

**§ 100754. Relinquishment of legislative jurisdiction**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may relinquish to a State or a territory (including a possession) of the United States part of the legislative jurisdiction of the United States over System land or interests in land in that State or territory. Relinquishment may be accomplished—

(1) by filing with the chief executive official of the State or territory a notice of relinquishment to take effect on acceptance; or

(2) as the laws of the State or territory may otherwise provide.

(b) SUBMISSION OF AGREEMENT TO CONGRESS.—Prior to consummating a relinquishment under subsection (a), the Secretary shall submit the proposed agreement to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The Secretary shall not finalize the agreement until 60 calendar days after the submission has elapsed.

(c) CONCURRENT LEGISLATIVE JURISDICTION.—The Secretary shall diligently pursue the consummation of arrangements with each State or territory within which a System unit is located so that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within System units.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3111.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100754 .....	16 U.S.C. 1a–3.	Pub. L. 91–383, § 6, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1939; Pub. L. 103–437, § 6(a)(1), Nov. 2, 1994, 108 Stat. 4583.

In this section, the words “territory (including a possession)” are substituted for “territory, or possession” the 1st time the words appear for clarity, because a possession is a category of territory, that is, one that has very little local autonomy. In subsequent instances, the word “territory” is used in an equivalent sense. The word “Commonwealth” is omitted as being included in “territory (including a possession)”.

**§ 100755. Applicability of other laws**

(a) IN GENERAL.—This section and sections 100501, 100901(d) to (h), 101302(b)(2), 101901(c), and 102711 of this title, and the various authorities relating to the administration and protection of System units, including the provisions of law listed in subsection (b), shall, to the extent that those provisions are not in conflict with any such specific provision, be applicable to System units, and any reference in any of these provisions to a System unit does not limit those provisions to that System unit.

(b) APPLICABLE PROVISIONS.—The provisions of law referred to in subsection (a) are—

(1) section 100101(a), chapter 1003, sections 100751(a), 100752, 100753, 101101, 101102, 101511, 102101, 102712, 102901, 104905, and 104906, and chapter 2003 of this title;

(2) the Act of March 4, 1911 (43 U.S.C. 961); and

(3) chapter 3201 of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3112.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100755 .....	16 U.S.C. 1c(b).	Aug. 8, 1953, ch. 384, § 2(b), 67 Stat. 496; Pub. L. 91–383, § 2(b), Aug. 18, 1970, 84 Stat. 626.

In subsection (a), the words “reference in such Act” are interpreted to mean “reference in such Acts” for clarity.

In subsection (b)(1), the words “relating to donation of land and money”, “relating to roads and trails”, “relating to approach roads to national monuments”, “relating to conveyance of roads to States”, “relating to acquisitions of inholdings”, and “relating to aid to visitors in emergencies” are omitted as unnecessary. The words “the Act of March 3, 1905 (33 Stat. 873; 16 U.S.C. 10), relating to arrests” are omitted because the Act was repealed by section 10(a)(2) of the Act of August 18, 1970 (known as the National Park System General Authorities Act) (Public Law 91–383), as added by section 2 of the Act of October 7, 1976 (Public Law 94–458, 90 Stat. 1941). The words “relating to services or other accommodations for the public, emergency supplies and services to concessioners, acceptability of travelers checks, care and removal of indigents” are omitted as unnecessary. The words “the Act of October 9, 1965 (79 Stat. 696; 16 U.S.C. 20–20g), relating to concessions” are omitted because the Act was repealed by section 415(a) of the National Parks Omnibus Management Act of 1998 (Public Law 105–391, 112 Stat. 3515).

In subsection (b)(2), the words “relating to rights of way” are omitted as unnecessary.

Subsection (b)(3) is added for clarity because many of the laws that established a System unit provided that the Secretary, in addition to administering the unit in accordance with the Act of August 25, 1916 (16 U.S.C. 1, 3, 3, and 4) and with laws generally applicable to System units, administer the unit in accordance with the Act of August 21, 1935 (16 U.S.C. 461 to 467).

