

118TH CONGRESS  
1ST SESSION

# H. R. 1576

To provide exceptions from permitting and fee requirements for content creation, regardless of distribution platform, including still photography, digital or analog video, and digital or analog audio recording activities, conducted on land under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2023

Mr. FULCHER introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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 provide exceptions from permitting and fee requirements for content creation, regardless of distribution platform, including still photography, digital or analog video, and digital or analog audio recording activities, conducted on land under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior, 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. SHORT TITLE.**

2       This Act may be cited as the “Federal Interior Land  
3 Media Act” or the “FILM Act”.

4 **SEC. 2. FILMING AND STILL PHOTOGRAPHY WITHIN THE**  
5 **NATIONAL PARK SYSTEM AND ON OTHER**  
6 **FEDERAL LAND.**

7       (a) FILMING IN NATIONAL PARK SYSTEM UNITS.—

8           (1) IN GENERAL.—Chapter 1009 of title 54,  
9 United States Code, is amended by striking section  
10 100905 and inserting the following:

11 **“§ 100905. Filming and still photography in System**  
12 **units**

13       “(a) FILMING AND STILL PHOTOGRAPHY.—

14           “(1) IN GENERAL.—The Secretary shall ensure  
15 that a filming or still photography activity or similar  
16 project in a System unit (referred to in this section  
17 as a ‘filming or still photography activity’) and the  
18 authorizing or permitting of a filming or still pho-  
19 tography activity are carried out consistent with—

20           “(A) the laws and policies applicable to the  
21 Service; and

22           “(B) an applicable general management  
23 plan.

24       “(2) NO PERMITS REQUIRED.—The Secretary  
25 shall not require an authorization or a permit or as-  
26 sess a fee, if a fee for a filming or still photography

1 activity is not otherwise required by law, for a film-  
2 ing or still photography activity that—

3 “(A)(i) involves fewer than 6 individuals;

4 and

5 “(ii) meets each of the requirements de-  
6 scribed in paragraph (5); or

7 “(B) is merely incidental to, or docu-  
8 menting, an activity or event that is allowed or  
9 authorized at the System unit, regardless of—

10 “(i) the number of individuals partici-  
11 pating in the allowed or authorized activity  
12 or event; or

13 “(ii) whether any individual receives  
14 compensation for any products of the film-  
15 ing or still photography activity.

16 “(3) FILMING AND STILL PHOTOGRAPHY AU-  
17 THORIZATIONS FOR DE MINIMIS USE.—

18 “(A) IN GENERAL.—The Secretary shall  
19 establish a de minimis use authorization for  
20 certain filming or still photography activities  
21 that meets the requirements described in sub-  
22 paragraph (F).

23 “(B) POLICY.—For a filming or still pho-  
24 tography activity that meets the requirements  
25 described in subparagraph (F), the Secretary—

1 “(i) may require a de minimis use au-  
2 thorization; and

3 “(ii) shall not require a permit.

4 “(C) NO FEE.—The Secretary shall not  
5 charge a fee for a de minimis use authorization  
6 under this paragraph.

7 “(D) ACCESS.—The Secretary shall enable  
8 members of the public to apply for and obtain  
9 a de minimis use authorization under this para-  
10 graph—

11 “(i) through the website of the Serv-  
12 ice; and

13 “(ii) in person at the field office of  
14 the applicable System unit.

15 “(E) ISSUANCES.—The Secretary shall—

16 “(i) establish a procedure—

17 “(I) to automate the approval of  
18 an application submitted through the  
19 website of the Service under subpara-  
20 graph (D)(i); and

21 “(II) to issue a de minimis use  
22 authorization under this paragraph  
23 immediately on receipt of an applica-  
24 tion that is submitted in person at the

1 field office of the applicable System  
2 unit under subparagraph (D)(ii); and  
3 “(ii) if an application submitted under  
4 subparagraph (D) meets the requirements  
5 of this paragraph, immediately on receipt  
6 of the application issue a de minimis use  
7 authorization for the filming or still pho-  
8 tography activity.

