

PART B—LAND AND WATER CONSERVATION FUND

§ 4601-4. Transferred**Editorial Notes**

CODIFICATION

Section, Pub. L. 88-578, title I, §1(b), Sept. 3, 1964, 78 Stat. 897, which stated purposes of Pub. L. 88-578, was transferred and is set out as a note under section 100101 of Title 54, National Park Service and Related Programs.

§ 4601-5. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 88-578, title I, §2, Sept. 3, 1964, 78 Stat. 897; Pub. L. 89-72, §11, July 9, 1965, 79 Stat. 218; Pub. L. 90-401, §1(a), 2, July 15, 1968, 82 Stat. 354, 355; Pub. L. 91-308, §2, July 7, 1970, 84 Stat. 410; Pub. L. 91-485, §1, Oct. 22, 1970, 84 Stat. 1084; Pub. L. 94-273, §2(7), Apr. 21, 1976, 90 Stat. 375; Pub. L. 94-422, title I, §101(1), Sept. 28, 1976, 90 Stat. 1313; Pub. L. 95-42, §1(1), June 10, 1977, 91 Stat. 210; Pub. L. 100-203, title V, §5201(f)(1), Dec. 22, 1987, 101 Stat. 1330-267, related to establishment of land and water conservation fund. See section 200302 of Title 54, National Park Service and Related Programs.

§ 4601-5a. Repealed. Pub. L. 100-203, title V, § 5201(d)(1), Dec. 22, 1987, 101 Stat. 1330-266

Section, Pub. L. 96-514, title I, §100, Dec. 12, 1980, 94 Stat. 2960, provided for revenues received from recreation fee collections by Federal agencies to be paid into the Land and Water Conservation Fund and to be available for appropriation for any and all authorized purposes.

Statutory Notes and Related Subsidiaries

RECREATION USE FEES COLLECTED AND DEPOSITED IN UNITED STATES TREASURY BY CORPS OF ENGINEERS

Pub. L. 97-88, title I, §100, Dec. 4, 1981, 95 Stat. 1136, related to special recreation use fees collected by, and deposited in the Treasury by the Corps of Engineers, prior to repeal by Pub. L. 100-203, title V, §5201(d)(3), Dec. 22, 1987, 101 Stat. 1330-267.

§ 4601-6. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 88-578, title I, §3, Sept. 3, 1964, 78 Stat. 899; Pub. L. 100-203, title V, §5201(f)(2), Dec. 22, 1987, 101 Stat. 1330-267, related to appropriations for expenditure of land and water conservation fund moneys. See section 200303 of Title 54, National Park Service and Related Programs.

§ 4601-6a. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 88-578, title I, §4, as added Pub. L. 92-347, §2, July 11, 1972, 86 Stat. 459; amended Pub. L. 93-81, §1, 2, Aug. 1, 1973, 87 Stat. 178, 179; Pub. L. 93-303, §1, June 7, 1974, 88 Stat. 192; Pub. L. 96-344, §9, Sept. 8, 1980, 94 Stat. 1135; Pub. L. 100-203, title V, §5201(a)-(c), Dec. 22, 1987, 101 Stat. 1330-263, 1330-264; Pub. L. 103-66, title V, §5001(b), title X, §§10001, 10002, Aug. 10, 1993, 107 Stat. 379, 402, 403; Pub. L. 103-437, §6(p)(1), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104-66, title I, §1081(f), Dec. 21, 1995, 109 Stat. 721; Pub. L. 105-327, §1, Oct. 30, 1998, 112 Stat. 3055; Pub. L. 108-447, div. J, title VIII, §813(a), Dec. 8, 2004, 118 Stat. 3390; Pub. L. 109-54, title I, §132(a), (b), Aug. 2, 2005, 119 Stat. 526, related to admission and special recreation use fees. Subsecs. (a) to (h) and (i)(1)(A), (B), (2) to (4), which related to various fees and permits and reporting requirements, had been previously repealed. Subsecs. (i)(1)(C) and (j) to (n) were

repealed and restated in section 100904 of Title 54, National Park Service and Related Programs.

§ 4601-6b. Repealed. Pub. L. 100-203, title V, § 5201(d)(2), Dec. 22, 1987, 101 Stat. 1330-267

Section, Pub. L. 96-87, title IV, §402, Oct. 12, 1979, 93 Stat. 666; Pub. L. 96-487, title II, §202(3)(a), Dec. 2, 1980, 94 Stat. 2382, prohibited entrance or admission fees in excess of amounts in effect Jan. 1, 1979, at any unit of National Park System and user fees for transportation services and facilities in Denali National Park, Alaska.

§ 4601-6c. Admission, entrance, and recreation fees**(a) Definitions**

As used in this section:

(1) Area of concentrated public use

The term “area of concentrated public use” means an area administered by the Secretary that meets each of the following criteria:

(A) The area is managed primarily for outdoor recreation purposes.

(B) Facilities and services necessary to accommodate heavy public use are provided in the area.

(C) The area contains at least 1 major recreation attraction.

(D) Public access to the area is provided in such a manner that admission fees can be efficiently collected at 1 or more centralized locations.

(2) Boat launching facility

The term “boat launching facility” includes any boat launching facility, regardless of whether specialized facilities or services, such as mechanical or hydraulic boat lifts or facilities, are provided.

(3) Campground

The term “campground” means any campground where a majority of the following amenities are provided, as determined by the Secretary:

(A) Tent or trailer spaces.

(B) Drinking water.

(C) An access road.

(D) Refuse containers.

(E) Toilet facilities.

(F) The personal collection of recreation use fees by an employee or agent of the Secretary.

(G) Reasonable visitor protection.

(H) If campfires are permitted in the campground, simple devices for containing the fires.

(4) Secretary

The term “Secretary” means the Secretary of Agriculture.

(b) Authority to impose fees

The Secretary may charge—

(1) admission or entrance fees at national monuments, national volcanic monuments, national scenic areas, and areas of concentrated public use administered by the Secretary; and

(2) recreation use fees at lands administered by the Secretary in connection with the use of specialized outdoor recreation sites, equip-

ment, services, and facilities, including visitors' centers, picnic tables, boat launching facilities, and campgrounds.

(c) Amount of fees

The amount of the admission, entrance, and recreation fees authorized to be imposed under this section shall be determined by the Secretary.

(Pub. L. 103–66, title I, §1401, Aug. 10, 1993, 107 Stat. 331.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Agricultural Reconciliation Act of 1993 and as part of the Omnibus Budget Reconciliation Act of 1993, and not as part of the Land and Water Conservation Fund Act of 1965.

§ 4601–6d. 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.).