AMENDMENT NO.______ Calendar No.______

Purpose: In the nature of a substitute.


S. 3266

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

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

Amendment In the Nature of a Substitute intended to be proposed by ________________

Viz:

1 Strike all after the enacting clause and insert the following:

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

6 (b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—OUTDOOR RECREATION AND INFRASTRUCTURE

Subtitle A—Declaration of Policy

Sec. 111. Congressional declaration of policy.

Subtitle B—Public Recreation on Federal Recreational Lands and Waters

Sec. 121. Biking on long-distance bike trails.
Sec. 122. Forest Service climbing guidance.
Sec. 123. Designated target shooting ranges.

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

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

TITLE II—AMENDMENTS TO THE FEDERAL LANDS RECREATION ENHANCEMENT ACT
Sec. 201. Short title.
Sec. 203. Special recreation permits and fees.
Sec. 204. Online collection of certain recreation fees.
Sec. 205. Online purchases and establishment of a digital version of America the Beautiful—the National Parks and Federal Recreational Lands Passes.
Sec. 206. Availability of Federal, State, and local recreation passes.
Sec. 207. Use of special recreation permit fee revenue.
Sec. 208. Permanent authorization.

TITLE III—SPECIAL RECREATION PERMITS FOR OUTFITTING AND GUIDING
Subtitle A—Administration of Special Recreation Permits for Outfitting and Guiding
Sec. 311. Permit administration.
Sec. 312. Forest Service and Bureau of Land Management transitional special recreation permits for outfitting and guiding.
Sec. 313. Surrender of unused visitor-use days.
Sec. 314. Permit reviews.
Sec. 315. Adjustment of allocated visitor-use days.

Subtitle B—Additional Provisions Relating to Special Recreation Permits
Sec. 321. Permitting process improvements.
Sec. 322. Service First Initiative and multijurisdictional trips.
Sec. 323. Permit flexibility.
Sec. 324. Liability.
Sec. 325. Cost recovery reform.
Sec. 326. Permit relief for picnic areas.
Sec. 327. Interagency report on special recreation permits for underserved communities.

Subtitle C—Effect

Sec. 331. Effect.

TITLE IV—MISCELLANEOUS PROVISIONS

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

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMERCIAL USE AUTHORIZATION.—The term “commercial use authorization” means a commercial use authorization to provide services to visitors to units of the National Park System under subchapter II of chapter 1019 of title 54, United States Code.

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

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

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

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

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

(A) the Secretary; and

(B) the Secretary of Agriculture.

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

(8) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

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

(B) the Secretary of Agriculture, with respect to land managed by the Forest Service.

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

(10) Visitor-use day.—The term “visitor-use day” means a visitor-use day, user day, launch, or other metric used by the Secretary concerned for purposes of authorizing use under a special recreation permit.

TITLE I—OUTDOOR RECREATION AND INFRASTRUCTURE

Subtitle A—Declaration of Policy

SEC. 111. CONGRESSIONAL DECLARATION OF POLICY.

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

Subtitle B—Public Recreation on Federal Recreational Lands and Waters

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

(a) Definition of Long-distance Bike Trail.—

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

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

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

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

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

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

(b) Long-Distance Bike Trails on Federal
Recreational Lands and Waters.—

(1) Identification of long-distance bike
trails.—Subject to paragraph (2), the Secretaries
shall—

(A) identify not fewer than 10 long-dis-
tance bike trails, consistent with management
requirements for the Federal recreational lands
and waters identified, that make use of trails
and roads in existence on the date of enactment
of this Act; and
(B)(i) identify not fewer than 10 areas in which there is an opportunity to develop or complete long-distance bike trails, consistent with the management requirements for the Federal recreational lands and waters identified;

(ii) coordinate with stakeholders on the feasibility of, and identifying any resources necessary for, completing the development of the trails identified under clause (i); and

(iii) incorporate existing applicable research and planning decisions in carrying out this section.

(2) Conflict Avoidance with Other Uses.—Before identifying a trail or road as a long-distance bike trail under paragraph (1), the Secretary concerned shall ensure that the identification of the long-distance bike trail would not conflict with an existing use of the trail or road, including horseback riding or use by pack and saddle stock.

(3) Maps, Signage, and Promotional Materials.—For any long-distance bike trail identified under paragraph (1), the Secretary concerned may publish and distribute maps, install signage, and issue promotional materials.
(4) Geographic Representation.—To the extent practicable, the Secretary concerned shall seek to identify long-distance bike trails and areas for the development or completion of long-distance bike trails under paragraph (1) in a geographically equitable manner.

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

SEC. 122. FOREST SERVICE CLIMBING GUIDANCE.

(a) Climbing Guidance in Wilderness.—

(1) In General.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall issue guidance on climbing management in designated wilderness areas on National Forest System land that recognizes the appropriateness of the allowable activities described in paragraph (2) in the designated wilderness areas, if the allowable activities are undertaken in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.).
(B) other applicable laws (including regulations); and
(C) any terms and conditions that are determined to be necessary by the Secretary of Agriculture.

(2) ALLOWABLE ACTIVITIES.—The allowable activities referred to in paragraph (1) are—
(A) recreational climbing;
(B) the placement, use, and maintenance of fixed anchors; and
(C) the use of other equipment necessary for recreational climbing.

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

SEC. 123. DESIGNATED TARGET SHOOTING RANGES.

(a) DEFINITION OF DESIGNATED TARGET SHOOTING RANGE.—In this section, the term “designated target shooting range” means a developed and managed area that is designed and operated by the Forest Service or the Bureau of Land Management specifically for the pur-
poseful discharge of legal firearms, firearms training,
archery, or other associated activities.

(b) IDENTIFICATION OF DESIGNATED TARGET
SHOOTING RANGES.—

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

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

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

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

(3) REQUIREMENTS.—A designated target
shooting range under paragraph (1)—
(A)(i) shall be able to accommodate rifles, pistols, and shotguns; and
(ii) may accommodate archery;
(B) shall include—
(i) significantly modified landscapes, including berms, buffer distances, or other public safety designs or features;
(ii) a designated firing line; and
(iii) benches; and
(C) may include—
(i) shade structures;
(ii) trash containers;
(iii) restrooms; and
(iv) any other features that the Secretary concerned determines to be necessary.
(c) Requirements.—
(1) Existing Use.—The Secretaries, in cooperation with the entities described in subsection (d), shall—
(A) consider the proximity of areas frequently used by recreational shooters when identifying a suitable location for a designated target shooting range; and
(B) ensure a designated target shooting range would not impact a target shooting range operated or maintained by a non-Federal entity, including a target shooting range located on private land.

(2) Closures.—Except in emergency situations, the Secretary concerned shall seek to ensure that a designated target shooting range, or an equivalent shooting range adjacent to a National Forest or Bureau of Land Management district, is available to the public prior to closing Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management to recreational shooting, in accordance with section 4103 of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (16 U.S.C. 7913).

(d) Consultations.—

(1) In general.—In carrying out this section, the Secretaries shall consult, as applicable, with—

(A) local and Tribal governments;

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

(C) State fish and wildlife agencies;

(D) shooting clubs;

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

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

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

(H) the public.

(2) PARTNERSHIPS.—The Secretaries may—

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

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

(3) RECREATION AND PUBLIC PURPOSES ACT.—The Secretary concerned may consider a des-
designated target shooting range that is located on land transferred pursuant to the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.) as a designated target shooting range on Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management for the purposes of subsection (b)(2).

(e) Restrictions.—

(1) In general.—The management of a designated target shooting range shall be subject to such conditions as the Secretary concerned determines are necessary for the safe, responsible use of—

(A) the designated target shooting range;

and

(B) the adjacent resources.

(2) Fees.—The Secretary concerned may not require a user to pay a fee to use a designated target shooting range established under this section.

(f) Applicability.—

(1) In general.—This section (including the restriction under subsection (e)(2)), shall only apply only to the minimum number of designated target
shooting ranges at each National Forest or Bureau of Land Management district established under subsection (b)(2).

(2) ADDITIONAL DESIGNATED TARGET SHOOTING RANGES.—In the case of a National Forest or a Bureau of Land Management district that has more than the minimum number of designated target shooting ranges required under subsection (b)(2), any designated target shooting range at the National Forest or Bureau of Land Management district, as applicable, that exceeds the minimum number may, but is not required to, comply with this section.

(g) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act and annually thereafter through fiscal year 2032, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the progress made with respect to the implementation of this section.
Subtitle C—Improving Recreation Infrastructure

SEC. 131. BROADBAND INTERNET CONNECTIVITY AT DEVELOPED RECREATION SITES.

(a) In General.—The Secretary and the Chief of the Forest Service shall enter into an agreement with the Administrator of the Rural Utilities Service to foster the installation or construction of broadband internet infrastructure at developed recreation sites on Federal recreational lands and waters to establish broadband internet connectivity—

(1) subject to the availability of appropriations; and

(2) in accordance with applicable law.

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

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

(2) an estimate of the cost to equip each of those sites with broadband internet infrastructure.
(c) PRIORITIES.—In selecting developed recreation sites for the list described in subsection (b)(1), the Secretary and the Chief of the Forest Service shall give priority to developed recreation sites—

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

(A) geographic challenges; or

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

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

SEC. 132. EXTENSION OF SEASONAL RECREATION OPPORTUNITIES.

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

(1) a unit of Federal recreational lands and waters, or a portion of a unit of Federal recreational lands and waters, is closed to the public for a continuous period of not less than 30 days; and

(2) permitted or allowable recreational activities, which provide an economic benefit, including
off-season or winter-season tourism, are not taking
place at—

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

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

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

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

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

(3) to better understand—

(A) the effect of seasonal closures of areas
of, or infrastructure on, units of Federal recre-
reational lands and waters on outdoor recre-
ation opportunities, adjacent businesses, and
tlocal tax revenue; and

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

(e) Availability of Infrastructure.—

(1) In General.—The Secretaries shall make
efforts to make infrastructure available to accommo-
date increased visitation to units of Federal recre-
reational lands and waters during periods that are
at or before the beginning or at or after the end of
traditional seasonal closures—

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

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

(2) Inclusions.—Efforts described in para-
graph (1) may include—
20

(A) the addition of a facility at the unit of

Federal recreational lands and waters; or

(B) the improvement of access to or on the

unit of Federal recreational lands and waters.

(d) AGREEMENTS.—

(1) IN GENERAL.—The Secretaries may enter

into agreements with businesses, local governments,

or other entities to share the cost of additional ex-

penses necessary to extend the period of time during

which an area of, or infrastructure on, a unit of

Federal recreational lands and waters is made open

to the public.

(2) IN-KIND CONTRIBUTIONS.—The Secretaries

may accept in-kind contributions of goods and serv-

ices provided by businesses, local governments, or

other entities for purposes of paragraph (1).

SEC. 133. GATEWAY COMMUNITIES.

