

105TH CONGRESS
2D SESSION

S. 1614

To require a permit for the making of motion picture, television program, or other form of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 1998

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require a permit for the making of motion picture, television program, or other form of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.

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. PERMITS FOR MAKING COMMERCIAL VISUAL**
4 **DEPICTIONS IN UNITS OF THE NATIONAL**
5 **PARK SYSTEM AND NATIONAL WILDLIFE REF-**
6 **UGE SYSTEM.**

7 (a) DEFINITIONS.—In this section:

8 (1) COMMERCIAL VISUAL DEPICTION.—

1 (A) IN GENERAL.—The term “commercial
2 visual depiction” means a visual depiction that
3 a person produces with the intention that the
4 depiction (or reproductions of the depiction) will
5 be disseminated to the public in connection with
6 a for-profit enterprise.

7 (B) EXCLUSIONS.—The term “commercial
8 visual depiction” does not include—

9 (i) a visual depiction produced for dis-
10 semination to the public as news; or

11 (ii) a visual depiction produced by an
12 individual in a limited number and in-
13 tended to be sold by the individual as a
14 work of art.

15 (2) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (3) VISUAL DEPICTION.—The term “visual de-
18 piction” means a motion picture, television program,
19 videotape, photograph, or other form of visual depic-
20 tion or any part of such a depiction.

21 (b) PERMIT REQUIREMENT.—A person shall not
22 produce a commercial visual depiction in a unit of the Na-
23 tional Park System or National Wildlife Refuge System
24 without first obtaining a permit from the Secretary and
25 paying a permit fee.

1 (c) REGULATION.—The Secretary shall by regulation
 2 establish criteria and a procedure for determining the con-
 3 ditions under which a person shall be permitted to produce
 4 a commercial visual depiction in a unit of the National
 5 Park System or National Wildlife Refuge System and the
 6 amount of a permit fee.

7 (d) FEE AMOUNTS.—

8 (1) BASIS OF IMPOSITION.—A permit fee may
 9 be imposed—

10 (A) in a single amount for use of any part
 11 of a unit of the National Park System and Na-
 12 tional Wildlife Refuge System or in different
 13 amounts for use of different areas within a
 14 unit;

15 (B) in different amounts for different
 16 forms of visual depiction; or

17 (C) in a set amount applicable in all cases
 18 or in a negotiated amount applicable in a par-
 19 ticular case.

20 (2) AMOUNT.—

21 (A) MINIMUM AMOUNT.—The amount of a
 22 permit fee shall be not less than an amount
 23 that is sufficient to compensate the Secretary
 24 for all direct and indirect costs to the Secretary
 25 in accommodating the production of a commer-

1 cial visual depiction (including costs of ensuring
2 compliance with any conditions on the use of
3 the area for production of the commercial visual
4 depiction and costs of cleanup and restoration).

5 (B) OTHER CONSIDERATIONS.—In estab-
6 lishing the amount of a permit fee, the Sec-
7 retary shall take into consideration—

8 (i) the extent of any inconvenience to
9 the public that production of the commer-
10 cial visual depiction may cause; and

11 (ii) an estimate of the amount that an
12 owner of private property would charge for
13 use of property that is comparable to the
14 area in which the commercial visual depic-
15 tion is to be produced.

16 (e) CIVIL PENALTY.—A person that produces a com-
17 mercial visual depiction in a unit of the National Park
18 System or National Wildlife Refuge System without first
19 obtaining a permit and paying a permit fee or that fails
20 to comply with any condition stated in a permit shall be
21 subject to imposition by the Secretary, after notice and
22 opportunity for a hearing on the record, of a civil penalty
23 in an amount not exceeding 200 percent of the amount
24 of the permit fee.

1 (f) USE OF PROCEEDS.—Each amount collected by
2 the Secretary as a permit fee or civil penalty under this
3 section shall be retained by the Secretary and shall be
4 available, without further Act of appropriation, for capital
5 improvement and restoration activities in the unit in which
6 the commercial visual depiction was produced.

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