

117TH CONGRESS
1ST SESSION

S. 3266

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2021

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

A BILL

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

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

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

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

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—INCREASING RECREATION OPPORTUNITIES

Sec. 101. Permit relief.

Sec. 102. Planning and managing for recreation.
 Sec. 103. Forest Service climbing guidance.
 Sec. 104. Target shooting ranges.

TITLE II—IMPROVING RECREATION OPPORTUNITIES

Sec. 201. Broadband internet connectivity at recreation sites.
 Sec. 202. Federal land and aquatic resource activities assistance.
 Sec. 203. Improved recreation visitation data.
 Sec. 204. Travel management.

TITLE III—INVESTING IN RECREATION INFRASTRUCTURE AND RURAL COMMUNITIES

Sec. 301. Gateway communities.
 Sec. 302. Forest Service conservation finance partnerships.
 Sec. 303. Availability of Federal land infrastructure during shoulder seasons.
 Sec. 304. Public-private partnerships to modernize campgrounds on Federal
land.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **FEDERAL LAND.**—The term “Federal land”
 4 means—

5 (A) land under the jurisdiction of the Sec-
 6 retary; and

7 (B) National Forest System land.

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

12 (3) **SECRETARIES.**—The term “Secretaries”
 13 means each of—

14 (A) the Secretary; and

15 (B) the Secretary of Agriculture.

16 (4) **SECRETARY.**—The term “Secretary” means
 17 the Secretary of the Interior.

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

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

5 (B) the Secretary of Agriculture, with re-
6 spect to National Forest System land.

7 **TITLE I—INCREASING**
8 **RECREATION OPPORTUNITIES**

9 **SEC. 101. PERMIT RELIEF.**

10 (a) DEFINITION OF YOUTH GROUP.—In this section,
11 the term “youth group” means any of the following that
12 serves individuals not older than 25 years of age:

13 (1) A nonprofit organization.

14 (2) A youth service organization.

15 (3) An educational institution.

16 (4) A faith-based organization.

17 (b) REMOVAL OF PERMIT REQUIREMENTS FOR CER-
18 TAIN AREAS.—If the Secretary concerned does not require
19 the public to obtain a permit or reservation to access an
20 existing picnic area, the Secretary concerned may not re-
21 quire an outfitter or guide serving fewer than 40 clients
22 to obtain a permit to access that site.

23 (c) STUDY ON ACCESS FOR YOUTH GROUPS TO FED-
24 ERAL LAND AND PERMITS.—

1 (1) IN GENERAL.—Not later than 4 years after
2 the date of enactment of this Act, the Secretaries
3 shall—

4 (A) conduct a study on impediments relat-
5 ing to permitting that are hindering the ability
6 of youth groups to access and recreate on Fed-
7 eral land; and

8 (B) submit to the Committee on Energy
9 and Natural Resources of the Senate and the
10 Committee on Natural Resources of the House
11 of Representatives a report that describes the
12 findings of the study under subparagraph (A).

13 (2) TEMPORARY PERMITS AND DE MINIMIS USE
14 PERMITS.—For purposes of the study conducted
15 under paragraph (1)(A), for the 4-year period begin-
16 ning on the date that is 1 year before the date of
17 enactment of this Act, the Secretaries shall—

18 (A) assess the frequency and appropriate-
19 ness of the issuance of temporary permits or
20 other special recreation permits for youth
21 groups on Federal land;

22 (B) assess the quantity of requests made
23 by youth groups to access a publicly accessible
24 site on a unit of the National Forest System,
25 Federal land administered by the Bureau of

1 Reclamation, or Federal land administered by
2 the Bureau of Land Management;

3 (C) provide any recommendations to facili-
4 tate and streamline access and recreation by
5 youth groups; and

6 (D) consider any implications regarding
7 the health and safety of participants and liabil-
8 ity exposure of the Secretaries and the youth
9 groups.

10 (d) VOLUNTARY RETURN OF SURPLUS SERVICE
11 DAYS.—

12 (1) IN GENERAL.—The Secretary concerned
13 shall establish a program to allow a permittee issued
14 a special recreation permit for a public land unit to
15 voluntarily and temporarily return to the Secretary
16 concerned 1 or more service days, to be made avail-
17 able to any other existing or potential permittee.

18 (2) EFFECT.—The return of surplus service
19 days shall not affect future-year special recreation
20 permits or the number of service days available to
21 the permittee in future years.

22 **SEC. 102. PLANNING AND MANAGING FOR RECREATION.**

23 (a) POLICY.—

1 (1) IN GENERAL.—It is the policy of the Fed-
2 eral Government to foster and encourage recreation
3 on Federal land, consistent with—

4 (A) the multiple-use mission of the applica-
5 ble Federal land management agency; and

6 (B) the laws applicable to specific areas of
7 Federal land.

8 (2) ADMINISTRATION.—The Secretary con-
9 cerned shall carry out the policy described in para-
10 graph (1) in administering programs and activities
11 authorized by law.

