

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4684
OFFERED BY MR. KENNEDY OF UTAH**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Star-Spangled Summit
3 Act of 2026”.

**4 SEC. 2. SPECIAL USE PERMIT FOR INSTALLATION, OPER-
5 ATION, MAINTENANCE, AND REMOVAL OF
6 COVERED FLAGPOLE AT KYHV PEAK LOOK-
7 OUT POINT.**

8 (a) DEFINITIONS.—In this section:

9 (1) COVERED FLAGPOLE.—The term “covered
10 flagpole” means a flagpole bearing the flag of the
11 United States.

12 (2) KYHV PEAK LOOKOUT POINT.—The term
13 “Kyhv Peak Lookout Point” means the peak within
14 the Uinta National Forest overlooking Utah Valley
15 and located approximately at latitude 40°16′18.14″
16 N, longitude 111°36′58.57″ W.

17 (3) QUALIFIED PERSON.—The term “qualified
18 person” means an individual that resides in, or a

1 nonprofit entity or volunteer organization that car-
2 ries out operations of the entity or organization in,
3 Utah County, Utah, that has—

4 (A) experience placing, maintaining, or
5 otherwise caring for a covered flagpole; and

6 (B) any other experience determined rel-
7 evant by the Secretary.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of Agriculture, acting through the
10 Chief of the Forest Service.

11 (b) SPECIAL USE PERMIT.—Not later than 180 days
12 after the date of enactment of this Act and notwith-
13 standing any other provision of law, the Secretary shall
14 issue a special use permit for a period of 10 years for
15 the installation, operation, maintenance, and removal, if
16 necessary, of a covered flagpole at Kyhv Peak Lookout
17 Point to—

18 (1) an individual who has submitted a special
19 use permit application to display the flag of the
20 United States seasonally on Kyhv Peak prior to
21 March 5, 2026;

22 (2) an individual who has placed or displayed
23 the flag of the United States at Kyhv Peak Lookout
24 Point as part of a longstanding seasonal practice
25 prior to the date of enactment of this Act; or

1 (3) if an individual described in paragraphs (1)
2 and (2) declines such permit, to a qualified person
3 in accordance with this section.

4 (c) SELECTION AND ISSUANCE.—

5 (1) APPLICATION.—Except as provided in sub-
6 section (b), to be eligible to be selected for a special
7 use permit under this section, a qualified person
8 shall submit to the Secretary a proposal and applica-
9 tion at such time, in such manner, and containing
10 such information as the Secretary may require.

11 (2) TERMS AND CONDITIONS.—The Secretary
12 may impose such terms and conditions on a holder
13 of a special use permit under this section as the Sec-
14 retary determines necessary to ensure the proper
15 care and maintenance of a covered flagpole.

16 (3) LAND USE FEE EXEMPTION.—The Sec-
17 retary shall not assess any land use fees with respect
18 to a special use permit issued under this section.

19 (4) NOTICE OF APPLICATION.—The Secretary
20 shall publish notice of the availability of any special
21 use permit under this section on the website of the
22 Forest Service and in a local Utah County, Utah,
23 newspaper of record.

24 (d) SUBSEQUENT SPECIAL USE PERMITS.—

1 (1) IN GENERAL.—The Secretary shall renew or
2 issue a new 10-year special use permit not later than
3 180 days after the date that is the earliest of the
4 following:

5 (A) The date that is 10 years after the
6 date on which the Secretary issued the pre-
7 ceding permit.

8 (B) The date on which the holder of the
9 current special use permit requests revocation
10 of such permit.

11 (C) The date on which a special use permit
12 is subject to early termination under paragraph
13 (2).

14 (2) REVOCATION.—If the Secretary determines
15 that the holder of a special use permit under this
16 section is not in compliance with the terms and con-
17 ditions relating to such permit under subsection
18 (c)(3), the Secretary may revoke the special use per-
19 mit.

20 (e) EXEMPTION FROM COST RECOVERY FEES.—A
21 holder of a special use permit under this section shall be
22 exempt from any cost recovery fee under section 251.58
23 of title 36, Code of Federal Regulations.

24 (f) APPLICABILITY OF NEPA.—The National Envi-
25 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

1 shall not apply to the issuance, renewal, or administration
2 of a special use permit under this section, including any
3 activities associated with the placing, maintenance, or re-
4 moval of a covered flagpole at Kyhv Peak Lookout Point.

5 (g) ACCESS.—The Secretary may authorize reason-
6 able access to Kyhv Peak Lookout Point for the purpose
7 of exercising rights under a special use permit issued
8 under this section, subject to conditions necessary to pro-
9 tect public safety and natural resources.

10 (h) LIMITATION.—The Secretary shall ensure the ac-
11 tivities and access authorized by this section are limited
12 to the smallest practicable area.