**CHAPTER 1009—ADMINISTRATION**

Sec.

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**§ 100901. Authority of Secretary to carry out certain activities**

(a) IN GENERAL.—To facilitate the administration of the System, the Secretary, under such terms and conditions as the Secretary may consider advisable, may carry out the activities described in this section.

(b) SERVICES, RESOURCES, OR WATER CONTRACTS.—The Secretary may enter into contracts that provide for the sale or lease to persons, States, or political subdivisions of States, of services, resources, or water available within a System unit, as long as the activity does not jeopardize or unduly interfere with the primary natural or historic resource of the System unit, if the person, State, or political subdivision—

(1) provides public accommodations or services within the immediate vicinity of the System unit to individuals visiting the System unit; and

(2) demonstrates to the Secretary that there are no reasonable alternatives by which to ac-

quire or perform the necessary services, resources, or water.

(c) VEHICULAR AIR CONDITIONING.—The Secretary may acquire, and have installed, air conditioning units for any Government-owned passenger motor vehicles used by the Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged.

(d) UTILITY FACILITIES.—The Secretary may erect and maintain fire protection facilities, water lines, telephone lines, electric lines, and other utility facilities adjacent to any System unit, where necessary, to provide service in the System unit.

(e) SUPPLIES AND RENTAL OF EQUIPMENT.—The Secretary may furnish, on a reimbursement of appropriation basis, supplies, and rent equipment, to persons and agencies that, in cooperation with and subject to the approval of the Secretary, render services or perform functions that facilitate or supplement the activities of the Department of the Interior in the administration of the System. The reimbursements may be credited to the appropriation current at the time reimbursements are received.

(f) CONTRACTS FOR UTILITY FACILITIES.—The Secretary may contract, under terms and conditions that the Secretary considers to be in the interest of the Federal Government, for the sale, operation, maintenance, repair, or relocation of Government-owned electric and telephone lines and other utility facilities used for the administration and protection of the System, regardless of whether the lines and facilities are located within or outside the System.

(g) RIGHTS OF WAY NECESSARY TO CONSTRUCT, IMPROVE, AND MAINTAIN ROADS.—The Secretary may acquire—

- (1) rights of way necessary to construct, improve, and maintain roads within the authorized boundaries of any System unit; and
- (2) land and interests in land adjacent to the rights of way, when—

(A) considered necessary by the Secretary—

- (i) to provide adequate protection of natural features; or
- (ii) to avoid traffic and other hazards resulting from private road access connections; or

(B) the acquisition of adjacent residual tracts, which otherwise would remain after acquiring the rights of way, would be in the public interest.

(h) OPERATION AND MAINTENANCE OF MOTOR AND OTHER EQUIPMENT.—

(1) IN GENERAL.—The Secretary may operate, repair, maintain, and replace motor and other equipment on a reimbursable basis when the equipment is used on Federal projects of the System, chargeable to other appropriations, or on work of other Federal agencies, when requested by the agencies.

(2) REIMBURSEMENT.—Reimbursement shall be—

- (A) made from appropriations applicable to the work on which the equipment is used at rental rates established by the Secretary,

based on actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control; and

(B) credited to appropriations currently available at the time adjustment is effected.

