

EXPANDING PUBLIC LANDS OUTDOOR RECREATION EXPERIENCES ACT

APRIL 5, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 6492]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6492) to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Expanding Public Lands Outdoor Recreation Experiences Act” or the “EXPLORE Act”.

(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—Outdoor Recreation Policy

Sec. 111. Congressional declaration of policy.

Sec. 112. Identifying opportunities for recreation.

Sec. 113. Federal Interagency Council on Outdoor Recreation.

Sec. 114. Recreation budget crosscut.

Subtitle B—Public Recreation on Federal Recreational Lands and Waters

Sec. 121. Biking on long-distance trails.

Sec. 122. Protecting America’s rock climbing.

Sec. 123. Range access.

Sec. 124. Restoration of overnight campsites.

Sec. 125. Federal interior land media.

Sec. 126. Cape and antler preservation enhancement.

Sec. 127. Motorized and nonmotorized access.

Sec. 128. Aquatic resource activities assistance.

Subtitle C—Supporting Gateway Communities and Addressing Park Overcrowding

Sec. 131. Gateway communities.

Sec. 132. Improved recreation visitation data.

Sec. 133. Monitoring for improved recreation decision making.

Subtitle D—Broadband Connectivity on Federal Recreational Lands and Waters

- Sec. 141. Connect Our Parks.
- Sec. 142. Broadband internet connectivity at developed recreation sites.
- Sec. 143. Public lands telecommunications cooperative agreements.

Subtitle E—Public–Private Parks Partnerships

- Sec. 151. Authorization for lease of forest service administrative sites.
- Sec. 152. Partnership agreements creating tangible savings.
- Sec. 153. Partnership agreements to modernize federally owned campgrounds, resorts, cabins, and visitor centers on Federal recreational lands and waters.
- Sec. 154. Parking and Restroom opportunities for Federal recreational lands and waters.
- Sec. 155. Pay-for-performance projects.
- Sec. 156. Outdoor recreation legacy partnership program.
- Sec. 157. American battlefield protection program enhancement.

TITLE II—ACCESS AMERICA

- Sec. 201. Definitions.

Subtitle A—Access for People With Disabilities

- Sec. 211. Accessible recreation inventory.
- Sec. 212. Trail inventory.
- Sec. 213. Trail pilot program.
- Sec. 214. Accessible trails.
- Sec. 215. Accessible recreation opportunities.
- Sec. 216. Assistive technology.
- Sec. 217. Savings clause.

Subtitle B—Military and Veterans in Parks

- Sec. 221. Promotion of outdoor recreation for military servicemembers and veterans.
- Sec. 222. Military Veterans Outdoor Recreation Liaisons.
- Sec. 223. Partnerships to promote military and veteran recreation.
- Sec. 224. National strategy for military and veteran recreation.
- Sec. 225. Recreation resource advisory committees.
- Sec. 226. Career and volunteer opportunities for veterans.

Subtitle C—Youth Access

- Sec. 231. Increasing youth recreation visits to Federal land.
- Sec. 232. Every Kid Outdoors Act extension.

TITLE III—SIMPLIFYING OUTDOOR ACCESS FOR RECREATION

- Sec. 301. Definitions.

Subtitle A—Modernizing Recreation Permitting

- Sec. 311. Special recreation permit and fee.
- Sec. 312. Permitting process improvements.
- Sec. 313. Permit flexibility.
- Sec. 314. Permit administration.
- Sec. 315. Service First Initiative; Permits for multijurisdictional trips.
- Sec. 316. Forest service and bureau of land management temporary special recreation permits for outfitting and guiding.
- Sec. 317. Reviews for long-term permits.
- Sec. 318. Adjustment of allocated visitor-use days.
- Sec. 319. Liability.
- Sec. 320. Cost recovery reform.
- Sec. 321. Availability of Federal, State, and local recreation passes.
- Sec. 322. Online purchases and establishment of a digital version of America the Beautiful—The National Parks and Federal Recreational Lands Passes.
- Sec. 323. Savings provision.

Subtitle B—Making Recreation a Priority

- Sec. 331. Extension of seasonal recreation opportunities.

Subtitle C—Maintenance of Public Land

- Sec. 341. Volunteers in the National Forests and Public Lands Act.
- Sec. 342. Reference.

Subtitle D—Recreation Not Red Tape

- Sec. 351. Good neighbor authority for recreation.
- Sec. 352. Permit relief for picnic areas.
- Sec. 353. Interagency report on special recreation permits for underserved communities.
- Sec. 354. Modernizing Access to Our Public Land Act amendments.
- Sec. 355. Savings provision.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **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).
- (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).
- (3) **GATEWAY COMMUNITY.**—The term “gateway community” means a community that serves as an entry point, or is adjacent, to a recreation 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.

(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) LAND USE PLAN.—The term “land use plan” means—

(A) 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

(B) 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).

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

TITLE I—OUTDOOR RECREATION AND INFRASTRUCTURE

Subtitle A—Outdoor Recreation 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.

SEC. 112. IDENTIFYING OPPORTUNITIES FOR RECREATION.

(a) **INVENTORY AND ASSESSMENTS.**—

(1) **IN GENERAL.**—The Secretary concerned shall—

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

(B) develop the inventory and assessment with support from public comment; and

(C) update the inventory and assessment as the Secretary concerned determines appropriate.

(2) **UNIQUE RECREATION VALUES.**—An inventory and assessment conducted under paragraph (1) shall—

(A) recognize—

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

(ii) areas of concentrated recreational use; and

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

(3) **ASSESSMENTS.**—For any recreation resource inventoried under paragraph (1), the Secretary concerned shall assess—

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

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

(C) the adequacy of the current management of the recreation resource.

(b) EXISTING EFFORTS.—To the extent practicable, the Secretary concerned shall use or incorporate existing applicable research and planning decisions and processes in carrying out this section.

(c) 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. 113. FEDERAL INTERAGENCY COUNCIL ON OUTDOOR RECREATION.

(a) DEFINITIONS.—Section 200102 of title 54, United States Code, is amended—

- (1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5) respectively; and
- (2) by inserting before paragraph (4), as so redesignated, the following:

“(1) COUNCIL.—The term ‘Council’ means the Federal Interagency Council on Outdoor Recreation established under section 200104.

“(2) FEDERAL LAND AND WATER MANAGEMENT AGENCY.—The term ‘Federal land and water management agency’ means the National Park Service, Bureau of Land Management, United States Fish and Wildlife Service, Bureau of Indian Affairs, Bureau of Reclamation, Forest Service, Corps of Engineers, and the National Oceanic and Atmospheric Administration.

“(3) 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) and also includes Federal lands and waters managed by the Bureau of Indian Affairs, Corps of Engineers, or National Oceanic and Atmospheric Administration.”.

(b) ESTABLISHMENT OF COUNCIL.—Section 200104 of title 54, United States Code, is amended to read as follows:

“§ 200104. Federal interagency council on outdoor recreation

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

“(b) COMPOSITION.—

“(1) IN GENERAL.—The Council shall be composed of representatives of each of the following agencies, to be appointed by the head of the respective agency:

- “(A) The National Park Service.
- “(B) The Bureau of Land Management.
- “(C) The United States Fish and Wildlife Service.
- “(D) The Bureau of Indian Affairs.
- “(E) The Bureau of Reclamation.
- “(F) The Forest Service.
- “(G) The Army Corps of Engineers.
- “(H) The National Oceanic and Atmospheric Administration.

“(2) ADDITIONAL PARTICIPANTS.—In addition to the members of the Council appointed under paragraph (1), the Secretary may invite participation in the Council’s meetings or other activities from representatives of the following:

- “(A) The Council on Environmental Quality.
- “(B) The Natural Resources Conservation Service.
- “(C) Rural development programs of the Department of Agriculture.
- “(D) The National Center for Chronic Disease Prevention and Health Promotion.

“(E) The Environmental Protection Agency.

“(F) The Department of Transportation, including the Federal Highway Administration.

“(G) The Tennessee Valley Authority.

“(H) The Department of Commerce, including—

- “(i) the Bureau of Economic Analysis;
- “(ii) the National Travel and Tourism Office; and
- “(iii) the Economic Development Administration.

“(I) The Federal Energy Regulatory Commission.

“(J) An applicable State agency or office.

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

“(L) Other organizations or interests, as determined appropriate by the Secretary.

“(3) STATE COORDINATION.—In determining additional participants under this subsection, the Secretary shall seek to ensure that States are invited and represented in the Council’s meetings or other activities.

“(4) LEADERSHIP.—The leadership of the Council shall rotate every 2 years among the Council members appointed under paragraph (1), or as otherwise de-

terminated by the Secretary in consultation with the Secretaries of Agriculture, Defense, and Commerce.

“(5) FUNDING.—Notwithstanding section 708 of title VII of division E of the Consolidated Appropriations Act, 2023 (Public Law 117-328), the Council members appointed under paragraph (1) may enter into agreements to share the management and operational costs of the Council.

“(c) COORDINATION.—The Council shall meet as frequently as appropriate for the purposes of coordinating on issues related to outdoor recreation, including—

“(1) recreation programs and management policies across Federal land and water management agencies, including activities associated with the implementation of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.), as appropriate;

“(2) the response by Federal land and water management agencies to public health emergencies or other emergencies, including those that result in disruptions to, or closures of, Federal recreational lands and waters;

“(3) investments 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));

“(4) management of emerging technologies on Federal recreational lands and waters;

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

“(6) dissemination to the public of recreation-related information, in a manner that ensures the recreation-related information is easily accessible with modern communication devices;

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

“(8) 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; and

“(9) any other outdoor recreation-related issues that the Council determines necessary.

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

(c) 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. 114. RECREATION BUDGET CROSSCUT.

Not later than 30 days after the end of each fiscal year, beginning with fiscal year 2025, the Director of the Office of Management and Budget shall submit to Congress 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.

Subtitle B—Public Recreation on Federal Recreational Lands and Waters

SEC. 121. BIKING ON LONG-DISTANCE TRAILS.

(a) IDENTIFICATION OF LONG-DISTANCE TRAILS.—Not later than 18 months after the date of the enactment of this title, the Secretaries shall identify—

(1) not fewer than 10 long-distance bike trails that make use of trails and roads in existence on the date of the enactment of this title; and

(2) not fewer than 10 areas in which there is an opportunity to develop or complete a trail that would qualify as a long-distance bike trail.

(b) PUBLIC COMMENT.—The Secretaries shall—

(1) develop a process to allow members of the public to comment regarding the identification of trails and areas under subsection (a); and

(2) consider the identification, development, and completion of long-distance bike trails in a geographically equitable manner.

(c) MAPS, SIGNAGE, AND PROMOTIONAL MATERIALS.—For any long-distance bike trail identified under subsection (a), the Secretary concerned may—

(1) publish and distribute maps, install signage, and issue promotional materials; and

(2) coordinate with stakeholders to leverage any non-Federal resources necessary for the stewardship, development, or completion of trails.

(d) REPORT.—Not later than 2 years after the date of the enactment of this title, the Secretaries, in partnership with interested organizations, shall prepare and publish a report that lists the trails identified under subsection (a), including a summary of public comments received in accordance with the process developed under subsection (b).

(e) CONFLICT AVOIDANCE WITH OTHER USES.—Before identifying a long-distance bike trail under subsection (a), the Secretary concerned shall ensure the long-distance bike trail—

(1) minimizes conflict with—

(A) the uses, before the date of the enactment of this title, of any trail or road that is part of that long-distance bike trail;

(B) multiple-use areas where biking, hiking, horseback riding, or use by pack and saddle stock are existing uses on the date of the enactment of this title;

(C) the purposes for which any trail was or is established under the National Trails System Act (16 U.S.C. 1241 et seq.); and

(D) any area managed under the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) complies with land use and management plans of the Federal recreational lands and waters that are part of that long-distance bike trail.

(f) EMINENT DOMAIN OR CONDEMNATION.—In carrying out this section, the Secretaries may not use eminent domain or condemnation.

(g) DEFINITIONS.—In this section:

(1) LONG-DISTANCE BIKE TRAIL.—The term “long-distance bike trail” means a continuous route, consisting of 1 or more trails or rights-of-way, that—

(A) is not less than 80 miles in length;

(B) primarily makes use of dirt or natural surface trails;

(C) may require connections along paved or other improved roads;

(D) does not include Federal recreational lands where mountain biking or related activities are not consistent with management requirements for those Federal recreational lands; and

(E) to the maximum extent practicable, makes use of trails and roads that were on Federal recreational lands on or before the date of the enactment of this title.

(2) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 122. PROTECTING AMERICA'S ROCK CLIMBING.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this title, each Secretary concerned shall issue guidance for recreational climbing activities on covered Federal land.

(b) APPLICABLE LAW.—The guidance issued under subsection (a) shall ensure that recreational climbing activities comply with the laws (including regulations) applicable to the covered Federal land.

(c) WILDERNESS AREAS.—The guidance issued under subsection (a) shall recognize that recreational climbing (including the use, placement, and maintenance of fixed anchors) is an appropriate use within a component of the National Wilderness Preservation System, if undertaken—

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

(2) subject to any terms and conditions determined by the Secretary concerned to be appropriate.

(d) AUTHORIZATION.—The guidance issued under subsection (a) shall describe the requirements, if any, for the placement and maintenance of fixed anchors for recreational climbing in a component of the National Wilderness Preservation System, including any terms and conditions determined by the Secretary concerned to be appropriate, which may be issued programmatically or on a case-by-case basis.

(e) EXISTING ROUTES.—The guidance issued under subsection (a) shall include direction providing for the continued use and maintenance of recreational climbing routes (including fixed anchors along the routes) in existence as of the date of the enactment of this title, in accordance with this Act.

(f) PUBLIC COMMENT.—Before finalizing the guidance issued under subsection (a), the Secretary concerned shall provide opportunities for public comment with respect to the guidance.

(g) COVERED FEDERAL LAND DEFINED.—In this section, the term “covered Federal land”—

- (1) means the lands described in subparagraphs (A) and (B) of paragraph (2); and
- (2) includes components of the National Wilderness Preservation System.

SEC. 123. RANGE ACCESS.

(a) DEFINITION OF TARGET SHOOTING RANGE.—In this section, the term “target shooting range” means a developed and managed area that is authorized or operated by the Forest Service, a concessioner of the Forest Service, or the Bureau of Land Management (or their lessee) specifically for the purposeful discharge by the public of legal firearms, firearms training, archery, or other associated activities.

(b) ASSESSMENT; IDENTIFICATION OF TARGET SHOOTING RANGE LOCATIONS.—

- (1) ASSESSMENT.—Not later than 1 year after the date of the enactment of this title, the Secretary concerned shall make available to the public a list that—

(A) identifies each National Forest and each Bureau of Land Management district that has a target shooting range that meets the requirements described in paragraph (3)(B);

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

(C) for each National Forest and each Bureau of Land Management district identified under subparagraph (B), provides a determination of whether applicable law or the applicable land use plan prevents the establishment of a target shooting range that meets the requirements described in paragraph (3)(B).

(2) IDENTIFICATION OF TARGET SHOOTING RANGE LOCATIONS.—

(A) IN GENERAL.—The Secretary concerned shall identify at least 1 suitable location for a target shooting range that meets the requirements described in paragraph (3)(B) within each National Forest and each Bureau of Land Management district with respect to which the Secretary concerned has determined under paragraph (1)(C) that the establishment of a target shooting range is not prevented by applicable law or the applicable land use plan.

(B) REQUIREMENTS.—The Secretaries, in consultation with the entities described in subsection (d), shall, for purposes of identifying a suitable location for a target shooting range under subparagraph (A)—

(i) consider the proximity of areas frequently used by recreational shooters;

(ii) ensure that the target shooting range would not adversely impact a shooting range operated on non-Federal land; and

(iii) consider other nearby recreational uses, including proximity to units of the National Park System, to minimize potential conflict and prioritize visitor safety.

(3) ESTABLISHMENT OF NEW TARGET SHOOTING RANGES.—

(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this title, at 1 or more suitable locations identified on each eligible National Forest and Bureau of Land Management district under paragraph (2)(A), the Secretary concerned shall—

(i) subject to the availability of appropriations for such purpose, construct a target shooting range that meets the requirements described in subparagraph (B) or modify an existing target shooting range to meet the requirements described in subparagraph (B); or

(ii) enter into an agreement with an entity described in subsection (d)(1), under which the entity shall establish or maintain a target shooting range that meets the requirements described in subparagraph (B).

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

(i) shall be able to accommodate rifles and pistols;

(II) may include skeet, trap, or sporting clay infrastructure; and

(III) may accommodate archery;

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

(I) significantly modified landscapes, including berms, buffer distances, or other public safety designs or features; and

(II) a designated firing line; and

(iii) may include—

- (I) shade structures;
- (II) trash containers;
- (III) restrooms;
- (IV) benches; and
- (V) any other features that the Secretary concerned determines to be necessary.

(C) RECREATION AND PUBLIC PURPOSES ACT.—For purposes of subparagraph (A), the Secretary concerned may consider a target shooting range that is located on land transferred or leased 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 target shooting range that meets the requirements described in subparagraph (B).

(c) RESTRICTIONS.—

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

- (A) the target shooting range; and
- (B) the adjacent land and resources.

(2) CLOSURES.—Except in emergency situations, the Secretary concerned shall seek to ensure that a target shooting range that meets the requirements described in subsection (b)(3)(B), 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) COORDINATION.—

(1) IN GENERAL.—In carrying out this section, the Secretaries shall coordinate with—

- (A) State, Tribal, and local 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) shooting clubs;
- (D) Federal advisory councils relating to hunting and shooting sports; and
- (E) individuals or entities with authorized leases or permits in an area under consideration for a target shooting range.

(2) PARTNERSHIPS.—The Secretaries may—

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

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

(e) ANNUAL REPORTS.—Not later than 2 years after the date of the enactment of this title and annually thereafter through fiscal year 2033, 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.

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

SEC. 124. RESTORATION OF OVERNIGHT CAMPSITES.

(a) DEFINITIONS.—In this section:

(1) RECREATION AREA.—The term “Recreation Area” means the recreation area and grounds associated with the recreation area on the map entitled “Ouachita National Forest Camping Restoration” and dated November 30, 2023, on file with the Forest Service.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) IN GENERAL.—The Secretary shall—

(1) not later than 6 months after the date of the enactment of this title, identify 54 areas within the Recreation Area that may be suitable for overnight camping; and

(2) not later than 2 years after the date of the enactment of this title—

- (A) review each area identified under paragraph (1); and

(B) from the areas so identified, select and establish at least 27 campsites and related facilities within the Recreation Area for public use.

(c) REQUIREMENTS RELATED TO CAMPSITES AND RELATED FACILITIES.—The Secretary shall—

(1) ensure that at least 27 campsites are available under subsection (b), of which not less than 8 shall have electric and water hookups; and

(2) ensure that each campsite and related facility identified or established under subsection (b) is located outside of the 1 percent annual exceedance probability flood elevation.

(d) REOPENING OF CERTAIN SITES.—Not later than 30 days after the date of the enactment of this title, the Secretary shall open each campsite within the Recreation Area that—

(1) exists on the date of the enactment of this title;

(2) is located outside of the 1 percent annual exceedance probability flood elevation;

(3) was in operation on June 1, 2010; and

(4) would not interfere with any current (as of the date of the enactment of this title) day use areas.

(e) DAY USE AREAS.—Not later than 1 year after the date of the enactment of this title, the Secretary shall take such actions as are necessary to rehabilitate and make publicly accessible the areas in the Recreation Area identified for year-round day use, including the following:

(1) Loop A.

(2) Loop B.

(3) The covered, large-group picnic pavilion in Loop D.

(4) The parking lot in Loop D.

SEC. 125. FEDERAL INTERIOR LAND MEDIA.

(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.—

“(A) IN GENERAL.—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—

“(i) involves more than 8 individuals; or

“(ii) does not meet each of the requirements described in paragraph (5).

“(B) WILDERNESS ACT CLARIFICATION.—No provision of this subsection is intended to or shall be construed to conflict with the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.).

“(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 applicable System 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 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 adheres 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 (as such term is defined in section 3 of the EXPLORE Act), 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 photography 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 permit processing procedures, including through the use of identifying a lead agency or lead System unit—

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

“(B) to issue the permit; and

“(C) to collect any required fees.”

“(2) CLERICAL AMENDMENT.—The table of sections 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:

“SEC. 1. FILMING AND STILL PHOTOGRAPHY.**“(a) FILMING AND STILL PHOTOGRAPHY.—**

“(1) IN GENERAL.—The Secretary concerned shall ensure that a filming or still photography activity 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 permitting 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.—

“(A) IN GENERAL.—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—

“(i) involves more than 8 individuals; or

“(ii) does not meet each of the requirements described in paragraph (5).

“(B) WILDERNESS ACT CLARIFICATION.—No provision of this subsection is intended to or shall be construed to conflict with the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.).

“(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 (as such term is defined in section 3 of the EXPLORE Act), 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 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 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 photography 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 engaged in 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 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 Secretary concerned determines to be necessary.

“(2) RECOVERY OF COSTS.—

“(A) IN GENERAL.—The Secretary concerned shall collect from the applicant for the applicable permit any costs incurred by the Secretary 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 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 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 management unit at which the costs are collected; and
- “(ii) remain available until expended.

“(c) 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. 126. CAPE AND ANTLER PRESERVATION ENHANCEMENT.

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”.

SEC. 127. MOTORIZED AND NONMOTORIZED ACCESS.

(a) IN GENERAL.—The Secretary concerned shall seek to have, not later than 5 years after the date of the enactment of this title, 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 map authorized for public use or administrative use; and

(2) for each unit of the National Forest System, a motor vehicle use map, in accordance with existing law.

(b) OVER-SNOW VEHICLE-USE MAPS.—The Secretary concerned shall seek to have, not later than 10 years after the date of the enactment of this title, in a printed and publicly available format that is compliant with the format for geographic infor-

mation 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 on which over-snow vehicle-use occurs, in accordance with existing law.

(c) OUT-OF-DATE MAPS.—Not later than 20 years after the date on which the Secretary concerned adopted or reviewed, through public notice and comment, a map described in subsection (a) or (b), the Secretary concerned shall seek to review, through public notice and comment, and update, as necessary, the applicable map.

(d) MOTORIZED AND NONMOTORIZED ACCESS.—The Secretaries shall seek to create additional opportunities, as appropriate, and in accordance with existing law, for motorized and nonmotorized access and opportunities on Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management.

(e) SAVINGS CLAUSE.—Nothing in this section prohibits a lawful use, including authorized motorized or nonmotorized uses, on Federal recreational lands and waters administered by the Chief of the Forest Service or the Director of the Bureau of Land Management, if the Secretary concerned fails to meet a timeline established under this section.

SEC. 128. AQUATIC RESOURCE ACTIVITIES ASSISTANCE.

(a) DEFINITIONS.—In this section:

(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 Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721(a)).

(2) DECONTAMINATION.—The term “decontamination” means actions to remove aquatic nuisance species to prevent introduction or spread into new aquatic ecosystems.

(3) FEDERAL LAND AND WATER.—The term “Federal land and water” means Federal land and water operated and maintained by the Bureau of Land Management, the U.S. Fish and Wildlife Service, the Bureau of Reclamation, the Forest Service, or the National Park Service, as applicable.

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

(5) INSPECTION.—The term “inspection” means actions to find aquatic nuisance species to prevent introduction or spread into new aquatic ecosystems.

(6) 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;
- (D) a unit of local government in a Reclamation State; or
- (E) a private entity.

(7) RECLAMATION STATE.—The term “Reclamation State” includes any of the following States:

- (A) Alaska.
- (B) Arizona.
- (C) California.
- (D) Colorado.
- (E) Idaho.
- (F) Kansas.
- (G) Montana.
- (H) Nebraska.
- (I) Nevada.
- (J) New Mexico.
- (K) North Dakota.
- (L) Oklahoma.
- (M) Oregon.
- (N) South Dakota.
- (O) Texas.
- (P) Utah.
- (Q) Washington.
- (R) Wyoming.

(8) RECLAMATION PROJECT.—The term “reclamation project” has the meaning given such term in section 2803(3) of the Reclamation Projects Authorization and Adjustment Act of 1992 (16 U.S.C. 4601-32(3)).

(9) SECRETARIES.—The term “Secretaries” means each of the following:

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

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

(10) VESSEL.—The term “vessel” means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.

(b) AUTHORITY OF BUREAU OF LAND MANAGEMENT, BUREAU OF RECLAMATION, NATIONAL PARK SERVICE, AND FOREST SERVICE WITH RESPECT TO CERTAIN AQUATIC RESOURCE ACTIVITIES ON FEDERAL LAND AND WATERS.—

(1) IN GENERAL.—The head of each Federal land management agency is authorized to carry out inspections and decontamination of vessels entering or leaving Federal land and waters under the jurisdiction of the respective Federal land management agency.

(2) REQUIREMENTS.—The Secretaries shall—

- (A) in carrying out an inspection and decontamination 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 aquatic nuisance species on Federal land and water; and
- (C) to the maximum extent practicable, inspect and decontaminate vessels in a manner that minimizes disruptions to public access for boating and recreation in noncontaminated vessels.

(3) PARTNERSHIPS.—The Secretaries may enter into a partnership to lead, collaborate with, or provide technical assistance to a partner—

- (A) to carry out an inspection or decontamination of vessels; or
- (B) to establish an inspection and decontamination station for vessels.

(4) LIMITATION.—The Secretaries shall not prohibit access to vessels due solely to the absence of a Federal, State, or partner’s inspection program or station.

(5) EXCEPTIONS.—

- (A) AUTHORITY TO REGULATE VESSELS.—Nothing in this section shall be construed to limit the authority of the Commandant of the Coast Guard to regulate vessels provided under any other provision of law.
- (B) APPLICABILITY.—Authorities granted in this subsection shall not apply at locations where inspection or decontamination activities would duplicate efforts by the Coast Guard.

(6) DATA SHARING.—The Secretaries shall make available to a Reclamation State any relevant data gathered related to inspections or decontaminations carried out under this subsection in such State.

(c) GRANT PROGRAM FOR RECLAMATION STATES FOR VESSEL INSPECTION AND DECONTAMINATION STATIONS.—

(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 financial assistance to partners to conduct inspections and decontamination of vessels operating in Reclamation projects, 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.

Subtitle C—Supporting Gateway Communities and Addressing Park Overcrowding

SEC. 131. GATEWAY COMMUNITIES.

(a) 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, private enti-

ties, and other relevant stakeholders to identify needs and economic impacts in gateway communities, including—

- (A) housing shortages;
- (B) demands on existing municipal infrastructure;
- (C) accommodation and management of sustainable visitation; and
- (D) the expansion and diversification of visitor experiences by bolstering the visitation at—
 - (i) existing developed locations that are underutilized on nearby Federal recreational lands and waters that are suitable for developing, expanding, or enhancing recreation use, as identified by the Secretaries; or
 - (ii) existing developed and suitable lesser-known recreation sites, as identified under section 5(b)(1)(B), on nearby land managed by a State agency or a local agency; 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 (as defined in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801)), in accordance with applicable laws.

(b) 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.

(c) 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. 132. 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 5 years after the date of the enactment of this title, 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 platforms) 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) 10 units of Federal recreational lands and waters managed by the Secretary;

(ii) 5 units of Federal recreational lands and waters managed by the Secretary of Agriculture (acting through the Chief of the Forest Service);

(iii) 1 unit of Federal recreational lands and waters managed by the Secretary of Commerce (acting through the Administrator of the National Oceanic and Atmospheric Administration); and

(iv) 1 unit of Federal recreational lands and waters managed by the Assistant Secretary of Army for Civil Works.

(B) REPORT.—Not later than 6 years after the date of the enactment of this title, the Secretaries shall submit a report to Congress regarding the implementation of the pilot program, including policy recommendations to expand the pilot program to additional units managed by the Secretaries.

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

(i) solicit feedback regarding participation in the Pilot Program from communities adjacent to units of Federal recreational 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).

(4) INCLUSION OF CURRENT ASSESSMENTS.—In carrying out the Pilot Program, the Secretaries may, to the extent practicable, rely on assessments completed or data gathered prior to the date of enactment of this title.

(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 provides 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 private communication of a visitor to a unit of Federal recreational lands and waters; or

(3) to collect—

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

(B) information on non-Federal land.

(f) REPORTS.—Not later than 1 year after the date of the enactment of this title, and annually thereafter, the Secretaries shall publish on a website of the Secretaries a report that describes the annual visitation of each unit of Federal recreational lands and waters, including, to the maximum extent practicable, visitation categorized by recreational activity.

(g) DEFINITIONS.—In this section—

- (1) FEDERAL RECREATIONAL LANDS AND WATERS.—The term “Federal recreational lands and waters”—
 - (A) has the meaning given the term in section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801); and
 - (B) includes Federal lands and waters managed by the National Oceanic and Atmospheric Administration and the U.S. Army Corps of Engineers.
- (2) SECRETARIES.—The term “Secretaries” means—
 - (A) the Secretary, with respect to lands under the jurisdiction of the Secretary;
 - (B) the Secretary of Agriculture, acting through the Chief of the Forest Service, with respect to lands under the jurisdiction of the Forest Service;
 - (C) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, with respect to federal waters under the jurisdiction of the National Oceanic and Atmospheric Administration; and
 - (D) the Assistant Secretary of Army for Civil Works, with respect to lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers.

SEC. 133. MONITORING FOR IMPROVED RECREATION DECISION MAKING.

(a) IN GENERAL.—The Secretaries shall seek to capture comprehensive recreation use data to better understand and inform decision making by the Secretaries.