12 (b) DEFINITION OF LAND MANAGEMENT PLAN.—In
13 this section, the term “land management plan” means—

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

18 (2) a land management plan prepared by the
19 Forest Service for a unit of the National Forest
20 Service pursuant to section 6 of the Forest and
21 Rangeland Renewable Resources Planning Act of
22 1974 (16 U.S.C. 1604).

23 (c) INVENTORY AND ASSESSMENT.—

24 (1) IN GENERAL.—In developing or revising a
25 land management plan, the Secretary concerned

1 shall conduct, using public outreach, an inventory
2 and assessment of recreation resources for the Fed-
3 eral land subject to the land management plan.

4 (2) UNIQUE RECREATION VALUES.—An inven-
5 tory and assessment conducted under paragraph (1)
6 shall recognize—

7 (A) any unique recreation values and uses
8 of each landscape that make a landscape, or a
9 portion of a landscape, desirable for a par-
10 ticular type of recreation opportunity; and

11 (B) points of concentrated use by
12 recreationists.

13 (3) INVENTORY.—The inventory under para-
14 graph (1) shall identify and list recreation resources
15 by—

16 (A) type of recreation and type of natural
17 or manmade recreation infrastructure;

18 (B) to the extent available, the level and
19 demographics of use of the recreation resource
20 as of the date of the inventory; and

21 (C) any trend relating to recreation oppor-
22 tunities or use.

23 (4) ASSESSMENT.—For any recreation resource
24 inventoried under paragraph (1), the Secretary con-
25 cerned shall assess—

1 (A) the level of demand for the recreation
2 resource;

3 (B) the maintenance needs of, and ex-
4 penses necessary to administer, the recreation
5 resource;

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

9 (D) the impacts of current and projected
10 future recreation use on—

11 (i) natural, cultural, and other re-
12 sources; and

13 (ii) other authorized uses and activi-
14 ties on the Federal land subject to the land
15 management plan; and

16 (E) the suitability for developing, expand-
17 ing, or enhancing the recreation resource.

18 (d) FUTURE RECREATION NEEDS AND MANAGE-
19 MENT.—

20 (1) FUTURE NEEDS.—Based on the inventory
21 and assessment under subsection (c)(1), the Sec-
22 retary concerned shall—

23 (A) consider future recreation needs;

1 (B) identify underutilized locations that
2 are suitable for developing, expanding, or en-
3 hancing recreation use; and

4 (C) select additional high-value recreation
5 resources at which to encourage recreation use.

6 (2) SAVINGS CLAUSE.—The Secretary con-
7 cerned shall manage any high-value recreation re-
8 source identified under paragraph (1)(C) in a man-
9 ner that—

10 (A) is consistent with applicable law;

11 (B) recognizes other uses and activities in
12 the area of the high-value recreation resource;

13 (C) seeks input from the public, including
14 adjacent landowners and individuals or entities
15 with existing permits and leases; and

16 (D) protects and enhances the recreation
17 values of the high-value recreation resource.

18 (3) FORECASTS.—In developing or revising a
19 land management plan, the Secretary concerned
20 shall predict the manner in which the following
21 would change under the desired future conditions
22 identified in the applicable land management plan:

23 (A) The number of visitors to the respec-
24 tive unit of Federal land.

1 (B) The maintenance needs of, and the ex-
2 penses necessary to administer, the recreation
3 resources on the respective unit of Federal land.

4 (C) The benefits of recreation use, includ-
5 ing to the local economy.

6 (D) The impacts of recreation use on—

7 (i) natural, cultural, or other re-
8 sources; and

9 (ii) other authorized uses and activi-
10 ties on the Federal land subject to the land
11 management plan.

12 **SEC. 103. FOREST SERVICE CLIMBING GUIDANCE.**

13 (a) FINDINGS.—Congress finds that—

14 (1) recreational climbing in wilderness areas on
15 National Forest System land is being managed in-
16 consistently; and

17 (2) recreational climbing is a legitimate and ap-
18 propriate use of wilderness areas on National Forest
19 System land if the recreational climbing is conducted
20 and managed in accordance with—

21 (A) the Wilderness Act (16 U.S.C. 1131 et
22 seq.);

23 (B) other applicable laws (including regu-
24 lations); and

1 (C) any reasonable terms and conditions
2 that are determined to be necessary by the Sec-
3 retary of Agriculture.

4 (b) CLIMBING GUIDANCE IN WILDERNESS.—Not
5 later than 18 months after the date of enactment of this
6 Act, the Secretary of Agriculture shall issue guidance on
7 climbing management for National Forest System land,
8 including the placement, maintenance, or removal of fixed
9 anchors and the appropriate use of other equipment in
10 designated wilderness areas on National Forest System
11 land under the Wilderness Act (16 U.S.C. 1131 et seq.).

12 (c) PUBLIC NOTICE AND COMMENT.—Prior to taking
13 any significant management action affecting recreational
14 climbing on National Forest System land, the Secretary
15 of Agriculture shall provide the public with notice and an
16 opportunity to comment on the proposed action.