(a) DEFINITION OF GATEWAY COMMUNITY.—In this

section, the term “gateway community” means a commu-

nity that serves as an entry point or is adjacent to a recre-

ation destination on Federal recreational lands and waters

or non-Federal land at which there is consistently high,

in the determination of the Secretaries, seasonal or year-

round visitation.
(b) Assessment of Impacts and Needs in Gateway Communities.—Using existing funds available to the Secretaries, the Secretaries—

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

(A) housing shortages;

(B) demands on existing municipal infrastructure; and

(C) accommodation and management of sustainable visitation; and

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

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

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

(C) issuing an entity referred to in paragraph (1) a special use permit (other than a special recreation permit), in accordance with applicable laws.
(c) Technical and Financial Assistance to Businesses.—

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

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

(d) Partnerships.—In carrying out this section, the Secretaries may, in accordance with applicable laws, enter into a public-private partnership, cooperative agreement, memorandum of understanding, or similar agreement with a gateway community or a business in a gateway community.
SEC. 134. PARKING OPPORTUNITIES FOR FEDERAL RECREATIONAL LANDS AND WATERS.

(a) In General.—The Secretaries shall seek to increase parking opportunities for persons recreating on Federal recreational lands and waters—

(1) in accordance with existing laws; and

(2) in a manner that does not increase maintenance obligations on Federal recreational lands and waters.

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

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

(2) lease non-Federal land for parking opportunities; or

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

SEC. 135. TRAVEL MANAGEMENT.

(a) Travel Management Plans.—The Secretary concerned shall seek to have, not later than 5 years after the date of enactment of this Act, in a printed and publicly available format that is compliant with the format for geographic information systems—
(1) for each district administered by the Director of the Bureau of Land Management, a ground transportation linear feature; and

(2) for each unit of the National Forest System, a motor vehicle use map.

(b) Over-snow Vehicle-Use Maps.—The Secretary concerned shall seek to have, not later than 10 years after the date of enactment of this Act, in a printed and publicly available format that is compliant with the format for geographic information systems, an over-snow vehicle use map for each unit of Federal recreational lands and waters administered by the Chief of the Forest Service or Director of the Bureau of Land Management that has adequate snowfall for over-snow vehicle use to occur.

(c) Out-of-Date Plans and Maps.—Not later than 20 years after the date on which the Secretary concerned adopted or reviewed, through public notice and comment, a travel management plan or map described in subsection (a) or (b), the Secretary concerned shall review, through public notice and comment, and update, as necessary, the applicable travel management plan or map.

(d) Motorized and Nonmotorized Access.—The Secretaries shall seek to create additional opportunities, as appropriate, for motorized and nonmotorized access and experiences on Federal recreational lands and waters
administered by the Chief of the Forest Service or the Director of the Bureau of Land Management.

SEC. 136. PUBLIC-PRIVATE PARTNERSHIPS TO MODERNIZE FEDERALLY-OWNED CAMPGROUNDS, RESORTS, CABINS, AND VISITOR CENTERS ON FEDERAL RECREATIONAL LANDS AND WATERS.

(a) IN GENERAL.—The Secretaries shall establish a pilot program under which the Secretary concerned may enter into an agreement with or issue a land use authorization to a private entity that provides for the private entity to make capital improvements (including the construction of structures and improvements) to, and to operate and maintain, a federally-owned campground, resort, cabin, or visitor center in existence on the date of enactment of this Act on Federal recreational lands and waters administered by the Chief of the Forest Service or Director of the Bureau of Land Management, subject to the requirements of this section, regardless of whether the private entity holds, on the date of enactment of this Act, an authorization to be a concessionaire for the relevant campground, resort, cabin, or visitor center.

(b) MINIMUM NUMBER OF AGREEMENTS OR LAND USE AUTHORIZATIONS.—Not later than 3 years after the date of enactment of this Act, the Secretary concerned,
with the consent of an affected holder of an authorization
to be a concessionaire for the campground, resort, cabin,
or visitor center, if applicable, shall enter into at least 1
agreement or land use authorization under subsection (a)
in—

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

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

(e) REQUIREMENTS.—

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

(A) describes investments in the camp-
ground, resort, cabin, or visitor center to be
made by the private entity during the first 3
years of the agreement or land use authoriza-
tion;
(B) describes annual maintenance spend-
ing for each year of the agreement or land use
authorization; and

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

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

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

(B) require that, not later than 3 years
after the date on which the Secretary concerned
enters into an agreement or issues a land use
authorization, the private entity expend, or
place in an escrow account for expenditure, for
the construction or improvement of structures
and infrastructure relating to the operation of,
or access to, the applicable campground, resort,
cabin, or visitor center, an amount or a speci-
ified percentage, as determined by the Secretary
concerned, of the anticipated receipts for the
term of the agreement or land use authoriza-
tion, which shall be an amount not less than $2,000,000;

(C) require the private entity to maintain the campground facility, resort, cabin, or visitor center and any associated infrastructure designated by the Secretary concerned in a manner acceptable to the Secretary concerned and the private entity;

(D) include any terms and conditions that the Secretary concerned determines to be necessary for a special use permit issued under section 7 of the Act of April 24, 1950 (commonly known as the “Granger-Thye Act”) (64 Stat. 84, chapter 97; 16 U.S.C. 580d), including the payment described in subparagraph (E) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), as applicable;

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

(i) consistent with—

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

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

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

(F) include provisions that state—

(i) the private entity shall obtain no property interest pursuant to the expenditures of the private entity, as required by the agreement or land use authorization; and
(ii) all structures and improvements
constructed by the private entity under the
agreement or land use authorization on
land owned by the United States shall be
the property of the United States; and
(G) be subject to any other terms and con-
ditions determined to be necessary by the Sec-
retary concerned.

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

SEC. 137. FOREST SERVICE PAY-FOR-PERFORMANCE
PROJECTS.

(a) DEFINITIONS.—In this section:

(1) INDEPENDENT EVALUATOR.—The term
“independent evaluator” means an individual or en-
tity, including an institution of higher education,
that is selected by the pay-for-performance bene-
fiiciary and pay-for-performance investor, as applica-
ble, or by the pay-for-performance project developer,
in consultation with the Secretary of Agriculture, to
make the determinations and prepare the reports re-
quired under subsection (e).

(2) National forest system land.—The
term “National Forest System land” means land in
the National Forest System (as defined in section
11(a) of the Forest and Rangeland Renewable Re-
sources Planning Act of 1974 (16 U.S.C. 1609(a))).

(3) Pay-for-performance agreement.—The
term “pay-for-performance agreement” means a mu-
tual benefit agreement (excluding a procurement
contract, grant agreement, or cooperative agreement
described in chapter 63 of title 31, United States
Code) for a pay-for-performance project—

(A) with a term of—

(i) not less than 1 year; and

(ii) not more than 20 years; and

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

(i) the Secretary of Agriculture; and

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

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

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

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

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

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

(A) would provide or enhance a recreational opportunity;

(B) is conducted on—

(i) National Forest System land; or

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

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

(i) loaned capital from a pay-for-performance investor to cover upfront costs associated with a pay-for-performance project, with the loaned capital repaid by a pay-for-performance beneficiary at a rate of return dependent on a project outcome, as measured by an independent evaluator;

or

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

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

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

(b) Establishment of Pilot Program.—The Secretary of Agriculture shall establish a pilot program in accordance with this section to carry out 1 or more pay-for-performance projects.

(c) Pay-for-Performance Projects.—

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

(A) the Secretary of Agriculture; or

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

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

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

(2) Relation to land management plans.—A pay-for-performance project carried out under this section shall be consistent with any appli-

(3) OWNERSHIP.—

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

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

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

(ii) the underlying land.

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

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

(d) PROJECT AGREEMENTS.—

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

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

(3) FINANCING.—

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

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

(i) based on—

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

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

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

(II) a percentage of the estimated cost
savings to the pay-for-performance bene-
ficiary or the Secretary of Agriculture de-

erived from a project outcome;

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

(IV) a percentage of the cost of the
pay-for-performance project.
(C) Forest service financial assistance.—Subject to the availability of appropriations, the Secretary of Agriculture may only contribute funding for a pay-for-performance project if—

(i) the Secretary of Agriculture demonstrates that—

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

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

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

(D) Special account.—Any funds received by the Secretary of Agriculture under subsection (c)(1) shall be—

(i) retained in a separate fund in the Treasury to be used solely for pay-for-performance projects; and
(ii) shall be remain available until expended and without further appropriation.

(4) **Maintenance and Decommissioning of Pay-for-Performance Project Improvements.**—A pay-for-performance agreement shall—

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

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

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

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

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

(5) **Termination of Pay-for-Performance Project Agreements.**—The Secretary of Agriculture may unilaterally terminate a pay-for-performance agreement, in whole or in part, for any program year beginning after the program year dur-
ing which the Secretary of Agriculture provides to each party to the pay-for-performance agreement a notice of the termination.

(e) INDEPENDENT EVALUATIONS.—

(1) PROGRESS REPORTS.—An independent evaluator shall submit to the Secretary of Agriculture and each party to the applicable pay-for-performance agreement—

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

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

(i) summarizes the results of the evaluation conducted by the independent evaluator to determine whether a payment should be made pursuant to the pay-for-performance agreement; and

(ii) analyzes the reasons why a project outcome was achieved or was not achieved.
(2) Final reports.—Not later than 180 days after the date on which a pay-for-performance project is completed, the independent evaluator shall submit to the Secretary of Agriculture and each party to the pay-for-performance agreement a written report that includes, with respect to the period covered by the report—

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

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

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

(f) Additional Forest Service-provided assistance.—

(1) Technical assistance.—The Secretary of Agriculture may provide technical assistance to facilitate pay-for-performance project development, such as planning, permitting, site preparation, and design work.
(2) CONSULTANTS.—Subject to the availability of appropriations, the Secretary of Agriculture may hire a contractor—

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

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

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

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

(h) DURATION OF PILOT PROGRAM.—

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

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

Subtitle D—Engagement

SEC. 141. IDENTIFYING OPPORTUNITIES FOR RECREATION.

(a) DEFINITION OF LAND USE PLAN.—In this section, the term “land use plan” means—

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

and

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

(b) INVENTORY AND ASSESSMENTS.—

(1) IN GENERAL.—The Secretaries shall—

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

(B) publish the inventory and assessment conducted under subparagraph (A) for public comment.
(2) UNIQUE RECREATION VALUES.—An inventory and assessment conducted under paragraph (1) shall recognize—

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

(B) areas of concentrated recreational use.