(b) PILOT PROTOCOLS.—Not later than 1 year after the date of the enactment of this title, and after public notice and comment, the Secretaries shall establish pilot protocols at not fewer than 10 land management units under the jurisdiction of each of the Secretaries to model recreation use patterns (including low-use recreation activities and dispersed recreation activities) that may not be effectively measured by existing general and opportunistic survey and monitoring protocols.

(c) SECRETARIES DEFINED.—In this section, the term “Secretaries” means—

- (1) the Secretary, with respect to lands under the jurisdiction of the Secretary;
- (2) the Secretary of Agriculture, acting through the Chief of the Forest Service, with respect to lands under the jurisdiction of the Forest Service;
- (3) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, with respect to federal waters under the jurisdiction of the National Oceanic and Atmospheric Administration; and
- (4) the Assistant Secretary of Army for Civil Works, with respect to lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers.

Subtitle D—Broadband Connectivity on Federal Recreational Lands and Waters

SEC. 141. CONNECT OUR PARKS.

(a) DEFINITIONS.—In this section:

- (1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—
 - (A) the Committee on Energy and Natural Resources of the Senate;
 - (B) the Committee on Commerce, Science, and Transportation of the Senate;
 - (C) the Committee on Natural Resources of the House of Representatives; and
 - (D) the Committee on Energy and Commerce of the House of Representatives.
- (2) BROADBAND INTERNET ACCESS SERVICE.—The term “broadband internet access service” has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations (or a successor regulation).
- (3) CELLULAR SERVICE.—The term “cellular service” has the meaning given the term in section 22.99 of title 47, Code of Federal Regulations (or a successor regulation).
- (4) NATIONAL PARK.—The term “National Park” means a unit of the National Park System.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, the Secretary shall complete an assessment of National Parks to identify—

- (A) locations in National Parks in which there is the greatest need for broadband internet access service, based on the considerations described in paragraph (2)(A); and
- (B) areas in National Parks in which there is the greatest need for cellular service, based on the considerations described in paragraph (2)(B).

(2) CONSIDERATIONS.—

(A) BROADBAND INTERNET ACCESS SERVICE.—For purposes of identifying locations in National Parks under paragraph (1)(A), the Secretary shall consider, with respect to each National Park, the availability of broadband internet access service in—

- (i) housing;
- (ii) administrative facilities and related structures;
- (iii) lodging;
- (iv) developed campgrounds; and
- (v) any other location within the National Park in which broadband internet access service is determined to be necessary by the superintendent of the National Park.

(B) CELLULAR SERVICE.—For purposes of identifying areas in National Parks under paragraph (1)(B), the Secretary shall consider, with respect to each National Park, the availability of cellular service in any developed area within the National Park that would increase—

- (i) the access of the public to emergency services and traveler information technologies; or
- (ii) the communications capabilities of National Park Service employees.

(3) REPORT.—On completion of the assessment under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, and make available on the website of the Department of the Interior, a report describing the results of the assessment.

(c) PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this title, the Secretary shall develop a plan, based on the results of the assessment completed under subsection (b) and subject to paragraph (4)—

- (A) to install broadband internet access service infrastructure in certain locations in National Parks; and
- (B) to install cellular service equipment and infrastructure in certain areas of National Parks.

(2) CONSULTATION.—In developing the plan under paragraph (1), the Secretary shall consult with—

- (A) affected Indian Tribes; and
- (B) local stakeholders that the superintendent of the applicable National Park determines to be appropriate.

(3) REQUIREMENTS.—The plan developed under paragraph (1) shall—

- (A) provide for avoiding or minimizing impacts to—

 - (i) National Park viewsheds;
 - (ii) cultural and natural resources;
 - (iii) the visitor experience;
 - (iv) historic properties and the viewsheds of historic properties; and
 - (v) other resources or values of the National Park.

- (B) provide for infrastructure providing broadband internet access service or cellular service to be located in—

 - (i) previously disturbed or developed areas; or
 - (ii) areas zoned for uses that would support the infrastructure;

- (C) provide for the use of public-private partnerships—

 - (i) to install broadband internet access service or cellular service equipment; and
 - (ii) to provide broadband internet access service or cellular service;

- (D) be technology neutral; and
- (E) in the case of broadband internet access service, provide for broadband internet access service of at least—

 - (i) a 100-Mbps downstream transmission capacity; and
 - (ii) a 20-Mbps upstream transmission capacity.

(4) LIMITATION.—Notwithstanding paragraph (1), a plan developed under that paragraph shall not be required to address broadband internet access service

or cellular service in any National Park with respect to which the superintendent of the National Park determines that there is adequate access to broadband internet access service or cellular service, as applicable.

SEC. 142. 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 Secretary of Commerce 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 3 years after the date of the enactment of this title, and annually thereafter through fiscal year 2031, 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;
- (2) to the extent practicable, an estimate of—
 - (A) the cost to equip each of those sites with broadband internet infrastructure; and
 - (B) the annual cost to operate that infrastructure; and
- (3) a list of potential—
 - (A) barriers to operating the infrastructure described in paragraph (2)(A); and
 - (B) methods to recover the costs of that operation.

(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. 143. PUBLIC LANDS TELECOMMUNICATIONS COOPERATIVE AGREEMENTS.

(a) COOPERATIVE AGREEMENTS FOR THE DEPARTMENT OF THE INTERIOR.—The Secretary may enter into cooperative agreements to carry out activities related to communications sites on lands managed by Federal land management agencies, including—

- (1) administering communications use authorizations;
- (2) preparing needs assessments or other programmatic analyses necessary to establish communications sites and authorize communications uses on or adjacent to Federal recreational lands and waters managed by a Federal land management agency;
- (3) developing management plans for communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency on a competitively neutral, technology neutral, nondiscriminatory basis;
- (4) training for management of communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency;
- (5) obtaining, improving access to, or establishing communications sites on or adjacent to Federal recreational lands and waters managed by a Federal land management agency; and
- (6) any combination of purposes described in subparagraphs (1) through (5).

(b) CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY FOR THE FOREST SERVICE.—Section 8705(f) of the Agriculture Improvement Act of 2018 (43 U.S.C. 1761a(f)) is amended by adding at the end the following:

- “(6) COOPERATIVE AGREEMENT AUTHORITY.—Subject to the availability of appropriations made in advance for such purposes, the Secretary may enter into cooperative agreements to carry out the activities described in subparagraphs (A) through (D) of paragraph (4).”

(c) ASSESSMENT OF RENTAL FEE RETENTION AUTHORITY.—Not later than 1 year after the date of the enactment of this title, the Secretary shall conduct a comprehensive assessment to evaluate the potential benefits of rental fee retention whereby any fee collected for the occupancy and use of Federal lands and waters authorized by a communications use authorization would be deposited into a special

account and used solely for activities related to communications sites on lands and waters managed by the Secretary.

Subtitle E—Public-Private Parks Partnerships

SEC. 151. AUTHORIZATION FOR LEASE OF FOREST SERVICE ADMINISTRATIVE SITES.

Section 8623 of the Agriculture Improvement Act of 2018 (16 U.S.C. 580d note; Public Law 115-334) is amended—

- (1) in subsection (a)(2)(D), by striking “dwelling,” and inserting “dwelling or multiunit dwelling”;
- (2) in subsection (c), by striking “Secretary” in the middle of the sentence and inserting “Chief of the Forest Service, or their designee”;
- (3) in subsection (e)–
 - (A) in paragraph (3)(B)(ii)–
 - (i) in subclause (I), by inserting “such as housing,” after “improvements”;
 - (ii) in subclause (II), by striking “and” at the end;
 - (iii) in subclause (III), by striking “or” at the end and inserting “and”;
 - and
 - (iv) by adding at the end the following:
 - “(IV) services occurring off the administrative site that—
 - “(aa) occur at another administrative site in the same unit in which the administrative site is located or a different unit of the National Forest System;
 - “(bb) benefit the National Forest System; and
 - “(cc) support activities occurring within the unit of the National Forest System in which the administrative site is located; or”; and
- (B) by adding at the end the following:

(6) LEASE TERM.—

“(A) IN GENERAL.—The term of a lease of an administrative site under this section shall be not more than 100 years.

“(B) REAUTHORIZATION OF USE.—A lease of an administrative site under this section shall include a provision for reauthorization of the use if the—

- “(i) use of the administrative site, at the time of reauthorization, is still being used for the purposes authorized;
- “(ii) use to be authorized under the new lease is consistent with the applicable land management plan; and
- “(iii) lessee is in compliance with all the terms of the existing lease.”

“(C) SAVINGS.—A reauthorization of use under subparagraph (B) may include new terms in the use, as determined by the Chief of the Forest Service, or their designee.”; and

- (4) in subsection (i), by striking “2023” each place it appears and inserting “2028”.

SEC. 152. PARTNERSHIP AGREEMENTS CREATING TANGIBLE SAVINGS.

Section 101703 of title 54, United States Code, is amended to read as follows:

“§ 101703. Cooperative management agreements

“(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with an eligible entity managing lands and waters located near a System unit to provide for cooperative management of either a System unit or the lands and waters located near a System unit to promote more effective and efficient management of a System unit. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

“(b) PROVISION OF GOODS AND SERVICES.—

“(1) IN GENERAL.—Under a cooperative management agreement, the Secretary may acquire by purchase, donation, or exchange from and provide to an eligible entity on a reimbursable basis goods and services to be used by the Secretary or the eligible entity in the cooperative management of land and waters.

“(2) RETENTION OF FUNDS.—Reimbursements received under this section may be credited to the appropriation current at the time reimbursements are received.

“(c) CO-LOCATION.—Under the cooperative management agreement, the Secretary and an eligible entity may co-locate in offices and facilities owned or leased by either party.

“(d) EMPLOYEES.—

“(1) ASSIGNMENT OF EMPLOYEE.—The Secretary may arrange an assignment under section 3372 of title 5 of a Federal employee or an employee of an eligible entity as mutually agreed upon, for work on any Federal, State, local, or Tribal land.

“(2) EXTENSION OF ASSIGNMENT.—The assignment provided in paragraph (1) may be extended for any period of time determined by the Secretary and the eligible entity to be mutually beneficial.

“(e) DEFINITIONS.—In this section—

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or local entity or any political subdivision thereof, or an Indian Tribe or Tribal organization.

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

“(3) STATE.—The term ‘State’ means each of the several States, the District of Columbia, and each territory of the United States.

“(4) TRIBAL ORGANIZATION.—The term ‘Tribal organization’ has the meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(1)).”.

SEC. 153. PARTNERSHIP AGREEMENTS TO MODERNIZE FEDERALLY OWNED CAMPGROUNDS, RESORTS, CABINS, AND VISITOR CENTERS ON FEDERAL RECREATIONAL LANDS AND WATERS.

(a) DEFINITIONS.—In this section:

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

(A) a capital improvement, including the construction, reconstruction, and nonroutine maintenance of any structure, infrastructure, or improvement, relating to the operation of, or access to, a covered recreation facility; and
(B) any activity necessary to operate or maintain a covered recreation facility.

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

(A) in existence on the date of the enactment of this title; and
(B) located on Federal recreational lands and waters administered by—
(i) the Chief of the Forest Service; or
(ii) the Director of the Bureau of Land Management.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a unit of State, Tribal, or local government;
(B) a nonprofit organization; and
(C) a private entity.

(b) PILOT PROGRAM.—The Secretaries shall establish a pilot program under which the Secretary concerned may enter into an agreement with, or issue or amend a land use authorization to, an eligible entity to allow the eligible entity to carry out covered activities relating to a covered recreation facility, subject to the requirements of this section and the terms of any relevant land use authorization, regardless of whether the eligible entity holds, on the date of the enactment of this title, an authorization to be a concessionaire for the covered recreation facility.

(c) MINIMUM NUMBER OF AGREEMENTS OR LAND USE AUTHORIZATIONS.—Not later than 3 years after the date of the enactment of this title, the Secretary concerned shall enter into at least 1 agreement or land use authorization under subsection (b) in—

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

(2) Federal recreational lands and waters administered 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.

(d) REQUIREMENTS.—

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

(A) describes investments in the covered recreation facility to be made by the eligible entity during the first 3 years of the agreement or land use authorization;

(B) describes annual maintenance spending to be made by the eligible entity for each year of the agreement or land use authorization; and

(C) includes any other terms and conditions determined to be necessary or appropriate by the Secretary concerned.

(2) AGREEMENTS AND LAND USE AUTHORIZATIONS.—An agreement or land use authorization under subsection (b) shall—

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

(B) require that, not later than 3 years after the date on which the Secretary concerned enters into the agreement or issues or amends the land use authorization, the applicable eligible entity shall expend, place in an escrow account for the eligible entity to expend, or deposit in a special account in the Treasury for expenditure by the Secretary concerned, without further appropriation, for covered activities relating to the applicable covered recreation facility, an amount or specified percentage, as determined by the Secretary concerned, which shall be equal to not less than \$500,000, of the anticipated receipts for the term of the agreement or land use authorization;

(C) require the eligible entity to operate and maintain the covered recreation facility and any associated infrastructure designated by the Secretary concerned in a manner acceptable to the Secretary concerned and the eligible 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 eligible entity of the rights provided by the agreement or land use authorization, taking into account the capital invested by, and obligations of, the eligible 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 eligible entity that is separate from the routine costs of operating and maintaining the applicable covered recreation facility and any associated infrastructure designated by the Secretary concerned, as determined to be appropriate by the Secretary concerned;

(F) include provisions stating that—

(i) the eligible entity shall obtain no property interest in the covered recreation facility pursuant to the expenditures of the eligible entity, as required by the agreement or land use authorization;

(ii) all structures and other improvements constructed, reconstructed, or nonroutinely maintained by that entity under the agreement or land use authorization on land owned by the United States shall be the property of the United States; and

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

(G) be subject to any other terms and conditions determined to be necessary or appropriate by the Secretary concerned.

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

SEC. 154. PARKING AND RESTROOM OPPORTUNITIES FOR FEDERAL RECREATIONAL LANDS AND WATERS.

(a) PARKING OPPORTUNITIES.—

(1) IN GENERAL.—The Secretaries shall seek to increase and improve parking opportunities for persons recreating on Federal recreational lands and waters—

(A) in accordance with existing laws and applicable land use plans;

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

(C) in a manner that does not impact wildlife habitat that is critical to the mission of a Federal agency responsible for managing Federal recreational lands and waters.

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

- (A) enter into a public-private partnership for parking opportunities on non-Federal land;
- (B) enter into contracts or agreements with State, Tribal, or local governments for parking opportunities using non-Federal lands and resources;
- (C) lease non-Federal land for parking opportunities; or
- (D) provide alternative transportation systems for a unit of Federal recreational lands and waters.

(b) RESTROOM OPPORTUNITIES.—

- (1) IN GENERAL.—The Secretaries shall seek to increase and improve the function, cleanliness, and availability of restroom facilities for persons recreating on Federal recreational lands and waters, including by entering into partnerships with non-Federal partners, including State, Tribal, and local governments and volunteer organizations.
- (2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretaries shall submit a report to Congress that identifies—
 - (A) challenges to maintaining or improving the function, cleanliness, and availability of restroom facilities on Federal recreational lands and waters;
 - (B) the current state of restroom facilities on Federal recreational lands and waters and the effect restroom facilities have on visitor experiences; and
 - (C) policy recommendations that suggest innovative new models or partnerships to increase or improve the function, cleanliness, and availability of restroom facilities for persons recreating on Federal recreational lands and waters.

SEC. 155. PAY-FOR-PERFORMANCE PROJECTS.

(a) DEFINITIONS.—In this section:

- (1) INDEPENDENT EVALUATOR.—The term “independent evaluator” means an individual or entity, including an institution of higher education, that is selected by the pay-for-performance beneficiary and pay-for-performance investor, as applicable, or by the pay-for-performance project developer, in consultation with the Secretary of Agriculture, to make the determinations and prepare the reports required 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 Resources Planning Act of 1974 (16 U.S.C. 1609(a))).
- (3) PAY-FOR-PERFORMANCE AGREEMENT.—The term “pay-for-performance agreement” means a mutual 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 capital loaned upfront by 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 (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 up-front 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 applicable land management plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(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 competition) 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 Secretary of Agriculture may enter into a pay-for-performance agreement under which a pay-for-performance 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 Agriculture may not enter into a pay-for-performance agreement under the pilot program under this section 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-performance project developer agrees to pay to a pay-for-performance investor or a pay-for-performance project developer, as appropriate, in the event of an independent evaluator determining pursuant to subsection (e) the degree to which a project outcome has been achieved.

(B) ELIGIBLE PAYMENTS.—An amount described in subparagraph (A) shall be—

- (i) based on—
 - (I) the respective contributions of the parties under the pay-for-performance 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 beneficiary or the Secretary of Agriculture derived from a project outcome;
- (III) a percentage of the enhanced revenue to the pay-for-performance beneficiary or the Secretary of Agriculture derived 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 contribute funding for a pay-for-performance project only if—

- (i) the Secretary of Agriculture demonstrates that—
 - (I) the pay-for-performance project would provide a cost savings to the United States;
 - (II) the funding would accelerate the pace of implementation of an activity previously planned to be completed by the Secretary of Agriculture; or
 - (III) the funding would accelerate the scale 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)—

- (i) shall be retained in a separate fund in the Treasury to be used solely for pay-for-performance projects; and
- (ii) shall 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 during 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 the date that is 7 years after the date of the enactment of this title.

(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.

SEC. 156. OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means an entity or combination of entities that represents or otherwise serves a qualifying area.

(2) ELIGIBLE NONPROFIT ORGANIZATION.—The term “eligible nonprofit organization” means an organization 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; or
 - (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) LOW-INCOME COMMUNITY.—The term “low-income community” has the same meaning given that term in 26 U.S.C. 45D(e)(1).

(5) OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM.—The term “Outdoor Recreation Legacy Partnership Program” means the program codified under subsection (b)(1).

(6) QUALIFYING AREA.—The term “qualifying 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.

(b) GRANTS AUTHORIZED.—

(1) CODIFICATION OF PROGRAM.—

(A) IN GENERAL.—There is established an existing program, to be known as the “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 areas; and

(ii) to develop new or renovate existing outdoor recreation facilities that provide outdoor recreation opportunities to the public in qualifying 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 a qualifying area;

(ii) engage and empower low-income communities and youth;

(iii) provide employment or job training opportunities for youth or low-income 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) ADMINISTRATIVE EXPENSES.—Not more than 7 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 low-income 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 local governments, including cooperative agreements with community-based eligible nonprofit organizations;

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

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

(G) facilitate any combination of purposes listed in subparagraphs (A) through (F).

(4) ELIGIBLE USES.—

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

(B) LIMITATIONS ON USE.—An eligible entity 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 nonoutdoor purposes; or

(v) acquisition of land or interests in land that restrict public access.

(C) CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USE.—

(i) IN GENERAL.—No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use.

(ii) CONDITION FOR APPROVAL.—The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive Statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

(iii) WETLAND AREAS AND INTERESTS THEREIN.—Wetland areas and interests therein as identified in the wetlands provisions of the comprehensive plan and proposed to be acquired as suitable replacement

property within the same State that is otherwise acceptable to the Secretary, acting through the Director of the National Park Service, shall be deemed to be of reasonably equivalent usefulness with the property proposed for conversion.

(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 containing such information as the Secretary may require.

SEC. 157. AMERICAN BATTLEFIELD PROTECTION PROGRAM ENHANCEMENT.

(a) DEFINITIONS.—Section 308101 of title 54, United States Code, is amended to read as follows:

“§ 308101. Definitions

“In this chapter:

“(1) SECRETARY.—The term ‘Secretary’ means the Secretary, acting through the American Battlefield Protection Program.

“(2) BATTLEFIELD REPORTS.—The term ‘Battlefield Reports’ means, collectively—

“(A) the document entitled ‘Report on the Nation’s Civil War Battlefields’, prepared by the Civil War Sites Advisory Commission, and dated July 1993; and

“(B) the document entitled ‘Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States’, prepared by the National Park Service, and dated September 2007.”.

(b) PRESERVATION ASSISTANCE.—Section 308102(a) of title 54, United States Code, is amended by striking “Federal” and all that follows through “organizations” and inserting “Federal agencies, States, Tribes, local governments, other public entities, educational institutions, and nonprofit organizations”.

(c) BATTLEFIELD LAND ACQUISITION GRANTS IMPROVEMENTS.—Section 308103 of title 54, United States Code, is amended—

“(1) by amending subsection (a) to read as follows:

“(a) ELIGIBLE SITE DEFINED.—In this section, the term ‘eligible site’—

“(1) means a site that—

“(A) is not within the exterior boundaries of a unit of the National Park System; and

“(B) is identified in the Battlefield Reports as a battlefield; and

“(2) excludes sites identified in the Battlefield Reports as associated historic sites.”;

“(2) in subsection (b), by striking “State and local governments” and inserting “States, Tribes, local governments, and nonprofit organizations”;

“(3) in subsection (c), by striking “State or local government” and inserting “State, Tribe, or local government”; and

“(4) in subsection (e), by striking “under this section” and inserting “under this section, including by States, Tribes, local governments, and nonprofit organizations”.

(d) BATTLEFIELD RESTORATION GRANTS IMPROVEMENTS.—Section 308105 of title 54, United States Code, is amended—

“(1) by amending subsection (a) to read as follows:

“(a) ESTABLISHMENT.—The Secretary shall establish a battlefield restoration grant program (referred to in this section as the ‘program’) under which the Secretary may provide grants to States, Tribes, local governments, and nonprofit organizations for projects that restore day-of-battle conditions on—

“(1) land preserved and protected under the battlefield acquisition grant program established under section 308103(b); or

“(2) battlefield land that is—

“(A) owned by a State, Tribe, local government, or nonprofit organization; and

“(B) referred to in the Battlefield Reports.”; and

(2) by striking subsection (b) and inserting the following:

“(b) **ELIGIBLE SITES.**—The Secretary may make grants under this section for Revolutionary War, War of 1812, and Civil War battlefield sites—

“(1) eligible for assistance under the battlefield acquisition grant program established under section 308103(b); or

“(2) on battlefield land that is—

“(A) owned by a State, Tribe, local government, or nonprofit organization; and

“(B) referred to in battlefield reports.”.

(e) **UPDATES AND IMPROVEMENTS.**—Chapter 3081 of title 54, United States Code, is amended by adding at the end the following:

“§ 308106. Updates and improvements to Battlefield Reports

“Not later than 2 years after the date of the enactment of this section, and every 10 years thereafter, the Secretary shall submit to Congress a report that updates the Battlefield Reports to reflect—

“(1) preservation activities carried out at the battlefields in the period since the publication of the most recent Battlefield Reports update;

“(2) changes in the condition, including core and study areas, of the battlefields during that period; and

“(3) any other relevant developments relating to the battlefields during that period.”.

(f) **CLERICAL AMENDMENT.**—The table of sections for chapter 3081 of title 54, United States Code, is amended as follows:

(1) By amending the item relating to section 308101 to read as follows: “308101. Definitions.”.

(2) By adding at the end the following: “308106. Updates and improvements to Battlefield Reports.”.

TITLE II—ACCESS AMERICA

SEC. 201. DEFINITIONS.

In this title:

(1) **ACCESSIBLE TRAIL.**—The term “accessible trail” means a trail that meets the requirements for a trail under the Architectural Barriers Act accessibility guidelines.

(2) **ARCHITECTURAL BARRIERS ACT ACCESSIBILITY GUIDELINES.**—The term “Architectural Barriers Act accessibility guidelines” means the accessibility guidelines set forth in appendices C and D to part 1191 of title 36, Code of Federal Regulations (or successor regulations).

(3) **ASSISTIVE TECHNOLOGY.**—The term “assistive technology” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities, particularly with participating in outdoor recreation activities.

(4) **GOLD STAR FAMILY MEMBER.**—The term “Gold Star Family member” means an individual described in section 3.3 of Department of Defense Instruction 1348.36.

(5) **OUTDOOR CONSTRUCTED FEATURE.**—The term “outdoor constructed feature” has the meaning given such term in appendix C to part 1191 of title 36, Code of Federal Regulations (or successor regulations).

(6) **VETERANS ORGANIZATION.**—The term “veterans organization” means a service provider with outdoor recreation experience that serves members of the Armed Forces, veterans, or Gold Star Family members.

Subtitle A—Access for People With Disabilities

SEC. 211. ACCESSIBLE RECREATION INVENTORY.

(a) **ASSESSMENT.**—Not later than 5 years after the date of the enactment of this title, the Secretary concerned shall—

(1) carry out a comprehensive assessment of outdoor recreation facilities on Federal recreational lands and waters under the jurisdiction of the respective Secretary concerned to determine the accessibility of such outdoor recreation facilities, consistent with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794), including—

- (A) camp shelters, camping facilities, and camping units;
- (B) boat launch ramps;
- (C) hunting, fishing, shooting, or archery ranges or locations;
- (D) outdoor constructed features;
- (E) picnic facilities and picnic units; and
- (F) any other outdoor recreation facilities, as determined by the Secretary concerned; and

(2) make information about such opportunities available (including through the use of prominently displayed links) on public websites of—

- (A) each of the Federal land management agencies; and
- (B) each relevant unit and subunit of the Federal land management agencies.

(b) INCLUSION OF CURRENT ASSESSMENTS.—As part of the comprehensive assessment required under subsection (a)(1), to the extent practicable, the Secretary concerned may rely on assessments completed or data gathered prior to the date of the enactment of this title.

(c) PUBLIC INFORMATION.—Not later than 7 years after the date of the enactment of this title, the Secretary concerned shall identify opportunities to create, update, or replace signage and other publicly available information, including web page information, related to accessibility and consistent with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794) at outdoor recreation facilities covered by the assessment required under subsection (a)(1).

SEC. 212. TRAIL INVENTORY.

(a) ASSESSMENT.—Not later than 7 years after the date of the enactment of this title, the Secretary concerned shall—

(1) conduct a comprehensive assessment of high-priority trails, in accordance with subsection (b), on Federal recreational lands and waters under the jurisdiction of the respective Secretary concerned, including measuring each trail's—

- (A) average and minimum tread width;
- (B) average and maximum running slope;
- (C) average and maximum cross slope;
- (D) tread type; and
- (E) length; and

(2) make information about such high-priority trails available (including through the use of prominently displayed links) on public websites of—

- (A) each of the Federal land management agencies; and
- (B) each relevant unit and subunit of the Federal land management agencies.

(b) SELECTION.—The Secretary concerned shall select high-priority trails to be assessed under subsection (a)(1)—

(1) in consultation with stakeholders, including veterans organizations and organizations with expertise or experience providing outdoor recreation opportunities to individuals with disabilities;

- (2) in a geographically equitable manner; and
- (3) in no fewer than 15 units or subunits managed by the Secretary concerned.

(c) INCLUSION OF CURRENT ASSESSMENTS.—As part of the assessment required under subsection (a)(1), the Secretary concerned may, to the extent practicable, rely on assessments completed or data gathered prior to the date of the enactment of this title.

(d) PUBLIC INFORMATION.—

(1) IN GENERAL.—Not later than 7 years after the date of the enactment of this title, the Secretary concerned shall identify opportunities to replace signage and other publicly available information, including web page information, related to such high-priority trails and consistent with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794) at high-priority trails covered by the assessment required under subsection (a)(1).

(2) TREAD OBSTACLES.—As part of the assessment required under subsection (a)(1), the Secretary may, to the extent practicable, include photographs or descriptions of tread obstacles and barriers.

(e) ASSISTIVE TECHNOLOGY SPECIFICATION.—In publishing information about each trail under this subsection, the Secretary concerned shall make public information about trails that do not meet the Architectural Barriers Act accessibility guidelines but could otherwise provide outdoor recreation opportunities to individuals with disabilities through the use of certain assistive technology.

SEC. 213. TRAIL PILOT PROGRAM.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this title, the Secretary concerned shall carry out a pilot program to enter into partnerships with eligible entities to—

- (1) measure high-priority trails as part of the assessment required under section 212;
- (2) develop accessible trails under section 214; and
- (3) make minor modifications to existing trails to enhance recreational experiences for individuals with disabilities using assistive technology—
 - (A) in compliance with all applicable land use and management plans of the Federal recreational lands and waters on which the accessible trail is located; and
 - (B) in consultation with stakeholders, including veterans organizations and organizations with expertise or experience providing outdoor recreation opportunities to individuals with disabilities.

(b) LOCATIONS.—

(1) IN GENERAL.—The Secretary concerned shall select no fewer than 5 units or subunits under the jurisdiction of the respective Secretary concerned to carry out the pilot program established under subsection (a).

(2) SPECIAL RULE OF CONSTRUCTION FOR THE DEPARTMENT OF THE INTERIOR.— In selecting the locations of the pilot program, the Secretary shall ensure that the pilot program is carried out in at least one unit managed by the—

- (A) National Park Service;
- (B) Bureau of Land Management; and
- (C) United States Fish and Wildlife Service.

(c) SUNSET.—The pilot program established under this subsection shall terminate on the date that is 7 years after the date of the enactment of this title.

SEC. 214. ACCESSIBLE TRAILS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, the Secretary concerned shall select a location or locations to develop at least 3 new accessible trails—

- (1) on National Forest System lands in each region of the Forest Service;
- (2) on land managed by the National Park Service in each region of the National Park Service;
- (3) on land managed by the Bureau of Land Management in each region of the Bureau of Land Management; and
- (4) on land managed by the United States Fish and Wildlife Service in each region of the United States Fish and Wildlife Service.