17 **SEC. 104. TARGET SHOOTING RANGES.**

18 (a) DEFINITION OF DESIGNATED SHOOTING
19 RANGE.—In this section, the term “designated shooting
20 range” means a developed and managed area on Federal
21 land that is designed and operated specifically for the pur-
22 poseful discharge of legal firearms, firearms training,
23 archery, or other associated activities.

24 (b) IDENTIFICATION OF DESIGNATED SHOOTING
25 RANGE.—

1 (1) IN GENERAL.—The Secretaries shall iden-
2 tify a suitable location for, and construct, designated
3 shooting ranges on National Forest System land and
4 public land administered by the Bureau of Land
5 Management for the public to use for recreational
6 target shooting.

7 (2) MINIMUM NUMBER OF RANGES.—To the
8 maximum extent practicable—

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

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

15 (3) REQUIREMENTS.—A designated shooting
16 range under paragraph (1)—

17 (A)(i) shall be able to accommodate rifles,
18 pistols, and shotguns; and

19 (ii) may accommodate archery;

20 (B) shall include—

21 (i) significantly modified landscapes,
22 including berms, buffer distances, or other
23 public safety designs or features;

24 (ii) a designated firing line; and

25 (iii) benches; and

- 1 (C) may include—
- 2 (i) shade structures;
- 3 (ii) trash containers;
- 4 (iii) restrooms; and
- 5 (iv) any other features that the Sec-
- 6 retary concerned determines to be nec-
- 7 essary.

8 (c) REQUIREMENTS.—

9 (1) EXISTING USE.—The Secretaries, in co-

10 operation with the entities described in subsection

11 (d), shall—

12 (A) consider the proximity of areas fre-

13 quently used by recreational shooters when

14 identifying a suitable location for a designated

15 shooting range; and

16 (B) ensure a designated shooting range

17 would not impact a non-Federal target shooting

18 range, including a target shooting range located

19 on private land.

20 (2) CLOSURES.—Except in emergency situa-

21 tions, the Secretary concerned shall seek to ensure

22 that a designated shooting range, or an equivalent

23 shooting range adjacent to a National Forest or Bu-

24 reau of Land Management district, is available to

1 the public prior to closing Federal land to rec-
2 reational shooting.

3 (d) COOPERATION.—In carrying out this section, the
4 Secretaries shall cooperate, as applicable, with—

5 (1) local and Tribal governments;

6 (2) nonprofit organizations;

7 (3) State fish and wildlife agencies;

8 (4) shooting clubs;

9 (5) Federal advisory councils relating to hunt-
10 ing and shooting sports;

11 (6) nongovernmental organizations that, as of
12 the date of enactment of this Act, are signatories to
13 the memorandum of understanding entitled “Federal
14 Lands Hunting, Fishing, and Shooting Sports
15 Roundtable Memorandum of Understanding” and
16 signed by the Forest Service and the Bureau of
17 Land Management on August 17, 2006;

18 (7) individuals or entities with authorized leases
19 or permits in an area under consideration for a des-
20 ignated shooting range; and

21 (8) the public.

22 (e) RESTRICTIONS.—

23 (1) IN GENERAL.—The management of a des-
24 ignated shooting range shall be subject to such con-

1 ditions as the Secretary concerned determines are
2 necessary for the safe, responsible use of—

3 (A) the designated shooting range; and

4 (B) the adjacent resources.

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

8 (f) ANNUAL REPORTS.—Not later than 1 year after
9 the date of enactment of this Act and annually thereafter,
10 the Secretaries shall submit to the Committee on Energy
11 and Natural Resources of the Senate and the Committee
12 on Natural Resources of the House of Representatives a
13 report describing the progress made with respect to the
14 implementation of this section.

15 **TITLE II—IMPROVING**
16 **RECREATION OPPORTUNITIES**

17 **SEC. 201. BROADBAND INTERNET CONNECTIVITY AT**
18 **RECREATION SITES.**

19 (a) IN GENERAL.—The Secretary and the Chief of
20 the Forest Service shall enter into an agreement with the
21 Administrator of the Rural Utilities Service to install or
22 construct broadband internet infrastructure at recreation
23 sites on Federal land to establish broadband internet
24 connectivity—

1 (1) subject to the availability of appropriations;

2 and

3 (2) consistent with applicable law.

4 (b) IDENTIFICATION.—Not later than 1 year after
5 the date of enactment of this Act, and annually thereafter,

6 the Secretary and the Chief of the Forest Service, in co-
7 ordination with States, shall make publically available—

8 (1) a list of the highest priority recreation sites
9 on Federal land that lack broadband internet; and

10 (2) an estimate of the cost to equip each of
11 those sites with broadband internet infrastructure.

12 (c) PRIORITIES.—In selecting recreation sites for the
13 list described in subsection (b)(1), the Secretary and the
14 Chief of the Forest Service shall give priority to recreation
15 sites—

16 (1) at which broadband internet infrastructure
17 has not been constructed by traditional utilities due
18 to—

19 (A) geographic challenges; or

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

23 (2) that are located in an economically dis-
24 tressed county that could benefit significantly from

1 developing the outdoor recreation economy of the
2 county.

