sibility of issuing unified permits, applications,  
16 and leases.

17 (2) DELEGATIONS OF AUTHORITY.—The Secre-  
18 taries may make reciprocal delegations of the respec-  
19 tive authorities, duties, and responsibilities of the  
20 Secretaries in support of the Service First Initiative  
21 agency-wide to promote customer service and effi-  
22 ciency.

23 (3) EFFECT.—Nothing in this section alters,  
24 expands, or limits the applicability of any law (in-  
25 cluding regulations) to land administered by the Bu-

1       reau of Land Management, National Park Service,  
2       United States Fish and Wildlife Service, or the For-  
3       est Service or matters under the jurisdiction of any  
4       other bureaus or offices of the Department of the  
5       Interior or the Department of Agriculture, as appli-  
6       cable.

7               (4) TRANSFERS OF FUNDING.—To facilitate the  
8       sharing of resources under the Service First Initia-  
9       tive, the Secretaries may make transfers of funds  
10      and reimbursements of funds on an annual basis, in-  
11      cluding transfers and reimbursements for multi-year  
12      projects, subject to the limitation that this authority  
13      may not be used to circumvent requirements and  
14      limitations imposed on the use of funds.

15      (c) PILOT PROGRAM FOR PERMITS FOR MULTIJURIS-  
16      DICTIONAL TRIPS.—

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

1           (2) MINIMUM NUMBER OF PERMITS.—Not later  
2           than 4 years after the date of enactment of this Act,  
3           the Secretaries shall issue not fewer than 10 single  
4           joint special recreation permits described in para-  
5           graph (13)(A)(iv) of section 802 of the Federal  
6           Lands Recreation Enhancement Act (16 U.S.C.  
7           6801) (as amended by section 202(10)) or commer-  
8           cial use authorizations under the pilot program es-  
9           tablished under paragraph (1).

10           (3) LEAD AGENCIES.—In carrying out the pilot  
11           program established under paragraph (1), the Secre-  
12           taries shall—

13                   (A) select not fewer than 4 offices at which  
14                   a person shall be able to apply for a single joint  
15                   special recreation permit; and

16                   (B) designate a lead agency for issuing  
17                   and administering the single joint special recre-  
18                   ation permit or commercial use authorization.

19           (4) RETENTION OF AUTHORITY BY THE APPLI-  
20           CABLE SECRETARY.—Each of the Secretaries shall  
21           retain the authority to enforce the terms, stipula-  
22           tions, conditions, and agreements in a single joint  
23           special recreation permit or commercial use author-  
24           ization issued under the pilot program established  
25           under paragraph (1) that apply specifically to the



1 use occurring on the Federal recreational lands and  
2 waters managed by the applicable Secretary.

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

7 (A) a separate special recreation permit or  
8 commercial use authorization for the use of  
9 each unit of Federal recreational lands and  
10 waters on which the multijurisdictional trip oc-  
11 curs; or

12 (B) a single joint special recreational per-  
13 mit or commercial use authorization made  
14 available under the pilot program established  
15 under paragraph (1).

16 (6) EFFECT.—Nothing in this subsection ap-  
17 plies to a concession contract issued by the National  
18 Park Service for the provision of accommodations,  
19 facilities, or services.

20 **SEC. 323. PERMIT FLEXIBILITY.**

21 (a) IN GENERAL.—The Secretary concerned shall es-  
22 tablish guidelines to allow a holder of a special recreation  
23 permit under subsection (h) of section 803 of the Federal  
24 Lands Recreation Enhancement Act (16 U.S.C. 6802) (as  
25 amended by section 203(a)(3)), on the approval of the

1 Secretary concerned, to engage in another recreational ac-  
2 tivity under the special recreation permit that is substan-  
3 tially similar to the specific activity authorized under the  
4 special recreation permit.

5 (b) CRITERIA.—For the purposes of this section, a  
6 recreational activity shall be considered to be a substan-  
7 tially similar recreational activity if the recreational activ-  
8 ity—

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

12 (2) does not result in a greater impact on nat-  
13 ural and cultural resources than the impact of the  
14 authorized activity;

15 (3) does not adversely affect—

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

18 (B) any other authorized use of the Fed-  
19 eral recreational lands and waters; and

20 (4) is consistent with—

21 (A) any applicable laws (including regula-  
22 tions); and

23 (B) the land management plan, resource  
24 management plan, or equivalent plan applicable  
25 to the Federal recreational lands and waters.

1           (c) EFFECT.—Nothing in this section affects any au-  
2 thority of, regulation issued by, or decision of the Sec-  
3 retary concerned relating to the use of electric bicycles on  
4 Federal recreational lands and waters under any other  
5 Federal law.

6 **SEC. 324. LIABILITY.**

7           (a) INSURANCE REQUIREMENTS.—

8               (1) IN GENERAL.—Except as provided in para-  
9 graph (2), as a condition of issuing a special recre-  
10 ation permit under subsection (h)(1)(B) of section  
11 803 of the Federal Lands Recreation Enhancement  
12 Act (16 U.S.C. 6802) (as amended by section  
13 203(a)(3)) or a commercial use authorization, the  
14 Secretary concerned may require the holder of the  
15 special recreation permit or commercial use author-  
16 ization to have a commercial general liability insur-  
17 ance policy that—

18                       (A) is commensurate with the level of risk  
19 of the activities to be conducted under the spe-  
20 cial recreation permit or commercial use au-  
21 thorization; and

22                       (B) includes the United States as an addi-  
23 tional insured in an endorsement to the applica-  
24 ble policy.