(b) DEVELOPMENT.—In developing an accessible trail under subsection (a), the Secretary concerned—

- (1) may—
 - (A) create a new accessible trail;
 - (B) modify an existing trail into an accessible trail; or
 - (C) create an accessible trail from a combination of new and existing trails; and
- (2) shall—
 - (A) consult with stakeholders with respect to the feasibility and resources necessary for completing the accessible trail;
 - (B) ensure the accessible trail complies with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794); and
 - (C) to the extent practicable, ensure that outdoor constructed features supporting the accessible trail, including trail bridges, parking spaces, and restroom facilities, meet the requirements of the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794).

(c) COMPLETION.—Not later than 7 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders described under subsection (b)(2), shall complete each accessible trail developed under subsection (a).

(d) MAPS, SIGNAGE, AND PROMOTIONAL MATERIALS.—For each accessible trail developed under subsection (a), the Secretary concerned shall—

(1) publish and distribute maps and install signage, consistent with Architectural Barriers Act of 1968 accessibility guidelines and section 508 of the Rehabilitation Act (29 U.S.C. 794d); and

(2) coordinate with stakeholders to leverage any non-Federal resources necessary for the development, stewardship, completion, or promotion of the accessible trail.

(e) CONFLICT AVOIDANCE WITH OTHER USES.—In developing each accessible trail under subsection (a), the Secretary concerned shall ensure that the accessible trail—

(1) minimizes conflict with—

(A) the uses in effect before the date of the enactment of this title with respect to any trail that is part of that accessible trail;

(B) multiple-use areas where biking, hiking, horseback riding, off-highway vehicle recreation, or use by pack and saddle stock are existing uses on the date of the enactment of this title; or

(C) the purposes for which any trail is established under the National Trails System Act (16 U.S.C. 1241 et seq.); and

(2) complies with all applicable land use and management plans of the Federal recreational lands and waters on which the accessible trail is located.

(f) REPORTS.—

(1) INTERIM REPORT.—Not later than 3 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish an interim report that lists the accessible trails developed under this section during the previous 3 years.

(2) FINAL REPORT.—Not later than 7 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish a final report that lists the accessible trails developed under this section.

SEC. 215. ACCESSIBLE RECREATION OPPORTUNITIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, the Secretary concerned shall select a location to develop at least 2 new accessible recreation opportunities—

(1) on National Forest System lands in each region of the Forest Service;

(2) on land managed by the National Park Service in each region of the National Park Service;

(3) on land managed by the Bureau of Land Management in each region of the Bureau of Land Management; and

(4) on land managed by the United States Fish and Wildlife Service in each region of the United States Fish and Wildlife Service.

(b) DEVELOPMENT.—In developing an accessible recreation opportunity under subsection (a), the Secretary concerned—

(1) may—

(A) create a new accessible recreation opportunity; or

(B) modify an existing recreation opportunity into an accessible recreation opportunity; and

(2) shall—

(A) consult with stakeholders with respect to the feasibility and resources necessary for completing the accessible recreation opportunity;

(B) ensure the accessible recreation opportunity complies with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794); and

(C) to the extent practicable, ensure that outdoor constructed features supporting the accessible recreation opportunity, including trail bridges, parking spaces and restroom facilities, meet the requirements of the Architectural Barriers Act of 1968 and section 504 of the Rehabilitation Act (29 U.S.C. 794).

(c) ACCESSIBLE RECREATION OPPORTUNITIES.—The accessible recreation opportunities developed under subsection (a) may include improving accessibility or access to—

(1) camp shelters, camping facilities, and camping units;

(2) hunting, fishing, shooting, or archery ranges or locations;

(3) snow activities, including skiing and snowboarding;

(4) water activities, including kayaking, paddling, canoeing, and boat launch ramps;

(5) rock climbing;

(6) biking;

(7) off-highway vehicle recreation;

(8) picnic facilities and picnic units;

- (9) outdoor constructed features; and
- (10) any other new or existing recreation opportunities identified in consultation with stakeholders under subsection (b)(2) and consistent with the applicable land management plan.
- (d) COMPLETION.—Not later than 7 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders consulted with under subsection (b)(2), shall complete each accessible recreation opportunity developed under subsection (a).
- (e) MAPS, SIGNAGE, AND PROMOTIONAL MATERIALS.—For each accessible recreation opportunity developed under subsection (a), the Secretary concerned shall—
 - (1) publish and distribute maps and install signage, consistent with Architectural Barriers Act accessibility guidelines and section 508 of the Rehabilitation Act (29 U.S.C. 794d); and
 - (2) coordinate with stakeholders to leverage any non-Federal resources necessary for the development, stewardship, completion, or promotion of the accessible trail.
- (f) CONFLICT AVOIDANCE WITH OTHER USES.—In developing each accessible recreation opportunity under subsection (a), the Secretary concerned shall ensure that the accessible recreation opportunity—
 - (1) minimizes conflict with—
 - (A) the uses in effect before the date of the enactment of this title with respect to any Federal recreational lands and waters on which the accessible recreation opportunity is located; or
 - (B) multiple-use areas in existence on the date of the enactment of this title; and
 - (2) complies with all applicable land use and management plans of the Federal recreational lands and waters on which the accessible recreational opportunity is located.
- (g) REPORTS.—
 - (1) INTERIM REPORT.—Not later than 3 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish an interim report that lists the accessible recreation opportunities developed under this section during the previous 3 years.
 - (2) FINAL REPORT.—Not later than 7 years after the date of the enactment of this title, the Secretary concerned, in coordination with stakeholders and other interested organizations, shall prepare and publish a final report that lists the accessible recreation opportunities developed under this section.

SEC. 216. ASSISTIVE TECHNOLOGY.

In carrying out this subtitle, the Secretary concerned may enter into partnerships, contracts, or agreements with other Federal, State, Tribal, local, or private entities, including existing outfitting and guiding services, to make assistive technology available on Federal recreational lands and waters.

SEC. 217. SAVINGS CLAUSE.

Nothing in the subtitle shall be construed to create any conflicting standards with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.) and section 504 of the Rehabilitation Act (29 U.S.C. 794).

Subtitle B—Military and Veterans in Parks

SEC. 221. PROMOTION OF OUTDOOR RECREATION FOR MILITARY SERVICEMEMBERS AND VETERANS.

Not later than 2 years after the date of the enactment of this title, the Secretary concerned, in coordination with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop educational and public awareness materials to disseminate to members of the Armed Forces and veterans, including through preseparation counseling of the Transition Assistance Program under chapter 1142 of title 10, United States Code, on—

- (1) opportunities for members of the Armed Forces and veterans to access Federal recreational lands and waters free of charge under section 805 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804);
- (2) the availability and location of accessible trails, including new accessible trails developed and completed under section 214;
- (3) the availability and location of accessible recreation opportunities, including new accessible recreation opportunities developed and completed under section 215;

- (4) access to, and assistance with, assistive technology;
- (5) outdoor-related volunteer and wellness programs;
- (6) the benefits of outdoor recreation for physical and mental health;
- (7) resources to access guided outdoor trips and other outdoor programs connected to the Department of Defense, the Department of Veterans Affairs, the Department of the Interior, or the Department of Agriculture; and
- (8) programs and jobs focused on continuing national service such as Public Land Corps, AmeriCorps, and conservation corps programs.

SEC. 222. MILITARY VETERANS OUTDOOR RECREATION LIAISONS.

- (a) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, the Secretaries and the Secretary of Veterans Affairs shall each establish within their Departments the position of Military Veterans Outdoor Recreation Liaison.
- (b) DUTIES.—The Military Veterans Outdoor Recreation Liaison shall—
 - (1) coordinate the implementation of this subtitle;
 - (2) implement recommendations identified by the Task Force on Outdoor Recreation for Veterans established under section 203 of the Veterans Comprehensive Prevention, Access to Care, and Treatment Act of 2020 (Public Law 116–214), including recommendations related to—
 - (A) identifying new opportunities to formalize coordination between the Department of Veterans Affairs, Department of Agriculture, Department of the Interior, and partner organizations regarding the use of Federal recreational lands and waters for facilitating health and wellness for veterans;
 - (B) addressing identified barriers that exist to providing veterans with opportunities to augment the delivery of services for health and wellness through the use of outdoor recreation on Federal recreational lands and waters; and
 - (C) facilitating the use of Federal recreational lands and waters for promoting wellness and facilitating the delivery of health care and therapeutic interventions for veterans;
 - (3) coordinate with Military Veterans Outdoor Recreation Liaisons at other Federal agencies and veterans organizations; and
 - (4) promote outdoor recreation experiences for veterans on Federal recreational lands and waters through new and innovative approaches.

SEC. 223. PARTNERSHIPS TO PROMOTE MILITARY AND VETERAN RECREATION.

- (a) IN GENERAL.—The Secretary concerned shall seek to enter into partnerships or agreements with State, Tribal, local, or private entities with expertise in outdoor recreation, volunteer, accessibility, and health and wellness programs for members of the Armed Forces or veterans.
- (b) PARTNERSHIPS.—As part of a partnership or agreement entered into under subsection (a), the Secretary concerned may host events on Federal recreational lands and waters designed to promote outdoor recreation among members of the Armed Forces and veterans.
- (c) FINANCIAL AND TECHNICAL ASSISTANCE.—Under a partnership or agreement entered into pursuant to subsection (a), the Secretary concerned may provide financial or technical assistance to the entity with which the respective Secretary concerned has entered into the partnership or agreement to assist with—
 - (1) the planning, development, and execution of events, activities, or programs designed to promote outdoor recreation for members of the Armed Forces or veterans; or
 - (2) the acquisition of assistive technology to facilitate improved outdoor recreation opportunities for members of the Armed Forces or veterans.

SEC. 224. NATIONAL STRATEGY FOR MILITARY AND VETERAN RECREATION.

- (a) STRATEGY.—Not later than 1 year after the date of the enactment of this title, the Federal Interagency Council on Outdoor Recreation established under section 113 shall develop and make public a strategy to increase visits to Federal recreational lands and waters by members of the Armed Forces, veterans, and Gold Star Family members.
- (b) REQUIREMENTS.—A strategy developed under subsection (a)—
 - (1) shall—
 - (A) establish objectives and quantifiable targets for increasing visits to Federal recreational lands and waters by members of the Armed Forces, veterans, and Gold Star Family members;
 - (B) include an opportunity for public notice and comment;
 - (C) emphasize increased recreation opportunities on Federal recreational lands and waters for members of the Armed Forces, veterans, and Gold Star Family members; and

(D) provide the anticipated costs to achieve the objectives and meet the targets established under subparagraph (A); and
 (2) shall not establish any preference between similar recreation facilitated by noncommercial or commercial entities.

(c) UPDATE TO STRATEGY.—Not later than 5 years after the date of the publication of the strategy required under subsection (a), and every 5 years thereafter, the Federal Interagency Council on Outdoor Recreation shall update the strategy and make public the update.

SEC. 225. RECREATION RESOURCE ADVISORY COMMITTEES.

Section 804(d) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6803(d)), is amended—

- (1) in paragraph (5)(A), by striking “11” and inserting “12”; and
- (2) in paragraph (5)(D)(ii)—
 - (A) by striking “Three” and inserting “Four”; and
 - (B) after subclause (III), by inserting the following:
 - “(IV) Veterans organizations, as such term is defined in section 201 of the EXPLORE Act.”; and
- (3) in paragraph (8) by striking “Eight” and inserting “Six”.

SEC. 226. CAREER AND VOLUNTEER OPPORTUNITIES FOR VETERANS.

(a) VETERAN HIRING.—The Secretaries are strongly encouraged to hire veterans in all positions related to the management of Federal recreational lands and waters.

(b) PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Assistant Secretary of Labor for Veterans’ Employment and Training and the Secretary of Veterans Affairs, shall establish a pilot program under which veterans are employed by the Federal Government in positions that relate to the conservation and resource management activities of the Department of the Interior.

(2) POSITIONS.—The Secretary shall—

- (A) identify vacant positions in the Department of the Interior that are appropriate to fill using the pilot program; and
- (B) to the extent practicable, fill such positions using the pilot program.

(3) APPLICATION OF CIVIL SERVICE LAWS.—A veteran employed under the pilot program shall be treated as an employee as defined by section 2105 of title 5, United States Code.

(4) BRIEFINGS AND REPORT.—

(A) INITIAL BRIEFING.—Not later than 60 days after the date of the enactment of this title, the Secretary and the Assistant Secretary of Labor for Veterans’ Employment and Training shall jointly provide to the appropriate congressional committees a briefing on the pilot program under this subsection, which shall include—

- (i) a description of how the pilot program will be carried out in a manner to reduce the unemployment of veterans; and
- (ii) any recommendations for legislative actions to improve the pilot program.

(B) IMPLEMENTATION BRIEFING.—Not later than 1 year after the date on which the pilot program under subsection (a) commences, the Secretary and the Assistant Secretary of Labor for Veterans’ Employment and Training shall jointly provide to the appropriate congressional committees a briefing on the implementation of the pilot program.

(C) FINAL REPORT.—Not later than 30 days after the date on which the pilot program under subsection (a) terminates under paragraph (5), the Secretary and the Assistant Secretary of Labor for Veterans’ Employment and Training shall jointly submit to the appropriate congressional committees a report on the pilot program that includes the following:

- (i) The number of veterans who applied to participate in the pilot program.
- (ii) The number of such veterans employed under the pilot program.
- (iii) The number of veterans identified in clause (ii) who transitioned to full-time positions with the Federal Government after participating in the pilot program.
- (iv) Any other information the Secretary and the Assistant Secretary of Labor for Veterans’ Employment and Training determine appropriate with respect to measuring the effectiveness of the pilot program.

(5) DURATION.—The authority to carry out the pilot program under this subsection shall terminate on the date that is 2 years after the date on which the pilot program commences.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Veterans' Affairs and the Committee on Natural Resources of the House of Representatives; and

(2) the Committee on Veterans' Affairs and the Committee on Energy and Natural Resources of the Senate.

(d) OUTDOOR RECREATION PROGRAM ATTENDANCE.—Each Secretary of a military department is encouraged to allow members of the Armed Forces on active duty status to participate in programs related to environmental stewardship or guided outdoor recreation.

Subtitle C—Youth Access

SEC. 231. INCREASING YOUTH RECREATION VISITS TO FEDERAL LAND.

(a) STRATEGY.—Not later than 2 years after the date of the enactment of this title, the Secretaries, acting jointly, shall develop and make public a strategy to increase the number of youth recreation visits to Federal recreational lands and waters.

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

(1) shall—

(A) emphasize increased recreation opportunities on Federal recreational lands and waters 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) UPDATE TO STRATEGY.—Not later than 5 years after the date of the publication of the strategy required under subsection (a), and every 5 years thereafter, the Secretaries shall update the strategy and make public the update.

(d) 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.

SEC. 232. EVERY KID OUTDOORS ACT EXTENSION.

Section 9001(b) of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116–9) is amended—

(1) in paragraph (2)(B), by striking “during the period beginning on September 1 and ending on August 31 of the following year” and inserting “for a 12-month period that begins on a date determined by the Secretaries”; and

(2) in paragraph (5), by striking “the date that is 7 years after the date of enactment of this Act” and inserting “September 30, 2031”.

TITLE III—SIMPLIFYING OUTDOOR ACCESS FOR RECREATION

SEC. 301. DEFINITIONS.

In this title:

(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) MULTIJURISDICTIONAL TRIP.—The term “multijurisdictional trip” means a trip that—

(A) uses 2 or more units of Federal recreational lands and waters; and

(B) is under the jurisdiction of 2 or more Federal land management agencies.

(3) 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 311).

(4) 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 311).

(5) 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.

Subtitle A—Modernizing Recreation Permitting

SEC. 311. SPECIAL RECREATION PERMIT AND FEE.

(a) 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” and inserting “section 805”;

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

(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 arranging the paragraphs (as so redesignated) 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).”;

(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 of 75 participants or more;

“(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 or activity;

“(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 provided by the recreation service provider at the same site not more frequently than 3 times a year;

“(II) a single competitive event; or

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

“(aa) is a structured or scheduled activity;

“(bb) is not competitive;

“(cc) may charge a participation fee;

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

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

“(ff) is undertaken or provided by the recreation service provider for a term of not more than 180 days; or

“(iv) for—

“(I) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, the authorization for which is for a term of not more than 10 years; or

“(II) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, that occurs under a temporary special recreation permit authorized under section 316 of the EX-
PLORE Act.

“(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.”; and

(11) by inserting at the end the following:

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

(b) SPECIAL RECREATION PERMITS AND FEES.—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)”;

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

(h) SPECIAL RECREATION PERMITS AND FEES.—

(1) SPECIAL RECREATION PERMITS.—

(A) APPLICATIONS.—The Secretary—

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

“(ii) shall develop and make available to the public an application to obtain a special recreation permit described in each of clauses (ii) through (iv) of section 802(13)(A).

(B) ISSUANCE OF PERMITS.—On review of a completed application developed under subparagraph (A), as applicable, and a determination by the Secretary that the applicant is eligible for the special recreation permit, the Secretary may issue to the applicant a special recreation permit, subject to any terms and conditions that are determined to be necessary by the Secretary.

(C) INCIDENTAL SALES.—A special recreation permit issued under this paragraph may include an authorization for sales that are incidental in nature to the permitted use of the Federal recreational lands and waters, except where otherwise prohibited by law.

(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 in accordance with this paragraph.

(B) PREDETERMINED SPECIAL RECREATION PERMIT FEES.—

(i) IN GENERAL.—For purposes of subparagraphs (D) and (E) of this paragraph, the Secretary shall establish and may charge a predetermined fee, described in clause (ii) of this subparagraph, 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) of this subparagraph.

(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 the enactment of the EXPLORE Act;

(II) be established after the date of the enactment of the EXPLORE Act, in accordance with subsection (b);

(III)(aa) be established after the date of the enactment of the EXPLORE Act; 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 the enactment of the EXPLORE Act, be \$6 per visitor-use day in instances in which the Secretary has not established a predetermined fee under subclause (I), (II), or (III).

(C) CALCULATION OF FEES FOR SPECIALIZED RECREATIONAL USES AND LARGE-GROUP ACTIVITIES OR EVENTS.—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 OR EVENTS, COMPETITIVE EVENTS, AND CERTAIN RECURRING ORGANIZED GROUP RECREATION ACTIVITIES.—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 not to exceed 5 percent of, adjusted gross receipts calculated under subparagraph (F).

“(E) CALCULATION OF FEES FOR TEMPORARY 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 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; 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 or the United States Fish and Wildlife Service for the provision of accommodations, facilities, or services; or
 “(II) a commercial use authorization or special use permit 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 320 of the EXPLORE Act.

“(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 AVAILABLE RECREATION 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—

“(i) 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; and
 “(ii) on the appropriate website for such unit or area.

“(B) PUBLICATIONS.—The Secretary shall include in publications distributed at a unit or area or described in subparagraph (A) the notice described in that subparagraph.

“(2) NOTICE OF USES OF RECREATION FEES.—Beginning on January 1, 2026, 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 during each of the 2 preceding fiscal years at the respective unit or area of the Federal land management agency; and
 “(B) each use during the preceding fiscal year of the applicable recreation fee or recreation 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 performed using recreation fee and recreation pass revenues collected under this section.

(4) CENTRALIZED REPORTING ON AGENCY WEBSITES.—

“(A) IN GENERAL.—Not later than January 1, 2025, 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.”.

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

(d) USE OF SPECIAL RECREATION PERMIT 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(a)(7)” and inserting “section 805(a)(7)”; and
- (B) in paragraph (2), by striking “section 5(d)” and inserting “section 805(d)”.

(e) REAUTHORIZATION.—Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking “2019” and inserting “2031”.

SEC. 312. PERMITTING PROCESS IMPROVEMENTS.

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

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

- (A) evaluate the process for issuing special recreation permits; and
- (B) based on the evaluation under subparagraph (A), identify opportunities to—
 - (i) eliminate duplicative processes with respect to issuing special recreation permits;
 - (ii) reduce costs for the issuance of special recreation permits;
 - (iii) decrease processing times for special recreation permits; and
 - (iv) issue simplified special recreation permits, including special recreation permits for an organized group recreation activity or event under subsection (e); and

(2) not later than 1 year after the date on which the Secretaries complete their respective 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 programmatic 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 2 years after the date of the enactment of this title, the Secretary concerned shall—

- (A) evaluate whether existing categorical exclusions available to the Secretary concerned on the date of the enactment of this title are consistent with the provisions of this title;

(B) evaluate whether a modification of an existing categorical exclusion or the establishment of 1 or more new categorical exclusions developed in compliance with the National 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 title; and

(C) revise relevant agency regulations and policy statements and guidance documents, as necessary, to modify existing categorical exclusions or incorporate new categorical exclusions based on evaluations conducted under this paragraph.

(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 section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by this title).

(d) ONLINE APPLICATIONS.—Not later than 3 years after the date of the enactment of this title, the Secretaries shall make the application for a special recreation permit under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by this title), 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) SPECIAL RECREATION PERMITS FOR AN ORGANIZED GROUP RECREATION ACTIVITY OR EVENT.—

(1) DEFINITIONS.—In this subsection:

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

(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 this title), a special recreation permit for an organized group recreation activity or event shall not be subject to that allocation of visitor-use days.

(3) ISSUANCE.—In accordance with paragraphs (5) and (6), if use by the general public is not subject to a limited entry permit system and if capacity is available for the times or days in which the proposed activity or event would be undertaken, on request of a recreation service provider (including a youth group) to conduct an organized group recreation activity or event described in subclause (I) or (III) of paragraph (13)(A)(iii) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title), the Secretary concerned—

(A) shall make a nominal effects determination to determine whether the proposed activity or event would have more than nominal effects on Federal recreational lands and waters, resources, and programs; and

(B)(i) shall not require a recreation service provider (including a youth group) to obtain a special recreation permit for an organized group recreation activity or event if the Secretary concerned determines—

(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;

(ii) in the case of an organized group recreation activity or event described in section 802(13)(A)(iii)(I) of that Act, may issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to any terms and conditions as are determined to be appropriate by the Secretary concerned, if the Secretary concerned determines—

(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 necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs;

(iii) in the case of an organized group recreation activity or event described in section 802(13)(A)(iii)(III) of that Act, shall issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to such terms and conditions determined to be appropriate by the Secretary concerned, if the Secretary concerned determines—

(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 necessary to protect or avoid conflict on or with Federal recreational lands and waters, resources, and programs; and

(iv) may issue to a recreation service provider (including a youth group) a special recreation permit for an organized group recreation activity or event, subject to any terms and conditions determined to be appropriate by the Secretary concerned, if the Secretary concerned determines—

(I) the proposed activity or event to be undertaken may have more than nominal effects on Federal recreational lands and waters, resources, and programs; and

(II) establishing additional terms and conditions for the proposed activity or event would be 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 a special recreation permit for an organized group recreation activity or event.

(5) SAVINGS CLAUSE.—Nothing in this subsection prevents the Secretary concerned from limiting or abating the allowance of a proposed activity or event under paragraph (3)(B)(i) or the issuance of a special recreation permit for an organized group recreation activity or event, based on resource conditions, administrative burdens, or safety issues.

(6) QUALIFICATIONS.—A special recreation permit for an organized group recreation activity or event issued under paragraph (3) shall be subject to the health and safety standards required by the Secretary concerned for a permit issued under paragraph (13)(A)(iv) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title).

SEC. 313. 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 this title), 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) SURRENDER OF UNUSED VISITOR-USE DAYS.

(1) 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 this title) may—

(A) 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

(B) surrender to the Secretary concerned the unused visitor-use days for the applicable year for temporary reassignment under section 318(b).

(2) DETERMINATION.—To ensure a recreation service provider described in paragraph (1) is able to make an informed decision before surrendering any unused visitor-use day under paragraph (1)(B), 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 317(b)(3)(B) before the recreation service provider surrenders the unused visitor-use day.

(d) 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. 314. 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 determines that visitor-use days are available for allocation to recreation service providers or holders of a commercial use authorization for outfitting and guiding, the Secretary concerned shall publish that 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) the reissuance of an existing special recreation permit or commercial use authorization for outfitting and guiding; or
- (II) the issuance of 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 section 803(h)(1) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by this title) or commercial use authorizations for outfitting and guiding.

(b) PERMIT APPLICATION OR PROPOSAL ACKNOWLEDGMENT.—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 section 803(h)(1) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by this title), the Secretary concerned shall—

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

- (2)(A) issue a final decision with respect to the application or proposal; or

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

(c) 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. 315. SERVICE FIRST INITIATIVE; PERMITS FOR 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 2024, and each fiscal year thereafter, the Secretaries may carry out an initiative, to be known as the “Service First Initiative”, under which the Secretaries, or Federal land management agencies within their departments, may—

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

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

- (C) issue rules to test the feasibility of issuing unified permits, applications, and leases, subject to the limitations in this section.

(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 Bureau 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.—Subject to the availability of appropriations and to facilitate the sharing of resources under the Service First Initiative, the Secretaries are authorized to mutually transfer funds between, or reimburse

amounts expended from, appropriate accounts of either Department on an annual basis, including transfers and reimbursements for multiyear projects, except that this authority may not be used in a manner that circumvents requirements or limitations imposed on the use of any of the funds so transferred or reimbursed.

(5) REPORT.—The Secretaries shall submit an annual report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate describing the activities undertaken as part of the Service First Initiative in the prior year.

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

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this title, the Secretaries shall establish a pilot program to offer to a person seeking an authorization for a multijurisdictional trip a set of separate special recreation permits or commercial use authorizations that authorizes the use of each unit of Federal recreational lands and waters on which the multijurisdictional trip occurs, subject to the authorities that apply to the applicable unit of Federal recreational lands and waters.

(2) MINIMUM NUMBER OF PERMITS.—Not later than 4 years after the date of the enactment of this title, the Secretaries shall issue not fewer than 10 sets of separate special recreation permits described in paragraph (1)(A)(iv) of section 802 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801) (as amended by this title) 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) designate a lead agency for issuing and administering a set of separate special recreation permits or commercial use authorizations; and

(B) select not fewer than 4 offices at which a person shall be able to apply for a set of separate special recreation permits or commercial use authorizations, of which—

(i) not fewer than 2 offices are managed by the Secretary; and

(ii) not fewer than 2 offices are managed by the Secretary of Agriculture, acting through the Chief of the Forest Service.

(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 set of separate special recreation permits or commercial use authorizations 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, under the authorities that apply to the applicable Federal recreational lands and waters.

(5) OPTION TO APPLY FOR SEPARATE SPECIAL RECREATION PERMITS OR COMMERCIAL USE AUTHORIZATIONS.—A person seeking the appropriate permits or authorizations 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 set of separate special recreational permits or commercial use authorizations 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. 316. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT TEMPORARY SPECIAL RECREATION PERMITS FOR OUTFITTING AND GUIDING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Secretary concerned shall establish and implement a program to authorize the issuance of temporary special recreation permits for new or additional recreational uses of Federal recreational land and water managed by the Forest Service and the Bureau of Land Management.

(b) TERM OF TEMPORARY PERMITS.—A temporary special recreation permit issued under paragraph (1) shall be issued for a period of not more than 2 years.

(c) CONVERSION TO LONG-TERM PERMIT.—If the Secretary concerned determines that a permittee under paragraph (1) has completed 2 years of satisfactory operation under the permit proposed to be converted, the Secretary may provide for the conversion of a temporary special recreation permit issued under paragraph (1) to a long-term special recreation permit.

(d) EFFECT.—Nothing in this subsection alters or affects the authority of the Secretary 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 this title).

SEC. 317. REVIEWS FOR LONG-TERM PERMITS.

(a) **MONITORING.**—The Secretary concerned shall monitor each recreation service provider issued a special recreation permit for compliance with the terms of the permit—

(1) not less than annually or as frequently as needed (as determined by the Secretary concerned), in the case of a temporary special recreation permit for outfitting and guiding issued under section 316; and

(2) not less than once every 2 years or as frequently as needed (as determined by the Secretary concerned), 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 this title) that is issued for a term of not more than 10 years.

(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 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 this title), once every 5 years.

(2) **REQUIREMENTS OF THE REVIEW.**—In conducting a review under paragraph (1), the Secretary concerned shall determine—

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

(B) the year in which the recreation service provider used the most visitor-use days under the special recreation permit.

(3) **CONSIDERATION OF SURRENDERED, UNUSED VISITOR-USE DAYS.**—For the purposes of determining the number of visitor-use days a recreation service provider used in a specified year under paragraph (2)(A), the Secretary of Agriculture, 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(c)(1)(B) as—

(A) 1/2 of a visitor-use day used; or

(B) 1 visitor-use day used, if the Secretary concerned 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. 318. ADJUSTMENT OF ALLOCATED VISITOR-USE DAYS.

(a) **ADJUSTMENTS FOLLOWING USE OF ALLOCATION REVIEWS.**—On the completion of a use-of-allocation review conducted under section 317(b) for 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 this title), 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 317, 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 recreation service provider 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 317, the annual number of visitor-use days allocated for each remaining year of the special recreation 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) **TEMPORARY REASSIGNMENT OF UNUSED VISITOR-USE DAYS.**—The Secretary concerned may temporarily assign unused visitor-use days, made available under section 313(c)(1)(B), to—

(1) any other existing or potential recreation service provider, notwithstanding the number of visitor-use days allocated to the special recreation per-

mit 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 this title), including the public.

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

SEC. 319. 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 this title) 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;

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

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

(c) EXCULPATORY 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 or holder of the commercial use authorization that may not be waived under the laws (including common law) of the applicable State or for gross negligence, recklessness, or willful misconduct.