3 **SEC. 202. FEDERAL LAND AND AQUATIC RESOURCE ACTIVI-**
4 **TIES ASSISTANCE.**

5 (a) DEFINITIONS.—In this section:

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

12 (2) FEDERAL LAND AND WATER.—The term
13 “Federal land and water” means Federal land and
14 water operated and maintained by the Bureau of
15 Land Management or the National Park Service, as
16 applicable.

17 (3) INSPECTION.—The term “inspection”
18 means an inspection to prevent and respond to bio-
19 logical invasions of an aquatic ecosystem.

20 (4) PARTNER.—The term “partner” means—

21 (A) a Reclamation State;

22 (B) an Indian Tribe in a Reclamation
23 State;

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

1 (D) a unit of local government in a Rec-
2 lamation State.

3 (5) RECLAMATION STATE.—

4 (A) IN GENERAL.—The term “Reclamation
5 State” means any State in which a Bureau of
6 Reclamation reservoir is located.

7 (B) INCLUSIONS.—The term “Reclamation
8 State” includes any of the States of—

- 9 (i) Alaska;
10 (ii) Arizona;
11 (iii) California;
12 (iv) Colorado;
13 (v) Idaho;
14 (vi) Kansas;
15 (vii) Montana;
16 (viii) Nebraska;
17 (ix) Nevada;
18 (x) New Mexico;
19 (xi) North Dakota;
20 (xii) Oklahoma;
21 (xiii) Oregon;
22 (xiv) South Dakota;
23 (xv) Texas;
24 (xvi) Utah;
25 (xvii) Washington; and

1 (xviii) Wyoming.

2 (b) AUTHORITY OF BUREAU OF LAND MANAGEMENT
3 AND NATIONAL PARK SERVICE WITH RESPECT TO CER-
4 TAIN AQUATIC RESOURCE ACTIVITIES ON FEDERAL LAND
5 AND WATER.—

6 (1) IN GENERAL.—The Secretary may inspect
7 and decontaminate watercraft entering and leaving
8 Federal land and water located within a river basin
9 that contains a Bureau of Reclamation water
10 project.

11 (2) REQUIREMENTS.—The Secretary, acting
12 through the Director of the Bureau of Land Man-
13 agement and the Director of the National Park
14 Service, shall—

15 (A) in carrying out an inspection under
16 paragraph (1), coordinate with 1 or more part-
17 ners;

18 (B) consult with the Aquatic Nuisance
19 Species Task Force to identify potential im-
20 provements in the detection and management of
21 invasive species on Federal land and water; and

22 (C) to the maximum extent practicable, in-
23 spect watercraft in a manner that minimizes
24 disruptions to public access for boating and
25 recreation in noncontaminated watercraft.

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

6 (A) to carry out an inspection or decon-
7 tamination of watercraft; or

8 (B) to establish an inspection and decon-
9 tamination station for watercraft.

10 (c) GRANT PROGRAM FOR RECLAMATION STATES
11 FOR WATERCRAFT INSPECTION AND DECONTAMINATION
12 STATIONS.—

13 (1) WATERCRAFT INSPECTION IN RECLAMATION
14 STATES.—Subject to the availability of appropria-
15 tions, the Secretary, acting through the Commis-
16 sioner of Reclamation, shall establish a competitive
17 grant program to provide grants to partners to con-
18 duct inspections and decontamination of watercraft
19 in reservoirs operated and maintained by the Sec-
20 retary, including to purchase, establish, operate, or
21 maintain a watercraft inspection and decontamina-
22 tion station.

23 (2) COST SHARE.—The Federal share of the
24 cost of a grant under paragraph (1), including per-
25 sonnel costs, shall not exceed 75 percent.

1 (3) STANDARDS.—Before awarding a grant
2 under paragraph (1), the Secretary shall determine
3 that the project is technically and financially fea-
4 sible.

5 (4) COORDINATION.—In carrying out this sub-
6 section, the Secretary shall coordinate with—

7 (A) each of the Reclamation States;

8 (B) affected Indian Tribes; and

9 (C) the Aquatic Nuisance Species Task
10 Force.

11 **SEC. 203. IMPROVED RECREATION VISITATION DATA.**

12 (a) IN GENERAL.—The Secretaries shall establish a
13 single visitation data management and modeling system
14 for public recreation to provide accurate, real-time visita-
15 tion data, at a site-specific level and in a consistent man-
16 ner, with respect to Federal land managed by each of—

17 (1) the Chief of the Forest Service;

18 (2) the Director of the Bureau of Land Man-
19 agement;

20 (3) the Director of the Bureau of Indian Af-
21 fairs, in coordination with Indian Tribes;

22 (4) the Director of the National Park Service;

23 (5) the Director of the United States Fish and
24 Wildlife Service; and

25 (6) the Commissioner of Reclamation.

