

118TH CONGRESS
1ST SESSION

S. 873

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

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2023

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “America’s Outdoor Recreation Act of 2023”.

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.

Sec. 122. Forest Service climbing guidance.

Sec. 123. 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 decision making.

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. Reviews for transitional permits and long-term permits.

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

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

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

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

15 (A) the Secretary; and

16 (B) the Secretary of Agriculture.

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

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

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

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

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

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

11 **TITLE I—OUTDOOR RECRE-**
12 **ATION AND INFRASTRUC-**
13 **TURE**

14 **Subtitle A—Declaration of Policy**

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

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

1 **Subtitle B—Public Recreation on**
 2 **Federal Recreational Lands and**
 3 **Waters**

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

5 (a) DEFINITION OF LONG-DISTANCE BIKE TRAIL.—

6 In this section, the term “long-distance bike trail” means
 7 a continuous route, consisting of 1 or more trails or rights-
 8 of-way, that—

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

11 (2) to the maximum extent practicable, makes
 12 use of existing trails;

13 (3) is composed generally of a consistent type
 14 of trail;

15 (4) may be used for mountain biking,
 16 bikepacking, road biking, bicycle touring, or gravel
 17 biking; and

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

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

22 (1) IDENTIFICATION OF LONG-DISTANCE BIKE
 23 TRAILS.—Subject to paragraph (2), the Secretaries
 24 shall—

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

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

12 (ii) coordinate with stakeholders on the
13 feasibility of, and identifying any resources nec-
14 essary for, completing the development of the
15 trails identified under clause (i); and

16 (iii) incorporate existing applicable re-
17 search and planning decisions in carrying out
18 this section.

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

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

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

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

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

18 (a) CLIMBING GUIDANCE IN WILDERNESS.—

19 (1) IN GENERAL.—Not later than 18 months
20 after the date of enactment of this Act, the Sec-
21 retary of Agriculture shall issue guidance relating to
22 climbing management for National Forest System
23 land, including in designated wilderness areas on
24 National Forest System land, pursuant to the joint
25 explanatory statement for division G (relating to the

1 Department of the Interior, Environment, and Re-
2 lated Agencies Appropriations Act, 2021) described
3 in section 4 of the Consolidated Appropriations Act,
4 2021 (Public Law 116–260; 134 Stat. 1185), that
5 recognizes the appropriateness of the allowable ac-
6 tivities described in paragraph (2) in the designated
7 wilderness areas, if the allowable activities are car-
8 ried out in accordance with—

9 (A) the Wilderness Act (16 U.S.C. 1131 et
10 seq.);

11 (B) other applicable laws (including regu-
12 lations); and

13 (C) any terms and conditions that are de-
14 termined to be necessary by the Secretary of
15 Agriculture.

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

18 (A) recreational climbing;

19 (B) the placement, use, and maintenance
20 of fixed anchors; and

21 (C) the use of other equipment necessary
22 for recreational climbing.

23 (b) PUBLIC NOTICE AND COMMENT.—Before final-
24 izing guidance relating to climbing management under
25 subsection (a)(1), the Secretary of Agriculture shall pro-

1 vide to the public notice and an opportunity to comment
2 regarding the proposed guidance.

3 **SEC. 123. TARGET SHOOTING RANGES.**

4 (a) DEFINITION OF TARGET SHOOTING RANGE.—In
5 this section, the term “target shooting range” means a
6 developed and managed area that is authorized or oper-
7 ated by the Forest Service or the Bureau of Land Manage-
8 ment specifically for the purposeful discharge by the public
9 of legal firearms, firearms training, archery, or other asso-
10 ciated activities.

11 (b) ASSESSING, IDENTIFYING, AND ESTABLISHING
12 TARGET SHOOTING RANGE LOCATIONS.—

13 (1) ASSESSMENT.—Not later than 1 year after
14 the date of enactment of this Act, the Secretary con-
15 cerned shall make available to the public a list
16 that—

17 (A) identifies each National Forest and
18 each Bureau of Land Management district that
19 has a target shooting range that meets the re-
20 quirements described in paragraph (3)(B);

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

1 (C) for each National Forest and each Bu-
2 reau of Land Management district identified
3 under subparagraph (B), provides a determina-
4 tion of whether applicable law or the applicable
5 land use plan prevents the establishment of a
6 target shooting range that meets the require-
7 ments described in paragraph (3)(B).

8 (2) IDENTIFICATION OF TARGET SHOOTING
9 RANGE LOCATIONS.—

10 (A) IN GENERAL.—The Secretary con-
11 cerned shall identify at least 1 suitable location
12 for a target shooting range that meets the re-
13 quirements described in paragraph (3)(B) with-
14 in each National Forest and each Bureau of
15 Land Management district with respect to
16 which the Secretary concerned has determined
17 under paragraph (1)(C) that the establishment
18 of a target shooting range is not prevented by
19 applicable law or the applicable land use plan.

20 (B) REQUIREMENTS.—The Secretaries, in
21 consultation with the entities described in sub-
22 section (d), shall, for purposes of identifying a
23 suitable location for a target shooting range
24 under subparagraph (A)—

1 (i) consider the proximity of areas fre-
2 quently used by recreational shooters;

3 (ii) ensure that the target shooting
4 range would not adversely impact a shoot-
5 ing range operated or maintained by a
6 non-Federal entity, including a shooting
7 range located on private land; and

8 (iii) consider other nearby recreational
9 uses to minimize potential conflict.

10 (3) ESTABLISHMENT OF NEW TARGET SHOOT-
11 ING RANGES.—

12 (A) IN GENERAL.—Not later than 5 years
13 after the date of enactment of this Act, at 1 or
14 more suitable locations identified on each eligi-
15 ble National Forest and each Bureau of Land
16 Management district under paragraph (2)(A),
17 the Secretary concerned shall—

18 (i) subject to the availability of appro-
19 priations, construct a target shooting
20 range that meets the requirements de-
21 scribed in subparagraph (B) or modify an
22 existing target shooting range to meet the
23 requirements described in subparagraph
24 (B); or

1 (ii) enter into an agreement with an
 2 entity described in subsection (d)(1), under
 3 which the entity shall establish or maintain
 4 a target shooting range that meets the re-
 5 quirements described in subparagraph (B).

6 (B) REQUIREMENTS.—A target shooting
 7 range established under this paragraph—

8 (i)(I) shall be able to accommodate ri-
 9 fles, pistols, and shotguns; and

10 (II) may accommodate archery;

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

13 (I) significantly modified land-
 14 scapes, including berms, buffer dis-
 15 tances, or other public safety designs
 16 or features;

17 (II) a designated firing line; and

18 (III) benches;

19 (iii) may include—

20 (I) shade structures;

21 (II) trash containers;

22 (III) restrooms; and

23 (IV) any other features that the
 24 Secretary concerned determines to be
 25 necessary; and

1 (iv) may not require a user to pay a
2 fee to use the target shooting range.

3 (C) RECREATION AND PUBLIC PURPOSES
4 ACT.—For purposes of subparagraph (A), the
5 Secretary concerned may consider a target
6 shooting range that is located on land trans-
7 ferred pursuant to the Act of June 14, 1926
8 (commonly known as the “Recreation and Pub-
9 lic Purposes Act”) (44 Stat. 741, chapter 578;
10 43 U.S.C. 869 et seq.), as a target shooting
11 range that meets the requirements described in
12 subparagraph (B).

13 (c) RESTRICTIONS.—

14 (1) MANAGEMENT.—The management of a tar-
15 get shooting range shall be subject to such condi-
16 tions as the Secretary concerned determines are nec-
17 essary for the safe, responsible use of—

18 (A) the target shooting range; and

19 (B) the adjacent land and resources.

20 (2) CLOSURES.—Except in emergency situa-
21 tions for reasons of public safety, the Secretary con-
22 cerned shall seek to ensure that a target shooting
23 range that meets the requirements described in sub-
24 section (b)(3)(B), or an equivalent shooting range
25 adjacent to a National Forest or Bureau of Land

1 Management district, is available to the public prior
2 to closing Federal recreational lands and waters ad-
3 ministered by the Chief of the Forest Service or the
4 Director of the Bureau of Land Management to rec-
5 reational shooting, in accordance with section 4103
6 of the John D. Dingell, Jr. Conservation, Manage-
7 ment, and Recreation Act (16 U.S.C. 7913).

8 (d) CONSULTATIONS.—

9 (1) IN GENERAL.—In carrying out this section,
10 the Secretaries shall consult with interested parties,
11 as applicable, including—

12 (A) local and Tribal governments;

13 (B) nonprofit or nongovernmental organi-
14 zations, including organizations that are sig-
15 natories to the memorandum of understanding
16 entitled “Federal Lands Hunting, Fishing, and
17 Shooting Sports Roundtable Memorandum of
18 Understanding” and signed by the Forest Serv-
19 ice and the Bureau of Land Management on
20 August 17, 2006;

21 (C) State fish and wildlife agencies;

22 (D) shooting clubs;

23 (E) Federal advisory councils relating to
24 hunting and shooting sports;

1 (F) individuals or entities with authorized
2 leases or permits in an area under consideration
3 for a target shooting range;

4 (G) State and local offices of outdoor
5 recreation;

6 (H) State and local public safety agencies;

7 (I) adjacent landowners; and

8 (J) the public.

9 (2) PARTNERSHIPS.—The Secretaries may—

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

14 (B) explore opportunities to leverage fund-
15 ing to maximize non-Federal investment in the
16 construction, modification, operation, or main-
17 tenance of a target shooting range.

18 (e) ANNUAL REPORTS.—Not later than 1 year after
19 the date of enactment of this Act and annually thereafter
20 through fiscal year 2033, the Secretaries shall submit to
21 the Committee on Energy and Natural Resources of the
22 Senate and the Committee on Natural Resources of the
23 House of Representatives a report describing the progress
24 made with respect to the implementation of this section.

1 (f) SAVINGS CLAUSE.—Nothing in this section affects
2 the authority of the Secretary concerned to administer a
3 target shooting range that is in addition to the target
4 shooting ranges that meet the requirements described in
5 (b)(3)(B) on Federal recreational lands and waters admin-
6 istered by the Secretary concerned.

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

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

11 (a) IN GENERAL.—The Secretary and the Chief of
12 the Forest Service shall enter into an agreement with the
13 Secretary of Commerce to foster the installation or con-
14 struction of broadband internet infrastructure at devel-
15 oped recreation sites on Federal recreational lands and
16 waters to establish broadband internet connectivity—

17 (1) subject to the availability of appropriations;

18 and

19 (2) in accordance with applicable law.

20 (b) IDENTIFICATION.—Not later than 2 years after
21 the date of enactment of this Act, and annually thereafter
22 through fiscal year 2033, the Secretary and the Chief of
23 the Forest Service, in coordination with States and local
24 communities, shall make publicly available—

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

5 (2) an estimate of—

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

8 (B) the annual cost to operate that infra-
9 structure; and

10 (3) a list of potential—

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

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

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

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

21 (A) geographic challenges; or

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

1 businesses operating on or adjacent to a unit of Federal
2 recreational lands and waters, State offices of outdoor
3 recreation, local destination marketing organizations, ap-
4 plicable trade organizations, nonprofit organizations, In-
5 dian Tribes, local governments, and institutions of higher
6 education—

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

10 (2) to solicit input from, and provide informa-
11 tion for, outdoor recreation marketing campaigns;
12 and

13 (3) to better understand—

14 (A) the effect of seasonal closures of areas
15 of, or infrastructure on, units of Federal rec-
16 reational lands and waters on outdoor recre-
17 ation opportunities, adjacent businesses, and
18 local tax revenue; and

19 (B) opportunities to extend the period of
20 time during which areas of, or infrastructure
21 on, units of Federal recreational lands and
22 waters are open to the public to increase out-
23 door recreation opportunities and associated
24 revenues for businesses and local governments.

25 (c) AVAILABILITY OF INFRASTRUCTURE.—

1 (1) IN GENERAL.—The Secretaries shall make
2 efforts to make infrastructure available to accommo-
3 date increased visitation to units of Federal rec-
4 reational lands and waters during periods that are
5 at or before the beginning or at or after the end of
6 traditional seasonal closures—

7 (A) to extend the outdoor recreation sea-
8 son and the duration of income to gateway com-
9 munities; and

10 (B) to provide more opportunities to visit
11 resources on units of Federal recreational lands
12 and waters to reduce crowding during peak sea-
13 sons.

