

TRAIL RESPONSIBILITY AND ACCOUNTABILITY FOR THE  
IMPROVEMENT OF LANDS ACT

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JUNE 30, 2004.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. SENSENBRENNER, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H.R. 3247]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3247) to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the purposes for which collected fines may be used, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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## THE AMENDMENT

The amendment is as follows:  
Strike all after the enacting clause and insert the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Trail Responsibility and Accountability for the Improvement of Lands Act" or "TRAIL Act".

## SEC. 2. CONSISTENT ENFORCEMENT AUTHORITY REGARDING NATIONAL PARK SYSTEM LANDS, NATIONAL FOREST LANDS, AND OTHER PUBLIC LANDS.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) is amended—

- (1) by inserting "(1)" after "(a)";
- (2) by striking the second sentence; and
- (3) by adding at the end the following new paragraphs:

"(2) Any person who knowingly violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

"(3) Any person who otherwise violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings."

(b) NATIONAL PARK SYSTEM LANDS.—

(1) ENFORCEMENT.—Section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3) is amended—

(A) by striking "That the Secretary" the first place it appears and inserting "(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—(1) The Secretary";

(B) by striking "Service," and all that follows through "proceedings." and inserting "Service."; and

(C) by inserting after the first sentence the following new paragraphs:

"(2) Any person who knowingly violates or fails to comply with any rule or regulation issued under this section shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

"(3) Any person who otherwise violates or fails to comply with any such rule or regulation shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings."

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by striking "He may also" the first place it appears and inserting the following:

"(b) SPECIAL MANAGEMENT AUTHORITIES.—The Secretary of the Interior may";

(B) by striking "He may also" the second place it appears and inserting "The Secretary may"; and

(C) by striking "No natural," and inserting the following:

"(c) LEASE AND PERMIT AUTHORITIES.—No natural"

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(f) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(f)) is amended—

(1) in paragraph (1), by striking "fined under title 18, United States Code, or imprisoned for not more than 1 year, or both." and inserting "guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.";

(2) in paragraph (2), by striking "fined under title 18, United States Code, or imprisoned not more than 180 days, or both." and inserting "guilty of a Class B misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.".

(d) NATIONAL FOREST SYSTEM LANDS.—

(1) ENFORCEMENT.—The eleventh undesignated paragraph under the heading “SURVEYING THE PUBLIC LANDS” of the Act of June 4, 1897 (16 U.S.C. 551), is amended—

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

**“SEC. 551. PROTECTION OF NATIONAL FORESTS; RULES AND REGULATIONS.**

**“(a) REGULATIONS FOR USE AND PROTECTION OF NATIONAL FOREST SYSTEM; ENFORCEMENT.—(1) The Secretary of Agriculture”;**

**(B) by striking “destruction; and any” and all that follows through “or both.” and inserting “destruction.”; and**

**(C) by inserting after “destruction.”, as added by subparagraph (B), the following new paragraphs:**

**“(2) Any person who knowingly violates or fails to comply with any rule or regulation made under paragraph (1) shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.**

**“(3) Any person who otherwise violates or fails to comply with any such rule or regulation shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings.”.**

**(2) CONFORMING AMENDMENT.—Section 551 of such Act, as designated by paragraph (1), is further amended by striking “Any person” and inserting the following:**

**“(b) PROCESS.—Any person”.**

**SEC. 3. ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS DURING FIRE BAN.**

**(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), as amended by section 2(a), is further amended by adding at the end the following new paragraph:**

**“(4) In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.”.**

**(b) NATIONAL PARK SYSTEM LANDS.—Subsection (a) of section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3), as designated and amended by section 2(b), is further amended by adding at the end the following new paragraph:**

**“(4) In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.”.**

**(c) NATIONAL FOREST SYSTEM LANDS.—Subsection (a) of section 551 of the Act of June 4, 1897 (16 U.S.C. 551), as designated and amended by section 2(d), which before such designation and amendment was the eleventh undesignated paragraph under the heading “SURVEYING THE PUBLIC LANDS” of such Act, is further amended by adding at the end the following new paragraph:**

**“(4) In the case of such a rule or regulation regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.”.**

**PURPOSE AND SUMMARY**

The purpose of H.R. 3247, the “Trail Responsibility and Accountability for the Improvement of Lands Act” or “TRAIL Act” is to provide consistent enforcement authority to the four major Federal land management agencies for violations of regulations relating to the use and protection of public lands under their jurisdiction, to clarify the purposes for which collected fines could be used, and to establish minimum fines for violating public land fire regulations during fire bans.