1 (b) THIRD-PARTY PROVIDERS AND PARTNERS.—For
2 purposes of carrying out this section, the Secretary con-
3 cerned shall coordinate or contract with private sector
4 partners, including—

5 (1) technology companies;

6 (2) mapping companies;

7 (3) experts in data science, analytics, and oper-
8 ations research; or

9 (4) data companies.

10 (c) INTERFACE.—The Secretaries shall coordinate
11 with trade associations, State outdoor recreation offices,
12 offices of tourism, and local outdoor recreation marketing
13 organizations to design and deploy, for purposes of mak-
14 ing data available under subsection (a), the optimum user
15 interface that balances ease of use by the public with the
16 available resources of the Secretaries.

17 (d) SMART PHONE TECHNOLOGY.—The Secretaries
18 and any partner described in subsection (b) may make use
19 of smart phone technology for purposes of making data
20 available under subsection (a).

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

23 (1) to monitor or record the movements of a
24 visitor to Federal land;

1 (2) to restrict, interfere with, or monitor a pri-
2 vate communication of a visitor to Federal land;

3 (3) to take possession of any documents, data,
4 or other personal effects of a visitor to Federal land;
5 or

6 (4) to collect—

7 (A) information from owners of land adja-
8 cent to Federal land; or

9 (B) information on non-Federal land.

10 (f) CATEGORIES OF USE.—To the maximum extent
11 practicable, the Secretaries shall categorize the data col-
12 lected under subsection (a) by recreational activity.

13 (g) LIMITATION.—Information or data collected
14 under this section shall be limited only to actual recreation
15 visitation information for recreation sites managed by the
16 Secretary concerned.

17 (h) REPORT.—Not later than January 1, 2024, and
18 annually thereafter, the Secretaries shall publish on a
19 website of the Secretaries a report that describes the an-
20 nual visitation of each unit of Federal land, including, to
21 the maximum extent practicable, visitation categorized by
22 recreational activity.

23 **SEC. 204. TRAVEL MANAGEMENT.**

24 (a) IN GENERAL.—The Secretaries shall—

1 (1) prioritize finalizing travel management
2 planning activities of the Bureau of Land Manage-
3 ment and the Forest Service, as applicable, including
4 evaluating and designating as open, limited, or
5 closed applicable Federal land areas or routes,
6 roads, trails, or staging areas on applicable Federal
7 land for nonmotorized or motorized use, including
8 for over-snow vehicles; and

9 (2) not later than 5 years after the date of en-
10 actment of this Act, develop a ground transportation
11 linear feature or motor vehicle use map and over-
12 snow vehicle use map for each district administered
13 by the Bureau of Land Management and each unit
14 of the National Forest System, in a printed and
15 publically available format that is compliant with the
16 format for geographic information systems.

17 (b) PROCEDURES.—For purposes of meeting the re-
18 quirements of subsection (a), the Secretary concerned—

19 (1) may use an existing evaluation or designa-
20 tion;

21 (2) may evaluate and alter an existing designa-
22 tion for applicable Federal land areas or routes,
23 roads, trails, or staging areas on applicable Federal
24 land in accordance with applicable laws (including
25 regulations);

1 (3) shall consider—

2 (A) the protection of the resources of the
3 Federal land;

4 (B) the promotion of the safety of the
5 users of the Federal land;

6 (C) the minimization of conflicts among
7 various uses of the Federal land; and

8 (D) other designation criteria or route op-
9 tions developed by the Secretaries at the local
10 level, such as seasonal restrictions, temporary
11 or seasonal access, minimization of impacts to
12 wildlife, and other appropriate criteria or op-
13 tions;

14 (4) shall increase—

15 (A) multiple-use recreation opportunities;
16 and

17 (B) opportunities for nonmotorized and
18 motorized access and experiences on Federal
19 land;

20 (5) shall coordinate with States, local govern-
21 ments, Indian Tribes, other stakeholders, adjoining
22 landowners, businesses that use the features on Fed-
23 eral land, and the public; and

1 (6) shall update any travel management plan
2 that was finalized before the date that is 15 years
3 before the date of enactment of this Act.

4 (c) RULEMAKING.—The Secretaries may revise exist-
5 ing regulations to implement this section.

6 (d) EFFECT.—Nothing in this section limits or re-
7 stricts—

8 (1) emergency access use or the administrative
9 use of the Federal land by the Secretary concerned
10 by motorized or nonmotorized means, including any
11 use or activity necessary to carry out terms and con-
12 ditions associated with an authorized permit, lease,
13 or contract with respect to the Federal land; or

14 (2) any other motorized or nonmotorized use or
15 activity on the Federal land that is authorized on
16 the applicable Federal land, as determined by the
17 Secretary concerned.

18 (e) REPORT.—Not later than 3 years after the date
19 of enactment of this Act, the Secretaries shall submit to
20 the Committee on Energy and Natural Resources of the
21 Senate and the Committee on Natural Resources of the
22 House of Representatives a report that describes the
23 progress of the Secretaries in carrying out this section.