14 (2) INCLUSIONS.—Efforts described in para-
15 graph (1) may include—

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

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

20 (d) AGREEMENTS.—

21 (1) IN GENERAL.—The Secretaries may enter
22 into agreements with businesses, local governments,
23 or other entities to share the cost of additional ex-
24 penses necessary to extend the period of time during
25 which an area of, or infrastructure on, a unit of

1 Federal recreational lands and waters is made open
2 to the public.

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

7 **SEC. 133. GATEWAY COMMUNITIES.**

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

15 (b) ASSESSMENT OF IMPACTS AND NEEDS IN GATE-
16 WAY COMMUNITIES.—Subject to the availability of exist-
17 ing funds, the Secretaries—

18 (1) shall collaborate with State and local gov-
19 ernments, Indian Tribes, housing authorities, appli-
20 cable trade associations, nonprofit organizations,
21 and other relevant stakeholders to identify needs and
22 economic impacts in gateway communities, includ-
23 ing—

24 (A) housing shortages;

1 (B) demands on existing municipal infra-
2 structure;

3 (C) accommodation and management of
4 sustainable visitation; and

5 (D) the expansion and diversification of
6 visitor opportunities by bolstering the visitation
7 at—

8 (i) underutilized locations, as identi-
9 fied under section 141(c)(1)(B), on nearby
10 Federal recreational lands and waters; or

11 (ii) lesser-known recreation sites, as
12 identified under section 144(b)(1)(B), on
13 nearby land managed by a State agency or
14 a local agency; 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) issuing a lease, right-of-way, or ease-
21 ment, 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.—The Secretary of Agriculture (acting
3 through the Administrator of the Rural Business-Coopera-
4 tive Service) and the Secretary of Commerce shall provide
5 information on applicable agency resources and programs
6 available to provide financing, technical assistance, and
7 other services in gateway communities to support eco-
8 nomic opportunities through tourism, including support
9 for the food service and accommodations sectors with an
10 emphasis on new and diversifying businesses.

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

17 **SEC. 134. PARKING OPPORTUNITIES FOR FEDERAL REC-**
18 **REATIONAL LANDS AND WATERS.**

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

22 (1) in accordance with existing laws and appli-
23 cable land use plans;

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

4 (3) in a manner that does not impact wildlife
5 habitat that is critical to the mission of a Federal
6 agency responsible for managing Federal rec-
7 reational lands and waters.

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

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

14 (2) lease non-Federal land for parking opportu-
15 nities; or

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

18 **SEC. 135. TRAVEL MANAGEMENT.**

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

24 (1) for each district administered by the Direc-
25 tor of the Bureau of Land Management, a ground

1 transportation linear feature authorized for public
2 use or administrative use; and

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

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

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

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

1 waters administered by the Chief of the Forest Service or
2 the Director 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) DEFINITIONS.—In this section:

9 (1) COVERED ACTIVITY.—The term “covered
10 activity” means—

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

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

18 (2) COVERED RECREATION FACILITY.—The
19 term “covered recreation facility” means a federally
20 owned campground, resort, cabin, or visitor center
21 that is—

22 (A) in existence on the date of enactment
23 of this Act; and

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

- 1 (i) the Chief of the Forest Service; or
2 (ii) the Director of the Bureau of
3 Land Management.

4 (3) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means—

- 6 (A) a unit of State, Tribal, or local govern-
7 ment;
8 (B) a nonprofit organization; and
9 (C) a private entity.

10 (b) PILOT PROGRAM.—The Secretaries shall estab-
11 lish a pilot program under which the Secretary concerned
12 may enter into an agreement with, or issue or amend a
13 land use authorization to, an eligible entity to allow the
14 eligible entity to carry out covered activities relating to
15 a covered recreation facility, subject to the requirements
16 of this section and the terms of any relevant land use au-
17 thorization, regardless of whether the eligible entity holds,
18 on the date of enactment of this Act, an authorization to
19 be a concessionaire for the covered recreation facility.

20 (c) MINIMUM NUMBER OF AGREEMENTS OR LAND
21 USE AUTHORIZATIONS.—Not later than 3 years after the
22 date of enactment of this Act, the Secretary concerned,
23 with the consent of each affected holder of an authoriza-
24 tion to be a concessionaire for a covered recreation facility,

1 if applicable, shall enter into at least 1 agreement or land
2 use authorization under subsection (b) in—

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

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

10 (d) REQUIREMENTS.—

11 (1) DEVELOPMENT PLANS.—Before entering
12 into an agreement or issuing a land use authoriza-
13 tion under subsection (b), an eligible entity shall
14 submit to the Secretary concerned a development
15 plan that—

16 (A) describes investments in the covered
17 recreation facility to be made by the eligible en-
18 tity during the first 3 years of the agreement
19 or land use authorization;

20 (B) describes annual maintenance spend-
21 ing for each year of the agreement or land use
22 authorization; and

23 (C) includes any other terms and condi-
24 tions determined to be necessary or appropriate
25 by the Secretary concerned.

1 (2) AGREEMENTS AND LAND USE AUTHORIZA-
2 TIONS.—An agreement or land use authorization
3 under subsection (b) shall—

4 (A) be for a term of not more than 30
5 years, commensurate with the level of invest-
6 ment;

7 (B) require that, not later than 3 years
8 after the date on which the Secretary concerned
9 enters into the agreement or issues or amends
10 the land use authorization, the applicable eligi-
11 ble entity shall expend, place in an escrow ac-
12 count for the eligible entity to expend, or de-
13 posit in a special account in the Treasury for
14 expenditure by the Secretary concerned, without
15 further appropriation, for covered activities re-
16 lating to the applicable covered recreation facil-
17 ity, an amount or specified percentage, as de-
18 termined by the Secretary concerned, which
19 shall be equal to not less than \$2,000,000, of
20 the anticipated receipts for the term of the
21 agreement or land use authorization;

22 (C) require the eligible entity to operate
23 and maintain the covered recreation facility and
24 any associated infrastructure designated by the

1 Secretary concerned in a manner acceptable to
2 the Secretary concerned and the eligible entity;

3 (D) include any terms and conditions that
4 the Secretary concerned determines to be nec-
5 essary for a special use permit issued under
6 section 7 of the Act of April 24, 1950 (com-
7 monly known as the “Granger-Thye Act”) (64
8 Stat. 84, chapter 97; 16 U.S.C. 580d), includ-
9 ing the payment described in subparagraph (E)
10 or the Federal Land Policy and Management
11 Act of 1976 (43 U.S.C. 1701 et seq.), as appli-
12 cable;

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

15 (i) consistent with—

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

22 (II) the value to the eligible enti-
23 ty of the rights provided by the agree-
24 ment or land use authorization, taking
25 into account the capital invested by,

1 and obligations of, the eligible entity
2 under the agreement or land use au-
3 thorization; and

4 (ii) all or part of which may be offset
5 by the work to be performed at the ex-
6 pense of the eligible entity that is separate
7 from the routine costs of operating and
8 maintaining the applicable covered recre-
9 ation facility and any associated infrastruc-
10 ture designated by the Secretary con-
11 cerned, as determined to be appropriate by
12 the Secretary concerned;

13 (F) include provisions stating that—

14 (i) the eligible entity shall obtain no
15 property interest in the covered recreation
16 facility pursuant to the expenditures of the
17 eligible entity, as required by the agree-
18 ment or land use authorization;

19 (ii) all structures and other improve-
20 ments constructed, reconstructed, or non-
21 routinely maintained by that entity under
22 the agreement or land use authorization on
23 land owned by the United States shall be
24 the property of the United States; and

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

7 (G) be subject to any other terms and con-
 8 ditions determined to be necessary or appro-
 9 priate by the Secretary concerned.

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

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

20 (a) DEFINITIONS.—In this section:

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

1 ble, or by the pay-for-performance project developer,
 2 in consultation with the Secretary of Agriculture, to
 3 make the determinations and prepare the reports re-
 4 quired under subsection (e).

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

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

16 (A) with a term of—

17 (i) not less than 1 year; and

18 (ii) not more than 20 years; and

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

21 (i) the Secretary of Agriculture; and

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

24 (4) PAY-FOR-PERFORMANCE BENEFICIARY.—

25 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 capital loaned upfront by a pay-
4 for-performance investor, based on a project
5 outcome specified in a pay-for-performance
6 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)—

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

1 (ii) shall 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 AS-
18 SISTANCE.—

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, 2033.

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 the
24 high-value recreation 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) COMPOSITION.—

8 “(1) IN GENERAL.—The Council shall be com-
9 posed of representatives of the following depart-
10 ments and agencies, to be appointed by the head of
11 the applicable department or agency:

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 Bureau of Indian Affairs.

17 “(E) The Bureau of Reclamation.

18 “(F) The Forest Service.

19 “(G) The Corps of Engineers.

20 “(H) The National Oceanic and Atmos-
21 pheric Administration.

22 “(2) ADDITIONAL PARTICIPANTS.—In addition
23 to the members described in paragraph (1), the Sec-
24 retary may invite participation in the meetings or

1 other activities of the Council from among the fol-
2 lowing:

3 “(A) The Council on Environmental Qual-
4 ity.

5 “(B) The Natural Resources Conservation
6 Service.

7 “(C) Rural development programs of the
8 Department of Agriculture.

9 “(D) The Economic Development Adminis-
10 tration.

11 “(E) The National Travel and Tourism Of-
12 fice of the Department of Commerce.

13 “(F) The National Center for Chronic Dis-
14 ease Prevention and Health Promotion.

15 “(G) The Environmental Protection Agen-
16 cy.

17 “(H) The Department of Transportation.

18 “(I) The Tennessee Valley Authority.

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

21 “(K) The National Marine Fisheries Serv-
22 ice.

23 “(L) The Federal Energy Regulatory Com-
24 mission.

1 “(M) The Federal Highway Administra-
2 tion.

3 “(N) An applicable State agency or office.

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

6 “(3) STATE COORDINATION.—In determining
7 additional participants under paragraph (2), the
8 Secretary shall seek to ensure that not fewer than
9 1 State is invited to participate in each meeting or
10 other activity of the Council.

11 “(4) LEADERSHIP.—The leadership of the
12 Council shall rotate annually among the members of
13 the Council described in paragraph (1), or as other-
14 wise determined by the Secretary, in consultation
15 with the Secretary of Agriculture, the Secretary of
16 Commerce, and the Secretary of Defense.

17 “(5) FUNDING.—Notwithstanding section 708
18 of division E of the Consolidated Appropriations Act,
19 2023 (Public Law 117–328), the members of the
20 Council described in paragraph (1) may enter into
21 agreements to share the management and oper-
22 ational costs of the Council.

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

1 “(1) the implementation of the America’s Out-
2 door Recreation Act of 2023, including carrying out
3 any reports required under that Act or an amend-
4 ment made by that Act;

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

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

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

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

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

24 “(7) dissemination to the public of outdoor
25 recreation-related information (including information

1 relating to opportunities, reservations, accessibility,
 2 and closures), in a manner that ensures the recre-
 3 ation-related information is easily accessible with
 4 modern communication devices;

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

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

9 “(A) to promote outdoor recreation;

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

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

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

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

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

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

23 (a) IN GENERAL.—The Secretaries shall, to the ex-
 24 tent practicable and in a timely fashion, alert the public
 25 to any closure or disruption to public campsites, trails,

1 roads, and other public areas and access points under the
2 jurisdiction of the applicable Secretary.

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

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

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

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

11 (a) CONSISTENT VISITATION DATA.—

12 (1) ANNUAL VISITATION DATA.—The Secre-
13 taries shall establish a single visitation data report-
14 ing system to report accurate annual visitation data,
15 in a consistent manner, for—

16 (A) each unit of Federal recreational lands
17 and waters; and

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

20 (2) CATEGORIES OF USE.—Within the visitation
21 data reporting system established under paragraph
22 (1), the Secretaries shall—

23 (A) establish multiple categories of dif-
24 ferent recreation activities that are reported
25 consistently across agencies; and

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

5 (b) REAL-TIME DATA PILOT PROGRAM.—

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

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

19 (i) the unit of Federal recreational
20 lands and waters;

21 (ii) to the extent practicable, areas
22 within the unit of Federal recreational
23 lands and waters; and

24 (iii) to the extent practicable, recre-
25 ation sites managed by any other Federal

1 agency, a State agency, or a local agency
2 that are located near the unit of Federal
3 recreational lands and waters; and

4 (B) through multiple media platforms, in-
5 formation about lesser-known, suitable recre-
6 ation sites located near the unit of Federal rec-
7 reational lands and waters (including recreation
8 sites managed by any other Federal agency, a
9 State agency, or a local agency), in an effort to
10 encourage visitation among recreational sites.