1           (2) EXCEPTION.—The Secretary concerned  
2 shall not require a holder of a special recreation per-  
3 mit or commercial use authorization for low-risk ac-  
4 tivities, as determined by the Secretary concerned,  
5 including commemorative ceremonies and participa-  
6 tion by the public in a recreation activity or recre-  
7 ation use of a specific area of Federal recreational  
8 lands and waters in which use by the public is allo-  
9 cated, to comply with the requirements of paragraph  
10 (1).

11       (b) INDEMNIFICATION BY GOVERNMENTAL ENTI-  
12 TIES.—The Secretary concerned shall not require a State,  
13 State agency, State institution, or political subdivision of  
14 a State to indemnify the United States for tort liability  
15 as a condition for issuing a special recreation permit or  
16 commercial use authorization to the extent the State,  
17 State agency, State institution, or political subdivision of  
18 a State is precluded by State law from providing indem-  
19 nification to the United States for tort liability, if the  
20 State, State agency, State institution, or political subdivi-  
21 sion of the State maintains the minimum amount of liabil-  
22 ity insurance coverage required by the Federal land man-  
23 agement agency for the activities conducted under the spe-  
24 cial recreation permit or commercial use authorization in  
25 the form of—

1           (1) a commercial general liability insurance pol-  
2           icy, which includes the United States as an addi-  
3           tional insured in an endorsement to the policy, if the  
4           State is authorized to obtain commercial general li-  
5           ability insurance by State law; or

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

9           (c) EXCULPATORY AGREEMENTS.—

10           (1) IN GENERAL.—Except as provided in para-  
11           graph (2), a Federal land management agency shall  
12           not implement, administer, or enforce any regula-  
13           tion, guidance, or policy prohibiting the use of an ex-  
14           culpatory agreement between a recreation service  
15           provider or a holder of a commercial use authoriza-  
16           tion and a customer relating to services provided  
17           under a special recreation permit or a commercial  
18           use authorization.

19           (2) REQUIREMENTS.—Any exculpatory agree-  
20           ment used by a recreation service provider or holder  
21           of a commercial use authorization for an activity au-  
22           thorized under a special recreation permit or com-  
23           mercial use authorization—

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

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

9 (3) CONSISTENCY.—Not later than 2 years  
10 after the date of enactment of this Act, the Secre-  
11 taries shall—

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

15 (B) revise any policy described in subpara-  
16 graph (A) as necessary to make the policies of  
17 the Secretaries pertaining to the use of excu-  
18 patory agreements by recreation service pro-  
19 viders consistent with this subsection and  
20 across all Federal recreational lands and  
21 waters.

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

1 **SEC. 325. COST RECOVERY REFORM.**

2 (a) COST RECOVERY FOR SPECIAL RECREATION  
3 PERMITS.—In addition to a fee collected under section  
4 803 of the Federal Lands Recreation Enhancement Act  
5 (16 U.S.C. 6802) or any other authorized fee collected by  
6 the Secretary concerned, the Secretary concerned may as-  
7 sess and collect a reasonable fee from an applicant for,  
8 and holder of, a special recreation permit to recover ad-  
9 ministrative costs incurred by the Secretary concerned  
10 for—

11 (1) processing the special recreation permit;

12 and

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

16 (b) DE MINIMIS EXEMPTIONS FROM COST RECOV-  
17 ERY.—

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

24 (2) EXEMPTION.—If the Secretary concerned  
25 establishes a threshold under paragraph (1) and as-  
26 sesses a fee under subsection (a), the Secretary con-

1           cerned shall charge an applicant only for any hours  
2           that exceed the de minimis threshold.

3           (c) MULTIPLE APPLICATIONS.—If the Secretary con-  
4           cerned processes multiple applications for special recre-  
5           ation permits for similar services in the same unit of Fed-  
6           eral recreational lands and waters, the Secretary con-  
7           cerned shall, to the extent practicable—

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

10                   (2) apply the exemption described in subsection  
11                   (b) to each applicant on an individual basis.

12           (d) LIMITATION.—The Secretary concerned shall not  
13           assess or collect administrative costs under this section for  
14           a programmatic environmental review.

15   **SEC. 326. PERMIT RELIEF FOR PICNIC AREAS.**

16           (a) IN GENERAL.—If the Secretary concerned does  
17           not require the public to obtain a permit or reservation  
18           to access a picnic area on Federal recreational lands and  
19           waters administered by the Chief of the Forest Service or  
20           Director of the Bureau of Land Management, the Sec-  
21           retary concerned may not require a covered person de-  
22           scribed in subsection (b) to obtain a permit solely to access  
23           the picnic area.



1 (b) DESCRIPTION OF COVERED PERSONS.—A cov-  
2 ered person referred to in subsection (a) is a person (in-  
3 cluding an educational group) that provides—

4 (1) outfitting and guiding services on Federal  
5 recreational lands and waters; and

6 (2) the services described in paragraph (1) to  
7 fewer than 40 customers annually at the picnic area.

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

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

16 (b) REPORT.—Not later than 3 years after the date  
17 of enactment of this Act, the Secretaries, acting jointly,  
18 shall submit to the Committee on Energy and Natural Re-  
19 sources of the Senate and the Committee on Natural Re-  
20 sources of the House of Representatives a report that de-  
21 scribes—

22 (1) the estimated use of special recreation per-  
23 mits serving covered communities;

24 (2) examples of special recreation permits, part-  
25 nerships, cooperative agreements, or other arrange-

1       ments providing access to Federal recreational lands  
2       and waters for covered communities;

3           (3) other ways covered communities are engag-  
4       ing on Federal recreational lands and waters, includ-  
5       ing through stewardship and conservation projects  
6       or activities;

7           (4) any barriers for recreation service providers  
8       or prospective recreation service providers operating  
9       within or serving a covered community; and

10          (5) any recommendations to facilitate and in-  
11       crease permitted access to Federal recreational lands  
12       and waters for covered communities.

