

Calendar No. 172

118TH CONGRESS
1ST SESSION**S. 873****[Report No. 118–79]**

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

JULY 26, 2023

Reported by Mr. MANCHIN, with amendments

[Omit the part struck through and insert the part printed in *italie*]**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”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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. 122. 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 camp-
 grounds, resorts, cabins, and visitor centers on Federal rec-
 reational 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 com-
munities.

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 crossover.

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.

1 (2) FEDERAL LAND MANAGEMENT AGENCY.—
2 The term “Federal land management agency” has
3 the meaning given the term in section 802 of the
4 Federal Lands Recreation Enhancement Act (16
5 U.S.C. 6801).

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

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

20 (6) SECRETARIES.—The term “Secretaries”
21 means each of—

22 (A) the Secretary; and

23 (B) the Secretary of Agriculture.

24 (7) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

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

3 (A) the Secretary, with respect to land
4 under the jurisdiction of the Secretary; or

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

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

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

17 **TITLE I—OUTDOOR RECRE-**
18 **ATION AND INFRASTRUC-**
19 **TURE**

20 **Subtitle A—Declaration of Policy**

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

22 Congress declares that it is the policy of the Federal
23 Government to foster and encourage recreation on Federal
24 recreational lands and waters, to the extent consistent
25 with the laws applicable to specific areas of Federal rec-

1 recreational lands and waters, including multiple-use man-
2 dates and land management planning requirements.

3 **Subtitle B—Public Recreation on**
4 **Federal Recreational Lands and**
5 **Waters**

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

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

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

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

13 (2) to the maximum extent practicable, makes
14 use of existing trails;

15 (3) is composed generally of a consistent type
16 of trail;

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

20 (5) may include short connections by way of a
21 road or highway.

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

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

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

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

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

19 (iii) incorporate existing applicable re-
20 search and planning decisions in carrying out
21 this section.

22 (2) CONFLICT AVOIDANCE WITH OTHER
23 USES.—Before identifying a trail or road as a long-
24 distance bike trail under paragraph (1), the Sec-
25 retary concerned shall ensure that the identification

1 of the long-distance bike trail would not conflict with
2 an existing use of the trail or road, including horse-
3 back riding or use by pack and saddle stock.

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

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

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

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

21 (a) CLIMBING GUIDANCE IN WILDERNESS.—

22 (1) IN GENERAL.—Not later than 18 months
23 after the date of enactment of this Act, the Sec-
24 retary of Agriculture shall issue guidance relating to
25 climbing management for National Forest System

1 land, including in designated wilderness areas on
2 National Forest System land, pursuant to the joint
3 explanatory statement for division G (relating to the
4 Department of the Interior, Environment, and Re-
5 lated Agencies Appropriations Act, 2021) described
6 in section 4 of the Consolidated Appropriations Act,
7 2021 (Public Law 116-260; 134 Stat. 1185), that
8 recognizes the appropriateness of the allowable ac-
9 tivities described in paragraph (2) in the designated
10 wilderness areas, if the allowable activities are ear-
11 ried out in accordance with—

12 (A) the Wilderness Act (16 U.S.C. 1131 et
13 seq.);

14 (B) other applicable laws (including regu-
15 lations); and

16 (C) any terms and conditions that are de-
17 termined to be necessary by the Secretary of
18 Agriculture.

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

21 (A) recreational climbing;

22 (B) the placement, use, and maintenance
23 of fixed anchors; and

24 (C) the use of other equipment necessary
25 for recreational climbing.

1 (b) **PUBLIC NOTICE AND COMMENT.**—Before final-
 2 izing guidance relating to climbing management under
 3 subsection (a)(1), the Secretary of Agriculture shall pro-
 4 vide to the public notice and an opportunity to comment
 5 regarding the proposed guidance.

6 **SEC. 122. CLIMBING GUIDANCE.**

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

13 (b) *APPLICABLE LAW.*—The guidance issued under
 14 subsection (a) shall ensure that recreational climbing ac-
 15 tivities comply with the laws (including regulations) appli-
 16 cable to the land under the jurisdiction of the Secretary con-
 17 cerned.

18 (c) *WILDERNESS AREAS.*—

19 (1) *IN GENERAL.*—The guidance issued under
 20 subsection (a) shall recognize that recreational climb-
 21 ing (including the placement and maintenance of
 22 fixed anchors, where necessary for safety) is an ap-
 23 propriate recreational use within a component of the
 24 National Wilderness Preservation System, if under-
 25 taken—

1 (A) *in accordance with the Wilderness Act*
2 *(16 U.S.C. 1131 et seq.) and other applicable*
3 *laws (including regulations); and*

4 (B) *subject to any terms and conditions de-*
5 *termined to be appropriate by the Secretary con-*
6 *cerned.*

7 (2) *AUTHORIZATION.—The guidance issued*
8 *under subsection (a) shall describe the requirements,*
9 *if any, for the placement and maintenance of fixed*
10 *anchors for recreational climbing in a component of*
11 *the National Wilderness Preservation System, includ-*
12 *ing any terms and conditions determined by the Sec-*
13 *retary concerned to be appropriate, which may be*
14 *issued programmatically or on a case-by-case basis.*

15 (d) *EXISTING ROUTES.—The guidance issued under*
16 *subsection (a) shall include direction providing for the con-*
17 *tinued use and maintenance of recreational climbing routes*
18 *(including fixed anchors along the routes) in existence as*
19 *of the date of enactment of this Act, in accordance with*
20 *this section, and where appropriate.*

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

1 **SEC. 123. TARGET SHOOTING RANGES.**

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

9 (b) ASSESSING, IDENTIFYING, AND ESTABLISHING
10 TARGET SHOOTING RANGE LOCATIONS.—

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

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

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

24 (C) for each National Forest and each Bu-
25 reau of Land Management district identified
26 under subparagraph (B), provides a determina-

1 tion of whether applicable law or the applicable
2 land use plan prevents the establishment of a
3 target shooting range that meets the require-
4 ments described in paragraph (3)(B).

5 (2) IDENTIFICATION OF TARGET SHOOTING
6 RANGE LOCATIONS.—

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

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

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

24 (ii) ensure that the target shooting
25 range would not adversely impact a shoot-

1 ing range operated or maintained by a
2 non-Federal entity, including a shooting
3 range located on private land; and

4 (iii) consider other nearby recreational
5 uses to minimize potential conflict.

6 (3) ESTABLISHMENT OF NEW TARGET SHOOT-
7 ING RANGES.—

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

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

21 (ii) enter into an agreement with an
22 entity described in subsection (d)(1), under
23 which the entity shall establish or maintain
24 a target shooting range that meets the re-
25 quirements described in subparagraph (B).

1 (B) REQUIREMENTS.—A target shooting
2 range established under this paragraph—

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

5 (II) may accommodate archery;

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

8 (I) significantly modified land-
9 scapes, including berms, buffer dis-
10 tances, or other public safety designs
11 or features;

12 (II) a designated firing line; and

13 (III) benches;

14 (iii) may include—

15 (I) shade structures;

16 (II) trash containers;

17 (III) restrooms; and

18 (IV) any other features that the
19 Secretary concerned determines to be
20 necessary; and

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

23 (C) RECREATION AND PUBLIC PURPOSES
24 ACT.—For purposes of subparagraph (A), the
25 Secretary concerned may consider a target

1 shooting range that is located on land trans-
2 ferred pursuant to the Act of June 14, 1926
3 (commonly known as the “Recreation and Pub-
4 lic Purposes Act”) (44 Stat. 741, chapter 578;
5 43 U.S.C. 869 et seq.), as a target shooting
6 range that meets the requirements described in
7 subparagraph (B).

8 (c) RESTRICTIONS.—

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

13 (A) the target shooting range; and

14 (B) the adjacent land and resources.

15 (2) CLOSURES.—Except in emergency situa-
16 tions for reasons of public safety, the Secretary con-
17 cerned shall seek to ensure that a target shooting
18 range that meets the requirements described in sub-
19 section (b)(3)(B), or an equivalent shooting range
20 adjacent to a National Forest or Bureau of Land
21 Management district, is available to the public prior
22 to closing Federal recreational lands and waters ad-
23 ministered by the Chief of the Forest Service or the
24 Director of the Bureau of Land Management to rec-
25 reational shooting, in accordance with section 4103

1 of the John D. Dingell, Jr. Conservation, Manage-
2 ment, and Recreation Act (16 U.S.C. 7913).

3 (d) CONSULTATIONS.—

4 (1) IN GENERAL.—In carrying out this section,
5 the Secretaries shall consult with interested parties,
6 as applicable, including—

7 (A) local and Tribal governments;

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

16 (C) State fish and wildlife agencies;

17 (D) shooting clubs;

18 (E) Federal advisory councils relating to
19 hunting and shooting sports;

20 (F) individuals or entities with authorized
21 leases or permits in an area under consideration
22 for a target shooting range;

23 (G) State and local offices of outdoor
24 recreation;

25 (H) State and local public safety agencies;

1 (I) adjacent landowners; and

2 (J) the public.

3 (2) PARTNERSHIPS.—The Secretaries may—

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

8 (B) explore opportunities to leverage fund-
9 ing to maximize non-Federal investment in the
10 construction, modification, operation, or main-
11 tenance of a target shooting range.

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

19 (f) SAVINGS CLAUSE.—Nothing in this section affects
20 the authority of the Secretary concerned to administer a
21 target shooting range that is in addition to the target
22 shooting ranges that meet the requirements described in
23 (b)(3)(B) on Federal recreational lands and waters admin-
24 istered by the Secretary concerned.

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

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

5 (a) IN GENERAL.—The Secretary and the Chief of
6 the Forest Service shall enter into an agreement with the
7 Secretary of Commerce to foster the installation or con-
8 struction of broadband internet infrastructure at devel-
9 oped recreation sites on Federal recreational lands and
10 waters to establish broadband internet connectivity—

11 (1) subject to the availability of appropriations;

12 and

13 (2) in accordance with applicable law.

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

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

23 (2) an estimate of—

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

1 (B) the annual cost to operate that infra-
2 structure; and

3 (3) a list of potential—

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

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

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

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

14 (A) geographic challenges; or

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

18 (2) that are located in an economically dis-
19 tressed county that could benefit significantly from
20 developing the outdoor recreation economy of the
21 county.

1 **SEC. 132. EXTENSION OF SEASONAL RECREATION OPPOR-**
2 **TUNITIES.**

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

6 (1) a unit of Federal recreational lands and
7 waters, or a portion of a unit of Federal recreational
8 lands and waters, is closed to the public for a con-
9 tinuous period of not less than 30 days, excluding
10 temporary closures relating to wildlife conservation
11 or public safety; and

12 (2) permitted or allowable recreational activi-
13 ties, which provide an economic benefit, including
14 off-season or winter-season tourism, are not taking
15 place at—

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

18 (B) a portion of a unit of Federal rec-
19 reational lands and waters.

20 (b) COORDINATION.—The Secretaries shall consult
21 and coordinate with multiple outdoor recreation-related
22 businesses operating on or adjacent to a unit of Federal
23 recreational lands and waters, State offices of outdoor
24 recreation, local destination marketing organizations, ap-
25 plicable trade organizations, nonprofit organizations, In-

1 dian Tribes, local governments, and institutions of higher
2 education—

3 (1) to better understand trends with respect to
4 visitors to the unit of Federal recreational lands and
5 waters;

6 (2) to solicit input from, and provide informa-
7 tion for, outdoor recreation marketing campaigns;
8 and

9 (3) to better understand—

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

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

21 (c) AVAILABILITY OF INFRASTRUCTURE.—

22 (1) IN GENERAL.—The Secretaries shall make
23 efforts to make infrastructure available to accommo-
24 date increased visitation to units of Federal rec-
25 reational lands and waters during periods that are

1 at or before the beginning or at or after the end of
2 traditional seasonal closures—

3 (A) to extend the outdoor recreation sea-
4 son and the duration of income to gateway com-
5 munities; and

6 (B) to provide more opportunities to visit
7 resources on units of Federal recreational lands
8 and waters to reduce crowding during peak sea-
9 sons.

10 (2) INCLUSIONS.—Efforts described in para-
11 graph (1) may include—

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

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

16 (d) AGREEMENTS.—

17 (1) IN GENERAL.—The Secretaries may enter
18 into agreements with businesses, local governments,
19 or other entities to share the cost of additional ex-
20 penses necessary to extend the period of time during
21 which an area of, or infrastructure on, a unit of
22 Federal recreational lands and waters is made open
23 to the public.

24 (2) IN-KIND CONTRIBUTIONS.—The Secretaries
25 may accept in-kind contributions of goods and serv-

1 ices provided by businesses, local governments, or
2 other entities for purposes of paragraph (1).

3 **SEC. 133. GATEWAY COMMUNITIES.**

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

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

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

20 (A) housing shortages;

21 (B) demands on existing municipal infra-
22 structure;

23 (C) accommodation and management of
24 sustainable visitation; and

1 (D) the expansion and diversification of
2 visitor opportunities by bolstering the visitation
3 at—

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

7 (ii) lesser-known recreation sites, as
8 identified under section 144(b)(1)(B), on
9 nearby land managed by a State agency or
10 a local agency; and

11 (2) may address a need identified under para-
12 graph (1) by—

13 (A) providing financial or technical assist-
14 ance to a gateway community under an existing
15 program;

16 (B) issuing a lease, right-of-way, or ease-
17 ment, in accordance with applicable laws; or

18 (C) issuing an entity referred to in para-
19 graph (1) a special use permit (other than a
20 special recreation permit), in accordance with
21 applicable laws.

22 (c) TECHNICAL AND FINANCIAL ASSISTANCE TO
23 BUSINESSES.—The Secretary of Agriculture (acting
24 through the Administrator of the Rural Business-Coopera-
25 tive Service) and the Secretary of Commerce shall provide

1 information on applicable agency resources and programs
2 available to provide financing, technical assistance, and
3 other services in gateway communities to support eco-
4 nomic opportunities through tourism, including support
5 for the food service and accommodations sectors with an
6 emphasis on new and diversifying businesses.