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

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

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

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

(iii) location; and

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

(4) ASSESSMENTS.—For any recreation resource inventoried under paragraph (1), the Secretary concerned shall assess—
(A) the level of demand for the recreation resource;

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

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

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

(i) natural, cultural, and other resources;

(ii) other authorized uses and activities on the Federal recreational lands and waters subject to the applicable land use plan; and

(iii) existing infrastructure;

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

(F) technological developments and innovation that affects recreation use; and

(G) the adequacy of the current management of the recreation resource.
(c) Future Recreation Needs and Management.—

(1) Future needs.—Based on the inventory and assessment conducted under subsection (b)(1), the Secretary concerned shall—

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

(B) identify underutilized locations that are suitable for developing, expanding, or enhancing recreation use; and

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

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

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

(B) The maintenance needs of, and the expenses necessary to administer, the high-value recreation resource.

(C) The presence of partner organizations prepared to assist in the stewardship of recreation resource.
(D) The benefits of recreation use, including benefits to the local economy.

(E) The impacts of recreation use on—

(i) natural, cultural, or other resources;

(ii) other authorized uses and activities on the Federal recreational lands and waters subject to any applicable land use plan; and

(iii) adjacent landowners.

(3) MANAGEMENT.—The Secretary concerned shall—

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

(B) maintain or enhance the recreation values and encourage recreation use of the high-value recreation resource identified, subject to the availability of appropriations and consistent with any applicable multiple-use mandates; and
(C) manage a high-value recreation re-
source under this paragraph in a manner that
is consistent with applicable law.

(d) Existing Efforts.—To the extent practicable,
the Secretary concerned shall utilize or incorporate exist-
ing applicable research and planning decisions and proc-
esses in carrying out this section.

(e) Conforming Amendments.—Section 200103 of
title 54, United States Code, is amended—

(1) by striking subsection (d); and

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

SEC. 142. FEDERAL INTERAGENCY COUNCIL ON OUTDOOR
RECREATION.

(a) In General.—Section 200104 of title 54, United
States Code, is amended to read as follows:

“§ 200104. Federal Interagency Council on Outdoor
Recreation

“(a) Definitions.—In this section:

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

“(2) Federal Recreational Lands and
Waters.—The term ‘Federal recreational lands and
waters’ has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801).

“(b) ESTABLISHMENT.—The Secretary shall establish an interagency council, to be known as the ‘Federal Interagency Council on Outdoor Recreation’.

“(c) MEMBERSHIP.—

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

“(A) The National Park Service.

“(B) The Bureau of Land Management.

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

“(D) The Forest Service.

“(E) The Corps of Engineers.


“(2) ADDITIONAL MEMBERS.—In addition to the members described in paragraph (1), the Secretary may appoint to the Council members from the following:

“(A) The Bureau of Indian Affairs.

“(B) The Bureau of Reclamation.
“(C) The Natural Resources Conservation Service.

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

“(E) The Economic Development Administration.

“(F) The National Travel and Tourism Office of the Department of Commerce.

“(G) The National Center for Chronic Disease Prevention and Health Promotion.

“(H) The Environmental Protection Agency.

“(I) The Department of Transportation.

“(J) The Tennessee Valley Authority.

“(K) The National Oceanic and Atmospheric Administration.


“(M) An applicable State agency or office.

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

“(3) STATE COORDINATION.—In appointing members to the Council under this subsection, the Secretary shall seek to ensure not fewer than 1 State is a member of the Council.
“(d) COORDINATION.—The Council shall meet as frequently as appropriate for the purposes of coordinating—

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

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

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

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

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

“(6) research activities, including quantifying the economic impacts of recreation;
“(7) dissemination to the public of recreation-related information (including information relating to opportunities, reservations, accessibility, and closures), in a manner that ensures the recreation-related information is easily accessible with modern communication devices;

“(8) the improvement of access to Federal recreational lands and waters; and

“(9) the identification and engagement of partners outside the Federal Government—

“(A) to promote outdoor recreation;

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

“(C) to provide additional resources relating to enhancing outdoor recreation opportunities.

“(e) EFFECT.—Nothing in this section affects the authorities, regulations, or policies of any Federal agency described in paragraph (1) or (2) of subsection (c).”.

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

“200104. Federal Interagency Council on Outdoor Recreation.”.
SEC. 143. INFORMING THE PUBLIC OF ACCESS CLOSURES.

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

(b) ONLINE ALERT.—An alert under subsection (a) shall be posted online on a public website of the appropriate land unit in a manner that—

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

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

SEC. 144. IMPROVED RECREATION VISITATION DATA.

(a) CONSISTENT VISITATION DATA.—

(1) ANNUAL VISITATION DATA.—The Secretaries shall establish a single visitation data reporting system to report accurate annual visitation data, in a consistent manner, for—

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

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

(2) CATEGORIES OF USE.—Within the visitation data reporting system established under paragraph (1), the Secretaries shall—
(A) establish multiple categories of different recreation activities that are reported consistently across agencies; and

(B) provide an estimate of the number of visitors for each applicable category established under subparagraph (A) for each unit of Federal recreational lands and waters.

(b) Real-time Data Pilot Program.—

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

(A) real-time or predictive data on visitation (including data and resources publicly available from existing nongovernmental platform) at—

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

(iii) to the extent practicable, recreation sites managed by any other Federal agency, a State agency, or a local agency that are located near the unit of Federal recreational lands and waters; and

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

(2) LOCATIONS.—

(A) INITIAL NUMBER OF UNITS.—On establishment of the Pilot Program, the Secretaries shall select for participation in the Pilot Program—

(i) 15 units of Federal recreational lands and waters managed by the Secretary; and

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

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

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

(i) solicit feedback regarding partici-
pation in the Pilot Program from commu-
nities adjacent to units of Federal recre-
reational lands and waters and the public;
and

(ii) in carrying out subparagraphs (A)
and (B), select a unit of Federal recreation
lands and waters to participate in the Pilot
Program only if the community adjacent to
the unit of Federal recreational lands and
waters is supportive of the participation of
the unit of Federal recreational lands and
waters in the Pilot Program.
(3) Dissemination of Information.—The Secretaries may disseminate the information described in paragraph (1) directly or through an entity or organization referred to in subsection (c).

(c) Community Partners and Third-Party Providers.—For purposes of carrying out this section, the Secretary concerned may—

(1) coordinate and partner with—

(A) communities adjacent to units of Federal recreational lands and waters;

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

(C) local governments;

(D) Indian Tribes;

(E) trade associations;

(F) local outdoor recreation marketing organizations;

(G) permitted facilitated recreation providers; or

(H) other relevant stakeholders; and

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

(A) technology companies;

(B) geospatial data companies;
(C) experts in data science, analytics, and
operations research; or

(D) data companies.

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

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

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

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

(3) to collect—

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

(B) information on non-Federal land.

(f) REPORTS.—Not later than January 1, 2024, and
annually thereafter, the Secretaries shall publish on a
website of the Secretaries a report that describes the an-
nual visitation of each unit of Federal recreational lands
and waters, including, to the maximum extent practicable,
visitation categorized by recreational activity.
59
1 SEC. 145. MONITORING FOR IMPROVED RECREATION DECISIONMAKING.
2
3      (a) IN GENERAL.—The Secretaries shall seek to cap-
4         ture comprehensive recreation use data to better under-
5         stand and inform decisionmaking by the Secretaries.
6
7      (b) PILOT PROTOCOLS.—Not later than 1 year after
8         the date of enactment of this Act, and after public notice
9         and comment, the Secretaries shall establish pilot proto-
10         cols at not fewer than 10 land management units under
11         the jurisdiction of each of the Secretaries to model recre-
12         ation use patterns (including low-use recreation activities
13         and dispersed recreation activities) that may not be effec-
14         tively measured by existing general and opportunistic sur-
15         vey and monitoring protocols.
16
17 SEC. 146. ACCESS FOR SERVICEMEMBERS AND VETERANS.
18
19      The Secretaries are encouraged to work with the Sec-
20         retary of Defense and the Secretary of Veterans Affairs
21         to ensure servicemembers and veterans have access to out-
22         door recreation and outdoor-related volunteer and wellness
23         programs as a part of the basic services provided to
24         servicemembers and veterans.
25
26 SEC. 147. INCREASING YOUTH RECREATION VISITS TO FED-
27         ERAL LAND.
28
29      (a) STRATEGY.—Not later than 1 year after the date
30         of enactment of this Act, and not less frequently than once
31         every 5 years thereafter, the Secretaries shall develop and
make public a national strategy, after public notice and comment, to increase the number of youth recreation visits to Federal land.

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

(1) shall—

(A) emphasize increased recreation opportunities on Federal land for underserved youth;

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

and

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

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

(c) AGREEMENTS.—The Secretaries may enter into contracts or cost-share agreements (including contracts or agreements for the acquisition of vehicles) to carry out this section.
TITLE II—AMENDMENTS TO THE FEDERAL LANDS RECREATION ENHANCEMENT ACT

SEC. 201. SHORT TITLE.

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

“SEC. 801. SHORT TITLE.

“This title may be cited as the ‘Federal Lands Recreation Enhancement Act’.”

SEC. 202. DEFINITIONS.

Section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) is amended—

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

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

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

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

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

(6) in paragraph (12), by striking “section 7” and inserting “section 807”;
(7) in paragraph (13), by striking “section 3(h)” and inserting “section 803(h)(2)”;

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

(9) by inserting after paragraph (8) (as so redesignated) the following:

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

(10) by inserting after paragraph (12) the following:

“(13) Special recreation permit.—

“(A) In general.—The term ‘special recreation permit’ means a permit issued by a Federal land management agency for the use of Federal recreational lands and waters—

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

“(I) an organizational camp;
“(II) a single event that does not require an entry or participation fee that is not strictly a sharing of expenses for the purposes of the event; and

“(III) participation by the public in a recreation activity or recreation use of a specific area of Federal recreational lands and waters in which use by the public is allocated;

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

“(iii) for—

“(I) at the discretion of the Secretary, a single organized group recreation activity or event (including an activity or event in which motorized recreational vehicles are used or in which outfitting and guiding services are used) that—

“(aa) is a structured or scheduled event;

“(bb) is not competitive and is for fewer than 75 participants;
“(cc) may charge an entry
or participation fee;

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

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

“(II) a single competitive event;

or

“(iv) for—

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

“(II) a recurring outfitting, guid-
ing, or, at the discretion of the Sec-
retary, other recreation service, that
occurs under a transitional special
recreation permit authorized section
312(a) of the America’s Outdoor
Recreation Act of 2022.
“(B) EXCLUSIONS.—The term ‘special recreation permit’ does not include—

“(i) a concession contract for the provision of accommodations, facilities, or services;

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

“(iii) any other type of permit, including a special use permit administered by the National Park Service.”.

SEC. 203. SPECIAL RECREATION PERMITS AND FEES.

(a) In general.—Section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) is amended—

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

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

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

“(h) SPECIAL RECREATION PERMITS AND FEES.—

“(1) SPECIAL RECREATION PERMITS.—

“(A) APPLICATIONS.—The Secretary shall develop and make available to the public an ap-
plication to obtain a special recreation permit
described in clause (ii), (iii), or (iv) of section
802(13)(A).

