

117TH CONGRESS
1ST SESSION

S. 1616

To provide exceptions from permitting and fee requirements for content creation, regardless of distribution platform, including 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.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2021

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

A BILL

To provide exceptions from permitting and fee requirements for content creation, regardless of distribution platform, including 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.

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 “Federal Interior Land
5 Media Act” or the “FILM Act”.

1 **SEC. 2. EXCEPTIONS FOR PERMITTING AND FEE REQUIRE-**
 2 **MENTS FOR CERTAIN CONTENT CREATION,**
 3 **REGARDLESS OF DISTRIBUTION PLATFORM,**
 4 **INCLUDING DIGITAL OR ANALOG VIDEO AND**
 5 **DIGITAL OR ANALOG AUDIO RECORDING AC-**
 6 **TIVITIES, CONDUCTED ON LAND UNDER THE**
 7 **JURISDICTION OF THE SECRETARY OF AGRI-**
 8 **CULTURE AND THE SECRETARY OF THE IN-**
 9 **TERIOR.**

10 (a) NATIONAL PARK SYSTEM LAND.—Section
 11 100905 of title 54, United States Code, is amended—

12 (1) in subsection (c)(1), in the first sentence, by
 13 inserting “commercial or non-commercial” before
 14 “still photography”;

15 (2) by redesignating subsections (d) through (f)
 16 as subsections (e) through (g), respectively;

17 (3) by inserting after subsection (c) the fol-
 18 lowing:

19 “(d) CONTENT CREATION, REGARDLESS OF DIS-
 20 TRIBUTION PLATFORM, INCLUDING DIGITAL OR ANALOG
 21 VIDEO AND DIGITAL OR ANALOG AUDIO RECORDING AC-
 22 TIVITIES.—

23 “(1) IN GENERAL.—Except as provided in para-
 24 graph (3), the Secretary shall not require a permit
 25 or assess a fee or charge for any commercial or non-
 26 commercial content creation, regardless of distribu-

1 tion platform, including digital or analog video and
2 digital or analog audio recording activity, in a Sys-
3 tem unit (referred to in this subsection as a ‘covered
4 activity’), if the covered activity—

5 “(A) takes place at a location in which the
6 public is allowed;

7 “(B) complies with and adheres to visitor
8 use policies, practices, and regulations applica-
9 ble to the applicable System unit;

10 “(C) is conducted in a manner that does
11 not—

12 “(i) impede or intrude on the experi-
13 ence of other visitors to the applicable Sys-
14 tem unit; or

15 “(ii) disturb other resource values and
16 wildlife;

17 “(D) does not require the exclusive use of
18 a site or area;

19 “(E) complies with other applicable Fed-
20 eral, State, and local laws (including regula-
21 tions), such as laws relating to the use of un-
22 manned aerial equipment; and

23 “(F) is conducted by—

24 “(i) an individual; or

1 “(ii) a group of not more than 10 in-
2 dividuals.

3 “(2) ADVANCE NOTIFICATION NOT RE-
4 QUIRED.—The Secretary shall not require advance
5 notification for the conduct of a covered activity
6 under paragraph (1).

7 “(3) EXCEPTIONS.—Notwithstanding para-
8 graph (1), the Secretary may require a permit, as-
9 sess a fee or charge, or both, for the conduct of a
10 covered activity, if—

11 “(A) the covered activity takes place at a
12 location in which members of the public are
13 generally not allowed;

14 “(B) additional administrative costs are
15 likely to be incurred by the Secretary with re-
16 spect to the covered activity;

17 “(C) the covered activity is being con-
18 ducted in a localized area that receives very
19 high volume visitation;

20 “(D) the covered activity requires the use
21 of a set or staging equipment; or

22 “(E) the covered activity is being con-
23 ducted by a group of 11 or more individuals.

24 “(4) VOLUNTARY PERMIT APPLICATIONS.—Not-
25 withstanding paragraph (1), an individual or small

group of individuals conducting a covered activity that meets the requirements of that paragraph may elect to apply for a permit for the covered activity for any reason, including to benefit from any assurances provided by the permit.”;

(4) in subsection (e) (as so redesignated), in the matter preceding paragraph (1), by inserting “, a covered activity described in subsection (d),” after “still photography”; and

(5) in subsection (g) (as so redesignated)—

(A) by striking “The Secretary shall” and inserting the following:

“(1) IN GENERAL.—The Secretary shall”; and

(B) by adding at the end the following:

“(2) COORDINATION.—

“(A) IN GENERAL.—If a permit is required for an activity under this section and 1 or more additional Federal agencies or jurisdictional units are involved in the permitting of the activity, the Secretary and the head of the Federal agency or jurisdictional unit shall, to the maximum extent practicable, coordinate permit processing procedures.