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

13 **SEC. 134. PARKING OPPORTUNITIES FOR FEDERAL REC-**
14 **REATIONAL LANDS AND WATERS.**

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

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

20 (2) in a manner that minimizes any increase in
21 maintenance obligations on Federal recreational
22 lands and waters; and

23 (3) in a manner that does not impact wildlife
24 habitat that is critical to the mission of a Federal

1 agency responsible for managing Federal rec-
2 reational lands and waters.

3 (b) AUTHORITY.—To supplement the quantity of
4 parking spaces available at units of Federal recreational
5 lands and waters on the date of enactment of this Act,
6 the Secretaries may—

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

9 (2) lease non-Federal land for parking opportu-
10 nities; or

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

13 **SEC. 135. TRAVEL MANAGEMENT.**

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

19 (1) for each district administered by the Direc-
20 tor of the Bureau of Land Management, a ground
21 transportation linear feature authorized for public
22 use or administrative use; and

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

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

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

20 (d) MOTORIZED AND NONMOTORIZED ACCESS.—The
21 Secretaries shall seek to create additional opportunities,
22 as appropriate, for motorized and nonmotorized access
23 and opportunities on Federal recreational lands and
24 waters administered by the Chief of the Forest Service or
25 the Director of the Bureau of Land Management.

1 (e) *SAVINGS CLAUSE.*—*Nothing in this section pro-*
 2 *hibits a lawful use, including a motorized or nonmotorized*
 3 *use, on Federal recreational lands and waters administered*
 4 *by the Chief of the Forest Service or the Director of the Bu-*
 5 *reau of Land Management, if the Secretary concerned fails*
 6 *to meet a timeline established under this section.*

7 **SEC. 136. PUBLIC-PRIVATE PARTNERSHIPS TO MODERNIZE**
 8 **FEDERALLY OWNED CAMPGROUNDS, RE-**
 9 **SORTS, CABINS, AND VISITOR CENTERS ON**
 10 **FEDERAL RECREATIONAL LANDS AND**
 11 **WATERS.**

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

13 (1) **COVERED ACTIVITY.**—The term “covered
 14 activity” means—

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

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

22 (2) **COVERED RECREATION FACILITY.**—The
 23 term “covered recreation facility” means a federally
 24 owned campground, resort, cabin, or visitor center
 25 that is—

1 (A) in existence on the date of enactment
2 of this Act; and

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

5 (i) the Chief of the Forest Service; or

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

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

10 (A) a unit of State, Tribal, or local govern-
11 ment;

12 (B) a nonprofit organization; and

13 (C) a private entity.

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

24 (c) MINIMUM NUMBER OF AGREEMENTS OR LAND
25 USE AUTHORIZATIONS.—Not later than 3 years after the

1 date of enactment of this Act, the Secretary concerned,
2 with the consent of each affected holder of an authoriza-
3 tion to be a concessionaire for a covered recreation facility,
4 if applicable, shall enter into at least 1 agreement or land
5 use authorization under subsection (b) in—

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

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

13 (d) REQUIREMENTS.—

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

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

23 (B) describes annual maintenance spend-
24 ing for each year of the agreement or land use
25 authorization; and

1 (C) includes any other terms and condi-
2 tions determined to be necessary or appropriate
3 by the Secretary concerned.

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

7 (A) be for a term of not more than 30
8 years, commensurate with the level of invest-
9 ment;

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

1 (C) require the eligible entity to operate
2 and maintain the covered recreation facility and
3 any associated infrastructure designated by the
4 Secretary concerned in a manner acceptable to
5 the Secretary concerned and the eligible entity;

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

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

18 (i) consistent with—

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

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

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

17 (F) include provisions stating that—

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

23 (ii) all structures and other improve-
24 ments constructed, reconstructed, or non-
25 routinely maintained by that entity under

1 the agreement or land use authorization on
2 land owned by the United States shall be
3 the property of the United States; and

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

10 (G) be subject to any other terms and con-
11 ditions determined to be necessary or appro-
12 priate by the Secretary concerned.

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

21 **SEC. 137. FOREST SERVICE PAY-FOR-PERFORMANCE**
22 **PROJECTS.**

23 (a) DEFINITIONS.—In this section:

24 (1) INDEPENDENT EVALUATOR.—The term
25 “independent evaluator” means an individual or en-

1 tity, including an institution of higher education,
 2 that is selected by the pay-for-performance bene-
 3 ficiary and pay-for-performance investor, as applica-
 4 ble, or by the pay-for-performance project developer,
 5 in consultation with the Secretary of Agriculture, to
 6 make the determinations and prepare the reports re-
 7 quired under subsection (e).

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

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

19 (A) with a term of—

20 (i) not less than 1 year; and

21 (ii) not more than 20 years; and

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

24 (i) the Secretary of Agriculture; and

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

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

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

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

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

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

20 (6) PAY-FOR-PERFORMANCE PROJECT.—The
21 term “pay-for-performance project” means a project
22 that—

23 (A) would provide or enhance a rec-
24 reational opportunity;

25 (B) is conducted on—

1 (i) National Forest System land; or
2 (ii) other land, if the activities would
3 benefit National Forest System land (in-
4 cluding a recreational use of National For-
5 est System land); and

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

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

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

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

1 oping or implementing a pay-for-performance agree-
2 ment or a pay-for-performance project.

3 (8) PROJECT OUTCOME.—The term “project
4 outcome” means a measurable, beneficial result
5 (whether economic, environmental, or social) that is
6 attributable to a pay-for-performance project and de-
7 scribed in a pay-for-performance agreement.

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

12 (c) PAY-FOR-PERFORMANCE PROJECTS.—

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

17 (A) the Secretary of Agriculture; or

18 (B) a pay-for-performance project devel-
19 oper or a third party, subject to the conditions
20 that—

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

1 (ii) the implementation is in accord-
2 ance with applicable law.

3 (2) RELATION TO LAND MANAGEMENT
4 PLANS.—A pay-for-performance project carried out
5 under this section shall be consistent with any appli-
6 cable land management plan developed under section
7 6 of the Forest and Rangeland Renewable Resources
8 Planning Act of 1974 (16 U.S.C. 1604).

9 (3) OWNERSHIP.—

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

14 (B) EXISTING IMPROVEMENTS.—Investing
15 in, conducting, or completing a pay-for-perform-
16 ance project on National Forest System land
17 shall not affect the title of the United States
18 to—

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

22 (ii) the underlying land.

23 (4) SAVINGS CLAUSE.—The carrying out of any
24 action for a pay-for-performance project does not

1 provide any right to any party to a pay-for-perform-
2 ance agreement.

3 (5) POTENTIAL CONFLICTS.—Before approving
4 a pay-for-performance project under this section, the
5 Secretary of Agriculture shall consider and seek to
6 avoid potential conflicts (including economic com-
7 petition) with any existing written authorized use.

8 (d) PROJECT AGREEMENTS.—

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

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

25 (3) FINANCING.—

1 (A) IN GENERAL.—A pay-for-performance
2 agreement shall specify the amounts that a pay-
3 for-performance beneficiary or a pay-for-per-
4 formance project developer agrees to pay to a
5 pay-for-performance investor or a pay-for-per-
6 formance project developer, as appropriate, in
7 the event of an independent evaluator deter-
8 mining pursuant to subsection (e) the degree to
9 which a project outcome has been achieved.

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

12 (i) based on—

13 (I) the respective contributions of
14 the parties under the pay-for-perform-
15 ance agreement; and

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

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

21 (II) a percentage of the estimated cost
22 savings to the pay-for-performance bene-
23 ficiary or the Secretary of Agriculture de-
24 rived from a project outcome;

1 (III) a percentage of the enhanced
2 revenue to the pay-for-performance bene-
3 ficiary or the Secretary of Agriculture de-
4 rived from a project outcome; or

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

7 (C) FOREST SERVICE FINANCIAL ASSIST-
8 ANCE.—Subject to the availability of appropria-
9 tions, the Secretary of Agriculture may only
10 contribute funding for a pay-for-performance
11 project if—

12 (i) the Secretary of Agriculture dem-
13 onstrates that—

14 (I) the pay-for-performance
15 project will provide a cost savings to
16 the United States; or

17 (II) the funding would accelerate
18 the pace of implementation of an ac-
19 tivity previously planned to be com-
20 pleted by the Secretary of Agriculture;
21 and

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

1 (D) SPECIAL ACCOUNT.—Any funds re-
2 ceived by the Secretary of Agriculture under
3 subsection (c)(1)—

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

7 (ii) shall remain available until ex-
8 pended and without further appropriation.

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

12 (A) include a plan for maintaining any
13 capital improvement constructed as part of a
14 pay-for-performance project after the date on
15 which the pay-for-performance project is com-
16 pleted; and

17 (B) specify the party that will be respon-
18 sible for decommissioning the improvements as-
19 sociated with the pay-for-performance project—

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

22 (ii) if the improvements no longer
23 serve the purpose for which the improve-
24 ments were developed; or

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

3 (5) TERMINATION OF PAY-FOR-PERFORMANCE
4 PROJECT AGREEMENTS.—The Secretary of Agri-
5 culture may unilaterally terminate a pay-for-per-
6 formance agreement, in whole or in part, for any
7 program year beginning after the program year dur-
8 ing which the Secretary of Agriculture provides to
9 each party to the pay-for-performance agreement a
10 notice of the termination.

11 (e) INDEPENDENT EVALUATIONS.—

12 (1) PROGRESS REPORTS.—An independent eval-
13 uator shall submit to the Secretary of Agriculture
14 and each party to the applicable pay-for-performance
15 agreement—

16 (A) by not later than 2 years after the
17 date on which the pay-for-performance agree-
18 ment is executed, and at least once every 2
19 years thereafter, a written report that summa-
20 rizes the progress that has been made in achiev-
21 ing each project outcome; and

22 (B) before the first scheduled date for a
23 payment described in subsection (d)(3)(A), and
24 each subsequent date for payment, a written re-
25 port that—

1 (i) summarizes the results of the eval-
2 uation conducted by the independent eval-
3 uator to determine whether a payment
4 should be made pursuant to the pay-for-
5 performance agreement; and

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

8 (2) FINAL REPORTS.—Not later than 180 days
9 after the date on which a pay-for-performance
10 project is completed, the independent evaluator shall
11 submit to the Secretary of Agriculture and each
12 party to the pay-for-performance agreement a writ-
13 ten report that includes, with respect to the period
14 covered by the report—

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

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

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

24 (f) ADDITIONAL FOREST SERVICE-PROVIDED AS-
25 SISTANCE.—

1 (1) TECHNICAL ASSISTANCE.—The Secretary of
2 Agriculture may provide technical assistance to fa-
3 cilitate pay-for-performance project development,
4 such as planning, permitting, site preparation, and
5 design work.

6 (2) CONSULTANTS.—Subject to the availability
7 of appropriations, the Secretary of Agriculture may
8 hire a contractor—

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

11 (B) to assist in the development, imple-
12 mentation, or evaluation of a proposed pay-for-
13 performance project or a pay-for-performance
14 agreement; or

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

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

24 (h) DURATION OF PILOT PROGRAM.—

1 (1) SUNSET.—The authority to enter into a
2 pay-for-performance agreement under this section
3 terminates on September 30, 2033.

4 (2) SAVINGS CLAUSE.—Nothing in paragraph
5 (1) affects any pay-for-performance project agree-
6 ment entered into by the Secretary of Agriculture
7 under this section before the date described in that
8 paragraph.

9 **Subtitle D—Engagement**

10 **SEC. 141. IDENTIFYING OPPORTUNITIES FOR RECREATION.**

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

13 (1) a land use plan prepared by the Secretary
14 pursuant to section 202 of the Federal Land Policy
15 and Management Act of 1976 (43 U.S.C. 1712);
16 and

17 (2) a land management plan prepared by the
18 Forest Service for a unit of the National Forest
19 Service pursuant to section 6 of the Forest and
20 Rangeland Renewable Resources Planning Act of
21 1974 (16 U.S.C. 1604).

22 (b) INVENTORY AND ASSESSMENTS.—

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

1 (A) conduct a single inventory and assess-
2 ment of recreation resources for Federal rec-
3 reational lands and waters; and

4 (B) publish the inventory and assessment
5 conducted under subparagraph (A) for public
6 comment.

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

10 (A) any unique recreation values and
11 recreation opportunities; and

12 (B) areas of concentrated recreational use.

13 (3) INVENTORY.—The inventory conducted
14 under paragraph (1) shall—

15 (A) identify, list, and map recreation re-
16 sources by—

17 (i) type of recreation opportunity and
18 type of natural or artificial recreation in-
19 frastructure;

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

23 (iii) location; and

24 (B) identify, to the extent practicable, any
25 trend relating to recreation opportunities or use

1 at a recreation resource identified under sub-
2 paragraph (A).

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

6 (A) the level of demand for the recreation
7 resource;

8 (B) the maintenance needs of, and ex-
9 penses necessary to administer, the recreation
10 resource;

11 (C) the benefits of current and projected
12 future recreation use, including to the local
13 economy;

14 (D) the capacity of the recreation resource
15 to meet the demand described in subparagraph
16 (A), including the relationship of current and
17 projected future recreation use on—

18 (i) natural, cultural, and other re-
19 sources;

20 (ii) other authorized uses and activi-
21 ties on the Federal recreational lands and
22 waters subject to the applicable land use
23 plan; and

24 (iii) existing infrastructure;

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

3 (F) technological developments and innova-
4 tion that affects recreation use; and

5 (G) the adequacy of the current manage-
6 ment of the recreation resource.

7 (c) FUTURE RECREATION NEEDS AND MANAGE-
8 MENT.—

9 (1) FUTURE NEEDS.—Based on the inventory
10 and assessment conducted under subsection (b)(1),
11 the Secretary concerned shall—

12 (A) estimate future recreation needs
13 through a collaborative process;

14 (B) identify underutilized locations that
15 are suitable for developing, expanding, or en-
16 hancing recreation use; and

17 (C) select additional high-value recreation
18 resources at which to encourage recreation use,
19 consistent with the applicable land use plan.