1 **TITLE III—INVESTING IN RECRE-**
2 **ATION INFRASTRUCTURE**
3 **AND RURAL COMMUNITIES**

4 **SEC. 301. GATEWAY COMMUNITIES.**

5 (a) IN GENERAL.—The Secretary of Agriculture (act-
6 ing through the Administrator of the Rural Business-Co-
7 operative Service), in coordination with the Secretary and
8 the Secretary of Commerce, shall provide to businesses in
9 rural communities that are adjacent to recreation destina-
10 tions (including recreation destinations on Federal land)
11 the assistance described in subsection (b) to establish, op-
12 erate, or expand infrastructure to accommodate and man-
13 age sustainable visitation, including hotels, campgrounds,
14 and restaurants.

15 (b) ASSISTANCE.—The Secretary of Agriculture may
16 provide assistance under subsection (a) through the use
17 of existing, or the establishment of new, entrepreneur and
18 vocational training programs, technical assistance pro-
19 grams, low-interest business loan programs, and loan
20 guarantee programs.

21 **SEC. 302. FOREST SERVICE CONSERVATION FINANCE PART-**
22 **NERSHIPS.**

23 (a) FINDINGS.—Congress finds that—

1 (1) innovative funding models are an appro-
2 priate way to develop and maintain recreation infra-
3 structure on Federal land; and

4 (2) in carrying out this section, the Secretary of
5 Agriculture should build on the successes of the Bai-
6 leys Mountain Bike Trail System project on the
7 Wayne National Forest, which was designed specifi-
8 cally to make Athens County, Ohio, a more popular
9 recreation destination.

10 (b) DEFINITIONS.—In this section:

11 (1) CONSERVATION PARTNER.—The term “con-
12 servation partner” means—

13 (A) a private nonprofit, for-profit, or chari-
14 table entity or other person; or

15 (B) a unit of State, local, or Tribal govern-
16 ment.

17 (2) INDEPENDENT EVALUATOR.—The term
18 “independent evaluator” means an individual or en-
19 tity, including an institution of higher education,
20 that is selected by the Secretary of Agriculture, in
21 consultation with a conservation partner, to make
22 the determinations and prepare the reports required
23 under subsection (f).

24 (3) PROJECT.—The term “project” means 1 or
25 more activities conducted on National Forest System

1 land, or on other land if the activities would benefit
2 National Forest System land, to enhance a rec-
3 reational opportunity for which the Secretary of Ag-
4 riculture has approved a record of decision, decision
5 notice, or decision memo.

6 (4) PROJECT AGREEMENT.—The term “project
7 agreement” means a cooperative agreement, a mu-
8 tual benefit agreement, or a contract, as appro-
9 priate, executed by the Secretary of Agriculture and
10 a project broker or a conservation partner in accord-
11 ance with applicable law.

12 (5) PROJECT BROKER.—The term “project
13 broker” means a nonprofit or for-profit intermediary
14 that assists in establishing or implementing a project
15 agreement.

16 (c) ESTABLISHMENT OF PILOT PROGRAM.—The Sec-
17 retary of Agriculture shall establish a pilot program in ac-
18 cordance with this section to carry out 1 or more projects
19 that are financed by conservation partners.

20 (d) PROJECT AGREEMENTS.—

21 (1) IN GENERAL.—Notwithstanding the Act of
22 June 30, 1914 (commonly known as the “Coopera-
23 tive Funds Act”) (16 U.S.C. 498), or subtitle C of
24 title XX of the Social Security Act (42 U.S.C.
25 1397n et seq.), in carrying out the pilot program

1 under this section, the Secretary of Agriculture may
2 enter into a project agreement with a conservation
3 partner or a project broker under which the con-
4 servation partner or project broker agrees to pay for
5 all or part of a project.

6 (2) TERM.—The term of a project agreement
7 shall be not longer than 20 years.

8 (3) SIZE LIMITATION.—The Secretary of Agri-
9 culture may not enter into a project agreement
10 under the pilot program under this section for a
11 project valued at more than \$10,000,000.

12 (4) STRUCTURE OF AGREEMENTS.—Notwith-
13 standing any other provision of law, funds may be
14 exchanged between non-Federal parties under a
15 project agreement, if—

16 (A) the project agreement uses an innova-
17 tive funding model, such as pay-for-perform-
18 ance, or pay-for-success, under which payments
19 are paid when specified recreation-related out-
20 comes are met; and

21 (B) an independent evaluator determines
22 pursuant to subsection (f) that the outcome
23 specified in the project agreement has been
24 met.

1 (5) MAINTENANCE AND DECOMMISSIONING.—A
2 project agreement shall—

3 (A) include a plan for maintaining any
4 capital improvement made as part of a project
5 after the date on which the project is com-
6 pleted; and

7 (B) specify the party that will be respon-
8 sible for decommissioning the improvements as-
9 sociated with the project—

10 (i) at the end of the useful life of the
11 improvements; or

12 (ii) if the project fails.