### 13                           **Subtitle C—Effect**

#### 14   **SEC. 331. EFFECT.**

15       Except as provided in sections 311(a), 322, and 324,  
16       nothing in this title (including an amendment made by  
17       this title) affects the authority or responsibility of the Sec-  
18       retary to award concessions contracts for the provision of  
19       accommodations, facilities, or services, or commercial use  
20       authorizations.

1           **TITLE IV—MISCELLANEOUS**  
2                           **PROVISIONS**

3   **SEC. 401. FILMING AND STILL PHOTOGRAPHY WITHIN THE**  
4                           **NATIONAL PARK SYSTEM AND ON OTHER**  
5                           **FEDERAL LAND.**

6           (a) FILMING IN NATIONAL PARK SYSTEM UNITS.—

7                   (1) IN GENERAL.—Chapter 1009 of title 54,  
8           United States Code, is amended by striking section  
9           100905 and inserting the following:

10   **“§ 100905. Filming and still photography in System**  
11                           **units**

12           “(a) FILMING AND STILL PHOTOGRAPHY.—

13                   “(1) IN GENERAL.—The Secretary shall ensure  
14           that a filming or still photography activity or similar  
15           project in a System unit (referred to in this section  
16           as a ‘filming or still photography activity’) and the  
17           authorizing or permitting of a filming or still pho-  
18           tography activity are carried out consistent with—

19                   “(A) the laws and policies applicable to the  
20           Service; and

21                   “(B) an applicable general management  
22           plan.

23                   “(2) NO PERMITS REQUIRED.—The Secretary  
24           shall not require an authorization or a permit or as-  
25           sess a fee, if a fee for a filming or still photography

1 activity is not otherwise required by law, for a film-  
2 ing or still photography activity that—

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

5 “(ii) meets each of the requirements de-  
6 scribed in paragraph (5); or

7 “(B) is merely incidental to, or docu-  
8 menting, an activity or event that is allowed or  
9 authorized at the System unit, regardless of—

10 “(i) the number of individuals partici-  
11 pating in the allowed or authorized activity  
12 or event; or

13 “(ii) whether any individual receives  
14 compensation for any products of the film-  
15 ing or still photography activity.

16 “(3) FILMING AND STILL PHOTOGRAPHY AU-  
17 THORIZATIONS FOR DE MINIMIS USE.—

18 “(A) IN GENERAL.—The Secretary shall  
19 establish a de minimis use authorization for  
20 certain filming or still photography activities  
21 that meets the requirements described in sub-  
22 paragraph (F).

23 “(B) POLICY.—For a filming or still pho-  
24 tography activity that meets the requirements  
25 described in subparagraph (F), the Secretary—



1 field office of the applicable System  
2 unit under subparagraph (D)(ii); and  
3 “(ii) if an application submitted under  
4 subparagraph (D) meets the requirements  
5 of this paragraph, immediately on receipt  
6 of the application issue a de minimis use  
7 authorization for the filming or still pho-  
8 tography activity.

9 “(F) REQUIREMENTS.—The Secretary  
10 shall only issue a de minimis use authorization  
11 under this paragraph if the filming or still pho-  
12 tography activity—

13 “(i) involves a group of not fewer than  
14 6 individuals and not more than 8 individ-  
15 uals;

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

18 “(iii) is consistent with subsection (e).

19 “(G) CONTENTS.—A de minimis use au-  
20 thorization issued under this paragraph shall  
21 list the requirements described in subparagraph  
22 (F).

23 “(4) REQUIRED PERMITS.—Except as provided  
24 in paragraph (2)(B), the Secretary may require a  
25 permit application and, if a permit is issued, assess

1 a reasonable fee, as described in subsection (b)(1),  
2 for a filming or still photography activity that—

3 “(A) involves more than 8 individuals;

4 “(B) does not meet each of the require-  
5 ments described in paragraph (5); or

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

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

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

14 “(i) does not impede or intrude on the  
15 experience of other visitors to the applica-  
16 ble System unit;

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

19 “(I) a natural or cultural re-  
20 source; or

21 “(II) an environmental or scenic  
22 value; and

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

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

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

7           “(D) The person does not conduct the  
8 filming or still photography activity in a local-  
9 ized area that receives a very high volume of  
10 visitation.

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

18           “(F) The person conducting the filming or  
19 still photography activity complies with and ad-  
20 here to visitor use policies, practices, and regu-  
21 lations applicable to the applicable System unit.

22           “(G) The filming or still photography ac-  
23 tivity is not likely to result in additional admin-  
24 istrative costs being incurred by the Secretary



1 with respect to the filming or still photography  
2 activity, as determined by the Secretary.

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

8 “(6) CONTENT CREATION.—Regardless of dis-  
9 tribution platform, any video, still photograph, or  
10 audio recording for commercial or noncommercial  
11 content creation in a System unit shall be considered  
12 to be a filming or still photography activity under  
13 this subsection.

14 “(7) EFFECT.—

15 “(A) PERMITS REQUESTED THOUGH NOT  
16 REQUIRED.—On the request of a person intend-  
17 ing to carry out a filming or still photography  
18 activity, the Secretary may issue a permit for  
19 the filming or still photography activity, even if  
20 a permit for the filming or still photography ac-  
21 tivity is not required under this section.

22 “(B) NO ADDITIONAL PERMITS, COMMERCIAL  
23 USE AUTHORIZATIONS, OR FEES FOR  
24 FILMING AND STILL PHOTOGRAPHY AT AU-  
25 THORIZED EVENTS.—A filming or still photog-

1 raphy activity at an activity or event that is al-  
2 lowed or authorized, including a wedding, en-  
3 gagement party, family reunion, or celebration  
4 of a graduate, shall be considered merely inci-  
5 dental for the purposes of paragraph (2)(B).