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

23 (A) The future recreation needs estimated
24 under paragraph (1)(A).

1 (B) The maintenance needs of, and the ex-
2 penses necessary to administer, the high-value
3 recreation resource.

4 (C) The presence of partner organizations
5 prepared to assist in the stewardship of the
6 high-value recreation resource.

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

9 (E) The impacts of recreation use on—

10 (i) natural, cultural, or other re-
11 sources;

12 (ii) other authorized uses and activi-
13 ties on the Federal recreational lands and
14 waters subject to any applicable land use
15 plan; and

16 (iii) adjacent landowners.

17 (3) MANAGEMENT.—The Secretary concerned
18 shall—

19 (A) seek input from the public, including
20 adjacent landowners and individuals or entities
21 with existing land use authorizations, with re-
22 spect to the management of any high-value
23 recreation resource identified under paragraph
24 (1)(C);

1 (B) maintain or enhance the recreation
2 values and encourage recreation use of the
3 high-value recreation resource identified, sub-
4 ject to the availability of appropriations and
5 consistent with any applicable multiple-use
6 mandates; and

7 (C) manage a high-value recreation re-
8 source under this paragraph in a manner that
9 is consistent with applicable law.

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

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

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

17 (2) by redesignating subsections (e), (f), (g),
18 (h), and (i) as subsections (d), (e), (f), (g), and (h),
19 respectively.

20 **SEC. 142. FEDERAL INTERAGENCY COUNCIL ON OUTDOOR**
21 **RECREATION.**

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

1 **“§ 200104. Federal Interagency Council on Outdoor**
2 **Recreation**

3 “(a) DEFINITIONS.—In this section:

4 “(1) COUNCIL.—The term ‘Council’ means the
5 Federal Interagency Council on Outdoor Recreation
6 established under subsection (b).

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

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

15 “(c) COMPOSITION.—

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

20 “(A) The National Park Service.

21 “(B) The Bureau of Land Management.

22 “(C) The United States Fish and Wildlife
23 Service.

24 “(D) The Bureau of Indian Affairs.

25 “(E) The Bureau of Reclamation.

26 “(F) The Forest Service.

1 “(G) The Corps of Engineers.

2 “(H) The National Oceanic and Atmos-
3 pheric Administration.

4 “(2) ADDITIONAL PARTICIPANTS.—In addition
5 to the members described in paragraph (1), the Sec-
6 retary may invite participation in the meetings or
7 other activities of the Council from among the fol-
8 lowing:

9 “(A) The Council on Environmental Qual-
10 ity.

11 “(B) The Natural Resources Conservation
12 Service.

13 “(C) Rural development programs of the
14 Department of Agriculture.

15 “(D) The Economic Development Adminis-
16 tration.

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

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

21 “(G) The Environmental Protection Agen-
22 cy.

23 “(H) The Department of Transportation.

24 “(I) The Tennessee Valley Authority.

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

3 “(K) The National Marine Fisheries Serv-
4 ice.

5 “(L) The Federal Energy Regulatory Com-
6 mission.

7 “(M) The Federal Highway Administra-
8 tion.

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

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

12 “(3) STATE COORDINATION.—In determining
13 additional participants under paragraph (2), the
14 Secretary shall seek to ensure that not fewer than
15 1 State is invited to participate in each meeting or
16 other activity of the Council.

17 “(4) LEADERSHIP.—The leadership of the
18 Council shall rotate annually among the members of
19 the Council described in paragraph (1), or as other-
20 wise determined by the Secretary, in consultation
21 with the Secretary of Agriculture, the Secretary of
22 Commerce, and the Secretary of Defense.

23 “(5) FUNDING.—Notwithstanding section 708
24 of division E of the Consolidated Appropriations Act,
25 2023 (Public Law 117–328), the members of the

1 Council described in paragraph (1) may enter into
2 agreements to share the management and oper-
3 ational costs of the Council.

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

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

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

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

19 “(4) the expenditure of funds relating to out-
20 door recreation on Federal recreational lands and
21 waters, including funds made available under section
22 40804(b)(7) of the Infrastructure Investment and
23 Jobs Act (16 U.S.C. 6592a(b)(7));

1 “(5) the adoption and expansion of emerging
2 technologies on Federal recreational lands and
3 waters;

4 “(6) research activities, including quantifying
5 the economic impacts of recreation;

6 “(7) dissemination to the public of outdoor
7 recreation-related information (including information
8 relating to opportunities, reservations, accessibility,
9 and closures), in a manner that ensures the recre-
10 ation-related information is easily accessible with
11 modern communication devices;

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

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

16 “(A) to promote outdoor recreation;

17 “(B) to facilitate collaborative management
18 of outdoor recreation; and

19 “(C) to provide additional resources relat-
20 ing to enhancing outdoor recreation opportuni-
21 ties.

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

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

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

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

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

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

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

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

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

19 (a) CONSISTENT VISITATION DATA.—

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

24 (A) each unit of Federal recreational lands
 25 and waters; and

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

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

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

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

13 (b) REAL-TIME DATA PILOT PROGRAM.—

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

23 (A) real-time or predictive data on visita-
24 tion (including data and resources publicly

1 available from existing nongovernmental plat-
2 form) at—

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

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

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

13 (B) through multiple media platforms, in-
14 formation about lesser-known, suitable recre-
15 ation sites located near the unit of Federal rec-
16 reational lands and waters (including recreation
17 sites managed by any other Federal agency, a
18 State agency, or a local agency), in an effort to
19 encourage visitation among recreational sites.

20 (2) LOCATIONS.—

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

1 (i) 15 units of Federal recreational
2 lands and waters managed by the Sec-
3 retary; and

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

8 (B) EXPANSION.—Subject to paragraph
9 (4), not later than 5 years after the date of en-
10 actment of this Act, the Secretaries shall ex-
11 pand the Pilot Program by selecting 80 addi-
12 tional units of Federal recreational lands and
13 waters managed by the Secretaries for partici-
14 pation in the Pilot Program, not fewer than 50
15 of which shall be units managed by the Sec-
16 retary.

17 (C) FEEDBACK; SUPPORT OF GATEWAY
18 COMMUNITIES.—The Secretaries shall—

19 (i) solicit feedback regarding partici-
20 pation in the Pilot Program from commu-
21 nities adjacent to units of Federal rec-
22 reational lands and waters and the public;
23 and

24 (ii) in carrying out subparagraphs (A)
25 and (B), select a unit of Federal recreation

1 lands and waters to participate in the Pilot
2 Program only if the Secretaries determine
3 that the communities adjacent to the unit
4 of Federal recreational lands and waters
5 support the participation.

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

10 (4) REPORT ON BEST PRACTICES.—Before ex-
11 panding the Pilot Program under paragraph (2)(B),
12 the Secretaries shall submit to the Committee on
13 Energy and Natural Resources of the Senate and
14 the Committee on Natural Resources of the House
15 of Representatives a report describing best practices
16 for the Pilot Program.

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

20 (1) coordinate and partner with—

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

23 (B) State and local outdoor recreation and
24 tourism offices;

25 (C) local governments;

1 (D) Indian Tribes;

2 (E) trade associations;

3 (F) local outdoor recreation marketing or-
4 ganizations;

5 (G) permitted facilitated recreation pro-
6 viders; or

7 (H) other relevant stakeholders; and

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

11 (A) technology companies;

12 (B) geospatial data companies;

13 (C) experts in data science, analytics, and
14 operations research; or

15 (D) data companies.

16 (d) EXISTING PROGRAMS.—The Secretaries may use
17 existing programs or products of the Secretaries to carry
18 out this section.

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

21 (1) to monitor or record the identity or move-
22 ments of a visitor to a unit of Federal recreational
23 lands and waters;

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

4 (3) to collect—

5 (A) information from owners of land adja-
6 cent to a unit of Federal recreational lands and
7 waters; or

8 (B) information on non-Federal land.

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

15 **SEC. 145. MONITORING FOR IMPROVED RECREATION DECI-**
16 **SION MAKING.**

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

20 (b) PILOT PROTOCOLS.—Not later than 1 year after
21 the date of enactment of this Act, and after public notice
22 and comment, the Secretaries shall establish pilot proto-
23 cols at not fewer than 10 land management units under
24 the jurisdiction of each of the Secretaries to model recre-
25 ation use patterns (including low-use recreation activities

1 and dispersed recreation activities) that may not be effec-
2 tively measured by existing general and opportunistic sur-
3 vey and monitoring protocols.

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

5 The Secretaries are encouraged to work with the Sec-
6 retary of Defense and the Secretary of Veterans Affairs
7 to ensure servicemembers and veterans have access to out-
8 door recreation and outdoor-related volunteer and wellness
9 programs as a part of the basic services provided to
10 servicemembers and veterans.

11 **SEC. 147. INCREASING YOUTH RECREATION VISITS TO FED-**
12 **ERAL LAND.**

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

19 (b) REQUIREMENTS.—A strategy developed under
20 subsection (a)—

21 (1) shall—

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

1 (B) establish objectives and quantifiable
2 targets for increasing youth recreation visits;
3 and

4 (C) provide the anticipated costs to achieve
5 the objectives and meet the targets established
6 under subparagraph (B); and

7 (2) shall not establish any preference between
8 similar recreation facilitated by noncommercial or
9 commercial entities.

10 (c) AGREEMENTS.—The Secretaries may enter into
11 contracts or cost-share agreements (including contracts or
12 agreements for the acquisition of vehicles) to carry out
13 this section.

14 **TITLE II—AMENDMENTS TO THE**
15 **FEDERAL LANDS RECRE-**
16 **ATION ENHANCEMENT ACT**

17 **SEC. 201. SHORT TITLE.**

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

21 **“SEC. 801. SHORT TITLE.**

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

1 **SEC. 202. DEFINITIONS.**

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

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

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

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

10 (4) in paragraph (6), by striking “section
11 5(a)(7)” and inserting “section 805(a)(7)”;

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

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

16 (7) in paragraph (13), by striking “section
17 3(h)” and inserting “section 803(h)(2)”;

18 (8) by redesignating paragraphs (1), (3), (4),
19 (5), (6), (7), (8), (9), (10), (11), and (13) as para-
20 graphs (15), (1), (3), (4), (5), (6), (7), (8), (11),
21 (10), and (14), respectively, and moving the para-
22 graphs so as to appear in numerical order;

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

25 “(9) RECREATION SERVICE PROVIDER.—The
26 term ‘recreation service provider’ means a person

1 that provides recreational services to the public
2 under a special recreation permit under clause (iii)
3 or (iv) of paragraph (13)(A).”; and

4 (10) by inserting after paragraph (12) the fol-
5 lowing:

6 “(13) SPECIAL RECREATION PERMIT.—

7 “(A) IN GENERAL.—The term ‘special
8 recreation permit’ means a permit issued by a
9 Federal land management agency for the use of
10 Federal recreational lands and waters—

11 “(i) for a specialized recreational use
12 not described in clause (ii), (iii), or (iv),
13 such as—

14 “(I) an organizational camp;

15 “(II) a single event that does not
16 require an entry or participation fee
17 that is not strictly a sharing of ex-
18 penses for the purposes of the event;
19 and

20 “(III) participation by the public
21 in a recreation activity or recreation
22 use of a specific area of Federal rec-
23 reational lands and waters in which
24 use by the public is allocated;

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

3 “(iii) for—

4 “(I) at the discretion of the Sec-
5 retary, a single organized group recre-
6 ation activity or event (including an
7 activity or event in which motorized
8 recreational vehicles are used or in
9 which outfitting and guiding services
10 are used) that—

11 “(aa) is a structured or
12 scheduled event or activity;

13 “(bb) is not competitive and
14 is for fewer than 75 participants;

15 “(cc) may charge an entry
16 or participation fee;

17 “(dd) involves fewer than
18 200 visitor-use days; and

19 “(ee) is undertaken or pro-
20 vided by the recreation service
21 provider at the same site not
22 more frequently than 3 times a
23 year;

24 “(II) a single competitive event;

25 or

1 “(III) at the discretion of the
2 Secretary, a recurring organized
3 group recreation activity (including an
4 outfitting and guiding activity) that—

5 “(aa) is a structured or
6 scheduled activity;

7 “(bb) is not competitive;

8 “(cc) may charge a partici-
9 pation fee;

10 “(dd) occurs in a group size
11 of fewer than 7 participants;

12 “(ee) involves fewer than 40
13 visitor-use days; and

14 “(ff) is undertaken or pro-
15 vided by the recreation service
16 provider for a term of not more
17 than 180 days; or

18 “(iv) for—

19 “(I) a recurring outfitting, guid-
20 ing, or, at the discretion of the Sec-
21 retary, other recreation service, the
22 authorization for which is for a term
23 of not more than 10 years; or

24 “(II) a recurring outfitting, guid-
25 ing, or, at the discretion of the Sec-

1 retary, other recreation service, that
2 occurs under a transitional special
3 recreation permit authorized under
4 section 312(a) of the America’s Out-
5 door Recreation Act of 2023.

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

8 “(i) a concession contract for the pro-
9 vision of accommodations, facilities, or
10 services;

11 “(ii) a commercial use authorization
12 issued under section 101925 of title 54,
13 United States Code; or

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

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

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

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

23 (2) in subsection (b)(5), by striking “section
24 4(d)” and inserting “section 804(d)”; and

1 (3) by striking subsection (h) and inserting the
2 following:

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

4 “(1) SPECIAL RECREATION PERMITS.—

5 “(A) APPLICATIONS.—The Secretary—

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

10 “(ii) shall develop and make available
11 to the public an application to obtain a
12 special recreation permit described in
13 clause (ii), (iii), or (iv) of section
14 802(13)(A).

15 “(B) ISSUANCE OF PERMITS.—On review
16 of a completed application developed under sub-
17 paragraph (A), as applicable, and a determina-
18 tion by the Secretary that the applicant is eligi-
19 ble for the special recreation permit, the Sec-
20 retary may issue to the applicant a special
21 recreation permit, subject to any terms and
22 conditions that are determined to be necessary
23 by the Secretary.

