

112TH CONGRESS
1ST SESSION

S. 1136

To amend Public Law 106–206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2011

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

A BILL

To amend Public Law 106–206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer.

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. PURPOSE.**

4 The purpose of this Act is to provide commercial film
5 crews of 5 persons or fewer access to film in areas des-
6 ignated for public use during public hours on Federal land
7 and waterways.

1 **SEC. 2. ANNUAL PERMIT AND FEE FOR FILM CREWS OF 5**
2 **PERSONS OR FEWER.**

3 (a) IN GENERAL.—Section (1)(a) of Public Law 106–
4 206 (16 U.S.C. 460l–6d(a)) is amended—

5 (1) by redesignating paragraphs (1), (2), and
6 (3) as subparagraphs (A), (B), and (C), respectively,
7 and indenting appropriately;

8 (2) in the first sentence, by striking “The Sec-
9 retary of the Interior” and inserting the following:

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (4), the Secretary of the Interior”;

12 (3) in the second sentence, by striking “Such
13 fee” and inserting the following:

14 “(2) CRITERIA.—The fee established under
15 paragraph (1)”;

16 (4) in the third sentence, by striking “The Sec-
17 retary may” and inserting the following:

18 “(3) OTHER CONSIDERATIONS.—The Secretary
19 may”; and

20 (5) by adding at the end the following:

21 “(4) SPECIAL RULES FOR FILM CREWS OF 5
22 PERSONS OR FEWER.—

23 “(A) DEFINITION OF FILM CREW.—In this
24 paragraph, the term ‘film crew’ means any per-
25 sons present on Federal land or waterways

1 under the jurisdiction of the Secretary who are
2 associated with the production of a film.

3 “(B) REQUIRED PERMIT AND FEE.—For
4 any film crew of 5 persons or fewer, the Sec-
5 retary shall require a permit and assess an an-
6 nual fee of \$200 for commercial filming activi-
7 ties or similar projects on Federal land and wa-
8 terways administered by the Secretary.

9 “(C) COMMERCIAL FILMING ACTIVITIES.—
10 A permit issued under subparagraph (B) shall
11 be valid for commercial filming activities or
12 similar projects that occur in areas designated
13 for public use during public hours on all Fed-
14 eral land and waterways administered by the
15 Secretary for a 1-year period beginning on the
16 date of issuance of the permit.

17 “(D) NO ADDITIONAL FEES.—For persons
18 holding a permit issued under this paragraph,
19 during the effective period of the permit, the
20 Secretary shall not assess any fees in addition
21 to the fee assessed under subparagraph (B).

22 “(E) USE OF CAMERAS.—The Secretary
23 shall not prohibit, as a mechanized apparatus
24 or under any other purposes, use of cameras or
25 related equipment used for the purpose of com-

1 commercial filming activities or similar projects in
2 accordance with this paragraph on Federal land
3 and waterways administered by the Secretary.

4 “(F) NOTIFICATION REQUIRED.—A film
5 crew of 5 persons or fewer subject to a permit
6 issued under this paragraph shall notify the ap-
7 plicable land management agency with jurisdic-
8 tion over the Federal land at least 48 hours be-
9 fore entering the Federal land.

10 “(G) DENIAL OF ACCESS.—The head of
11 the applicable land management agency may
12 deny access to a film crew under this paragraph
13 if—

14 “(i) there is a likelihood of resource
15 damage that cannot be mitigated;

16 “(ii) there would be an unreasonable
17 disruption of the use and enjoyment of the
18 site by the public;

19 “(iii) the activity poses health or safe-
20 ty risks to the public; or

21 “(iv) the filming includes the use of
22 models or props that are not part of the
23 natural or cultural resources or adminis-
24 trative facilities of the Federal land.”.

1 (b) RECOVERY OF COSTS.—Section (1)(b) of Public
2 Law 106–206 (16 U.S.C. 4601–6d) is amended in the first
3 sentence—

4 (1) by striking “collect any costs” and inserting
5 “recover any costs”; and

6 (2) by striking “similar project” and inserting
7 “similar projects”.

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