6 “(C) MONETARY COMPENSATION.—The re-  
7 ceipt of monetary compensation by the person  
8 conducting the filming or still photography ac-  
9 tivity shall not affect the permissibility of the  
10 filming or still photography activity.

11 “(b) FEES AND RECOVERY COSTS.—

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

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

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

19 “(i) The number of days of the film-  
20 ing or still photography activity.

21 “(ii) The size of the film or still pho-  
22 tography crew present in the System unit.

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

1                   “(iv) Any other factors that the Sec-  
2                   retary determines to be necessary.

3                   “(2) RECOVERY OF COSTS.—

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

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

11                  “(ii) related administrative and per-  
12                  sonnel costs.

13                  “(B) EFFECT ON FEES COLLECTED.—All  
14                  costs recovered under subparagraph (A) shall  
15                  be in addition to the fee described in paragraph  
16                  (1).

17                  “(3) USE OF PROCEEDS.—

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

20                  “(i) be available for expenditure by  
21                  the Secretary, without further appropria-  
22                  tion; and

23                  “(ii) remain available until expended.

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

1                   “(i) be available for expenditure by  
2                   the Secretary, without further appropria-  
3                   tion, at the System unit at which the costs  
4                   are collected; and

5                   “(ii) remain available until expended.

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

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

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

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

17           “(d) PROCESSING OF PERMIT APPLICATIONS.—

18                  “(1) IN GENERAL.—The Secretary shall estab-  
19                  lish a process to ensure that the Secretary responds  
20                  in a timely manner to an application for a permit for  
21                  a filming or still photography activity required under  
22                  subsection (a)(4).

23                  “(2) COORDINATION.—If a permit is required  
24                  under this section for 2 or more Federal agencies or  
25                  System units, the Secretary and the head of any

1 other applicable Federal agency, as applicable, shall,  
2 to the maximum extent practicable, coordinate per-  
3 mit processing procedures, including through the use  
4 of identifying a lead agency or lead System unit—

5 “(A) to review the application for the per-  
6 mit;

7 “(B) to issue the permit; and

8 “(C) to collect any required fees.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-  
10 tions for chapter 1009 of title 54, United States  
11 Code, is amended by striking the item relating to  
12 section 100905 and inserting the following:

“100905. Filming and still photography in System units.”.

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

16 **“SECTION 1. FILMING AND STILL PHOTOGRAPHY.**

17 “(a) FILMING AND STILL PHOTOGRAPHY.—

18 “(1) IN GENERAL.—The Secretary concerned  
19 shall ensure that a filming or still photography activ-  
20 ity or similar project at a Federal land management  
21 unit (referred to in this section as a ‘filming or still  
22 photography activity’) and the authorizing or per-  
23 mitting of a filming or still photography activity are  
24 carried out consistent with—

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

3           “(B) an applicable general management  
4           plan.

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

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

12           “(ii) meets each of the requirements de-  
13           scribed in paragraph (5); or

14           “(B) is merely incidental to, or docu-  
15           menting, an activity or event that is allowed or  
16           authorized at the Federal land management  
17           unit, regardless of—

18           “(i) the number of individuals partici-  
19           pating in the allowed or authorized activity  
20           or event; or

21           “(ii) whether any individual receives  
22           compensation for any products of the film-  
23           ing or still photography activity.

24           “(3) FILMING AND STILL PHOTOGRAPHY AU-  
25           THORIZATIONS FOR DE MINIMIS USE.—

1           “(A) IN GENERAL.—The Secretary con-  
2           cerned shall establish a de minimis use author-  
3           ization for certain filming or still photography  
4           activities that meets the requirements described  
5           in subparagraph (F).

6           “(B) POLICY.—For a filming or still pho-  
7           tography activity that meets the requirements  
8           described in subparagraph (F), the Secretary  
9           concerned—

10                   “(i) may require a de minimis use au-  
11                   thorization; and

12                   “(ii) shall not require a permit.

13           “(C) NO FEE.—The Secretary concerned  
14           shall not charge a fee for a de minimis use au-  
15           thorization under this paragraph.

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

20                   “(i) through the website of the De-  
21                   partment of the Interior or the Forest  
22                   Service, as applicable; and

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

1                   “(E) ISSUANCES.—The Secretary con-  
2                   cerned shall—

3                   “(i) establish a procedure—

4                   “(I) to automate the approval of  
5                   an application submitted through the  
6                   website of the Department of the In-  
7                   terior or the Forest Service, as appli-  
8                   cable, under subparagraph (D)(i); and

9                   “(II) to issue a de minimis use  
10                  authorization under this paragraph  
11                  immediately on receipt of an applica-  
12                  tion that is submitted in person at the  
13                  field office for the Federal land man-  
14                  agement unit under subparagraph  
15                  (D)(ii); and

16                  “(ii) if an application submitted under  
17                  subparagraph (D) meets the requirements  
18                  of this paragraph, immediately on receipt  
19                  of the application issue a de minimis use  
20                  authorization for the filming or still pho-  
21                  tography activity.

22                  “(F) TERMS.—The Secretary concerned  
23                  shall only issue a de minimis use authorization  
24                  under this paragraph if the filming or still pho-  
25                  tography activity—



1                   “(i) involves a group of not fewer than  
2                   6 individuals and not more than 8 individ-  
3                   uals;

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

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

7                   “(G) CONTENTS.—A de minimis use au-  
8                   thorization issued under this paragraph shall  
9                   list the requirements described in subparagraph  
10                  (F).