11 (2) LOCATIONS.—

12 (A) INITIAL NUMBER OF UNITS.—On es-
13 tablishment of the Pilot Program, the Secre-
14 taries shall select for participation in the Pilot
15 Program—

16 (i) 15 units of Federal recreational
17 lands and waters managed by the Sec-
18 retary; and

19 (ii) 5 units of Federal recreational
20 lands and waters managed by the Sec-
21 retary of Agriculture (acting through the
22 Chief of the Forest Service).

23 (B) EXPANSION.—Subject to paragraph
24 (4), not later than 5 years after the date of en-
25 actment of this Act, the Secretaries shall ex-

1 pand the Pilot Program by selecting 80 addi-
2 tional units of Federal recreational lands and
3 waters managed by the Secretaries for partici-
4 pation in the Pilot Program, not fewer than 50
5 of which shall be units managed by the Sec-
6 retary.

7 (C) FEEDBACK; SUPPORT OF GATEWAY
8 COMMUNITIES.—The Secretaries shall—

9 (i) solicit feedback regarding partici-
10 pation in the Pilot Program from commu-
11 nities adjacent to units of Federal rec-
12 reational lands and waters and the public;
13 and

14 (ii) in carrying out subparagraphs (A)
15 and (B), select a unit of Federal recreation
16 lands and waters to participate in the Pilot
17 Program only if the Secretaries determine
18 that the communities adjacent to the unit
19 of Federal recreational lands and waters
20 support the participation.

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

1 (4) REPORT ON BEST PRACTICES.—Before ex-
2 panding the Pilot Program under paragraph (2)(B),
3 the Secretaries shall submit to the Committee on
4 Energy and Natural Resources of the Senate and
5 the Committee on Natural Resources of the House
6 of Representatives a report describing best practices
7 for the Pilot Program.

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

11 (1) coordinate and partner with—

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

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

16 (C) local governments;

17 (D) Indian Tribes;

18 (E) trade associations;

19 (F) local outdoor recreation marketing or-
20 ganizations;

21 (G) permitted facilitated recreation pro-
22 viders; or

23 (H) other relevant stakeholders; and

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

4 (A) technology companies;

5 (B) geospatial data companies;

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

8 (D) data companies.

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

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

14 (1) to monitor or record the identity or move-
15 ments of a visitor to a unit of Federal recreational
16 lands and waters;

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

20 (3) to collect—

21 (A) information from owners of land adja-
22 cent to a unit of Federal recreational lands and
23 waters; or

24 (B) information on non-Federal land.

1 (f) REPORTS.—Not later than January 1, 2025, and
2 annually thereafter, the Secretaries shall publish on a
3 website of the Secretaries a report that describes the an-
4 nual visitation of each unit of Federal recreational lands
5 and waters, including, to the maximum extent practicable,
6 visitation categorized by recreational activity.

7 **SEC. 145. MONITORING FOR IMPROVED RECREATION DECI-**
8 **SION MAKING.**

9 (a) IN GENERAL.—The Secretaries shall seek to cap-
10 ture comprehensive recreation use data to better under-
11 stand and inform decision making by the Secretaries.

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

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

22 The Secretaries are encouraged to work with the Sec-
23 retary of Defense and the Secretary of Veterans Affairs
24 to ensure servicemembers and veterans have access to out-
25 door recreation and outdoor-related volunteer and wellness

1 programs as a part of the basic services provided to
2 servicemembers and veterans.

3 **SEC. 147. INCREASING YOUTH RECREATION VISITS TO FED-**
4 **ERAL LAND.**

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

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

13 (1) shall—

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

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

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

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

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

5 **TITLE II—AMENDMENTS TO THE**
 6 **FEDERAL LANDS RECRE-**
 7 **ATION ENHANCEMENT ACT**

8 **SEC. 201. SHORT TITLE.**

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

12 **“SEC. 801. SHORT TITLE.**

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

15 **SEC. 202. DEFINITIONS.**

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

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

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

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

24 (4) in paragraph (6), by striking “section
 25 5(a)(7)” and inserting “section 805(a)(7)”;

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

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

5 (7) in paragraph (13), by striking “section
6 3(h)” and inserting “section 803(h)(2)”;

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

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

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

19 (10) by inserting after paragraph (12) the fol-
20 lowing:

21 “(13) SPECIAL RECREATION PERMIT.—

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

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

4 “(I) an organizational camp;

5 “(II) a single event that does not
6 require an entry or participation fee
7 that is not strictly a sharing of ex-
8 penses for the purposes of the event;
9 and

10 “(III) participation by the public
11 in a recreation activity or recreation
12 use of a specific area of Federal rec-
13 reational lands and waters in which
14 use by the public is allocated;

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

17 “(iii) for—

18 “(I) at the discretion of the Sec-
19 retary, a single organized group recre-
20 ation activity or event (including an
21 activity or event in which motorized
22 recreational vehicles are used or in
23 which outfitting and guiding services
24 are used) that—

1 “(aa) is a structured or
2 scheduled event or activity;

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

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

7 “(dd) involves fewer than
8 200 visitor-use days; and

9 “(ee) is undertaken or pro-
10 vided by the recreation service
11 provider at the same site not
12 more frequently than 3 times a
13 year;

14 “(II) a single competitive event;

15 or

16 “(III) at the discretion of the
17 Secretary, a recurring organized
18 group recreation activity (including an
19 outfitting and guiding activity) that—

20 “(aa) is a structured or
21 scheduled activity;

22 “(bb) is not competitive;

23 “(cc) may charge a partici-
24 pation fee;

1 “(dd) occurs in a group size
2 of fewer than 7 participants;

3 “(ee) involves fewer than 40
4 visitor-use days; and

5 “(ff) is undertaken or pro-
6 vided by the recreation service
7 provider for a term of not more
8 than 180 days; or

9 “(iv) for—

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

15 “(II) a recurring outfitting, guid-
16 ing, or, at the discretion of the Sec-
17 retary, other recreation service, that
18 occurs under a transitional special
19 recreation permit authorized under
20 section 312(a) of the America’s Out-
21 door Recreation Act of 2023.

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

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

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

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

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

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

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

16 (2) in subsection (b)(5), by striking “section
17 4(d)” and inserting “section 804(d)”; and

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

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

21 “(1) SPECIAL RECREATION PERMITS.—

22 “(A) APPLICATIONS.—The Secretary—

23 “(i) may develop and make available
24 to the public an application to obtain a

1 special recreation permit described in
2 clause (i) of section 802(13)(A); and

3 “(ii) shall develop and make available
4 to the public an application to obtain a
5 special recreation permit described in
6 clause (ii), (iii), or (iv) of section
7 802(13)(A).

8 “(B) ISSUANCE OF PERMITS.—On review
9 of a completed application developed under sub-
10 paragraph (A), as applicable, and a determina-
11 tion by the Secretary that the applicant is eligi-
12 ble for the special recreation permit, the Sec-
13 retary may issue to the applicant a special
14 recreation permit, subject to any terms and
15 conditions that are determined to be necessary
16 by the Secretary.

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

22 “(2) SPECIAL RECREATION PERMIT FEES.—

23 “(A) IN GENERAL.—The Secretary may
24 charge a special recreation permit fee for the

1 issuance of a special recreation permit in ac-
2 cordance with this paragraph.

3 “(B) PREDETERMINED SPECIAL RECRE-
4 ATION PERMIT FEES.—

5 “(i) IN GENERAL.—For purposes of
6 subparagraphs (D) and (E), the Secretary
7 shall establish and may charge a predeter-
8 mined fee, described in clause (ii), for a
9 special recreation permit described in
10 clause (iii) or (iv) of section 802(13)(A)
11 for a specific type of use on a unit of Fed-
12 eral recreational lands and waters, con-
13 sistent with the criteria set forth in clause
14 (iii).

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

17 “(I) a fixed fee that is assessed
18 per special recreation permit, includ-
19 ing a fee with an associated size limi-
20 tation or other criteria as determined
21 to be appropriate by the Secretary; or

22 “(II) an amount assessed per vis-
23 itor-use day.

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

1 “(I) have been established before
2 the date of enactment of the Amer-
3 ica’s Outdoor Recreation Act of 2023;

4 “(II) be established after the
5 date of enactment of the America’s
6 Outdoor Recreation Act of 2023, in
7 accordance with subsection (b);

8 “(III)(aa) be established after
9 the date of enactment of the Amer-
10 ica’s Outdoor Recreation Act of 2023;
11 and

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

15 “(IV) beginning on the date that
16 is 2 years after the date of enactment
17 of the America’s Outdoor Recreation
18 Act of 2023, be \$6 per visitor-use day
19 in instances in which the Secretary
20 has not established a predetermined
21 fee under subclause (I), (II), or (III).

22 “(C) CALCULATION OF FEES FOR SPECIAL-
23 IZED RECREATIONAL USES AND LARGE-GROUP
24 ACTIVITIES OR EVENTS.—The Secretary may,
25 at the discretion of the Secretary, establish and

1 charge a fee for a special recreation permit de-
2 scribed in clause (i) or (ii) of section
3 802(13)(A).

4 “(D) CALCULATION OF FEES FOR SINGLE
5 ORGANIZED GROUP RECREATION ACTIVITIES OR
6 EVENTS, COMPETITIVE EVENTS, AND CERTAIN
7 RECURRING ORGANIZED GROUP RECREATION
8 ACTIVITIES.—If the Secretary elects to charge a
9 fee for a special recreation permit described in
10 section 802(13)(A)(iii), the Secretary shall
11 charge the recreation service provider, based on
12 the election of the recreation service provider—

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

15 “(ii) an amount equal to a percentage
16 of, to be determined by the Secretary, but
17 to not to exceed 5 percent of, adjusted
18 gross receipts calculated under subpara-
19 graph (F).

20 “(E) CALCULATION OF FEES FOR TRANSI-
21 TIONAL PERMITS AND LONG-TERM PERMITS.—
22 Subject to subparagraph (G), if the Secretary
23 elects to charge a fee for a special recreation
24 permit described in section 802(13)(A)(iv), the
25 Secretary shall charge the recreation service

1 provider, based on the election of the recreation
2 service provider—

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

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

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

18 “(i) The sum of—

19 “(I) the product obtained by mul-
20 tipling—

21 “(aa) the general amount
22 paid by participants of the trip or
23 event to the recreation service
24 provider for the applicable trip or
25 event (excluding amounts related

1 to goods, souvenirs, merchandise,
2 gear, and additional food pro-
3 vided or sold by the recreation
4 service provider); and

5 “(bb) the quotient obtained
6 by dividing—

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

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

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

24 “(ii) The difference between—

1 “(I) the total cost paid by the
2 participants of the trip or event for
3 the trip or event to the recreation
4 service provider, including any addi-
5 tional revenue received by the recre-
6 ation service provider for an add-on
7 activity or an optional excursion that
8 occurred on the Federal recreational
9 lands and waters covered by the spe-
10 cial recreation permit; and

11 “(II) the sum of—

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

19 “(bb) the amount of any
20 costs or revenues from services
21 and activities provided or sold by
22 the recreation service provider to
23 the participants of the trip or
24 event that occurred in a location
25 other than the Federal rec-

1 recreational lands and waters cov-
2 ered by the special recreation
3 permit (including costs for travel
4 and lodging outside the Federal
5 recreational lands and waters
6 covered by the special recreation
7 permit); and

8 “(cc) the amount of any rev-
9 enues from any service provided
10 by a recreation service provider
11 for an activity on Federal rec-
12 reational lands and waters that is
13 not covered by the special recre-
14 ation permit.

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

20 “(H) SAVINGS CLAUSES.—

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

23 “(I) a concession contract admin-
24 istered by the National Park Service

1 for the provision of accommodations,
2 facilities, or services; or

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

7 “(ii) COST RECOVERY.—Nothing in
8 this paragraph affects the ability of the
9 Secretary to recover any administrative
10 costs under section 325 of the America’s
11 Outdoor Recreation Act of 2023.

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

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

23 “(1) NOTICE OF ENTRANCE FEES, STANDARD
24 AMENITY RECREATION FEES, EXPANDED AMENITY

1 RECREATION FEES, AND AVAILABLE RECREATION
2 PASSES.—

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

11 “(B) PUBLICATIONS.—The Secretary shall
12 include in publications distributed at a unit or
13 area or described in subparagraph (A) the no-
14 tice described in that subparagraph.

