

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**S. 3123**

To provide for the standardization, consolidation, and publication of data relating to public outdoor recreational use of Federal waterways among Federal land and water management agencies, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. BARRASSO

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Modernizing Access  
5 to Our Public Waters Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **FEDERAL FISHING RESTRICTION.**—The  
9 term “Federal fishing restriction” means a defined  
10 area in which all or certain fishing activities are

1 temporarily or permanently prohibited or restricted  
2 by a Federal land or water management agency.

3 (2) FEDERAL LAND OR WATER MANAGEMENT  
4 AGENCY.—The term “Federal land or water man-  
5 agement agency” means—

6 (A) the Bureau of Reclamation;

7 (B) the National Park Service;

8 (C) the Bureau of Land Management;

9 (D) the United States Fish and Wildlife  
10 Service; and

11 (E) the Forest Service.

12 (3) FEDERAL WATERWAY.—The term “Federal  
13 waterway” means waters managed by a Federal land  
14 or water management agency.

15 (4) FEDERAL WATERWAY RESTRICTION.—The  
16 term “Federal waterway restriction” means a re-  
17 striction on the access or use of a Federal waterway  
18 applied under applicable law by 1 or more of the  
19 Secretaries.

20 (5) SECRETARIES.—The term “Secretaries”  
21 means—

22 (A) the Secretary of Agriculture, acting  
23 through the Chief of the Forest Service; and

24 (B) the Secretary of the Interior.

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

3           (A) the Secretary of Agriculture, acting  
4       through the Chief of the Forest Service, with  
5       respect to Federal waterways under the juris-  
6       diction of the Secretary of Agriculture; or

7           (B) the Secretary of the Interior, with re-  
8       spect to Federal waterways under the jurisdic-  
9       tion of the Secretary of the Interior.

10 **SEC. 3. INTERAGENCY DATA STANDARDIZATION.**

11       Not later than 30 months after the date of enactment  
12 of this Act, the Secretaries, in consultation with the Fed-  
13 eral Geographic Data Committee, shall jointly develop and  
14 adopt interagency standards to ensure compatibility and  
15 interoperability among applicable Federal databases with  
16 respect to the collection and dissemination of geospatial  
17 data relating to public outdoor recreational use of Federal  
18 waterways and Federal fishing restrictions.

19 **SEC. 4. DATA CONSOLIDATION AND PUBLICATION.**

20       (a) FEDERAL WATERWAY RESTRICTIONS.—Not later  
21 than 5 years after the date of enactment of this Act, the  
22 Secretary concerned, to the maximum extent practicable,  
23 shall digitize and make publicly available online, as appli-  
24 cable, geographic information system data that includes,  
25 with respect to Federal waterway restrictions—

1           (1) status information with respect to the con-  
2           ditions under which Federal waterways are open or  
3           closed to entry or watercraft, including watercraft  
4           inspection or decontamination requirements;

5           (2) the dates on which Federal waterways are  
6           seasonally closed to entry or watercraft;

7           (3) the areas of Federal waterways with restric-  
8           tions on motorized propulsion, horsepower, or gaso-  
9           line fuel;

10          (4) the areas of Federal waterways with an-  
11          choring restrictions, no wake zones, or vessel speed  
12          restrictions;

13          (5) Federal waterway restrictions on the direc-  
14          tion of travel, including upstream or downstream  
15          travel; and

16          (6) the uses, including by watercraft, that are  
17          restricted on each area of a Federal waterway, in-  
18          cluding the permissibility of—

19                (A) canoes and other paddlecraft;

20                (B) rafts and driftboats;

21                (C) motorboats;

22                (D) personal watercraft;

23                (E) airboats;

24                (F) amphibious aircraft;

25                (G) hovercraft;

1 (H) oversnow vehicles and other motorized  
2 vehicles on frozen bodies of water;

3 (I) swimming; and

4 (J) other applicable recreational activities,  
5 as determined to be appropriate by the Sec-  
6 retary concerned.

7 (b) FEDERAL WATERWAY ACCESS AND NAVIGATION  
8 INFORMATION.—Not later than 5 years after the date of  
9 enactment of this Act, the Secretary concerned, to the  
10 maximum extent practicable, shall digitize and make pub-  
11 licly available online, as applicable, geographic information  
12 system data that includes, with respect to Federal water-  
13 way access and navigation information—

14 (1)(A) the location of boat ramps, portages, and  
15 designated fishing access sites under the authority of  
16 the Secretary concerned; and

17 (B) the identification of the dates on which the  
18 facilities and sites identified under subparagraph (A)  
19 are open or closed, as applicable; and

20 (2) available bathymetric information and depth  
21 charts.