#### BACKGROUND AND NEED FOR THE LEGISLATION

Currently, each of the four major Federal land management agencies—the Bureau of Land Management, the U.S. Forest Service, the National Park Service, and the U.S. Fish and Wildlife Service—have differing penalties for violations of laws protecting public lands. This legislation would provide consistent penalties for violations under each of their organic acts or any regulation issued under those acts. The consistency in these laws will aid in clearing up public confusion while also serving as a deterrent.

H.R. 3247 provides consistent enforcement authority to each of the four agencies that respond to violations of regulations regarding the management, use, and protection of public lands under their jurisdiction. Additionally, the bill as reported by the Committee on Resources clarifies the purposes for which collected fines may be used and incorporates the amended text of another bill, H.R. 1038, the “Public Lands Fire Regulations Enforcement Act of 2003,” that increases the penalties that may be imposed for a violation of fire regulations applicable to the public lands.

The TRAIL Act would apply two general classes of fines and penalties, under 18 U.S.C. §§ 3571 and 3581, for those who are guilty of certain crimes on Federal lands. It would also designate the use of all collected fines to cover the cost of any improvement, protection, or rehabilitation work needed because of the action leading to the fine. Collected fines may also be used to increase public awareness of regulations or to cover administrative or legal expenses rendered necessary by the actions which that led to the fine. Any excess funds would be returned to the U.S. Treasury.

The TRAIL Act establishes a minimum fine of \$500 for a violation of fire rules and regulations on lands under the jurisdiction of the Bureau of Land Management, National Park System Lands, and National Forest System Lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property. This same change was included in H.R. 1038.

#### THE COMMITTEE'S AMENDMENT

Subcommittee on Crime, Terrorism, and Homeland Security Chairman Coble offered the only amendment to the text as reported by the Committee on Resources. His amendment was to strike all of Section 3 and to redesignate the succeeding sections accordingly. This amendment restores current law that provides that fines that are collected for Federal crimes are deposited into the Crime Victims Fund. Section 3 of H.R. 3247 would have made the collected fines available to either the Secretary of the Interior or the Secretary of Agriculture, depending on the proximity of the violation, for purposes relating to forest fires. The amendment was agreed to by a voice vote.

#### HEARINGS

No hearings were held in the Committee on the Judiciary on H.R. 3247.

## COMMITTEE CONSIDERATION

H.R. 3247 was introduced by Representative Tancredo on October 2, 2003. The bill was referred primarily to the Committee on Resources and secondarily to the Committee on Agriculture on introduction. H.R. 3247 was sequentially referred to the Committee on the Judiciary on May 20, 2004 for a period extending to June 30, 2004. The Committee on Resources amended the bill and favorably reported it by unanimous consent on May 5, 2004. The Committee on Agriculture discharged the bill without further consideration.

On June 23, 2004, the Committee on the Judiciary met in open session and ordered the bill reported favorably, as amended, by a voice vote, a quorum being present.

## VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the Committee's consideration of H.R. 3247.

## COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based upon oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3247, the following estimate and comparison prepared by the Director of the Congressional Budget Office under Section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 25, 2004.*

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3247, the Trail Responsibility and Accountability for the Improvement of Lands Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

## Enclosure

cc: Honorable John Conyers, Jr.  
Ranking Member

*H.R. 3247—Trail Responsibility and Accountability for the Improvement of Lands (TRAIL) Act of 2003.*

H.R. 3247 would amend existing laws that govern the protection of Federal lands to provide land-management agencies with consistent enforcement authorities. The bill would standardize penalty amounts, sentences, and other terms for certain misdemeanor violations established under regulation by the U.S. Forest Service, the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service.

CBO estimates that enacting H.R. 3247 would have no significant net impact on the Federal budget. Implementing the penalties established by the bill could change the size of fines and penalties, but CBO expects that any net change would be less than \$500,000 annually. Moreover, any additional amounts collected from the violations of these regulations would be offset by new direct spending from the Crime Victims Fund, which receives all such revenues.

H.R. 3247 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

On May 20, 2004, CBO transmitted a cost estimate for H.R. 3247 as ordered reported by the House Committee on Resources on May 5, 2004. Under that version of the legislation, the affected land management agencies would be authorized to retain and spend any fines or penalties collected under the affected Federal regulations. Under the version approved by the House Judiciary Committee, those collections would continue to be deposited into the Crime Victims Fund. Neither version of the legislation would result in any additional Federal spending because these fines and penalties are already available to be spent without further appropriation. Therefore, the estimated budgetary effects of the two versions of the legislation are the same.