(3) RENTAL OF EQUIPMENT FOR FIRE CONTROL PURPOSES.—The Secretary may rent equipment for fire control purposes to State, county, private, or other non-Federal agencies that cooperate with the Secretary in the administration of the System and other areas in fire control. The rental shall be under the terms of written cooperative agreements. The amount collected for the rentals shall be credited to appropriations currently available at the time payment is received.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3112.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100901(a) .....	16 U.S.C. 1a-2 (matter before (a)). 16 U.S.C. 1b (matter before (1)).	Pub. L. 91-383, § 3 (matter before (a)), Aug. 18, 1970, 84 Stat. 826. Aug. 8, 1953, ch. 384, § 1 (matter before (1)), (2), (5) through (8), 67 Stat. 495, 496; Pub. L. 91-383, § 2(a), Aug. 18, 1970, 84 Stat. 826.
100901(b) .....	16 U.S.C. 1a-2(e).	Pub. L. 91-383, § 3(e), Aug. 18, 1970, 84 Stat. 827; Pub. L. 94-458, § 1(1), Oct. 7, 1976, 90 Stat. 1939; Pub. L. 106-176, title I, § 118(2), (3), Mar. 10, 2000, 114 Stat. 28.
100901(c) .....	16 U.S.C. 1a-2(f).	Pub. L. 91-383, § 3(f), Aug. 18, 1970, 84 Stat. 827; Pub. L. 106-176, title I, § 118(2), (3), Mar. 10, 2000, 114 Stat. 28.
100901(d) .....	16 U.S.C. 1b(2).	
100901(e) through (h).	16 U.S.C. 1b(5) through (8).	

In subsection (a), the words “and he may use applicable appropriations for the aforesaid system for the following purposes” in 16 U.S.C. 1b (matter before (1)) are omitted as unnecessary.

**§ 100902. Rights of way for public utilities and power and communication facilities**

(a) PUBLIC UTILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical plants, poles, and lines for the generation and distribution of electrical power;

(B) telephone and telegraph purposes; and

(C) canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits and water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection shall be for—

- (A) the ground occupied by the canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted under paragraph (1); and
- (B) not more than 50 feet—

(i) on each side of the marginal limits of the ground; or

(ii) on each side of the center line of the pipes and pipe lines, electrical, telegraph, and telephone lines and poles.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) REVOCATION.—The Secretary may revoke a right of way under this subsection.

(5) RIGHT, EASEMENT, OR INTEREST NOT CONFERRED.—A right of way under this subsection does not confer any right, easement, or interest in, to, or over a System unit.

(b) POWER AND COMMUNICATION FACILITIES.—

(1) IN GENERAL.—Under regulations the Secretary prescribes, the Secretary may grant a right of way over, across, and on through a System unit to a citizen, association, or corporation of the United States that intends to use the right of way for—

(A) electrical poles and lines for the transmission and distribution of electrical power;

(B) poles and lines for communication purposes; and

(C) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities.

(2) EXTENT OF RIGHT OF WAY.—A right of way under this subsection—

(A) shall be for not more than 50 years from the date the right of way is granted; and

(B) for—

(i) lines and poles shall be for 200 feet on each side of the center line of the lines and poles; and

(ii) radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities shall be for not more than 400 feet by 400 feet.

(3) APPROVAL.—A right of way under this subsection shall be allowed within or through a System unit only on the approval of the Secretary and on a finding that the right of way is not incompatible with the public interest.

(4) FORFEITURE AND ANNULMENT.—The Secretary may forfeit and annul any part of a right of way under this subsection for—

(A) nonuse for a period of 2 years; or

(B) abandonment.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3113.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
100902(a) .....	16 U.S.C. 79.	Feb. 15, 1901, ch.372 (relating to System units), 31 Stat. 790.
100902(b) .....	16 U.S.C. 5.	Mar. 4, 1911, ch. 238 (4th and last paragraphs (relating to System units) under heading "IMPROVEMENT OF THE NATIONAL FOREST" under heading "FOREST SERVICE"), 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95.

In subsection (a), the text of 16 U.S.C. 79 (2d proviso) is omitted as obsolete because title 65 of the Revised

States of the United States was repealed by section 1 of the Act of July 16, 1947 (ch. 256, 61 Stat. 327).

In subsection (a)(1), the words "and the Yosemite, Sequoia, and General Grant national parks, California" are omitted as unnecessary because "other reservations" encompasses all System units.

The inclusion of paragraphs (4) and (5) of subsection (a) do not have any effect on rights of way under subsection (b).