24 “(C) INCIDENTAL SALES.—A special recre-
25 ation permit issued under this paragraph may

1 include an authorization for sales that are inci-
2 dental in nature to the permitted use of the
3 Federal recreational lands and waters.

4 “(2) SPECIAL RECREATION PERMIT FEES.—

5 “(A) IN GENERAL.—The Secretary may
6 charge a special recreation permit fee for the
7 issuance of a special recreation permit in ac-
8 cordance with this paragraph.

9 “(B) PREDETERMINED SPECIAL RECRE-
10 ATION PERMIT FEES.—

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

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

23 “(I) a fixed fee that is assessed
24 per special recreation permit, includ-
25 ing a fee with an associated size limi-

1 tation or other criteria as determined
2 to be appropriate by the Secretary; or

3 “(II) an amount assessed per vis-
4 itor-use day.

5 “(iii) CRITERIA.—A predetermined fee
6 under clause (i) shall—

7 “(I) have been established before
8 the date of enactment of the Amer-
9 ica’s Outdoor Recreation Act of 2023;

10 “(II) be established after the
11 date of enactment of the America’s
12 Outdoor Recreation Act of 2023, in
13 accordance with subsection (b);

14 “(III)(aa) be established after
15 the date of enactment of the Amer-
16 ica’s Outdoor Recreation Act of 2023;
17 and

18 “(bb) be comparable to an
19 amount described in subparagraph
20 (D)(ii) or (E)(ii), as applicable; or

21 “(IV) beginning on the date that
22 is 2 years after the date of enactment
23 of the America’s Outdoor Recreation
24 Act of 2023, be \$6 per visitor-use day
25 in instances in which the Secretary

1 has not established a predetermined
2 fee under subclause (I), (II), or (III).

3 “(C) CALCULATION OF FEES FOR SPECIAL-
4 IZED RECREATIONAL USES AND LARGE-GROUP
5 ACTIVITIES OR EVENTS.—The Secretary may,
6 at the discretion of the Secretary, establish and
7 charge a fee for a special recreation permit de-
8 scribed in clause (i) or (ii) of section
9 802(13)(A).

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

19 “(i) the applicable predetermined fee
20 established under subparagraph (B); or

21 “(ii) an amount equal to a percentage
22 of, to be determined by the Secretary, but
23 to not to exceed 5 percent of, adjusted
24 gross receipts calculated under subpara-
25 graph (F).

1 “(E) CALCULATION OF FEES FOR TRANSI-
2 TIONAL PERMITS AND LONG-TERM PERMITS.—
3 Subject to subparagraph (G), if the Secretary
4 elects to charge a fee for a special recreation
5 permit described in section 802(13)(A)(iv), the
6 Secretary shall charge the recreation service
7 provider, based on the election of the recreation
8 service provider—

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

11 “(ii) an amount equal to a percentage
12 of, to be determined by the Secretary, but
13 not to exceed 3 percent of, adjusted gross
14 receipts calculated under subparagraph
15 (F).

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

24 “(i) The sum of—

1 “(I) the product obtained by mul-
2 tipling—

3 “(aa) the general amount
4 paid by participants of the trip or
5 event to the recreation service
6 provider for the applicable trip or
7 event (excluding amounts related
8 to goods, souvenirs, merchandise,
9 gear, and additional food pro-
10 vided or sold by the recreation
11 service provider); and

12 “(bb) the quotient obtained
13 by dividing—

14 “(AA) the number of
15 days of the trip or event
16 that occurred on Federal
17 recreational lands and
18 waters covered by the special
19 recreation permit, rounded
20 to the nearest whole day; by

21 “(BB) the total number
22 of days of the trip or event;
23 and

24 “(II) the amount of any addi-
25 tional revenue received by the recre-

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

6 “(ii) The difference between—

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

17 “(II) the sum of—

18 “(aa) the amount of any
19 revenues from goods, souvenirs,
20 merchandise, gear, and additional
21 food provided or sold by the
22 recreation service provider to the
23 participants of the applicable trip
24 or event;

1 “(bb) the amount of any
2 costs or revenues from services
3 and activities provided or sold by
4 the recreation service provider to
5 the participants of the trip or
6 event that occurred in a location
7 other than the Federal rec-
8 reational lands and waters cov-
9 ered by the special recreation
10 permit (including costs for travel
11 and lodging outside the Federal
12 recreational lands and waters
13 covered by the special recreation
14 permit); and

15 “(cc) the amount of any rev-
16 enues from any service provided
17 by a recreation service provider
18 for an activity on Federal rec-
19 reational lands and waters that is
20 not covered by the special recre-
21 ation permit.

22 “(G) EXCEPTION.—Notwithstanding sub-
23 paragraph (E), the Secretary may charge a
24 recreation service provider a minimum annual

1 fee for a special recreation permit described in
2 section 802(13)(A)(iv).

3 “(H) SAVINGS CLAUSES.—

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

6 “(I) a concession contract admin-
7 istered by the National Park Service
8 for the provision of accommodations,
9 facilities, or services; or

10 “(II) a commercial use authoriza-
11 tion for use of Federal recreational
12 lands and waters managed by the Na-
13 tional Park Service.

14 “(ii) COST RECOVERY.—Nothing in
15 this paragraph affects the ability of the
16 Secretary to recover any administrative
17 costs under section 325 of the America’s
18 Outdoor Recreation Act of 2023.

19 “(iii) SPECIAL RECREATION PERMIT
20 FEES AND OTHER RECREATION FEES.—

21 The collection of a special recreation per-
22 mit fee under this paragraph shall not af-
23 fect the authority of the Secretary to col-
24 lect an entrance fee, a standard amenity
25 recreation fee, or an expanded amenity

1 recreation fee authorized under subsections
2 (e), (f), and (g).

3 “(i) DISCLOSURE OF RECREATION FEES AND USE
4 OF RECREATION FEES.—

5 “(1) NOTICE OF ENTRANCE FEES, STANDARD
6 AMENITY RECREATION FEES, EXPANDED AMENITY
7 RECREATION FEES, AND AVAILABLE RECREATION
8 PASSES.—

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

17 “(B) PUBLICATIONS.—The Secretary shall
18 include in publications distributed at a unit or
19 area or described in subparagraph (A) the no-
20 tice described in that subparagraph.

21 “(2) NOTICE OF USES OF RECREATION FEES.—
22 Beginning on January 1, 2026, the Secretary shall
23 annually post, at the location at which a recreation
24 fee described in paragraph (1)(A) is collected, clear
25 notice of—

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

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

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

13 “(4) CENTRALIZED REPORTING ON AGENCY
14 WEBSITES.—

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

23 “(B) LIST COMPONENTS.—The list re-
24 quired under subparagraph (A) shall include,

1 with respect to each use described in that sub-
2 paragraph—

3 “(i) a title and description of the over-
4 all project;

5 “(ii) a title and description for each
6 component of the project;

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

8 “(iv) the amount obligated for the
9 project.

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

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

17 **SEC. 204. ONLINE COLLECTION OF CERTAIN RECREATION**
18 **FEES.**

19 Section 803 of the Federal Lands Recreation En-
20 hancement Act (16 U.S.C. 6802) (as amended by section
21 203(a)(3)) is amended by adding at the end the following:

22 “(j) ONLINE PAYMENTS.—

23 “(1) IN GENERAL.—In addition to providing
24 onsite payment methods, the Secretaries may collect
25 payment online for—

- 1 “(A) entrance fees under subsection (e);
 2 “(B) standard amenity recreation fees;
 3 “(C) expanded amenity recreation fees;
 4 and
 5 “(D) special recreation permit fees.

6 “(2) DISTRIBUTION OF ONLINE PAYMENTS.—
 7 An online payment collected under paragraph (1)
 8 that is associated with a specific unit or area of a
 9 Federal land management agency shall be distrib-
 10 uted in accordance with section 805(c).”.

11 **SEC. 205. ONLINE PURCHASES AND ESTABLISHMENT OF A**
 12 **DIGITAL VERSION OF AMERICA THE BEAU-**
 13 **TIFUL—THE NATIONAL PARKS AND FEDERAL**
 14 **RECREATIONAL LANDS PASSES.**

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

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

19 “(A) IN GENERAL.—The Secretaries shall
 20 sell the National Parks and Federal Rec-
 21 reational Lands Pass—

22 “(i) at all Federal recreational lands
 23 and waters at which—

1 “(I) an entrance fee or a stand-
2 ard amenity recreation fee is charged;
3 and

4 “(II) such sales are feasible;

5 “(ii) at such other locations as the
6 Secretaries determine to be appropriate
7 and feasible; and

8 “(iii) through the website of each of
9 the Federal land management agencies and
10 the websites of the relevant units and
11 subunits of the Federal land management
12 agencies, which shall include—

13 “(I) a prominent link on each
14 website; and

15 “(II) information about where
16 and when the National Parks and
17 Federal Recreational Lands Pass may
18 be used.”; and

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

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

22 “(A) establish a digital version of the Na-
23 tional Parks and Federal Recreational Lands
24 Pass that is able to be stored on a mobile de-
25 vice; and

1 “(B) on the completion of a sale carried
2 out under paragraph (6)(A)(iii), make available
3 to the passholder the digital version of the Na-
4 tional Parks and Federal Recreational Lands
5 Pass established under subparagraph (A).”.

6 **SEC. 206. AVAILABILITY OF FEDERAL, STATE, AND LOCAL**
7 **RECREATION PASSES.**

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

11 “(d) FEDERAL SALES OF STATE AND COUNTY
12 RECREATION PASSES.—

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

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

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

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

1 “(e) COORDINATING THE SALES OF FEDERAL,
2 STATE, AND LOCAL RECREATION PASSES.—The Secre-
3 taries, in consultation with States and counties, shall seek
4 to coordinate the availability of Federal, State, and county
5 recreation passes to allow an individual to purchase a Fed-
6 eral recreation pass and a State or county recreation pass
7 in a single transaction.”.

8 **SEC. 207. USE OF SPECIAL RECREATION PERMIT FEE REV-**
9 **ENUE.**

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

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

14 (2) in subsection (a)(3)—

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

17 (B) in subparagraph (F), by striking “6(a)
18 or a visitor reservation service.” and inserting
19 “806(a) or a visitor reservation service;”; and

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

21 “(G) the processing of special recreation
22 permit applications and administration of spe-
23 cial recreation permits; and

1 “(H) the improvement of the operation of
2 the special recreation permit program under
3 section 803(h).”; and

4 (3) in subsection (d)—

5 (A) in paragraph (1), by striking “section
6 5” and inserting “section 805”; and

7 (B) in paragraph (2), by striking “section
8 5” and inserting “section 805”.

9 **SEC. 208. PERMANENT AUTHORIZATION.**

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

12 (1) by striking section 810; and

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

15 **TITLE III—SPECIAL RECRE-**
16 **ATION PERMITS FOR OUTFIT-**
17 **TING AND GUIDING**

18 **Subtitle A—Administration of Spe-**
19 **cial Recreation Permits for Out-**
20 **fitting and Guiding**

21 **SEC. 311. PERMIT ADMINISTRATION.**

22 (a) PERMIT AVAILABILITY.—

23 (1) NOTIFICATIONS OF PERMIT AVAIL-
24 ABILITY.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), in an area of Federal rec-
3 reational lands and waters in which use by
4 recreation service providers is allocated, if the
5 Secretary concerned has determined that vis-
6 itor-use days are available for allocation to
7 recreation service providers or holders of a com-
8 mercial use authorization for outfitting and
9 guiding, the Secretary concerned shall publish
10 the information on the website of the agency
11 that administers the applicable area of Federal
12 recreational lands and waters.

13 (B) EFFECT.—Nothing in this para-
14 graph—

15 (i) applies to—

16 (I) the reissuance of an existing
17 special recreation permit or commer-
18 cial use authorization for outfitting
19 and guiding; or

20 (II) the issuance of a new special
21 recreation permit or new commercial
22 use authorization for outfitting and
23 guiding issued to the purchaser of—

24 (aa) a recreation service pro-
25 vider that is the holder of an ex-

1 isting special recreation permit;

2 or

3 (bb) a holder of an existing
4 commercial use authorization for
5 outfitting and guiding; or

6 (ii) creates a prerequisite to the
7 issuance of a special recreation permit or
8 commercial use authorization for outfitting
9 and guiding or otherwise limits the author-
10 ity of the Secretary concerned—

11 (I) to issue a new special recre-
12 ation permit or new commercial use
13 authorization for outfitting and guid-
14 ing; or

15 (II) to add a new or additional
16 use to an existing special recreation
17 permit or an existing commercial use
18 authorization for outfitting and guid-
19 ing.

20 (2) UPDATES.—The Secretary concerned shall
21 ensure that information published on the website
22 under this subsection is consistently updated to pro-
23 vide current and correct information to the public.

24 (3) ELECTRONIC MAIL NOTIFICATIONS.—The
25 Secretary concerned shall establish a system by

1 which potential applicants for special recreation per-
2 mits or commercial use authorizations for outfitting
3 and guiding may subscribe to receive notification by
4 electronic mail of the availability of special recre-
5 ation permits under subsection (h)(1) of section 803
6 of the Federal Lands Recreation Enhancement Act
7 (16 U.S.C. 6802) (as amended by section 203(a)(3))
8 or commercial use authorizations for outfitting and
9 guiding.

10 (b) PERMIT APPLICATION OR PROPOSAL ACKNOWLEDGMENTS.—
11

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

19 (A) provide to the applicant notice ac-
20 knowledging receipt of the application or pro-
21 posal; and

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

1 (ii) provide to the applicant notice of a
2 projected date for a final decision on the appli-
3 cation or proposal.

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

8 **SEC. 312. FOREST SERVICE AND BUREAU OF LAND MAN-**
9 **AGEMENT TRANSITIONAL SPECIAL RECRE-**
10 **ATION PERMITS FOR OUTFITTING AND GUID-**
11 **ING.**

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

21 (b) TERM OF TRANSITIONAL PERMITS FOR OUTFIT-
22 TING AND GUIDING.—A transitional special recreation
23 permit issued under subsection (a) shall be issued for a
24 term of 2 years.

