

118TH CONGRESS  
1ST SESSION

# S. 390

To require the Secretary of Agriculture and the Secretary of the Interior to carry out certain activities to enhance recreational opportunities for gateway communities, to amend the Federal Lands Recreation Enhancement Act to provide for the establishment of a digital National Parks and Federal Recreational Lands Pass, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2023

Mr. DAINES (for himself and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To require the Secretary of Agriculture and the Secretary of the Interior to carry out certain activities to enhance recreational opportunities for gateway communities, to amend the Federal Lands Recreation Enhancement Act to provide for the establishment of a digital National Parks and Federal Recreational Lands Pass, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Gateway Community  
3 and Recreation Enhancement Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) FEDERAL RECREATIONAL LANDS AND  
7 WATERS.—The term “Federal recreational lands and  
8 waters” has the meaning given the term in section  
9 802 of the Federal Lands Recreation Enhancement  
10 Act (16 U.S.C. 6801).

11 (2) GATEWAY COMMUNITY.—The term “gate-  
12 way community” means a community that serves as  
13 an entry point or is adjacent to a recreation destina-  
14 tion on Federal recreational lands and waters or  
15 non-Federal land at which there is consistently high,  
16 in the determination of the Secretaries, seasonal or  
17 year-round visitation.

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

22 (4) SECRETARIES.—The term “Secretaries”  
23 means—

24 (A) the Secretary; and

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

1           (5) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3 **SEC. 3. GATEWAY COMMUNITIES.**

4           (a) ASSESSMENT OF IMPACTS AND NEEDS IN GATE-  
5 WAY COMMUNITIES.—Using existing funds available to  
6 the Secretaries, the Secretaries—

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

13                   (A) housing shortages;

14                   (B) demands on existing municipal infra-  
15 structure;

16                   (C) accommodation and management of  
17 sustainable visitation; and

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

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

1                   (ii) lesser-known recreation sites, as  
 2                   identified under section 4(b)(1)(B), on  
 3                   nearby land managed by a State agency or  
 4                   a local agency; and

5                   (2) may address a need identified under para-  
 6                   graph (1) by—

7                   (A) providing financial or technical assist-  
 8                   ance to a gateway community under an existing  
 9                   program;

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

12                  (C) issuing an entity referred to in para-  
 13                  graph (1) a special use permit (other than a  
 14                  special recreation permit), in accordance with  
 15                  applicable laws.

16                  (b) TECHNICAL AND FINANCIAL ASSISTANCE TO  
 17                  BUSINESSES.—

18                  (1) IN GENERAL.—The Secretary of Agriculture  
 19                  (acting through the Administrator of the Rural  
 20                  Business-Cooperative Service), in coordination with  
 21                  the Secretary and the Secretary of Commerce, shall  
 22                  provide to businesses in gateway communities the  
 23                  assistance described in paragraph (2) to establish,  
 24                  operate, or expand infrastructure to accommodate

1 and manage sustainable visitation, including hotels,  
2 campgrounds, and restaurants.

3 (2) ASSISTANCE.—The Secretary of Agriculture  
4 may provide assistance under paragraph (1) through  
5 the use of existing, or the establishment of new, en-  
6 trepreneur and vocational training programs, tech-  
7 nical assistance programs, low-interest business loan  
8 programs, and loan guarantee programs.

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

15 **SEC. 4. IMPROVED RECREATION VISITATION DATA.**

16 (a) CONSISTENT VISITATION DATA.—

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

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

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

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

4           (A) establish multiple categories of dif-  
5 ferent recreation activities that are reported  
6 consistently across agencies; and

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

11 (b) REAL-TIME DATA PILOT PROGRAM.—

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

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

1 (i) the unit of Federal recreational  
2 lands and waters;

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

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

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

18 (2) LOCATIONS.—

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

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

1                   (ii) 5 units of Federal recreational  
2                   lands and waters managed by the Sec-  
3                   retary of Agriculture (acting through the  
4                   Chief of the Forest Service).

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

13                  (C) FEEDBACK; SUPPORT OF GATEWAY  
14                  COMMUNITIES.—The Secretaries shall—

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

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



1                   the unit of Federal recreational lands and  
2                   waters in the Pilot Program.

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

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

10                   (1) coordinate and partner with—

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

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

15                   (C) local governments;

16                   (D) Indian Tribes;

17                   (E) trade associations;

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

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

22                   (H) other relevant stakeholders; and

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

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

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

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

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

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

17 (3) to collect—

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

21 (B) information on non-Federal land.

22 (f) REPORTS.—Not later than January 1, 2024, and  
23 annually thereafter, the Secretaries shall publish on a  
24 website of the Secretaries a report that describes the an-  
25 nual visitation of each unit of Federal recreational lands

1 and waters, including, to the maximum extent practicable,  
 2 visitation categorized by recreational activity.

3 **SEC. 5. ESTABLISHMENT OF A DIGITAL VERSION OF AMER-**  
 4 **ICA THE BEAUTIFUL—THE NATIONAL PARKS**  
 5 **AND FEDERAL RECREATIONAL LANDS**  
 6 **PASSES.**

7 Section 805(a) of the Federal Lands Recreation En-  
 8 hancement Act (16 U.S.C. 6804(a)) is amended by adding  
 9 at the end the following:

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

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

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

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