The CBO staff contact for this estimate is Deborah Reis, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House or Representatives, the goal of H.R. 3247 is to provide consistent enforcement authority to the four major Federal land management agencies.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

## SECTION-BY-SECTION ANALYSIS AND DISCUSSION

*Sec. 1. Short title.* The short title is the “Trail Responsibility and Accountability for the Improvement of Lands Act” or “TRAIL Act.”

*Sec. 2. Consistent Enforcement Authority Regarding National Park Systems Lands, National Park Service Lands, and other public lands.* This section amends the organic statutes of the four major land management agencies to create both Class A and Class B misdemeanors as defined in Title 18 of the U.S. Code for violations of regulations on lands they administer.

(a) Lands Under the Jurisdiction of Bureau of Land Management—Subsection 2(a) amends the Federal Land Policy and Management Act of 1976 (43 U.S.C. §1773(a)) by providing that any person who knowingly violates or fails to comply with any of the provisions of this Act, or any regulation issued under this Act, shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of Title 18, United States Code, or imprisonment as provided in Section 3581 of that title, or both. Any person who otherwise violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.

(b) National Park System Lands—Subsection 2(b) amends the National Park Service Organic Act (16 U.S.C. §3) by providing that any person who knowingly violates or fails to comply with any rule or regulation issued under this section shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. Any person who otherwise violates or fails to comply with any such rule or regulation shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings.

(c) National Wildlife Refuge System Lands—Subsection 2(c) amends the “National Wildlife Refuge System Administration Act of 1966” (16 U.S.C. §668dd(f)) by providing that any person who knowingly violates or fails to comply with any of the provisions of the Act shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of Title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who otherwise violates or fails to comply with any of the provisions of the Act shall be guilty of a Class B misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.

(d) National Forest System Lands—Subsection 2(d) amends the Act of June 4, 1897 (16 U.S.C. §551) by providing that any person who knowingly violates or fails to comply with any rule or regulation made under the Act shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. Any person who otherwise violates or fails to comply with any such rule or regulation shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings.

*Sec. 3. Consistent Authorities Regarding Use of Collected Fines.* This section would have amended the applicable statutes relating to the use of fines that are collected for violations at each of the four primary land management agencies to provide consistency for the availability and use of collected fines. This section would allow fines collected for violations on lands under the jurisdiction of the Bureau of Land Management, National Park System Lands, National Wildlife Refuge System Lands, and National Forest System Lands to be used:

(a) to cover the cost to the United States of any improvement, protection, or rehabilitation work on lands rendered necessary by the action which led to the fine, forfeiture, judgment, compromise, or settlement;

(b) to increase public awareness of rules, regulations, and other requirements regarding the use of such lands; and

(c) to cover administrative, legal, and related expenses rendered necessary by the action that led to the fine.

This section also provided for the return of excess funds to the Treasury, if the funds were in excess of the amounts necessary to carry out the above purposes.

An amendment striking this section was offered and approved by the Committee on the Judiciary. The effect of the amendment is to retain current law under which these fines go to the Crime Victims Fund.

*Sec. 4. Establishment of Minimum Fine for Violation of Public Land Fire Regulations During Fire Ban.* This section establishes a minimum fine for fire violations on certain public lands by amending the applicable statutes of the individual land management agencies. In the case of a regulation regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500. Section 4 is the same as the amended text of H.R. 1038.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

### **SECTION 303 OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976**

#### ENFORCEMENT AUTHORITY

SEC. 303. (a)(1) The Secretary shall issue regulations necessary to implement the provisions of this Act with respect to the management, use, and protection of the public lands, including the property located thereon. ¶ Any person who knowingly and willfully violates any such regulation which is lawfully issued pursuant to this Act shall be fined no more than \$1,000 or imprisoned no more than twelve months, or both. Any person charged with a violation of

such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18 of the United States Code.

(2) *Any person who knowingly violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.*

(3) *Any person who otherwise violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.*

(4) *In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.*

### SECTION 3 OF THE ACT OF AUGUST 25, 1916

(Popularly known as the "National Park Service Organic Act")

CHAP. 408.—AN ACT To establish a National Park Service, and for other purposes.