15 “(2) NOTICE OF USES OF RECREATION FEES.—
16 Beginning on January 1, 2026, the Secretary shall
17 annually post, at the location at which a recreation
18 fee described in paragraph (1)(A) is collected, clear
19 notice of—

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

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

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

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

11 “(A) IN GENERAL.—Not later than Janu-
12 ary 1, 2025, and not later than 60 days after
13 the beginning of each fiscal year thereafter, the
14 Secretary shall post on the website of the appli-
15 cable Federal land management agency a
16 searchable list of each use during the preceding
17 fiscal year of the recreation fee or recreation
18 pass revenues collected under this section.

19 “(B) LIST COMPONENTS.—The list re-
20 quired under subparagraph (A) shall include,
21 with respect to each use described in that sub-
22 paragraph—

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

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

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

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

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

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

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

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

18 “(j) ONLINE PAYMENTS.—

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

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

23 “(B) standard amenity recreation fees;

24 “(C) expanded amenity recreation fees;

25 and

1 “(D) special recreation permit fees.

2 “(2) DISTRIBUTION OF ONLINE PAYMENTS.—

3 An online payment collected under paragraph (1)

4 that is associated with a specific unit or area of a

5 Federal land management agency shall be distrib-

6 uted in accordance with section 805(c).”.

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

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

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

15 “(A) IN GENERAL.—The Secretaries shall
16 sell the National Parks and Federal Rec-
17 reational Lands Pass—

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

20 “(I) an entrance fee or a stand-
21 ard amenity recreation fee is charged;

22 and

23 “(II) such sales are feasible;

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

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

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

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

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

16 “(10) DIGITAL RECREATION PASSES.—By not
17 later than January 1, 2026, the Secretaries shall—

18 “(A) establish a digital version of the Na-
19 tional Parks and Federal Recreational Lands
20 Pass that is able to be stored on a mobile de-
21 vice; and

22 “(B) on the completion of a sale carried
23 out under paragraph (6)(A)(iii), make available
24 to the passholder the digital version of the Na-

1 tional Parks and Federal Recreational Lands
2 Pass established under subparagraph (A).”.

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

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

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

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

13 “(A) sell a pass covering a fee charged by
14 a State or county for entrance to, or rec-
15 reational use of, a park or public land in the
16 State or county; and

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

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

23 “(e) COORDINATING THE SALES OF FEDERAL,
24 STATE, AND LOCAL RECREATION PASSES.—The Secre-
25 taries, in consultation with States and counties, shall seek

1 to coordinate the availability of Federal, State, and county
 2 recreation passes to allow an individual to purchase a Fed-
 3 eral recreation pass and a State or county recreation pass
 4 in a single transaction.”.

5 **SEC. 207. USE OF SPECIAL RECREATION PERMIT FEE REV-**
 6 **ENUE.**

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

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

11 (2) in subsection (a)(3)—

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

14 (B) in subparagraph (F), by striking “6(a)
 15 or a visitor reservation service.” and inserting
 16 “806(a) or a visitor reservation service;”; and

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

18 “(G) the processing of special recreation
 19 permit applications and administration of spe-
 20 cial recreation permits; and

21 “(H) the improvement of the operation of
 22 the special recreation permit program under
 23 section 803(h).”; and

24 (3) in subsection (d)—

1 (A) in paragraph (1), by striking “section
2 5” and inserting “section 805”; and

3 (B) in paragraph (2), by striking “section
4 5” and inserting “section 805”.

5 **SEC. 208. PERMANENT AUTHORIZATION.**

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

8 (1) by striking section 810; and

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

11 **TITLE III—SPECIAL RECRE-**
12 **ATION PERMITS FOR OUTFIT-**
13 **TING AND GUIDING**

14 **Subtitle A—Administration of Spe-**
15 **cial Recreation Permits for Out-**
16 **fitting and Guiding**

17 **SEC. 311. PERMIT ADMINISTRATION.**

18 (a) PERMIT AVAILABILITY.—

19 (1) NOTIFICATIONS OF PERMIT AVAIL-
20 ABILITY.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), in an area of Federal rec-
23 reational lands and waters in which use by
24 recreation service providers is allocated, if the
25 Secretary concerned has determined that vis-

1 itor-use days are available for allocation to
2 recreation service providers or holders of a com-
3 mercial use authorization for outfitting and
4 guiding, the Secretary concerned shall publish
5 the information on the website of the agency
6 that administers the applicable area of Federal
7 recreational lands and waters.

8 (B) EFFECT.—Nothing in this para-
9 graph—

10 (i) applies to—

11 (I) the reissuance of an existing
12 special recreation permit or commer-
13 cial use authorization for outfitting
14 and guiding; or

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

19 (aa) a recreation service pro-
20 vider that is the holder of an ex-
21 isting special recreation permit;
22 or

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

1 (ii) creates a prerequisite to the
2 issuance of a special recreation permit or
3 commercial use authorization for outfitting
4 and guiding or otherwise limits the author-
5 ity of the Secretary concerned—

6 (I) to issue a new special recre-
7 ation permit or new commercial use
8 authorization for outfitting and guid-
9 ing; or

10 (II) to add a new or additional
11 use to an existing special recreation
12 permit or an existing commercial use
13 authorization for outfitting and guid-
14 ing.

15 (2) UPDATES.—The Secretary concerned shall
16 ensure that information published on the website
17 under this subsection is consistently updated to pro-
18 vide current and correct information to the public.

19 (3) ELECTRONIC MAIL NOTIFICATIONS.—The
20 Secretary concerned shall establish a system by
21 which potential applicants for special recreation per-
22 mits or commercial use authorizations for outfitting
23 and guiding may subscribe to receive notification by
24 electronic mail of the availability of special recre-
25 ation permits under subsection (h)(1) of section 803

1 of the Federal Lands Recreation Enhancement Act
2 (16 U.S.C. 6802) (as amended by section 203(a)(3))
3 or commercial use authorizations for outfitting and
4 guiding.

5 (b) PERMIT APPLICATION OR PROPOSAL ACKNOWLEDGMENTS.—
6

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

14 (A) provide to the applicant notice ac-
15 knowledging receipt of the application or pro-
16 posal; and

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

19 (ii) provide to the applicant notice of a
20 projected date for a final decision on the appli-
21 cation or proposal.

22 (2) EFFECT.—Nothing in this subsection ap-
23 plies to a concession contract issued by the National
24 Park Service for the provision of accommodations,
25 facilities, or services.

1 **SEC. 312. FOREST SERVICE AND BUREAU OF LAND MAN-**
2 **AGEMENT TRANSITIONAL SPECIAL RECRE-**
3 **ATION PERMITS FOR OUTFITTING AND GUID-**
4 **ING.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Secretary concerned
7 shall implement a program to authorize the issuance of
8 transitional special recreation permits for a new or addi-
9 tional reoccurring outfitting, guiding, or other recreation
10 service, as determined by the Secretary concerned, on Fed-
11 eral recreational lands and waters managed by the Chief
12 of the Forest Service or the Director of the Bureau of
13 Land Management.

14 (b) TERM OF TRANSITIONAL PERMITS FOR OUTFIT-
15 TING AND GUIDING.—A transitional special recreation
16 permit issued under subsection (a) shall be issued for a
17 term of 2 years.

18 (c) ISSUANCE OF LONG-TERM PERMITS FOR OUTFIT-
19 TING AND GUIDING.—

20 (1) IN GENERAL.—On the request of a recre-
21 ation service provider that holds a transitional spe-
22 cial recreation permit under the program imple-
23 mented under subsection (a), the Secretary con-
24 cerned shall provide for the issuance of a long-term
25 special recreation permit for outfitting and guiding
26 to replace the transitional special recreation permit

1 if the Secretary concerned determines that the recre-
2 ation service provider—

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

6 (i) the program implemented under
7 subsection (a); or

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

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

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

1 (2) TERM.—The term of a long-term special
2 recreation permit under this subsection issued to re-
3 place a transitional special recreation permit under
4 paragraph (1) shall be for a period of 5 or 10 years,
5 as determined to be appropriate by the Secretary
6 concerned.

7 (3) VISITOR-USE DAY ALLOCATIONS.—In re-
8 placing a transitional special recreation permit under
9 paragraph (1) with a long-term special recreation
10 permit for outfitting and guiding, the Secretary con-
11 cerned may, at the discretion of the Secretary con-
12 cerned, increase the number of visitor-use days allo-
13 cated to the recreation service provider under the
14 long-term special recreation permit for outfitting
15 and guiding.

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

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

22 (a) IN GENERAL.—A recreation service provider hold-
23 ing a special recreation permit described in paragraph
24 (13)(A)(iv) of section 802 of the Federal Lands Recre-

1 ation Enhancement Act (16 U.S.C. 6801) (as amended
2 by section 202(10)) may—

3 (1) notify the Secretary concerned of an inabil-
4 ity to use visitor-use days annually allocated to the
5 recreation service provider under the special recre-
6 ation permit; and

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

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

20 **SEC. 314. REVIEWS FOR TRANSITIONAL PERMITS AND**
21 **LONG-TERM PERMITS.**

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

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

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

10 (3) in the case of a special recreation permit re-
11 placed under section 312 with a long-term special
12 recreation permit for outfitting and guiding with a
13 term of 10 years, during each of the 4th, 6th, 8th,
14 and 10th years in which the long-term special recre-
15 ation permit is in effect; and

16 (4) in the case of a special recreation permit re-
17 placed under section 312 with a long-term special
18 recreation permit for outfitting and guiding with a
19 term of 5 years, during each of the 4th and 5th
20 years in which the special recreation permit is in ef-
21 fect.

22 (b) USE-OF-ALLOCATION REVIEWS.—

23 (1) IN GENERAL.—If the Secretary of Agri-
24 culture, acting through the Chief of the Forest Serv-
25 ice, or the Secretary, as applicable, allocates visitor-

1 use days among special recreation permits for outfit-
2 ting and guiding, the Secretary of Agriculture, act-
3 ing through the Chief of the Forest Service, shall,
4 and the Secretary may, review the use by the recre-
5 ation service provider of the visitor-use days allo-
6 cated—

7 (A) under a transitional special recreation
8 permit issued under section 312, not later than
9 90 days before the date on which the transi-
10 tional special recreation permit expires; and

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

16 (2) REQUIREMENTS OF THE REVIEW.—In con-
17 ducting a review under paragraph (1), the Secretary
18 of Agriculture, acting through the Chief of the For-
19 est Service, or the Secretary, as applicable, shall de-
20 termine—

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

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

4 (3) CONSIDERATION OF SURRENDERED, UN-
5 USED VISITOR-USE DAYS.—For the purposes of de-
6 termining the number of visitor-use days a recre-
7 ation service provider has used in a specified year
8 under paragraph (2)(A), the Secretary of Agri-
9 culture, acting through the Chief of the Forest Serv-
10 ice, and the Secretary, as applicable, shall consider
11 an unused visitor-use day that has been surrendered
12 under section 313(a)(2) as—

13 (A) ½ of a visitor-use day used; or

14 (B) 1 visitor-use day used, if the Secretary
15 of Agriculture, acting through the Chief of the
16 Forest Service, or the Secretary, as applicable,
17 determines the use of the allocated visitor-use
18 day had been or will be prevented by a cir-
19 cumstance beyond the control of the recreation
20 service provider.

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

22 (a) ADJUSTMENTS FOLLOWING USE OF ALLOCATION
23 REVIEWS.—On the completion of a use-of-allocation re-
24 view of a special recreation permit described in paragraph
25 (13)(A)(iv)(I) of section 802 of the Federal Lands Recre-

1 ation Enhancement Act (16 U.S.C. 6801) (as amended
2 by section 202(10)) conducted under section 314(b), the
3 Secretary of Agriculture, acting through the Chief of the
4 Forest Service, or the Secretary, as applicable, shall adjust
5 the number of visitor-use days allocated to a recreation
6 service provider under the special recreation permit as fol-
7 lows:

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

20 (2) If the Secretary concerned determines the
21 performance of the recreation service provider is less
22 than satisfactory during the most recent perform-
23 ance review conducted under subsection (a) of sec-
24 tion 314, the annual number of visitor-use days allo-
25 cated for each remaining year of the special recre-

1 ation permit shall be equal to not more than 100
2 percent of the number of visitor-use days used, as
3 determined under subsection (b)(2)(A) of that sec-
4 tion during the year identified under subsection
5 (b)(2)(B) of that section.

6 (b) TEMPORARY REASSIGNMENT OF UNUSED VIS-
7 ITOR-USE DAYS.—The Secretary concerned may tempo-
8 rarily assign unused visitor-use days, made available under
9 section 313(a)(2) to—

10 (1) any other existing or potential recreation
11 service provider, notwithstanding the number of vis-
12 itor-use days allocated to the special recreation per-
13 mit holder under the special recreation permit held
14 or to be held by the recreation service provider; or

15 (2) any existing or potential holder of a special
16 recreation permit described in clause (i) or (iii) of
17 paragraph (13)(A) of section 802 of the Federal
18 Lands Recreation Enhancement Act (16 U.S.C.
19 6801) (as amended by section 202(10)), including
20 the public.

