

117TH CONGRESS
2D SESSION

H. R. 8258

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2022

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

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

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. 4601–6d) is amended by striking
 23 section 1 and inserting the following:

24 **“SECTION 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).
10

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

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).”.

○