In subsection (a)(4), the words "or his successor in his discretion" are omitted as unnecessary.

In subsection (b), the text of 16 U.S.C. 5 (last paragraph) is omitted as obsolete. The word "Secretary" is substituted for "the head of the department having jurisdiction over the lands" and "chief officer of the department under whose supervision or control such reservation falls" because the portion of the Act of March 4, 1911 (ch. 238, 36 Stat. 1253) classified to 16 U.S.C. 5 relates only to System units.

#### § 100903. Solid waste disposal operations

(a) IN GENERAL<sup>1</sup>—To protect the air, land, water, and natural and cultural values of the System and the property of the United States in the System, no solid waste disposal site (including any site for the disposal of domestic or industrial solid waste) may be operated within the boundary of any System unit, other than—

(1) a site that was operating as of September 1, 1984; or

(2) a site used only for disposal of waste generated within that System unit so long as the site will not degrade any of the natural or cultural resources of the System unit.

(b) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including reasonable regulations to mitigate the adverse effects of solid waste disposal sites in operation as of September 1, 1984, on property of the United States.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3115.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
100903 .....	16 U.S.C. 460l-22(c).	Pub. L. 90-401, §5(c), as added Pub. L. 98-506, §2, Oct. 19, 1984, 98 Stat. 2338.

#### § 100904. Admission and special recreation use fees

(a) SYSTEM UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

(1) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105-83, 111 Stat. 1561), the Secretary shall withhold from the special account under section 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6806(a)) 100 percent of the fees and charges collected in connection with any System unit at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

(2) USE OF AMOUNTS.—Amounts withheld under paragraph (1) shall be retained by the Secretary and shall be available, without further appropriation, for expenditure by the Secretary for the System unit with respect to which the amounts were collected for the pur-

<sup>1</sup> So in original. A period probably should appear.

poses of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.

(b) ALLOCATION OF FUNDS TO SYSTEM UNITS.—

(1) ALLOCATION OF FUNDS ON BASIS OF NEED.—Ten percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units on the basis of need in a manner to be determined by the Director.

(2) ALLOCATION OF FUNDS BASED ON EXPENSES AND BASED ON FEES COLLECTED.—

(A) IN GENERAL.—Forty percent of the funds made available to the Director under subsection (a) in each fiscal year shall be allocated among System units in accordance with subparagraph (B) of this subsection and 50 percent shall be allocated in accordance with subparagraph (C).

(B) ALLOCATION BASED ON EXPENSES.—The amount allocated to each System unit under this paragraph for each fiscal year based on expenses shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the operating expenses at that System unit during the prior fiscal year by the total operating expenses at all System units during the prior fiscal year.

(C) ALLOCATION BASED ON FEES COLLECTED.—The amount allocated to each System unit under this paragraph for each fiscal year based on fees collected shall be a fraction of the total allocation to all System units under this paragraph. The fraction for each System unit shall be determined by dividing the user fees and admission fees collected under this section at that System unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all System units during the prior fiscal year.

(3) AVAILABILITY OF AMOUNTS.—Amounts allocated under this subsection to any System unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that System unit until expended.

(c) SELLING OF PERMITS.—

(1) AUTHORITY TO SELL PERMITS.—When authorized by the Secretary, volunteers at System units may sell permits and collect fees authorized or established pursuant to this section. The Secretary shall ensure that the volunteers have adequate training regarding—

(A) the sale of permits and the collection of fees;

(B) the purposes and resources of the System units in which they are assigned; and

(C) the provision of assistance and information to visitors to the System unit.

(2) SURETY BOND REQUIRED.—The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the Service may be used to cover the cost of the surety bond. The Sec-

retary may enter into arrangements with qualified public or private entities pursuant to which the entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. The arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of the permits at or before the Secretary delivers the permits to the entity for sale.