21 (c) ADDITIONAL CAPACITY.—If unallocated visitor-
22 use days are available, the Secretary concerned may, at
23 any time, amend a special recreation permit to allocate
24 additional visitor-use days to a qualified recreation service
25 provider.

1 **Subtitle B—Additional Provisions**
2 **Relating to Special Recreation**
3 **Permits**

4 **SEC. 321. PERMITTING PROCESS IMPROVEMENTS.**

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

11 (1) during the period beginning on January 1,
12 2021, and ending on January 1, 2025—

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

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

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

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

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

24 (iv) to issue simplified special recre-
25 ation permits, including special recreation

1 permits for an organized group recreation
2 activity or event under subsection (e); and

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

11 (b) ENVIRONMENTAL REVIEWS.—

12 (1) IN GENERAL.—The Secretary concerned
13 shall, to the maximum extent practicable, utilize
14 available tools, including tiering to existing pro-
15 grammatic reviews, as appropriate, to facilitate an
16 effective and efficient environmental review process
17 for activities undertaken by the Secretary concerned
18 relating to the issuance of special recreation permits.

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

22 (A) evaluate—

23 (i) whether existing categorical exclu-
24 sions available to the Secretary concerned
25 on the date of enactment of this Act are

1 consistent with the provisions of this Act;
2 and

3 (ii) whether a modification of an exist-
4 ing categorical exclusion or the establish-
5 ment of 1 or more new categorical exclu-
6 sions developed in compliance with the Na-
7 tional Environmental Policy Act of 1969
8 (42 U.S.C. 4321 et seq.) is necessary to
9 undertake an activity described in para-
10 graph (1) in a manner consistent with the
11 authorities and requirements in this Act;
12 and

13 (B) revise relevant agency regulations and
14 policy statements, as necessary, to modify exist-
15 ing categorical exclusions or incorporate new
16 categorical exclusions based on the evaluation
17 conducted under subparagraph (A).

18 (c) NEEDS ASSESSMENTS.—Except as required
19 under subsection (c) or (d) of section 4 of the Wilderness
20 Act (16 U.S.C. 1133), the Secretary concerned shall not
21 conduct a needs assessment as a condition of issuing a
22 special recreation permit under subsection (h) of section
23 803 of the Federal Lands Recreation Enhancement Act
24 (16 U.S.C. 6802) (as amended by section 203(a)(3)).

1 (d) ONLINE APPLICATIONS.—Using funds made
2 available to the Secretaries, not later than 3 years after
3 the date of enactment of this Act, the Secretaries shall
4 make the application for a special recreation permit under
5 subsection (h) of section 803 of the Federal Lands Recre-
6 ation Enhancement Act (16 U.S.C. 6802) (as amended
7 by section 203(a)(3)), including a reissuance of a special
8 recreation permit under that section, available for comple-
9 tion and submission—

10 (1) online;

11 (2) by mail or electronic mail; and

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

14 (e) SPECIAL RECREATION PERMITS FOR AN ORGA-
15 NIZED GROUP RECREATION ACTIVITY OR EVENT.—

16 (1) DEFINITIONS.—In this subsection:

17 (A) SPECIAL RECREATION PERMIT FOR AN
18 ORGANIZED GROUP RECREATION ACTIVITY OR
19 EVENT.—The term “special recreation permit
20 for an organized group recreation activity or
21 event” means a special recreation permit de-
22 scribed in subclause (I) or (III) of paragraph
23 (13)(A)(iii) of section 802 of the Federal Lands
24 Recreation Enhancement Act (16 U.S.C. 6801)
25 (as amended by section 202(10)).

1 (B) YOUTH GROUP.—The term “youth
2 group” means a recreation service provider that
3 predominantly serves individuals not older than
4 25 years of age.

5 (2) EXEMPTION FROM CERTAIN ALLOCATIONS
6 OF USE.—If the Secretary concerned allocates vis-
7 itor-use days available for an area or activity on
8 Federal recreational lands and waters among recre-
9 ation service providers that hold a permit described
10 in paragraph (13)(A)(iv) of section 802 of the Fed-
11 eral Lands Recreation Enhancement Act (16 U.S.C.
12 6801) (as amended by section 202(10)), a special
13 recreation permit for an organized group recreation
14 activity or event shall not be subject to that alloca-
15 tion of visitor-use days.

16 (3) ISSUANCE.—In accordance with paragraphs
17 (5) and (6), if use by the general public is not sub-
18 ject to a limited entry permit system and if capacity
19 is available for the times or days in which the pro-
20 posed activity or event would be undertaken, on re-
21 quest of a recreation service provider (including a
22 youth group) to conduct an organized group recre-
23 ation activity or event described in subclause (I) or
24 (III) of paragraph (13)(A)(iii) of section 802 of the
25 Federal Lands Recreation Enhancement Act (16

1 U.S.C. 6801) (as amended by section 202(10)), the
2 Secretary concerned—

3 (A) shall make a nominal effects deter-
4 mination to determine whether the proposed ac-
5 tivity or event would have more than nominal
6 effects on Federal recreational lands and
7 waters, resources, and programs; and

8 (B)(i) shall not require a recreation service
9 provider (including a youth group) to obtain a
10 special recreation permit for an organized group
11 recreation activity or event if the Secretary con-
12 cerned determines—

13 (I) the proposed activity or event to
14 be undertaken would have only nominal ef-
15 fects on Federal recreational lands and
16 waters, resources, and programs; and

17 (II) establishing additional terms and
18 conditions for the proposed activity or
19 event is not necessary to protect or avoid
20 conflict on or with Federal recreational
21 lands and waters, resources, and programs;

22 (ii) in the case of an organized group
23 recreation activity or event described in sub-
24 clause (I) of that paragraph, may issue to a
25 recreation service provider (including a youth

1 group) a special recreation permit for an orga-
2 nized group recreation activity or event, subject
3 to any terms and conditions as are determined
4 to be appropriate by the Secretary concerned, if
5 the Secretary concerned determines—

6 (I) the proposed activity or event to
7 be undertaken would have only nominal ef-
8 fects on Federal recreational lands and
9 waters, resources, and programs; and

10 (II) establishing additional terms and
11 conditions for the proposed activity or
12 event is necessary to protect or avoid con-
13 flict on or with Federal recreational lands
14 and waters, resources, and programs;

15 (iii) in the case of an organized group
16 recreation activity or event described in sub-
17 clause (III) of that paragraph, shall issue to a
18 recreation service provider (including a youth
19 group) a special recreation permit for an orga-
20 nized group recreation activity or event, subject
21 to such terms and conditions determined to be
22 appropriate by the Secretary concerned, if the
23 Secretary concerned determines—

24 (I) the proposed activity or event to
25 be undertaken would have only nominal ef-

1 fects on Federal recreational lands and
2 waters, resources, and programs; and

3 (II) establishing additional terms and
4 conditions for the proposed activity or
5 event is necessary to protect or avoid con-
6 flict on or with Federal recreational lands
7 and waters, resources, and programs; and

8 (iv) may issue to a recreation service pro-
9 vider (including a youth group) a special recre-
10 ation permit for an organized group recreation
11 activity or event, subject to any terms and con-
12 ditions determined to be appropriate by the
13 Secretary concerned, if the Secretary concerned
14 determines—

15 (I) the proposed activity or event to
16 be undertaken may have more than nomi-
17 nal effects on Federal recreational lands
18 and waters, resources, and programs; and

19 (II) establishing additional terms and
20 conditions for the proposed activity or
21 event would be necessary to protect or
22 avoid conflict on or with Federal rec-
23 reational lands and waters, resources, and
24 programs.

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

6 (5) SAVINGS CLAUSE.—Nothing in this sub-
7 section prevents the Secretary concerned from lim-
8 iting or abating the allowance of a proposed activity
9 or event under paragraph (3)(B)(i) or the issuance
10 of a special recreation permit for an organized group
11 recreation activity or event, based on resource condi-
12 tions, administrative burdens, or safety issues.

13 (6) QUALIFICATIONS.—A special recreation per-
14 mit for an organized group recreation activity or
15 event issued under paragraph (3) shall be subject to
16 the health and safety standards required by the Sec-
17 retary concerned for a permit issued under para-
18 graph (13)(A)(iv) of section 802 of the Federal
19 Lands Recreation Enhancement Act (16 U.S.C.
20 6801) (as amended by section 202(10)).

21 **SEC. 322. SERVICE FIRST INITIATIVE AND MULTIJURIS-**
22 **DICTIONAL TRIPS.**

23 (a) REPEAL.—Section 330 of the Department of the
24 Interior and Related Agencies Appropriations Act, 2001
25 (43 U.S.C. 1703), is repealed.

1 (b) COOPERATIVE ACTION AND SHARING OF RE-
2 SOURCES BY THE SECRETARIES OF THE INTERIOR AND
3 AGRICULTURE.—

4 (1) IN GENERAL.—For fiscal year 2012 and
5 each fiscal year thereafter, the Secretaries, subject
6 to annual review of Congress, may carry out an ini-
7 tiative, to be known as the “Service First Initiative”,
8 under which the Secretaries and agencies and bu-
9 reaus within the Department of the Interior and the
10 Department of Agriculture—

11 (A) may establish programs to conduct
12 projects, planning, permitting, leasing, con-
13 tracting, and other activities, either jointly or
14 on behalf of one another;

15 (B) may co-locate in Federal offices and
16 facilities leased by an agency of the Department
17 of the Interior or the Department of Agri-
18 culture; and

19 (C) may issue special rules to test the fea-
20 sibility of issuing unified permits, applications,
21 and leases.

22 (2) DELEGATIONS OF AUTHORITY.—The Secre-
23 taries may make reciprocal delegations of the respec-
24 tive authorities, duties, and responsibilities of the
25 Secretaries in support of the Service First Initiative

1 agency-wide to promote customer service and effi-
2 ciency.

3 (3) EFFECT.—Nothing in this section alters,
4 expands, or limits the applicability of any law (in-
5 cluding regulations) to land administered by the Bu-
6 reau of Land Management, National Park Service,
7 United States Fish and Wildlife Service, or the For-
8 est Service or matters under the jurisdiction of any
9 other bureaus or offices of the Department of the
10 Interior or the Department of Agriculture, as appli-
11 cable.

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

20 (c) PILOT PROGRAM FOR SPECIAL RECREATION PER-
21 MITS FOR MULTIJURISDICTIONAL TRIPS.—

22 (1) IN GENERAL.—Not later than 2 years after
23 the date of enactment of this Act, the Secretaries
24 shall establish a pilot program to offer to a person
25 seeking an authorization for a multijurisdictional

1 trip a single joint special recreation permit or com-
2 mercial use authorization that authorizes the use of
3 each unit of Federal recreational lands and waters
4 on which the multijurisdictional trip occurs, subject
5 to the authorities that apply to the applicable unit
6 of Federal recreational lands and waters.

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

16 (3) LEAD AGENCIES.—In carrying out the pilot
17 program established under paragraph (1), the Secre-
18 taries shall—

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

22 (B) select not fewer than 4 offices at which
23 a person shall be able to apply for a single joint
24 special recreation permit or commercial use au-
25 thorization, of which—

1 (i) not fewer than 2 offices are man-
2 aged by the Secretary; and

3 (ii) not fewer than 2 offices are man-
4 aged by the Secretary of Agriculture, act-
5 ing through the Chief of the Forest Serv-
6 ice.

7 (4) RETENTION OF AUTHORITY BY THE APPLI-
8 CABLE SECRETARY.—Each of the Secretaries shall
9 retain the authority to enforce the terms, stipula-
10 tions, conditions, and agreements in a single joint
11 special recreation permit or commercial use author-
12 ization issued under the pilot program established
13 under paragraph (1) that apply specifically to the
14 use occurring on the Federal recreational lands and
15 waters managed by the applicable Secretary, under
16 the authorities that apply to the applicable Federal
17 recreational lands and waters.

18 (5) OPTION TO APPLY FOR SEPARATE SPECIAL
19 RECREATION PERMITS OR COMMERCIAL USE AU-
20 THORIZATIONS.—A person seeking an authorization
21 for a multijurisdictional trip may apply for—

22 (A) a separate special recreation permit or
23 commercial use authorization for the use of
24 each unit of Federal recreational lands and

1 waters on which the multijurisdictional trip oc-
2 curs; or

3 (B) a single joint special recreational per-
4 mit or commercial use authorization made
5 available under the pilot program established
6 under paragraph (1).