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

3 (1) IN GENERAL.—On the request of a recre-
4 ation service provider that holds a transitional spe-
5 cial recreation permit under the program imple-
6 mented under subsection (a), the Secretary con-
7 cerned shall provide for the issuance of a long-term
8 special recreation permit for outfitting and guiding
9 to replace the transitional special recreation permit
10 if the Secretary concerned determines that the recre-
11 ation service provider—

12 (A) has held not less than 2 transitional
13 special recreation permits or similar permits
14 issued under—

15 (i) the program implemented under
16 subsection (a); or

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

20 (B) during the 3-year period preceding the
21 request, has not been determined to have a per-
22 formance that is less than satisfactory, as de-
23 termined under the monitoring process de-
24 scribed in section 314(a), for any transitional
25 special recreation permits or similar special

1 recreation permits issued by the Secretary con-
2 cerned, including the transitional special recre-
3 ation permit proposed to be replaced, for the re-
4 spective unit of Federal recreational lands and
5 waters; and

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

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

16 (3) VISITOR-USE DAY ALLOCATIONS.—In re-
17 placing a transitional special recreation permit under
18 paragraph (1) with a long-term special recreation
19 permit for outfitting and guiding, the Secretary con-
20 cerned may, at the discretion of the Secretary con-
21 cerned, increase the number of visitor-use days allo-
22 cated to the recreation service provider under the
23 long-term special recreation permit for outfitting
24 and guiding.

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

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

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

12 (1) notify the Secretary concerned of an inabil-
13 ity to use visitor-use days annually allocated to the
14 recreation service provider under the special recre-
15 ation permit; and

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

19 (b) DETERMINATION.—To ensure a recreation service
20 provider described in subsection (a) is able to make an
21 informed decision before surrendering any unused visitor-
22 use day under subsection (a)(2), the Secretary concerned
23 shall, on the request of the applicable recreation service
24 provider, determine and notify the recreation service pro-
25 vider whether the unused visitor-use day meets the re-

1 quirement described in section 314(b)(3)(B) before the
2 recreation service provider surrenders the unused visitor-
3 use day.

4 **SEC. 314. REVIEWS FOR TRANSITIONAL PERMITS AND**
5 **LONG-TERM PERMITS.**

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

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

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

17 (3) in the case of a special recreation permit re-
18 placed under section 312 with a long-term special
19 recreation permit for outfitting and guiding with a
20 term of 10 years, during each of the 4th, 6th, 8th,
21 and 10th years in which the long-term special recre-
22 ation permit is in effect; and

23 (4) in the case of a special recreation permit re-
24 placed under section 312 with a long-term special
25 recreation permit for outfitting and guiding with a

1 term of 5 years, during each of the 4th and 5th
2 years in which the special recreation permit is in ef-
3 fect.

4 (b) USE-OF-ALLOCATION REVIEWS.—

5 (1) IN GENERAL.—If the Secretary of Agri-
6 culture, acting through the Chief of the Forest Serv-
7 ice, or the Secretary, as applicable, allocates visitor-
8 use days among special recreation permits for outfit-
9 ting and guiding, the Secretary of Agriculture, act-
10 ing through the Chief of the Forest Service, shall,
11 and the Secretary may, review the use by the recre-
12 ation service provider of the visitor-use days allo-
13 cated—

14 (A) under a transitional special recreation
15 permit issued under section 312, not later than
16 90 days before the date on which the transi-
17 tional special recreation permit expires; and

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

23 (2) REQUIREMENTS OF THE REVIEW.—In con-
24 ducting a review under paragraph (1), the Secretary
25 of Agriculture, acting through the Chief of the For-

1 est Service, or the Secretary, as applicable, shall de-
2 termine—

3 (A) the number of visitor-use days that the
4 recreation service provider has used each year
5 under the transitional special recreation permit
6 or the special recreation permit, in accordance
7 with paragraph (3); and

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

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

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

21 (B) 1 visitor-use day used, if the Secretary
22 of Agriculture, acting through the Chief of the
23 Forest Service, or the Secretary, as applicable,
24 determines the use of the allocated visitor-use
25 day had been or will be prevented by a cir-

1 cumstance beyond the control of the recreation
2 service provider.

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

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

15 (1) If the Secretary concerned determines that
16 the performance of the recreation service provider
17 was satisfactory during the most recent review con-
18 ducted under subsection (a) of section 314, the an-
19 nual number of visitor-use days allocated for each
20 remaining year of the permit shall be equal to 125
21 percent of the number of visitor-use days used, as
22 determined under subsection (b)(2)(A) of that sec-
23 tion, during the year identified under subsection
24 (b)(2)(B) of that section, not to exceed the level allo-

1 cated to the recreation service provider on the date
2 on which the special recreation permit was issued.

3 (2) If the Secretary concerned determines the
4 performance of the recreation service provider is less
5 than satisfactory during the most recent perform-
6 ance review conducted under subsection (a) of sec-
7 tion 314, the annual number of visitor-use days allo-
8 cated for each remaining year of the special recre-
9 ation permit shall be equal to not more than 100
10 percent of the number of visitor-use days used, as
11 determined under subsection (b)(2)(A) of that sec-
12 tion during the year identified under subsection
13 (b)(2)(B) of that section.

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

18 (1) any other existing or potential recreation
19 service provider, notwithstanding the number of vis-
20 itor-use days allocated to the special recreation per-
21 mit holder under the special recreation permit held
22 or to be held by the recreation service provider; or

23 (2) any existing or potential holder of a special
24 recreation permit described in clause (i) or (iii) of
25 paragraph (13)(A) of section 802 of the Federal

1 Lands Recreation Enhancement Act (16 U.S.C.
2 6801) (as amended by section 202(10)), including
3 the public.

4 (c) ADDITIONAL CAPACITY.—If unallocated visitor-
5 use days are available, the Secretary concerned may, at
6 any time, amend a special recreation permit to allocate
7 additional visitor-use days to a qualified recreation service
8 provider.

9 **Subtitle B—Additional Provisions**
10 **Relating to Special Recreation**
11 **Permits**

12 **SEC. 321. PERMITTING PROCESS IMPROVEMENTS.**

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

19 (1) during the period beginning on January 1,
20 2021, and ending on January 1, 2025—

21 (A) evaluate the process for issuing special
22 recreation permits; and

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

1 (i) to eliminate duplicative processes
2 with respect to issuing special recreation
3 permits;

4 (ii) to reduce costs for the issuance of
5 special recreation permits;

6 (iii) to decrease processing times for
7 special recreation permits; and

8 (iv) to issue simplified special recre-
9 ation permits, including special recreation
10 permits for an organized group recreation
11 activity or event under subsection (e); and

12 (2) not later than 1 year after the date on
13 which the Secretaries complete the evaluation and
14 identification processes under paragraph (1), revise,
15 as necessary, relevant agency regulations and guid-
16 ance documents, including regulations and guidance
17 documents relating to the environmental review
18 process, for special recreation permits to implement
19 the improvements identified under paragraph (1)(B).

20 (b) ENVIRONMENTAL REVIEWS.—

21 (1) IN GENERAL.—The Secretary concerned
22 shall, to the maximum extent practicable, utilize
23 available tools, including tiering to existing pro-
24 grammatic reviews, as appropriate, to facilitate an
25 effective and efficient environmental review process

1 for activities undertaken by the Secretary concerned
2 relating to the issuance of special recreation permits.

3 (2) CATEGORICAL EXCLUSIONS.—Not later
4 than 1 year after the date of enactment of this Act,
5 the Secretary concerned shall—

6 (A) evaluate—

7 (i) whether existing categorical exclu-
8 sions available to the Secretary concerned
9 on the date of enactment of this Act are
10 consistent with the provisions of this Act;
11 and

12 (ii) whether a modification of an exist-
13 ing categorical exclusion or the establish-
14 ment of 1 or more new categorical exclu-
15 sions developed in compliance with the Na-
16 tional Environmental Policy Act of 1969
17 (42 U.S.C. 4321 et seq.) is necessary to
18 undertake an activity described in para-
19 graph (1) in a manner consistent with the
20 authorities and requirements in this Act;
21 and

22 (B) revise relevant agency regulations and
23 policy statements, as necessary, to modify exist-
24 ing categorical exclusions or incorporate new

1 categorical exclusions based on the evaluation
2 conducted under subparagraph (A).

3 (c) NEEDS ASSESSMENTS.—Except as required
4 under subsection (c) or (d) of section 4 of the Wilderness
5 Act (16 U.S.C. 1133), the Secretary concerned shall not
6 conduct a needs assessment as a condition of issuing a
7 special recreation permit under subsection (h) of section
8 803 of the Federal Lands Recreation Enhancement Act
9 (16 U.S.C. 6802) (as amended by section 203(a)(3)).

10 (d) ONLINE APPLICATIONS.—Using funds made
11 available to the Secretaries, not later than 3 years after
12 the date of enactment of this Act, the Secretaries shall
13 make the application for a special recreation permit under
14 subsection (h) of section 803 of the Federal Lands Recre-
15 ation Enhancement Act (16 U.S.C. 6802) (as amended
16 by section 203(a)(3)), including a reissuance of a special
17 recreation permit under that section, available for comple-
18 tion and submission—

19 (1) online;

20 (2) by mail or electronic mail; and

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

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

25 (1) DEFINITIONS.—In this subsection:

1 (A) SPECIAL RECREATION PERMIT FOR AN
2 ORGANIZED GROUP RECREATION ACTIVITY OR
3 EVENT.—The term “special recreation permit
4 for an organized group recreation activity or
5 event” means a special recreation permit de-
6 scribed in subclause (I) or (III) of paragraph
7 (13)(A)(iii) of section 802 of the Federal Lands
8 Recreation Enhancement Act (16 U.S.C. 6801)
9 (as amended by section 202(10)).

10 (B) YOUTH GROUP.—The term “youth
11 group” means a recreation service provider that
12 predominantly serves individuals not older than
13 25 years of age.

14 (2) EXEMPTION FROM CERTAIN ALLOCATIONS
15 OF USE.—If the Secretary concerned allocates vis-
16 itor-use days available for an area or activity on
17 Federal recreational lands and waters among recre-
18 ation service providers that hold a permit described
19 in paragraph (13)(A)(iv) of section 802 of the Fed-
20 eral Lands Recreation Enhancement Act (16 U.S.C.
21 6801) (as amended by section 202(10)), a special
22 recreation permit for an organized group recreation
23 activity or event shall not be subject to that alloca-
24 tion of visitor-use days.

1 (3) ISSUANCE.—In accordance with paragraphs
2 (5) and (6), if use by the general public is not sub-
3 ject to a limited entry permit system and if capacity
4 is available for the times or days in which the pro-
5 posed activity or event would be undertaken, on re-
6 quest of a recreation service provider (including a
7 youth group) to conduct an organized group recre-
8 ation activity or event described in subclause (I) or
9 (III) of paragraph (13)(A)(iii) of section 802 of the
10 Federal Lands Recreation Enhancement Act (16
11 U.S.C. 6801) (as amended by section 202(10)), the
12 Secretary concerned—

13 (A) shall make a nominal effects deter-
14 mination to determine whether the proposed ac-
15 tivity or event would have more than nominal
16 effects on Federal recreational lands and
17 waters, resources, and programs; and

18 (B)(i) shall not require a recreation service
19 provider (including a youth group) to obtain a
20 special recreation permit for an organized group
21 recreation activity or event if the Secretary con-
22 cerned determines—

23 (I) the proposed activity or event to
24 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 not necessary to protect or avoid
6 conflict on or with Federal recreational
7 lands and waters, resources, and programs;

8 (ii) in the case of an organized group
9 recreation activity or event described in sub-
10 clause (I) of that paragraph, may issue to a
11 recreation service provider (including a youth
12 group) a special recreation permit for an orga-
13 nized group recreation activity or event, subject
14 to any terms and conditions as are determined
15 to be appropriate by the Secretary concerned, if
16 the Secretary concerned determines—

17 (I) the proposed activity or event to
18 be undertaken would have only nominal ef-
19 fects on Federal recreational lands and
20 waters, resources, and programs; and

21 (II) establishing additional terms and
22 conditions for the proposed activity or
23 event is necessary to protect or avoid con-
24 flict on or with Federal recreational lands
25 and waters, resources, and programs;

1 (iii) in the case of an organized group
2 recreation activity or event described in sub-
3 clause (III) of that paragraph, shall issue to a
4 recreation service provider (including a youth
5 group) a special recreation permit for an orga-
6 nized group recreation activity or event, subject
7 to such terms and conditions determined to be
8 appropriate by the Secretary concerned, if the
9 Secretary concerned determines—

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

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

19 (iv) may issue to a recreation service pro-
20 vider (including a youth group) a special recre-
21 ation permit for an organized group recreation
22 activity or event, subject to any terms and con-
23 ditions determined to be appropriate by the
24 Secretary concerned, if the Secretary concerned
25 determines—

1 (I) the proposed activity or event to
2 be undertaken may have more than nomi-
3 nal effects on Federal recreational lands
4 and waters, resources, and programs; and

5 (II) establishing additional terms and
6 conditions for the proposed activity or
7 event would be necessary to protect or
8 avoid conflict on or with Federal rec-
9 reational lands and waters, resources, and
10 programs.

11 (4) FEES.—The Secretary concerned may elect
12 not to charge a fee to a recreation service provider
13 (including a youth group) for a special recreation
14 permit for an organized group recreation activity or
15 event.

16 (5) SAVINGS CLAUSE.—Nothing in this sub-
17 section prevents the Secretary concerned from lim-
18 iting or abating the allowance of a proposed activity
19 or event under paragraph (3)(B)(i) or the issuance
20 of a special recreation permit for an organized group
21 recreation activity or event, based on resource condi-
22 tions, administrative burdens, or safety issues.

23 (6) QUALIFICATIONS.—A special recreation per-
24 mit for an organized group recreation activity or
25 event issued under paragraph (3) shall be subject to

1 the health and safety standards required by the Sec-
2 retary concerned for a permit issued under para-
3 graph (13)(A)(iv) of section 802 of the Federal
4 Lands Recreation Enhancement Act (16 U.S.C.
5 6801) (as amended by section 202(10)).