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

(A) review the policies of the Secretaries pertaining to the use of exculpatory agreements by recreation service providers and holders of commercial use authorizations; 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 and holders of commercial use au-

thorizations 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. 320. 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, or holder of, a special recreation permit to recover administrative costs incurred by the Secretary concerned for—

- (1) processing a proposal or application for the special recreation permit;
- (2) issuing the special recreation permit; and
- (3) monitoring the special recreation permit to ensure compliance with the terms and conditions of the special recreation permit.

(b) **DE MINIMIS EXEMPTION FROM COST RECOVERY.**—If the administrative costs described in subsection (a) are assessed on an hourly basis, the Secretary concerned shall—

- (1) 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); and
- (2) charge an applicant only for any hours that exceed the de minimis threshold.

(c) **MULTIPLE APPLICATIONS.**—If the Secretary concerned collectively processes multiple applications for special recreation permits for the same or similar services in the same unit of Federal recreational lands and waters, the Secretary concerned 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.

(e) **COST REDUCTION.**—To the maximum extent practicable, the agency processing an application for a special recreation permit shall use existing studies and analysis to reduce the quantity of work and costs necessary to process the application.

SEC. 321. AVAILABILITY OF FEDERAL, STATE, AND LOCAL RECREATION PASSES.

(a) **IN GENERAL.**—The Federal Lands Recreation Enhancement Act is amended by inserting after section 805 (16 U.S.C. 6804) the following:

“SEC. 805A. AVAILABILITY OF FEDERAL, STATE, AND LOCAL RECREATION PASSES.

“(a) **ESTABLISHMENT OF PROGRAM.**—

“(1) **IN GENERAL.**—To improve the availability of Federal, State, and local outdoor recreation passes, the Secretaries are encouraged to coordinate with States and counties regarding the availability of Federal, State, and local recreation passes to allow a purchaser to buy a Federal recreation pass, State recreation pass, and local recreation pass in a single transaction.

“(2) **INCLUDED PASSES.**—Passes covered by the program established under paragraph (1) include—

“(A) an America the Beautiful—the National Parks and Federal Recreational Lands Pass under section 805; and

“(B) any pass covering any fees charged by participating States and counties for entrance and recreational use of parks and public land in the participating States.

“(b) **AGREEMENTS WITH STATES AND COUNTIES.**—

“(1) **IN GENERAL.**—The Secretaries, after consultation with the States and counties, may enter into agreements with States and counties to coordinate the availability of passes as described in subsection (a).

“(2) **REVENUE FROM PASS SALES.**—Agreements between the Secretaries, States, and counties entered into pursuant to this section shall ensure that—

“(A) funds from the sale of State or local passes are transferred to the appropriate State agency or county government;

“(B) funds from the sale of Federal passes are transferred to the appropriate Federal agency; and

“(C) fund transfers are completed by the end of a fiscal year for all pass sales occurring during the fiscal year.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Federal Lands Recreation Enhancement Act is amended by inserting after the item relating to section 805 the following:

“Sec. 805A. Availability of Federal, State, and local recreation passes.”.

SEC. 322. ONLINE PURCHASES AND ESTABLISHMENT OF A DIGITAL VERSION OF AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASSES.

(a) ONLINE PURCHASES OF AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—Section 805(a)(6) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(a)(6)) is amended by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The Secretaries shall sell or otherwise make available 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 or distribution of the Pass is feasible;

“(ii) at such other locations as the Secretaries consider appropriate and feasible; and

“(iii) through a prominent link to a centralized pass sale system on the website of each of the Federal land management agencies and the websites of the relevant units and subunits of those agencies, which shall include information about where and when a National Parks and Federal Recreational Lands Pass may be used.”.

(b) DIGITAL VERSION OF THE AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATION LANDS PASS.—Section 805(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6804(a)) is amended by adding at the end the following:

“(10) DIGITAL RECREATION PASSES.—Not later than January 1, 2026, 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, including with respect to free and discounted passes; and

“(B) upon completion of a transaction for a National Parks and Federal Recreational Lands Pass, make immediately available to the passholder a digital version of the National Parks and Federal Recreational Lands Pass established under subparagraph (A).”.

(c) ENTRANCE PASS AND AMENITY FEES.—Section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) (as amended by this title) is amended by adding at the end the following:

“(j) 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 under subsection (f);

“(C) expanded amenity recreation fees under subsection (g); 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(c).”.

SEC. 323. SAVINGS PROVISION.

Nothing in this subtitle, or in any amendment made by this subtitle, shall be construed as affecting the authority or responsibility of the Secretary of the Interior to award concessions contracts for the provision of accommodations, facilities, and services, or commercial use authorizations to provide services, to visitors to U.S. Fish and Wildlife Service refuges or units of the National Park System pursuant to subchapter II of chapter 1019 of title 54, United States Code (formerly known as the “National Park Service Concessions Management Improvement Act of 1998”), except that sections 314(a), 315, 319(a), 319(b), and 319(c) of this subtitle shall also apply to commercial use authorizations under that Act.

Subtitle B—Making Recreation a Priority

SEC. 331. 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, or portion of a unit, of Federal recreational lands and waters is closed to the public for a continuous period of 30 days or more, excluding temporary closures relating to wildlife conservation or public safety; and

(2) permitted or allowable recreational activities, which provide an economic benefit, including off-season or winter-season tourism, do not take place at the unit, or portion of a unit, of Federal recreational lands and waters.

(b) COORDINATION.—

(1) IN GENERAL.—The Secretaries shall consult and coordinate with 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, applicable trade organizations, nonprofit organizations, Indian Tribes, local governments, and institutions of higher education—

(A) to better understand—

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

(ii) the effect of seasonal closures on areas of, or infrastructure on, units of Federal recreational lands and waters on outdoor recreation opportunities, adjacent businesses, and local tax revenue; and

(iii) 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 outdoor recreation opportunities and associated revenues for businesses and local governments; and

(B) to solicit input from, and provide information for, outdoor recreation marketing campaigns.

(2) LOCAL COORDINATION.—As part of the consultation and coordination required under subparagraph (1), the Secretaries shall encourage relevant unit managers of Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, and the National Park Service to consult and coordinate with local governments, Indian Tribes, outdoor recreation-related businesses, and other local stakeholders operating on or adjacent to the relevant unit of Federal recreational lands and waters.

(d) EXTENSIONS BEYOND SEASONAL CLOSURES.—

(1) EXTENSION OF RECREATIONAL SEASON.—In the case of a unit of Federal recreational lands and waters managed by the Forest Service, the Bureau of Land Management, or the National Park Service in which recreational use is highly seasonal, the Secretary concerned, acting through the relevant unit manager, may—

(A) as appropriate, extend the recreation season or increase recreation use in a sustainable manner during the offseason; and

(B) make information about extended season schedules and related recreational opportunities available to the public and local communities.

(2) DETERMINATION.—In determining whether to extend the recreation season under this subsection, the Secretary concerned, acting through the relevant unit manager, shall consider the benefits of extending the recreation season—

(A) for the duration of income to gateway communities; and

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

(3) CLARIFICATION.—Nothing in this subsection precludes the Secretary concerned, acting through the relevant unit manager, from providing for additional recreational opportunities and uses at times other than those described in this subsection.

(4) INCLUSIONS.—An extension of a recreation season or an increase in recreation use during the offseason under paragraph (1) may include—

(A) the addition of facilities that would increase recreation use during the offseason; and

(B) improvement of access to the relevant unit to extend the recreation season.

(5) REQUIREMENT.—An extension of a recreation season or increase in recreation use during the offseason under paragraph (1) shall be done in compliance with all applicable Federal laws, regulations, and policies, including land use plans.

(6) AGREEMENTS.—

(A) IN GENERAL.—The Secretary concerned may enter into agreements with businesses, local governments, or other entities to share the cost of additional expenses 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.

(B) IN-KIND CONTRIBUTIONS.—The Secretary concerned may accept in-kind contributions of goods and services provided by businesses, local governments, or other entities for purposes of paragraph (1).

Subtitle C—Maintenance of Public Land

SEC. 341. VOLUNTEERS IN THE NATIONAL FORESTS AND PUBLIC LANDS ACT.

The Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a et seq.) is amended to read as follows:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Volunteers in the National Forests and Public Lands Act’.

“SEC. 2. PURPOSE.

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

“SEC. 4. AUTHORIZATION.

“The Secretaries are authorized to recruit, train, and accept without regard to the civil service and classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of recreation access, trail construction or maintenance, facility construction or maintenance, educational uses (including outdoor classroom construction or maintenance), interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretaries. In carrying out this section, the Secretaries shall consider referrals of prospective volunteers made by the Corporation for National and Community Service.

“SEC. 5. INCIDENTAL EXPENSES.

“The Secretaries are authorized to provide for incidental expenses, such as transportation, uniforms, lodging, training, equipment, and subsistence.

“SEC. 6. CONSIDERATION AS FEDERAL EMPLOYEE.

“(a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

“(b) For the purpose of the tort claim provisions of title 28, United States Code, a volunteer under this Act shall be considered a Federal employee.

“(c) For the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term ‘employee’ as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

“(d) For the purposes of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this Act shall be considered a Federal employee, and the provisions of section 3721 of title 31, United States Code, shall apply.

“(e) For the purposes of subsections (b), (c), and (d), the term ‘volunteer’ includes a person providing volunteer services to either of the Secretaries who—

“(1) is recruited, trained, and supported by a cooperator under a mutual benefit agreement or cooperative agreement with either of the Secretaries; and

“(2) performs such volunteer services under the supervision of the cooperator as directed by either of the Secretaries in the mutual benefit agreement or cooperative agreement in the mutual benefit agreement, including direction that specifies—

“(A) the volunteer services, including the geographic boundaries of the work to be performed by the volunteers, and the supervision to be provided by the cooperator;

“(B) the applicable project safety standards and protocols to be adhered to by the volunteers and enforced by the cooperator;

“(C) the on-site visits to be made by either of the Secretaries, if feasible and only if necessary to verify that volunteers are performing the volunteer services and the cooperator is providing the supervision agreed upon;

“(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.

“SEC. 7. PROMOTION OF VOLUNTEER OPPORTUNITIES.

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

“SEC. 8. LIABILITY INSURANCE.

“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.”

SEC. 342. REFERENCE.

Any reference to the Volunteers in the National Forests Act of 1972 in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Volunteers in the National Forests and Public Land Act.

Subtitle D—Recreation Not Red Tape

SEC. 351. GOOD NEIGHBOR AUTHORITY FOR RECREATION.

(a) **DEFINITIONS.**—In this section:

(1) **AUTHORIZED RECREATION SERVICES.**—The term “authorized recreation services” means similar and complementary recreation enhancement or improvement services carried out—

(A) on Federal land, non-Federal land, or land owned by an Indian Tribe; and

(B) by either the Secretary or a Governor, Indian Tribe, or county, as applicable, pursuant to a good neighbor agreement.

(2) **COUNTY.**—The term “county” means—

(A) the appropriate executive official of an affected county; or

(B) in any case in which multiple counties are affected, the appropriate executive official of a compact of the affected counties.

(3) **FEDERAL LAND.**—The term “Federal land” means land that is—

(A) owned and administered by the United States as a part of—

(i) the National Forest System; or

(ii) the National Park System; or

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(4) **RECREATION ENHANCEMENT OR IMPROVEMENT SERVICES.**—The term “recreation enhancement or improvement services” means—

(A) establishing, repairing, restoring, improving, relocating, constructing, or reconstructing new or existing—

(i) trails or trailheads;

(ii) campgrounds and camping areas;

(iii) cabins;

(iv) picnic areas or other day use areas;

(v) shooting ranges;

(vi) restroom or shower facilities;

(vii) paved or permanent roads or parking areas that serve existing recreation facilities or areas;

(viii) fishing piers, wildlife viewing platforms, docks, or other constructed features at a recreation site;

(ix) boat landings;

(x) hunting or fishing sites;

(xi) infrastructure within ski areas; or

(xii) visitor centers or other interpretative sites; and

(B) activities that create, improve, or restore access to existing recreation facilities or areas.

(5) **GOOD NEIGHBOR AGREEMENT.**—The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) en-

tered into between the Secretary and a Governor, Indian Tribe, or county, as applicable, to carry out authorized recreation services under this title.

(6) GOVERNOR.—The term “Governor” means the Governor or any other appropriate executive official of an affected State or the Commonwealth of Puerto Rico.

(7) SECRETARY CONCERNED.—The term “Secretary concerned” means—
 (A) the Secretary of Agriculture, with respect to National Forest System land; and
 (B) the Secretary of the Interior, with respect to National Park System land and public lands.

(b) GOOD NEIGHBOR AGREEMENTS FOR RECREATION.—

(1) IN GENERAL.—The Secretary concerned may enter into a good neighbor agreement with a Governor, Indian Tribe, or county to carry out authorized recreation services in accordance with this title.

(2) PUBLIC AVAILABILITY.—The Secretary concerned shall make each good neighbor agreement available to the public.

(3) FINANCIAL AND TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary concerned may provide financial or technical assistance to a Governor, Indian Tribe, or county carrying out authorized recreation services.

(B) ADDITIONAL TREATMENTS OF REVENUE.—Section 8206(b)(2)(C) of the Agricultural Act of 2014 (16 U.S.C. 2113a(b)(2)(C)) is amended to read as follows:

“(C) TREATMENT OF REVENUE.—

“(i) IN GENERAL.—Funds received from the sale of timber by a Governor, Indian Tribe, or county under a good neighbor agreement shall be retained and used by the Governor, Indian Tribe, or county, as applicable—

“(I) to carry out authorized restoration services on under the good neighbor agreement; and

“(II) if there are funds remaining after carrying out clause (i), to carry out—

“(aa) authorized restoration services under other good neighbor agreements; or

“(bb) authorized recreation services under the Good Neighbor Authority for Recreation Act.

“(ii) TERMINATION OF EFFECTIVENESS.—The authority provided under this subparagraph terminates effective October 1, 2028.”.

(4) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized recreation services to be provided under this section on Federal land shall not be delegated to a Governor, Indian Tribe, or county.

SEC. 352. 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 Forest Service or the Bureau of Land Management, the Secretary concerned shall not require a covered person to obtain a permit solely to access the picnic area.

(b) COVERED PERSON DEFINED.—In this section, the term “covered person” means a person (including an educational group) that provides outfitting and guiding services to fewer than 40 customers per year at a picnic area described in subsection (a).

SEC. 353. INTERAGENCY REPORT ON SPECIAL RECREATION PERMITS FOR UNDERSERVED COMMUNITIES.

(a) COVERED COMMUNITY DEFINED.—In this section, the term “covered community” means a rural or urban community, including an Indian Tribe, that is—

(1) low-income or underserved; and
 (2) has been underrepresented in outdoor recreation opportunities on Federal recreational lands and waters.

(b) REPORT.—Not later than 3 years after the date of the enactment of this title, 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 arrangements 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 existing or prospective recreation service providers and holders of commercial use authorizations 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.

SEC. 354. MODERNIZING ACCESS TO OUR PUBLIC LAND ACT AMENDMENTS.

The Modernizing Access to Our Public Land Act (16 U.S.C. 6851 et seq.) is amended—

(1) in section 3(1) (16 U.S.C. 6852(1)), by striking “public outdoor recreational use” and inserting “recreation sites”;

(2) in section 5(a)(4) (16 U.S.C. 6854(a)(4)), by striking “permanently restricted or prohibited” and inserting “regulated or closed”; and

(3) in section 6(b) (16 U.S.C. 6855(b))—

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

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

SEC. 355. SAVINGS PROVISION.

No additional Federal funds are authorized to carry out the requirements of this Act and the activities authorized by this Act are subject to the availability of appropriations made in advance for such purposes.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 6492 is to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

OVERVIEW

Federal lands offer an abundance of outdoor recreation opportunities including but not limited to hiking, biking, rock climbing, camping, kayaking, canoeing, skiing, hunting, fishing, and recreational shooting. More Americans than ever are choosing to recreate outdoors at national parks and on public lands. The major federal land management agencies saw over 580 million visitors in 2022.¹ The most recent data show approximately 312 million visitors to National Park Service (NPS) sites, 67 million to U.S. Fish and Wildlife Service (FWS) National Wildlife Refuge System lands, 42 million to Bureau of Land Management (BLM) public lands, and 159 million to U.S. Forest Service (USFS) areas annually.² Unfortunately, outdoor recreation opportunities are not always easily accessible. Barriers to outdoor recreation include cumbersome and costly permitting processes, closed recreation destinations, dilapidated infrastructure, outdated technology, and lack of defined access due to bureaucratic red tape or cost-prohibitive fees.

To unleash the full potential of outdoor recreation on our public lands, Chairman Westerman (R-AR) and Ranking Member Gri-

¹ National Park Service, Visitation Numbers, <https://www.nps.gov/aboutus/visitation-numbers.htm>; U.S. Fish and Wildlife Service, Data Shared with Committee Staff, Mar. 17, 2023; Bureau of Land Management, Public Land Statistics 2021, June 2022, <https://www.blm.gov/sites/default/files/docs/2022-07/Public%20Land%20Statistics%202021%20508.pdf>; United States Forest Service, National Visitor Use Monitoring Survey Results National Summary Report, Sept. 2023, <https://www.fs.usda.gov/sites/default/files/2022-National-Visitor-Use-Monitoring-Summary-Report.pdf>.

² *Id.*

jalva (D-AZ) introduced H.R. 6492, the bipartisan “Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act” on November 29, 2023. This bill is the culmination of several hearings held in the Committee on Natural Resources since the beginning of the 118th Congress and incorporates a dozen bipartisan recreation bills also processed through the committee. This legislation is the House companion of the bipartisan legislation S. 873 (Manchin/Barrasso), the “America’s Outdoor Recreation Act of 2023.”³

TITLE I: OUTDOOR RECREATION AND INFRASTRUCTURE

Outdoor recreation on public lands helps fuel the \$1.1 trillion outdoor recreation economy.⁴ According to new data released in November 2023 by the U.S. Bureau of Economic Analysis (BEA), the total annual gross output of the outdoor recreation economy grew by \$238 billion over the past year.⁵ The outdoor recreation economy accounts for \$563.7 billion, or 2.2 percent of gross domestic product (GDP), and supports nearly 5 million jobs.⁶ In terms of GDP, these numbers represent growth of nearly \$110 billion compared to the prior year.⁷ The outdoor recreation economy continues to outpace growth in the overall U.S. economy, with recreation growing by 4.8 percent compared to just 1.9 percent for the overall economy.⁸ Title I of the EXPLORE Act focuses on expanding and improving outdoor recreation opportunities and infrastructure to sustain and support the outdoor recreation economy.

The economic impact of recreating on federal lands stretches far beyond the entrance gates and into surrounding communities—often referred to as gateway communities. At the local level, outdoor recreation generates \$59.2 billion in state and local tax revenue annually.⁹ In 2022, visitors to national parks generated a record high of \$50.3 billion in economic benefits and spent an estimated \$23.9 billion in gateway communities.¹⁰ Title I of the EXPLORE Act addresses some of the most pressing challenges facing national parks and gateway communities, such as overcrowding, lack of affordable housing, and antiquated technologies. The bill contains several provisions that would improve technology and encourage innovative private partnerships to address strains to recreation infrastructure. For example, the bill improves visitor experiences by facilitating increased broadband deployment in national parks and developed recreation sites. The bill also creates pilot programs to provide real-time visitation data in heavily used recreation sites, which will provide the public with more reliable data and alleviate overcrowding. Title I also creates new affordable

³ Senate Energy and Natural Resources Committee Chairman Manchin (D-WV) and Ranking Member Barrasso (R-WY) introduced sister legislation earlier this year. S. 873 (Manchin/Barrasso), “America’s Outdoor Recreation Act of 2023,” <https://www.congress.gov/bill/118th-congress/senate-bill/873>.

⁴ Bureau of Economic Analysis, “Outdoor Recreation Satellite Account, U.S. and States, 2022,” Nov. 17, 2023, <https://www.bea.gov/sites/default/files/2023-11/orsa1123.pdf>.

⁵ *Id.*

⁶ *Id.*

⁷ Bureau of Economic Analysis, “Outdoor Recreation Satellite Account, U.S. and States, 2021,” Nov. 9, 2022, <https://www.bea.gov/news/2022/outdoor-recreation-satellite-account-us-and-states-2021>.

⁸ *Id.*

⁹ Outdoor Industry Association, “The Outdoor Recreation Economy,” https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf.

¹⁰ 2022 National Park Visitor Spending Effects, National Park Service, Accessed Aug. 29, 2023, https://www.nps.gov/nature/customcf/NPS_Data_Visualization/docs/NPS_2022_Visitor_Spending_Effects.pdf.

housing opportunities by allowing private entities to lease underutilized USFS administrative sites for housing.

The EXPLORE Act maintains and improves access to some of the most beloved recreation activities in America. The bill incentivizes the creation of new long-distance bike trails. Biking is one of the fastest growing sectors in the outdoor recreation economy, with expectations that mountain biking will grow to \$16.9 billion by 2030.¹¹ Increases in ridership have pushed current trails to the limit, necessitating the creation of new trails to satisfy high biking demands. Along with non-motorized vehicles like bikes, the legislation also benefits motorized recreation by requiring agencies to update maps of off-highway vehicle areas. Off-highway vehicle (OHV) recreation accounts for an estimated \$68 billion in economic output annually and creating more certainty regarding open trails will help encourage more OHV use.¹² The legislation also improves camping opportunities by restoring campsites and creating public-private partnerships to renovate existing campsites.

Importantly, this title of the legislation would protect the use of fixed anchors used by rock climbers in iconic wilderness destinations. Climbing is an incredibly important recreational activity on public lands, with the federal land management agencies managing approximately 60 percent of the nation's climbing areas encompassing "20,000 discrete cliffs, boulders and alpine objectives inside and outside of designated wilderness."¹³ Some of the most iconic climbing destinations in the country are within wilderness areas, such as El Capitan in Yosemite National Park, Joshua Tree's Wonderland of Rocks, portions of the White Mountains National Forest, and Red Rock Canyon National Recreation Area.¹⁴ To climb properly and ensure safety, permanent bolts and fixed anchors are placed and maintained along established climbing routes, including in wilderness areas. In November 2023, NPS and USFS announced a proposed directive that numerous outdoor recreationists slammed as jeopardizing climber safety and limiting access.¹⁵ Section 122 of the bill would codify the use of fixed anchors in wilderness areas, creating certainty for the rock-climbing community and ensuring the continuation of rock climbing on public lands. As reflected in the committee hearing on the EXPLORE Act, the committee notes that the current draft guidance from NPS and USFS is inconsistent with this provision and would allow for the prohibition of fixed anchors in wilderness areas. It is the intent of the EXPLORE Act that the agencies issue new guidance that codifies and affirms the use of rock climbing with fixed anchors in wilderness areas as an appropriate and allowable activity. This is consistent with the long-standing practice of rock climbing in these destinations that pre-dates the Wilderness Act of 1964.

¹¹ Market Research Future, Global Mountain Bike Market Overview, Swapnil Palwe, Mar. 2023, <https://www.marketresearchfuture.com/reports/mountain-bike-market-5165>.

¹² SEMA, "Off-Roading: Critical Industry to the U.S. Economy," https://sites.sema.org/ext-assets/government-affairs/advocacy/pdfs/SEMA_One_Pagers_OffRoading.pdf.

¹³ Access Fund et al., Letter in support of the Protecting America's Rock Climbing Act, Mar. 22, 2023, <https://static1.squarespace.com/static/638927954320c12d8056bbbd/t/641b285e73dcac627ce41eca/1679501406863/Sign-on+Letter+Supporting+Protect+America%27s+Rock+Climbing+Act-03222023-1000MT.pdf>.

¹⁴ *Id.*

¹⁵ Access Fund, "New NPS and USFS Proposals Would Limit Climbing and Threaten Iconic Routes," Nov. 17, 2023, <https://www.accessfund.org/latest-news/new-nps-and-usfs-proposals-would-limit-climbing-and-threaten-iconic-routes>.

Several provisions in the EXPLORE Act aim to promote recreation opportunities among sportsmen and women. Hunting, shooting, and trapping comprise the third largest share of economic activity among conventional outdoor recreation activities, generating \$27.3 billion in economic output annually.¹⁶ Reliable access to federal lands and waters is crucial for the approximately 32 million Americans who engage in target shooting annually and the 101.6 million Americans (or roughly 40 percent of the population over the age of 16) who engage in some type of hunting, fishing, or wildlife-related activity.¹⁷ The EXPLORE Act requires USFS and BLM to establish new target shooting ranges in every national forest and BLM district that does not currently have a shooting range, make a public list of national forests and BLM districts that currently have shooting ranges, and prevent the closure of target shooting ranges. The bill also removes red tape and reduces costs for small filming crews on federal lands. This is a serious issue for hunters, who use promotional videos to encourage the next generation of sportsmen and women to participate in hunting activities. In addition, the bill allows for inspections and the decontamination of boats for fishermen in federal waters to address aquatic invasive species.

Title I also codifies and improves existing programs that rely on public-private partnerships to promote outdoor recreation. The bill makes several improvements to the American Battlefield Protection Program (ABPP) by allowing Tribes, non-profit organizations, and educational institutions to directly apply for grants, clarifying Congress's intent regarding the acquisition of priority battlefields, and updating battlefield reports based on new technology. Since its conception, the ABPP has helped protect more than 100 battlefields in 42 states and protect battlefield lands at 110 battlefield sites in 19 states.¹⁸ These changes will help sustain this important program and protect the most hallowed sites in our nation. Additionally, the legislation codifies the Outdoor Recreation Legacy Partnership Program and makes important modifications, such as expanding the eligibility of towns and cities that are able to apply for this program. It is the intent of the committee that this provision codifies the existing program, rather than directing the agencies to create a duplicative program.

The committee notes that while prior hearings were held on H.R. 930, the “Ski Hill Resources for Economic Development (SHRED) Act of 2023,” this legislation was ultimately not included in the EXPLORE Act due to Congressional budgetary rules. The committee recognizes the importance of U.S. ski resorts to the outdoor recreation economy, which receive more than 60.6 million ski and snowboard visits annually, generating an estimated \$29 billion to the GDP and supporting over 533,000 jobs.¹⁹ The committee recognizes that the USFS has struggled to keep pace with permitting for needed infrastructure improvements and capital investments at ex-

¹⁶ *Id.*

¹⁷ Department of the Interior, “New 5-Year Report Shows 101.6 Million Americans Participated in Hunting, Fishing & Wildlife Activities,” Sept. 7, 2017, <https://www.doi.gov/pressreleases/new-5-year-report-shows-1016-million-americans-participated-hunting-fishing-wildlife>.

¹⁸ National Park Service, “American Battlefield Protection Program: What We Do,” <https://www.nps.gov/orgs/2287/whatwedo.htm>.

¹⁹ National Ski Areas Association, “The Economic Impact of Skiing and Snowboarding,” Nov. 2020, https://nsaa.org/webdocs/Media_Public/IndustryStats/Economic_Impact_2020-21.pdf.

isting resorts. While the EXPLORE Act does not include any specific fee retention authority, the committee encourages the USFS to continue working with ski area partners to improve the efficiency and predictability of ski area permit administration.

Finally, in addition to promoting these individual recreation activities, the EXPLORE Act ensures recreation remains a priority among federal land managers in accordance with existing multiple use mandates. The bill codifies the existing Federal Interagency Council on Outdoor Recreation so agencies can share best practices for increasing access to various recreation opportunities. Land managers must also assess existing recreation resources, evaluate their maintenance needs, and identify other underutilized recreation opportunities that may be promoted to lessen resource strains. The bill contains good governance provisions requiring agencies to track the amount of federal funding currently going toward outdoor recreation resources.

TITLE II: ACCESS AMERICA

A growing body of research shows that, in addition to providing economic benefits, outdoor recreation is associated with considerable wellness advantages, including improved physical and mental health.²⁰ Nature-based recreation has been shown to improve cognition, decrease anxiety, and alleviate symptoms of depression.²¹ For groups like veterans or individuals with disabilities, who disproportionately suffer from depression and mental distress, the health benefits of outdoor recreation take on a heightened significance. Public lands play an outsized role in providing affordable, accessible recreation opportunities for these groups, along with people of all ages. Title II of the EXPLORE Act focuses on reducing barriers to access our public lands among key groups, including military servicemembers, veterans, and Gold Star Families; individuals with disabilities; and children.

Public lands are critical in ensuring affordable access to outdoor recreation opportunities for military service members, veterans, and Gold Star Families. Veterans “often describe distinctive connections between their service to the country and the public lands they later return to visit.”²² Numerous studies have shown that outdoor recreation, particularly on our public lands, can be very helpful and healing to veterans’ rehabilitation.²³ Engaging in outdoor activities like hiking, camping, and nature-based therapies can provide a therapeutic environment that improves their mood and alleviates symptoms of post-traumatic stress disorder (PTSD), ultimately enhancing their recovery and overall well-being.²⁴ Recreating outdoors is particularly important for the estimated 50 percent of post-9/11 veterans who experience some combination of

²⁰ The Wellness Benefits of the Great Outdoors, U.S. Forest Service, Mar. 24, 2021, <https://www.fs.usda.gov/features/wellness-benefits-great-outdoors>.

²¹ Nancy Qwynne Lackey, Deborah A. Tysor, G. David McNay, Leah Joyner, Kensey H. Baker & Camilla Hodge (2021) Mental health benefits of nature-based recreation: a systematic review, *Annals of Leisure Research*, 24:3, 379–393.

²² *Id.*

²³ National Environmental Education Foundation, “Five Studies That Show How Spending Time In Nature Helps Veterans”, Sarah Hubbart, Nov. 1, 2022, <https://www.neefusa.org/story/health-and-environment/five-studies-show-how-spending-time-nature-helps-veterans>; Forge Health, Hiking Can Help Veterans Heal and Find Peace, n.d., <https://forgehealth.com/hiking-can-help-veterans-heal-and-find-peace/>.

