

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.

§ 460l-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.

- (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),¹ and (7)(C)² 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 3³ of the EXPLORER 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 ac-

tivity, 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 ap-

¹ So in original. Probably should refer to par. (4)(A)(ii).

² So in original. Par. (7)(C) does not refer to the requirements in par. (5).

³ See References in Text note below.

propriation, 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).

(Pub. L. 106-206, §1, as added Pub. L. 118-234, title I, §125(b), Jan. 4, 2025, 138 Stat. 2851.)

Editorial Notes

REFERENCES IN TEXT

The Wilderness Act of 1964, referred to in subsec. (a)(4)(B), probably means the Wilderness Act, Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§1131 et seq.) of this title. For

complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

Section 3 of the EXPLORE Act, referred to in subsec. (a)(5)(H), probably should be a reference to section 2 of the EXPLORE Act, Pub. L. 118-234, which is classified to section 8401 of this title. Pub. L. 118-234 does not contain a section 3. “State” is defined in section 8401(9) of this title.

CODIFICATION

Section was not enacted as part of the Land and Water Conservation Fund Act of 1965.

PRIOR PROVISIONS

A prior section 460l-6d, Pub. L. 106-206, §1, May 26, 2000, 114 Stat. 314; Pub. L. 113-287, §§4(c), 7, Dec. 19, 2014, 128 Stat. 3261, 3272, related to commercial filming, prior to repeal by Pub. L. 118-234, title I, §125(b), Jan. 4, 2025, 138 Stat. 2851. Such section had been repealed by section 7 of Pub. L. 113-287, Dec. 19, 2014, 128 Stat. 3272, insofar as applicable to the National Park System. See section 100905 of Title 54, National Park Service and Related Programs.

§ 460l-7. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section. Pub. L. 88-578, title I, §5, formerly §4, Sept. 3, 1964, 78 Stat. 900; Pub. L. 90-401, §3, July 15, 1968, 82 Stat. 355; renumbered §5, Pub. L. 92-347, §2, July 11, 1972, 86 Stat. 459; amended Pub. L. 94-273, §3(4), Apr. 21, 1976, 90 Stat. 376; Pub. L. 94-422, title I, §101(2), Sept. 28, 1976, 90 Stat. 1314; Pub. L. 95-42, §1(2), June 10, 1977, 91 Stat. 210, related to allocation of land and water conservation fund for State and Federal purposes. See section 200304 of Title 54, National Park Service and Related Programs.

A prior section 5 of Pub. L. 88-578 was renumbered section 6 and was classified to section 460l-8 of this title prior to repeal by Pub. L. 113-287.

§ 460l-8. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section. Pub. L. 88-578, title I, §6, formerly §5, Sept. 3, 1964, 78 Stat. 900; renumbered §6, Pub. L. 92-347, §2, July 11, 1972, 86 Stat. 459; amended Pub. L. 93-303, §2, June 7, 1974, 88 Stat. 194; Pub. L. 94-422, title I, §101(3), Sept. 28, 1976, 90 Stat. 1314; Pub. L. 95-625, title VI, §606, Nov. 10, 1978, 92 Stat. 3519; Pub. L. 99-645, title III, §303, Nov. 10, 1986, 100 Stat. 3587; Pub. L. 103-322, title IV, §40133, Sept. 13, 1994, 108 Stat. 1918; Pub. L. 103-437, §6(p)(2), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104-333, div. I, title VIII, §814(d)(1)(H), Nov. 12, 1996, 110 Stat. 4196, related to financial assistance to States. See sections 200301(2) and 200305 of Title 54, National Park Service and Related Programs.

A prior section 6 of Pub. L. 88-578 was renumbered section 7 and was classified to section 460l-9 of this title prior to repeal by Pub. L. 113-287.

§ 460l-9. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section. Pub. L. 88-578, title I, §7, formerly §6, Sept. 3, 1964, 78 Stat. 903; Pub. L. 90-401, §1(c), July 15, 1968, 82 Stat. 355; renumbered §7, Pub. L. 92-347, §2, July 11, 1972, 86 Stat. 459; amended Pub. L. 93-205, §13(c), Dec. 28, 1973, 87 Stat. 902; Pub. L. 94-422, title I, §101(4), Sept. 28, 1976, 90 Stat. 1317; Pub. L. 95-42, §1(3)-(5), June 10, 1977, 91 Stat. 210, 211; Pub. L. 96-203, §2, Mar. 10, 1980, 94 Stat. 81; Pub. L. 99-645, title III, §302, Nov. 10, 1986, 100 Stat. 3587; Pub. L. 103-437, §6(p)(3), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104-333, div. I, title VIII, §814(b), (d)(2)(C), Nov. 12, 1996, 110 Stat. 4194, 4196; Pub. L. 106-176, title I, §§120(b), 129, Mar. 10, 2000, 114 Stat. 28, 30, related to allocation of land and water conservation fund moneys for Federal purposes. See sections 100506(c) and 200306 of Title 54, National Park Service and Related Programs.