

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”

Pub. L. 92-347, §3(d), July 11, 1972, 86 Stat. 462, 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Insignia’ under this Act [which enacted this section and section 715 of title 18, enacted notes set out hereunder, and repealed note set out under section 4601-5 of this title], shall terminate if the use by the Secretary of the Interior of ‘The Golden Eagle Insignia’ is abandoned. Non-use 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 Repealed.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, without further appropriation, at the site where collected. All costs recovered shall remain available until expended.

**(f) Processing of permit applications**

The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.

(Pub. L. 106-206, §1, May 26, 2000, 114 Stat. 314.)

REFERENCES IN TEXT

Public Law 104-134, referred to in subsec. (e)(1), is Pub. L. 104-134, Apr. 26, 1996, 110 Stat. 1321, known as the Omnibus Consolidated Rescissions and Appropriations Act of 1996. The Recreational Fee Demonstration Program was authorized by Pub. L. 104-134, title I, §101(c) [title III, §315], Apr. 26, 1996, 110 Stat. 1321-156, 1321-200, as amended, which was set out as a note under section 4601-6a of this title, prior to repeal by Pub. L. 108-447, div. J, title VIII, §813(b), Dec. 8, 2004, 118 Stat. 3390. For complete classification of Pub. L. 104-134 to the Code, see Tables.

CODIFICATION

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

**§ 4601-7. Allocation of land and water conservation fund for State and Federal purposes**

There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. Not less than 40 per centum of such appropriations shall be available for Federal purposes. Those appropriations from the fund up to and including \$600,000,000 in fiscal year 1978 and up to and including \$750,000,000 in fiscal year 1979 shall continue to be allocated in accordance with this section. There shall be credited to a special account within the fund \$300,000,000 in fiscal year 1978 and \$150,000,000 in fiscal year 1979 from the amounts authorized by section 4601-5 of this title. Amounts credited to this account shall re-

main in the account until appropriated. Appropriations from the special account shall be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifth Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries, as aforesaid, of—

- (1) the national park system;
- (2) national scenic trails;
- (3) the national wilderness preservation system;
- (4) federally administered components of the National Wild and Scenic Rivers System; and
- (5) national recreation areas administered by the Secretary of Agriculture.

(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.)

REFERENCES IN TEXT

The convening of the Ninety-fifth Congress, referred to in text, took place on Jan. 4, 1977.

PRIOR PROVISIONS

A prior section 5 of Pub. L. 88-578 was renumbered section 6 and is classified to section 4601-8 of this title.

AMENDMENTS

1977—Pub. L. 95-42 inserted last four sentences providing that appropriations from the fund up to and including \$600,000,000 in fiscal year 1978 and up to and including \$750,000,000 in fiscal year 1979 continue to be allocated in accordance with this section, that there be credited to a special account within the fund \$300,000,000 in fiscal year 1978 and \$150,000,000 in fiscal year 1979 from the amounts authorized by section 4601-5 of this title, that amounts credited to this account remain in the account until appropriated, and that appropriations from the special account be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifth Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries of the national park system, national scenic trails, the national wilderness preservation system, federally administered components of the National Wild and Scenic Rivers System, and national recreation areas administered by the Secretary of Agriculture.

1976—Pub. L. 94-422 revised subsec. (a), striking out designation “(a)” and striking out provisions relating to the authority of the President to vary percentages of the fund to be made available to the States and Federal government, and struck out subsec. (b) relating to advance appropriations to be allocated for State and Federal purposes and the schedule and procedure for repayment of such appropriations.

Subsec. (b). Pub. L. 94-273 substituted “October” for “July” wherever appearing.

1968—Subsec. (b). Pub. L. 90-401 substituted “until the end of fiscal year 1969” for “for a total of eight years” in provision spelling out the term during which the advance appropriations are authorized from moneys in the Treasury not otherwise appropriated in amounts averaging not more than \$60,000,000 for each fiscal year.

**§ 4601-8. Financial assistance to States**

**(a) Authority of Secretary of the Interior; payments to carry out purposes of land and water conservation provisions**

The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to