²⁴ *Id.*

combat-related emotional, psychological, or physical injuries.²⁵ Despite the importance of our public lands to veterans and military service members, federal land managers often lack a cohesive national strategy that prioritizes outdoor programs for veterans. According to one study, “even as public land agencies begin to appreciate ways they can shape therapeutic landscapes, it will require a degree of intentionality to support [outdoor programs for veterans (OPVs)] and promote opportunities for people to gather, seek therapeutic experiences, or heal across physical and managerial landscapes.”²⁶

Title II of the EXPLORE Act improves access and opportunities for military service members, veterans, and Gold Star Families to enjoy outdoor recreation on federal lands. The legislation develops a national strategy to increase recreation visits to federal lands by veterans, members of the Armed Forces, and Gold Star Families. The bill helps increase these recreation visits by promoting partnerships with various organizations to host more veterans’ recreation events on public lands and assisting in the planning and execution processes of those events. The bill also establishes liaisons at the U.S. Department of Agriculture (USDA), Department of the Interior (DOI), and Department of Veterans Affairs to coordinate national recreation policy for veterans. Finally, the bill creates a pilot program to prioritize hiring veterans in recreation-focused positions.

Along with lacking a cohesive strategy for recreation, many national parks and public lands are not accessible to wounded warriors and to those with disabilities broadly.²⁷ The presence of these accessibility barriers is no trivial matter; approximately 1 in 4 Americans has a disability, with roughly half of that population having a disability that affects their mobility, and individuals with disabilities disproportionately suffer from mental health issues.²⁸ While guidelines under the Architectural Barriers Act of 1969 (ABA) require outdoor recreation spaces such as campgrounds and trails to display accessibility information, this usually only applies to newly constructed trails.²⁹ Existing trails often lack sufficient information about accessibility features such as width, surface, slope, and obstacles. In many cases, trails have never been graded for their accessibility.³⁰ Even if a trail or recreation opportunity is accessible, it can take “an insurmountable amount of work to find in-

²⁵ Havlick, et al., “Therapeutic landscapes, outdoor programs for veterans, and public lands,” *Social Science & Medicine* 268 (2021) 113540.

²⁶ *Id.*

²⁷ All In!: Accessibility in the National Park Service, 2015–2020, National Park Service, Aug. 29, 2014, https://www.nps.gov/aboutus/upload/All_In_Accessibility_in_the_NPS_2015-2020_FINAL.pdf.

²⁸ Greenberg, Alissa, “Adapting national parks for wheelchair hiking,” NOVA, Apr. 12, 2022, <https://www.pbs.org/wgbh/nova/article/disability-hiking-national-parks-accessibility/>; Incidence, risk, and associated factors of depression in adults with physical and sensory disabilities: A nationwide population-based study, National Institute of Health, Szu-Ching Shen, et al., Mar. 31, 2017, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5376337/>; The Mental Health of People with Disabilities, Centers for Disease Control and Prevention, Nov. 30, 2020, <https://www.cdc.gov/ncbddd/disabilityandhealth/features/mental-health-for-all.html>.

²⁹ A Rule by the Architectural and Transportation Barriers Compliance Board, “Architectural Barriers Act Accessibility Guidelines; Outdoor Developed Areas, Sept. 26, 2013, <https://www.federalregister.gov/documents/2013/09/26/2013-22876/architectural-barriers-act-accessibility-guidelines-outdoor-developed-areas>.

³⁰ *Id.* “Our trails haven’t been measured probably since the beginning of time.”

formation on a park's website" about which parts of the park are or are not accessible.³¹

Creating new accessible trails and recreation opportunities, as well as providing easily accessible and centralized information about these opportunities, can help wounded warriors and people with disabilities explore and enjoy more of our public lands. Title II of the EXPLORE Act would require USFS and DOI to conduct comprehensive assessments of trails, campsites, boat docks, and outdoor recreation facilities on National Forest System lands and DOI-administered public lands, respectively. The bill directs the agencies to develop new accessible trails and recreation opportunities in each region they manage. Information about these new accessible trails and opportunities must be posted on publicly available websites in a centralized location by each of the federal land management agencies.

Prior to the bill's introduction and markup, the committee worked with NPS to improve and refine the bill's accessibility provisions. Understanding the vast system of trails on federal recreational lands, the bill was amended to focus on high-priority trails, as identified by the agencies in coordination with affected stakeholders. While a specific number of trails was not specified, it is the intent of the committee that the agencies work with interested organizations, particularly organizations that serve wounded veterans and individuals with disabilities, to implement this provision to the maximum extent possible. Furthermore, the committee encourages the agencies to work with these stakeholders to provide information on trails that may not be considered accessible under the ABA, but could provide a meaningful recreation experience for individuals with disabilities with the proper adaptive equipment.

Finally, this title supports increased recreational visits for young people. The EXPLORE Act directs the creation of a national strategy to increase youth recreation visits to federal lands and extends the Every Kid Outdoors Program to 2031. At markup, an amendment was added to address the timing of the distribution of passes to help improve the efficiency and delivery of the program. This program allows 4th graders free access to national parks and public lands for an entire year. Since its creation, more than 1.1 million passes have been distributed to children across the country.³² In 2022, 208,929 children received free recreation passes through this program.³³ According to NPS research, 73 percent of these children would not have been able to visit our national parks without free passes distributed under this program.³⁴

TITLE III: SIMPLIFYING OUTDOOR ACCESS FOR RECREATION

Most Americans rely on guides and outfitters to access and enjoy recreation opportunities on public lands, such as horseback riding, whitewater rafting, and canoe trips. Outfitters and guides are experienced and knowledgeable professionals who typically run small businesses in rural areas and depend on reliable access to federal

³¹ Grothjan, Sarah, "Our National Parks: How Accessible Are They?," REI, Sept. 21, 2022, <https://www.rei.com/blog/stewardship/national-parks-accessibility>.

³² National Park Service Interpretation, Education, and Volunteers Directorate, "Every Kid Outdoors 2021–2022 Report," https://everykidoutdoors.gov/media/2021-2022_Every_Kid_Outdoor_Report_v2.pdf.

³³ *Id.*

³⁴ *Id.*

lands. Outfitting and guiding businesses are frequently economic lifelines to the rural and gateway communities in which they operate.³⁵ As repeat visitors to favored outdoor spaces, outfitters and guides are often instrumental in promoting safer uses of public lands by providing visitors with the necessary equipment to partake in recreation activities safely.³⁶ Reforming the permitting process for outfitters and guides has huge potential to make recreational activities easier and more affordable for businesses and visitors.

Approximately 15,000 outfitting and guiding businesses across the country rely on some type of authorization (including permits, contracts, or other authorizations) from federal land managers to provide their services on federal lands.³⁷ Many of these authorizations occur under the Federal Lands Recreation Enhancement Act (FLREA), which provides USDA and DOI the authority to issue special recreation permits and charge an associated fee for specialized uses of federal lands, such as outfitting, group activities, recreation events, and motor vehicle use.³⁸ In the years since FLREA's enactment, a flood of complex rules, regulations, guidance, and court decisions gradually increased the cost of permit administration. This, in turn, raised the operational costs shouldered by the many small businesses that rely on federal permitting systems.³⁹ For those businesses whose activities span multiple federal jurisdictions, the administrative difficulties are even further compounded.⁴⁰ Under current permitting and regulatory frameworks, commonly cited challenges include the frustrating lack of standardization across permitting requirements and federal agencies reported over-reliance on fees.⁴¹

Title III of the EXPLORE Act would alleviate these difficulties by reducing the cost and complexity of recreating on federal lands. The bill would improve the recreational permitting systems of federal land management agencies so more Americans can experience federal lands through commercial outfitters and guides, volunteer-based clubs, non-profit outdoor leadership organizations, or university outdoor programs. Among other provisions, Title III would:

- Reduce special recreation permit fees.
- Streamline the permitting process for recreation and increase recreational access by making more information available online.
- Increase flexibility for guides and outfitters by allowing them to engage in activities that are substantially similar to the activity specified in their permit.
- Simplify the permitting process for trips involving more than one land management agency by authorizing the agencies to issue a single joint permit covering the lands of multiple agencies.

³⁵ Congressional Research Service, Guides and Outfitters on Federal Lands: Issues for Congress, Mark K. DeSantis, June 14, 2022, <https://crsreports.congress.gov/product/pdf/R/R46381>.

³⁶ *Id.*

³⁷ DeSantis, Mark, "Guides and Outfitters on Federal Lands: Issues for Congress," Congressional Research Service, June 14, 2022, R46381.

³⁸ (Public Law 108-447, FLREA).

³⁹ Congressional Research Service, Guides and Outfitters on Federal Lands: Issues for Congress, Mark K. DeSantis, June 14, 2022, <https://crsreports.congress.gov/product/pdf/R/R46381>.

⁴⁰ *Id.*

⁴¹ Congressional Research Service, Federal Lands Recreation Enhancement Act: Overview and Issues, Carol Hardy Vincent, Oct. 6, 2023.

- Reduce barriers to access for State universities, city recreation departments, and school districts.

At markup, several changes were made to the permitting section of this title based on feedback from outdoor recreation stakeholders, permittees, and federal land managers. As a result of those discussions, the introduced text's transitional permits were eliminated in favor of temporary permits. For temporary permits, it is the intent of the committee that section 316(b) not preclude the issuance of successive temporary use permits to a permittee. Further, temporary use recreation special use permits, as described in the Forest Service Handbook, may continue. Additionally, USFS commercial recreation special use permits and BLM special recreation permits are intended to be included under the umbrella of temporary and long-term permits, as described in section 316. Finally, the passage of this legislation should not be construed to terminate or violate any existing permits authorized under FLREA, which can remain valid throughout the remainder of their term.

Title III of the EXPLORE Act also contains several provisions that improve visitor experiences in our national parks and public lands. First, it makes recreational passes, including annual and discounted passes, digital and available for purchase online. Passes may also be sold in conjunction with state and local passes to minimize the amount of transactions necessary to access recreation and increase revenues for the federal government. Second, the bill allows individual land managers to extend recreation opportunities past the official close of the season. Encouraging more recreation during "shoulder seasons" will generate more revenue for gateway communities and help address overcrowding by broadly dispersing visitation.

This Title also takes further action to reduce red tape for recreational access. The bill revamps existing authorities to encourage volunteerism at USFS and BLM. Volunteers are often able to address challenges like deferred maintenance if federal land managers are experiencing limited capacity. The bill also expands Good Neighbor Authority (GNA) for outdoor recreation infrastructure projects. GNA, which has proven itself to be an extremely successful tool used by USFS and BLM, is currently only available for timber sales. Many states and local entities often express the desire to upgrade federal recreation infrastructure, which in turn benefits local revenue streams, but are prevented from doing so. This provision would cut that red tape to allow infrastructure upgrades to proceed more expeditiously.

COMMITTEE ACTION

H.R. 6492 was introduced on November 29, 2023, by Representative Bruce Westerman (R-AR). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was also referred to the Committees on Agriculture and Veterans' Affairs. On November 30, 2023, the Subcommittee on Federal Lands held a hearing on the bill. On January 17, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Federal Lands was discharged from further consideration of H.R. 6492 by unanimous consent. Representative Bruce Westerman (R-AR) offered an Amendment in the Nature of a Substitute designated

Westerman 071 ANS. The Amendment in the Nature of a Substitute was adopted by unanimous consent. H.R. 6492, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Federal Lands held on November 30, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; Table of Contents

Section 1 establishes the short title of the bill as the “Expanding Public Lands Outdoor Recreation Experiences Act” or “EXPLORE Act.” This section also provides the table of contents for the bill.

Section 2. Definitions

Section 2 provides definitions for the terms “Federal land management agency”; “Federal recreational lands and waters”; “gateway community”; “Indian Tribe”; “land use plan”; “Secretaries”; “Secretary”; “Secretary concerned”; and “State”.

TITLE I—OUTDOOR RECREATION AND INFRASTRUCTURE

Subtitle A—Outdoor Recreation Policy

Sec. 111. Congressional Declaration of Policy

Section 111 declares the policy of the federal government to foster and encourage recreation on federal recreational lands and waters, consistent with multiple use mandates and land management planning.

Sec. 112. Identifying opportunities for recreation

Section 112 requires the Secretaries of Agriculture and the Interior to conduct a single inventory and assessment of recreation resources on federal lands and requires the publication of the assessment for public comment and periodic updates to the assessment. This section also requires the Secretaries to identify, list, and map areas of unique recreation resources, delineated by the type of recreation and location of the resource. This includes an assessment of the resource’s maintenance needs and the adequacy of the current management of the resource. Under this section, the Secretaries are permitted to rely on existing research or studies.

Sec. 113. Federal Interagency Council on Recreation

Section 113 directs the Secretary of the Interior to establish the “Federal Interagency Council on Outdoor Recreation” (Council) consisting of the National Park Service (NPS), Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), Bureau of Indian Affairs (BIA), Bureau of Reclamation (BOR), U.S. Forest Service (USFS), Army Corps of Engineers (Army Corps), and the National Oceanic and Atmospheric Administration (NOAA). This section directs the leadership of the Council to rotate every two years and allows the Secretary to invite other federal, state, or

local agencies to participate in meetings of the Council. Under this section, the Council is directed to coordinate: recreation management policies, including the implementation of the Federal Lands Recreation Enhancement Act; responses to emergencies that disrupt recreation access; investments of recreation funds; management of new technologies on federal lands and waters; research activities, including quantifying the economic impacts of recreation; dissemination of educational materials to the public about recreation; improvement of access to federal lands and waters; and identification of non-federal partners to promote recreation access.

Sec. 114. Recreation Budget Crosscut

Section 114 requires the Office of Management and Budget to create a public report itemizing the total amount of federal funding spent on outdoor recreation among the Department of the Interior (DOI) and U.S. Department of Agriculture (USDA) in the prior fiscal year (FY), starting in FY 2025.

Subtitle B—Public Recreation on Federal Recreational Lands and Waters

Sec. 121. Biking on long-distance trails

Section 121 requires the Secretaries of the Interior and Agriculture to (1) identify not fewer than ten long-distance bike trails that make use of existing trails and roads; (2) identify not fewer than ten areas in which there is an opportunity to develop or complete long-distance bike trails; and (3) develop a process for a public comment period regarding the identification, development, and completing on trails in a geographically equitable manner. This section authorizes the Secretaries to publish and distribute maps, install signage, and issue promotional materials for the trails. It emphasizes that the trails do not conflict with existing trails or other land uses. Section 121 also requires the Secretaries to prepare a report listing the identified trails no later than two years following the date of enactment of the Act, prohibits eminent domain from being used to carry out this section, and defines long-distance bike trail as a continuous route not less than 80 miles and is primarily made of dirt or natural surfaces. Finally, this section clarifies a long-distance bike trail does not apply to federal lands where mountain biking is not consistent with management plans.

Sec. 122. Protecting America's rock climbing

Section 122 requires the Secretaries of the Interior and of Agriculture to issue guidance on climbing management in wilderness areas within 18 months of passage of the bill. The guidance will recognize recreational climbing, including the placement and use of fixed anchors and other equipment, as an allowable activity in wilderness. It also directs the guidance to describe terms and conditions for allowing fixed anchors and protects existing routes and requires a notice and comment period on the guidance.

Sec. 123. Range access

Section 123 directs the Secretaries of the Interior and Agriculture to make a list publicly available that identifies every national forest and BLM unit and whether those units have a target

shooting range, and directs the Secretaries to identify and establish, within five years, at least one target shooting range on every national forest and BLM unit determined suitable by the Secretary. It also sets up requirements for the establishment of the shooting ranges, including appropriate safety designs and features, and specifies that target shooting ranges shall be open to the public, with exceptions for emergency closures. Additionally, this section directs the Secretaries to consult with identified stakeholders, including State, Tribal, and local governments and organizations experienced with target shooting, allows the Secretaries to enter into partnerships to construct shooting ranges, and requires an annual report to Congress on the implementation of this section.

Sec. 124. Restoration of overnight campsites

Section 124 directs the Secretary of Agriculture to identify 54 areas in the Ouachita National Forest in Arkansas, as depicted on the map entitled “Ouachita National Forest Camping Restoration” and dated November 30, 2023, suitable for overnight camping and re-open 27 campsites within two years of the enactment of the EXPLORER Act. Camping has been closed in this area since 2010. This section requires that all campsites be constructed outside of the 1 percent annual exceedance probability floodplain, that all existing campsites outside of the floodplain be immediately reopened, and that existing recreation areas be rehabilitated for year-round day use, including a picnic pavilion and parking lot.

Sec. 125. Federal Interior Land Media

Section 125 specifies the Secretary of the Interior and the Secretary of Agriculture must ensure that filming or still photography activities are consistent with laws, policies, and general management plans applicable to the Department concerned. The section prohibits the Secretaries from requiring a permit or assessing a fee for filming or still photography activities on federal lands under their jurisdiction, regardless of distribution platform, if the activity involves fewer than six people and meets certain requirements. Such requirements include not impeding or intruding on the experience of other visitors, not disturbing or negatively impacting a natural or cultural resource or an environmental or scenic value, not conducting the activity at a location in which the public is not allowed, not requiring exclusive use of the area, and not requiring the use of a set or staging equipment (except for tripods, monopods, and handheld lighting equipment).

Section 125 also prohibits the Secretaries from requiring a permit or assessing a fee for a filming or still photography activity on land under their jurisdiction that is merely incidental to an otherwise authorized or allowable activity, and directs the Secretaries to establish de minimis use authorization process for filming and photography activities that involve groups of six to eight people and adhere to certain resource impacts requirements. Such authorizations are to be issued immediately upon request by an applicant. Under this section, the Secretaries are authorized to require a permit and assess a reasonable fee for a filming or still photography activity on lands under their jurisdiction that involves more than eight people or does not meet certain requirements.

Finally, this section authorizes the Secretaries to recover costs from a permit applicant, including the cost of the review or issuance of the permit and related administrative and personnel costs and to retain recovered costs without further appropriation. It also requires the Secretaries to establish a process to ensure a timely response to permit applications and to coordinate and select a lead agency if a permit is required for two or more federal agencies or federal land management units.

Sec. 126. Cape and antler preservation enhancement

Section 126 allows NPS to donate the cape (hide), horns, and/or antlers to skilled volunteers who conduct a wildlife management activity on NPS lands. Currently, volunteers are only allowed to keep the meat from such activities.

Sec. 127. Motorized and nonmotorized access

Section 127 directs USFS and BLM to update vehicular use maps within five years of the date of enactment of this Act, and to update over-snow vehicle-use maps within ten years. This section also directs the Secretaries to update out-of-date maps within 20 years of an individual map's adoption, encourages USFS and BLM to create more opportunities for motorized and nonmotorized vehicles on federal lands, in accordance with existing law, and clarifies that nothing in this section prohibits authorized motorized or non-motorized vehicle uses if the timelines for updating maps are not met.

Sec. 128. Aquatic resource activities assistance

Section 128 allows the BLM, BOR, NPS, and USFS to carry out inspections and decontamination of watercraft entering or leaving federal lands and waters and requires the agencies to do this in consultation with the Aquatic Nuisance Species Task Force and in a way that minimizes disruptions to boating access. This section allows the Secretaries to provide technical assistance to carry out inspections and decontamination activities, and to provide grants for this purpose. Finally, this section prohibits agencies from denying access based on a lack of inspections, clarifies that this section does not limit the authority of the U.S. Coast Guard to regulate vessels and that this section shall not duplicate any U.S. Coast Guard efforts, and allows the Secretaries to share data with certain states.

Subtitle C—Supporting Gateway Communities and Addressing Park Overcrowding

Sec. 131. Gateway communities

Section 131 establishes an assessment of the needs of gateway communities with respect to housing, municipal infrastructure, visitation, and expansion of visitation on federal recreational land and water. It directs USDA and DOI to collaborate with state and local governments, Tribes, housing authorities, and nonprofit and trade organizations to identify these needs and allows the Secretaries to address these needs by providing financial or technical assistance to gateway communities, entering into leases, rights-of-way, or easements, or issuing special use permits. Finally, this section directs the Secretary of Agriculture to provide financial and technical assistance to communities through the Administrator of the Rural

Business-Cooperative Service for infrastructure needs such as hotels, campgrounds, and restaurants, and encourages the Secretaries to enter into public-private partnerships, cooperative agreements, or memorandums of understanding.

Sec. 132. Improved recreation visitation data

Section 132 directs the Secretaries to establish a single visitation data reporting system. Data is required for each unit of federal recreational lands and waters and Tribal land, upon the request of the Tribe. This section provides the Secretaries a maximum of 5 years to establish a pilot program to share real-time or predictive data on visitation and information about lesser-known recreation sites in 10 units under the jurisdiction of DOI, five units under the jurisdiction of USFS, 1 unit under the jurisdiction of NOAA, and 1 unit under the jurisdiction of the U.S. Army Corps of Engineers. The Secretaries are required to submit a report on the implementation of the pilot program within six years after the date of enactment of the EXPLORE Act. This section also requires the adjacent communities of the units selected for the pilot program to be supportive for inclusion in the program, and allows the Secretaries to use existing assessments in carrying out the pilot program and existing programs to carry out this section. Finally, this section provides the Secretaries flexibility in communicating information of the pilot program to the public through multiple channels and partners, contains protections for privacy, and requires an annual report of visitation by recreational category posted on a website.

Sec. 133. Monitoring for improved recreation decision making

Section 133 directs the agencies to capture comprehensive recreation data to better understand and inform decision making and directs the Secretary of Agriculture and the Secretary of the Interior to establish pilot protocols at ten land management units to model recreation use patterns. This includes units managed by DOI, USFS, NOAA, and the U.S. Army Corps of Engineers.

Subtitle D—Broadband Connectivity on Federal Recreational Lands and Waters

Sec. 141. Connect our parks

Section 141 requires the Secretary of the Interior to complete, within one year of Title I's enactment, an assessment that identifies locations within national parks with the greatest needs for broadband internet access service and cellular service. The assessments must consider the availability of broadband internet in housing and developed campgrounds and cellular services that would increase access to emergency calls. This section also requires the Secretary of the Interior to report on the results of the assessments, submit that report to Congress, and publish the report to DOI's official website. Under this section, the Secretary of the Interior, within three years of the enactment of Title I, is required to develop a plan based on the results of the assessment to use public-private partnerships to install broadband internet access service infrastructure and cellular service equipment. The Secretary must consult with affected Tribes and appropriate local stakeholders and ensure that the plan minimizes adverse effects.

Sec. 142. Broadband internet connectivity at developed recreation sites

Section 142 directs the Secretary of the Interior and the Chief of USFS to enter into agreements with the Secretary of Commerce to foster the installation or construction of broadband internet infrastructure at developed recreation sites. This section also requires the Secretary of the Interior and the Chief of USFS to coordinate with state and local governments to publish annual reports through FY 2031 that list the highest priority developed recreation sites that lack broadband internet and estimate the costs of equipping those sites with broadband infrastructure.

Sec. 143. Public lands telecommunications cooperative agreements

Section 143 allows the Secretary of the Interior to enter into cooperative agreements to carry out certain activities related to communications sites on federal lands including administering communications use authorizations, preparing programmatic analyses, developing management plans, training for management of sites, or improving access to communications sites. This section also clarifies that the Secretary of Agriculture may enter into cooperative agreements under existing authorities related to communications sites and directs the Secretary to conduct a study regarding the potential benefits of rental fee retention related to communications sites.

Subtitle E—Public-Private Parks Partnerships

Sec. 151. Authorization for lease of forest service administrative sites

Section 151 amends existing authorities to lease underutilized USFS administrative land for housing, provides a lease term of 100 years for the site and the option for renewal, and reauthorizes this authority for five years.

Sec. 152. Partnership agreements creating tangible savings

Section 152 extends authority provided to the Secretary of the Interior to enter into cooperative management agreements with state and local governments to Tribal governments and Tribal organizations. This section also eliminates the requirement that non-federal park areas be adjacent to National Park System units as a condition of the Secretary being authorized to enter into a cooperative management agreement.

Sec. 153. Partnership agreements to modernize Federally owned campgrounds, resorts, cabins, and visitor centers on Federal recreational lands and waters

Section 153 directs the Secretaries of Agriculture and the Interior to create a pilot program that allows—via agreements or land use authorizations not exceeding 30 years—states, Tribes, local governments, non-profit organizations, and private entities to improve and maintain certain recreational facilities on federal recreational lands and waters. It requires each Secretary, within three years of Title I's enactment, to enter into at least one agreement or land use authorization in each region of the National Forest System and in at least five states in which the BLM administers fed-

eral recreational lands and waters, and requires entities seeking to participate in the pilot program to submit to the appropriate Secretary a development plan with planned expenditures for the recreational facility. Section 153 also requires entities selected to participate in the pilot program to expend or set aside at least \$500,000 for the authorized recreational activities within three years of beginning participation. It allows the Secretaries to collect land use fees or shared revenues from the pilot program's participants and expend those funds on recreational purposes at the units or areas at which they were collected.

Sec. 154. Parking and restroom opportunities for Federal recreational lands and waters

Section 154 directs DOI and USDA to increase the parking available at federal recreational lands and waters in accordance with existing laws and land use plans while minimizing maintenance obligations and negative effects on wildlife. It permits DOI and USDA to achieve this goal by entering into public-private partnerships, contracts, or agreements, leasing non-federal land, and providing alternate transportation systems. This section also directs the Secretaries to increase and improve the function, cleanliness, and availability of restroom facilities near federal recreational lands and waters, and requires DOI and USDA to submit a report identifying challenges to maintaining restroom facilities, the current state of facilities, and policy recommendations suggesting innovative new models or partnerships to improve the function, cleanliness, and availability of restroom facilities.

Sec. 155. Pay-for-Performance Projects

Section 155 directs USDA to establish a pilot program featuring a pay-for-performance financing model for recreation projects on or benefiting Forest Service lands. The pilot program allows states, Tribes, local governments, nonprofit organizations, or private entities to pay upfront for projects that would create or enhance recreational opportunities on or benefit Forest Service lands and provides for repayment of those costs over the long term based on performance outcomes. This section specifies that all pay-for-performance projects must be consistent with any applicable land management plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 and that all pay-for-performance projects must not exceed \$15 million and must be assessed by an independent evaluator to account for payments made and outcomes achieved. Finally, this section requires USDA to seek to avoid any potential conflicts, including economic competition, between a pay-for-performance project and any prior authorized uses.

Sec. 156. Outdoor Recreation Legacy Partnership Program

Section 156 codifies the Outdoor Recreation Legacy Partnership Program, under which the Secretary of the Interior provides grants to eligible entities to improve recreational opportunities in certain urban communities, as well as in areas administered by a Tribe or an Alaska Native or Native Hawaiian community organization. It requires the Secretary of the Interior to screen and review all grant applications, evaluate and score all qualifying applications, and provide eligible entities with detailed information about the grant

program. It directs the Secretary of the Interior to prioritize grants for projects that create or significantly enhance access to recreational opportunities, engage low-income communities and youth, grow public-private partnerships, and leverage coordination across various levels of government.

Section 156 also requires grant-receiving entities to provide matching funds equal to at least the full amount of grant funding received and to use no more than 7 percent of grant funding on administrative expenses, specifies that land cannot be converted to non-recreation purposes under this section, and directs all state-led agencies that receive grants to submit to the Secretary of the Interior annual and final reports on the activities conducted during the project and any other requested information.

Sec. 157. American Battlefield Protection Program enhancement

Section 157 updates definitions for the American Battlefield Protection Program and adds Tribes, educational institutions, and non-profit organizations as eligible recipients of battlefield preservation grants. This section also amends battlefield land acquisition grants to clarify that grants shall be used on priority battlefields, not associated historic sites, and adds Tribes and nonprofit organizations as eligible funding recipients.

Section 157 also amends battlefield restoration grants to expand grant eligibility to sites that are: (1) identified as priority locations in battlefield reports produced by NPS; and (2) are owned by a state, tribal, or local government or nonprofit organization. Finally, this section directs the Secretary of the Interior to update the 1993 “Report on the Nation’s Civil War Battlefields” and 2007 “Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States” 2 years after the passage of the bill and every ten years after.

TITLE II—ACCESS AMERICA

Sec. 201. Definitions

Subtitle A—Access for People With Disabilities

Sec. 211. Accessible recreation inventory

Section 211 requires USDA and DOI to conduct a comprehensive assessment within five years, in accordance with the Architectural Barriers Act of 1968 (ABA) and Section 504 of the Rehabilitation Act (as amended), to assess the accessibility of recreational infrastructure for people with disabilities. Under this section, the Secretaries shall make the assessment publicly available and can rely on existing assessments. This section also requires that, within seven years, the Secretaries shall identify opportunities to update public information at developed recreation sites based on the assessment and in accordance with the ABA and Rehabilitation Act.

Sec. 212. Trail inventory

Section 212 requires USDA and DOI to conduct a comprehensive assessment within seven years, in accordance with the ABA, to assess the accessibility of high-priority trails for people with disabilities. This involves measuring trails for average and minimum tread width, average and maximum running slope, average and

maximum cross slope, tread type, and length. Under this section, the Secretaries shall make the assessment publicly available and can rely on existing assessments. This section also requires consultation with stakeholder groups, including veterans organizations and organizations with expertise or experience providing outdoor recreation opportunities to individuals with disabilities, to select and prioritize which high-priority trails to measure. High-priority trails shall be selected in a geographically equitable manner and in no fewer than 15 units or subunits managed by each Secretary.