“(B) Issuance of permits.—On review
of a completed application developed under sub-
paragraph (A) and a determination by the Sec-
retary that the applicant is eligible for the spe-
cial recreation permit, the Secretary may issue
to the applicant a special recreation permit,
subject to any terms and conditions that are de-
determined to be necessary by the Secretary.

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

“(2) Special recreation permit fees.—

“(A) In general.—The Secretary may
charge a special recreation permit fee for the
issuance of a special recreation permit issued
under paragraph (1) in accordance with this
paragraph.

“(B) Predetermined special recrea-
tion permit fees.—
“(i) IN GENERAL.—For purposes of subparagraphs (D) and (E), the Secretary shall establish and charge a predetermined fee, described in clause (ii), for a special recreation permit described in clause (iii) or (iv) of section 802(13)(A) for a specific type of use on a unit of Federal recreational lands and waters, consistent with the criteria set forth in clause (iii).

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

“(I) a fixed fee that is assessed per special recreation permit, including a fee with an associated size limitation or other criteria as determined to be appropriate by the Secretary; or

“(II) an amount assessed per visitor-use day.

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

“(I) have been established before the date of enactment of the America’s Outdoor Recreation Act of 2022;

“(II) be established after the date of enactment of the America’s
Outdoor Recreation Act of 2022, in accordance with subsection (b);

“(III)(aa) be established after the date of enactment of the America’s Outdoor Recreation Act of 2022; and

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

“(IV) beginning on the date that is 2 years after the date of enactment of the America’s Outdoor Recreation Act of 2022, be $6 in instances in which the Secretary has not established a predetermined fee under subclause (I), (II), or (III).

“(C) Calculation of fees for allocated public use, large group activities, and other activities.—The Secretary may, at the discretion of the Secretary, establish and charge a fee for a special recreation permit described in clause (i) or (ii) of section 802(13)(A).

“(D) Calculation of fees for single organized group recreation activities,
COMPETITIVE EVENTS, AND EVENTS FOR WHICH A PARTICIPATION FEE IS CHARGED.—If the Secretary elects to charge a fee for a special recreation permit described in section 802(13)(A)(iii), the Secretary shall charge the recreation service provider, based on the election of the recreation service provider—

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

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

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

“(i) the applicable predetermined fee established under subparagraph (B); or
“(ii) an amount equal to a percentage of, to be determined by the Secretary, but not to exceed 3 percent of, adjusted gross receipts calculated under subparagraph (F).

“(F) ADJUSTED GROSS RECEIPTS.—For the purposes of subparagraphs (D)(ii) and (E)(ii), the Secretary shall calculate the adjusted gross receipts collected for each trip or event authorized under a special recreation permit, using either of the following calculations, based on the election of the recreation service provider:

“(i) The sum of—

“(I) the product obtained by multiplying—

“(aa) the general amount paid by participants of the trip or event to the recreation service provider for the applicable trip or event (excluding amounts related to goods, souvenirs, merchandise, gear, and additional food provided or sold by the recreation service provider); and
“(bb) the quotient obtained by dividing—

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

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

“(II) the amount of any additional revenue received by the recreation service provider for an add-on activity or an optional excursion that occurred on the Federal recreational lands and waters covered by the special recreation permit.

“(ii) The difference between—

“(I) the total cost paid by the participants of the trip or event for the trip or event to the recreation service provider, including any additional revenue received by the recre-
ation service provider for an add-on activity or an optional excursion that occurred on the Federal recreational lands and waters covered by the special recreation permit; and

“(II) the sum of—

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

“(bb) the amount of any costs or revenues from services and activities provided or sold by the recreation service provider to the participants of the trip or event that occurred in a location other than the Federal recreational lands and waters covered by the special recreation permit (including costs for travel and lodging outside the Federal recreational lands and waters
covered by the special recreation permit); and

“(cc) the amount of any revenues from any service provided by a recreation service provider for an activity on Federal recreational lands and waters that is not covered by the special recreation permit.

“(G) EXCEPTION.—Notwithstanding subparagraph (E), the Secretary may charge a recreation service provider a minimum annual fee for a special recreation permit described in section 802(13)(A)(iv).

“(H) SAVINGS CLAUSES.—

“(i) EFFECT.—Nothing in this paragraph affects any fee for—

“(I) a concession contract administered by the National Park Service for the provision of accommodations, facilities, or services; or

“(II) a commercial use authorization for use of Federal recreational lands and waters managed by the National Park Service.
“(ii) Cost recovery.—Nothing in this paragraph affects the ability of the Secretary to recover any administrative costs under section 325 of the America’s Outdoor Recreation Act of 2022.

“(iii) Special recreation permit fees and other recreation fees.—The collection of a special recreation permit fee under this paragraph shall not affect the authority of the Secretary to collect an entrance fee, a standard amenity recreation fee, or an expanded amenity recreation fee authorized under subsections (e), (f), and (g).

“(i) Disclosure of recreation fees and use of recreation fees.—

“(1) Notice of entrance fees, standard amenity recreation fees, expanded amenity recreation fees, and passes.—

“(A) In general.—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, expanded amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of Federal recreational land and waters at which an
entrance fee, standard amenity recreation fee,
or expanded amenity recreation fee is charged.

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

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

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

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

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

“(4) CENTRALIZED REPORTING ON AGENCY
WEBSITES.—
“(A) IN GENERAL.—Not later than January 1, 2023, and not later than 60 days after the beginning of each fiscal year thereafter, the Secretary shall post on the website of the applicable Federal land management agency a searchable list of each use during the preceding fiscal year of the recreation fee or recreation pass revenues collected under this section.

“(B) LIST COMPONENTS.—The list required under subparagraph (A) shall include, with respect to each use described in that subparagraph—

“(i) a title and description of the overall project;

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

“(iii) the location of the project; and

“(iv) the amount obligated for the project.

“(5) NOTICE TO CUSTOMERS.—A recreation service provider may inform a customer of the recreation service provider of any fee charged by the Secretary under this section.”.
(b) CONFORMING AMENDMENT.—Section 804 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6803) is amended by striking subsection (e).

SEC. 204. ONLINE COLLECTION OF CERTAIN RECREATION FEES.

Section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) is amended by adding at the end the following—

“(i) ONLINE PAYMENTS.—

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

“(A) entrance fees under subsection (e);
“(B) standard amenity recreation fees;
“(C) expanded amenity recreation fees;

and

“(D) special recreation permit fees.

“(2) DISTRIBUTION OF ONLINE PAYMENTS.— An online payment collected under paragraph (1) that is associated with a specific unit or area of a Federal land management agency shall be distributed in accordance with section 805(e).”.
SEC. 205. ONLINE PURCHASES AND ESTABLISHMENT OF A DIGITAL VERSION OF AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASSES.

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

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

“(A) IN GENERAL.—The Secretaries shall sell the National Parks and Federal Recreational Lands Pass—

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

“(I) an entrance fee or a standard amenity recreation fee is charged; and

“(II) such sales are feasible;

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

“(iii) through the website of each of the Federal land management agencies and the websites of the relevant units and subunits of the Federal land management agencies, which shall include—
“(I) a prominent link on each website; and

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

(2) by adding at the end the following:

“(10) Digital recreation passes.—By not later than January 1, 2024, the Secretaries shall—

“(A) establish a digital version of the National Parks and Federal Recreational Lands Pass that is able to be stored on a mobile device; and

“(B) on the completion of a sale carried out under paragraph (6)(A)(iii), make available to the passholder the digital version of the National Parks and Federal Recreational Lands Pass established under subparagraph (A).”.

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

Section 806 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6805) is amended by adding at the end the following:

“(d) Federal sales of state and county recreation passes.—
“(1) **In general.**—On receipt of a request by a State or county, the Secretaries may, on behalf of the State or county—

“(A) sell a pass covering a fee charged by a State or county for entrance to, or recreational use of, a park or public land in the State or county; and

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

“(2) **Revenue from pass sales.**—The Secretaries shall transfer to the applicable State or county any amounts collected on behalf of the State or county under paragraph (1)(B).

“(e) **Coordinating the sales of Federal, State, and Local Recreation Passes.**—The Secretaries, in consultation with States and counties, shall seek to coordinate the availability of Federal, State, and county recreation passes to allow an individual to purchase a Federal recreation pass and a State or county recreation pass in a single transaction.”.

**SEC. 207. USE OF SPECIAL RECREATION PERMIT FEE REVENUE.**

Section 808 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807) is amended—
(1) by striking “this Act” each place it appears and inserting “this title”; 

(2) in subsection (a)(3)—

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

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

(C) by adding at the end the following:

“(G) the processing of special recreation permit applications and administration of special recreation permits; and

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

(3) in subsection (d)—

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

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

SEC. 208. PERMANENT AUTHORIZATION.

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

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

TITLE III—SPECIAL RECREATION PERMITS FOR OUTFITTING AND GUIDING

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

SEC. 311. PERMIT ADMINISTRATION.

(a) Permit Availability.—

(1) Notifications of permit availability.—

(A) In general.—Except as provided in subparagraph (B), in an area of Federal recreational lands and waters in which use by recreation service providers is allocated, if the Secretary concerned has determined that visitor-use days use are available for allocation to recreation service providers or holders of a commercial use authorization for outfitting and guiding, the Secretary concerned shall publish the information on the website of the agency that administers the applicable area of Federal recreational lands and waters.
(B) Effect.—Nothing in this paragraph—

(i) applies to—

(I) a reissuance of an existing special recreation permit or an existing commercial use authorization for outfitting and guiding; or

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

(aa) a recreation service provider that is the holder of an existing special recreation permit; or

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

(ii) creates a prerequisite to the issuance of a special recreation permit or commercial use authorization for outfitting and guiding or otherwise limits the authority of the Secretary concerned—

(I) to issue a new special recreation permit or new commercial use
authorization for outfitting and guiding; or

(II) to add a new or additional use to an existing special recreation permit or an existing commercial use authorization for outfitting and guiding.

(2) UPDATES.—The Secretary concerned shall ensure that information published on the website under this subsection is consistently updated to provide current and correct information to the public.

(3) ELECTRONIC MAIL NOTIFICATIONS.—The Secretary concerned shall establish a system by which potential applicants for special recreation permits or commercial use authorizations for outfitting and guiding may subscribe to receive notification by electronic mail of the availability of special recreation permits under subsection (h)(1) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)) or commercial use authorizations for outfitting and guiding.

(b) PERMIT APPLICATION OR PROPOSAL ACKNOWLEDGMENTS.—
(1) IN GENERAL.—Not later than 60 days after the date on which the Secretary concerned receives a completed application or a complete proposal for a special recreation permit under subsection (h)(1) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)), the Secretary concerned shall—

(A) provide to the applicant notice acknowledging receipt of the application or proposal; and

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

(ii) provide to the applicant notice of a projected date for a final decision on the application or proposal.

