

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of 16 U.S.C. 79 (2d proviso) is omitted as obsolete because title 65 of the Revised States of the United States was repealed by section 1 of the Act of July 16, 1947 (ch. 256, 61 Stat. 327).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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
100903 .....	16 U.S.C. 4601–22(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 Sec-

retary for the System unit with respect to which the amounts were collected for the purposes 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.

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

Funds available to the Service may be used to cover the cost of the surety bond. The Secretary 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 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

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. 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. 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.

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 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).