6 **SEC. 322. SERVICE FIRST INITIATIVE AND MULTIJURIS-**
7 **DICTIONAL TRIPS.**

8 (a) REPEAL.—Section 330 of the Department of the
9 Interior and Related Agencies Appropriations Act, 2001
10 (43 U.S.C. 1703), is repealed.

11 (b) COOPERATIVE ACTION AND SHARING OF RE-
12 SOURCES BY THE SECRETARIES OF THE INTERIOR AND
13 AGRICULTURE.—

14 (1) IN GENERAL.—For fiscal year 2012 and
15 each fiscal year thereafter, the Secretaries, subject
16 to annual review of Congress, may carry out an ini-
17 tiative, to be known as the “Service First Initiative”,
18 under which the Secretaries and agencies and bu-
19 reaus within the Department of the Interior and the
20 Department of Agriculture—

21 (A) may establish programs to conduct
22 projects, planning, permitting, leasing, con-
23 tracting, and other activities, either jointly or
24 on behalf of one another;

1 (B) may co-locate in Federal offices and
2 facilities leased by an agency of the Department
3 of the Interior or the Department of Agri-
4 culture; and

5 (C) may issue special rules to test the fea-
6 sibility of issuing unified permits, applications,
7 and leases.

8 (2) DELEGATIONS OF AUTHORITY.—The Secre-
9 taries may make reciprocal delegations of the respec-
10 tive authorities, duties, and responsibilities of the
11 Secretaries in support of the Service First Initiative
12 agency-wide to promote customer service and effi-
13 ciency.

14 (3) EFFECT.—Nothing in this section alters,
15 expands, or limits the applicability of any law (in-
16 cluding regulations) to land administered by the Bu-
17 reau of Land Management, National Park Service,
18 United States Fish and Wildlife Service, or the For-
19 est Service or matters under the jurisdiction of any
20 other bureaus or offices of the Department of the
21 Interior or the Department of Agriculture, as appli-
22 cable.

23 (4) TRANSFERS OF FUNDING.—To facilitate the
24 sharing of resources under the Service First Initia-
25 tive, the Secretaries may make transfers of funds

1 and reimbursements of funds on an annual basis, in-
2 cluding transfers and reimbursements for multi-year
3 projects, subject to the limitation that this authority
4 may not be used to circumvent requirements and
5 limitations imposed on the use of Federal funds.

6 (c) PILOT PROGRAM FOR SPECIAL RECREATION PER-
7 MITS FOR MULTIJURISDICTIONAL TRIPS.—

8 (1) IN GENERAL.—Not later than 2 years after
9 the date of enactment of this Act, the Secretaries
10 shall establish a pilot program to offer to a person
11 seeking an authorization for a multijurisdictional
12 trip a single joint special recreation permit or com-
13 mercial use authorization that authorizes the use of
14 each unit of Federal recreational lands and waters
15 on which the multijurisdictional trip occurs, subject
16 to the authorities that apply to the applicable unit
17 of Federal recreational lands and waters.

18 (2) MINIMUM NUMBER OF PERMITS.—Not later
19 than 4 years after the date of enactment of this Act,
20 the Secretaries shall issue not fewer than 10 single
21 joint special recreation permits described in para-
22 graph (13)(A)(iv) of section 802 of the Federal
23 Lands Recreation Enhancement Act (16 U.S.C.
24 6801) (as amended by section 202(10)) or commer-

1 cial use authorizations under the pilot program es-
2 tablished under paragraph (1).

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

6 (A) designate a lead agency for issuing and
7 administering a single joint special recreation
8 permit or commercial use authorization; and

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

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

15 (ii) not fewer than 2 offices are man-
16 aged by the Secretary of Agriculture, act-
17 ing through the Chief of the Forest Serv-
18 ice.

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

1 use occurring on the Federal recreational lands and
2 waters managed by the applicable Secretary, under
3 the authorities that apply to the applicable Federal
4 recreational lands and waters.

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

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

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

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

22 **SEC. 323. PERMIT FLEXIBILITY.**

23 (a) IN GENERAL.—The Secretary concerned shall es-
24 tablish guidelines to allow a holder of a special recreation
25 permit under subsection (h) of section 803 of the Federal

1 Lands Recreation Enhancement Act (16 U.S.C. 6802) (as
2 amended by section 203(a)(3)), on the approval of the
3 Secretary concerned, to engage in another recreational ac-
4 tivity under the special recreation permit that is substan-
5 tially similar to the specific activity authorized under the
6 special recreation permit.

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

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

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

17 (3) does not adversely affect—

18 (A) any other holder of a special recreation
19 permit or other permit; or

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

22 (4) is consistent with—

23 (A) any applicable laws (including regula-
24 tions); and

1 (B) the land management plan, resource
2 management plan, or equivalent plan applicable
3 to the Federal recreational lands and waters.

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

9 **SEC. 324. LIABILITY.**

10 (a) INSURANCE REQUIREMENTS.—

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

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

1 (B) includes the United States as an addi-
2 tional insured in an endorsement to the applica-
3 ble policy.

4 (2) EXCEPTION.—The Secretary concerned
5 shall not require a holder of a special recreation per-
6 mit or commercial use authorization for low-risk ac-
7 tivities, as determined by the Secretary concerned,
8 including commemorative ceremonies and participa-
9 tion by the public in a recreation activity or recre-
10 ation use of a specific area of Federal recreational
11 lands and waters in which use by the public is allo-
12 cated, to comply with the requirements of paragraph
13 (1).

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

1 agement agency for the activities conducted under the spe-
2 cial recreation permit or commercial use authorization in
3 the form of—

4 (1) a commercial general liability insurance poli-
5 cy, which includes the United States as an addi-
6 tional insured in an endorsement to the policy, if the
7 State is authorized to obtain commercial general li-
8 ability insurance by State law;

9 (2) self-insurance, which covers the United
10 States as an additional insured, if authorized by
11 State law; or

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

14 (c) EXCULPATORY AGREEMENTS.—

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

24 (2) REQUIREMENTS.—Any exculpatory agree-
25 ment used by a recreation service provider or holder

1 of a commercial use authorization for an activity au-
2 thORIZED under a special recreation permit or com-
3 mercial use authorization—

4 (A) shall shield the United States from any
5 liability, if otherwise allowable under Federal
6 law; and

7 (B) shall not waive any liability of the
8 recreation service provider or holder of the com-
9 mercial use authorization that may not be
10 waived under the laws (including common law)
11 of the applicable State or for gross negligence,
12 recklessness, or willful misconduct.

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

16 (A) review the policies of the Secretaries
17 pertaining to the use of exculpatory agreements
18 by recreation service providers and holders of
19 commercial use authorizations; and

20 (B) revise any policy described in subpara-
21 graph (A) as necessary to make the policies of
22 the Secretaries pertaining to the use of excu-
23 patory agreements by recreation service pro-
24 viders and holders of commercial use authoriza-

1 tions consistent with this subsection and across
2 all Federal recreational lands and waters.

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

6 **SEC. 325. COST RECOVERY REFORM.**

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

16 (1) processing a proposal or application for the
17 special recreation permit;

18 (2) issuing the special recreation permit; and

19 (3) monitoring the special recreation permit to
20 ensure compliance with the terms and conditions of
21 the special recreation permit.

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

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

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

7 (c) **MULTIPLE APPLICATIONS.**—If the Secretary con-
8 cerned collectively processes multiple applications for spe-
9 cial recreation permits for the same or similar services in
10 the same unit of Federal recreational lands and waters,
11 the Secretary concerned shall, to the extent practicable—

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

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

16 (d) **LIMITATION.**—The Secretary concerned shall not
17 assess or collect administrative costs under this section for
18 a programmatic environmental review.

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

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

1 scribed in subsection (b) to obtain a permit solely to access
2 the picnic area.

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

6 (1) outfitting and guiding services on Federal
7 recreational lands and waters; and

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

10 **SEC. 327. INTERAGENCY REPORT ON SPECIAL RECREATION**
11 **PERMITS FOR UNDERSERVED COMMUNITIES.**

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

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

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

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

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

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

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

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

12 “(a) FILMING AND STILL PHOTOGRAPHY.—

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

20 “(A) the laws and policies applicable to the

21 Service;

22 “(B) the applicable general management

23 plan; and

24 “(C) this section.

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

6 “(A)(i) involves fewer than 6 individuals;

7 and

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

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

13 “(i) the number of individuals partici-
14 pating in the allowed or authorized activity
15 or event; or

16 “(ii) whether any individual receives
17 compensation for any products of the film-
18 ing or still photography activity; or

19 ~~“(C) is a news-gathering activity, unless~~
20 ~~the news-gathering activity does not meet each~~
21 ~~of the requirements described in paragraph (5).~~

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

24 *“(i) involves more than 8 individuals;*

25 *or*

1 “(i) does not meet each of the require-
2 ments described in paragraph (5).

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

5 “(A) IN GENERAL.—The Secretary shall
6 establish a de minimis use authorization for
7 filming or still photography activities that meets
8 the requirements described in subparagraph
9 (F).

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

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

15 “(ii) shall not require a permit.

16 “(C) NO FEE.—The Secretary shall not
17 charge a fee for a de minimis use authorization
18 under this paragraph.

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

23 “(i) through the website of the Serv-
24 ice; and

1 “(ii) in person at the field office of
2 the applicable System unit.

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

4 “(i) establish a procedure—

5 “(I) to automate the approval of
6 an application submitted through the
7 website of the Service under subpara-
8 graph (D)(i); and

9 “(II) to issue a de minimis use
10 authorization under this paragraph
11 immediately on receipt of an applica-
12 tion that is submitted in person at the
13 field office of the applicable System
14 unit under subparagraph (D)(ii); and

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

21 “(F) REQUIREMENTS.—The Secretary
22 shall only issue a de minimis use authorization
23 under this paragraph if the filming or still pho-
24 tography activity—

1 “(i) involves a group of not fewer than
2 6 individuals and not more than 8 individ-
3 uals;

4 “(ii) meets each of the requirements
5 described in paragraph (5); ~~and~~

6 “(iii) is consistent with subsection
7 (c); *and*

8 “(iv) is not a *filming or still photog-*
9 *raphy activity described in subparagraph*
10 *(B) or (C) of paragraph (2).*

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

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

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

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

23 “(5) REQUIREMENTS FOR FILMING OR STILL
24 PHOTOGRAPHY ACTIVITY.—The requirements re-
25 ferred to in paragraphs ~~(2)(A)(ii)~~, ~~(3)(F)(ii)~~, ~~(4)(B)~~,

1 and ~~(7)(C)~~ (2)(A)(ii), (2)(C)(ii), (3)(F)(ii), and
2 (4)(B) are as follows:

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

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

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

10 “(I) a natural or cultural re-
11 source; or

12 “(II) an environmental or scenic
13 value; and

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

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

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

23 “(D) The person does not—

24 “(i) conduct the filming or still pho-
25 tography activity in a localized area that

1 receives a very high volume of visitation;
2 and

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

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

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

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

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

5 “(A) *IN GENERAL.*—*For the purposes of cal-*
6 *culating the number of individuals under para-*
7 *graphs (2), (3), and (4), the Secretary shall only*
8 *include an individual described in subparagraph*
9 *(B) that is conducting a filming or still photog-*
10 *raphy activity or that is carrying out or partici-*
11 *pating as part of a team or crew in a filming*
12 *or still photography activity at the same time in*
13 *the same System unit.*

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

21 “~~(6)~~(7) *CONTENT CREATION.*—*Regardless of*
22 *distribution platform, any video, still photograph, or*
23 *audio recording for commercial or noncommercial*
24 *content creation at a System unit shall be considered*

1 to be a filming or still photography activity under
2 this subsection.

3 “~~(7)~~(8) EFFECT.—

4 “(A) PERMITS REQUESTED THOUGH NOT
5 REQUIRED.—On the request of a person intend-
6 ing to carry out a filming or still photography
7 activity, the Secretary may issue a permit and
8 assess a reasonable fee for the filming or still
9 photography activity, even if a permit for the
10 filming or still photography activity is not re-
11 quired under this section.

12 “(B) NO ADDITIONAL PERMITS, COMMERCIAL USE AUTHORIZATIONS, OR FEES FOR
13 FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.—If an activity or event is
14 allowed or authorized under a permit, such as
15 a wedding, engagement party, family reunion,
16 photography club outing, or celebration of a
17 graduate, the activity or event organizers or
18 any relevant party to the activity or event shall
19 not need a separate permit for the filming or
20 still photography activity at the allowed or per-
21 mitted activity or event.

22 “(C) MONETARY COMPENSATION.—The re-
23 ceipt of monetary compensation by the person
24
25

1 conducting the filming or still photography ac-
 2 tivity shall not affect the permissibility of the
 3 filming or still photography activity or the ap-
 4 plication of the requirements under this section.

5 “(D) WILDERNESS ACT APPLICABILITY.—

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

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

14 “(b) FEES AND RECOVERY COSTS.—

15 “(1) FEES.—The reasonable fees referred to in
 16 paragraphs (4) and ~~(7)(A)~~ (8)(A) of subsection (a)
 17 shall meet each of the following criteria:

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

20 “(B) The reasonable fee shall be based on
 21 the following criteria:

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

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

1 “(iii) The quantity and type of film or
2 still photography equipment present at the
3 System unit.

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

6 “(2) RECOVERY OF COSTS.—

7 “(A) IN GENERAL.—For any permit issued
8 under subsection (a) and in addition to any fee
9 assessed in accordance with paragraph (1), the
10 Secretary shall collect from the applicant for
11 the applicable permit any costs incurred by the
12 Secretary related to a filming or still photog-
13 raphy activity subject to a permit under sub-
14 section (a)(4), including—

15 “(i) the costs of the review or issuance
16 of the permit; and

17 “(ii) related administrative and per-
18 sonnel costs.

19 “(B) EFFECT ON FEES COLLECTED.—All
20 costs recovered under subparagraph (A) shall
21 be in addition to the fee described in paragraph
22 (1).