(2) EFFECT.—Nothing in this subsection applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.

SEC. 312. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT TRANSITIONAL SPECIAL RECREATION PERMITS FOR OUTFITTING AND GUIDING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary concerned
shall implement a program to authorize the issuance of transitional special recreation permits for a new or additional reoccurring outfitting, guiding, or other recreation service, as determined by the Secretary concerned, on Federal recreational lands and waters managed by the Chief of the Forest Service or the Director of the Bureau of Land Management.

(b) TERM OF TRANSITIONAL PERMITS FOR OUTFITTING AND GUIDING.—A transitional special recreation permit issued under subsection (a) shall be issued for a term of 2 years.

(c) CONVERSION TO LONG-TERM PERMITS FOR OUTFITTING AND GUIDING.—

(1) IN GENERAL.—On the request of a recreation service provider that holds a transitional special recreation permit under the program implemented under subsection (a), the Secretary concerned shall provide for the conversion of the transitional special recreation permit to a long-term special recreation permit for outfitting and guiding if the Secretary concerned determines that the recreation service provider—

(A) has held not less than 2 transitional special recreation permits or similar permits issued under—
(i) the program implemented under subsection (a); or

(ii) any other program to issue similar special recreation permits in existence before the date of enactment of this Act;

(B) during the 3-year period preceding the request, has not been determined to have a performance that is less than satisfactory, as determined under the monitoring process described in section 314(a), for any transitional special recreation permits or similar special recreation permits issued by the Secretary concerned, including the transitional special recreation permit proposed to be converted, for the respective unit of Federal recreational lands and waters; and

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

(2) TERM.—The term of a special recreation permit converted to a long-term special recreation permit under this subsection shall be for a period of 5 or 10 years, as determined to be appropriate by the Secretary concerned.
(3) Visitor-use day allocations.—In converting a transitional special recreation permit under paragraph (1) to a long-term special recreation permit for outfitting and guiding, the Secretary concerned may, at the discretion of the Secretary concerned, increase the number of visitor-use days allocated to the recreation service provider under the long-term special recreation permit for outfitting and guiding.

(d) Effect.—Nothing in this section alters or affects the authority of the Secretary concerned to issue a special recreation permit under subsection (h)(1) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)).

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

(a) In general.—A recreation service provider holding a special recreation permit described in paragraph (13)(A)(iv) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)) may—

(1) notify the Secretary concerned of an inability to use visitor-use days annually allocated to the recreation service provider under the special recreation permit; and
(2) surrender to the Secretary concerned the unused visitor-use days for the applicable year for temporary reassignment under section 315(b).

(b) DETERMINATION.—To ensure a recreation service provider described in subsection (a) is able to make an informed decision before surrendering any unused visitor-use day under subsection (a)(2), the Secretary concerned shall, on the request of the applicable recreation service provider, determine and notify the recreation service provider whether the unused visitor-use day meets the requirement described in section 314(b)(3)(B) before the recreation service provider surrenders the unused visitor-use day.

SEC. 314. PERMIT REVIEWS.

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

(1) annually, in the case of a transitional special recreation permit for outfitting and guiding issued under section 312;

(2) once every 2 years, in the case of a special recreation permit described in paragraph (13)(A)(iv)(I) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)) that is issued for a term of 10 years;
(3) in the case of a special recreation permit converted under section 312 to a long-term special recreation permit for outfitting and guiding with a term of 10 years, during each of the 4th, 6th, 8th, and 10th years in which the long-term special recreation permit is in effect; and

(4) in the case of a special recreation permit converted under section 312 to a long-term special recreation permit for outfitting and guiding with a term of 5 years, during each of the 4th and 5th years in which the special recreation permit is in effect.

(b) USE-OF-ALLOCATION REVIEWS.—

(1) IN GENERAL.—If the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, allocates visitor-use days among special recreation permits for outfitting and guiding, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall, and the Secretary may, review the use by the recreation service provider of the visitor-use days allocated—

(A) under a transitional special recreation permit issued under section 312, not later than
90 days before the date on which the transitional special recreation permit expires; and

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

(2) REQUIREMENTS OF THE REVIEW.—In conducting a review under paragraph (1), the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, shall determine—

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

(B) of the years identified under subparagraph (A), the year in which the recreation service provider used the most visitor-use days.

(3) CONSIDERATION OF SURRENDERED, UNUSED VISITOR-USE DAYS.—For the purposes of determining the number of visitor-use days a recreation service provider has used in a specified year under paragraph (2)(A), the Secretary of Agri-
culture, acting through the Chief of the Forest Service, and the Secretary, as applicable, shall consider an unused visitor-use day that has been surrendered under section 313(a)(2) as—

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

(B) 1 visitor-use day used, if the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, determines the use of the allocated visitor-use day had been or will be prevented by a circumstance beyond the control of the recreation service provider.

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

(a) Adjustments Following Use of Allocation Reviews.—On the completion of a use-of-allocation review of a special recreation permit described in paragraph (13)(A)(iv)(I) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)) conducted under section 314(b), the Secretary of Agriculture, acting through the Chief of the Forest Service, or the Secretary, as applicable, shall adjust the number of visitor-use days allocated to a recreation service provider under the special recreation permit as follows:
(1) If the Secretary concerned determines that the performance of the recreation service provider was satisfactory during the most recent review conducted under subsection (a) of section 314, the annual number of visitor-use days allocated for each remaining year of the permit shall be equal to 125 percent of the number of visitor-use days used, as determined under subsection (b)(2)(A) of that section, during the year identified under subsection (b)(2)(B) of that section, not to exceed the level allocated to the special recreation permit holder on the date on which the special recreation permit was issued.

(2) If the Secretary concerned determines the performance of the recreation service provider is less than satisfactory during the most recent performance review conducted under subsection (a) of section 314, the annual number of visitor-use days allocated for each remaining year of the permit shall be equal to not more than 100 percent of the number of visitor-use days used, as determined under subsection (b)(2)(A) of that section during the year identified under subsection (b)(2)(B) of that section.

(b) TEMORARY REASSIGNMENT OF UNUSED DAYS.—The Secretary concerned may temporarily assign
unused visitor use-days, made available under section 313(a)(2) to—

(1) any other existing or potential recreation service provider, notwithstanding the number of visitor-use days allocated to the special recreation permit holder under the special recreation permit held or to be held by the recreation service provider; or

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

(e) ADDITIONAL CAPACITY.—If unallocated visitor-use days are available, the Secretary concerned may, at any time, revise a special recreation permit to assign additional visitor-use days to a qualified recreation service provider.

Subtitle B—Additional Provisions Relating to Special Recreation Permits

SEC. 321. PERMITTING PROCESS IMPROVEMENTS.

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

(1) not later than 1 year after the date of enactment of this Act—

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

(B) based on the evaluation under subparagraph (A), identify opportunities—

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

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

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

(iv) to issue simplified special recreation permits; and

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

(b) ENVIRONMENTAL REVIEWS.—

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

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

(A) evaluate—

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

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

(B) revise relevant agency regulations and policy statements, as necessary, to modify existing categorical exclusions or incorporate new categorical exclusions based on the evaluation conducted under subparagraph (A).

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

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

(1) online;
(2) by mail or electronic mail; and

(3) in person at the field office for the applicable Federal recreational lands and waters.

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

(1) DEFINITIONS.—In this subsection:

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

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

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

(3) ISSUANCE.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), if use by the general public is not subject to a limited entry permit system and capacity is available for the times or days in which the proposed activity or event would be undertaken under an application for an organized group activity or event special recreation permit submitted by a recreation service provider (including a youth group), the Secretary concerned may issue the organized group activity or event special recreation permit, subject to any terms and conditions determined to be appropriate by the Secretary concerned.

(B) NOMINAL EFFECTS PERMITS.—Except as provided in subparagraph (C), if the Secretary concerned determines that an activity or event to be undertaken by a recreation service provider (including a youth group) proposed in an application for an organized group activity
or event special recreation permit would require terms and conditions to ensure the proposed activity or event would have only nominal effects on Federal recreational lands and waters, resources, and programs, the Secretary concerned shall issue the organized group activity or event special recreation permit, subject to such terms and conditions, if use by the general public is not subject to a limited entry permit system and capacity is available for the times or days in which the proposed activity or event would be undertaken under the organized group activity or event special recreation permit.

(C) NO PERMIT REQUIRED.—The Secretary concerned shall not require an organized group activity or event special recreation permit for a recreation activity or event conducted by a special recreation provider (including a youth group) if the Secretary concerned determines based on the review of a proposal that—

(i) the proposed activity or event to be undertaken would have only nominal effects on Federal recreational lands and waters, resources, and programs; and
(ii) establishing additional terms and conditions for the proposed activity or event is not necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs.

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

(5) SAVINGS CLAUSE.—Nothing in this subsection prevents the Secretary concerned from limiting or abating issuance of an organized group activity or event special recreation permit, based on resource conditions, administrative burdens, or safety issues.

SEC. 322. SERVICE FIRST INITIATIVE AND MULTIJURISDICTIONAL TRIPS.

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

(b) COOPERATIVE ACTION AND SHARING OF RESOURCES BY THE SECRETARIES OF THE INTERIOR AND AGRICULTURE.—

(1) IN GENERAL.—For fiscal year 2012 and each fiscal year thereafter, the Secretaries, subject
to annual review of Congress, may carry out an initiative, to be known as the “Service First Initiative”, under which the Secretaries and agencies and bureaus within the Department of the Interior and the Department of Agriculture—

(A) may establish programs to conduct projects, planning, permitting, leasing, contracting, and other activities, either jointly or on behalf of each other;

(B) may co-locate in Federal offices and facilities leased by an agency of the Department of the Interior or the Department of Agriculture; and

(C) may issue special rules to test the feasibility of issuing unified permits, applications, and leases.

(2) DELEGATIONS OF AUTHORITY.—The Secretaries may make reciprocal delegations of the respective authorities, duties, and responsibilities of the Secretaries in support of the Service First Initiative agency-wide to promote customer service and efficiency.

(3) EFFECT.—Nothing in this section alters, expands, or limits the applicability of any law (including regulations) to land administered by the Bu-
reau of Land Management, National Park Service, United States Fish and Wildlife Service, or the Forest Service or matters under the jurisdiction of any other bureaus or offices of the Department of the Interior or the Department of Agriculture, as applicable.

(4) TRANSFERS OF FUNDING.—To facilitate the sharing of resources under the Service First Initiative, the Secretaries may make transfers of funds and reimbursements of funds on an annual basis, including transfers and reimbursements for multi-year projects, subject to the limitation that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.

