

106TH CONGRESS
1ST SESSION

H. R. 154

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. HEFLEY introduced the following bill; which was referred to the Committee on Resources

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.

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.—

6 (1) IN GENERAL.—The Secretary of the Inter-
7 rior (in this section referred to as the “Secretary”)
8 may permit, under terms and conditions considered

1 necessary by the Secretary, the use of lands and fa-
2 cilities administered by the Secretary for the making
3 of any motion picture, television production, sound-
4 track, or similar project, if the Secretary determines
5 that such use is appropriate and will not impair the
6 values and resources of the lands and facilities.

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

19 (B) The authority of the Secretary to establish
20 fees under this paragraph shall include, but not be
21 limited to, authority to issue regulations that estab-
22 lish a schedule of rates for fees under this paragraph
23 based on such factors as—

24 (i) the number of people on site under a
25 permit;

1 (ii) the duration of activities under a per-
2 mit;

7 (iv) surface disturbances authorized under
8 a permit.

24 (B) Within 3 years after the date of enactment
25 of this Act, the Secretary shall review and, as appro-

1 priate, revise regulations issued under this para-
2 graph. After that time, the Secretary shall periodi-
3 cally review the regulations and make necessary
4 changes.

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

16 (c) EXISTING REGULATIONS.—The prohibition on
17 fees set forth in paragraph (1) of section 5.1(b) of title
18 43, Code of Federal Regulations, shall cease to apply upon
19 the effective date of regulations under subsection (a).
20 Nothing in this section shall be construed to affect the
21 regulations set forth in part 5 of such title, other than
22 paragraph (1) thereof.

23 (d) PROCEEDS.—Amounts collected as fees under
24 this section shall be available for expenditure without fur-
25 ther appropriation and shall be distributed and used, with-

1 out fiscal year limitation, in accordance with the formula
2 and purposes established for the Recreational Fee Dem-
3 onstration Program under section 315 of Public Law 104–
4 134.

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

10 (f) EFFECTIVE DATE.—This section and the regula-
11 tions issued under this section shall become effective 180
12 days after the date of the enactment of this Act, except
13 that this subsection and the authority of the Secretary to
14 issue regulations under this section shall be effective on
15 the date of the enactment of this Act.

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