22 (c) FEDERAL FISHING RESTRICTIONS.—Not later  
23 than 5 years after the date of enactment of this Act, the  
24 Secretary concerned, to the maximum extent practicable,  
25 shall digitize and make publicly available online geo-

1 graphic information system data that describes, with re-  
2 spect to Federal fishing restrictions—

3 (1) the location and geographic boundaries of  
4 Federal fishing restrictions on recreational and com-  
5 mercial fishing, including—

6 (A) full or partial closures;

7 (B) no-take zones; and

8 (C) Federal fishing restrictions within or  
9 surrounding marine protected areas;

10 (2) Federal fishing restrictions on the use of  
11 specific types of equipment or bait, such as restric-  
12 tions on the use of barbed hooks or live bait; and

13 (3) Federal requirements with respect to catch  
14 and release.

15 (d) PUBLIC COMMENT.—The Secretaries shall de-  
16 velop a process to allow members of the public to submit  
17 questions or comments regarding the information de-  
18 scribed in subsections (a) and (b).

19 (e) UPDATES.—The Secretary concerned, to the max-  
20 imum extent practicable, shall update—

21 (1) the data described in subsections (a) and  
22 (b) not less frequently than annually; and

23 (2) the data described in subsection (c) in real  
24 time as changes go into effect.

1 (f) EXCLUSION.—This section shall not apply to irri-  
2 gation canals and flowage easements.

3 (g) DISCLOSURE.—Any geographic information sys-  
4 tem data made publicly available under this section shall  
5 not disclose information regarding the nature, location,  
6 character, or ownership of historic, paleontological, or ar-  
7 chaeological resources, consistent with applicable law.

8 **SEC. 5. COOPERATION AND COORDINATION.**

9 (a) COMMUNITY PARTNERS AND THIRD-PARTY PRO-  
10 VIDERS.—For purposes of carrying out this Act, the Sec-  
11 retary concerned may—

12 (1) coordinate and partner with non-Federal  
13 agencies and private sector and nonprofit partners,  
14 including—

15 (A) State natural resource agencies;

16 (B) technology companies;

17 (C) geospatial data companies; and

18 (D) experts in data science, analytics, and  
19 operations research; and

20 (2) enter into an agreement with a third party  
21 to carry out any provision of this Act.

22 (b) UNITED STATES GEOLOGICAL SURVEY.—The  
23 Secretaries shall work with the Director of the United  
24 States Geological Survey to collect, aggregate, digitize,

1 standardize, and publish data on behalf of the Secretaries  
2 to meet the requirements of this Act.

3 (c) REQUIREMENT.—With respect to data developed  
4 and distributed under this Act, the Secretaries shall—

5 (1) develop the data in accordance with applica-  
6 ble Federal, State, and Tribal laws (including regu-  
7 lations); and

8 (2) include a notice that any geospatial data  
9 are subject to applicable Federal, State, and Tribal  
10 laws (including regulations).

11 (d) EXISTING EFFORTS.—To the extent practicable,  
12 the Secretary concerned shall use or incorporate existing  
13 applicable data, maps, and resources in carrying out this  
14 Act, including data, maps, and resources developed and  
15 published under—

16 (1) the Modernizing Access to Our Public Land  
17 Act (16 U.S.C. 6851 et seq.);

18 (2) section 103 of division DD of the Consoli-  
19 dated Appropriations Act, 2023 (43 U.S.C. 776); or

20 (3) other applicable law.

21 **SEC. 6. REPORTS.**

22 Not later than 1 year after the date of enactment  
23 of this Act and annually thereafter through March 30,  
24 2033, the Secretaries shall submit a report that describes



1 the progress made by the Secretaries with respect to meet-  
2 ing the requirements of this Act to—

3 (1) the Committee on Energy and Natural Re-  
4 sources of the Senate;

5 (2) the Committee on Agriculture, Nutrition,  
6 and Forestry of the Senate;

7 (3) the Committee on Natural Resources of the  
8 House of Representatives;

9 (4) the Committee on Energy and Commerce of  
10 the House of Representatives; and

11 (5) the Committee on Agriculture of the House  
12 of Representatives.

13 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated—

15 (1) to the Secretary of the Interior to carry out  
16 this Act—

17 (A) \$3,000,000 for fiscal year 2025; and

18 (B) \$6,000,000 for each of fiscal years  
19 2026 through 2029; and

20 (2) to the Secretary of Agriculture to carry out  
21 this Act—

22 (A) \$2,000,000 for fiscal year 2025; and

23 (B) \$4,000,000 for each of fiscal years  
24 2026 through 2029.

1 **SEC. 8. EFFECT.**

2 Nothing in this Act—

3 (1) modifies or alters the definition of the term

4 “navigable waters” under Federal law;

5 (2) affects the jurisdiction or authority of State

6 or Federal agencies to regulate navigable waters;

7 (3) modifies or alters the authority or jurisdic-

8 tion of Federal or State agencies to manage fish-

9 eries; or

10 (4) expands or restricts access to Federal wa-

11 terways.