(c) PILOT PROGRAM FOR PERMITS FOR MULTIJURISDICTIONAL TRIPS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretaries shall establish a pilot program to offer to a person seeking an authorization for a multijurisdictional trip a single joint special recreation permit or commercial use authorization that authorizes the use of each unit of Federal recreational lands and waters on which the multijurisdictional trip occurs.
(2) Minimum number of permits.—Not later than 4 years after the date of enactment of this Act, the Secretaries shall issue not fewer than 10 single joint special recreation permits described in paragraph (13)(A)(iv) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by section 202(10)) or commercial use authorizations under the pilot program established under paragraph (1).

(3) Lead agencies.—In carrying out the pilot program established under paragraph (1), the Secretaries shall—

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

(B) designate a lead agency for issuing and administering the single joint special recreation permit or commercial use authorization.

(4) Retention of authority by the applicable secretary.—Each of the Secretaries shall retain the authority to enforce the terms, stipulations, conditions, and agreements in a single joint special recreation permit or commercial use authorization issued under the pilot program established under paragraph (1) that apply specifically to the
use occurring on the Federal recreational lands and waters managed by the applicable Secretary.

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

(A) a separate special recreation permit or commercial use authorization for the use of each unit of Federal recreational lands and waters on which the multijurisdictional trip occurs; or

(B) a single joint special recreational permit or commercial use authorization made available under the pilot program established under paragraph (1).

(6) **EFFECT.**—Nothing in this subsection applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.

**SEC. 323. PERMIT FLEXIBILITY.**

(a) **IN GENERAL.**—The Secretary concerned shall establish guidelines to allow a holder of a special recreation permit under subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)), on the approval of the
Secretary concerned, to engage in another recreational activity under the special recreation permit that is substantially similar to the specific activity authorized under the special recreation permit.

(b) CRITERIA.—For the purposes of this section, a recreational activity shall be considered to be a substantially similar recreational activity if the recreational activity—

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

(2) does not result in a greater impact on natural and cultural resources than the impact of the authorized activity;

(3) does not adversely affect—

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

(B) any other authorized use of the Federal recreational lands and waters; and

(4) is consistent with—

(A) any applicable laws (including regulations); and

(B) the land management plan, resource management plan, or equivalent plan applicable to the Federal recreational lands and waters.
(c) Effect.—Nothing in this section affects any authority of, regulation issued by, or decision of the Secretary concerned relating to the use of electric bicycles on Federal recreational lands and waters under any other Federal law.

SEC. 324. LIABILITY.

(a) Insurance Requirements.—

(1) In general.—Except as provided in paragraph (2), as a condition of issuing a special recreation permit under subsection (h)(1)(B) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by section 203(a)(3)) or a commercial use authorization, the Secretary concerned may require the holder of the special recreation permit or commercial use authorization to have a commercial general liability insurance policy that—

(A) is commensurate with the level of risk of the activities to be conducted under the special recreation permit or commercial use authorization; and

(B) includes the United States as an additional insured in an endorsement to the applicable policy.
(2) Exception.—The Secretary concerned shall not require a holder of a special recreation permit or commercial use authorization for low-risk activities, as determined by the Secretary concerned, including commemorative ceremonies and participation by the public in a recreation activity or recreation use of a specific area of Federal recreational lands and waters in which use by the public is allocated, to comply with the requirements of paragraph (1).

(b) Indemnification by Governmental Entities.—The Secretary concerned shall not require a State, State agency, State institution, or political subdivision of a State to indemnify the United States for tort liability as a condition for issuing a special recreation permit or commercial use authorization to the extent the State, State agency, State institution, or political subdivision of a State is precluded by State law from providing indemnification to the United States for tort liability, if the State, State agency, State institution, or political subdivision of the State maintains the minimum amount of liability insurance coverage required by the Federal land management agency for the activities conducted under the special recreation permit or commercial use authorization in the form of—
(1) a commercial general liability insurance policy, which includes the United States as an additional insured in an endorsement to the policy, if the State is authorized to obtain commercial general liability insurance by State law; or

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

(c) EXCUSLATORY AGREEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a Federal land management agency shall not implement, administer, or enforce any regulation, guidance, or policy prohibiting the use of an exculpatory agreement between a recreation service provider or a holder of a commercial use authorization and a customer relating to services provided under a special recreation permit or a commercial use authorization.

(2) REQUIREMENTS.—Any exculpatory agreement used by a recreation service provider or holder of a commercial use authorization for an activity authorized under a special recreation permit or commercial use authorization—
(A) shall shield the United States from any liability, if otherwise allowable under Federal law; and

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

(3) CONSISTENCY.—Not later than 2 years after the date of enactment of this Act, the Secretaries shall—

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

(B) revise any policy described in subparagraph (A) as necessary to make the policies of the Secretaries pertaining to the use of exculpatory agreements by recreation service providers consistent with this subsection and across all Federal recreational lands and waters.

(d) EFFECT.—Nothing in this section applies to a concession contract issued by the National Park Service for the provision of accommodations, facilities, or services.
SEC. 325. COST RECOVERY REFORM.

(a) COST RECOVERY FOR SPECIAL RECREATION PERMITS.—In addition to a fee collected under section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) or any other authorized fee collected by the Secretary concerned, the Secretary concerned may assess and collect a reasonable fee from an applicant for, and holder of, a special recreation permit to recover administrative costs incurred by the Secretary concerned for—

(1) processing the special recreation permit; and

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

(b) DE MINIMIS EXEMPTIONS FROM COST RECOVERY.—

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

(2) EXEMPTION.—If the Secretary concerned establishes a threshold under paragraph (1) and assesses a fee under subsection (a), the Secretary con-
cerned shall charge an applicant only for any hours
that exceed the de minimis threshold.

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

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

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

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

SEC. 326. PERMIT RELIEF FOR PICNIC AREAS.

(a) **IN GENERAL.**—If the Secretary concerned does
not require the public to obtain a permit or reservation
to access a picnic area on Federal recreational lands and
waters administered by the Chief of the Forest Service or
Director of the Bureau of Land Management, the Sec-
retary concerned may not require a covered person de-
scribed in subsection (b) to obtain a permit solely to access
the picnic area.
(b) **Description of Covered Persons.**—A covered person referred to in subsection (a) is a person (including an educational group) that provides—

1. outfitting and guiding services on Federal recreational lands and waters; and
2. the services described in paragraph (1) to fewer than 40 customers annually at the picnic area.

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

(a) **Definition of Covered Community.**—In this section, the term “covered community” means a rural or urban, low-income, or underserved community, including an Indian Tribe, that has been underrepresented in outdoor recreation opportunities on Federal recreational lands and waters.

(b) **Report.**—Not later than 3 years after the date of enactment of this Act, the Secretaries, acting jointly, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

1. the estimated use of special recreation permits serving covered communities;
2. examples of special recreation permits, partnerships, cooperative agreements, or other arrange-
ments providing access to Federal recreational lands
and waters for covered communities;

(3) other ways covered communities are engaging on Federal recreational lands and waters, including through stewardship and conservation projects or activities;

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

(5) any recommendations to facilitate and increase permitted access to Federal recreational lands and waters for covered communities.

Subtitle C—Effect

SEC. 331. EFFECT.

Except as provided in sections 311(a), 322, and 324, nothing in this title (including an amendment made by this title) affects the authority or responsibility of the Secretary to award concessions contracts for the provision of accommodations, facilities, or services, or commercial use authorizations.
TITLE IV—MISCELLANEOUS PROVISIONS

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

(a) Filming in National Park System Units.—

(1) In general.—Chapter 1009 of title 54, United States Code, is amended by striking section 100905 and inserting the following:

“§100905. Filming and still photography in System units

“(a) Filming and Still Photography.—

“(1) In general.—The Secretary shall ensure that a filming or still photography activity or similar project in a System unit (referred to in this section as a ‘filming or still photography activity’) and the authorizing or permitting of a filming or still photography activity are carried out consistent with—

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

“(B) an applicable general management plan.

“(2) No permits required.—The Secretary shall not require an authorization or a permit or assess a fee, if a fee for a filming or still photography
activity is not otherwise required by law, for a filming or still photography activity that—

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

“(ii) meets each of the requirements described in paragraph (5); or

“(B) is merely incidental to, or documenting, an activity or event that is allowed or authorized at the System unit, regardless of—

“(i) the number of individuals participating in the allowed or authorized activity or event; or

“(ii) whether any individual receives compensation for any products of the filming or still photography activity.

“(3) Filming and still photography authorizations for de minimis use.—

“(A) In general.—The Secretary shall establish a de minimis use authorization for certain filming or still photography activities that meets the requirements described in subparagraph (F).

“(B) Policy.—For a filming or still photography activity that meets the requirements described in subparagraph (F), the Secretary—
“(i) may require a de minimis use authorization; and

“(ii) shall not require a permit.

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

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

“(i) through the website of the Service; and

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

“(E) ISSUANCES.—The Secretary shall—

“(i) establish a procedure—

“(I) to automate the approval of an application submitted through the website of the Service under subparagraph (D)(i); and

“(II) to issue a de minimis use authorization under this paragraph immediately on receipt of an application that is submitted in person at the
field office of the applicable System unit under subparagraph (D)(ii); and
“(ii) if an application submitted under subparagraph (D) meets the requirements of this paragraph, immediately on receipt of the application issue a de minimis use authorization for the filming or still photography activity.
“(F) REQUIREMENTS.—The Secretary shall only issue a de minimis use authorization under this paragraph if the filming or still photography activity—
“(i) involves a group of not fewer than 6 individuals and not more than 8 individuals;
“(ii) meets each of the requirements described in paragraph (5); and
“(iii) is consistent with subsection (c).
“(G) CONTENTS.—A de minimis use authorization issued under this paragraph shall list the requirements described in subparagraph (F).
“(4) REQUIRED PERMITS.—Except as provided in paragraph (2)(B), the Secretary may require a permit application and, if a permit is issued, assess
a reasonable fee, as described in subsection (b)(1),
for a filming or still photography activity that—

“(A) involves more than 8 individuals;

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

“(C) is conducted in a component of the

National Wilderness Preservation System.

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

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

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

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

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

“(II) an environmental or scenic
value; and

“(iii) allows for equitable allocation or
use of facilities of the applicable System
unit.
“(B) The person conducts the filming or still photography activity at a location in which the public is allowed.

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

“(D) The person does not conduct the filming or still photography activity in a localized area that receives a very high volume of visitation.

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

“(F) The person conducting the filming or still photography activity complies with and adhere to visitor use policies, practices, and regulations applicable to the applicable System unit.

“(G) The filming or still photography activity is not likely to result in additional administrative costs being incurred by the Secretary
with respect to the filming or still photography activity, as determined by the Secretary.

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

“(6) CONTENT CREATION.—Regardless of distribution platform, any video, still photograph, or audio recording for commercial or noncommercial content creation in a System unit shall be considered to be a filming or still photography activity under this subsection.