13 (6) ELIGIBLE PAYMENTS.—Under a project
14 agreement, a conservation partner, a project broker,
15 or the Secretary of Agriculture shall agree to pay to
16 the other party to the project agreement any of the
17 following:

18 (A) A percentage of the estimated value of
19 the outcomes achieved by the applicable project.

20 (B) A percentage of the estimated cost
21 savings to the conservation partner or the Sec-
22 retary of Agriculture as a result of the project.

23 (C) A percentage of the enhanced revenue
24 to the conservation partner or the Secretary of
25 Agriculture as a result of the project.

1 (D) The cost of the project.

2 (7) COST-SHARE.—Subject to the availability of
3 appropriations, the Secretary of Agriculture may
4 only contribute funding for a project if—

5 (A) the Secretary of Agriculture dem-
6 onstrates the project will provide a cost savings
7 to the United States; and

8 (B) the contribution of the Secretary of
9 Agriculture is in an amount equal to less than
10 50 percent of the total cost of the project.

11 (8) CONSULTANTS.—Subject to the availability
12 of appropriations, the Secretary of Agriculture may
13 hire a contractor—

14 (A) to conduct a feasibility analysis of a
15 proposed project; or

16 (B) to assist in the formation or evaluation
17 of a proposed project.

18 (e) PROJECTS.—

19 (1) IN GENERAL.—All or any portion of a
20 project may be implemented by—

21 (A) the Secretary of Agriculture; or

22 (B) a conservation partner or third party,
23 subject to the conditions that—

1 (i) the Secretary of Agriculture shall
2 approve the implementation by the con-
3 servation partner or third party; and

4 (ii) the implementation shall be in ac-
5 cordance with applicable law.

6 (2) RELATION TO LAND AND RESOURCE MAN-
7 AGEMENT PLANS.—A project carried out under this
8 section shall be consistent with any applicable land
9 and resource management plan developed under sec-
10 tion 6 of the Forest and Rangeland Renewable Re-
11 sources Planning Act of 1974 (16 U.S.C. 1604).

12 (3) OWNERSHIP.—

13 (A) IN GENERAL.—Each project shall be
14 vested to the United States.

15 (B) TREATMENT.—The carrying out of
16 any action for a project does not provide any
17 right to any party to a project agreement.

18 (4) POTENTIAL CONFLICTS.—Before approving
19 a project under this section, the Secretary of Agri-
20 culture shall consider and seek to avoid potential
21 conflicts (including economic competition) with an
22 existing authorization.

23 (f) INDEPENDENT EVALUATIONS.—

24 (1) PROGRESS REPORTS.—An independent eval-
25 uator shall submit to the Secretary of Agriculture

1 and each party to the relevant project agreement a
2 written report—

3 (A) by not later than 2 years after the
4 date on which a project agreement is executed,
5 and not less frequently than once every 2 years
6 thereafter, summarizing the progress that has
7 been made in achieving each outcome specified
8 in the project agreement; and

9 (B) before the first scheduled outcome pay-
10 ment date, and each subsequent payment date,
11 summarizing the results of the evaluation con-
12 ducted to determine whether an outcome pay-
13 ment should be made, together with information
14 relating to the factors contributing to the con-
15 servation partner achieving, or failing to
16 achieve, an outcome.

17 (2) FINAL REPORT.—Not later than 180 days
18 after the date on which a project is completed, the
19 applicable independent evaluator shall submit to the
20 Secretary of Agriculture and each party to the rel-
21 evant project agreement a written report that in-
22 cludes—

23 (A) an evaluation of the effects of the
24 project with respect to each outcome specified
25 in the project agreement; and

1 (B) a determination of whether the con-
 2 servation partner has met each outcome speci-
 3 fied in the project agreement.

4 (g) TERMINATION OF PROJECT AGREEMENTS.—The
 5 Secretary of Agriculture may unilaterally terminate a
 6 project agreement, in whole or in part, for any program
 7 year beginning after the program year during which the
 8 Secretary of Agriculture provides to each party to the
 9 project agreement a notice of the termination.

10 (h) DURATION OF PILOT PROGRAM.—

11 (1) SUNSET.—The authority to enter into
 12 project agreements under this section terminates on
 13 September 30, 2032.

14 (2) SAVINGS CLAUSE.—Nothing in paragraph
 15 (1) affects any project agreement entered into by the
 16 Secretary of Agriculture pursuant to this section be-
 17 fore the date described in that paragraph.

18 **SEC. 303. AVAILABILITY OF FEDERAL LAND INFRASTRUC-**
 19 **TURE DURING SHOULDER SEASONS.**

20 (a) COORDINATION.—The Secretaries shall consult
 21 and coordinate with outdoor recreation-related businesses
 22 operating on or adjacent to Federal land, State offices of
 23 outdoor recreation, local destination marketing organiza-
 24 tions, Indian Tribes, local governments, and institutions
 25 of higher education—

1 (1) to better understand trends with respect to
2 visitors to the Federal land;

3 (2) to coordinate with outdoor recreation mar-
4 keting campaigns; and

5 (3) to better understand—

6 (A) the effect of seasonal closures of areas
7 of, or infrastructure on, Federal land on out-
8 door recreation opportunities, adjacent busi-
9 nesses, and local tax revenue; and

10 (B) opportunities to extend the period of
11 time during which areas of, or infrastructure
12 on, Federal land are open to the public to in-
13 crease outdoor recreation opportunities and as-
14 sociated revenues for businesses and local gov-
15 ernments.

