

## Calendar No. 137

106TH CONGRESS  
1ST SESSION**H. R. 154****[Report No. 106-67]**


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 IN THE SENATE OF THE UNITED STATES

APRIL 13, 1999

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

JUNE 7, 1999

Reported by Mr. MURKOWSKI, with an amendment and an amendment to the  
title

[Strike out all after the enacting clause and insert the part printed in italic]

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**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,*

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

5 ~~(a) AUTHORITY.—~~

1           (1) IN GENERAL.—The Secretary of the Inte-  
2           rior (in this section referred to as the “Secretary”)  
3           may permit, under terms and conditions considered  
4           necessary by the Secretary, the use of lands and fa-  
5           cilities administered by the Secretary for the making  
6           of any motion picture, television production, sound-  
7           track, or similar project, if the Secretary determines  
8           that such use is appropriate and will neither impair  
9           the values and resources of the lands and facilities  
10          nor result in a significant disruption of normal vis-  
11          itor uses.

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

24          (B) The authority of the Secretary to establish  
25          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.

22 **SECTION 1. COMMERCIAL FILMING.**

23 (a) *COMMERCIAL FILMING FEE.*—*The Secretary of the*  
24 *Interior and the Secretary of Agriculture (hereinafter indi-*  
25 *vidually referred to as the “Secretary” with respect to lands*

1 *under their respective jurisdiction) shall require a permit*  
2 *and shall establish a reasonable fee for commercial filming*  
3 *activities or similar projects on Federal lands administered*  
4 *by the Secretary. Such fee shall provide a fair return to*  
5 *the United States and shall be based upon the following cri-*  
6 *teria:*

7           (1) *The number of days the filming activity or*  
8 *similar project takes place on Federal land under the*  
9 *Secretary's jurisdiction.*

10           (2) *The size of the film crew present on Federal*  
11 *land under the Secretary's jurisdiction.*

12           (3) *The amount and type of equipment present.*  
13 *The Secretary may include other factors in determining an*  
14 *appropriate fee as the Secretary deems necessary.*

15           (b) *RECOVERY OF COSTS.—The Secretary shall also*  
16 *collect any costs incurred as a result of filming activities*  
17 *or similar project, including but not limited to administra-*  
18 *tive and personnel costs. All costs recovered shall be in addi-*  
19 *tion to the fee assessed in subsection (a).*

20           (c) *STILL PHOTOGRAPHY.—(1) Except as provided in*  
21 *paragraph (2), the Secretary shall not require a permit nor*  
22 *assess a fee for still photography on lands administered by*  
23 *the Secretary if such photography takes place where mem-*  
24 *bers of the public are generally allowed. The Secretary may*  
25 *require a permit, fee, or both, if such photography takes*

1 *place at other locations where members of the public are*  
2 *generally not allowed, or where additional administrative*  
3 *costs are likely.*

4 *The Secretary shall require and shall establish a*  
5 *reasonable fee for still photography that uses models or props*  
6 *which are not a part of the site's natural or cultural re-*  
7 *sources or administrative facilities.*

8 *(d) PROTECTION OF RESOURCES.—The Secretary shall*  
9 *not permit any filming, still photography or other related*  
10 *activity if the Secretary determines—*

11 *(1) there is a likelihood of resource damage;*

12 *(2) there would be an unreasonable disruption of*  
13 *the public's use and enjoyment of the site; or*

14 *(3) that the activity poses health or safety risks*  
15 *to the public.*

16 *(e) USE OF PROCEEDS.—(1) All fees collected under*  
17 *this Act shall be available for expenditure by the Secretary,*  
18 *without further appropriation, in accordance with the for-*  
19 *mula and purposes established for the Recreational Fee*  
20 *Demonstration Program (Public Law 104–134). All fees*  
21 *collected shall remain available until expended.*

22 *(2) All costs recovered under this Act shall be available*  
23 *for expenditure by the Secretary, without further appro-*  
24 *priation, at the site where collected. All costs recovered shall*  
25 *remain available until expended.*

1           (f) *PROCESSING OF PERMIT APPLICATIONS.—The Sec-*  
2 *retary shall establish a process to ensure that permit appli-*  
3 *cants for commercial filming, still photography, or other ac-*  
4 *tivity are responded to in a timely manner.*

Amend the title so as to read “An Act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.”.

Passed the House of Representatives April 12, 1999.

Attest:

JEFF TRANDAHL,

*Clerk.*



Calendar No. 137

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 154**

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## **A BILL**

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.

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