Additionally, this section requires the Secretaries to identify opportunities to improve signage at high-priority trails and provide photographs or descriptions of tread obstacles and barriers within seven years of the enactment of the EXPLORE Act. It also allows the Secretaries to make information available about trails that do not meet ABA standards but could otherwise provide a recreation experience to an individual with disabilities through the use of assistive technology.

Sec. 213. Trail Pilot Program

Section 213 creates a pilot program to measure high-priority trails for accessibility, develop new accessible trails, and make minor modifications to existing trails to enhance recreational experiences for individuals with disabilities using assistive technology. This section requires the pilot program to occur in no fewer than five units managed by the Secretary concerned, including at least one managed by NPS, BLM, and FWS, and sunsets within seven years.

Sec. 214. Accessible trails

Section 214 directs USFS, BLM, NPS, and FWS each to develop at least three accessible trails in each of the regions they manage within seven years. This section requires the agencies to develop signs, maps, and promotional materials for these trails. It also ensures conflict avoidance with other uses, such as biking, horseback riding, and off-highway vehicle use, and requires interim and final reports on the development of the trails.

Sec. 215. Accessible recreation opportunities

Section 215 directs USFS, BLM, NPS, and FWS each to develop at least two accessible recreation opportunities in each of the regions they manage within seven years. This section requires the agencies to develop signs, maps, and promotional materials for these opportunities, which can encompass camping facilities, rock climbing, biking, snow activities, and water activities, among others. This section also ensures conflict avoidance with other uses and requires interim and final reports on the development of the recreation opportunities.

Sec. 216. Assistive technology

Section 216 allows the agencies to enter into partnerships, contracts, or agreements to make assistive technology available on federal lands and waters.

Sec. 217. Savings clause

Section 217 provides that nothing in this Act conflicts with the standards established under the ABA and Section 504 of the Rehabilitation Act (as amended).

Subtitle B—Military and Veterans in Parks

Sec. 221. Promotion of outdoor recreation for military servicemembers and veterans

Section 221 directs the Secretaries of the Interior and Agriculture to work with the Department of Veterans Affairs (VA) and Department of Defense to spread awareness and educational materials about outdoor recreation opportunities for veterans including: (1) the availability of free recreation passes under the VIP Act; (2) the availability and location of adaptive trails and recreation opportunities; (3) the benefits of outdoor recreation for physical and mental health; and (4) resources and programs that promote volunteer or job opportunities in the outdoors.

Sec. 222. Military Veterans Outdoor Recreation Liaisons

Section 222 requires USDA, DOI, and VA to establish a Military Veterans Outdoor Recreation Liaison position at each department to coordinate on the implementation of this subtitle.

Sec. 223. Partnerships to promote military and veteran recreation

Section 223 promotes partnerships with state, Tribal, local, and non-profit organizations with expertise in outdoor-related volunteer and wellness programs for active-duty military service members and veterans to host recreation-related events on public lands. This section also provides technical and financial assistance to these entities to assist with the planning and execution of outdoor recreation events for veterans.

Sec. 224. National strategy for military and veteran recreation

Section 224 directs the Federal Interagency Council on Outdoor Recreation to develop a national strategy to increase recreation visits to federal lands by veterans, members of the Armed Forces, and Gold Star Families within one year. This section also requires that the strategy developed shall establish objectives and quantifiable targets for increasing recreation visits and provide the anticipated costs to achieve these objectives.

Sec. 225. Recreation Resource Advisory Committees

Section 225 amends the Federal Lands Recreation Enhancement Act to add veterans' organizations to Recreation Resource Advisory Committees. This section also changes quorum requirements for committee meetings from eight members to six members.

Sec. 226. Career and volunteer opportunities for veterans

Section 226 encourages the USDA and DOI to hire veterans in recreation-focused positions, and requires DOI to establish a two-year pilot project in consultation with the DOL and VA to hire veterans in positions that relate to conservation and resource management. This section also requires the agencies to provide briefings and reports on the implementation of the pilot project, and encour-

ages branches of the military to encourage active-duty military service members to participate in outdoor recreation programs.

Subtitle C—Youth Access

Sec. 231. Increasing youth recreation visits to Federal land

Section 231 directs the Secretary of Agriculture and the Secretary of the Interior to develop and update a joint national strategy to increase youth recreation visits to federal lands within two years. It requires that the strategy shall be updated every five years. The strategy will focus on establishing objectives and quantifiable targets, estimating anticipated costs, and increasing recreation opportunities for youth.

Sec. 232. Every Kid Outdoors Act extension

Section 232 extends the “Every Kid Outdoors Act” to September 30, 2031, and modifies the timeframe the agencies can distribute passes under the Every Kid Outdoors Act to improve service delivery.

TITLE III—SIMPLIFY OUTDOOR ACCESS FOR RECREATION ACT

Sec. 301. Definitions

Subtitle A—Modernizing Recreation Permitting

Sec. 311. Special recreation permit and fee

Section 311 makes technical amendments to the Federal Lands Recreation Enhancement Act (FLREA), including adding new definitions of recreation service provider and special recreation permit, allows the collection of special recreation permit fees and requires disclosure of certain fees, requires centralized reporting of recreation fees collected, and reauthorizes FLREA for seven years.

Sec. 312. Permitting process improvements

Section 312 requires the agencies to evaluate the processes for issuing special recreation permits and eliminate duplicative processes, reduce costs, decrease processing times, and issue simplified permits. It directs the agencies to rely on existing environmental reviews for the issuance of permits and to develop or expand existing categorical exclusions for issuing recreational permits. It prohibits needs assessments, with exceptions for wilderness, for issuing a special recreation permit, requires online applications for permits, and exempts certain organized group activities, including youth groups, from visitor-use day allocations.

Sec. 313. Permit flexibility

Section 313 authorizes recreation service providers to engage in substantially similar activities under an existing special recreation permit rather than acquiring a new permit. It also allows recreation service providers to surrender unused visitor-use days.

Sec. 314. Permit administration

Section 314 directs the agencies to make public information about the availability of special recreation permits and to create email notifications about the availability of such permits, and es-

tablishes a 60-day timeframe to acknowledge and respond to the application for a special recreation permit.

Sec. 315. Service First Initiative; permits for multijurisdictional trips

Section 315 creates a “Service First Initiative” to co-locate DOI and USDA offices and test the feasibility of issuing joint permits and applications, and requires a report to Congress on this initiative. It creates a pilot program to issue a set of separate permits for multijurisdictional trips, which shall issue no fewer than ten permits within four years, and requires the designation of a lead agency for the purpose of issuing such multijurisdictional permits.

Sec. 316. Forest service and bureau of land management temporary special recreation permits for outfitting and guiding

Section 316 directs the agencies to establish and implement a program to authorize the issuance of temporary special recreation permits, which shall last for two years, within 180 days of the bill’s enactment. It also allows temporary permits to be converted to long-term permits if a permittee has been operating in a satisfactory manner.

Sec. 317. Reviews for long-term permits

Section 317 requires the Secretaries to monitor and review permits issued under section 316 of the EXPLORE Act as well as long-term permits, and requires the Secretaries to monitor and review the allocation of visitor-use days.

Sec. 318. Adjustment of allocated visitor-use days

Section 318 creates standards for the agencies to adjust the number of visitor-use days allocated to a recreation service provider using a special recreation permit, in accordance with the monitoring and review mandated under section 317 of the EXPLORE Act, and allows the Secretaries to temporarily re-assign unused visitor-use days or amend a special recreation permit to allocate additional visitor-use days.

Sec. 319. Liability

Section 319 allows the agency to condition issuance of a special recreation permit by requiring a permit holder to have commercial general liability insurance, with an exception for low-risk activities.

Sec. 320. Cost recovery reform

Section 320 allows the agencies to recover costs associated with processing or issuing special recreation permits, directs the agencies to establish a de minimis exemption for recovering costs for issuing special recreation permits and lower costs for similar applications, and prohibits cost recovery for programmatic reviews. This section also encourages the agencies to rely on existing studies to reduce the quantity of work and costs associated with processing applications.

Sec. 321. Availability of federal, state, and local recreation passes

Section 321 allows visitors to purchase a federal, state, or local recreation pass in one transaction, which includes federal annual

recreation passes and state passes. It also ensures that revenue from federal passes sold by a state or local government return to the federal government, and vice versa.

Sec. 322. Online purchases and establishment of a digital version of America the Beautiful—The national parks and federal recreational lands passes

Section 322 mandates the online sale of recreation passes, including annual passes and entrance fees, as well as the creation of digitized passes that can be displayed on mobile phones.

Sec. 323. Savings Provision

Section 323 clarifies that nothing in the bill affects concessions contracts.

Subtitle B—Making Recreation a Priority

Sec. 331. Extension of seasonal recreation opportunities

Section 331 requires the Secretaries of Agriculture and the Interior to coordinate with outdoor recreation-related businesses to better understand how such entities are affected by visitor trends and seasonal closures and to learn about opportunities for extending the periods in which outdoor recreational activities can occur on federal recreational lands and waters. It directs the Secretaries to encourage unit managers of federal recreational lands and waters managed by USFS, BLM, and NPS to coordinate with local governments, Tribes, and outdoor recreation-related businesses that operate on or adjacent to the relevant unit. It also allows unit managers to extend recreational seasons on their assigned units, provided that recreational use of those units is highly seasonal and such extensions comply with all applicable federal laws, regulations, and policies, including land use plans, and requires unit managers, in making their extension decisions, to consider the benefits that an extension would have on gateway communities and crowd reduction during peak recreational seasons.

Subtitle C—Maintenance of Public Land

Sec. 341. Volunteers in the National Forests and Public Lands Act

Section 341 amends the Volunteers in the National Forests Act of 1972⁴² to make certain improvements, which include: (1) clarifying that the purpose of the Act is to leverage volunteer engagement for projects carried out by the Secretaries of Agriculture and the Interior to fulfill the missions of USFS and BLM; (2) allowing the Secretaries to streamline the recruitment, training, and acceptance of volunteers for various purposes, fulfilling the missions of USFS and BLM; (3) permitting the Secretaries to cover incidental expenses for volunteers; (4) exempting volunteers from classification as federal employees and the provisions of federal employment law, with limited exceptions; (5) requiring the Secretaries to promote volunteer opportunities; and (6) allowing the Secretaries to permit cooperators and volunteers to participate without liability insurance.

⁴²Pub. L. No. 92–300.

Sec. 342. Reference

Section 342 clarifies that all references to the Act shall be deemed to refer to the newly amended Volunteers in the National Forests and Public Land Act.

*Subtitle D—Recreation Not Red Tape**Sec. 351. Good Neighbor Authority for recreation*

Section 351 expands Good Neighbor Authority (GNA) to allow states, counties, and Tribes to construct, restore, or repair recreation infrastructure on BLM, NPS, and USFS lands under GNA agreements. It also allows leftover funds from GNA projects for timber sales to be used by Tribes, counties, and states on recreation projects, and sunsets this provision after five years.

Sec. 352. Permit relief for picnic areas

Section 352 prohibits the BLM and USFS from requiring a permit for an event at a picnic area that is generally open to the public.

Sec. 353. Interagency report on special recreation permits for underserved communities

Section 353 directs DOI and USDA to submit a report detailing the current usage of special recreation permits servicing low-income or underrepresented communities.

Sec. 354. Modernizing Access to Our Public Land Act Amendments

Section 354 makes technical amendments to the MAPLand Act.⁴³

Sec. 355. Savings Provision

Section 355 states that no additional funds are authorized to carry out the requirements of the EXPLORE Act, and activities authorized by the EXPLORE Act are subject to the availability of appropriations made in advance for such purposes.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND
CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective

⁴³ Pub. L. No. 117–114.

of this bill is to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clauses 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 54, UNITED STATES CODE

* * * * *

SUBTITLE I—NATIONAL PARK SYSTEM

DIVISION A—ESTABLISHMENT AND GENERAL ADMINISTRATION

* * * * *

CHAPTER 1009—ADMINISTRATION

Sec.

* * * * *

100905. Commercial filming.
100905. Filming and still photography in System units.

* * * * *

§ 100905. Commercial filming

[(a) COMMERCIAL FILMING FEE.—

[(1) IN GENERAL.]—The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects in a System unit. The fee shall provide a fair return to the United States and shall be based on the following criteria:

- [(A) The number of days the filming activity or similar project takes place in the System unit.]**
- [(B) The size of the film crew present in the System unit.]**
- [(C) The amount and type of equipment present in the System unit.]**

[(2) OTHER FACTORS.]—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

[(b) RECOVERY OF COSTS.]—The Secretary shall collect any costs incurred as a result of filming activities or similar projects, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

[(c) STILL PHOTOGRAPHY.—

[(1) IN GENERAL.]—Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

[(2) EXCEPTION.]—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that are not a part of the site's natural or cultural resources or administrative facilities.

[(d) PROTECTION OF RESOURCES.]—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

- [(1) there is a likelihood of resource damage;]**
- [(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or]**

[(3) the activity poses health or safety risks to the public.

[(e) USE OF PROCEEDS.—

[(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

[(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

[(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.]

§ 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.—

(A) IN GENERAL.—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—

(i) involves more than 8 individuals; or

(ii) does not meet each of the requirements described in paragraph (5).

(B) WILDERNESS ACT CLARIFICATION.—No provision of this subsection is intended to or shall be construed to conflict with the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.).

(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 applicable System 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 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 adheres 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 (as such term is defined in section 3 of the EXPLORE Act), 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 photography 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 permit processing procedures, including through the use of identifying a lead agency or lead System unit—

- (A) to review the application for the permit;
- (B) to issue the permit; and

(C) to collect any required fees.

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CHAPTER 1017—FINANCIAL AGREEMENTS

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【§ 101703. Cooperative management agreements

【(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas where a System unit is located adjacent to or near a State or local park area, and cooperative management between the Service and a State or local government agency of a portion of either the System unit or State or local park will allow for more effective and efficient management of the System unit and State or local park. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

【(b) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

【(c) ASSIGNMENT OF EMPLOYEE.—An assignment arranged by the Secretary under section 3372 of title 5 of a Federal, State, or local employee for work on any Federal, State, or local land or an extension of the assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.】

§ 101703. Cooperative management agreements

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary considers advisable, may enter into an agreement with an eligible entity managing lands and waters located near a System unit to provide for cooperative management of either a System unit or the lands and waters located near a System unit to promote more effective and efficient management of a System unit. The Secretary may not transfer administration responsibilities for any System unit under this paragraph.

(b) PROVISION OF GOODS AND SERVICES.—

(1) IN GENERAL.—Under a cooperative management agreement, the Secretary may acquire by purchase, donation, or exchange from and provide to an eligible entity on a reimbursable basis goods and services to be used by the Secretary or the eligible entity in the cooperative management of land and waters.

(2) RETENTION OF FUNDS.—Reimbursements received under this section may be credited to the appropriation current at the time reimbursements are received.

(c) CO-LOCATION.—Under the cooperative management agreement, the Secretary and an eligible entity may co-locate in offices and facilities owned or leased by either party.

(d) EMPLOYEES.—

(1) *ASSIGNMENT OF EMPLOYEE.*—*The Secretary may arrange an assignment under section 3372 of title 5 of a Federal employee or an employee of an eligible entity as mutually agreed upon, for work on any Federal, State, local, or Tribal land.*

(2) *EXTENSION OF ASSIGNMENT.*—*The assignment provided in paragraph (1) may be extended for any period of time determined by the Secretary and the eligible entity to be mutually beneficial.*

(e) *DEFINITIONS.*—*In this section—*

(1) *ELIGIBLE ENTITY.*—*The term “eligible entity” means a State or local entity or any political subdivision thereof, or an Indian Tribe or Tribal organization.*

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

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

(4) *TRIBAL ORGANIZATION.*—*The term “Tribal organization” has the meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(1)).*

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CHAPTER 1049—MISCELLANEOUS

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§ 104909. Wildlife management in parks

(a) *USE OF QUALIFIED VOLUNTEERS.*—If the Secretary determines it is necessary to reduce the size of a wildlife population on System land in accordance with applicable law (including regulations), the Secretary may use qualified volunteers to assist in carrying out wildlife management on System land.

(b) *REQUIREMENTS FOR QUALIFIED VOLUNTEERS.*—Qualified volunteers providing assistance under subsection (a) shall be subject to—

(1) any training requirements or qualifications established by the Secretary; and

(2) any other terms and conditions that the Secretary may require.

(c) *DONATIONS.*—The Secretary may authorize the donation and distribution of [meat from] meat and any other part of an animal removed pursuant to wildlife management activities carried out under this section, including the donation and distribution to Indian Tribes, qualified volunteers, food banks, and other organizations that work to address hunger, in accordance with applicable health guidelines and such terms and conditions as the Secretary may require.

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SUBTITLE II—OUTDOOR RECREATION PROGRAMS

CHAPTER 2001—COORDINATION OF PROGRAMS

Sec.

* * * * *

【200104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan.】

200104. *Federal Interagency Council on Outdoor Recreation.*

* * * * *

§ 200102. Definitions

As used in this chapter:

(1) *COUNCIL*.—The term “Council” means the *Federal Interagency Council on Outdoor Recreation* established under section 200104.

(2) *FEDERAL LAND AND WATER MANAGEMENT AGENCY*.—The term “Federal land and water management agency” means the *National Park Service, Bureau of Land Management, United States Fish and Wildlife Service, Bureau of Indian Affairs, Bureau of Reclamation, Forest Service, Corps of Engineers, and the National Oceanic and Atmospheric Administration*.

(3) *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) and also includes *Federal lands and waters managed by the Bureau of Indian Affairs, Corps of Engineers, or National Oceanic and Atmospheric Administration*.

【(1)】 (4) *STATE*.—The term “State”, to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

【(2)】 (5) *UNITED STATES*.—The term “United States”—

(A) includes the District of Columbia; and

(B) to the extent practicable, as determined by the Secretary, includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

§ 200103. Authority of Secretary to carry out certain functions and activities

(a) *IN GENERAL*.—To carry out this chapter, the Secretary may perform the functions and activities described in this section.

(b) *INVENTORY AND EVALUATION*.—The Secretary may prepare and maintain a continuing inventory and evaluation of outdoor recreation needs and resources of the United States.

(c) *CLASSIFICATION SYSTEM*.—The Secretary may prepare a system for classification of outdoor recreation resources to assist in the effective and beneficial use and management of such resources.

【(d)】 *RECREATION PLAN*.—The Secretary may formulate and maintain a comprehensive nationwide outdoor recreation plan, taking into consideration the plans of the various Federal agencies, States, and their political subdivisions. The plan shall set forth the needs and demands of the public for outdoor recreation and the current

and foreseeable availability in the future of outdoor recreation resources to meet those needs. The plan shall identify critical outdoor recreation problems, recommend solutions, and recommend desirable actions to be taken at each level of government and by private interests. The Secretary shall submit the plan to the President for transmittal to Congress. Revisions of the plan shall be similarly transmitted at succeeding 5-year intervals. When a plan or revision is transmitted to the Congress, the Secretary shall transmit copies to the chief executive officials of the States.]

【(e)】 (d) TECHNICAL ASSISTANCE AND ADVICE.—The Secretary may provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including non-profit organizations, with respect to outdoor recreation.

【(f)】 (e) INTERSTATE AND REGIONAL COOPERATION.—The Secretary may encourage interstate and regional cooperation in the planning, acquisition, and development of outdoor recreation resources.

【(g)】 (f) RESEARCH, INFORMATION, AND EDUCATION PROGRAMS AND ACTIVITIES.—The Secretary may—

(1) sponsor, engage in, and assist in research relating to outdoor recreation, directly or by contract or cooperative agreements, and make payments for such purposes without regard to the limitations of section 3324(a) and (b) of title 31 concerning advances of funds when the Secretary considers such action to be in the public interest;

(2) undertake studies and assemble information concerning outdoor recreation, directly or by contract or cooperative agreement, and disseminate the information without regard to section 3204 of title 39; and

(3) cooperate with educational institutions and others to assist in establishing education programs and activities and to encourage public use and benefits from outdoor recreation.

【(h)】 (g) COOPERATION AND COORDINATION WITH FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may—

(A) cooperate with and provide technical assistance to Federal agencies and obtain from them information, data, reports, advice, and assistance that are needed and can reasonably be furnished in carrying out the purposes of this chapter; and

(B) promote coordination of Federal plans and activities generally relating to outdoor recreation.

(2) FUNDING.—An agency furnishing advice or assistance under this paragraph may expend its own funds for those purposes, with or without reimbursement, as may be agreed to by that agency.

【(i)】 (h) DONATIONS.—The Secretary may accept and use donations of money, property, personal services, or facilities for the purposes of this chapter.

【§ 200104. Consultations of Secretary with administrative officers; execution of administrative responsibilities in conformity with nationwide plan

【To carry out the policy declared in section 200101 of this title, the heads of Federal agencies having administrative responsibility

over activities or resources the conduct or use of which is pertinent to fulfillment of that policy shall, individually or as a group—

[(1) consult with and be consulted by the Secretary from time to time both with respect to their conduct of those activities and their use of those resources and with respect to the activities that the Secretary carries on under authority of this chapter that are pertinent to their work; and

[(2) carry out that responsibility in general conformance with the nationwide plan authorized under section 200103(d) of this title.]

§ 200104. Federal interagency council on outdoor recreation

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

(b) *COMPOSITION.*—

(1) *IN GENERAL.*—The Council shall be composed of representatives of each of the following agencies, to be appointed by the head of the respective agency:

- (A) The National Park Service.
- (B) The Bureau of Land Management.
- (C) The United States Fish and Wildlife Service.
- (D) The Bureau of Indian Affairs.
- (E) The Bureau of Reclamation.
- (F) The Forest Service.
- (G) The Army Corps of Engineers.
- (H) The National Oceanic and Atmospheric Administration.

(2) *ADDITIONAL PARTICIPANTS.*—In addition to the members of the Council appointed under paragraph (1), the Secretary may invite participation in the Council’s meetings or other activities from representatives of the following:

- (A) The Council on Environmental Quality.
- (B) The Natural Resources Conservation Service.
- (C) Rural development programs of the Department of Agriculture.

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

(E) The Environmental Protection Agency.

(F) The Department of Transportation, including the Federal Highway Administration.

(G) The Tennessee Valley Authority.

(H) The Department of Commerce, including—

- (i) the Bureau of Economic Analysis;
- (ii) the National Travel and Tourism Office; and
- (iii) the Economic Development Administration.

(I) The Federal Energy Regulatory Commission.

(J) An applicable State agency or office.

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

(L) Other organizations or interests, as determined appropriate by the Secretary.

(3) *STATE COORDINATION.*—In determining additional participants under this subsection, the Secretary shall seek to ensure that States are invited and represented in the Council’s meetings or other activities.

(4) **LEADERSHIP.**—The leadership of the Council shall rotate every 2 years among the Council members appointed under paragraph (1), or as otherwise determined by the Secretary in consultation with the Secretaries of Agriculture, Defense, and Commerce.

(5) **FUNDING.**—Notwithstanding section 708 of title VII of division E of the Consolidated Appropriations Act, 2023 (Public Law 117-328), the Council members appointed under paragraph (1) may enter into agreements to share the management and operational costs of the Council.

(c) **COORDINATION.**—The Council shall meet as frequently as appropriate for the purposes of coordinating on issues related to outdoor recreation, including—

(1) recreation programs and management policies across Federal land and water management agencies, including activities associated with the implementation of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.), as appropriate;

(2) the response by Federal land and water management agencies to public health emergencies or other emergencies, including those that result in disruptions to, or closures of, Federal recreational lands and waters;

(3) investments 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));

(4) management of emerging technologies on Federal recreational lands and waters;

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

(6) dissemination to the public of recreation-related information, in a manner that ensures the recreation-related information is easily accessible with modern communication devices;

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

(8) 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; and

(9) any other outdoor recreation-related issues that the Council determines necessary.

(d) **EFFECT.**—Nothing in this section affects the authorities, regulations, or policies of any Federal agency described in paragraph (1) or (2) of subsection (b).

SUBTITLE III—NATIONAL PRESERVATION PROGRAMS

* * * * *

DIVISION B—ORGANIZATIONS AND PROGRAMS

SUBDIVISION 1—ADMINISTERED BY NATIONAL PARK SERVICE

CHAPTER 3081—AMERICAN BATTLEFIELD PROTECTION PROGRAM

Sec.

【308101. Definition.】
308101. Definitions.

* * * * *

308106. *Updates and improvements to Battlefield Reports.*

【§ 308101. Definition

【In this chapter, the term “Secretary” means the Secretary, acting through the American Battlefield Protection Program.】

§ 308101. Definitions

In this chapter:

- (1) **SECRETARY.**—The term “Secretary” means the Secretary, acting through the American Battlefield Protection Program.
- (2) **BATTLEFIELD REPORTS.**—The term “Battlefield Reports” means, collectively—
 - (A) the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993; and
 - (B) the document entitled “Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States”, prepared by the National Park Service, and dated September 2007.

§ 308102. Preservation assistance

(a) **IN GENERAL.**—Using the established national historic preservation program to the extent practicable, the Secretary shall encourage, support, assist, recognize, and work in partnership with citizens, 【Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations】 *Federal agencies, States, Tribes, local governments, other public entities, educational institutions, and nonprofit organizations* in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a national, State, and local level.

(b) **FINANCIAL ASSISTANCE.**—To carry out subsection (a), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000 for each fiscal year, to remain available until expended.

§ 308103. Battlefield acquisition grant program

[(a) DEFINITION.—In this section, the term “eligible site” means a site—

[(1) that is not within the exterior boundaries of a System unit; and

[(2) that is identified in the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.]

(a) *ELIGIBLE SITE DEFINED.*—In this section, the term “eligible site”—

(1) means a site that—

(A) is not within the exterior boundaries of a unit of the National Park System; and

(B) is identified in the Battlefield Reports as a battlefield; and

(2) excludes sites identified in the Battlefield Reports as associated historic sites.

(b) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to [State and local governments] States, Tribes, local governments, and nonprofit organizations to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(c) NONPROFIT PARTNERS.—A [State or local government] State, Tribe, or local government may acquire an interest in an eligible site using a grant under this section in partnership with a non-profit organization.

(d) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this section shall be not less than 50 percent.

(e) LIMITATION ON LAND USE.—An interest in an eligible site acquired [under this section] under this section, including by States, Tribes, local governments, and nonprofit organizations, shall be subject to section 200305(f)(3) of this title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section \$18,000,000 for each of fiscal years 2020 through 2028.

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§ 308105. Battlefield restoration grant program

[(a) ESTABLISHMENT.—The Secretary shall establish a battlefield restoration grant program (referred to in this section as the “program”) under which the Secretary may provide grants to States, Tribes, local governments, and nonprofit organizations for projects that restore day-of-battle conditions on land preserved under the battlefield acquisition grant program established under section 308103(b).]

[(b) ELIGIBLE SITES.—The Secretary may make grants under this section for Revolutionary War, War of 1812, and Civil War battlefield sites eligible for assistance under the battlefield acquisition grant program established under section 308103(b).]

(a) *ESTABLISHMENT.*—The Secretary shall establish a battlefield restoration grant program (referred to in this section as the “program”) under which the Secretary may provide grants to States,

Tribes, local governments, and nonprofit organizations for projects that restore day-of-battle conditions on—

(1) land preserved and protected under the battlefield acquisition grant program established under section 308103(b); or

(2) battlefield land that is—

(A) owned by a State, Tribe, local government, or nonprofit organization; and

(B) referred to in the Battlefield Reports.

(b) ELIGIBLE SITES.—The Secretary may make grants under this section for Revolutionary War, War of 1812, and Civil War battlefield sites—

(1) eligible for assistance under the battlefield acquisition grant program established under section 308103(b); or

(2) on battlefield land that is—

(A) owned by a State, Tribe, local government, or nonprofit organization; and

(B) referred to in battlefield reports.

(c) FEDERAL SHARE.—The Federal share of the cost of a restoration project funded through a grant provided under the program shall be not more than 50 percent of the total cost of the project.

(d) RESTORATION STANDARDS.—All restoration work carried out through a grant awarded under the program shall be performed in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties under part 68 of title 36, Code of Federal Regulations (or successor regulations).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section \$1,000,000 for each of fiscal years 2020 through 2028.

§ 308106. Updates and improvements to Battlefield Reports

Not later than 2 years after the date of the enactment of this section, and every 10 years thereafter, the Secretary shall submit to Congress a report that updates the Battlefield Reports to reflect—

(1) preservation activities carried out at the battlefields in the period since the publication of the most recent Battlefield Reports update;

(2) changes in the condition, including core and study areas, of the battlefields during that period; and

(3) any other relevant developments relating to the battlefields during that period.

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PUBLIC LAW 106-206

* * * * *

[SEC. 1. COMMERCIAL FILMING.]

[(a) COMMERCIAL FILMING FEE.]

[(1) IN GENERAL.]—The Secretary of the Interior or the Secretary of Agriculture (hereafter individually referred to as the “Secretary” with respect to land (except land in a System unit as defined in section 100102 of title 54, United States Code) under their respective jurisdictions) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal land administered by the

Secretary. The fee shall provide a fair return to the United States and shall be based on the following criteria:

[(A) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

[(B) The size of the film crew present on Federal land under the Secretary's jurisdiction.

[(C) The amount and type of equipment present.

[(2) OTHER FACTORS.—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

[(b) RECOVERY OF COSTS.—The Secretary shall collect any costs incurred as a result of filming activities or similar project, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

[(c) STILL PHOTOGRAPHY.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on land administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

[(2) EXCEPTION.—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

[(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines that—

[(1) there is a likelihood of resource damage;

[(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

[(3) the activity poses health or safety risks to the public.

[(e) USE OF PROCEEDS.—

[(1) FEES.—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

[(2) COSTS.—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

[(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.]