16 (b) AVAILABILITY OF INFRASTRUCTURE.—The Sec-
17 retaries shall make efforts to make infrastructure avail-
18 able to accommodate increased visitation to the Federal
19 land during shoulder seasons—

20 (1) to extend the outdoor recreation season and
21 the duration of income to gateway communities; and

22 (2) to provide more opportunities to visit re-
23 sources on Federal land to reduce crowding during
24 peak seasons.

25 (c) AGREEMENTS.—

1 (1) IN GENERAL.—The Secretaries may enter
 2 into agreements with businesses, local governments,
 3 or other entities to share the cost of additional ex-
 4 penses necessary to extend the period of time during
 5 which an area of, or infrastructure on, Federal land
 6 is made open to the public.

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

11 **SEC. 304. PUBLIC-PRIVATE PARTNERSHIPS TO MODERNIZE**
 12 **CAMPGROUNDS ON FEDERAL LAND.**

13 (a) IN GENERAL.—The Secretaries shall establish a
 14 pilot program under which the Secretary concerned may
 15 enter into an agreement with a private entity providing
 16 for capital improvements (including the construction of
 17 structures and improvements), management, and mainte-
 18 nance by the private entity of a campground, in existence
 19 on the date of enactment of this Act, on Federal land,
 20 subject to the requirements of this section.

21 (b) MINIMUM NUMBER OF AGREEMENTS.—Not later
 22 than 3 years after the date of enactment of this Act, the
 23 Secretary concerned shall enter into at least 1 agreement
 24 under subsection (a) in—

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

3 (2) Federal land administered by the Bureau of
4 Land Management in not fewer than 5 States in
5 which the Bureau of Land Management administers
6 Federal land.

7 (c) REQUIREMENTS.—

8 (1) PLANS.—Before entering into an agreement
9 under subsection (a), the private entity shall submit
10 to the Secretary concerned a development plan
11 that—

12 (A) describes investments in the camp-
13 ground to be made by the private entity during
14 the first 3 years of the agreement;

15 (B) describes annual maintenance spend-
16 ing for each year of the agreement; and

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

20 (2) AGREEMENTS.—An agreement entered into
21 under subsection (a) shall—

22 (A) be for a term of not more than 30
23 years;

24 (B) require that, not later than 3 years
25 after the date on which the Secretary concerned

1 enters into an agreement the private entity ex-
2 pend, or place in an escrow account for expend-
3 iture, for the construction or improvement of
4 structures and infrastructure relating to the op-
5 eration of, or access to, the applicable camp-
6 ground, not less than \$2,000,000, or a specified
7 percentage, as determined by the Secretary con-
8 cerned, of the anticipated receipts for the period
9 of the agreement;

10 (C) require the private entity to maintain
11 the campground facility and any associated in-
12 frastructure designated by the Secretary con-
13 cerned in a manner acceptable to the Secretary
14 concerned and the private entity;

15 (D) include any terms and conditions that
16 the Secretary concerned determines to be nec-
17 essary for a recreational special use permit
18 issued under section 7 of the Act of April 24,
19 1950 (commonly known as the “Granger-Thye
20 Act”) (64 Stat. 84, chapter 97; 16 U.S.C.
21 580d), including the payment described in sub-
22 paragraph (E);

23 (E) provide for payment to the Federal
24 Government of a fee consistent with a special
25 use permit under section 7 of the Act of April

1 24, 1950 (commonly known as the “Granger-
2 Thye Act”) (64 Stat. 84, chapter 97; 16 U.S.C.
3 580d), including a fee offset agreement for
4 work to be performed that is separate from
5 maintaining the campground facility and any
6 associated infrastructure designated by the Sec-
7 retary concerned, if determined to be appro-
8 priate by the Secretary concerned, on consider-
9 ation of the probable value to the private entity
10 of the rights provided by the agreement, taking
11 into account the capital invested by, and obliga-
12 tions of, the private entity under the agreement;

13 (F) include provisions that state—

14 (i) the private entity shall obtain no
15 property interest pursuant to the expendi-
16 tures of the private entity, as required by
17 the agreement; and

18 (ii) all structures and improvements
19 constructed by the private entity under the
20 agreement shall be the property of the
21 United States; and

22 (G) be subject to any other terms and con-
23 ditions determined to be necessary by the Sec-
24 retary concerned.

1 (d) FEE RETENTION.—A fee or revenue shared with
2 the Secretary concerned under an agreement authorized
3 by this section shall be available for expenditure by the
4 Secretary concerned for recreation-related purposes on the
5 unit of Federal land at which the fee or revenue is col-
6 lected, without further appropriation.

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