(d) CHARGE FOR TRANSPORTATION PROVIDED BY SERVICE FOR VIEWING SYSTEM UNITS.—

(1) CHARGE WHEN TRANSPORTATION PROVIDED.—Where the Service provides transportation to view all or a portion of any System unit, the Director may impose a charge for the service in lieu of an admission fee under this section.

(2) RETENTION OF CHARGE AND USE OF RETAINED AMOUNT.—Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the System unit at which the service was provided. The remainder shall be deposited in the same manner as receipts from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the System unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at those System units.

(e) ADMISSION FEES.—Where the primary public access to a System unit is provided by a concessioner, the Secretary may charge an admission fee at the System unit only to the extent that the total of the fee charged by the concessioner for access to the System unit and the admission fee does not exceed the maximum amount of the admission fee that could otherwise be imposed.

(f) COMMERCIAL TOUR USE FEES.—

(1) ESTABLISHMENT.—In the case of each System unit for which an admission fee is charged under this section, the Secretary shall establish a commercial tour use fee to be imposed on each vehicle entering the System unit for the purpose of providing commercial tour services within the System unit.

(2) AMOUNT.—The Secretary shall establish the amount of fee per entry as follows:

(A) Twenty-five dollars per vehicle with a passenger capacity of 25 individuals or less.

(B) Fifty dollars per vehicle with a passenger capacity of more than 25 individuals.

(3) ADJUSTMENTS.—The Secretary may periodically make reasonable adjustments to the commercial tour use fee imposed under this subsection.

(4) NONAPPLICABILITY.—The commercial tour use fee imposed under this subsection shall not apply to the following:

(A) Any vehicle transporting organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

(B) Any vehicle entering a System unit pursuant to a contract issued under subsection II of chapter 1019 of this title.

(5) **APPLICABILITY.**—This subsection shall apply to aircraft entering the airspace of—

(A) Haleakalā Crater, Crater Cabins, the Scientific Research Reserve, Halemau Trail, Kaupo Gap Trail, or any designated tourist viewpoint in Haleakalā National Park or of Grand Canyon National Park; or

(B) any other System unit for the specific purpose of providing commercial tour services if the Secretary determines that the level of the services is equal to or greater than the level at the System units specified in subparagraph (A).

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3115.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
100904(a) .....	16 U.S.C. 460l–6a(i)(1)(C).	Pub. L. 88–578, title I, §4(i)(1)(C), as added Pub. L. 105–327, §1, Oct. 30, 1998, 112 Stat. 3055; Pub. L. 109–447, div. J, title VIII, §813(a), Dec. 8, 2004, 118 Stat. 3390, as amended Pub. L. 109–54, title I, §132, Aug. 2, 2005, 119 Stat. 526.
100904(b) through (e).	16 U.S.C. 460l–6a(j) through (m).	Pub. L. 88–578, title I, §4(j) through (m), as added Pub. L. 100–203, title V, §5201(c), Dec. 22, 1987, 101 Stat. 1330–265.
100904(f) .....	16 U.S.C. 460l–6a(n).	Pub. L. 88–578, title I, §4(n), as added Pub. L. 103–66, title X, §10002(c), Aug. 10, 1993, 107 Stat. 404.

In subsection (c), the word “Secretary” is substituted for “head of the collecting agency”, “head of the agency”, “collecting agency”, and “agency”, and the words “System units” are substituted for “designated areas” and “areas”, because the source provisions apply only to the National Park Service.

In subsection (d)(2), the words “into the special account referred to in subsection (i) of this section” are omitted as obsolete.

In subsection (e), the words “under subsection (a) of this section” are omitted as obsolete.

In subsection (f)(1), the words “by October 1, 1993” are omitted as obsolete.

In subsection (f)(4)(B), the words “subchapter II of chapter 1019 of this title” are substituted for “the Act of October 9, 1965 (16 U.S.C. 20–20g) entitled ‘An Act relating to the establishment of concession policies in the areas administered by the National Park Service and for other purposes’” because section 415 of the National Park Service Concessions Management Improvement Act of 1998 (Public Law 105–391, 112 Stat. 3515) repealed the Act of October 9, 1965, which was classified as 16 U.S.C. 20 to 20g, and enacted similar provisions, which are restated as subchapter II of chapter 1019 of the new title.