11                  “(4) REQUIRED PERMITS.—Except as provided  
12                  in paragraph (2)(B), the Secretary concerned may  
13                  require a permit application and, if a permit is  
14                  issued, assess a reasonable fee, as described in sub-  
15                  section (b)(1), for a filming or still photography ac-  
16                  tivity that—

17                         “(A) involves more than 8 individuals;

18                         “(B) does not meet each of the require-  
19                         ments described in paragraph (5); or

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

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

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

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

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

8           “(I) a natural or cultural re-  
9 source; or

10           “(II) an environmental or scenic  
11 value; and

12           “(iii) allows for equitable allocation or  
13 use of facilities of the Federal land man-  
14 agement unit.

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

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

21           “(D) The person does not conduct the  
22 filming or still photography activity in a local-  
23 ized area that receives a very high volume of  
24 visitation.

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

8           “(F) The person conducting the filming or  
9 still photography activity complies with and ad-  
10 here to visitor use policies, practices, and regu-  
11 lations applicable to the Federal land manage-  
12 ment unit.

13           “(G) The filming or still photography ac-  
14 tivity is not likely to result in additional admin-  
15 istrative costs being incurred by the Secretary  
16 concerned with respect to the filming or still  
17 photography activity, as determined by the Sec-  
18 retary concerned.

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

24           “(6) CONTENT CREATION.—Regardless of dis-  
25 tribution platform, any video, still photograph, or

1 audio recording for commercial or noncommercial  
2 content creation at a Federal land management unit  
3 shall be considered to be a filming or still photog-  
4 raphy activity under this subsection.

5 “(7) EFFECT.—

6 “(A) PERMITS REQUESTED THOUGH NOT  
7 REQUIRED.—On the request of a person intend-  
8 ing to carry out a filming or still photography  
9 activity, the Secretary concerned may issue a  
10 permit for the filming or still photography ac-  
11 tivity, even if a permit for the filming or still  
12 photography activity is not required under this  
13 section.

14 “(B) NO ADDITIONAL PERMITS, COMMER-  
15 CIAL USE AUTHORIZATIONS, OR FEES FOR  
16 FILMING AND STILL PHOTOGRAPHY AT AU-  
17 THORIZED EVENTS.—A filming or still photog-  
18 raphy activity at an activity or event that is al-  
19 lowed or authorized, including a wedding, en-  
20 gagement party, family reunion, or celebration  
21 of a graduate, shall be considered merely inci-  
22 dental for the purposes of paragraph (2)(B).

23 “(C) MONETARY COMPENSATION.—The re-  
24 ceipt of monetary compensation by the person  
25 engaged in the filming or still photography ac-

1           tivity shall not affect the permissibility of the  
2           filming or still photography activity.

3           “(b) FEES AND RECOVERY COSTS.—

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

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

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

11          “(i) The number of days of the film-  
12          ing or still photography activity.

13          “(ii) The size of the film or still pho-  
14          tography crew present at the Federal land  
15          management unit.

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

19          “(iv) Any other factors that the Sec-  
20          retary concerned determines to be nec-  
21          essary.

22          “(2) RECOVERY OF COSTS.—

23          “(A) IN GENERAL.—The Secretary con-  
24          cerned shall collect from the applicant for the  
25          applicable permit any costs incurred by the Sec-

1           retary concerned related to a filming or still  
2           photography activity subject to a permit under  
3           subsection (a)(4), including—

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

6                   “(ii) related administrative and per-  
7                   sonnel costs.

8                   “(B) EFFECT ON FEES COLLECTED.—All  
9           costs recovered under subparagraph (A) shall  
10          be in addition to the fee described in paragraph  
11          (1).

12          “(3) USE OF PROCEEDS.—

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

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

18                   “(ii) remain available until expended.

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

21                   “(i) be available for expenditure by  
22                   the Secretary concerned, without further  
23                   appropriation, at the Federal land manage-  
24                   ment unit at which the costs are collected;  
25                   and

1                   “(ii) remain available until expended.

2           “(c) PROTECTION OF RESOURCES.—The Secretary  
3 concerned shall not allow a person to undertake a filming  
4 or still photography activity if the Secretary concerned de-  
5 termines that—

6                   “(1) there is a likelihood that the person would  
7 cause resource damage at the Federal land manage-  
8 ment unit, except as otherwise authorized;

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

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

14           “(d) PROCESSING OF PERMIT APPLICATIONS.—

15                   “(1) IN GENERAL.—The Secretary concerned  
16 shall establish a process to ensure that the Secretary  
17 concerned responds in a timely manner to an appli-  
18 cation for a permit for a filming or still photography  
19 activity required under subsection (a)(4).

20                   “(2) COORDINATION.—If a permit is required  
21 under this section for 2 or more Federal agencies or  
22 Federal land management units, the Secretary con-  
23 cerned and the head of any other applicable Federal  
24 agency, as applicable, shall, to the maximum extent  
25 practicable, coordinate permit processing procedures,

1 including through the use of identifying a lead agen-  
2 cy or lead Federal land management unit—

3 “(A) to review the application for the per-  
4 mit;

5 “(B) to issue the permit; and

6 “(C) to collect any required fees.

7 “(e) DEFINITIONS.—In this section:

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

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

13 “(B) National Forest System land.

14 “(2) SECRETARY CONCERNED.—The term ‘Sec-  
15 retary concerned’ means—

16 “(A) the Secretary of the Interior, with re-  
17 spect to land described in paragraph (1)(A);  
18 and

19 “(B) the Secretary of Agriculture, with re-  
20 spect to land described in paragraph (1)(B).”.

21 **SEC. 402. VOLUNTEER ENHANCEMENT PROGRAM.**

22 The Volunteers in the National Forests Act of 1972  
23 (16 U.S.C. 558a et seq.) is amended—

24 (1) by striking section 5;



1           (2) by redesignating the first section and sec-  
2           tions 2, 3, and 4 as sections 4, 5, 6, and 9, respec-  
3           tively;

4           (3) by inserting before section 4 (as so redesign-  
5           ated) the following:

6   **“SECTION 1. SHORT TITLE.**

7           “This Act may be cited as the ‘Volunteers in the Na-  
8           tional Forests and Public Land Act’.