SEC. 3. *That the Secretary (a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—(1) The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violation of any of the rules and regulations authorized by this Act shall be punished by a fine of not more than \$500 or imprisonment for not exceeding six months, or both, and be adjudged to pay all cost of the proceedings. Service.*

(2) *Any person who knowingly violates or fails to comply with any rule or regulation issued under this section shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.*

(3) *Any person who otherwise violates or fails to comply with any such rule or regulation shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings. He may also*

(4) *In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.*

(b) *SPECIAL MANAGEMENT AUTHORITIES.*—*The Secretary of the Interior may, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also The Secretary may provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. No natural,*

(c) *LEASE AND PERMIT AUTHORITIES.*—*No natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: Provided, however, That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park: And provided further, That the Secretary of the Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids: And provided further, That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees, without the approval of the Secretary of the Interior first obtained in writing.*

\* \* \* \* \*

**SECTION 4 OF THE NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966**

SEC. 4. (a)(1) \* \* \*

\* \* \* \* \*

(f) **PENALTIES.**—

(1) **KNOWING VIOLATIONS.**—Any person who knowingly violates or fails to comply with any of the provisions of this Act or any regulations issued thereunder shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both. *guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.*

(2) **OTHER VIOLATIONS.**—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both. *guilty of a Class B misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title,*

*or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.*

\* \* \* \* \*

**ACT OF JUNE 4, 1897**

**CHAP. 2.**—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes.

\* \* \* \* \*

UNDER THE DEPARTMENT OF THE INTERIOR.

\* \* \* \* \*

SURVEYING THE PUBLIC LANDS.

\* \* \* \* \*

∫The Secretary of the Interior

**SEC. 551. PROTECTION OF NATIONAL FORESTS; RULES AND REGULATIONS.**

*(a) REGULATIONS FOR USE AND PROTECTION OF NATIONAL FOREST SYSTEM; ENFORCEMENT.—(1) The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations which may have been set aside or which may be hereafter set aside under the said Act of March third, eighteen hundred and ninety-one, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from ∫destruction; and any violation of the provisions of this Act or such rules and regulations shall be punished by a fine of not more than \$500 or imprisonment for not more than six months, or both. destruction.*

*(2) Any person who knowingly violates or fails to comply with any rule or regulation made under paragraph (1) shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.*

*(3) Any person who otherwise violates or fails to comply with any such rule or regulation shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings.*

*(4) In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.*

∫Any person *(b) PROCESS.—Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18,*

United States Code, section 3401, subsections (b), (c), (d), and (e),  
as amended.

\* \* \* \* \*

MARKUP TRANSCRIPT

**BUSINESS MEETING**

**WEDNESDAY, JUNE 23, 2004**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:09 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Chairman SENSENBRENNER. The Committee will be in order. A working quorum is present. Pursuant to notice, I now call up the bill H.R. 3247, the "Trail Responsibility and Accountability for the Improvement Lands Act of 2003" for purposes of markup and move its favorable recommendation to the House.

Without objection, the bill will be considered as read and open for amendment at any point, and the text as reported by the Committee on Resources, which the Members have before them, will be considered as read, considered as the original text for purposes of amendment and open for amendment at any point. The Chair recognizes himself for 5 minutes to explain the bill.

[The bill, H.R. 3247, follows:]

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3247

[Report No. 108- ]

To provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the purposes for which collected fines may be used, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2003

Mr. TANCREDO (for himself, Mr. MCINNIS, and Mr. UDALL of Colorado) introduced the following bill; which was referred to the Committee on 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

MAY , 2004

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on October 2, 2003]

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## A BILL

To provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, to clarify the

purposes for which collected fines may be used, 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. SHORT TITLE.**

4 *This Act may be cited as the “Trail Responsibility and*  
5 *Accountability for the Improvement of Lands Act” or*  
6 *“TRAIL Act”.*

7 **SEC. 2. CONSISTENT ENFORCEMENT AUTHORITY REGARD-**  
8 **ING NATIONAL PARK SYSTEM LANDS, NA-**  
9 **TIONAL FOREST LANDS, AND OTHER PUBLIC**  
10 **LANDS.**

11 *(a) LANDS UNDER JURISDICTION OF BUREAU OF*  
12 *LAND MANAGEMENT.—Section 303(a) of the Federal Land*  
13 *Policy and Management Act of 1976 (43 U.S.C. 1733(a))*  
14 *is amended—*

15 *(1) by inserting “(1)” after “(a)”;*

16 *(2) by striking the second sentence; and*

17 *(3) by adding at the end the following new para-*  
18 *graphs:*

19 *“(2) Any person who knowingly violates or fails to*  
20 *comply with any of the provisions of this Act or any regula-*  
21 *tion issued under this Act shall be guilty of a Class A mis-*  
22 *demeanor, subject to fine as provided in section 3571 of title*

1 18, *United States Code*, or imprisonment as provided in  
2 section 3581 of that title, or both.