#### REFERENCES IN TEXT

Section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998, referred to in subsec. (a)(1), is section 107 of Pub. L. 105–83, title I, Nov. 14, 1997, 111 Stat. 1561, which was set out as a note under former section 460l–6a of Title 16, Conservation.

#### CONSTRUCTION

Pub. L. 109–54, title I, §132(c), Aug. 2, 2005, 119 Stat. 526, provided that: “Except as provided in this section [amending former section 460l–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. 460l–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 460l–6a of Title 16]) had not been enacted.”

#### § 100905. Commercial filming

(a) **COMMERCIAL FILMING FEE.**—

(1) **IN GENERAL.**—The Secretary shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects in a System unit. The fee shall provide a fair return to the United States and shall be based on the following criteria:

(A) The number of days the filming activity or similar project takes place in the System unit.

(B) The size of the film crew present in the System unit.

(C) The amount and type of equipment present in the System unit.

(2) **OTHER FACTORS.**—The Secretary may include other factors in determining an appropriate fee as the Secretary considers necessary.

(b) **RECOVERY OF COSTS.**—The Secretary shall collect any costs incurred as a result of filming activities or similar projects, including administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) **STILL PHOTOGRAPHY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall not require a permit or assess a fee for still photography in a System unit if the photography takes place where members of the public are generally allowed. The Secretary may require a permit, assess a fee, or both, if the photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) **EXCEPTION.**—The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props that 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 that—

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

(e) **USE OF PROCEEDS.**—

(1) **FEES.**—All fees collected under this section shall be available for expenditure by the Secretary, without further appropriation and shall remain available until expended.

(2) **COSTS.**—All costs recovered under this section shall be available for expenditure by the Secretary, without further appropriation, at the site where the costs are collected and shall remain available until expended.

(f) **PROCESSING OF PERMIT APPLICATIONS.**—The Secretary shall establish a process to ensure that the Secretary responds in a timely manner to permit applicants for commercial filming, still photography, or other activity.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3117.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
100905 .....	16 U.S.C. 4601–6d (relating to the National Park Service).	Pub. L. 106–206, § 1 (relating to the National Park Service), May 26, 2000, 114 Stat. 314.

In subsection (e)(1), the words “in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104–134)” are omitted as obsolete because the Program was repealed by section 813(b) of the Federal Lands Recreation Enhancement Act (Public Law 108–447, 118 Stat. 3390).

§ 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 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) 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.)

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).	

REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (b), is section 14 of Pub. L. 92–463, which is set out in the Appendix to Title 5, Government Organization and Employees.

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.

- Sec. 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.

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.

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.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(b) DONOR ACKNOWLEDGMENTS IN UNITS OF NATIONAL PARK SYSTEM.—

“(1) IN GENERAL.—The Secretary may authorize a donor acknowledgment to recognize a donation to—

- “(A) the National Park Service; or
- “(B) the National Park System.

“(2) RESTRICTIONS.—A donor acknowledgment shall not be used to state or imply—

“(A) recognition of the donor or any product or service of the donor as an official sponsor, or any similar form of recognition, of the National Park Service or the National Park System;

“(B) a National Park Service endorsement of the donor or any product or service of the donor; or

“(C) naming rights to any unit of the National Park System or a National Park System facility, including a visitor center.

“(3) REQUIREMENTS.—

“(A) DISPLAY.—A donor acknowledgment shall be displayed—

“(i) in a manner that is approved by the Secretary; and

“(ii) for a period of time, as determined by the Secretary, that is commensurate with the amount of the contribution and the life of the structure.

“(B) GUIDELINES.—The Secretary shall establish donor acknowledgment guidelines that take into