7 (6) EFFECT.—Nothing in this subsection ap-
8 plies to a concession contract issued by the National
9 Park Service for the provision of accommodations,
10 facilities, or services.

11 **SEC. 323. PERMIT FLEXIBILITY.**

12 (a) IN GENERAL.—The Secretary concerned shall es-
13 tablish guidelines to allow a holder of a special recreation
14 permit under subsection (h) of section 803 of the Federal
15 Lands Recreation Enhancement Act (16 U.S.C. 6802) (as
16 amended by section 203(a)(3)), on the approval of the
17 Secretary concerned, to engage in another recreational ac-
18 tivity under the special recreation permit that is substan-
19 tially similar to the specific activity authorized under the
20 special recreation permit.

21 (b) CRITERIA.—For the purposes of this section, a
22 recreational activity shall be considered to be a substan-
23 tially similar recreational activity if the recreational activ-
24 ity—

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

4 (2) does not result in a greater impact on nat-
5 ural and cultural resources than the impact of the
6 authorized activity;

7 (3) does not adversely affect—

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

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

12 (4) is consistent with—

13 (A) any applicable laws (including regula-
14 tions); and

15 (B) the land management plan, resource
16 management plan, or equivalent plan applicable
17 to the Federal recreational lands and waters.

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

23 **SEC. 324. LIABILITY.**

24 (a) INSURANCE REQUIREMENTS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), as a condition of issuing a special recre-
3 ation permit under subsection (h)(1)(B) of section
4 803 of the Federal Lands Recreation Enhancement
5 Act (16 U.S.C. 6802) (as amended by section
6 203(a)(3)) or a commercial use authorization, the
7 Secretary concerned may require the holder of the
8 special recreation permit or commercial use author-
9 ization to have a commercial general liability insur-
10 ance policy that—

11 (A) is commensurate with the level of risk
12 of the activities to be conducted under the spe-
13 cial recreation permit or commercial use au-
14 thorization; and

15 (B) includes the United States as an addi-
16 tional insured in an endorsement to the applica-
17 ble policy.

18 (2) EXCEPTION.—The Secretary concerned
19 shall not require a holder of a special recreation per-
20 mit or commercial use authorization for low-risk ac-
21 tivities, as determined by the Secretary concerned,
22 including commemorative ceremonies and participa-
23 tion by the public in a recreation activity or recre-
24 ation use of a specific area of Federal recreational
25 lands and waters in which use by the public is allo-

1 cated, to comply with the requirements of paragraph
2 (1).

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

18 (1) a commercial general liability insurance pol-
19 icy, which includes the United States as an addi-
20 tional insured in an endorsement to the policy, if the
21 State is authorized to obtain commercial general li-
22 ability insurance by State law;

23 (2) self-insurance, which covers the United
24 States as an additional insured, if authorized by
25 State law; or

1 (3) a combination of the coverage described in
2 paragraphs (1) and (2).

3 (c) EXCULPATORY AGREEMENTS.—

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

13 (2) REQUIREMENTS.—Any exculpatory agree-
14 ment used by a recreation service provider or holder
15 of a commercial use authorization for an activity au-
16 thorized under a special recreation permit or com-
17 mercial use authorization—

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

21 (B) shall not waive any liability of the
22 recreation service provider or holder of the com-
23 mercial use authorization that may not be
24 waived under the laws (including common law)

1 of the applicable State or for gross negligence,
2 recklessness, or willful misconduct.

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

6 (A) review the policies of the Secretaries
7 pertaining to the use of exculpatory agreements
8 by recreation service providers and holders of
9 commercial use authorizations; and

10 (B) revise any policy described in subpara-
11 graph (A) as necessary to make the policies of
12 the Secretaries pertaining to the use of excul-
13 patory agreements by recreation service pro-
14 viders and holders of commercial use authoriza-
15 tions consistent with this subsection and across
16 all Federal recreational lands and waters.

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

20 **SEC. 325. COST RECOVERY REFORM.**

21 (a) COST RECOVERY FOR SPECIAL RECREATION
22 PERMITS.—In addition to a fee collected under section
23 803 of the Federal Lands Recreation Enhancement Act
24 (16 U.S.C. 6802) or any other authorized fee collected by
25 the Secretary concerned, the Secretary concerned may as-

1 sess and collect a reasonable fee from an applicant for,
2 and holder of, a special recreation permit to recover ad-
3 ministrative costs incurred by the Secretary concerned
4 for—

5 (1) processing a proposal or application for the
6 special recreation permit;

7 (2) issuing the special recreation permit; and

8 (3) monitoring the special recreation permit to
9 ensure compliance with the terms and conditions of
10 the special recreation permit.

11 (b) DE MINIMIS EXEMPTIONS FROM COST RECOV-
12 ERY.—If the administrative costs described in subsection
13 (a) are assessed on an hourly basis, the Secretary con-
14 cerned shall—

15 (1) establish an hourly de minimis threshold
16 that exempts a specified number of hours from the
17 assessment and collection of administrative costs de-
18 scribed in subsection (a); and

19 (2) charge an applicant only for any hours that
20 exceed the de minimis threshold.

21 (c) MULTIPLE APPLICATIONS.—If the Secretary con-
22 cerned collectively processes multiple applications for spe-
23 cial recreation permits for the same or similar services in
24 the same unit of Federal recreational lands and waters,
25 the Secretary concerned shall, to the extent practicable—

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

3 (2) apply the requirement described in sub-
4 section (b) to each applicant on an individual basis.

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

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

9 (a) IN GENERAL.—If the Secretary concerned does
10 not require the public to obtain a permit or reservation
11 to access a picnic area on Federal recreational lands and
12 waters administered by the Chief of the Forest Service or
13 Director of the Bureau of Land Management, the Sec-
14 retary concerned may not require a covered person de-
15 scribed in subsection (b) to obtain a permit solely to access
16 the picnic area.

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

20 (1) outfitting and guiding services on Federal
21 recreational lands and waters; and

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

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

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

9 (b) REPORT.—Not later than 3 years after the date
10 of enactment of this Act, the Secretaries, acting jointly,
11 shall submit to the Committee on Energy and Natural Re-
12 sources of the Senate and the Committee on Natural Re-
13 sources of the House of Representatives a report that de-
14 scribes—

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

17 (2) examples of special recreation permits, part-
18 nerships, cooperative agreements, or other arrange-
19 ments providing access to Federal recreational lands
20 and waters for covered communities;

21 (3) other ways covered communities are engag-
22 ing on Federal recreational lands and waters, includ-
23 ing through stewardship and conservation projects
24 or activities;

25 (4) any barriers for existing or prospective
26 recreation service providers and holders of commer-

1 cial use authorizations operating within or serving a
2 covered community; and

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

6 **Subtitle C—Effect**

7 **SEC. 331. EFFECT.**

8 Except as provided in sections 311(a), 322, and 324,
9 nothing in this title (including an amendment made by
10 this title) affects the authority or responsibility of the Sec-
11 retary to award concessions contracts for the provision of
12 accommodations, facilities, or services, or commercial use
13 authorizations.

14 **TITLE IV—MISCELLANEOUS** 15 **PROVISIONS**

16 **SEC. 401. FILMING AND STILL PHOTOGRAPHY WITHIN THE** 17 **NATIONAL PARK SYSTEM AND ON OTHER** 18 **FEDERAL LAND.**

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

20 (1) IN GENERAL.—Chapter 1009 of title 54,
21 United States Code, is amended by striking section
22 100905 and inserting the following:

23 **“§ 100905. Filming and still photography in System**
24 **units**

25 **“(a) FILMING AND STILL PHOTOGRAPHY.—**

1 “(1) IN GENERAL.—The Secretary shall ensure
2 that a filming or still photography activity or similar
3 recording project in a System unit (referred to in
4 this section as a ‘filming or still photography activ-
5 ity’) and the authorizing or permitting of a filming
6 or still photography activity are carried out in ac-
7 cordance with—

8 “(A) the laws and policies applicable to the
9 Service;

10 “(B) the applicable general management
11 plan; and

12 “(C) this section.

13 “(2) NO PERMITS REQUIRED.—The Secretary
14 shall not require an authorization or a permit or as-
15 sess a fee, if a fee for a filming or still photography
16 activity is not otherwise required by law, for a film-
17 ing or still photography activity that—

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

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

22 “(B) is merely incidental to an activity or
23 event that is allowed or authorized at the Sys-
24 tem unit, regardless of—

1 “(i) the number of individuals partici-
2 pating in the allowed or authorized activity
3 or event; or

4 “(ii) whether any individual receives
5 compensation for any products of the film-
6 ing or still photography activity; or

7 “(C) is a news-gathering activity, unless
8 the news-gathering activity does not meet each
9 of the requirements described in paragraph (5).

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

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

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

20 “(i) may require a de minimis use au-
21 thorization; and

22 “(ii) shall not require a permit.

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

1 “(D) APPLICATION.—The Secretary shall
2 provide for a person to apply for and obtain a
3 de minimis use authorization under this para-
4 graph—

5 “(i) through the website of the Serv-
6 ice; and

7 “(ii) in person at the field office of
8 the applicable System unit.

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

10 “(i) establish a procedure—

11 “(I) to automate the approval of
12 an application submitted through the
13 website of the Service under subpara-
14 graph (D)(i); and

15 “(II) to issue a de minimis use
16 authorization under this paragraph
17 immediately on receipt of an applica-
18 tion that is submitted in person at the
19 field office of the applicable System
20 unit under subparagraph (D)(ii); and

21 “(ii) if an application submitted under
22 subparagraph (D) meets the requirements
23 of this paragraph, immediately on receipt
24 of the application issue a de minimis use

1 authorization for the filming or still pho-
2 tography activity.

3 “(F) REQUIREMENTS.—The Secretary
4 shall only issue a de minimis use authorization
5 under this paragraph if the filming or still pho-
6 tography activity—

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

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

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

13 “(G) CONTENTS.—A de minimis use au-
14 thorization issued under this paragraph shall
15 list the requirements described in subparagraph
16 (F).

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

22 “(A) involves more than 8 individuals; or

23 “(B) does not meet each of the require-
24 ments described in paragraph (5).

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

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

7 “(i) does not impede or intrude on the
8 experience of other visitors to the applica-
9 ble System unit;

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

12 “(I) a natural or cultural re-
13 source; or

14 “(II) an environmental or scenic
15 value; and

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

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

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

25 “(D) The person does not—

1 “(i) conduct the filming or still pho-
2 tography activity in a localized area that
3 receives a very high volume of visitation;
4 and

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

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

15 “(F) The person conducting the filming or
16 still photography activity complies with and ad-
17 heres to visitor use policies, practices, and regu-
18 lations applicable to the applicable System unit.

19 “(G) The filming or still photography ac-
20 tivity is not likely to result in additional admin-
21 istrative costs being incurred by the Secretary
22 with respect to the filming or still photography
23 activity, as determined by the Secretary.

24 “(H) The person conducting the filming or
25 still photography activity complies with other

1 applicable Federal, State, and local laws (in-
2 cluding regulations), including laws relating to
3 the use of unmanned aerial equipment.

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

10 “(7) EFFECT.—

11 “(A) PERMITS REQUESTED THOUGH NOT
12 REQUIRED.—On the request of a person intend-
13 ing to carry out a filming or still photography
14 activity, the Secretary may issue a permit and
15 assess a reasonable fee for the filming or still
16 photography activity, even if a permit for the
17 filming or still photography activity is not re-
18 quired under this section.

19 “(B) NO ADDITIONAL PERMITS, COMMERCIAL
20 USE AUTHORIZATIONS, OR FEES FOR
21 FILMING AND STILL PHOTOGRAPHY AT AU-
22 THORIZED EVENTS.—If an activity or event is
23 allowed or authorized under a permit, such as
24 a wedding, engagement party, family reunion,
25 photography club outing, or celebration of a

1 graduate, the activity or event organizers or
2 any relevant party to the activity or event shall
3 not need a separate permit for the filming or
4 still photography activity at the allowed or per-
5 mitted activity or event.

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 or the ap-
11 plication of the requirements under this section.

12 “(D) WILDERNESS ACT APPLICABILITY.—

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

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

21 “(b) FEES AND RECOVERY COSTS.—

22 “(1) FEES.—The reasonable fees referred to in
23 paragraphs (4) and (7)(A) of subsection (a) shall
24 meet each of the following criteria:

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

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

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

7 “(ii) The size of the film or still pho-
8 tography crew present at the System unit.

