

- “(1) repair and maintenance projects (including projects relating to health and safety);
- “(2) interpretation;
- “(3) signage;
- “(4) habitat or facility enhancement;
- “(5) resource preservation;
- “(6) annual operation (including fee collection);
- “(7) maintenance; and
- “(8) law enforcement related to public use.

“(c) AVAILABILITY.—Each amount withheld by the Secretary [of the Army] shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.”

#### RECREATIONAL FEE DEMONSTRATION PROGRAM

Pub. L. 108-447, div. E, title III, §319, Dec. 8, 2004, 118 Stat. 3097, provided that: “A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended [Pub. L. 104-134, title I, §101(c), formerly set out below], shall not result in—

“(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency; and

“(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

“(A) the private sector provider fails to bid on such opportunities;

“(B) the private sector provider terminates its relationship with the agency; or

“(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-108, title III, §319, Nov. 10, 2003, 117 Stat. 1306.

Pub. L. 108-7, div. F, title III, §319, Feb. 20, 2003, 117 Stat. 274.

Pub. L. 107-63, title III, §325, Nov. 5, 2001, 115 Stat. 470.

Pub. L. 106-291, title III, §334, Oct. 11, 2000, 114 Stat. 997.

Pub. L. 106-113, div. B, §1000(a)(3) [title III, §344], Nov. 29, 1999, 113 Stat. 1535, 1501A-203.

Pub. L. 105-83, title I, §107, Nov. 14, 1997, 111 Stat. 1561, provided that: “In fiscal year 1998 and thereafter, for those years in which the recreation fee demonstration program authorized in Public Law 104-134 [set out below] is in effect, the fee collection support authority provided in 16 U.S.C. 4601-6(i)(1)(B) applies only to parks not included in the fee demonstration program, and that the amount retained under this authority to cover fee collection costs will not exceed those costs at the non-demonstration parks, or 15 percent of all fees collected at non-demonstration parks in a fiscal year whichever is less. Fee collection costs for parks included in the fee demonstration program will be covered by the fees retained at those parks.”

Pub. L. 104-134, title I, §101(c) [title III, §315], Apr. 26, 1996, 110 Stat. 1321-156, 1321-200; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, as amended by Pub. L. 104-208, div. A, title I, §101(d) [title I, title III, §319], Sept. 30, 1996, 110 Stat. 3009-181, 3009-187, 3009-223; Pub. L. 105-18, title II, §5001, June 12, 1997, 111 Stat. 181; Pub. L. 105-83, title III, §320, Nov. 14,

1997, 111 Stat. 1596; Pub. L. 105-277, div. A, §101(e) [title III, §327], Oct. 21, 1998, 112 Stat. 2681-231, 2681-291; Pub. L. 106-291, title III, §336, Oct. 11, 2000, 114 Stat. 997; Pub. L. 107-63, title III, §312, Nov. 5, 2001, 115 Stat. 466; Pub. L. 108-108, title III, §332, Nov. 10, 2003, 117 Stat. 1309; Pub. L. 108-447, div. E, title III, §331, Dec. 8, 2004, 118 Stat. 3099, directed the Secretary of the Interior and Secretary of Agriculture to implement fee programs to demonstrate the feasibility of user-generated cost recovery for operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands and to establish various requirements for carrying out the pilot programs, prior to repeal by Pub. L. 108-447, div. J, title VIII, §813(b), Dec. 8, 2004, 118 Stat. 3390.

#### STUDY TO ASSESS TRAFFIC CONGESTION AND OVERCROWDING AT CERTAIN PARK SYSTEM UNITS

Section 5201(e) of Pub. L. 100-203 directed Secretary of the Interior to assess extent to which traffic congestion and overcrowding occurs at certain park system units during times of seasonally high usage and to conduct a study of (A) feasibility of reducing vehicular traffic within national park system units through fee reductions for visitors traveling by bus and through other means which could shift visitation from automobiles to buses, and (B) feasibility of encouraging more even seasonal distribution of visitation, with study to include a pilot project to be carried out in Yosemite National Park, and a report containing results of study to be transmitted to Committee on Interior and Insular Affairs of House of Representatives and to Committee on Energy and Natural Resources of Senate within 3 years after Dec. 22, 1987.

#### PROHIBITION ON ENTRANCE FEE AT STATUE OF LIBERTY NATIONAL MONUMENT

Pub. L. 100-55, June 19, 1987, 101 Stat. 371, provided: “That, notwithstanding any other provision of law, after the date of enactment of this Act [June 19, 1987], the Secretary of the Interior shall not charge any entrance or admission fee at the Statue of Liberty National Monument, New Jersey and New York.”

#### ESTABLISHMENT AND COLLECTION OF USE OR ROYALTY FEES FOR MANUFACTURE, REPRODUCTION, OR USE OF “GOLDEN EAGLE INSIGNIA”

Section 3(a) of Pub. L. 92-347 provided that: “The Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of ‘The Golden Eagle Insignia’, originated by the Department of the Interior and announced in the December 3, 1970, issue of the Federal Register (35 Federal Register 18376) as the official symbol for Federal recreation areas designated for recreation fee collection. Any fees collected pursuant to this subsection shall be covered into the Land and Water Conservation Fund.”

#### TERMINATION OF RIGHTS IN “GOLDEN EAGLE INSIGNIA”

Section 3(d) of Pub. L. 92-347 provided that: “The rights in ‘The Golden Eagle Insignia’ under this Act [which enacted this section and section 715 of title 18, enacted notes set out hereunder, and repealed note set out under section 4601-5 of this title], shall terminate if the use by the Secretary of the Interior of ‘The Golden Eagle Insignia’ is abandoned. Nonuse for a continuous period of two years shall constitute abandonment.”

#### § 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, equipment, 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.)

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 which comprises this part.

**§ 4601-6d. Commercial filming**

**(a) Commercial filming fee**

The Secretary of the Interior and the Secretary of Agriculture (hereafter individually referred to as the “Secretary” with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

(1) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

(2) The size of the film crew present on Federal land under the Secretary's jurisdiction.

(3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

**(b) Recovery of costs**

The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a) of this section.

**(c) Still photography**

(1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

**(d) Protection of resources**

The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) that the activity poses health or safety risks to the public.

**(e) Use of proceeds**

(1) All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104-134). All fees collected shall remain available until expended.

(2) All costs recovered under this section shall be available for expenditure by the Secretary,