“(7) EFFECT.—

“(A) PERMITS REQUESTED THOUGH NOT REQUIRED.—On the request of a person intending to carry out a filming or still photography activity, the Secretary may issue a permit for the filming or still photography activity, even if a permit for the filming or still photography activity is not required under this section.

“(B) NO ADDITIONAL PERMITS, COMMERCIAL USE AUTHORIZATIONS, OR FEES FOR FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.—A filming or still photog-
raphy activity at an activity or event that is allowed or authorized, including a wedding, engagement party, family reunion, or celebration of a graduate, shall be considered merely incidental for the purposes of paragraph (2)(B).

“(C) MONETARY COMPENSATION.—The receipt of monetary compensation by the person conducting the filming or still photography activity shall not affect the permissibility of the filming or still photography activity.

“(b) FEES AND RECOVERY COSTS.—

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

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

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

“(i) The number of days of the filming or still photography activity.

“(ii) The size of the film or still photography crew present in the System unit.

“(iii) The quantity and type of film or still photography equipment present in the System unit.
“(iv) Any other factors that the Secretary determines to be necessary.

“(2) Recovery of costs.—

“(A) In general.—The Secretary shall collect from the applicant for the applicable permit any costs incurred by the Secretary related to a filming or still photography activity subject to a permit under subsection (a)(4), including—

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

“(ii) related administrative and personnel costs.

“(B) Effect on fees collected.—All costs recovered under subparagraph (A) shall be in addition to the fee described in paragraph (1).

“(3) Use of proceeds.—

“(A) Fees.—All fees collected under this section shall—

“(i) be available for expenditure by the Secretary, without further appropriation; and

“(ii) remain available until expended.

“(B) Costs.—All costs recovered under paragraph (2)(A) shall—
“(i) be available for expenditure by the Secretary, without further appropriation, at the System unit at which the costs are collected; and

“(ii) remain available until expended.

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

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

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

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

“(d) PROCESSING OF PERMIT APPLICATIONS.—

“(1) IN GENERAL.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to an application for a permit for a filming or still photography activity required under subsection (a)(4).

“(2) COORDINATION.—If a permit is required under this section for 2 or more Federal agencies or System units, the Secretary and the head of any
other applicable Federal agency, as applicable, shall,
to the maximum extent practicable, coordinate per-
mit processing procedures, including through the use
of identifying a lead agency or lead System unit—
“(A) to review the application for the per-
mit;
“(B) to issue the permit; and
“(C) to collect any required fees.”.

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

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

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

“SECTION 1. FILMING AND STILL PHOTOGRAPHY.
“(a) FILMING AND STILL PHOTOGRAPHY.—
“(1) IN GENERAL.—The Secretary concerned
shall ensure that a filming or still photography activ-
ity or similar project at a Federal land management
unit (referred to in this section as a ‘filming or still
photography activity’) and the authorizing or per-
mitting of a filming or still photography activity are
carried out consistent with—
“(A) the laws and policies applicable to the Secretary concerned; and

“(B) an applicable general management plan.

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

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

and

“(ii) meets each of the requirements described in paragraph (5); or

“(B) is merely incidental to, or documenting, an activity or event that is allowed or authorized at the Federal land management unit, regardless of—

“(i) the number of individuals participating in the allowed or authorized activity or event; or

“(ii) whether any individual receives compensation for any products of the filming or still photography activity.

“(3) FILMING AND STILL PHOTOGRAPHY AUTHORIZATIONS FOR DE MINIMIS USE.—
“(A) IN GENERAL.—The Secretary concerned shall establish a de minimis use authorization for certain filming or still photography activities that meets the requirements described in subparagraph (F).

“(B) POLICY.—For a filming or still photography activity that meets the requirements described in subparagraph (F), the Secretary concerned—

“(i) may require a de minimis use authorization; and

“(ii) shall not require a permit.

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

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

“(i) through the website of the Department of the Interior or the Forest Service, as applicable; and

“(ii) in person at the field office for the Federal land management unit.
“(E) ISSUANCES.—The Secretary concerned shall—

“(i) establish a procedure—

“(I) to automate the approval of an application submitted through the website of the Department of the Interior or the Forest Service, as applicable, under subparagraph (D)(i); and

“(II) to issue a de minimis use authorization under this paragraph immediately on receipt of an application that is submitted in person at the field office for the Federal land management unit under subparagraph (D)(ii); and

“(ii) if an application submitted under subparagraph (D) meets the requirements of this paragraph, immediately on receipt of the application issue a de minimis use authorization for the filming or still photography activity.

“(F) TERMS.—The Secretary concerned shall only issue a de minimis use authorization under this paragraph if the filming or still photography activity—
“(i) involves a group of not fewer than 6 individuals and not more than 8 individuals;

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

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

“(G) CONTENTS.—A de minimis use authorization issued under this paragraph shall list the requirements described in subparagraph (F).

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

“(A) involves more than 8 individuals;

“(B) does not meet each of the requirements described in paragraph (5); or

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

“(5) REQUIREMENTS FOR FILMING OR STILL PHOTOGRAPHY ACTIVITY.—The requirements referred to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B), and (7)(C) are as follows:
“(A) A person conducts the filming or still photography activity in a manner that—

“(i) does not impede or intrude on the experience of other visitors to the Federal land management unit;

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

“(I) a natural or cultural resource; or

“(II) an environmental or scenic value; and

“(iii) allows for equitable allocation or use of facilities of the Federal land management unit.

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

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

“(D) The person does not conduct the filming or still photography activity in a localized area that receives a very high volume of visitation.
“(E) The person conducting the filming or still photography activity does not use a set or staging equipment, subject to the limitation that handheld equipment (such as a tripod, monopod, and handheld lighting equipment) shall not be considered staging equipment for the purposes of this subparagraph.

“(F) The person conducting the filming or still photography activity complies with and adheres to visitor use policies, practices, and regulations applicable to the Federal land management unit.

“(G) The filming or still photography activity is not likely to result in additional administrative costs being incurred by the Secretary concerned with respect to the filming or still photography activity, as determined by the Secretary concerned.

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

“(6) CONTENT CREATION.—Regardless of distribution platform, any video, still photograph, or
audio recording for commercial or noncommercial
content creation at a Federal land management unit
shall be considered to be a filming or still photograph-
ancy under this subsection.

“(7) Effect.—

“(A) Permits requested though not required.—On the request of a person intend-
ing to carry out a filming or still photography activity, the Secretary concerned may issue a
permit for the filming or still photography activity, even if a permit for the filming or still
photography activity is not required under this section.

“(B) No additional permits, commercial use authorizations, or fees for
filming and still photography at authorized events.—A filming or still photograph-
ancy activity at an activity or event that is al-
lowed or authorized, including a wedding, en-
gagement party, family reunion, or celebration
of a graduate, shall be considered merely inci-
dental for the purposes of paragraph (2)(B).

“(C) Monetary compensation.—The re-
cipient of monetary compensation by the person
engaged in the filming or still photography ac-
tivity shall not affect the permissibility of the
filming or still photography activity.

“(b) FEES AND RECOVERY COSTS.—

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

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

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

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

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

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

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

“(2) RECOVERY OF COSTS.—

“(A) IN GENERAL.—The Secretary con-
cerned shall collect from the applicant for the
applicable permit any costs incurred by the Sec-
retary concerned related to a filming or still
photography activity subject to a permit under
subsection (a)(4), including—

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

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

“(B) Effect on fees collected.—All
costs recovered under subparagraph (A) shall
be in addition to the fee described in paragraph
(1).

“(3) Use of proceeds.—

“(A) Fees.—All fees collected under this
section shall—

“(i) be available for expenditure by
the Secretary concerned, without further
appropriation; and

“(ii) remain available until expended.

“(B) Costs.—All costs recovered under
paragraph (2)(A) shall—

“(i) be available for expenditure by
the Secretary concerned, without further
appropriation, at the Federal land manage-
ment unit at which the costs are collected;
“(ii) remain available until expended.

“(e) Protection of Resources.—The Secretary concerned shall not allow a person to undertake a filming or still photography activity if the Secretary concerned determines that—

“(1) there is a likelihood that the person would cause resource damage at the Federal land management unit, except as otherwise authorized;

“(2) the person would create an unreasonable disruption of the use and enjoyment by the public of the Federal land management unit; or

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

“(d) Processing of Permit Applications.—

“(1) In General.—The Secretary concerned shall establish a process to ensure that the Secretary concerned responds in a timely manner to an application for a permit for a filming or still photography activity required under subsection (a)(4).

“(2) Coordination.—If a permit is required under this section for 2 or more Federal agencies or Federal land management units, the Secretary concerned and the head of any other applicable Federal agency, as applicable, shall, to the maximum extent practicable, coordinate permit processing procedures,
including through the use of identifying a lead agency or lead Federal land management unit—

“(A) to review the application for the permit;

“(B) to issue the permit; and

“(C) to collect any required fees.

“(e) DEFINITIONS.—In this section:

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

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

“(B) National Forest System land.

“(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of the Interior, with respect to land described in paragraph (1)(A); and

“(B) the Secretary of Agriculture, with respect to land described in paragraph (1)(B).”.

SEC. 402. VOLUNTEER ENHANCEMENT PROGRAM.

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

(1) by striking section 5;
(2) by redesignating the first section and sections 2, 3, and 4 as sections 4, 5, 6, and 9, respectively;

(3) by inserting before section 4 (as so redesignated) the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Volunteers in the National Forests and Public Land Act'.

"SEC. 2. PURPOSE.

"The purpose of this Act is to leverage volunteer engagement to supplement projects carried out by the Secretaries to fulfill the missions of the Forest Service and the Bureau of Land Management that are accomplished with appropriated funds.

"SEC. 3. DEFINITION OF SECRETARIES.

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

"(1) the Secretary of Agriculture, acting through the Chief of the Forest Service; and

"(2) the Secretary of the Interior, acting through the Director of the Bureau of Land Management.”;

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

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

“SEC. 4. AUTHORIZATION.

“The Secretaries are”;

(B) in the first sentence—

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

(ii) by inserting “recreation access, trail construction or maintenance, facility construction or maintenance, educational uses (including outdoor classroom construction or maintenance),” after “for or in aid of”; and

(iii) by striking “Secretary through the Forest Service” and inserting “Secretaries”;

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

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

(A) by striking the section designation and all that follows through “Secretary is” and inserting the following:

“SEC. 5. INCIDENTAL EXPENSES.

“The Secretaries are”; and
(B) by inserting “training, equipment,” after “lodging,”;

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

(A) by striking the section designation and all that follows through “(a) Except as” and inserting the following:

“SEC. 6. CONSIDERATION AS FEDERAL EMPLOYEE.