9 “(F) REQUIREMENTS.—The Secretary  
10 shall only issue a de minimis use authorization  
11 under this paragraph if the filming or still pho-  
12 tography activity—

13 “(i) involves a group of not fewer than  
14 6 individuals and not more than 8 individ-  
15 uals;

16 “(ii) meets each of the requirements  
17 described in paragraph (5); and

18 “(iii) is consistent with subsection (c).

19 “(G) CONTENTS.—A de minimis use au-  
20 thorization issued under this paragraph shall  
21 list the requirements described in subparagraph  
22 (F).

23 “(4) REQUIRED PERMITS.—

24 “(A) IN GENERAL.—Except as provided in  
25 paragraph (2)(B), the Secretary may require a

1 permit application and, if a permit is issued, as-  
 2 sess a reasonable fee, as described in subsection  
 3 (b)(1), for a filming or still photography activ-  
 4 ity that—

5 “(i) involves more than 8 individuals;

6 or

7 “(ii) does not meet each of the re-  
 8 quirements described in paragraph (5).

9 “(B) WILDERNESS ACT CLARIFICA-  
 10 TION.—No provision of this subsection is in-  
 11 tended to or shall be construed to conflict with  
 12 the provisions of the Wilderness Act of 1964  
 13 (16 U.S.C. 1131 et seq.).

14 “(5) REQUIREMENTS FOR FILMING OR STILL  
 15 PHOTOGRAPHY ACTIVITY.—The requirements re-  
 16 ferred to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B),  
 17 and (7)(C) are as follows:

18 “(A) A person conducts the filming or still  
 19 photography activity in a manner that—

20 “(i) does not impede or intrude on the  
 21 experience of other visitors to the applica-  
 22 ble System unit;

23 “(ii) except as otherwise authorized,  
 24 does not disturb or negatively impact—

1                   “(I) a natural or cultural re-  
2                   source; or

3                   “(II) an environmental or scenic  
4                   value; and

5                   “(iii) allows for equitable allocation or  
6                   use of facilities of the applicable System  
7                   unit.

8                   “(B) The person conducts the filming or  
9                   still photography activity at a location in which  
10                  the public is allowed.

11                  “(C) The person conducting the filming or  
12                  still photography activity does not require the  
13                  exclusive use of a site or area.

14                  “(D) The person does not conduct the  
15                  filming or still photography activity in a local-  
16                  ized area that receives a very high volume of  
17                  visitation.

18                  “(E) The person conducting the filming or  
19                  still photography activity does not use a set or  
20                  staging equipment, subject to the limitation  
21                  that handheld equipment (such as a tripod,  
22                  monopod, and handheld lighting equipment)  
23                  shall not be considered staging equipment for  
24                  the purposes of this subparagraph.

1           “(F) The person conducting the filming or  
2           still photography activity complies with and ad-  
3           heres to visitor use policies, practices, and regu-  
4           lations applicable to the applicable System unit.

5           “(G) The filming or still photography ac-  
6           tivity is not likely to result in additional admin-  
7           istrative costs being incurred by the Secretary  
8           with respect to the filming or still photography  
9           activity, as determined by the Secretary.

10          “(H) The person conducting the filming or  
11          still photography activity complies with other  
12          applicable Federal, State, and local laws (in-  
13          cluding regulations), including laws relating to  
14          the use of unmanned aerial equipment.

15          “(6) CONTENT CREATION.—Regardless of dis-  
16          tribution platform, any video, still photograph, or  
17          audio recording for commercial or noncommercial  
18          content creation in a System unit shall be considered  
19          to be a filming or still photography activity under  
20          this subsection.

21          “(7) EFFECT.—

22          “(A) PERMITS REQUESTED THOUGH NOT  
23          REQUIRED.—On the request of a person intend-  
24          ing to carry out a filming or still photography  
25          activity, the Secretary may issue a permit for



1 the filming or still photography activity, even if  
2 a permit for the filming or still photography ac-  
3 tivity is not required under this section.