SEC. 1. FILMING AND STILL PHOTOGRAPHY.

(a) *FILMING AND STILL PHOTOGRAPHY.*

(1) *IN GENERAL.—The Secretary concerned shall ensure that a filming or still photography activity 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 permitting 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.*—

(A) *IN GENERAL.*—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—

- (i) involves more than 8 individuals; or
- (ii) does not meet each of the requirements described in paragraph (5).

(B) *WILDERNESS ACT CLARIFICATION.*—No provision of this subsection is intended to or shall be construed to conflict with the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.).

(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 (as such term is defined in section 3 of the EXPLORE Act), 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 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 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 photography 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 engaged in 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 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 Secretary concerned determines to be necessary.

(2) RECOVERY OF COSTS.—

(A) IN GENERAL.—The Secretary concerned shall collect from the applicant for the applicable permit any costs incurred by the Secretary 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 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 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 management unit at which the costs are collected; and
 - (ii) remain available until expended.
- (c) **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).

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AGRICULTURE IMPROVEMENT ACT OF 2018

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TITLE VIII—FORESTRY

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Subtitle F—Forest Management

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PART II—MISCELLANEOUS FOREST MANAGEMENT ACTIVITIES

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SEC. 8623. AUTHORIZATION FOR LEASE OF FOREST SERVICE SITES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE SITE.—

(A) IN GENERAL.—The term “administrative site” means—

(i) any facility or improvement, including curtilage, that was acquired or is used specifically for purposes of administration of the National Forest System;

(ii) any Federal land that—

(I) is associated with a facility or improvement described in clause (i) that was acquired or is used specifically for purposes of administration of Forest Service activities; and

(II) underlies or abuts the facility or improvement; and

(iii) for each fiscal year, not more than 10 isolated, undeveloped parcels of not more than 40 acres each.

(B) EXCLUSIONS.—The term “administrative site” does not include—

(i) any land within a unit of the National Forest System that is exclusively designated for natural area or recreational purposes;

(ii) any land within—

(I) a component of the National Wilderness Preservation System;

(II) a component of the National Wild and Scenic Rivers System; or

(III) a National Monument; or

(iii) any Federal land that the Secretary determines—

(I) is needed for resource management purposes or to provide access to other land or water; or

(II) would be in the public interest not to lease.

(2) FACILITY OR IMPROVEMENT.—The term “facility or improvement” includes—

- (A) a forest headquarters;
- (B) a ranger station;
- (C) a research station or laboratory;
- (D) a ~~dwelling; I~~ dwelling or multiunit dwelling;
- (E) a warehouse;
- (F) a scaling station;
- (G) a fire-retardant mixing station;
- (H) a fire-lookout station;
- (I) a guard station;
- (J) a storage facility;
- (K) a telecommunication facility; and
- (L) any other administrative installation for conducting Forest Service activities.

(3) MARKET ANALYSIS.—The term “market analysis” means the identification and study of the market for a particular economic good or service.

(b) AUTHORIZATION.—The Secretary may lease an administrative site that is under the jurisdiction of the Secretary in accordance with this section.

(c) IDENTIFICATION OF ELIGIBLE SITES.—A regional forester, in consultation with forest supervisors in the region, may submit to the ~~Secretary~~ Chief of the Forest Service, or their designee a recommendation for administrative sites in the region that the regional forester considers eligible for leasing under this section.

(d) CONSULTATION WITH LOCAL GOVERNMENT AND PUBLIC NOTICE.—Before making an administrative site available for lease under this section, the Secretary shall—

- (1) consult with government officials of the community and of the State in which the administrative site is located; and
- (2) provide public notice of the proposed lease.

(e) LEASE REQUIREMENTS.—

(1) SIZE.—An administrative site or compound of administrative sites under a single lease under this section may not exceed 40 acres.

(2) CONFIGURATION OF ADMINISTRATIVE SITES.—

(A) IN GENERAL.—To facilitate the lease of an administrative site under this section, the Secretary may configure the administrative site—

- (i) to maximize the marketability of the administrative site; and
- (ii) to achieve management objectives.

(B) SEPARATE TREATMENT OF FACILITY OR IMPROVEMENT.—A facility or improvement on an administrative site to be leased under this section may be severed from the land and leased under a separate lease under this section.

(3) CONSIDERATION.—

(A) IN GENERAL.—A person to which a lease of an administrative site is made under this section shall provide to the Secretary consideration described in subparagraph (B) in an amount that is not less than the market value of the

administrative site, as determined in accordance with subparagraph (C).

(B) FORM OF CONSIDERATION.—The consideration referred to in subparagraph (A) may be—

- (i) cash;
- (ii) in-kind, including—

(I) the construction of new facilities or improvements, *such as housing*, the title to which shall be transferred by the lessee to the Secretary;

(II) the maintenance, repair, improvement, or restoration of existing facilities or improvements; **[and]**

(III) other services relating to activities that occur on the administrative site, as determined by the Secretary; **[or]** and

(IV) *services occurring off the administrative site that—*

(aa) occur at another administrative site in the same unit in which the administrative site is located or a different unit of the National Forest System;

(bb) benefit the National Forest System; and

(cc) support activities occurring within the unit of the National Forest System in which the administrative site is located; or

(iii) any combination of the consideration described in clauses (i) and (ii).

(C) DETERMINATION OF MARKET VALUE.—

(i) IN GENERAL.—The Secretary shall determine the market value of an administrative site to be leased under this section—

(I) by conducting an appraisal in accordance with—

(aa) the Uniform Appraisal Standards for Federal Land Acquisitions established in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(bb) the Uniform Standards of Professional Appraisal Practice; or

(II) by competitive lease.

(ii) IN-KIND CONSIDERATION.—The Secretary shall determine the market value of any in-kind consideration under subparagraph (B)(ii).

(4) CONDITIONS.—The lease of an administrative site under this section shall be subject to such conditions, including bonding, as the Secretary determines to be appropriate.

(5) RIGHT OF FIRST REFUSAL.—Subject to terms and conditions that the Secretary determines to be necessary, the Secretary shall offer to lease an administrative site to the municipality or county in which the administrative site is located before seeking to lease the administrative site to any other person.

(6) LEASE TERM.—

(A) *IN GENERAL.*—The term of a lease of an administrative site under this section shall be not more than 100 years.

(B) *REAUTHORIZATION OF USE.*—A lease of an administrative site under this section shall include a provision for reauthorization of the use if the—

(i) use of the administrative site, at the time of reauthorization, is still being used for the purposes authorized;

(ii) use to be authorized under the new lease is consistent with the applicable land management plan; and

(iii) lessee is in compliance with all the terms of the existing lease.”

(C) *SAVINGS.*—A reauthorization of use under subparagraph (B) may include new terms in the use, as determined by the Chief of the Forest Service, or their designee..

(f) **RELATION TO OTHER LAWS.**—

(1) **FEDERAL PROPERTY DISPOSAL.**—Chapter 5 of title 40, United States Code, shall not apply to the lease of an administrative site under this section.

(2) **LEAD-BASED PAINT AND ASBESTOS ABATEMENT.**—

(A) *IN GENERAL.*—Notwithstanding any provision of law relating to the mitigation or abatement of lead-based paint or asbestos-containing building materials, the Secretary shall not be required to mitigate or abate lead-based paint or asbestos-containing building materials with respect to an administrative site to be leased under this section.

(B) *PROCEDURES.*—With respect to an administrative site to be leased under this section that has lead-based paint or asbestos-containing building materials, the Secretary shall—

(i) provide notice to the person to which the administrative site will be leased of the presence of the lead-based paint or asbestos-containing building material; and

(ii) obtain written assurance from that person that the person will comply with applicable Federal, State, and local laws relating to the management of lead-based paint and asbestos-containing building materials.

(3) **ENVIRONMENTAL REVIEW.**—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to the lease of an administrative site under this section, except that, in any environmental review or analysis required under that Act for the lease of an administrative site under this section, the Secretary shall be required only—

(A) to analyze the most reasonably foreseeable use of the administrative site, as determined through a market analysis;

(B) to determine whether to include any conditions under subsection (e)(4); and

(C) to evaluate the alternative of not leasing the administrative site in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) COMPLIANCE WITH LOCAL LAWS.—A person that leases an administrative site under this section shall comply with all applicable State and local zoning laws, building codes, and permit requirements for any construction activities that occur on the administrative site.

(g) PROHIBITION.—No agency of the Federal Government shall make any cash payments to a leaseholder relating to the use or occupancy of any administrative site or facility that has been improved under this section.

(h) CONGRESSIONAL NOTIFICATIONS.—

(1) ANTICIPATED USE OF AUTHORITY.—As part of the annual budget justification documents provided to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, the Secretary shall include—

(A) a list of the anticipated leases to be made, including the anticipated revenue that may be obtained, under this section;

(B) a description of the intended use of any revenue obtained under a lease under this section, including a list of any projects that cost more than \$500,000; and

(C) a description of accomplishments during previous years using the authority of the Secretary under this section.

(2) CHANGES TO LEASE LIST.—If the Secretary desires to lease an administrative site under this section that is not included on a list provided under paragraph (1)(A), the Secretary shall submit to the congressional committees described in paragraph (3) a notice of the proposed lease, including the anticipated revenue that may be obtained from the lease.

(3) USE OF AUTHORITY.—Not less frequently than once each year, the Secretary shall submit to the Committee on Agriculture, the Committee on Appropriations, and the Committee on Natural Resources of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate a report describing each lease made by the Secretary under this section during the period covered by the report.

(i) EXPIRATION OF AUTHORITY.—

(1) IN GENERAL.—The authority of the Secretary to make a lease of an administrative site under this section expires on October 1, [2023] 2028.

(2) EFFECT ON LEASE AGREEMENT.—Paragraph (1) shall not affect the authority of the Secretary to carry out this section in the case of any lease agreement that was entered into by the Secretary before October 1, [2023] 2028.

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Subtitle G—Other Matters

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SEC. 8705. STREAMLINING THE FOREST SERVICE PROCESS FOR CONSIDERATION OF COMMUNICATIONS FACILITY LOCATION APPLICATIONS.

(a) **DEFINITIONS.**—In this section:

(1) **COMMUNICATIONS FACILITY.**—The term “communications facility” includes—

(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs, signals, data, images, pictures, and sounds of all kinds; and

(B) any antenna or apparatus that—

(i) is designed for the purpose of emitting radio frequency;

(ii) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Federal Communications Commission or is using duly authorized devices that do not require individual licenses; and

(iii) is added to a tower, building, or other structure.

(2) **COMMUNICATIONS SITE.**—The term “communications site” means an area of covered land designated for communications uses.

(3) **COMMUNICATIONS USE.**—The term “communications use” means the placement and operation of a communications facility.

(4) **COMMUNICATIONS USE AUTHORIZATION.**—The term “communications use authorization” means an easement, right-of-way, lease, license, or other authorization to locate or modify a communications facility on covered land by the Forest Service for the primary purpose of authorizing the occupancy and use of the covered land for communications use.

(5) **COVERED LAND.**—The term “covered land” means National Forest System land.

(6) **FOREST SERVICE.**—The term “Forest Service” means the United States Forest Service of the Department of Agriculture.

(7) **ORGANIZATIONAL UNIT.**—The term “organizational unit” means, within the Forest Service—

(A) a regional office;

(B) the headquarters;

(C) a management unit; or

(D) a ranger district office.

(b) **REGULATIONS.**—Notwithstanding section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455) or section 606 of the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (Public Law 115-141), not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations—

(1) to streamline the process for considering applications to locate or modify communications facilities on covered land;

(2) to ensure, to the maximum extent practicable, that the process is uniform and standardized across the organizational units of the Forest Service; and

(3) to require that the applications described in paragraph (1) be considered and granted on a competitively neutral, technology neutral, and non-discriminatory basis.

(c) REQUIREMENTS.—The regulations issued under subsection (b) shall include the following:

- (1) Procedures for the tracking of applications described in subsection (b)(1), including—
 - (A) identifying the number of applications—
 - (i) received;
 - (ii) approved; and
 - (iii) denied;
 - (B) in the case of an application that is denied, describing the reasons for the denial; and
 - (C) describing the amount of time between the receipt of an application and the issuance of a final decision on an application.
- (2) Provision for minimum lease terms of not less than 15 years for leases with respect to the location of communications facilities on covered land.
- (3) A structure of fees for—
 - (A) submitting an application described in subsection (b)(1), based on the cost to the Forest Service of considering such an application; and
 - (B) issuing communications use authorizations, based on the cost to the Forest Service of any maintenance or other activities required to be performed by the Forest Service as a result of the location or modification of the communications facility.
- (4) Provision for prioritization or streamlining of the consideration of applications to locate or modify communications facilities on covered land in a previously disturbed right-of-way.

(d) ADDITIONAL CONSIDERATIONS.—In issuing regulations under subsection (b), the Secretary shall consider—

- (1) how discrete reviews in considering an application described in subsection (b)(1) can be conducted simultaneously, rather than sequentially, by any organizational units of the Forest Service that must approve the location or modification; and
- (2) how to eliminate overlapping requirements among the organizational units of the Forest Service with respect to the location or modification of a communications facility on covered land administered by those organizational units.

(e) COMMUNICATION OF STREAMLINED PROCESS TO ORGANIZATIONAL UNITS.—The Secretary shall, with respect to the regulations issued under subsection (b)—

- (1) communicate the regulations to the organizational units of the Forest Service; and
- (2) ensure that the organizational units of the Forest Service follow the regulations.

(f) DEPOSIT AND AVAILABILITY OF FEES.—

- (1) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a special account in the Treasury for the Forest Service for the deposit of fees collected by the Forest Service under subsection (c)(3) for communications use authorizations on covered land granted, issued, or executed by the Forest Service.

(2) REQUIREMENTS FOR FEES COLLECTED.—Fees collected by the Forest Service under subsection (c)(3) shall be—

- (A) collected only to the extent provided in advance in appropriations Acts;
- (B) based on the costs described in subsection (c)(3); and
- (C) competitively neutral, technology neutral, and non-discriminatory with respect to other users of the communications site.

(3) DEPOSIT OF FEES.—Fees collected by the Forest Service under subsection (c)(3) shall be deposited in the special account established for the Forest Service under paragraph (1).

(4) AVAILABILITY OF FEES.—Amounts deposited in the special account for the Forest Service shall be available, to the extent and in such amounts as are provided in advance in appropriation Acts, to the Secretary to cover costs incurred by the Forest Service described in subsection (c)(3), including the following:

- (A) Preparing needs assessments or other programmatic analyses necessary to designate communications sites and issue communications use authorizations.
- (B) Developing management plans for communications sites.
- (C) Training for management of communications sites.
- (D) Obtaining or improving access to communications sites.

(5) NO ADDITIONAL APPROPRIATIONS AUTHORIZED.—Except as provided in paragraph (4), no other amounts are authorized to be appropriated to carry out this section.

(6) *COOPERATIVE AGREEMENT AUTHORITY.*—*Subject to the availability of appropriations made in advance for such purposes, the Secretary may enter into cooperative agreements to carry out the activities described in subparagraphs (A) through (D) of paragraph (4).*

(g) SAVINGS PROVISIONS.—

(1) REAL PROPERTY AUTHORITIES.—Nothing in this section, or the amendments made by this section, shall be construed as providing any executive agency with any new leasing or other real property authorities not existing prior to the date of enactment of this Act.

(2) EFFECT ON OTHER LAWS.—Nothing in this section, or the amendments made by this section, and no actions taken pursuant to this section, or the amendments made by this section, shall impact a decision or determination by any executive agency to sell, dispose of, declare excess or surplus, lease, reuse, or redevelop any Federal real property pursuant to title 40, United States Code, the Federal Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law 114-287), or any other law governing real property activities of the Federal Government. No agreement entered into pursuant to this section, or the amendments made by this section, may obligate the Federal Government to hold, control, or otherwise retain or use real property that may otherwise be deemed as excess, surplus, or that could otherwise be sold, leased, or redeveloped.

FEDERAL LANDS RECREATION ENHANCEMENT ACT

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DIVISION J—OTHER MATTERS

* * * * *

TITLE VIII—FEDERAL LANDS RECREATION ENHANCEMENT ACT

SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Federal Lands Recreation Enhancement Act”.

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

Sec. 801. Short title and table of contents.

* * * * *

Sec. 805. Recreation passes.

Sec. 805A. Availability of Federal, State, and local recreation passes.

* * * * *

SEC. 802. DEFINITIONS.

In [this Act] *this title*:

[(3)] (1) ENTRANCE FEE.—The term “entrance fee” means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.

(2) EXPANDED AMENITY RECREATION FEE.—The term “expanded amenity recreation fee” means the recreation fee authorized by [section 3(g)] *section 803(g)*.

[(4)] (3) FEDERAL LAND MANAGEMENT AGENCY.—The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

[(5)] (4) FEDERAL RECREATIONAL LANDS AND WATERS.—The term “Federal recreational lands and waters” means lands or waters managed by a Federal land management agency.

[(6)] (5) NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—The term “National Parks and Federal Recreational Lands Pass” means the interagency national pass authorized by [section 5] *section 805*.

[(7)] (6) PASSHOLDER.—The term “passholder” means the person who is issued a recreation pass.

[(8)] (7) RECREATION FEE.—The term “recreation fee” means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

[(9)] (8) RECREATION PASS.—The term “recreation pass” means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by [section 5] *section 805*.

(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).

[(11)] (10) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

[(10)] (11) SECRETARY.—The term “Secretary” means—

- (A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and
- (B) the Secretary of Agriculture, with respect to the Forest Service.

(12) SPECIAL ACCOUNT.—The term “special account” means the special account established in the Treasury under [section 7] section 807 for a Federal land management agency.

(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 of 75 participants or more;

(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 or activity;

(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 provided by the recreation service provider at the same site not more frequently than 3 times a year;

(II) a single competitive event; or

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

(aa) is a structured or scheduled activity;

(bb) is not competitive;

(cc) may charge a participation fee;

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

- (ee) involves fewer than 40 visitor-use days; and
- (ff) is undertaken or provided by the recreation service provider for a term of not more than 180 days; or
- (iv) for—
 - (I) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, the authorization for which is for a term of not more than 10 years; or
 - (II) a recurring outfitting, guiding, or, at the discretion of the Secretary, other recreation service, that occurs under a temporary special recreation permit authorized under section 316 of the EXPLORER Act.

(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.

[(13)] (14) SPECIAL RECREATION PERMIT FEE.—The term “special recreation permit fee” means the fee authorized by **[(section 3(h)] section 803(h)(2).**

[(1)] (15) STANDARD AMENITY RECREATION FEE.—The term “standard amenity recreation fee” means the recreation fee authorized by **[(section 3(f)] section 803(f).**

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

SEC. 803. RECREATION FEE AUTHORITY.

(a) AUTHORITY OF SECRETARY.—Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) BASIS FOR RECREATION FEES.—Recreation fees shall be established in a manner consistent with the following criteria:

- (1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.
- (2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.
- (3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.
- (4) The Secretary shall consider the public policy or management objectives served by the recreation fee.
- (5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in **[(section 4(d)] section 804(d).**
- (6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.

(c) SPECIAL CONSIDERATIONS.—The Secretary shall establish the minimum number of recreation fees and shall avoid the collection

of multiple or layered recreation fees for similar uses, activities, or programs.

(d) LIMITATIONS ON RECREATION FEES.—

(1) PROHIBITION ON FEES FOR CERTAIN ACTIVITIES OR SERVICES.—The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under [this Act] *this title* for any of the following:

(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

(B) For general access unless specifically authorized under this section.

(C) For dispersed areas with low or no investment unless specifically authorized under this section.

(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.

(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under [this Act] *this title*

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under [this Act] *this title*

(I) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

(J) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

(K) For special attention or extra services necessary to meet the needs of the disabled.

(2) RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.—An entity that pays a special recreation permit fee or similar permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, non-commercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88-657 (16 U.S.C. 537; commonly known as the Forest Roads and Trails Act).

(3) PROHIBITION ON FEES FOR CERTAIN PERSONS OR PLACES.—The Secretary shall not charge an entrance fee or standard amenity recreation fee for the following:

(A) Any person under 16 years of age.

(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

(C) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, or Arlington House-Robert E. Lee National Memorial.

(D) The Flight 93 National Memorial.

(E) Entrance on other routes into the Great Smoky Mountains National Park or any part thereof unless fees are charged for entrance into that park on main highways and thoroughfares.

(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

(G) An area or unit covered under section 203 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 410hh-2), with the exception of Denali National Park and Preserve.

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96-487).

(I) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (16 U.S.C. 718b; commonly known as the Duck Stamp Act).

(J) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(4) NO RESTRICTION ON RECREATION OPPORTUNITIES.—Nothing in [this Act] *this title* shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) ENTRANCE FEE.—

(1) AUTHORIZED SITES FOR ENTRANCE FEES.—The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument administered by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) PROHIBITED SITES.—The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(f) STANDARD AMENITY RECREATION FEE.—Except as limited by subsection (d), the Secretary may charge a standard amenity recreation fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service, but only at the following:

(1) A National Conservation Area.

(2) A National Volcanic Monument.

(3) A destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media.

(4) An area—

(A) that provides significant opportunities for outdoor recreation;

- (B) that has substantial Federal investments;
- (C) where fees can be efficiently collected; and
- (D) that contains all of the following amenities:
 - (i) Designated developed parking.
 - (ii) A permanent toilet facility.
 - (iii) A permanent trash receptacle.
 - (iv) Interpretive sign, exhibit, or kiosk.
 - (v) Picnic tables.
 - (vi) Security services.

(g) EXPANDED AMENITY RECREATION FEE.—

(1) **NPS AND USFWS AUTHORITY.**—Except as limited by subsection (d), the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service or the United States Fish and Wildlife Service when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.

(2) **OTHER FEDERAL LAND MANAGEMENT AGENCIES.**—Except as limited by subsection (d), the Secretary may charge an expanded amenity recreation fee, either in addition to a standard amenity fee or by itself, at Federal recreational lands and waters under the jurisdiction of the Forest Service, the Bureau of Land Management, or the Bureau of Reclamation, but only for the following facilities or services:

- (A) Use of developed campgrounds that provide at least a majority of the following:
 - (i) Tent or trailer spaces.
 - (ii) Picnic tables.
 - (iii) Drinking water.
 - (iv) Access roads.
 - (v) The collection of the fee by an employee or agent of the Federal land management agency.
 - (vi) Reasonable visitor protection.
 - (vii) Refuse containers.
 - (viii) Toilet facilities.
 - (ix) Simple devices for containing a campfire.

(B) Use of highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms and other improvements such as boarding floats, loading ramps, or fish cleaning stations.

(C) Rental of cabins, boats, stock animals, lookouts, historic structures, group day-use or overnight sites, audio tour devices, portable sanitation devices, binoculars or other equipment.

- (D) Use of hookups for electricity, cable, or sewer.
- (E) Use of sanitary dump stations.
- (F) Participation in an enhanced interpretive program or special tour.
- (G) Use of reservation services.
- (H) Use of transportation services.
- (I) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public

employees or employees under a contract or reciprocal agreement with the Federal Government.

(J) Use of developed swimming sites that provide at least a majority of the following:

- (i) Bathhouse with showers and flush toilets.
- (ii) Refuse containers.
- (iii) Picnic areas.
- (iv) Paved parking.
- (v) Attendants, including lifeguards.
- (vi) Floats encompassing the swimming area.
- (vii) Swimming deck.

[(h) SPECIAL RECREATION PERMIT FEE.—The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.]

(h) SPECIAL RECREATION PERMITS AND FEES.—

(1) SPECIAL RECREATION PERMITS.—

(A) APPLICATIONS.—*The Secretary—*

- (i) *may develop and make available to the public an application to obtain a special recreation permit described in clause (i) of section 802(13)(A); and*
- (ii) *shall develop and make available to the public an application to obtain a special recreation permit described in each of clauses (ii) through (iv) of section 802(13)(A).*

(B) ISSUANCE OF PERMITS.—*On review of a completed application developed under subparagraph (A), as applicable, and a determination by the Secretary that the applicant is eligible for the special recreation permit, the Secretary may issue to the applicant a special recreation permit, subject to any terms and conditions that are determined to be necessary by the Secretary.*

(C) INCIDENTAL SALES.—*A special recreation permit issued under this paragraph may include an authorization for sales that are incidental in nature to the permitted use of the Federal recreational lands and waters, except where otherwise prohibited by law.*

(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 in accordance with this paragraph.*

(B) PREDETERMINED SPECIAL RECREATION PERMIT FEES.—

(i) IN GENERAL.—*For purposes of subparagraphs (D) and (E) of this paragraph, the Secretary shall establish and may charge a predetermined fee, described in clause (ii) of this subparagraph, 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) of this subparagraph.*

(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 the enactment of the EXPLORE Act;

(II) be established after the date of the enactment of the EXPLORE Act, in accordance with subsection (b);

(III)(aa) be established after the date of the enactment of the EXPLORE Act; 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 the enactment of the EXPLORE Act, be \$6 per visitor-use day in instances in which the Secretary has not established a predetermined fee under subclause (I), (II), or (III).

(C) CALCULATION OF FEES FOR SPECIALIZED RECREATIONAL USES AND LARGE-GROUP ACTIVITIES OR EVENTS.—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 OR EVENTS, COMPETITIVE EVENTS, AND CERTAIN RECURRING ORGANIZED GROUP RECREATION ACTIVITIES.—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 not to exceed 5 percent of, adjusted gross receipts calculated under subparagraph (F).

(E) CALCULATION OF FEES FOR TEMPORARY 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 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; 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 or the United States Fish and Wildlife Service for the provision of accommodations, facilities, or services; or

(II) a commercial use authorization or special use permit 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 320 of the EXPLORE Act.

(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 AVAILABLE RECREATION 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—

(i) 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; and

(ii) on the appropriate website for such unit or area.

(B) PUBLICATIONS.—The Secretary shall include in publications distributed at a unit or area or described in subparagraph (A) the notice described in that subparagraph.

(2) NOTICE OF USES OF RECREATION FEES.—Beginning on January 1, 2026, 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 during each of the 2 preceding fiscal years at the respective unit or area of the Federal land management agency; and

(B) each use during the preceding fiscal year of the applicable recreation fee or recreation 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 performed using recreation fee and recreation pass revenues collected under this section.

(4) CENTRALIZED REPORTING ON AGENCY WEBSITES.—

(A) *IN GENERAL.*—Not later than January 1, 2025, 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.

(j) *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 under subsection (f);
- (C) expanded amenity recreation fees under subsection (g); 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(c).

SEC. 804. PUBLIC PARTICIPATION.

(a) *IN GENERAL.*—As required in this section, the Secretary shall provide the public with opportunities to participate in the development of or changing of a recreation fee established under this Act

(b) *ADVANCE NOTICE.*—The Secretary shall publish a notice in the Federal Register of the establishment of a new recreation fee area for each agency 6 months before establishment. The Secretary shall publish notice of a new recreation fee or a change to an existing recreation fee established under this Act in local newspapers and publications located near the site at which the recreation fee would be established or changed.

(c) *PUBLIC INVOLVEMENT.*—Before establishing any new recreation fee area, the Secretary shall provide opportunity for public involvement by—

- (1) establishing guidelines for public involvement;
- (2) establishing guidelines on how agencies will demonstrate on an annual basis how they have provided information to the public on the use of recreation fee revenues; and
- (3) publishing the guidelines in paragraphs (1) and (2) in the Federal Register.

(d) *RECREATION RESOURCE ADVISORY COMMITTEE.*—

(1) *ESTABLISHMENT.*—

(A) *AUTHORITY TO ESTABLISH.*—Except as provided in subparagraphs (C) and (D), the Secretary or the Secretaries shall establish a Recreation Resource Advisory Com-

mittee in each State or region for Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management to perform the duties described in paragraph (2).

(B) NUMBER OF COMMITTEES.—The Secretary may have as many additional Recreation Resource Advisory Committees in a State or region as the Secretary considers necessary for the effective operation of this Act

(C) EXCEPTION.—The Secretary shall not establish a Recreation Resource Advisory Committee in a State if the Secretary determines, in consultation with the Governor of the State, that sufficient interest does not exist to ensure that participation on the Committee is balanced in terms of the points of view represented and the functions to be performed.

(D) USE OF OTHER ENTITIES.—In lieu of establishing a Recreation Resource Advisory Committee under subparagraph (A), the Secretary may use a Resource Advisory Committee established pursuant to another provision of law and in accordance with that law or a recreation fee advisory board otherwise established by the Secretary to perform the duties specified in paragraph (2).

(2) DUTIES.—In accordance with the procedures required by paragraph (9), a Recreation Resource Advisory Committee may make recommendations to the Secretary regarding a standard amenity recreation fee or an expanded amenity recreation fee, whenever the recommendations relate to public concerns in the State or region covered by the Committee regarding—

(A) the implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;

(B) the elimination of a standard amenity recreation fee or an expanded amenity recreation fee; or

(C) the expansion or limitation of the recreation fee program.

(3) MEETINGS.—A Recreation Resource Advisory Committee shall meet at least annually, but may, at the discretion of the Secretary, meet as often as needed to deal with citizen concerns about the recreation fee program in a timely manner.

(4) NOTICE OF REJECTION.—If the Secretary rejects the recommendation of a Recreation Resource Advisory Committee, the Secretary shall issue a notice that identifies the reasons for rejecting the recommendation to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 30 days before the Secretary implements a decision pertaining to that recommendation.

(5) COMPOSITION OF THE ADVISORY COMMITTEE.—

(A) NUMBER.—A Recreation Resource Advisory Committee shall be comprised of ~~11~~ 12 members.