23 “(3) USE OF PROCEEDS.—

24 “(A) FEES.—All fees collected under this
25 section shall—

1 “(i) be available for expenditure by
2 the Secretary, without further appropria-
3 tion, in accordance with the formula and
4 purposes established under the Federal
5 Lands Recreation Enhancement Act (16
6 U.S.C. 6801 et seq.); and

7 “(ii) remain available until expended.

8 “(B) COSTS.—All costs recovered under
9 paragraph (2)(A) shall—

10 “(i) be available for expenditure by
11 the Secretary, without further appropria-
12 tion, at the System unit at which the costs
13 are collected; and

14 “(ii) remain available until expended.

15 “(c) PROTECTION OF RESOURCES.—The Secretary
16 may create use limits on or require a person to cease,
17 move, or modify a filming or still photography activity,
18 whether or not the activity has been permitted, if the Sec-
19 retary determines that—

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

23 “(2) the person would create an unreasonable
24 disruption of the use and enjoyment by the public of
25 the System unit;

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

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

6 “(d) PROCESSING OF PERMIT APPLICATIONS.—

7 “(1) IN GENERAL.—The Secretary shall estab-
8 lish a process to ensure that the Secretary responds
9 in a timely manner to an application for a permit for
10 a filming or still photography activity required under
11 subsection (a)(4).

12 “(2) COORDINATION.—If a permit is required
13 under this section for 2 or more Federal agencies or
14 System units, the Secretary and the head of any
15 other applicable Federal agency, as applicable, shall,
16 to the maximum extent practicable, coordinate per-
17 mit processing procedures, including through the use
18 of identifying a lead agency or lead System unit—

19 “(A) to review the application for the per-
20 mit;

21 “(B) to issue the permit; and

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

23 “(e) GUIDANCE.—*Not later than 2 years after the date*
24 *of enactment of the America’s Outdoor Recreation Act of*
25 *2023, the Secretary shall issue guidance to implement this*

1 *section, including establishing a civil penalty for failing to*
 2 *obtain a de minimis use authorization required under sub-*
 3 *section (a)(3) or a permit required under subsection*
 4 *(a)(4).”.*

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

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

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

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

13 “(a) FILMING AND STILL PHOTOGRAPHY.—

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

21 “(A) the laws and policies applicable to the
 22 Secretary concerned;

23 “(B) the applicable general management
 24 plan; and

25 “(C) this section.

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

6 “(A)(i) involves fewer than 6 individuals;

7 and

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

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

13 “(i) the number of individuals partici-
 14 pating in the allowed or authorized activity
 15 or event; or

16 “(ii) whether any individual receives
 17 compensation for any products of the film-
 18 ing or still photography activity; or

19 ~~“(C) is a news-gathering activity, unless~~
 20 ~~the news-gathering activity does not meet each~~
 21 ~~of the requirements described in paragraph (5).~~

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

24 “(i) involves more than 8 individuals;

25 or

1 “(ii) does not meet each of the require-
2 ments described in paragraph (5).

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

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

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

14 “(i) may require a de minimis use au-
15 thorization; and

16 “(ii) shall not require a permit.

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

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

1 “(i) through the website of the De-
2 partment of the Interior or the Forest
3 Service, as applicable; and

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

6 “(E) ISSUANCES.—The Secretary con-
7 cerned shall—

8 “(i) establish a procedure—

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

14 “(II) to issue a de minimis use
15 authorization under this paragraph
16 immediately on receipt of an applica-
17 tion that is submitted in person at the
18 field office for the Federal land man-
19 agement unit under subparagraph
20 (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 con-
4 cerned shall only issue a de minimis use author-
5 ization under this paragraph if the filming or
6 still photography 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
13 (c); *and*

14 “(iv) *is not a filming or still photog-*
15 *raphy activity described in subparagraph*
16 *(B) or (C) of paragraph (2).*

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

21 “(4) REQUIRED PERMITS.—Except as provided
22 in paragraph (2)(B), the Secretary concerned may
23 require a permit application and, if a permit is
24 issued, assess a reasonable fee, as described in sub-

1 section (b)(1), for a filming or still photography ac-
 2 tivity that—

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

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

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

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

13 “(i) does not impede or intrude on the
 14 experience of other visitors to the Federal
 15 land management unit;

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

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

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

22 “(iii) allows for equitable allocation or
 23 use of facilities of the Federal land man-
 24 agement unit.

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

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

7 “(D) The person does not—

8 “(i) conduct the filming or still pho-
9 tography activity in a localized area that
10 receives a very high volume of visitation;
11 and

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

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

22 “(F) The person conducting the filming or
23 still photography activity complies with and ad-
24 heres to visitor use policies, practices, and regu-

1 lations applicable to the Federal land manage-
2 ment unit.

3 “(G) The filming or still photography ac-
4 tivity is not likely to result in additional admin-
5 istrative costs being incurred by the Secretary
6 concerned with respect to the filming or still
7 photography activity, as determined by the Sec-
8 retary concerned.

9 “(H) The person conducting the filming or
10 still photography activity complies with other
11 applicable Federal, State, and local laws (in-
12 cluding regulations), including laws relating to
13 the use of unmanned aerial equipment.

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

16 “(A) *IN GENERAL.—For the purposes of cal-*
17 *culating the number of individuals under para-*
18 *graphs (2), (3), and (4), the Secretary concerned*
19 *shall only include an individual described in*
20 *subparagraph (B) that is conducting a filming*
21 *or still photography activity or that is carrying*
22 *out or participating as part of a team or crew*
23 *in a filming or still photography activity at the*
24 *same time in the same Federal land management*
25 *unit.*

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

9 “~~(6)~~(7) *CONTENT CREATION.*—Regardless of
10 distribution platform, any video, still photograph, or
11 audio recording for commercial or noncommercial
12 content creation at a Federal land management unit
13 shall be considered to be a filming or still photog-
14 raphy activity under this subsection.

15 “~~(7)~~(8) *EFFECT.*—

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

24 “(B) *NO ADDITIONAL PERMITS, COMMERCIAL*
25 *USE AUTHORIZATIONS, OR FEES FOR*

1 FILMING AND STILL PHOTOGRAPHY AT AU-
2 THORIZED EVENTS.—If an activity or event is
3 allowed or authorized under a permit, such as
4 a wedding, engagement party, family reunion,
5 photography club outing, or celebration of a
6 graduate, the activity or event organizers or
7 any relevant party to the activity or event shall
8 not need a separate permit for the filming or
9 still photography activity at the allowed or per-
10 mitted activity or event.

11 “(C) MONETARY COMPENSATION.—The re-
12 ceipt of monetary compensation by the person
13 conducting the filming or still photography ac-
14 tivity shall not affect the permissibility of the
15 filming or still photography activity or the ap-
16 plication of the requirements under this section.

17 “(D) WILDERNESS ACT APPLICABILITY.—

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

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

1 “(b) FEES AND RECOVERY COSTS.—

2 “(1) FEES.—The reasonable fees referred to in
3 paragraphs (4) and ~~(7)(A)~~ (8)(A) of subsection (a)
4 shall meet each of the following criteria:

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

7 “(B) The reasonable fee shall be based on
8 the following criteria:

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

11 “(ii) The size of the film or still pho-
12 tography crew present at the Federal land
13 management unit.

14 “(iii) The quantity and type of film or
15 still photography equipment present at the
16 Federal land management unit.

17 “(iv) Any other factors that the Sec-
18 retary concerned determines to be nec-
19 essary.

20 “(2) RECOVERY OF COSTS.—

21 “(A) IN GENERAL.—For any permit issued
22 under subsection (a) and in addition to any fee
23 assessed in accordance with paragraph (1), the
24 Secretary concerned shall collect from the appli-
25 cant for the applicable permit any costs in-

1 curred by the Secretary concerned related to a
2 filming or still photography activity subject to a
3 permit under subsection (a)(4), including—

4 “(i) the costs of the review or issuance
5 of the permit; and

6 “(ii) related administrative and per-
7 sonnel costs.

8 “(B) EFFECT ON FEES COLLECTED.—All
9 costs recovered under subparagraph (A) shall
10 be in addition to the fee described in paragraph
11 (1).

12 “(3) USE OF PROCEEDS.—

13 “(A) FEES.—All fees collected under this
14 section shall—

15 “(i) be available for expenditure by
16 the Secretary concerned, without further
17 appropriation, in accordance with the for-
18 mula and purposes established in the Fed-
19 eral Lands Recreation Enhancement Act
20 (16 U.S.C. 6801 et seq.); and

21 “(ii) remain available until expended.

22 “(B) COSTS.—All costs recovered under
23 paragraph (2)(A) shall—

24 “(i) be available for expenditure by
25 the Secretary concerned, without further

1 appropriation, at the Federal land manage-
2 ment unit at which the costs are collected;
3 and

4 “(ii) remain available until expended.

5 “(c) PROTECTION OF RESOURCES.—The Secretary
6 concerned may create use limits on or require a person
7 to cease, move, or modify a filming or still photography
8 activity, whether or not the activity has been permitted,
9 if the Secretary concerned determines that—

10 “(1) there is a likelihood that the person would
11 cause resource damage at the Federal land manage-
12 ment unit, except as otherwise authorized;

13 “(2) the person would create an unreasonable
14 disruption of the use and enjoyment by the public of
15 the Federal land management unit;

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

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

21 “(d) PROCESSING OF PERMIT APPLICATIONS.—

22 “(1) IN GENERAL.—The Secretary concerned
23 shall establish a process to ensure that the Secretary
24 concerned responds in a timely manner to an appli-

1 cation for a permit for a filming or still photography
2 activity required under subsection (a)(4).

3 “(2) COORDINATION.—If a permit is required
4 under this section for 2 or more Federal agencies or
5 Federal land management units, the Secretary con-
6 cerned and the head of any other applicable Federal
7 agency, as applicable, shall, to the maximum extent
8 practicable, coordinate permit processing procedures,
9 including through the use of identifying a lead agen-
10 cy or lead Federal land management unit—

11 “(A) to review the application for the per-

12 mit;

13 “(B) to issue the permit; and

14 “(C) to collect any required fees.

15 “(e) *GUIDANCE.*—*Not later than 2 years after the date*
16 *of enactment of the America’s Outdoor Recreation Act of*
17 *2023, each of the Secretary of the Interior and the Secretary*
18 *of Agriculture shall issue guidance to implement this sec-*
19 *tion, including establishing a civil penalty for failing to*
20 *obtain a de minimis use authorization required under sub-*
21 *section (a)(3) or a permit required under subsection (a)(4).*

22 “(e)(f) DEFINITIONS.—In this section:

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

1 “(A) Federal land (other than National
2 Park System land) under the jurisdiction of the
3 Secretary of the Interior; and

4 “(B) National Forest System land.

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

7 “(A) the Secretary of the Interior, with re-
8 spect to land described in paragraph (1)(A);
9 and

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

12 **SEC. 402. VOLUNTEER ENHANCEMENT PROGRAM.**

13 The Volunteers in the National Forests Act of 1972
14 (16 U.S.C. 558a et seq.) is amended—

15 (1) by striking section 5;

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

19 (3) by inserting before section 4 (as so redesign-
20 nated) the following:

21 **“SECTION 1. SHORT TITLE.**

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

1 **“SEC. 2. PURPOSE.**

2 “The purpose of this Act is to leverage volunteer en-
3 gagement to supplement projects that are carried out by
4 the Secretaries to fulfill the missions of the Forest Service
5 and the Bureau of Land Management and are accom-
6 plished with appropriated funds.

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

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

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

11 “(2) the Secretary of the Interior, acting
12 through the Director of the Bureau of Land Man-
13 agement.”;

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

15 (A) by striking the section designation and
16 all that follows through “(hereinafter referred
17 to as the ‘Secretary’) is” in the first sentence
18 and inserting the following:

19 **“SEC. 4. AUTHORIZATION.**

20 “The Secretaries are”;

21 (B) in the first sentence—

22 (i) by inserting “and” after “civil
23 service”;

24 (ii) by inserting “recreation access,
25 trail construction or maintenance, facility
26 construction or maintenance, educational

1 uses (including outdoor classroom con-
2 struction or maintenance),” after “for or
3 in aid of”; and

4 (iii) by striking “Secretary through
5 the Forest Service” and inserting “Secre-
6 taries”; and

7 (C) in the second sentence, by striking
8 “Secretary” and inserting “Secretaries”;
9 (5) in section 5 (as so redesignated)—

10 (A) by striking the section designation and
11 all that follows through “Secretary is” and in-
12 serting the following:

13 **“SEC. 5. INCIDENTAL EXPENSES.**

14 “The Secretaries are”; and

15 (B) by inserting “training, equipment,”
16 after “lodging,”;

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

18 (A) by striking the section designation and
19 all that follows through “(a) Except as” and in-
20 serting the following:

21 **“SEC. 6. CONSIDERATION AS FEDERAL EMPLOYEE.**

22 “(a) Except as”; and

23 (B) in subsection (e)—

1 (i) in the matter preceding paragraph
2 (1), by striking “the Secretary” and insert-
3 ing “either of the Secretaries”;

4 (ii) in paragraph (1), by striking
5 “with the Secretary” and inserting “or co-
6 operative agreement with either of the Sec-
7 retaries”; and

8 (iii) in paragraph (2)—

9 (I) in the matter preceding sub-
10 paragraph (A), by striking “the Sec-
11 retary in the mutual benefit agree-
12 ment” and inserting “either of the
13 Secretaries in the mutual benefit
14 agreement or cooperative agreement”;

15 (II) in subparagraph (A), by
16 striking “to be performed by the vol-
17 unteers” and inserting “, including
18 the geographic boundaries of the work
19 to be performed by the volunteers,”;

20 (III) in subparagraph (B), by
21 striking “and” at the end;

22 (IV) in subparagraph (C)—

23 (aa) by striking “the Sec-
24 retary, when feasible” and insert-
25 ing “either of the Secretaries, if

1 feasible and only if necessary”;

2 and

3 (bb) by striking the period

4 at the end and inserting a semi-

5 colon; and

6 (V) by adding at the end the fol-

7 lowing:

8 “(D) the equipment the volunteers are au-
9 thorized to use;

10 “(E) the training the volunteers are re-
11 quired to complete;

12 “(F) the actions the volunteers are author-
13 ized to take; and

14 “(G) any other terms and conditions that
15 are determined to be necessary by the applica-
16 ble Secretary.”;

17 (7) by inserting before section 9 (as so redesign-
18 nated) the following:

19 **“SEC. 7. PROMOTION OF VOLUNTEER OPPORTUNITIES.**

20 “The Secretaries shall promote volunteer opportuni-
21 ties in areas administered by the Secretaries.

