

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 subchapter 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

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|-----------------------------------|---|
| 100904(a) | 16 U.S.C. 4601–6a(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. 108–447, 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. 4601–6a(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. 4601–6a(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 4601–6a 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 4601–6a 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. 4601–6a(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 4601–6a 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.
- 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.

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. |

NATIONAL PARK SYSTEM DONOR ACKNOWLEDGMENT

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