4 “(B) NO ADDITIONAL PERMITS, COMMERCIAL USE AUTHORIZATIONS, OR FEES FOR  
5 FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.—A filming or still photog-  
6 raphy activity at an activity or event that is al-  
7 lowed or authorized, including a wedding, en-  
8 gagement party, family reunion, or celebration  
9 of a graduate, shall be considered merely inci-  
10 dental for the purposes of paragraph (2)(B).  
11

12 “(C) MONETARY COMPENSATION.—The re-  
13 ceipt of monetary compensation by the person  
14 conducting the filming or still photography ac-  
15 tivity shall not affect the permissibility of the  
16 filming or still photography activity.  
17

18 “(b) FEES AND RECOVERY COSTS.—

19 “(1) FEES.—The reasonable fees referred to in  
20 subsection (a)(4) shall meet each of the following  
21 criteria:

22 “(A) The reasonable fee shall provide a  
23 fair return to the United States.

24 “(B) The reasonable fee shall be based on  
25 the following criteria:

1 “(i) The number of days of the film-  
2 ing or still photography activity.

3 “(ii) The size of the film or still pho-  
4 tography crew present in the System unit.

5 “(iii) The quantity and type of film or  
6 still photography equipment present in the  
7 System unit.

8 “(iv) Any other factors that the Sec-  
9 retary determines to be necessary.

10 “(2) RECOVERY OF COSTS.—

11 “(A) IN GENERAL.—The Secretary shall  
12 collect from the applicant for the applicable per-  
13 mit any costs incurred by the Secretary related  
14 to a filming or still photography activity subject  
15 to a permit under subsection (a)(4), including—

16 “(i) the costs of the review or issuance  
17 of the permit; and

18 “(ii) related administrative and per-  
19 sonnel costs.

20 “(B) EFFECT ON FEES COLLECTED.—All  
21 costs recovered under subparagraph (A) shall  
22 be in addition to the fee described in paragraph  
23 (1).

24 “(3) USE OF PROCEEDS.—

1                   “(A) FEES.—All fees collected under this  
2                   section shall—

3                   “(i) be available for expenditure by  
4                   the Secretary, without further appropria-  
5                   tion; and

6                   “(ii) remain available until expended.

7                   “(B) COSTS.—All costs recovered under  
8                   paragraph (2)(A) shall—

9                   “(i) be available for expenditure by  
10                  the Secretary, without further appropria-  
11                  tion, at the System unit at which the costs  
12                  are collected; and

13                  “(ii) remain available until expended.

14                  “(c) PROTECTION OF RESOURCES.—The Secretary  
15                  shall not allow a person to undertake a filming or still  
16                  photography activity if the Secretary determines that—

17                  “(1) there is a likelihood that the person would  
18                  cause resource damage at the System unit, except as  
19                  otherwise authorized;

20                  “(2) the person would create an unreasonable  
21                  disruption of the use and enjoyment by the public of  
22                  the System unit; or

23                  “(3) the filming or still photography activity  
24                  poses a health or safety risk to the public.

25                  “(d) PROCESSING OF PERMIT APPLICATIONS.—

1           “(1) IN GENERAL.—The Secretary shall estab-  
 2       lish a process to ensure that the Secretary responds  
 3       in a timely manner to an application for a permit for  
 4       a filming or still photography activity required under  
 5       subsection (a)(4).

6           “(2) COORDINATION.—If a permit is required  
 7       under this section for 2 or more Federal agencies or  
 8       System units, the Secretary and the head of any  
 9       other applicable Federal agency, as applicable, shall,  
 10      to the maximum extent practicable, coordinate per-  
 11      mit processing procedures, including through the use  
 12      of identifying a lead agency or lead System unit—

13               “(A) to review the application for the per-  
 14      mit;

15               “(B) to issue the permit; and

16               “(C) to collect any required fees.”.

17           (2) CLERICAL AMENDMENT.—The table of sec-  
 18      tions for chapter 1009 of title 54, United States  
 19      Code, is amended by striking the item relating to  
 20      section 100905 and inserting the following:

“100905. Filming and still photography in System units.”.