“(a) Except as”; and

(B) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking “the Secretary” and inserting “either of the Secretaries”;

(ii) in paragraph (1), by striking “with the Secretary” and inserting “or cooperative agreement with either of the Secretaries”; and

(iii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “the Secretary in the mutual benefit agreement” and inserting “either of the Secretaries in the mutual benefit agreement or cooperative agreement”;

(II) in subparagraph (A), by striking “to be performed by the vol-
untees” and inserting “, including the geographic boundaries of the work to be performed by the volunteers,”;

(III) in subparagraph (B), by striking “and” at the end;

(IV) in subparagraph (C)—

(aa) by striking “the Secretary, when feasible” and inserting “either of the Secretaries, if feasible and only if necessary”;

and

(bb) by striking the period at the end and inserting a semi-colon; and

(V) by adding at the end the following:

“(D) the equipment the volunteers are authorized to use;

“(E) the training the volunteers are required to complete;

“(F) the actions the volunteers are authorized to take; and

“(G) any other terms and conditions that are determined to be necessary by the applicable Secretary.”;
1  (7) by inserting before section 9 (as so redesignated), the following:

2  “SEC. 7. PROMOTION OF VOLUNTEER OPPORTUNITIES.

3  “The Secretaries shall promote volunteer opportunities in areas administered by the Secretaries.

4  “SEC. 8. LIABILITY INSURANCE.

5  “The Secretaries shall not require a cooperator or volunteer (as those terms are used in section 6) to have liability insurance to provide the volunteer services authorized under this Act.”; and

6  (8) in section 9 (as so redesignated), by striking the section designation and all that follows through “There are” and inserting the following:

7  “SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

8  “There are”.

9  SEC. 403. CAPE AND ANTLER PRESERVATION ENHANCEMENT.

10  Section 104909(c) of title 54, United States Code, is amended by striking “meat from” and inserting “meat and any other part of an animal removed pursuant to”.

11  SEC. 404. FEDERAL LAND AND WATER AQUATIC RESOURCE ACTIVITIES ASSISTANCE.

12  (a) DEFINITIONS.—In this section:

13  (1) AQUATIC NUISANCE SPECIES TASK FORCE.—The term “Aquatic Nuisance Species Task
Force” means the Aquatic Nuisance Species Task Force established by section 1201(a) of the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721(a)).

(2) Federal land and water.—The term “Federal land and water” means Federal land and water operated and maintained by the Bureau of Land Management, Bureau of Reclamation, or the National Park Service, as applicable.

(3) Inspection.—The term “inspection” means an inspection to prevent and respond to biological invasions of an aquatic ecosystem.

(4) Partner.—The term “partner” means—

(A) a Reclamation State;

(B) an Indian Tribe in a Reclamation State;

(C) an applicable nonprofit organization in a Reclamation State; or

(D) a unit of local government in a Reclamation State.

(5) Reclamation state.—

(A) In general.—The term “Reclamation State” means any State in which a Bureau of Reclamation reservoir is located.
(B) Inclusions.—The term “Reclamation State” includes any of the States of—

(i) Alaska;
(ii) Arizona;
(iii) California;
(iv) Colorado;
(v) Idaho;
(vi) Kansas;
(vii) Montana;
(viii) Nebraska;
(ix) Nevada;
(x) New Mexico;
(xi) North Dakota;
(xii) Oklahoma;
(xiii) Oregon;
(xiv) South Dakota;
(xv) Texas;
(xvi) Utah;
(xvii) Washington; and
(xviii) Wyoming.

(b) Authority of Bureau of Land Management, Bureau of Reclamation, and National Park Service With Respect to Certain Aquatic Resource Activities on Federal Land and Water.—
(1) IN GENERAL.—The Secretary, acting through the Director of the Bureau of Land Management, the Commissioner of Reclamation, and the Director of the National Park Service, may inspect and decontaminate vessels entering and leaving Federal land and water located within a river basin that contains a Bureau of Reclamation water project.

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

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

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

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

(3) PARTNERSHIPS.—The Secretary, acting through the Director of the Bureau of Land Man-
agement, the Commissioner of Reclamation, and the
Director of the National Park Service, may enter
into a partnership to provide technical assistance to
a partner—

(A) to carry out an inspection or decon-
tamination of vessels; or

(B) to establish an inspection and decon-
tamination station for vessels.

(4) LIMITATION.—The Secretary, acting
through the Director of the Bureau of Land Man-
agement, the Commissioner of Reclamation, and the
Director of the National Park Service, shall not pro-
hibit access to vessels under this subsection in the
absence of an inspector.

(5) DATA SHARING.—The Secretary, acting
through the Director of the Bureau of Land Man-
agement, the Commissioner of Reclamation, and the
Director of the National Park Service, shall make
available to a Reclamation State any data gathered
related to inspections carried out in the Reclamation
State under this subsection.

(c) GRANT PROGRAM FOR RECLAMATION STATES
FOR VESSEL INSPECTION AND DECONTAMINATION STA-
TIONS.—
(1) **Vessels inspections in reclamation states.**—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall establish a competitive grant program to provide grants to partners to conduct inspections and decontamination of vessels operating in reservoirs operated and maintained by the Secretary, including to purchase, establish, operate, or maintain a vessel inspection and decontamination station.

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

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

(4) **Coordination.**—In carrying out this subsection, the Secretary shall coordinate with—

(A) each of the Reclamation States;

(B) affected Indian Tribes; and

(C) the Aquatic Nuisance Species Task Force.
SEC. 405. AMENDMENTS TO THE MODERNIZING ACCESS TO
OUR PUBLIC LAND ACT.

The Modernizing Access to Our Public Land Act
(Public Law 117–114) is amended—

(1) in section 3(1), by striking “public outdoor
recreational use” and inserting “recreation sites”;

(2) in section 5(a)(4), by striking “permanently
restricted or prohibited” and inserting “regulated or
closed”; and

(3) in section 6(b)—

(A) by striking “may” and inserting
“shall”; and

(B) by striking “the Secretary of the Interior” and inserting “the Secretaries”.

SEC. 406. OUTDOOR RECREATION LEGACY PARTNERSHIP
PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible enti-
ty” means an entity that represents or otherwise
serves a qualifying urban area.

(2) ELIGIBLE NONPROFIT ORGANIZATION.—The
term “eligible nonprofit organization” means an or-
ganization that is described in section 501(c)(3) of
the Internal Revenue Code of 1986 and is exempt
from taxation under section 501(a) of such code.

(3) ENTITY.—The term “entity” means—
(A) a State;

(B) a political subdivision of a State, including—

(i) a city;

(ii) a county; and

(iii) a special purpose district that manages open space, including a park district; and

(C) an Indian Tribe, urban Indian organization, or Alaska Native or Native Hawaiian community or organization.

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

(5) **LOW-INCOME COMMUNITY.**—The term “low-income community” means any census block group in which 30 percent or more of the population are individuals with an annual household equal to, or less than, the greater of—

(A) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development; and
(B) an amount equal to 200 percent of the
Federal poverty line.

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

(7) Qualifying Urban Area.—The term “qualifying urban area” means—

(A) an urbanized area or urban cluster
that has a population of 25,000 or more in the
most recent census;

(B) 2 or more adjacent urban clusters with
a combined population of 25,000 or more in the
most recent census; or

(C) an area administered by an Indian
Tribe or an Alaska Native or Native Hawaiian
community organization.

(8) Secretary.—The term “Secretary” means
the Secretary of the Interior.

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

(b) Grants Authorized.—

(1) Establishment of program.—
(A) **IN GENERAL.**—The Secretary shall establish an outdoor recreation legacy partnership program under which the Secretary may award grants to eligible entities for projects—

(i) to acquire land and water for parks and other outdoor recreation purposes in qualifying urban areas; and

(ii) to develop new or renovate existing outdoor recreation facilities that provide outdoor recreation opportunities to the public in qualifying urban areas.

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

(i) create or significantly enhance access to park and recreational opportunities in an urban neighborhood or community;

(ii) engage and empower underserved communities and youth;

(iii) provide employment or job training opportunities for youth or underserved communities;

(iv) establish or expand public-private partnerships, with a focus on leveraging resources; and
(v) take advantage of coordination among various levels of government.

(2) MATCHING REQUIREMENT.—

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

(B) WAIVER.—The Secretary may waive all or part of the matching requirement under subparagraph (A) if the Secretary determines that—

(i) no reasonable means are available through which the eligible entity can meet the matching requirement; and

(ii) the probable benefit of the project outweighs the public interest in the matching requirement.

(C) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of funds provided to an eligible entity under a grant awarded under paragraph (1) may be used for administrative expenses.
(3) CONSIDERATIONS.—In awarding grants to eligible entities under paragraph (1), the Secretary shall consider the extent to which a project would—

(A) provide recreation opportunities in underserved communities in which access to parks is not adequate to meet local needs;

(B) provide opportunities for outdoor recreation and public land volunteerism;

(C) support innovative or cost-effective ways to enhance parks and other recreation—

(i) opportunities; or

(ii) delivery of services;

(D) support park and recreation programming provided by cities, including cooperative agreements with community-based eligible non-profit organizations;

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

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

(4) ELIGIBLE USES.—

(A) IN GENERAL.—Subject to subparagraph (B), a grant recipient may use a grant
awarded under paragraph (1) for a project described in subparagraph (A) or (B) of that paragraph.

(B) LIMITATIONS ON USE.—A grant recipient may not use grant funds for—

(i) incidental costs related to land acquisition, including appraisal and titling;

(ii) operation and maintenance activities;

(iii) facilities that support semiprofessional or professional athletics;

(iv) indoor facilities, such as recreation centers or facilities that support primarily non-outdoor purposes; or

(v) acquisition of land or interests in land that restrict access to specific persons.

(c) REVIEW AND EVALUATION REQUIREMENTS.—In carrying out the Outdoor Recreation Legacy Partnership Program, the Secretary shall—

(1) conduct an initial screening and technical review of applications received;

(2) evaluate and score all qualifying applications; and
(3) provide culturally and linguistically appropriate information to eligible entities (including low-income communities and eligible entities serving low-income communities) on—

(A) the opportunity to apply for grants under this section;

(B) the application procedures by which eligible entities may apply for grants under this section; and

(C) eligible uses for grants under this section.

(d) Reporting.—

(1) Annual reports.—Not later than 30 days after the last day of each report period, each State lead agency that receives a grant under this section shall annually submit to the Secretary performance and financial reports that—

(A) summarize project activities conducted during the report period; and

(B) provide the status of the project.

(2) Final reports.—Not later than 90 days after the earlier of the date of expiration of a project period or the completion of a project, each State lead agency that receives a grant under this section shall submit to the Secretary a final report con-
taining such information as the Secretary may re-
quire.

SEC. 407. RECREATION BUDGET CROSSCUT.

Not later than 30 days after the end of each fiscal
year, beginning with fiscal year 2023, the Director of the
Office of Management and Budget shall submit to Con-
gress and make public online a report that describes and
itemizes the total amount of funding relating to outdoor
recreation that was obligated in the preceding fiscal year
in accounts in the Treasury for the Department of the
Interior and the Department of Agriculture.