

105TH CONGRESS
2D SESSION

H. R. 2993

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 1998

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FEE AUTHORITY AND REPEAL OF PROHIBI-**
2 **TION.**

3 (a) **AUTHORITY.**—

4 (1) **IN GENERAL.**—The Secretary of the Inte-
5 rior (in this section referred to as the “Secretary”)
6 may permit, under terms and conditions considered
7 necessary by the Secretary, the use of lands and fa-
8 cilities administered by the Secretary for the making
9 of any motion picture, television production, sound-
10 track, or similar project, if the Secretary determines
11 that such use is appropriate and will not impair the
12 values and resources of the lands and facilities.

13 (2) **FEEES.**—(A) Any permit under this section
14 shall require the payment of fees to the Secretary in
15 an amount determined to be appropriate by the Sec-
16 retary sufficient to provide a fair return to the gov-
17 ernment in accordance with subparagraph (B), ex-
18 cept as provided in subparagraph (C). The amount
19 of the fee shall be not less than the direct and indi-
20 rect costs to the Government for processing the ap-
21 plication for the permit and the use of lands and fa-
22 cilities under the permit, including any necessary
23 costs of cleanup and restoration, except as provided
24 in subparagraph (C).

25 (B) The authority of the Secretary to establish
26 fees under this paragraph shall include, but not be

1 limited to, authority to issue regulations that estab-
2 lish a schedule of rates for fees under this paragraph
3 based on such factors as—

4 (i) the number of people on site under a
5 permit;

6 (ii) the duration of activities under a per-
7 mit;

8 (iii) the conduct of activities under a per-
9 mit in areas designated by statute or regula-
10 tions as special use areas, including wilderness
11 and research natural areas; and

12 (iv) surface disturbances authorized under
13 a permit.

14 (C) The Secretary may, under the terms of the
15 regulations promulgated under paragraph (4),
16 charge a fee below the amount referred to in sub-
17 paragraph (A) if the activity for which the fee is
18 charged provides clear educational or interpretive
19 benefits for the Department of the Interior.

20 (3) BONDING AND INSURANCE.—The Secretary
21 may require a bond, insurance, or such other means
22 as may be necessary to protect the interests of the
23 United States in activities arising under such a per-
24 mit.

1 (4) REGULATIONS.—(A) The Secretary shall
2 issue regulations implementing this subsection by
3 not later than 180 days after the date of the enact-
4 ment of this Act.

5 (B) Within 3 years after the date of enactment
6 of this Act, the Secretary shall review and, as appro-
7 priate, revise regulations issued under this para-
8 graph. After that time, the Secretary shall periodi-
9 cally review the regulations and make necessary
10 changes.

11 (b) COLLECTION OF FEES.—Fees shall be collected
12 under subsection (a) whenever the proposed filming,
13 videotaping, sound recording, or still photography involves
14 product or service advertisements, or the use of models,
15 actors, sets, or props, or when such filming, videotaping,
16 sound recording, or still photography could result in dam-
17 age to resources or significant disruption of normal visitor
18 uses. Filming, videotaping, sound recording or still pho-
19 tography, including bona fide newsreel or news television
20 film gathering, which does not involve the activities or im-
21 pacts identified herein, shall be permitted without fee.

22 (c) EXISTING REGULATIONS.—The prohibition on
23 fees set forth in paragraph (1) of section 5.1(b) of title
24 43, Code of Federal Regulations, shall cease to apply upon
25 the effective date of regulations under subsection (a).

1 Nothing in this section shall be construed to affect the
2 regulations set forth in part 5 of such title, other than
3 paragraph (1) thereof.

4 (d) PROCEEDS.—Amounts collected as fees under
5 this section shall be available for expenditure without fur-
6 ther appropriation and shall be distributed and used, with-
7 out fiscal year limitation, in accordance with the formula
8 and purposes established for the Recreational Fee Dem-
9 onstration Program under section 315 of Public Law 104–
10 134.

11 (e) PENALTY.—A person convicted of violating any
12 regulation issued under subsection (a) shall be fined in
13 accordance with title 18, United States Code, or impris-
14 oned for not more than 6 months, or both, and shall be
15 ordered to pay all costs of the proceedings.

16 (f) EFFECTIVE DATE.—This section and the regula-
17 tions issued under this section shall become effective 180
18 days after the date of the enactment of this Act, except
19 that this subsection and the authority of the Secretary to
20 issue regulations under this section shall be effective on
21 the date of the enactment of this Act.

Passed the House of Representatives September 15,
1998.

Attest:

ROBIN H. CARLE,

Clerk.