21           (b) FILMING ON OTHER FEDERAL LAND.—Public  
 22      Law 106–206 (16 U.S.C. 460l–6d) is amended by striking  
 23      section 1 and inserting the following:

24      **“SEC. 1. FILMING AND STILL PHOTOGRAPHY.**

25           “(a) FILMING AND STILL PHOTOGRAPHY.—

1           “(1) IN GENERAL.—The Secretary concerned  
2       shall ensure that a filming or still photography activ-  
3       ity or similar project at a Federal land management  
4       unit (referred to in this section as a ‘filming or still  
5       photography activity’) and the authorizing or per-  
6       mitting of a filming or still photography activity are  
7       carried out consistent with—

8           “(A) the laws and policies applicable to the  
9       Secretary concerned; and

10          “(B) an applicable general management  
11       plan.

12          “(2) NO PERMITS REQUIRED.—The Secretary  
13       concerned shall not require an authorization or a  
14       permit or assess a fee, if a fee for a filming or still  
15       photography activity is not otherwise required by  
16       law, for a filming or still photography activity that—

17          “(A)(i) involves fewer than 6 individuals;  
18       and

19          “(ii) meets each of the requirements de-  
20       scribed in paragraph (5); or

21          “(B) is merely incidental to, or docu-  
22       menting, an activity or event that is allowed or  
23       authorized at the Federal land management  
24       unit, regardless of—

1 “(i) the number of individuals partici-  
2 pating in the allowed or authorized activity  
3 or event; or

4 “(ii) whether any individual receives  
5 compensation for any products of the film-  
6 ing or still photography activity.

7 “(3) FILMING AND STILL PHOTOGRAPHY AU-  
8 THORIZATIONS FOR DE MINIMIS USE.—

9 “(A) IN GENERAL.—The Secretary con-  
10 cerned shall establish a de minimis use author-  
11 ization for certain filming or still photography  
12 activities that meets the requirements described  
13 in subparagraph (F).

14 “(B) POLICY.—For a filming or still pho-  
15 tography activity that meets the requirements  
16 described in subparagraph (F), the Secretary  
17 concerned—

18 “(i) may require a de minimis use au-  
19 thorization; and

20 “(ii) shall not require a permit.

21 “(C) NO FEE.—The Secretary concerned  
22 shall not charge a fee for a de minimis use au-  
23 thorization under this paragraph.

24 “(D) ACCESS.—The Secretary concerned  
25 shall enable members of the public to apply for

1 and obtain a de minimis use authorization  
2 under this paragraph—

3 “(i) through the website of the De-  
4 partment of the Interior or the Forest  
5 Service, as applicable; and

6 “(ii) in person at the field office for  
7 the Federal land management unit.

8 “(E) ISSUANCES.—The Secretary con-  
9 cerned shall—

10 “(i) establish a procedure—

11 “(I) to automate the approval of  
12 an application submitted through the  
13 website of the Department of the In-  
14 terior or the Forest Service, as appli-  
15 cable, under subparagraph (D)(i); and

16 “(II) to issue a de minimis use  
17 authorization under this paragraph  
18 immediately on receipt of an applica-  
19 tion that is submitted in person at the  
20 field office for the Federal land man-  
21 agement unit under subparagraph  
22 (D)(ii); and

23 “(ii) if an application submitted under  
24 subparagraph (D) meets the requirements  
25 of this paragraph, immediately on receipt

1 of the application issue a de minimis use  
2 authorization for the filming or still pho-  
3 tography activity.

4 “(F) TERMS.—The Secretary concerned  
5 shall only issue a de minimis use authorization  
6 under this paragraph if the filming or still pho-  
7 tography activity—

8 “(i) involves a group of not fewer than  
9 6 individuals and not more than 8 individ-  
10 uals;

11 “(ii) meets each of the requirements  
12 described in paragraph (5); and

13 “(iii) is consistent with subsection (c).

14 “(G) CONTENTS.—A de minimis use au-  
15 thorization issued under this paragraph shall  
16 list the requirements described in subparagraph  
17 (F).

