

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

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

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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.

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 Inte-  
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;

3 (iii) the conduct of activities under a per-  
4 mit in areas designated by statute or regula-  
5 tions as special use areas, including wilderness  
6 and research natural areas; and

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

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

15 (3) BONDING AND INSURANCE.—The Secretary  
16 may require a bond, insurance, or such other means  
17 as may be necessary to protect the interests of the  
18 United States in activities arising under such a per-  
19 mit.

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

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

1        piate, 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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