9 “(iii) The quantity and type of film or
10 still photography equipment present at the
11 System unit.

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

14 “(2) RECOVERY OF COSTS.—

15 “(A) IN GENERAL.—For any permit issued
16 under subsection (a) and in addition to any fee
17 assessed in accordance with paragraph (1), the
18 Secretary shall collect from the applicant for
19 the applicable permit any costs incurred by the
20 Secretary related to a filming or still photog-
21 raphy activity subject to a permit under sub-
22 section (a)(4), including—

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

1 “(ii) related administrative and per-
2 sonnel costs.

3 “(B) EFFECT ON FEES COLLECTED.—All
4 costs recovered under subparagraph (A) shall
5 be in addition to the fee described in paragraph
6 (1).

7 “(3) USE OF PROCEEDS.—

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

10 “(i) be available for expenditure by
11 the Secretary, without further appropria-
12 tion, in accordance with the formula and
13 purposes established under the Federal
14 Lands Recreation Enhancement Act (16
15 U.S.C. 6801 et seq.); and

16 “(ii) remain available until expended.

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

19 “(i) be available for expenditure by
20 the Secretary, without further appropria-
21 tion, at the System unit at which the costs
22 are collected; and

23 “(ii) remain available until expended.

24 “(c) PROTECTION OF RESOURCES.—The Secretary
25 may create use limits on or require a person to cease,

1 move, or modify a filming or still photography activity,
2 whether or not the activity has been permitted, if the Sec-
3 retary determines that—

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

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

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

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

15 “(d) PROCESSING OF PERMIT APPLICATIONS.—

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

21 “(2) COORDINATION.—If a permit is required
22 under this section for 2 or more Federal agencies or
23 System units, the Secretary and the head of any
24 other applicable Federal agency, as applicable, shall,
25 to the maximum extent practicable, coordinate per-

1 mit processing procedures, including through the use
 2 of identifying a lead agency or lead System 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 (2) CLERICAL AMENDMENT.—The table of sec-
 8 tions for chapter 1009 of title 54, United States
 9 Code, is amended by striking the item relating to
 10 section 100905 and inserting the following:

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

11 (b) FILMING ON OTHER FEDERAL LAND.—Public
 12 Law 106–206 (16 U.S.C. 460l–6d) is amended by striking
 13 section 1 and inserting the following:

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

15 “(a) FILMING AND STILL PHOTOGRAPHY.—

16 “(1) IN GENERAL.—The Secretary concerned
 17 shall ensure that a filming or still photography activ-
 18 ity or similar recording project at a Federal land
 19 management unit (referred to in this section as a
 20 ‘filming or still photography activity’) and the au-
 21 thORIZING or permitting of a filming or still photog-
 22 raphy activity are carried out in accordance with—

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

1 “(B) the applicable general management
2 plan; and

3 “(C) this section.

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

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

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

13 “(B) is merely incidental to an activity or
14 event that is allowed or authorized at the Fed-
15 eral land management unit, regardless of—

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

19 “(ii) whether any individual receives
20 compensation for any products of the film-
21 ing or still photography activity; or

22 “(C) is a news-gathering activity, unless
23 the news-gathering activity does not meet each
24 of the requirements described in paragraph (5).

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

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

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

12 “(i) may require a de minimis use au-
13 thorization; and

14 “(ii) shall not require a permit.

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

18 “(D) APPLICATION.—The Secretary con-
19 cerned shall provide for a person to apply for
20 and obtain a de minimis use authorization
21 under this paragraph—

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

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

3 “(E) ISSUANCES.—The Secretary con-
4 cerned shall—

5 “(i) establish a procedure—

6 “(I) to automate the approval of
7 an application submitted through the
8 website of the Department of the In-
9 terior or the Forest Service, as appli-
10 cable, under subparagraph (D)(i); and

11 “(II) to issue a de minimis use
12 authorization under this paragraph
13 immediately on receipt of an applica-
14 tion that is submitted in person at the
15 field office for the Federal land man-
16 agement unit under subparagraph
17 (D)(ii); and

18 “(ii) if an application submitted under
19 subparagraph (D) meets the requirements
20 of this paragraph, immediately on receipt
21 of the application issue a de minimis use
22 authorization for the filming or still pho-
23 tography activity.

24 “(F) REQUIREMENTS.—The Secretary con-
25 cerned shall only issue a de minimis use author-

1 ization under this paragraph if the filming or
2 still photography activity—

3 “(i) involves a group of not fewer than
4 6 individuals and not more than 8 individ-
5 uals;

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

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

9 “(G) CONTENTS.—A de minimis use au-
10 thorization issued under this paragraph shall
11 list the requirements described in subparagraph
12 (F).

13 “(4) REQUIRED PERMITS.—Except as provided
14 in paragraph (2)(B), the Secretary concerned may
15 require a permit application and, if a permit is
16 issued, assess a reasonable fee, as described in sub-
17 section (b)(1), for a filming or still photography ac-
18 tivity that—

19 “(A) involves more than 8 individuals; or

20 “(B) does not meet each of the require-
21 ments described in paragraph (5).

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—

22 “(i) conduct the filming or still pho-
23 tography activity in a localized area that
24 receives a very high volume of visitation;
25 and

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

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

11 “(F) The person conducting the filming or
12 still photography activity complies with and ad-
13 heres to visitor use policies, practices, and regu-
14 lations applicable to the Federal land manage-
15 ment unit.

16 “(G) The filming or still photography ac-
17 tivity is not likely to result in additional admin-
18 istrative costs being incurred by the Secretary
19 concerned with respect to the filming or still
20 photography activity, as determined by the Sec-
21 retary concerned.

22 “(H) The person conducting the filming or
23 still photography activity complies with other
24 applicable Federal, State, and local laws (in-

1 including regulations), including laws relating to
2 the use of unmanned aerial equipment.

3 “(6) CONTENT CREATION.—Regardless of dis-
4 tribution platform, any video, still photograph, or
5 audio recording for commercial or noncommercial
6 content creation at a Federal land management unit
7 shall be considered to be a filming or still photog-
8 raphy activity under this subsection.

9 “(7) EFFECT.—

10 “(A) PERMITS REQUESTED THOUGH NOT
11 REQUIRED.—On the request of a person intend-
12 ing to carry out a filming or still photography
13 activity, the Secretary concerned may issue a
14 permit and assess a reasonable fee for the film-
15 ing or still photography activity, even if a per-
16 mit for the filming or still photography activity
17 is not required under this section.

18 “(B) NO ADDITIONAL PERMITS, COMMERCIAL
19 USE AUTHORIZATIONS, OR FEES FOR
20 FILMING AND STILL PHOTOGRAPHY AT AU-
21 THORIZED EVENTS.—If an activity or event is
22 allowed or authorized under a permit, such as
23 a wedding, engagement party, family reunion,
24 photography club outing, or celebration of a
25 graduate, the activity or event organizers or

1 any relevant party to the activity or event shall
2 not need a separate permit for the filming or
3 still photography activity at the allowed or per-
4 mitted activity or event.

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

11 “(D) WILDERNESS ACT APPLICABILITY.—

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

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

20 “(b) FEES AND RECOVERY COSTS.—

21 “(1) FEES.—The reasonable fees referred to in
22 paragraphs (4) and (7)(A) of subsection (a) shall
23 meet each of the following criteria:

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

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

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

5 “(ii) The size of the film or still pho-
6 tography crew present at the Federal land
7 management unit.

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

11 “(iv) Any other factors that the Sec-
12 retary concerned determines to be nec-
13 essary.

14 “(2) RECOVERY OF COSTS.—

15 “(A) IN GENERAL.—For any permit issued
16 under subsection (a) and in addition to any fee
17 assessed in accordance with paragraph (1), the
18 Secretary concerned shall collect from the appli-
19 cant for the applicable permit any costs in-
20 curred by the Secretary concerned related to a
21 filming or still photography activity subject to a
22 permit under subsection (a)(4), including—

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

1 “(ii) related administrative and per-
2 sonnel costs.

3 “(B) EFFECT ON FEES COLLECTED.—All
4 costs recovered under subparagraph (A) shall
5 be in addition to the fee described in paragraph
6 (1).

7 “(3) USE OF PROCEEDS.—

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

10 “(i) be available for expenditure by
11 the Secretary concerned, without further
12 appropriation, in accordance with the for-
13 mula and purposes established in the Fed-
14 eral Lands Recreation Enhancement Act
15 (16 U.S.C. 6801 et seq.); and

16 “(ii) remain available until expended.

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

19 “(i) be available for expenditure by
20 the Secretary concerned, without further
21 appropriation, at the Federal land manage-
22 ment unit at which the costs are collected;
23 and

24 “(ii) remain available until expended.

1 “(c) PROTECTION OF RESOURCES.—The Secretary
2 concerned may create use limits on or require a person
3 to cease, move, or modify a filming or still photography
4 activity, whether or not the activity has been permitted,
5 if the Secretary concerned determines 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;

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

15 “(4) 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 concerned
19 shall establish a process to ensure that the Secretary
20 concerned responds in a timely manner to an appli-
21 cation for a permit for a filming or still photography
22 activity required under subsection (a)(4).

23 “(2) COORDINATION.—If a permit is required
24 under this section for 2 or more Federal agencies or
25 Federal land management units, the Secretary con-

1 cerned and the head of any other applicable Federal
2 agency, as applicable, shall, to the maximum extent
3 practicable, coordinate permit processing procedures,
4 including through the use of identifying a lead agen-
5 cy or lead Federal land management unit—

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

8 “(B) to issue the permit; and

9 “(C) to collect any required fees.

10 “(e) DEFINITIONS.—In this section:

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

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

16 “(B) National Forest System land.

17 “(2) SECRETARY CONCERNED.—The term ‘Sec-
18 retary concerned’ means—

19 “(A) the Secretary of the Interior, with re-
20 spect to land described in paragraph (1)(A);
21 and

22 “(B) the Secretary of Agriculture, with re-
23 spect to land described in paragraph (1)(B).”.

1 **SEC. 402. VOLUNTEER ENHANCEMENT PROGRAM.**

2 The Volunteers in the National Forests Act of 1972
3 (16 U.S.C. 558a et seq.) is amended—

4 (1) by striking section 5;

5 (2) by redesignating the first section and sec-
6 tions 2, 3, and 4 as sections 4, 5, 6, and 9, respec-
7 tively;

8 (3) by inserting before section 4 (as so redesignig-
9 nated) the following:

10 **“SECTION 1. SHORT TITLE.**

11 “This Act may be cited as the ‘Volunteers in the Na-
12 tional Forests and Public Land Act’.

13 **“SEC. 2. PURPOSE.**

14 “The purpose of this Act is to leverage volunteer en-
15 gagement to supplement projects that are carried out by
16 the Secretaries to fulfill the missions of the Forest Service
17 and the Bureau of Land Management and are accom-
18 plished with appropriated funds.

19 **“SEC. 3. DEFINITION OF SECRETARIES.**

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

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

23 “(2) the Secretary of the Interior, acting
24 through the Director of the Bureau of Land Man-
25 agement.”;

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

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

5 **“SEC. 4. AUTHORIZATION.**

6 “The Secretaries are”;

7 (B) in the first sentence—

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

10 (ii) by inserting “recreation access,
11 trail construction or maintenance, facility
12 construction or maintenance, educational
13 uses (including outdoor classroom con-
14 struction or maintenance),” after “for or
15 in aid of”; and

16 (iii) by striking “Secretary through
17 the Forest Service” and inserting “Secre-
18 taries”; and

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

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

22 (A) by striking the section designation and
23 all that follows through “Secretary is” and in-
24 serting the following:

1 **“SEC. 5. INCIDENTAL EXPENSES.**

2 “The Secretaries are”; and

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

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

6 (A) by striking the section designation and
7 all that follows through “(a) Except as” and in-
8 serting the following:

9 **“SEC. 6. CONSIDERATION AS FEDERAL EMPLOYEE.**

10 “(a) Except as”; and

11 (B) in subsection (e)—

12 (i) in the matter preceding paragraph
13 (1), by striking “the Secretary” and insert-
14 ing “either of the Secretaries”;

15 (ii) in paragraph (1), by striking
16 “with the Secretary” and inserting “or co-
17 operative agreement with either of the Sec-
18 retaries”; and

19 (iii) in paragraph (2)—

20 (I) in the matter preceding sub-
21 paragraph (A), by striking “the Sec-
22 retary in the mutual benefit agree-
23 ment” and inserting “either of the
24 Secretaries in the mutual benefit
25 agreement or cooperative agreement”;

1 (II) in subparagraph (A), by
2 striking “to be performed by the vol-
3 unteers” and inserting “, including
4 the geographic boundaries of the work
5 to be performed by the volunteers,”;

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

8 (IV) in subparagraph (C)—

9 (aa) by striking “the Sec-
10 retary, when feasible” and insert-
11 ing “either of the Secretaries, if
12 feasible and only if necessary”;
13 and

14 (bb) by striking the period
15 at the end and inserting a semi-
16 colon; and

17 (V) by adding at the end the fol-
18 lowing:

19 “(D) the equipment the volunteers are au-
20 thorized to use;

21 “(E) the training the volunteers are re-
22 quired to complete;

23 “(F) the actions the volunteers are author-
24 ized to take; and

1 “(G) any other terms and conditions that
2 are determined to be necessary by the applica-
3 ble Secretary.”;

4 (7) by inserting before section 9 (as so redesign-
5 nated) the following:

6 **“SEC. 7. PROMOTION OF VOLUNTEER OPPORTUNITIES.**

7 “The Secretaries shall promote volunteer opportuni-
8 ties in areas administered by the Secretaries.