18 “(4) REQUIRED PERMITS.—

19 “(A) IN GENERAL.—Except as provided in  
20 paragraph (2)(B), the Secretary concerned may  
21 require a permit application and, if a permit is  
22 issued, assess a reasonable fee, as described in  
23 subsection (b)(1), for a filming or still photog-  
24 raphy activity that—



1 “(i) involves more than 8 individuals;

2 or

3 “(ii) does not meet each of the re-  
4 quirements described in paragraph (5).

5 “(B) WILDERNESS ACT CLARIFICA-  
6 TION.—No provision of this subsection is in-  
7 tended to or shall be construed to conflict with  
8 the provisions of the Wilderness Act of 1964  
9 (16 U.S.C. 1131 et seq.).

10 “(5) REQUIREMENTS FOR FILMING OR STILL  
11 PHOTOGRAPHY ACTIVITY.—The requirements re-  
12 ferred to in paragraphs (2)(A)(ii), (3)(F)(ii), (4)(B),  
13 and (7)(C) are as follows:

14 “(A) A person conducts the filming or still  
15 photography activity in a manner that—

16 “(i) does not impede or intrude on the  
17 experience of other visitors to the Federal  
18 land management unit;

19 “(ii) except as otherwise authorized,  
20 does not disturb or negatively impact—

21 “(I) a natural or cultural re-  
22 source; or

23 “(II) an environmental or scenic  
24 value; and

1 “(iii) allows for equitable allocation or  
2 use of facilities of the Federal land man-  
3 agement unit.

4 “(B) The person conducts the filming or  
5 still photography activity at a location in which  
6 the public is allowed.

7 “(C) The person conducting the filming or  
8 still photography activity does not require the  
9 exclusive use of a site or area.

10 “(D) The person does not conduct the  
11 filming or still photography activity in a local-  
12 ized area that receives a very high volume of  
13 visitation.

14 “(E) The person conducting the filming or  
15 still photography activity does not use a set or  
16 staging equipment, subject to the limitation  
17 that handheld equipment (such as a tripod,  
18 monopod, and handheld lighting equipment)  
19 shall not be considered staging equipment for  
20 the purposes of this subparagraph.

21 “(F) The person conducting the filming or  
22 still photography activity complies with and ad-  
23 heres to visitor use policies, practices, and regu-  
24 lations applicable to the Federal land manage-  
25 ment unit.

1           “(G) The filming or still photography ac-  
2           tivity is not likely to result in additional admin-  
3           istrative costs being incurred by the Secretary  
4           concerned with respect to the filming or still  
5           photography activity, as determined by the Sec-  
6           retary concerned.

7           “(H) The person conducting the filming or  
8           still photography activity complies with other  
9           applicable Federal, State, and local laws (in-  
10          cluding regulations), including laws relating to  
11          the use of unmanned aerial equipment.

12          “(6) CONTENT CREATION.—Regardless of dis-  
13          tribution platform, any video, still photograph, or  
14          audio recording for commercial or noncommercial  
15          content creation at a Federal land management unit  
16          shall be considered to be a filming or still photog-  
17          raphy activity under this subsection.

18          “(7) EFFECT.—

19          “(A) PERMITS REQUESTED THOUGH NOT  
20          REQUIRED.—On the request of a person intend-  
21          ing to carry out a filming or still photography  
22          activity, the Secretary concerned may issue a  
23          permit for the filming or still photography ac-  
24          tivity, even if a permit for the filming or still

1           photography activity is not required under this  
2           section.

3           “(B) NO ADDITIONAL PERMITS, COMMERCIAL USE AUTHORIZATIONS, OR FEES FOR  
4           FILMING AND STILL PHOTOGRAPHY AT AUTHORIZED EVENTS.—A filming or still photog-  
5           raphy activity at an activity or event that is al-  
6           lowed or authorized, including a wedding, en-  
7           gagement party, family reunion, or celebration  
8           of a graduate, shall be considered merely inci-  
9           dental for the purposes of paragraph (2)(B).

12           “(C) MONETARY COMPENSATION.—The re-  
13           ceipt of monetary compensation by the person  
14           engaged in the filming or still photography ac-  
15           tivity shall not affect the permissibility of the  
16           filming or still photography activity.