9   **“SEC. 2. PURPOSE.**

10          “The purpose of this Act is to leverage volunteer en-  
11          gagement to supplement projects carried out by the Secre-  
12          taries to fulfill the missions of the Forest Service and the  
13          Bureau of Land Management that are accomplished with  
14          appropriated funds.

15   **“SEC. 3. DEFINITION OF SECRETARIES.**

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

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

19               “(2) the Secretary of the Interior, acting  
20               through the Director of the Bureau of Land Man-  
21               agement.”;

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

23                       (A) by striking the section designation and  
24                       all that follows through “(hereinafter referred

1 to as the ‘Secretary’ is” in the first sentence  
2 and inserting the following:

3 **“SEC. 4. AUTHORIZATION.**

4 “The Secretaries are”;

5 (B) in the first sentence—

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

8 (ii) by inserting “recreation access,  
9 trail construction or maintenance, facility  
10 construction or maintenance, educational  
11 uses (including outdoor classroom con-  
12 struction or maintenance),” after “for or  
13 in aid of”; and

14 (iii) by striking “Secretary through  
15 the Forest Service” and inserting “Secre-  
16 taries”; and

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

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

20 (A) by striking the section designation and  
21 all that follows through “Secretary is” and in-  
22 serting the following:

23 **“SEC. 5. INCIDENTAL EXPENSES.**

24 “The Secretaries are”; and

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

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

4 (A) by striking the section designation and  
5 all that follows through “(a) Except as” and in-  
6 serting the following:

7 **“SEC. 6. CONSIDERATION AS FEDERAL EMPLOYEE.**

8 “(a) Except as”; and

9 (B) in subsection (e)—

10 (i) in the matter preceding paragraph  
11 (1), by striking “the Secretary” and insert-  
12 ing “either of the Secretaries”;

13 (ii) in paragraph (1), by striking  
14 “with the Secretary” and inserting “or co-  
15 operative agreement with either of the Sec-  
16 retaries”; and

17 (iii) in paragraph (2)—

18 (I) in the matter preceding sub-  
19 paragraph (A), by striking “the Sec-  
20 retary in the mutual benefit agree-  
21 ment” and inserting “either of the  
22 Secretaries in the mutual benefit  
23 agreement or cooperative agreement”;

24 (II) in subparagraph (A), by  
25 striking “to be performed by the vol-

1                   unteers” and inserting “, including  
2                   the geographic boundaries of the work  
3                   to be performed by the volunteers,”;

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

6                   (IV) in subparagraph (C)—

7                   (aa) by striking “the Sec-  
8                   retary, when feasible” and insert-  
9                   ing “either of the Secretaries, if  
10                  feasible and only if necessary”;

11                  and

12                  (bb) by striking the period  
13                  at the end and inserting a semi-  
14                  colon; and

15                  (V) by adding at the end the fol-  
16                  lowing:

17                  “(D) the equipment the volunteers are au-  
18                  thorized to use;

19                  “(E) the training the volunteers are re-  
20                  quired to complete;

21                  “(F) the actions the volunteers are author-  
22                  ized to take; and

23                  “(G) any other terms and conditions that  
24                  are determined to be necessary by the applica-  
25                  ble Secretary.”;

1 (7) by inserting before section 9 (as so redesignig-  
 2 nated), the following:

3 **“SEC. 7. PROMOTION OF VOLUNTEER OPPORTUNITIES.**

4 “The Secretaries shall promote volunteer opportuni-  
 5 ties in areas administered by the Secretaries.

6 **“SEC. 8. LIABILITY INSURANCE.**

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

11 (8) in section 9 (as so redesignated), by striking  
 12 the section designation and all that follows through

13 “There are” and inserting the following:

14 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

15 “There are”.

16 **SEC. 403. CAPE AND ANTLER PRESERVATION ENHANCE-**  
 17 **MENT.**

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

21 **SEC. 404. FEDERAL LAND AND WATER AQUATIC RESOURCE**  
 22 **ACTIVITIES ASSISTANCE.**

23 (a) DEFINITIONS.—In this section:

24 (1) AQUATIC NUISANCE SPECIES TASK  
 25 FORCE.—The term “Aquatic Nuisance Species Task

1 Force” means the Aquatic Nuisance Species Task  
2 Force established by section 1201(a) of the Non-  
3 indigenous Aquatic Nuisance Prevention and Control  
4 Act of 1990 (16 U.S.C. 4721(a)).

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

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

13 (4) PARTNER.—The term “partner” means—  
14 (A) a Reclamation State;  
15 (B) an Indian Tribe in a Reclamation  
16 State;  
17 (C) an applicable nonprofit organization in  
18 a Reclamation State; or  
19 (D) a unit of local government in a Rec-  
20 lamation State.

21 (5) RECLAMATION STATE.—  
22 (A) IN GENERAL.—The term “Reclamation  
23 State” means any State in which a Bureau of  
24 Reclamation reservoir is located.

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

3 (i) Alaska;

4 (ii) Arizona;

5 (iii) California;

6 (iv) Colorado;

7 (v) Idaho;

8 (vi) Kansas;

9 (vii) Montana;

10 (viii) Nebraska;

11 (ix) Nevada;

12 (x) New Mexico;

13 (xi) North Dakota;

14 (xii) Oklahoma;

15 (xiii) Oregon;

16 (xiv) South Dakota;

17 (xv) Texas;

18 (xvi) Utah;

19 (xvii) Washington; and

20 (xviii) Wyoming.

