

113TH CONGRESS  
2D SESSION

# H. R. 5893

To restore the First Amendment Rights of Photographers.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 2, 2015

Mr. STOCKMAN introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Natural Resources, Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To restore the First Amendment Rights of Photographers.

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. SHORT TITLE.**

4       This Act may be cited as the “Ansel Adams Act”.

5 **SEC. 2. FINDINGS.**

6       Congress finds as follows:

7           (1) In recent years, the Federal Government  
8       has enacted regulations to prohibit or restrict pho-  
9       tography in National Parks, public spaces, and of  
10      government buildings, law enforcement officers, and

1 other government personnel carrying out their du-  
2 ties.

3 (2) In recent years, photographers on Federal  
4 lands and spaces have been threatened with seizure  
5 and forfeiture of photographic equipment and mem-  
6 ory cards, and have been arrested or threatened with  
7 arrest for merely recording what the eye can see  
8 from public spaces.

9 (3) Even in the absence of laws or regulations,  
10 Federal law enforcement officers, other government  
11 personnel, and private contractors have been in-  
12 structed to prohibit photography from public spaces,  
13 and threatened photographers with arrest or seizure  
14 of photographic equipment.

15 (4) Arresting photographers, seizing photo-  
16 graphic equipment, and requirements to obtain per-  
17 mits, pay fees, or buy insurance policies are abridg-  
18 ments of freedom of speech and of the press.

19 (5) The First Amendment of the United States  
20 Constitution states, “Congress shall make no law  
21 . . . abridging the freedom of speech, or of the  
22 press.”.

23 (6) Still and motion photographs are speech.

24 (7) The photography by Ansel Adams and other  
25 famous photographers helped bring home to Ameri-

1       cans the beauty and fragility of our natural re-  
2       sources.

3               (8) Ansel Adams' photographs helped build  
4       public support to make Yosemite into a National  
5       Park.

6               (9) Future "Ansel Adams" must not have their  
7       paths blocked, regulated and made more expensive  
8       with fees and fines, or be threatened with arrest and  
9       seizure of their equipment.

10 **SEC. 3. RESTORATION OF FIRST AMENDMENT RIGHTS TO**  
11 **PHOTOGRAPHERS.**

12       (a) IN GENERAL.—It is contrary to the public policy  
13 of the United States to prohibit or restrict photography  
14 in public spaces, whether for private, news media, or com-  
15 mercial use.

16       (b) Should a Federal agency seek to restrict photog-  
17 raphy of its installations or personnel, it shall obtain a  
18 court order that outlines the national security or other  
19 reasons for the restriction. Such court order shall allow  
20 restrictions of photography when such photography may  
21 lead to the endangerment of public safety or national secu-  
22 rity. Nothing in this Act shall restrict Federal agencies  
23 from taking lawful steps to ascertain whether or not pho-  
24 tography may consist of reconnaissance for the purpose  
25 of endangerment of public safety or national security or

1 for other unlawful activity. Nothing in this Act shall be  
2 construed to repeal, invalidate, or supersede section 795  
3 of title 18, United States Code.

4 (c) PROHIBITION ON FEES, PERMITS, OR INSUR-  
5 ANCE.—No Federal Government agency shall require fees,  
6 permits or insurance as a condition to take still or moving  
7 images on Federal lands, National Parks and Forests, and  
8 public spaces, whether for private, media, or commercial  
9 use.

10 (d) PROHIBITION ON THE SEIZURE AND FOR-  
11 FEITURE OF PHOTOGRAPHIC EQUIPMENT.—Federal law  
12 enforcement officers or private contractors shall not seize  
13 any photographic equipment or their contents or memory  
14 cards or film, and shall not order a photographer to erase  
15 the contents of a camera or memory card or film.

16 **SEC. 4. DEFINITION.**

17 “Photography” means any form or method of cap-  
18 turing and recording or transmitting still or moving im-  
19 ages.

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