(B) NOMINATIONS.—The Governor and the designated county official from each county in the relevant State or Region may submit a list of nominations in the categories described under subparagraph (D).

(C) APPOINTMENT.—The Secretary may appoint members of the Recreation Resource Advisory Committee from the list as provided in subparagraph (B).

(D) BROAD AND BALANCED REPRESENTATION.—In appointing the members of a Recreation Resource Advisory Committee, the Secretary shall provide for a balanced and broad representation from the recreation community that shall include the following:

(i) Five persons who represent recreation users and that include, as appropriate, persons representing the following:

(I) Winter motorized recreation, such as snowmobiling.

(II) Winter non-motorized recreation, such as snowshoeing, cross country and down hill skiing, and snowboarding.

(III) Summer motorized recreation, such as motorcycles, boaters, and off-highway vehicles.

(IV) Summer nonmotorized recreation, such as backpacking, horseback riding, mountain biking, canoeing, and rafting.

(V) Hunting and fishing.

(ii) ~~Three~~ Four persons who represent interest groups that include, as appropriate, the following:

(I) Motorized outfitters and guides.

(II) Non-motorized outfitters and guides.

(III) Local environmental groups.

(IV) Veterans organizations, as such term is defined in section 201 of the EXPLORE Act.

(iii) Three persons, as follows:

(I) State tourism official to represent the State.

(II) A person who represents affected Indian tribes.

(III) A person who represents affected local government interests.

(6) TERM.—

(A) LENGTH OF TERM.—The Secretary shall appoint the members of a Recreation Resource Advisory Committee for staggered terms of 2 and 3 years beginning on the date that the members are first appointed. The Secretary may reappoint members to subsequent 2- or 3-year terms.

(B) EFFECT OF VACANCY.—The Secretary shall make appointments to fill a vacancy on a Recreation Resource Advisory Committee as soon as practicable after the vacancy has occurred.

(C) EFFECT OF UNEXPECTED VACANCY.—Where an unexpected vacancy occurs, the Governor and the designated county officials from each county in the relevant State shall provide the Secretary with a list of nominations in the relevant category, as described under paragraph (5)(D), not later than two months after notification of the vacancy. To the extent possible, a vacancy shall be filled in the same category and term in which the original appointment was made.

(7) CHAIRPERSON.—The chairperson of a Recreation Resource Advisory Committee shall be selected by the majority vote of the members of the Committee.

(8) QUORUM.—[Eight] *Six* members shall constitute a quorum. A quorum must be present to constitute an official meeting of a Recreation Resource Advisory Committee.

(9) APPROVAL PROCEDURES.—A Recreation Resource Advisory Committee shall establish procedures for making recommendations to the Secretary. A recommendation may be submitted to the Secretary only if the recommendation is approved by a majority of the members of the Committee from each of the categories specified in paragraph (5)(D) and general public support for the recommendation is documented.

(10) COMPENSATION.—Members of the Recreation Resource Advisory Committee shall not receive any compensation.

(11) PUBLIC PARTICIPATION IN THE RECREATION RESOURCE ADVISORY COMMITTEE.—

(A) NOTICE OF MEETINGS.—All meetings of a Recreation Resource Advisory Committee shall be announced at least one week in advance in a local newspaper of record and the Federal Register, and shall be open to the public.

(B) RECORDS.—A Recreation Resource Advisory Committee shall maintain records of the meetings of the Recreation Resource Advisory Committee and make the records available for public inspection.

(12) CHAPTER 10 OF TITLE 5, UNITED STATES CODE.—A Recreation Resource Advisory Committee is subject to the provisions of chapter 10 of title 5, United States Code.

[(e) MISCELLANEOUS ADMINISTRATIVE PROVISIONS REGARDING RECREATION FEES AND RECREATION PASSES.—

(1) NOTICE OF ENTRANCE FEES, STANDARD AMENITY RECREATION FEES, AND PASSES.—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of a Federal land management agency where an entrance fee or a standard amenity recreation fee is charged. The Secretary shall include such notice in publications distributed at the unit or area.

(2) NOTICE OF RECREATION FEE PROJECTS.—To the extent practicable, the Secretary shall post clear notice of locations where work is performed using recreation fee or recreation pass revenues collected under this Act]

SEC. 805. RECREATION PASSES.

(a) AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.—

(1) AVAILABILITY AND USE.—The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the “America the Beautiful—the National Parks and Federal Recreational Lands Pass”, which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

(2) IMAGE COMPETITION FOR RECREATION PASS.—The Secretaries shall hold an annual competition to select the image to be used on the National Parks and Federal Recreational Lands

Pass for a year. The competition shall be open to the public and used as a means to educate the American people about Federal recreational lands and waters.

(3) NOTICE OF ESTABLISHMENT.—The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

(4) DURATION.—The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age discount and lifetime passes issued under subsection (b).

(5) PRICE.—The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public.

(6) SALES LOCATIONS AND MARKETING.—

[(A) IN GENERAL.—The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.]

(A) *IN GENERAL.*—*The Secretaries shall sell or otherwise make available 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 or distribution of the Pass is feasible;

(ii) at such other locations as the Secretaries consider appropriate and feasible; and

(iii) through a prominent link to a centralized pass sale system on the website of each of the Federal land management agencies and the websites of the relevant units and subunits of those agencies, which shall include information about where and when a National Parks and Federal Recreational Lands Pass may be used.

(B) USE OF VENDORS.—The Secretary may enter into fee management agreements as provided in section 6.

(C) MARKETING.—The Secretaries shall take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.

(7) ADMINISTRATIVE GUIDELINES.—The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) DEVELOPMENT AND IMPLEMENTATION AGREEMENTS.—The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

(9) PROHIBITION ON OTHER NATIONAL RECREATION PASSES.—The Secretary may not establish any national recreation pass, except as provided in this section.

(10) *DIGITAL RECREATION PASSES.*—Not later than January 1, 2026, 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, including with respect to free and discounted passes; and

(B) upon completion of a transaction for a National Parks and Federal Recreational Lands Pass, make immediately available to the passholder a digital version of the National Parks and Federal Recreational Lands Pass established under subparagraph (A).

(b) FREE AND DISCOUNTED PASSES.—

(1) AGE DISCOUNT.—

(A) The Secretary shall make the National Parks and Federal Recreational Lands Pass available to any United States citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this paragraph shall be available—

(i) for a period of 12 months from the date of the issuance, at a cost of \$20; and

(ii) for the lifetime of the passholder, at a cost equal to the cost of the National Parks and Federal Recreational Lands Pass purchased under subsection (a).

(B) The Secretary shall issue a pass under subparagraph (A)(ii), for no additional cost, to any individual who provides evidence, under policies and guidelines determined by the Secretary, that the individual has purchased a pass under subparagraph (A)(i) for each of the 4 years prior to being issued a pass under this subparagraph.

(2) LIFETIME PASSES.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge and for the lifetime of the passholder, to the following:

(A) Any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled, within the meaning of the term “disability” under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), if the citizen or person provides adequate proof of the disability and such citizenship or residency.

(B) Any veteran who provides adequate proof of military service as determined by the Secretary.

(C) Any member of a Gold Star Family who meets the eligibility requirements of section 3.2 of Department of Defense Instruction 1348.36 (or a successor instruction).

(3) ANNUAL PASSES.—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at no cost, to members of the Armed Forces and their dependents who provide adequate proof of eligibility for such pass as determined by the Secretary.

(c) SITE-SPECIFIC AGENCY PASSES.—The Secretary may establish and charge a fee for a site-specific pass that will cover the entrance fee or standard amenity recreation fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

(d) REGIONAL MULTIENTITY PASSES.—

(1) PASSES AUTHORIZED.—The Secretary may establish and charge a fee for a regional multientity pass that will be accepted by one or more Federal land management agencies or by one or more governmental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

(2) REGIONAL MULTIENTITY PASS AGREEMENT.—In order to establish a regional multientity pass under this subsection, the Secretary shall enter into a regional multientity pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.

(e) DISCOUNTED OR FREE ADMISSION DAYS OR USE.—The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.

(f) EFFECT ON EXISTING PASSPORTS AND PERMITS.—

(1) EXISTING PASSPORTS.—A passport issued under section 4 of the Land and Water Conservation Fund Act of 1965 or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms agreed to at the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

(2) PERMITS.—A permit issued under section 4 of the Land and Water Conservation Fund Act of 1965 that was valid on the day before the date of the enactment of this Act shall be valid and remain in effect until expired, revoked, or suspended.

SEC. 805A. AVAILABILITY OF FEDERAL, STATE, AND LOCAL RECREATION PASSES.

(a) *ESTABLISHMENT OF PROGRAM.*—

(1) *IN GENERAL.*—To improve the availability of Federal, State, and local outdoor recreation passes, the Secretaries are

encouraged to coordinate with States and counties regarding the availability of Federal, State, and local recreation passes to allow a purchaser to buy a Federal recreation pass, State recreation pass, and local recreation pass in a single transaction.

(2) *INCLUDED PASSES.*—Passes covered by the program established under paragraph (1) include—

(A) *an America the Beautiful—the National Parks and Federal Recreational Lands Pass under section 805; and*

(B) *any pass covering any fees charged by participating States and counties for entrance and recreational use of parks and public land in the participating States.*

(b) *AGREEMENTS WITH STATES AND COUNTIES.*—

(1) *IN GENERAL.*—The Secretaries, after consultation with the States and counties, may enter into agreements with States and counties to coordinate the availability of passes as described in subsection (a).

(2) *REVENUE FROM PASS SALES.*—Agreements between the Secretaries, States, and counties entered into pursuant to this section shall ensure that—

(A) *funds from the sale of State or local passes are transferred to the appropriate State agency or county government;*

(B) *funds from the sale of Federal passes are transferred to the appropriate Federal agency; and*

(C) *fund transfers are completed by the end of a fiscal year for all pass sales occurring during the fiscal year.*

* * * * *

SEC. 808. EXPENDITURES.

(a) *USE OF FEES AT SPECIFIC SITE OR AREA.*—Amounts available for expenditure at a specific site or area—

(1) shall be accounted for separately from the amounts collected;

(2) may be distributed agency-wide; and

(3) shall be used only for—

(A) *repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;*

(B) *interpretation, visitor information, visitor service, visitor needs assessments, and signs;*

(C) *habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;*

(D) *law enforcement related to public use and recreation;*

(E) *direct operating or capital costs associated with the recreation fee program; [and]*

(F) *a fee management agreement established under section [6(a) or a visitor reservation service.] 806(a) or a visitor reservation service;*

(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).*

(b) *LIMITATION ON USE OF FEES.*—The Secretary may not use any recreation fees for biological monitoring on Federal recreational

lands and waters under the Endangered Species Act of 1973 for listed or candidate species.

(c) ADMINISTRATION, OVERHEAD, AND INDIRECT COSTS.—The Secretary may use not more than an average of 15 percent of total revenues collected under [this Act] *this title* for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

(d) TRANSITIONAL EXCEPTION.—Notwithstanding any other provision of [this Act] *this title*, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with—

(1) the National Parks and Federal Recreational Lands Pass during the 5-year period beginning on the date the joint guidelines are issued under [section 5(a)(7)] *section 805(a)(7)*; and

(2) a regional multientity pass authorized [section 5(d)] *section 805(d)* during the 5-year period beginning on the date the regional multientity pass agreement for that recreation pass takes effect.

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SEC. 810. SUNSET PROVISION.

The authority of the Secretary to carry out this Act shall terminate September 30, [2019] 2031.

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**JOHN D. DINGELL, JR. CONSERVATION, MANAGEMENT,
AND RECREATION ACT**

* * * * *

TITLE IX—MISCELLANEOUS

SEC. 9001. EVERY KID OUTDOORS ACT.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND AND WATERS.—The term “Federal land and waters” means any Federal land or body of water under the jurisdiction of any of the Secretaries to which the public has access.

(2) PROGRAM.—The term “program” means the Every Kid Outdoors program established under subsection (b)(1).

(3) SECRETARIES.—The term “Secretaries” means—

(A) the Secretary, acting through—

(i) the Director of the National Park Service;
(ii) the Director of the United States Fish and Wild-

life Service;

(iii) the Director of the Bureau of Land Manage-
ment; and

(iv) the Commissioner of Reclamation;

(B) the Secretary of Agriculture, acting through the
Chief of the Forest Service;

(C) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration; and

(D) the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works.

(4) STATE.—The term “State” means each of the several States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and any other territory or possession of the United States.

(5) STUDENT OR STUDENTS.—The term “student” or “students” means any fourth grader or home-schooled learner 10 years of age residing in the United States, including any territory or possession of the United States.

(b) EVERY KID OUTDOORS PROGRAM.—

(1) ESTABLISHMENT.—The Secretaries shall jointly establish a program, to be known as the “Every Kid Outdoors program”, to provide free access to Federal land and waters for students and accompanying individuals in accordance with this subsection.

(2) ANNUAL PASSES.—

(A) IN GENERAL.—At the request of a student, the Secretaries shall issue a pass to the student, which allows access to Federal lands and waters for which access is subject to an entrance, standard amenity, or day use fee, free of charge for the student and—

(i) in the case of a per-vehicle fee area—

(I) any passengers accompanying the student in a private, noncommercial vehicle; or

(II) not more than three adults accompanying the student on bicycles; or

(ii) in the case of a per-person fee area, not more than three adults accompanying the student.

(B) TERM.—A pass described in subparagraph (A) shall be effective [during the period beginning on September 1 and ending on August 31 of the following year] for a 12-month period that begins on a date determined by the Secretaries.

(C) PRESENCE OF A STUDENT IN GRADE FOUR REQUIRED.—A pass described in subparagraph (A) shall be effective only if the student to which the pass was issued is present at the point of entry to the applicable Federal land or water.

(3) OTHER ACTIVITIES.—In carrying out the program, the Secretaries—

(A) may collaborate with State Park systems that opt to implement a complementary Every Kid Outdoors State park pass;

(B) may coordinate with the Secretary of Education to implement the program;

(C) shall maintain a publicly available website with information about the program;

(D) may provide visitor services for the program; and

(E) may support approved partners of the Federal land and waters by providing the partners with opportunities to participate in the program.

(4) REPORTS.—The Secretary, in coordination with each Secretary described in subparagraphs (B) through (D) of subsection (a)(3), shall prepare a comprehensive report to Congress each year describing—

(A) the implementation of the program;

(B) the number and geographical distribution of students who participated in the program; and

(C) the number of passes described in paragraph (2)(A) that were distributed.

(5) SUNSET.—The authorities provided in this section, including the reporting requirement, shall expire on [the date that is 7 years after the date of enactment of this Act] *September 30, 2031.*

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SECTION 330 OF THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

[SEC. 330. In fiscal year 2012 and each fiscal year thereafter, the Secretaries of the Interior and Agriculture, subject to annual review of Congress, may establish programs to conduct projects, planning, permitting, leasing, contracting and other activities, either jointly or on behalf of one another; may co-locate in Federal offices and facilities leased by an agency of either Department; and may promulgate special rules as needed to test the feasibility of issuing unified permits, applications, and leases. The Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of the “Service First” initiative agency-wide to promote customer service and efficiency. Nothing herein shall alter, expand or limit the applicability of any public law or regulation to lands administered by the Bureau of Land Management, National Park Service, Fish and Wildlife Service, or the Forest Service or matters under the purview of other bureaus or offices of either Department. To facilitate the sharing of resources under the Service First initiative, the Secretaries of the Interior and Agriculture may make transfers of funds and reimbursement of funds on an annual basis, including transfers and reimbursements for multi-year projects, except that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.]

VOLUNTEERS IN THE NATIONAL FORESTS ACT OF 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture (hereinafter referred to as the “Secretary”) is authorized to recruit, train, and accept without regard to the civil service classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered

by the Secretary through the Forest Service. In carrying out this section, the Secretary shall consider referrals of prospective volunteers made by the Corporation for National and Community Service.

【SEC. 2. The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

【SEC. 3. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

【(b) For the purpose of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

【(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

【(d) For the purposes of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this Act shall be considered a Federal employee, and the provisions of 31 U.S.C. 3721 shall apply.

【(e) For the purposes of subsections (b), (c), and (d), the term "volunteer" includes a person providing volunteer services to the Secretary who—

【(1) is recruited, trained, and supported by a cooperator under a mutual benefit agreement with the Secretary; and

【(2) performs such volunteer services under the supervision of the cooperator as directed by the Secretary in the mutual benefit agreement, including direction that specifies—

【(A) the volunteer services to be performed by the volunteers and the supervision to be provided by the cooperator;

【(B) the applicable project safety standards and protocols to be adhered to by the volunteers and enforced by the cooperator; and

【(C) the on-site visits to be made by the Secretary, when feasible, to verify that volunteers are performing the volunteer services and the cooperator is providing the supervision agreed upon.

【SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

【SEC. 5. This Act may be cited as the "Volunteers in the National Forests Act of 1972".】

SECTION 1. SHORT TITLE.

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

SEC. 2. PURPOSE.

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

SEC. 4. AUTHORIZATION.

The Secretaries are authorized to recruit, train, and accept without regard to the civil service and classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of recreation access, trail construction or maintenance, facility construction or maintenance, educational uses (including outdoor classroom construction or maintenance), interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretaries. In carrying out this section, the Secretaries shall consider referrals of prospective volunteers made by the Corporation for National and Community Service.

SEC. 5. INCIDENTAL EXPENSES.

The Secretaries are authorized to provide for incidental expenses, such as transportation, uniforms, lodging, training, equipment, and subsistence.

SEC. 6. CONSIDERATION AS FEDERAL EMPLOYEE.

(a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For the purpose of the tort claim provisions of title 28, United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

(d) For the purposes of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this Act shall be considered a Federal employee, and the provisions of section 3721 of title 31, United States Code, shall apply.

(e) For the purposes of subsections (b), (c), and (d), the term "volunteer" includes a person providing volunteer services to either of the Secretaries who—

(1) is recruited, trained, and supported by a cooperator under a mutual benefit agreement or cooperative agreement with either of the Secretaries; and

(2) performs such volunteer services under the supervision of the cooperator as directed by either of the Secretaries in the mutual benefit agreement or cooperative agreement in the mutual benefit agreement, including direction that specifies—

(A) the volunteer services, including the geographic boundaries of the work to be performed by the volunteers, and the supervision to be provided by the cooperator;

(B) the applicable project safety standards and protocols to be adhered to by the volunteers and enforced by the cooperator;

(C) the on-site visits to be made by either of the Secretaries, if feasible and only if necessary to verify that volunteers are performing the volunteer services and the cooperator is providing the supervision agreed upon;

(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.

SEC. 7. PROMOTION OF VOLUNTEER OPPORTUNITIES.

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

SEC. 8. LIABILITY INSURANCE.

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.

AGRICULTURAL ACT OF 2014

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TITLE VIII—FORESTRY

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**Subtitle C—Reauthorization of Other
Forestry-Related Laws**

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SEC. 8206. GOOD NEIGHBOR AUTHORITY.

(a) **DEFINITIONS.**—In this section:

(1) **AUTHORIZED RESTORATION SERVICES.**—The term “authorized restoration services” means similar and complementary forest, rangeland, and watershed restoration services carried out—

(A) on Federal land, non-Federal land, and land owned by an Indian tribe; and

(B) by either the Secretary or a Governor or county, as applicable, pursuant to a good neighbor agreement.

(2) **COUNTY.**—The term “county” means—

(A) the appropriate executive official of an affected county; or

(B) in any case in which multiple counties are affected, the appropriate executive official of a compact of the affected counties.

(3) **FEDERAL LAND.**—

(A) IN GENERAL.—The term “Federal land” means land that is—

- (i) National Forest System land; or
- (ii) public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(B) EXCLUSIONS.—The term “Federal land” does not include—

- (i) a component of the National Wilderness Preservation System;
- (ii) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or
- (iii) a wilderness study area.

(4) FOREST, RANGELAND, AND WATERSHED RESTORATION SERVICES.—

(A) IN GENERAL.—The term “forest, rangeland, and watershed restoration services” means—

- (i) activities to treat insect- and disease-infected trees;
- (ii) activities to reduce hazardous fuels; and
- (iii) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(B) EXCLUSIONS.—The term “forest, rangeland, and watershed restoration services” does not include—

- (i) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas, other than the reconstruction, repair, or restoration of a National Forest System or Bureau of Land Management managed road that is—
 - (I) necessary to carry out authorized restoration services pursuant to a good neighbor agreement; and
 - (II) in the case of a National Forest System road that is determined to be unneeded in accordance with section 212.5(b)(2) of title 36, Code of Federal Regulations (as in effect on the date of enactment of the Wildfire SuppressionFunding and Forest Management Activities Act), decommissioned in accordance with subparagraph (A)(iii)—
 - (aa) in a manner that is consistent with the applicable travel management plan; and
 - (bb) not later than 3 years after the date on which the applicable authorized restoration services project is completed; or
 - (ii) construction, alteration, repair or replacement of public buildings or works.

(5) GOOD NEIGHBOR AGREEMENT.—The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and a Governor or county, as applicable, to carry out authorized restoration services under this section.

(6) GOVERNOR.—The term “Governor” means the Governor or any other appropriate executive official of an affected State or Indian tribe or the Commonwealth of Puerto Rico.

(7) 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).

(8) NATIONAL FOREST SYSTEM ROAD.—The term “National Forest System road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on the date of enactment of the Wildfire Suppression Funding and Forest Management Activities Act).

(9) ROAD.—The term “road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(10) SECRETARY.—The term “Secretary” means—

- (A) the Secretary of Agriculture, with respect to National Forest System land; and
- (B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(b) GOOD NEIGHBOR AGREEMENTS.—

(1) GOOD NEIGHBOR AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into a good neighbor agreement with a Governor or county to carry out authorized restoration services in accordance with this section.

(B) PUBLIC AVAILABILITY.—The Secretary shall make each good neighbor agreement available to the public.

(2) TIMBER SALES.—

(A) IN GENERAL.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a(d) and (g)) shall not apply to services performed under a good neighbor agreement.

(B) APPROVAL OF SILVICULTURE PRESCRIPTIONS AND MARKING GUIDES.—The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.

[(C) TREATMENT OF REVENUE.—

[(i) IN GENERAL.—Funds received from the sale of timber by a Governor of a State under a good neighbor agreement shall be retained and used by the Governor—

[(I) to carry out authorized restoration services on Federal land under the good neighbor agreement; and

[(II) if there are funds remaining after carrying out subclause (I), to carry out authorized restoration services on Federal land within the State under other good neighbor agreements.

[(ii) TERMINATION OF EFFECTIVENESS.—The authority provided by this subparagraph terminates effective October 1, 2023.]

(C) TREATMENT OF REVENUE.—

(i) IN GENERAL.—Funds received from the sale of timber by a Governor, Indian Tribe, or county under a

good neighbor agreement shall be retained and used by the Governor, Indian Tribe, or county, as applicable—

(I) to carry out authorized restoration services on under the good neighbor agreement; and

(II) if there are funds remaining after carrying out clause (i), to carry out—

(aa) authorized restoration services under other good neighbor agreements; or

(bb) authorized recreation services under the Good Neighbor Authority for Recreation Act.

(ii) TERMINATION OF EFFECTIVENESS.—The authority provided under this subparagraph terminates effective October 1, 2028.

(3) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized restoration services to be provided under this section on Federal land shall not be delegated to a Governor or county.

(4) RECEIPTS.—Notwithstanding any other provision of law, any payment made by a county to the Secretary under a project conducted under a good neighbor agreement shall not be considered to be monies received from National Forest System land or Bureau of Land Management land, as applicable.

* * * * *

MODERNIZING ACCESS TO OUR PUBLIC LAND ACT

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SEC. 3. INTERAGENCY DATA STANDARDIZATION.

Not later than 30 months after the date of enactment of this Act, the Secretaries shall jointly develop and adopt interagency standards to ensure compatibility and interoperability among applicable Federal databases with respect to the collection and dissemination of data—

(1) relating to ~~public outdoor recreational use~~ recreation sites on Federal land; and

(2) used to depict locations at which recreation uses are available to the public.

* * * * *

SEC. 5. DATA CONSOLIDATION AND PUBLICATION OF ROUTE AND AREA DATA FOR PUBLIC RECREATIONAL USE.

(a) IN GENERAL.—Beginning not later than 5 years after the date of enactment of this Act, each of the Secretaries, to the maximum extent practicable, shall make publicly available on the website of the Department of the Interior, the Forest Service, and the Corps of Engineers, as applicable, geographic information system data with respect to the following:

(1) Status information with respect to whether roads and trails on the Federal land are open or closed.

(2) The dates on which roads and trails on the Federal land are seasonally closed.

(3) The classes of vehicles and types of recreational uses that are allowed on each segment of roads and trails on the Federal land, including the permissibility of—

- (A) off-highway vehicles;
- (B) motorcycles;
- (C) nonmotorized bicycles;
- (D) electric bicycles;
- (E) passenger vehicles;
- (F) nonmechanized transportation; and
- (G) over-snow vehicles.

(4) The boundaries of areas where hunting or recreational shooting (including archery, firearm discharge, and target shooting) is ~~permanently restricted or prohibited~~ *regulated or closed* on the Federal land.

(b) UPDATES.—

(1) IN GENERAL.—The Secretaries, to the maximum extent practicable, shall update the data described in subsection (a) not less frequently than twice per year.

(2) PUBLIC COMMENT.—The Secretaries shall develop a process to allow members of the public to submit questions or comments regarding the information described in subsection (a).

(c) EFFECT.—Geographic information system data made publicly available under subsection (a) shall not disclose information regarding the nature, location, character, or ownership of historic, paleontological, or archaeological resources, consistent with applicable law.

SEC. 6. COOPERATION AND COORDINATION.

(a) THIRD-PARTY PROVIDERS.—The Secretaries may enter into an agreement with a third party to carry out any provision of this Act.

(b) US GEOLOGICAL SURVEY.—The Secretaries ~~may~~ *shall* work with the Director of the United States Geological Survey to collect, aggregate, digitize, standardize, or publish data on behalf of ~~the Secretary of the Interior~~ *the Secretaries* to meet the requirements of this Act.

* * * * *

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March 26, 2024

The Honorable Bruce Westerman, Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

This letter confirms our mutual understanding regarding H.R. 6492, the "Expanding Public Lands Outdoor Recreation Experiences Act" or the "EXPLORE Act". Thank you for collaborating with the Committee on Agriculture on the matters within our jurisdiction.

The Committee on Agriculture will forego any further consideration of this bill. However, by foregoing consideration at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. The Committee on Agriculture also reserves the right to seek appointment of an appropriate number of conferees should it become necessary and ask that you support such a request.

We would appreciate a response to this letter confirming this understanding with respect to H.R. 6492 and request a copy of our letters on this matter be published in the Congressional Record during Floor consideration.

Sincerely,

Glenn "GT" Thompson
Chairman

Cc: The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Mike Johnson, Speaker of the House
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

BRUCE WESTERMAN OF ARKANSAS
CHAIRMAN

VIVIAN MOEGLEN
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

RAÚL M. GRIJALVA OF ARIZONA
RANKING DEMOCRAT

LORA SNYDER
DEMOCRATIC STAFF DIRECTOR

March 27, 2024

The Honorable Glenn "GT" Thompson
Chairman
Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I write regarding H.R. 6492, the "Expanding Public Lands Outdoor Recreation Experiences Act" or the "EXPLORE Act," which was ordered reported by the Committee on Natural Resources on January 17, 2024.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Agriculture and appreciate your willingness to forgo any further consideration of this bill. I acknowledge that the Committee on Agriculture will not formally consider H.R. 6492 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Agriculture to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Mike Johnson, Speaker of the House
The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raúl Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

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 DEMOCRATIC STAFF DIRECTOR

April 3, 2024

The Honorable Bruce Westerman
 Chairman
 Committee on Natural Resources
 1324 Longworth House Office Building
 Washington, DC 20515

Dear Mr. Chairman:

I am writing to you concerning H.R. 6492, as amended, the "Expanding Public Lands Outdoor Recreation Experiences Act" or "EXPLORE Act." As you know, there are provisions in the legislation that fall within the jurisdiction of the Committee on Veterans' Affairs.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this legislation, I am willing to waive this committee's consideration of the legislation. I do so with the understanding that by waiving consideration of the bill, the Committee on Veterans' Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its jurisdiction. I also request that you urge the Speaker to name members of this committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 6492, as amended, and into the Congressional Record during consideration of this legislation on the House floor.

Sincerely,



Mike Bost
 Chairman

cc: The Honorable Mike Johnson, Speaker of the House
 The Honorable Steve Scalise, Majority Leader
 The Honorable Mark. Takano, Ranking Member, House Veterans' Affairs Committee
 Mr. Jason Smith, Parliamentarian

BRUCE WESTERMAN OF ARKANSAS
CHAIRMAN

VIVIAN MOEGLEIN
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

RAÚL M. GRIJALVA OF ARIZONA
RANKING DEMOCRAT

LORA SNYDER
DEMOCRATIC STAFF DIRECTOR

April 3, 2024

The Honorable Mike Bost
Chairman
Committee on Veterans' Affairs
364 Cannon House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I write regarding H.R. 6492, the “Expanding Public Lands Outdoor Recreation Experiences Act” or the “EXPLORE Act,” which was ordered reported by the Committee on Natural Resources on January 17, 2024.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Veterans’ Affairs and appreciate your willingness to forgo any further consideration of this bill. I acknowledge that the Committee on Veterans’ Affairs will not formally consider H.R. 6492 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Veterans’ Affairs to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the legislative report for H.R. 6492 and the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Mike Johnson, Speaker of the House
The Honorable Mark Takano, Ranking Member, Committee on Veterans’ Affairs
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