21 (b) AUTHORITY OF BUREAU OF LAND MANAGE-  
22 MENT, BUREAU OF RECLAMATION, AND NATIONAL PARK  
23 SERVICE WITH RESPECT TO CERTAIN AQUATIC RE-  
24 SOURCE ACTIVITIES ON FEDERAL LAND AND WATER.—

1           (1) IN GENERAL.—The Secretary, acting  
2 through the Director of the Bureau of Land Man-  
3 agement, the Commissioner of Reclamation, and the  
4 Director of the National Park Service, may inspect  
5 and decontaminate vessels entering and leaving Fed-  
6 eral land and water located within a river basin that  
7 contains a Bureau of Reclamation water project.

8           (2) REQUIREMENTS.—The Secretary, acting  
9 through the Director of the Bureau of Land Man-  
10 agement, the Commissioner of Reclamation, and the  
11 Director of the National Park Service, shall—

12                   (A) in carrying out an inspection under  
13 paragraph (1), coordinate with 1 or more part-  
14 ners;

15                   (B) consult with the Aquatic Nuisance  
16 Species Task Force to identify potential im-  
17 provements and efficiencies in the detection and  
18 management of invasive species on Federal land  
19 and water; and

20                   (C) to the maximum extent practicable, in-  
21 spect vessels in a manner that minimizes dis-  
22 ruptions to public access for boating and recre-  
23 ation in noncontaminated vessels.

24           (3) PARTNERSHIPS.—The Secretary, acting  
25 through the Director of the Bureau of Land Man-



1       agement, the Commissioner of Reclamation, and the  
2       Director of the National Park Service, may enter  
3       into a partnership to provide technical assistance to  
4       a partner—

5               (A) to carry out an inspection or decon-  
6               tamination of vessels; or

7               (B) to establish an inspection and decon-  
8               tamination station for vessels.

9               (4)   LIMITATION.—The   Secretary,   acting  
10       through the Director of the Bureau of Land Man-  
11       agement, the Commissioner of Reclamation, and the  
12       Director of the National Park Service, shall not pro-  
13       hibit access to vessels under this subsection in the  
14       absence of an inspector.

15              (5)   DATA SHARING.—The   Secretary,   acting  
16       through the Director of the Bureau of Land Man-  
17       agement, the Commissioner of Reclamation, and the  
18       Director of the National Park Service, shall make  
19       available to a Reclamation State any data gathered  
20       related to inspections carried out in the Reclamation  
21       State under this subsection.

22       (c)   GRANT PROGRAM FOR RECLAMATION STATES  
23   FOR VESSEL INSPECTION AND DECONTAMINATION STA-  
24   TIONS.—

1           (1) VESSELS INSPECTIONS IN RECLAMATION  
2 STATES.—Subject to the availability of appropria-  
3 tions, the Secretary, acting through the Commis-  
4 sioner of Reclamation, shall establish a competitive  
5 grant program to provide grants to partners to con-  
6 duct inspections and decontamination of vessels op-  
7 erating in reservoirs operated and maintained by the  
8 Secretary, including to purchase, establish, operate,  
9 or maintain a vessel inspection and decontamination  
10 station.

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

14           (3) STANDARDS.—Before awarding a grant  
15 under paragraph (1), the Secretary shall determine  
16 that the project is technically and financially fea-  
17 sible.

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

20                   (A) each of the Reclamation States;

21                   (B) affected Indian Tribes; and

22                   (C) the Aquatic Nuisance Species Task  
23 Force.

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

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

5 (1) in section 3(1), by striking “public outdoor  
6 recreational use” and inserting “recreation sites”;

7 (2) in section 5(a)(4), by striking “permanently  
8 restricted or prohibited” and inserting “regulated or  
9 closed”;and

10 (3) in section 6(b)—

11 (A) by striking “may” and inserting  
12 “shall”; and

13 (B) by striking “the Secretary of the Inte-  
14 rior” and inserting “the Secretaries”.

15 **SEC. 406. OUTDOOR RECREATION LEGACY PARTNERSHIP**  
16 **PROGRAM.**

17 (a) DEFINITIONS.—In this section:

18 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
19 ty” means an entity that represents or otherwise  
20 serves a qualifying urban area.

21 (2) ELIGIBLE NONPROFIT ORGANIZATION.—The  
22 term “eligible nonprofit organization” means an or-  
23 ganization that is described in section 501(c)(3) of  
24 the Internal Revenue Code of 1986 and is exempt  
25 from taxation under section 501(a) of such code.

26 (3) ENTITY.—The term “entity” means—

- 1 (A) a State;
- 2 (B) a political subdivision of a State, in-
- 3 cluding—
- 4 (i) a city;
- 5 (ii) a county; and
- 6 (iii) a special purpose district that
- 7 manages open space, including a park dis-
- 8 trict; and
- 9 (C) an Indian Tribe, urban Indian organi-
- 10 zation, or Alaska Native or Native Hawaiian
- 11 community or organization.

12 (4) INDIAN TRIBE.—The term “Indian Tribe”

13 has the meaning given the term in section 4 of the

14 Indian Self-Determination and Education Assistance

15 Act (25 U.S.C. 5304).

16 (5) LOW-INCOME COMMUNITY.—The term “low-

17 income community” means any census block group

18 in which 30 percent or more of the population are

19 individuals with an annual household equal to, or

20 less than, the greater of—

- 21 (A) an amount equal to 80 percent of the
- 22 median income of the area in which the house-
- 23 hold is located, as reported by the Department
- 24 of Housing and Urban Development; and

1 (B) an amount equal to 200 percent of the  
2 Federal poverty line.

3 (6) OUTDOOR RECREATION LEGACY PARTNER-  
4 SHIP PROGRAM.—The term “Outdoor Recreation  
5 Legacy Partnership Program” means the program  
6 established under subsection (b)(1).