“(B) IDENTIFICATION OF LEAD PERMIT AGENCY CONTACT.—To maximize the efficient

and coordinated processing of permits under this section in which more than 1 Federal agency or jurisdictional unit is involved in the permitting of the activity, the Secretary and the heads of any other applicable Federal agencies shall consider, to the maximum extent practicable, identifying a lead contact or office to process and coordinate applicable permits and fees.”.

(b) OTHER LAND UNDER THE JURISDICTION OF THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF THE INTERIOR.—Section 1 of Public Law 106–206 (16 U.S.C. 460l–6d) is amended—

(1) in subsection (c)(1), in the first sentence, by inserting “commercial or non-commercial” before “still photography”;

(2) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(3) by inserting after subsection (c) the following:

“(d) CONTENT CREATION, REGARDLESS OF DISTRIBUTION PLATFORM, INCLUDING DIGITAL OR ANALOG VIDEO AND DIGITAL OR ANALOG AUDIO RECORDING ACTIVITIES.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (3), the Secretary shall not require a permit
3 or assess a fee or charge for any commercial or non-
4 commercial content creation, regardless of distribu-
5 tion platform, including digital or analog video and
6 digital or analog audio recording activity, on land
7 administered by the Secretary (referred to in this
8 subsection as a ‘covered activity’), if the covered ac-
9 tivity—

10 “(A) takes place at a location in which the
11 public is allowed;

12 “(B) complies with and adheres to visitor
13 use policies, practices, and regulations applica-
14 ble to the applicable land administered by the
15 Secretary;

16 “(C) is conducted in a manner that does
17 not—

18 “(i) impede or intrude on the experi-
19 ence of other visitors to the applicable land
20 administered by the Secretary; or

21 “(ii) disturb other resource values and
22 wildlife;

23 “(D) does not require the exclusive use of
24 a site or area;

1 “(E) complies with other applicable Fed-
2 eral, State, and local laws (including regula-
3 tions), such as laws relating to the use of un-
4 manned aerial equipment; and

5 “(F) is conducted by—

6 “(i) an individual; or

7 “(ii) a group of not more than 10 in-
8 dividuals.

9 “(2) ADVANCE NOTIFICATION NOT RE-
10 QUIRED.—The Secretary shall not require advance
11 notification for the conduct of a covered activity
12 under paragraph (1).

13 “(3) EXCEPTIONS.—Notwithstanding para-
14 graph (1), the Secretary may require a permit, as-
15 sess a fee or charge, or both, for the conduct of a
16 covered activity, if—

17 “(A) the covered activity takes place at a
18 location in which members of the public are
19 generally not allowed;

20 “(B) additional administrative costs are
21 likely to be incurred by the Secretary with re-
22 spect to the covered activity;

23 “(C) the covered activity is being con-
24 ducted in a localized area that receives very
25 high volume visitation;

1 “(D) the covered activity requires the use
2 of a set or staging equipment; or

3 “(E) the covered activity is being con-
4 ducted by a group of 11 or more individuals.

5 “(4) VOLUNTARY PERMIT APPLICATIONS.—Not-
6 withstanding paragraph (1), an individual or small
7 group of individuals conducting a covered activity
8 that meets the requirements of that paragraph may
9 elect to apply for a permit for the covered activity
10 for any reason, including to benefit from any assur-
11 ances provided by the permit.”;

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13 matter preceding paragraph (1), by inserting “, a
14 covered activity described in subsection (d),” after
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18 inserting the following:

19 “(1) IN GENERAL.—The Secretary shall”; and

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21 “(2) COORDINATION.—

22 “(A) IN GENERAL.—If a permit is required
23 for an activity under this section and 1 or more
24 additional Federal agencies or jurisdictional
25 units are involved in the permitting of the activ-

1 ity, the Secretary and the head of the Federal
2 agency or jurisdictional unit shall, to the max-
3 imum extent practicable, coordinate permit
4 processing procedures.

5 “(B) IDENTIFICATION OF LEAD AGENCY
6 CONTACT.—To maximize the efficient and co-
7 ordinated processing of permits under this sec-
8 tion in which more than 1 Federal agency or
9 jurisdictional unit is involved in the permitting
10 of the activity, the Secretary and the heads of
11 any other applicable Federal agencies shall con-
12 sider, to the maximum extent practicable, iden-
13 tifying a lead contact or office to process and
14 coordinate applicable permits and fees.”.

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