17           “(b) FEES AND RECOVERY COSTS.—

18           “(1) FEES.—The reasonable fees referred to in  
19           subsection (a)(4) shall meet each of the following  
20           criteria:

21           “(A) The reasonable fee shall provide a  
22           fair return to the United States.

23           “(B) The reasonable fee shall be based on  
24           the following criteria:

1 “(i) The number of days of the film-  
2 ing or still photography activity.

3 “(ii) The size of the film or still pho-  
4 tography crew present at the Federal land  
5 management unit.

6 “(iii) The quantity and type of film or  
7 still photography equipment present at the  
8 Federal land management unit.

9 “(iv) Any other factors that the Sec-  
10 retary concerned determines to be nec-  
11 essary.

12 “(2) RECOVERY OF COSTS.—

13 “(A) IN GENERAL.—The Secretary con-  
14 cerned shall collect from the applicant for the  
15 applicable permit any costs incurred by the Sec-  
16 retary concerned related to a filming or still  
17 photography activity subject to a permit under  
18 subsection (a)(4), including—

19 “(i) the costs of the review or issuance  
20 of the permit; and

21 “(ii) related administrative and per-  
22 sonnel costs.

23 “(B) EFFECT ON FEES COLLECTED.—All  
24 costs recovered under subparagraph (A) shall

1 be in addition to the fee described in paragraph  
2 (1).

3 “(3) USE OF PROCEEDS.—

4 “(A) FEES.—All fees collected under this  
5 section shall—

6 “(i) be available for expenditure by  
7 the Secretary concerned, without further  
8 appropriation; and

9 “(ii) remain available until expended.

10 “(B) COSTS.—All costs recovered under  
11 paragraph (2)(A) shall—

12 “(i) be available for expenditure by  
13 the Secretary concerned, without further  
14 appropriation, at the Federal land manage-  
15 ment unit at which the costs are collected;  
16 and

17 “(ii) remain available until expended.

18 “(c) PROTECTION OF RESOURCES.—The Secretary  
19 concerned shall not allow a person to undertake a filming  
20 or still photography activity if the Secretary concerned de-  
21 termines that—

22 “(1) there is a likelihood that the person would  
23 cause resource damage at the Federal land manage-  
24 ment unit, except as otherwise authorized;

1           “(2) the person would create an unreasonable  
2       disruption of the use and enjoyment by the public of  
3       the Federal land management unit; or

4           “(3) the filming or still photography activity  
5       poses a health or safety risk to the public.

6       “(d) PROCESSING OF PERMIT APPLICATIONS.—

7           “(1) IN GENERAL.—The Secretary concerned  
8       shall establish a process to ensure that the Secretary  
9       concerned responds in a timely manner to an appli-  
10      cation for a permit for a filming or still photography  
11      activity required under subsection (a)(4).

12          “(2) COORDINATION.—If a permit is required  
13      under this section for 2 or more Federal agencies or  
14      Federal land management units, the Secretary con-  
15      cerned and the head of any other applicable Federal  
16      agency, as applicable, shall, to the maximum extent  
17      practicable, coordinate permit processing procedures,  
18      including through the use of identifying a lead agen-  
19      cy or lead Federal land management unit—

20                  “(A) to review the application for the per-  
21      mit;

22                  “(B) to issue the permit; and

23                  “(C) to collect any required fees.

24       “(e) DEFINITIONS.—In this section:

1           “(1) FEDERAL LAND MANAGEMENT UNIT.—The  
2       term ‘Federal land management unit’ means—

3           “(A) Federal land (other than National  
4       Park System land) under the jurisdiction of the  
5       Secretary of the Interior; and

6           “(B) National Forest System land.

7           “(2) SECRETARY CONCERNED.—The term ‘Sec-  
8       retary concerned’ means—

9           “(A) the Secretary of the Interior, with re-  
10       spect to land described in paragraph (1)(A);  
11       and

12           “(B) the Secretary of Agriculture, with re-  
13       spect to land described in paragraph (1)(B).”.

○