7 (7) QUALIFYING URBAN AREA.—The term  
8 “qualifying urban area” means—

9 (A) an urbanized area or urban cluster  
10 that has a population of 25,000 or more in the  
11 most recent census;

12 (B) 2 or more adjacent urban clusters with  
13 a combined population of 25,000 or more in the  
14 most recent census; or

15 (C) an area administered by an Indian  
16 Tribe or an Alaska Native or Native Hawaiian  
17 community organization.

18 (8) SECRETARY.—The term “Secretary” means  
19 the Secretary of the Interior.

20 (9) STATE.—The term “State” means each of  
21 the several States, the District of Columbia, and  
22 each territory of the United States.

23 (b) GRANTS AUTHORIZED.—

24 (1) ESTABLISHMENT OF PROGRAM.—

1           (A) IN GENERAL.—The Secretary shall es-  
2           tablish an outdoor recreation legacy partnership  
3           program under which the Secretary may award  
4           grants to eligible entities for projects—

5                   (i) to acquire land and water for  
6                   parks and other outdoor recreation pur-  
7                   poses in qualifying urban areas; and

8                   (ii) to develop new or renovate exist-  
9                   ing outdoor recreation facilities that pro-  
10                  vide outdoor recreation opportunities to the  
11                  public in qualifying urban areas.

12          (B) PRIORITY.—In awarding grants to eli-  
13          gible entities under subparagraph (A), the Sec-  
14          retary shall give priority to projects that—

15                   (i) create or significantly enhance ac-  
16                   cess to park and recreational opportunities  
17                   in an urban neighborhood or community;

18                   (ii) engage and empower underserved  
19                   communities and youth;

20                   (iii) provide employment or job train-  
21                   ing opportunities for youth or underserved  
22                   communities;

23                   (iv) establish or expand public-private  
24                   partnerships, with a focus on leveraging re-  
25                   sources; and

1 (v) take advantage of coordination  
2 among various levels of government.

3 (2) MATCHING REQUIREMENT.—

4 (A) IN GENERAL.—As a condition of re-  
5 ceiving a grant under paragraph (1), an eligible  
6 entity shall provide matching funds in the form  
7 of cash or an in-kind contribution in an amount  
8 equal to not less than 100 percent of the  
9 amounts made available under the grant.

10 (B) WAIVER.—The Secretary may waive  
11 all or part of the matching requirement under  
12 subparagraph (A) if the Secretary determines  
13 that—

14 (i) no reasonable means are available  
15 through which the eligible entity can meet  
16 the matching requirement; and

17 (ii) the probable benefit of the project  
18 outweighs the public interest in the match-  
19 ing requirement.

20 (C) ADMINISTRATIVE EXPENSES.—Not  
21 more than 10 percent of funds provided to an  
22 eligible entity under a grant awarded under  
23 paragraph (1) may be used for administrative  
24 expenses.

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

4           (A) provide recreation opportunities in un-  
5 derserved communities in which access to parks  
6 is not adequate to meet local needs;

7           (B) provide opportunities for outdoor  
8 recreation and public land volunteerism;

9           (C) support innovative or cost-effective  
10 ways to enhance parks and other recreation—

11           (i) opportunities; or

12           (ii) delivery of services;

13           (D) support park and recreation program-  
14 ming provided by cities, including cooperative  
15 agreements with community-based eligible non-  
16 profit organizations;

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

19           (F) provide benefits such as community re-  
20 siliance, reduction of urban heat islands, en-  
21 hanced water or air quality, or habitat for fish  
22 or wildlife.

23           (4) ELIGIBLE USES.—

24           (A) IN GENERAL.—Subject to subpara-  
25 graph (B), a grant recipient may use a grant



1           awarded under paragraph (1) for a project de-  
2           scribed in subparagraph (A) or (B) of that  
3           paragraph.

4                   (B) LIMITATIONS ON USE.—A grant recipi-  
5           ent may not use grant funds for—

6                           (i) incidental costs related to land ac-  
7                           quisition, including appraisal and titling;

8                           (ii) operation and maintenance activi-  
9                           ties;

10                          (iii) facilities that support  
11                          semiprofessional or professional athletics;

12                          (iv) indoor facilities, such as recre-  
13                          ation centers or facilities that support pri-  
14                          marily non-outdoor purposes; or

15                          (v) acquisition of land or interests in  
16                          land that restrict access to specific per-  
17                          sons.

18           (c) REVIEW AND EVALUATION REQUIREMENTS.—In  
19           carrying out the Outdoor Recreation Legacy Partnership  
20           Program, the Secretary shall—

21                          (1) conduct an initial screening and technical  
22                          review of applications received;

23                          (2) evaluate and score all qualifying applica-  
24                          tions; and

1           (3) provide culturally and linguistically appro-  
2           priate information to eligible entities (including low-  
3           income communities and eligible entities serving low-  
4           income communities) on—

5                   (A) the opportunity to apply for grants  
6           under this section;

7                   (B) the application procedures by which el-  
8           igible entities may apply for grants under this  
9           section; and

10                  (C) eligible uses for grants under this sec-  
11           tion.

12           (d) REPORTING.—

13                  (1) ANNUAL REPORTS.—Not later than 30 days  
14           after the last day of each report period, each State  
15           lead agency that receives a grant under this section  
16           shall annually submit to the Secretary performance  
17           and financial reports that—

18                   (A) summarize project activities conducted  
19           during the report period; and

20                   (B) provide the status of the project.

21                  (2) FINAL REPORTS.—Not later than 90 days  
22           after the earlier of the date of expiration of a project  
23           period or the completion of a project, each State  
24           lead agency that receives a grant under this section  
25           shall submit to the Secretary a final report con-

1       taining such information as the Secretary may re-  
2       quire.

3       **SEC. 407. RECREATION BUDGET CROSSCUT.**

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