

[amending former section 4607-6a and section 6812 of Title 16, Conservation, and enacting provisions set out as a note under section 6812 of Title 16], section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 ([former] 16 U.S.C. 4607-6a(i)(1)(C)) [see 54 U.S.C. 100904(a)] shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section [Pub. L. 108-447, amending former section 4607-6a of Title 16]) had not been enacted.”

**§ 100905. Filming and still photography in System units**

(a) **FILMING AND STILL PHOTOGRAPHY.—**

(1) **IN GENERAL.—**The Secretary shall ensure that a filming or still photography activity or similar project in a System 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 Service; and

(B) an applicable general management plan.

(2) **NO PERMITS REQUIRED.—**The Secretary 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 System 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 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—

(i) may require a de minimis use authorization; and

(ii) shall not require a permit.

(C) **NO FEE.—**The Secretary shall not charge a fee for a de minimis use authorization under this paragraph.

(D) **ACCESS.—**The Secretary 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 Service; and

(ii) in person at the field office of the applicable System unit.

(E) **ISSUANCES.—**The Secretary shall—

(i) establish a procedure—

(I) to automate the approval of an application submitted through the website of the Service 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 of the applicable System 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) **REQUIREMENTS.—**The Secretary 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 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),<sup>1</sup> and (7)(C)<sup>2</sup> 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 applicable System 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 applicable System unit.

<sup>1</sup> So in original. Probably should refer to par. (4)(A)(ii).

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

(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 applicable System unit.

(G) The filming or still photography activity is not likely to result in additional administrative costs being incurred by the Secretary with respect to the filming or still photography activity, as determined by the Secretary.

(H) The person conducting the filming or still photography activity complies with other applicable Federal, State (as such term is defined in section 3<sup>3</sup> of the EX-PLORE 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 in a System 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 activity, the Secretary 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 conducting 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 in the System unit.

(iii) The quantity and type of film or still photography equipment present in the System unit.

(iv) Any other factors that the Secretary determines to be necessary.

(2) **RECOVERY OF COSTS.**—

(A) **IN GENERAL.**—The Secretary shall collect from the applicant for the applicable permit any costs incurred by the Secretary 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, 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, without further appropriation, at the System unit at which the costs are collected; and

(ii) remain available until expended.

(c) **PROTECTION OF RESOURCES.**—The Secretary shall not allow a person to undertake a filming or still photography activity if the Secretary determines that—

(1) there is a likelihood that the person would cause resource damage at the System unit, except as otherwise authorized;

(2) the person would create an unreasonable disruption of the use and enjoyment by the public of the System 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 shall establish a process to ensure that the Secretary 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 System units, the Secretary 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 System unit—

<sup>3</sup> See References in Text note below.

- (A) to review the application for the permit;
- (B) to issue the permit; and
- (C) to collect any required fees.

(Added Pub. L. 118-234, title I, §125(a)(1), Jan. 4, 2025, 138 Stat. 2847.)

**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 Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of Title 16 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 Title 16, Conservation. Pub. L. 118-234 does not contain a section 3. “State” is defined in section 8401(9) of Title 16.

PRIOR PROVISIONS

A prior section 100905, Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3117, related to commercial filming, prior to repeal by Pub. L. 118-234, title I, §125(a)(1), Jan. 4, 2025, 138 Stat. 2847.

**§ 100906. Advisory committees**

(a) ESTABLISHMENT.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may appoint and establish advisory committees in regard to the functions of the Service as the Secretary considers advisable.

(b) CHARTER EXCEPTION ON RENEWAL.—Section 1013(b) of title 5 is waived with respect to any advisory commission or advisory committee established by law in connection with any System unit during the period for which the commission or committee is authorized by law.

(c) SERVICE OF MEMBERS.—Any member of any advisory commission or advisory committee established in connection with any System unit may serve after the expiration of the member’s term until a successor is appointed.

(d) COMPENSATION AND TRAVEL EXPENSES.—Members of an advisory committee established under subsection (a) shall receive no compensation for their services as such but shall be allowed necessary travel expenses as authorized by section 5703 of title 5.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3118; Pub. L. 117-286, §4(a)(328), Dec. 27, 2022, 136 Stat. 4342.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
100906(a) .....	16 U.S.C. 1a-2 (matter before (a), (c) (words before comma).	Pub. L. 91-383, §3 (matter before (a)), (c), Aug. 18, 1970, 84 Stat. 826; Pub. L. 106-176, title I, §118(2), (3), Mar. 10, 2000, 114 Stat. 28.
100906(b), (c).	16 U.S.C. 1a-14.	Pub. L. 102-525, title III, §301, Oct. 26, 1992, 106 Stat. 3441.
100906(d) .....	16 U.S.C. 1a-2(c) (words after comma).	

**Editorial Notes**

AMENDMENTS

2022—Subsec. (b). Pub. L. 117-286 substituted “Section 1013(b) of title 5” for “Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.)”.

**CHAPTER 1011—DONATIONS**

SUBCHAPTER I—AUTHORITY OF SECRETARY

- Sec.
- 101101. Authority to accept land, rights-of-way, buildings, other property, and money.
- 101102. Authority to accept and use funds to consolidate Federal land ownership.

SUBCHAPTER II—NATIONAL PARK FOUNDATION

- 101111. Purpose and establishment of Foundation.
- 101112. Board.
- 101113. Gifts, devises, or bequests.
- 101114. Disposition of property or income.
- 101115. Corporate succession and powers and duties acting as trustee; personal liability for malfeasance.
- 101116. Corporate powers.
- 101117. Authority of Board.
- 101118. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States.
- 101119. Liability of United States.
- 101120. Promotion of local fundraising support.
- 101121. Second Century Endowment for the National Park Service.
- 101122. Authorization of appropriations; use of funds.

**Editorial Notes**

AMENDMENTS

2016—Pub. L. 114-289, title II, §202(b), title IV, §402(b), Dec. 16, 2016, 130 Stat. 1486, 1488, added items 101121 and 101122.

SUBCHAPTER I—AUTHORITY OF SECRETARY

**§ 101101. Authority to accept land, rights-of-way, buildings, other property, and money**

The Secretary in the administration of the Service may accept—

- (1) patented land, rights-of-way over patented land or other land, buildings, or other property within a System unit; and
- (2) money that may be donated for the purposes of the System.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3119.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101101 .....	16 U.S.C. 6.	June 5, 1920, ch. 235, §1 (2d undesignated par. under heading “NATIONAL PARKS”), 41 Stat. 917.

**Statutory Notes and Related Subsidiaries**

NATIONAL PARK SYSTEM DONOR ACKNOWLEDGMENT

Pub. L. 113-291, div. B, title XXX, §3054, Dec. 19, 2014, 128 Stat. 3806, provided that:

- “(a) DEFINITIONS.—In this section:
  - “(1) DONOR ACKNOWLEDGMENT.—The term ‘donor acknowledgment’ means an appropriate statement or credit acknowledging a donation.
  - “(2) NATIONAL PARK SYSTEM.—The term ‘National Park System’ includes each program and individual unit of the National Park System.