9 **“SEC. 8. LIABILITY INSURANCE.**

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

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

17 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18 “‘There are’”.

19 **SEC. 403. CAPE AND ANTLER PRESERVATION ENHANCE-**
20 **MENT.**

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

1 **SEC. 404. FEDERAL LAND AND WATER AQUATIC RESOURCE**

2 **ACTIVITIES ASSISTANCE.**

3 (a) DEFINITIONS.—In this section:

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

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

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

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

19 (A) a Reclamation State;

20 (B) an Indian Tribe in a Reclamation
21 State;

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

24 (D) a unit of local government in a Rec-
25 lamation State.

1 (5) RECLAMATION STATE.—The term “Rec-
2 lamation State” includes any of the States of—

3 (A) Alaska;

4 (B) Arizona;

5 (C) California;

6 (D) Colorado;

7 (E) Idaho;

8 (F) Kansas;

9 (G) Montana;

10 (H) Nebraska;

11 (I) Nevada;

12 (J) New Mexico;

13 (K) North Dakota;

14 (L) Oklahoma;

15 (M) Oregon;

16 (N) South Dakota;

17 (O) Texas;

18 (P) Utah;

19 (Q) Washington; and

20 (R) Wyoming.

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

23 (A) the Secretary, acting through the Di-
24 rector of the Bureau of Land Management, the

1 Commissioner of Reclamation, and the Director
2 of the National Park Service; and

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

5 (b) AUTHORITY OF BUREAU OF LAND MANAGE-
6 MENT, BUREAU OF RECLAMATION, NATIONAL PARK
7 SERVICE, AND FOREST SERVICE WITH RESPECT TO CER-
8 TAIN AQUATIC RESOURCE ACTIVITIES ON FEDERAL LAND
9 AND WATER.—

10 (1) IN GENERAL.—The Secretaries may inspect
11 and decontaminate vessels entering or leaving Fed-
12 eral land and water located within a river basin that
13 contains a Bureau of Reclamation water project.

14 (2) REQUIREMENTS.—The Secretaries shall—

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

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

23 (C) to the maximum extent practicable, in-
24 spect vessels in a manner that minimizes dis-

1 ruptions to public access for boating and recre-
2 ation in noncontaminated vessels.

3 (3) PARTNERSHIPS.—The Secretaries may
4 enter into a partnership to provide technical assist-
5 ance to a partner—

6 (A) to carry out an inspection or decon-
7 tamination of vessels; or

8 (B) to establish an inspection and decon-
9 tamination station for vessels.

10 (4) LIMITATION.—The Secretaries shall not
11 prohibit access to Federal land and water for vessels
12 under this subsection in the absence of an inspector.

13 (5) DATA SHARING.—The Secretaries shall
14 make available to a Reclamation State any data
15 gathered related to inspections carried out in the
16 Reclamation State under this subsection.

17 (c) GRANT PROGRAM FOR RECLAMATION STATES
18 FOR VESSEL INSPECTION AND DECONTAMINATION STA-
19 TIONS.—

20 (1) VESSELS INSPECTIONS IN RECLAMATION
21 STATES.—Subject to the availability of appropria-
22 tions, the Secretary, acting through the Commis-
23 sioner of Reclamation, shall establish a competitive
24 grant program to provide grants to partners to con-
25 duct inspections and decontamination of vessels op-

1 erating in reservoirs operated and maintained by the
2 Secretary, including to purchase, establish, operate,
3 or maintain a vessel inspection and decontamination
4 station.

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

8 (3) STANDARDS.—Before awarding a grant
9 under paragraph (1), the Secretary shall determine
10 that the project is technically and financially fea-
11 sible.

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

14 (A) each of the Reclamation States;

15 (B) affected Indian Tribes; and

16 (C) the Aquatic Nuisance Species Task
17 Force.

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

20 The Modernizing Access to Our Public Land Act (16
21 U.S.C. 6851 et seq.) is amended—

22 (1) in section 3(1) (16 U.S.C. 6852(1)), by
23 striking “public outdoor recreational use” and in-
24 serting “recreation sites”;

1 (2) in section 5(a)(4) (16 U.S.C. 6854(a)(4)),
2 by striking “permanently restricted or prohibited”
3 and inserting “regulated or closed”; and

4 (3) in section 6(b) (16 U.S.C. 6855(b))—

5 (A) by striking “may” and inserting
6 “shall”; and

7 (B) by striking “the Secretary of the Inte-
8 rior” and inserting “the Secretaries”.

9 **SEC. 406. OUTDOOR RECREATION LEGACY PARTNERSHIP**
10 **PROGRAM.**

11 (a) DEFINITIONS.—In this section:

12 (1) ELIGIBLE ENTITY.—The term “eligible enti-
13 ty” means an entity that represents or otherwise
14 serves a qualifying area.

15 (2) ELIGIBLE NONPROFIT ORGANIZATION.—The
16 term “eligible nonprofit organization” means an or-
17 ganization that is described in section 501(c)(3) of
18 the Internal Revenue Code of 1986 and is exempt
19 from taxation under section 501(a) of such code.

20 (3) ENTITY.—The term “entity” means—

21 (A) a State;

22 (B) a political subdivision of a State, in-
23 cluding—

24 (i) a city;

25 (ii) a county; and

1 (iii) a special purpose district that
2 manages open space, including a park dis-
3 trict; and

4 (C) an Indian Tribe, urban Indian organi-
5 zation, or Alaska Native or Native Hawaiian
6 community or organization.

7 (4) LOW-INCOME COMMUNITY.—The term “low-
8 income community” means any census block group
9 in which 30 percent or more of the population are
10 individuals with an annual household income equal
11 to, or less than, the greater of—

12 (A) an amount equal to 80 percent of the
13 median income of the area in which the house-
14 hold is located, as reported by the Department
15 of Housing and Urban Development; and

16 (B) an amount equal to 200 percent of the
17 Federal poverty line.

18 (5) OUTDOOR RECREATION LEGACY PARTNER-
19 SHIP PROGRAM.—The term “Outdoor Recreation
20 Legacy Partnership Program” means the program
21 established under subsection (b)(1).

22 (6) QUALIFYING AREA.—The term “qualifying
23 area” means—

1 (A) an urbanized area or urban cluster
2 that has a population of 25,000 or more in the
3 most recent census;

4 (B) 2 or more adjacent urban clusters with
5 a combined population of 25,000 or more in the
6 most recent census; or

7 (C) an area administered by an Indian
8 Tribe or an Alaska Native or Native Hawaiian
9 community organization.

10 (7) STATE.—The term “State” means each of
11 the several States, the District of Columbia, and
12 each territory of the United States.

13 (b) GRANTS AUTHORIZED.—

14 (1) ESTABLISHMENT OF PROGRAM.—

15 (A) IN GENERAL.—The Secretary shall es-
16 tablish an outdoor recreation legacy partnership
17 program under which the Secretary may award
18 grants to eligible entities for projects—

19 (i) to acquire land and water for
20 parks and other outdoor recreation pur-
21 poses in qualifying areas; and

22 (ii) to develop new or renovate exist-
23 ing outdoor recreation facilities that pro-
24 vide outdoor recreation opportunities to the
25 public in qualifying areas.

1 (B) PRIORITY.—In awarding grants to eli-
2 gible entities under subparagraph (A), the Sec-
3 retary shall give priority to projects that—

4 (i) create or significantly enhance ac-
5 cess to park and recreational opportunities
6 in an urban neighborhood or community;

7 (ii) engage and empower underserved
8 communities and youth;

9 (iii) provide employment or job train-
10 ing opportunities for youth or underserved
11 communities;

12 (iv) establish or expand public-private
13 partnerships, with a focus on leveraging re-
14 sources; and

15 (v) take advantage of coordination
16 among various levels of government.

17 (2) MATCHING REQUIREMENT.—

18 (A) IN GENERAL.—As a condition of re-
19 ceiving a grant under paragraph (1), an eligible
20 entity shall provide matching funds in the form
21 of cash or an in-kind contribution in an amount
22 equal to not less than 100 percent of the
23 amounts made available under the grant.

24 (B) WAIVER.—The Secretary may waive
25 all or part of the matching requirement under

1 subparagraph (A) if the Secretary determines
2 that—

3 (i) no reasonable means are available
4 through which the eligible entity can meet
5 the matching requirement; and

6 (ii) the probable benefit of the project
7 outweighs the public interest in the match-
8 ing requirement.

9 (C) ADMINISTRATIVE EXPENSES.—Not
10 more than 10 percent of funds provided to an
11 eligible entity under a grant awarded under
12 paragraph (1) may be used for administrative
13 expenses.

14 (3) CONSIDERATIONS.—In awarding grants to
15 eligible entities under paragraph (1), the Secretary
16 shall consider the extent to which a project would—

17 (A) provide recreation opportunities in un-
18 derserved communities in which access to parks
19 is not adequate to meet local needs;

20 (B) provide opportunities for outdoor
21 recreation and public land volunteerism;

22 (C) support innovative or cost-effective
23 ways to enhance parks and other recreation—

24 (i) opportunities; or

25 (ii) delivery of services;

1 (D) support park and recreation program-
2 ming provided by cities, including cooperative
3 agreements with community-based eligible non-
4 profit organizations;

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

7 (F) provide benefits such as community re-
8 siliance, reduction of urban heat islands, en-
9 hanced water or air quality, or habitat for fish
10 or wildlife.

11 (4) ELIGIBLE USES.—

12 (A) IN GENERAL.—Subject to subpara-
13 graph (B), a grant recipient may use a grant
14 awarded under paragraph (1) for a project de-
15 scribed in subparagraph (A) or (B) of that
16 paragraph.

17 (B) LIMITATIONS ON USE.—A grant recipi-
18 ent may not use grant funds for—

19 (i) incidental costs related to land ac-
20 quisition, including appraisal and titling;

21 (ii) operation and maintenance activi-
22 ties;

23 (iii) facilities that support
24 semiprofessional or professional athletics;

1 (iv) indoor facilities, such as recre-
2 ation centers or facilities that support pri-
3 marily non-outdoor purposes; or

4 (v) acquisition of land or interests in
5 land that restrict access to specific per-
6 sons.

7 (c) REVIEW AND EVALUATION REQUIREMENTS.—In
8 carrying out the Outdoor Recreation Legacy Partnership
9 Program, the Secretary shall—

10 (1) conduct an initial screening and technical
11 review of applications received;

12 (2) evaluate and score all qualifying applica-
13 tions; and

14 (3) provide culturally and linguistically appro-
15 priate information to eligible entities (including low-
16 income communities and eligible entities serving low-
17 income communities) on—

18 (A) the opportunity to apply for grants
19 under this section;

20 (B) the application procedures by which el-
21 igible entities may apply for grants under this
22 section; and

23 (C) eligible uses for grants under this sec-
24 tion.

25 (d) REPORTING.—

1 (1) ANNUAL REPORTS.—Not later than 30 days
2 after the last day of each report period, each State
3 lead agency that receives a grant under this section
4 shall annually submit to the Secretary performance
5 and financial reports that—

6 (A) summarize project activities conducted
7 during the report period; and

8 (B) provide the status of the project.

9 (2) FINAL REPORTS.—Not later than 90 days
10 after the earlier of the date of expiration of a project
11 period or the completion of a project, each State
12 lead agency that receives a grant under this section
13 shall submit to the Secretary a final report con-
14 taining such information as the Secretary may re-
15 quire.

16 **SEC. 407. RECREATION BUDGET CROSSCUT.**

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

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