

106TH CONGRESS
1ST SESSION

S. 338

To provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department of the Interior, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1999

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

A BILL

To provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department 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,*

3 **SECTION 1. USE OF LAND; FEE AUTHORITY.**

4 (a) AUTHORITY.—

5 (1) IN GENERAL.—The Secretary of the Inte-
6 rior (referred to in this Act as the “Secretary”) may
7 permit the use of land and facilities in units admin-
8 istered by the Secretary for—

- 1 (A) motion picture production;
- 2 (B) television production;
- 3 (C) soundtrack production;
- 4 (D) the production of an advertisement
- 5 using a prop or a model; or
- 6 (E) any similar commercial project.

7 (2) EXCEPTION.—The Secretary shall not per-
 8 mit a use of land or a facility described in paragraph
 9 (1) if the Secretary determines that a proposed
 10 use—

- 11 (A) is not appropriate; or
- 12 (B) will impair the value or resources of
- 13 the land or facility.

14 (3) BONDING AND INSURANCE.—The Secretary
 15 may require a bond, insurance, or such other means
 16 as is necessary to protect the interests of the United
 17 States in connection with an activity conducted
 18 under a permit issued under this Act.

19 (b) FEES.—

20 (1) IN GENERAL.—For any use of land or a fa-
 21 cility in a unit described in subsection (a), the Sec-
 22 retary shall assess—

- 23 (A) a reimbursement fee; and
- 24 (B) a special use fee.

25 (2) REIMBURSEMENT FEE.—

(A) IN GENERAL.—The Secretary shall require the payment of a reimbursement fee in an amount that is not less than the amount of any direct and indirect costs to the Government incurred—

(i) in processing the application for a permit for a use of land or facilities; and

(ii) as a result of the use of land and facilities under the permit, including any necessary costs of cleanup and restoration.

(B) FUNDS COLLECTED.—An amount equal to the amount of a reimbursement fee collected under this subparagraph shall—

(i) be retained by the Secretary; and

(ii) be available for use by the Secretary, without further Act of appropriation, in the unit in which the reimbursement fee is collected.

(3) SPECIAL USE FEE.—

(A) FACTORS IN DETERMINING SPECIAL USE FEE.—To determine the amount of a special use fee, the Secretary shall establish a schedule of rates sufficient to provide a fair return to the Government, based on factors such as—

1 (i) the number of people on site under
2 a permit;

3 (ii) the duration of activities under a
4 permit;

5 (iii) the conduct of activities under a
6 permit in any area designated by a statute
7 or regulation as a special use area, includ-
8 ing a wilderness or research natural area;

9 (iv) the amount of equipment on site
10 under a permit; and

11 (v) any disruption of normal park
12 function or accessibility, including tem-
13 porary closure of land or a facility to the
14 public.

15 (B) FUNDS COLLECTED.—A special use
16 fee under this subparagraph shall be distributed
17 as follows:

18 (i) 80 percent shall be deposited in a
19 special account in the Treasury, and shall
20 be available, without further Act of appro-
21 priation, for use by the supervisors of units
22 where the fee was collected.

23 (ii) 20 percent shall be deposited in a
24 special account in the Treasury, and shall
25 be available, without further Act of appro-

1 priation, for use by supervisors of units in
 2 the region where the fee was collected.

3 (4) EXCEPTIONS.—

4 (A) FEE WAIVER OR REDUCTION.—The
 5 Secretary may waive a special use fee or charge
 6 a reduced special use fee if the activity for
 7 which the fee is charged provides clear edu-
 8 cational or interpretive benefits for the Depart-
 9 ment of the Interior or the public.

10 (B) REGULAR VISITOR ENTRANCE FEE.—
 11 Nothing in this subsection affects the require-
 12 ment that, in addition to fees under subpara-
 13 graph (A), each individual entering a unit for
 14 purposes described in subsection (a) shall pay
 15 any regular visitor entrance fee charged to visi-
 16 tors to the unit.

17 (c) REGULATIONS.—

18 (1) IN GENERAL.—Not later than 180 days
 19 after the date of enactment of this Act, the Sec-
 20 retary shall promulgate regulations that establish a
 21 schedule of rates for fees collected under subsection
 22 (b) based on factors listed in subsection
 23 (b)(2)(C)(ii).

24 (2) REVIEW OF REGULATIONS.—

1 (A) INITIAL REVIEW.—Not later than 3
 2 years after the date of enactment of this Act,
 3 the Secretary shall review and, as appropriate,
 4 revise the regulations promulgated under this
 5 subsection.

6 (B) CONTINUING REVIEW.—After the date
 7 of promulgation of regulations under subpara-
 8 graph (A), the Secretary shall periodically re-
 9 view the regulations and make necessary revi-
 10 sions.

11 (d) APPLICABILITY OF REGULATIONS.—

12 (1) PROHIBITION ON CERTAIN FEES.—The pro-
 13 hibition on fees set forth in section 5.1(b)(1) of title
 14 43, Code of Federal Regulations, shall cease to
 15 apply beginning on the effective date of regulations
 16 promulgated under this Act.

17 (2) EFFECT ON OTHER REGULATIONS.—Noth-
 18 ing in this Act, other than paragraph (1), affects the
 19 regulations set forth in part 5 of title 43, Code of
 20 Federal Regulations.

21 (e) CIVIL PENALTY.—

22 (1) IN GENERAL.—A person that violates any
 23 regulation promulgated under this Act, or conducts
 24 or attempts to conduct an activity under subsection

1 (a)(1) without obtaining a permit or paying a fee,
 2 shall be assessed a civil penalty—

3 (A) for the first violation, in the amount
 4 that is equal to twice the amount of the fees
 5 charged (or fees that would have been charged)
 6 under subsection (b)(2);

7 (B) for the second violation, in the amount
 8 that is equal to 5 times the amount of the fees
 9 charged (or fees that would have been charged)
 10 under subsection (b)(2); and

11 (C) for the third and each subsequent vio-
 12 lation, in the amount that is equal to 10 times
 13 the amount of the fees charged (or fees that
 14 would have been charged) under subsection
 15 (b)(2).

16 (2) COSTS.—A person that violates this Act or
 17 any regulation promulgated under this Act shall be
 18 required to pay all costs of any proceedings insti-
 19 tuted to enforce this subsection.

20 (f) EFFECTIVE DATE.—

21 (1) IN GENERAL.—Except as provided in para-
 22 graph (2), this Act and the regulations promulgated
 23 under this Act take effect 180 days after the date
 24 of enactment of this Act.

1 (2) EXCEPTION.—This subsection and the au-
2 thority of the Secretary to promulgate regulations
3 under subsection (c) take effect on the date of enact-
4 ment of this Act.

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