22 **“SEC. 8. LIABILITY INSURANCE.**

23 “The Secretaries shall not require a cooperator or
24 volunteer (as those terms are used in section 6) to have

1 liability insurance to provide the volunteer services author-
2 ized under this Act.”; and

3 (8) in section 9 (as so redesignated), by striking
4 the section designation and all that follows through
5 “There are” and inserting the following:

6 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are”.

8 **SEC. 403. CAPE AND ANTLER PRESERVATION ENHANCE-**
9 **MENT.**

10 Section 104909(c) of title 54, United States Code,
11 is amended by striking “meat from” and inserting “meat
12 and any other part of an animal removed pursuant to”.

13 **SEC. 404. FEDERAL LAND AND WATER AQUATIC RESOURCE**
14 **ACTIVITIES ASSISTANCE.**

15 (a) DEFINITIONS.—In this section:

16 (1) AQUATIC NUISANCE SPECIES TASK
17 FORCE.—The term “Aquatic Nuisance Species Task
18 Force” means the Aquatic Nuisance Species Task
19 Force established by section 1201(a) of the Non-
20 indigenous Aquatic Nuisance Prevention and Control
21 Act of 1990 (16 U.S.C. 4721(a)).

22 (2) FEDERAL LAND AND WATER.—The term
23 “Federal land and water” means Federal land and
24 water operated and maintained by the Bureau of

1 Land Management, Bureau of Reclamation, Forest
2 Service, or National Park Service, as applicable.

3 (3) INSPECTION.—The term “inspection”
4 means an inspection to prevent and respond to bio-
5 logical invasions of an aquatic ecosystem.

6 (4) PARTNER.—The term “partner” means—

7 (A) a Reclamation State;

8 (B) an Indian Tribe in a Reclamation
9 State;

10 (C) an applicable nonprofit organization in
11 a Reclamation State; or

12 (D) a unit of local government in a Rec-
13 lamation State.

14 (5) RECLAMATION STATE.—The term “Rec-
15 lamation State” includes any of the States of—

16 (A) Alaska;

17 (B) Arizona;

18 (C) California;

19 (D) Colorado;

20 (E) Idaho;

21 (F) Kansas;

22 (G) Montana;

23 (H) Nebraska;

24 (I) Nevada;

25 (J) New Mexico;

- 1 (K) North Dakota;
2 (L) Oklahoma;
3 (M) Oregon;
4 (N) South Dakota;
5 (O) Texas;
6 (P) Utah;
7 (Q) Washington; and
8 (R) Wyoming.

9 (6) SECRETARIES.—The term “Secretaries”
10 means each of—

11 (A) the Secretary, acting through the Di-
12 rector of the Bureau of Land Management, the
13 Commissioner of Reclamation, and the Director
14 of the National Park Service; and

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

17 (b) AUTHORITY OF BUREAU OF LAND MANAGE-
18 MENT, BUREAU OF RECLAMATION, NATIONAL PARK
19 SERVICE, AND FOREST SERVICE WITH RESPECT TO CER-
20 TAIN AQUATIC RESOURCE ACTIVITIES ON FEDERAL LAND
21 AND WATER.—

22 (1) IN GENERAL.—The Secretaries may inspect
23 and decontaminate vessels entering or leaving Fed-
24 eral land and water located within a river basin that
25 contains a Bureau of Reclamation water project.

1 (2) REQUIREMENTS.—The Secretaries shall—

2 (A) in carrying out an inspection under
3 paragraph (1), coordinate with 1 or more part-
4 ners;

5 (B) consult with the Aquatic Nuisance
6 Species Task Force to identify potential im-
7 provements and efficiencies in the detection and
8 management of invasive species on Federal land
9 and water; and

10 (C) to the maximum extent practicable, in-
11 spect vessels in a manner that minimizes dis-
12 ruptions to public access for boating and recre-
13 ation in noncontaminated vessels.

14 (3) PARTNERSHIPS.—The Secretaries may
15 enter into a partnership to provide technical assist-
16 ance to a partner—

17 (A) to carry out an inspection or decon-
18 tamination of vessels; or

19 (B) to establish an inspection and decon-
20 tamination station for vessels.

21 (4) LIMITATION.—The Secretaries shall not
22 prohibit access to Federal land and water for vessels
23 under this subsection in the absence of an inspector.

24 (5) DATA SHARING.—The Secretaries shall
25 make available to a Reclamation State any data

1 gathered related to inspections carried out in the
2 Reclamation State under this subsection.

3 (c) GRANT PROGRAM FOR RECLAMATION STATES
4 FOR VESSEL INSPECTION AND DECONTAMINATION STA-
5 TIONS.—

6 (1) VESSELS INSPECTIONS IN RECLAMATION
7 STATES.—Subject to the availability of appropria-
8 tions, the Secretary, acting through the Commis-
9 sioner of Reclamation, shall establish a competitive
10 grant program to provide grants to partners to con-
11 duct inspections and decontamination of vessels op-
12 erating in reservoirs operated and maintained by the
13 Secretary, including to purchase, establish, operate,
14 or maintain a vessel inspection and decontamination
15 station.

16 (2) COST SHARE.—The Federal share of the
17 cost of a grant under paragraph (1), including per-
18 sonnel costs, shall not exceed 75 percent.

19 (3) STANDARDS.—Before awarding a grant
20 under paragraph (1), the Secretary shall determine
21 that the project is technically and financially fea-
22 sible.

23 (4) COORDINATION.—In carrying out this sub-
24 section, the Secretary shall coordinate with—

25 (A) each of the Reclamation States;

- 1 (B) affected Indian Tribes; and
2 (C) the Aquatic Nuisance Species Task
3 Force.

4 **SEC. 405. AMENDMENTS TO THE MODERNIZING ACCESS TO**
5 **OUR PUBLIC LAND ACT.**

6 The Modernizing Access to Our Public Land Act (16
7 U.S.C. 6851 et seq.) is amended—

8 (1) in section 3(1) (16 U.S.C. 6852(1)), by
9 striking “public outdoor recreational use” and in-
10 sserting “recreation sites”;

11 (2) in section 5(a)(4) (16 U.S.C. 6854(a)(4)),
12 by striking “permanently restricted or prohibited”
13 and inserting “regulated or closed”; and

14 (3) in section 6(b) (16 U.S.C. 6855(b))—

15 (A) by striking “may” and inserting
16 “shall”; and

17 (B) by striking “the Secretary of the Inte-
18 rior” and inserting “the Secretaries”.

19 **SEC. 406. OUTDOOR RECREATION LEGACY PARTNERSHIP**
20 **PROGRAM.**

21 (a) DEFINITIONS.—In this section:

22 (1) ELIGIBLE ENTITY.—The term “eligible enti-
23 ty” means an entity that represents or otherwise
24 serves a qualifying area.

1 (2) ELIGIBLE NONPROFIT ORGANIZATION.—The
2 term “eligible nonprofit organization” means an or-
3 ganization that is described in section 501(c)(3) of
4 the Internal Revenue Code of 1986 and is exempt
5 from taxation under section 501(a) of such code.

6 (3) ENTITY.—The term “entity” means—

7 (A) a State;

8 (B) a political subdivision of a State, in-
9 cluding—

10 (i) a city;

11 (ii) a county; and

12 (iii) a special purpose district that
13 manages open space, including a park dis-
14 trict; and

15 (C) an Indian Tribe, urban Indian organi-
16 zation, or Alaska Native or Native Hawaiian
17 community or organization.

18 (4) LOW-INCOME COMMUNITY.—The term “low-
19 income community” means any census block group
20 in which 30 percent or more of the population are
21 individuals with an annual household income equal
22 to, or less than, the greater of—

23 (A) an amount equal to 80 percent of the
24 median income of the area in which the house-

1 hold is located, as reported by the Department
2 of Housing and Urban Development; and

3 (B) an amount equal to 200 percent of the
4 Federal poverty line.

5 (5) OUTDOOR RECREATION LEGACY PARTNER-
6 SHIP PROGRAM.—The term “Outdoor Recreation
7 Legacy Partnership Program” means the program
8 established under subsection (b)(1).

9 (6) QUALIFYING AREA.—The term “qualifying
10 area” means—

11 (A) an urbanized area or urban cluster
12 that has a population of 25,000 or more in the
13 most recent census;

14 (B) 2 or more adjacent urban clusters with
15 a combined population of 25,000 or more in the
16 most recent census; or

17 (C) an area administered by an Indian
18 Tribe or an Alaska Native or Native Hawaiian
19 community organization.

20 (7) STATE.—The term “State” means each of
21 the several States, the District of Columbia, and
22 each territory of the United States.

23 (b) GRANTS AUTHORIZED.—

24 (1) ESTABLISHMENT OF PROGRAM.—

1 (A) IN GENERAL.—The Secretary shall es-
2 tablish an outdoor recreation legacy partnership
3 program under which the Secretary may award
4 grants to eligible entities for projects—

5 (i) to acquire land and water for
6 parks and other outdoor recreation pur-
7 poses in qualifying areas; and

8 (ii) to develop new or renovate exist-
9 ing outdoor recreation facilities that pro-
10 vide outdoor recreation opportunities to the
11 public in qualifying areas.

12 (B) PRIORITY.—In awarding grants to eli-
13 gible entities under subparagraph (A), the Sec-
14 retary shall give priority to projects that—

15 (i) create or significantly enhance ac-
16 cess to park and recreational opportunities
17 in an urban neighborhood or community;

18 (ii) engage and empower underserved
19 communities and youth;

20 (iii) provide employment or job train-
21 ing opportunities for youth or underserved
22 communities;

23 (iv) establish or expand public-private
24 partnerships, with a focus on leveraging re-
25 sources; and

1 (v) take advantage of coordination
2 among various levels of government.

3 (2) MATCHING REQUIREMENT.—

4 (A) IN GENERAL.—As a condition of re-
5 ceiving a grant under paragraph (1), an eligible
6 entity shall provide matching funds in the form
7 of cash or an in-kind contribution in an amount
8 equal to not less than 100 percent of the
9 amounts made available under the grant.

10 (B) WAIVER.—The Secretary may waive
11 all or part of the matching requirement under
12 subparagraph (A) if the Secretary determines
13 that—

14 (i) no reasonable means are available
15 through which the eligible entity can meet
16 the matching requirement; and

17 (ii) the probable benefit of the project
18 outweighs the public interest in the match-
19 ing requirement.

20 (C) ADMINISTRATIVE EXPENSES.—Not
21 more than 10 percent of funds provided to an
22 eligible entity under a grant awarded under
23 paragraph (1) may be used for administrative
24 expenses.

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

4 (A) provide recreation opportunities in un-
5 derserved communities in which access to parks
6 is not adequate to meet local needs;

7 (B) provide opportunities for outdoor
8 recreation and public land volunteerism;

9 (C) support innovative or cost-effective
10 ways to enhance parks and other recreation—

11 (i) opportunities; or

12 (ii) delivery of services;

13 (D) support park and recreation program-
14 ming provided by cities, including cooperative
15 agreements with community-based eligible non-
16 profit organizations;

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

19 (F) provide benefits such as community re-
20 siliance, reduction of urban heat islands, en-
21 hanced water or air quality, or habitat for fish
22 or wildlife.

23 (4) ELIGIBLE USES.—

24 (A) IN GENERAL.—Subject to subpara-
25 graph (B), a grant recipient may use a grant

1 awarded under paragraph (1) for a project de-
2 scribed in subparagraph (A) or (B) of that
3 paragraph.

4 (B) LIMITATIONS ON USE.—A grant recipi-
5 ent may not use grant funds for—

6 (i) incidental costs related to land ac-
7 quisition, including appraisal and titling;

8 (ii) operation and maintenance activi-
9 ties;

10 (iii) facilities that support
11 semiprofessional or professional athletics;

12 (iv) indoor facilities, such as recre-
13 ation centers or facilities that support pri-
14 marily non-outdoor purposes; or

15 (v) acquisition of land or interests in
16 land that restrict access to specific per-
17 sons.

18 (c) REVIEW AND EVALUATION REQUIREMENTS.—In
19 carrying out the Outdoor Recreation Legacy Partnership
20 Program, the Secretary shall—

21 (1) conduct an initial screening and technical
22 review of applications received;

23 (2) evaluate and score all qualifying applica-
24 tions; and

1 (3) provide culturally and linguistically appro-
2 prate information to eligible entities (including low-
3 income communities and eligible entities serving low-
4 income communities) on—

5 (A) the opportunity to apply for grants
6 under this section;

7 (B) the application procedures by which el-
8 igible entities may apply for grants under this
9 section; and

10 (C) eligible uses for grants under this sec-
11 tion.

12 (d) REPORTING.—

13 (1) ANNUAL REPORTS.—Not later than 30 days
14 after the last day of each report period, each State
15 lead agency that receives a grant under this section
16 shall annually submit to the Secretary performance
17 and financial reports that—

18 (A) summarize project activities conducted
19 during the report period; and

20 (B) provide the status of the project.

21 (2) FINAL REPORTS.—Not later than 90 days
22 after the earlier of the date of expiration of a project
23 period or the completion of a project, each State
24 lead agency that receives a grant under this section
25 shall submit to the Secretary a final report con-

1 taining such information as the Secretary may re-
2 quire.

3 **SEC. 407. RECREATION BUDGET CROSSCUT.**

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

Calendar No. 172

118TH CONGRESS
1ST Session

S. 873

[Report No. 118-79]

A BILL

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

JULY 26, 2023

Reported with amendments