3 “(3) *Any person who otherwise violates or fails to com-*  
4 *ply with any of the provisions of this Act or any regulation*  
5 *issued under this Act shall be guilty of a Class B mis-*  
6 *demeanor, subject to fine or imprisonment, or both, as pro-*  
7 *vided in such sections. A person who violates any such pro-*  
8 *vision or regulation may also be adjudged to pay all costs*  
9 *of the proceedings.”.*

10 (b) *NATIONAL PARK SYSTEM LANDS.—*

11 (1) *ENFORCEMENT.—Section 3 of the Act of Au-*  
12 *gust 25, 1916 (popularly known as the National Park*  
13 *Service Organic Act; 16 U.S.C. 3) is amended—*

14 (A) *by striking “That the Secretary” the*  
15 *first place it appears and inserting “(a) REGU-*  
16 *LATIONS FOR USE AND MANAGEMENT OF NA-*  
17 *TIONAL PARK SYSTEM; ENFORCEMENT.—(1) The*  
18 *Secretary”;*

19 (B) *by striking “Service,” and all that fol-*  
20 *lows through “proceedings.” and inserting “Serv-*  
21 *ice.”; and*

22 (C) *by inserting after the first sentence the*  
23 *following new paragraphs:*

24 “(2) *Any person who knowingly violates or fails to*  
25 *comply with any rule or regulation issued under this sec-*

1 *tion shall be guilty of a Class A misdemeanor, subject to*  
2 *fine as provided in section 3571 of title 18, United States*  
3 *Code, or imprisonment as provided in section 3581 of that*  
4 *title, or both.*

5       “(3) *Any person who otherwise violates or fails to com-*  
6 *ply with any such rule or regulation shall be guilty of a*  
7 *Class B misdemeanor, subject to fine or imprisonment, or*  
8 *both, as provided in such sections. A person who violates*  
9 *any such rule or regulation may also be adjudged to pay*  
10 *all costs of the proceedings.”.*

11       (2) *CONFORMING AMENDMENTS.—Such section is*  
12 *further amended—*

13               (A) *by striking “He may also” the first*  
14 *place it appears and inserting the following:*

15       “(b) *SPECIAL MANAGEMENT AUTHORITIES.—The Sec-*  
16 *retary of the Interior may”;*

17               (B) *by striking “He may also” the second*  
18 *place it appears and inserting “The Secretary*  
19 *may”;* and

20               (C) *by striking “No natural,” and inserting*  
21 *the following:*

22       “(c) *LEASE AND PERMIT AUTHORITIES.—No nat-*  
23 *ural”.*

1       (c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—  
2 Section 4(f) of the National Wildlife Refuge System Admin-  
3 istration Act of 1966 (16 U.S.C. 668dd(f)) is amended—

4           (1) in paragraph (1), by striking “fined under  
5 title 18, United States Code, or imprisoned for not  
6 more than 1 year, or both.” and inserting “guilty of  
7 a Class A misdemeanor, subject to fine as provided in  
8 section 3571 of title 18, United States Code, or im-  
9 prisonment as provided in section 3581 of that title,  
10 or both. A person who violates any such provision or  
11 regulation may also be adjudged to pay all costs of  
12 the proceedings.”;

13           (2) in paragraph (2), by striking “fined under  
14 title 18, United States Code, or imprisoned not more  
15 than 180 days, or both.” and inserting “guilty of a  
16 Class B misdemeanor, subject to fine as provided in  
17 section 3571 of title 18, United States Code, or im-  
18 prisonment as provided in section 3581 of that title,  
19 or both. A person who violates any such provision or  
20 regulation may also be adjudged to pay all costs of  
21 the proceedings.”.

22       (d) NATIONAL FOREST SYSTEM LANDS.—

23           (1) ENFORCEMENT.—The eleventh undesignated  
24 paragraph under the heading “SURVEYING THE PUB-

1        *LIC LANDS*” of the Act of June 4, 1897 (16 U.S.C.  
2        551), is amended—

3                    (A) by striking “The Secretary of the Inte-  
4                    rior” and inserting the following:

5        **“SEC. 551. PROTECTION OF NATIONAL FORESTS; RULES**  
6                    **AND REGULATIONS.**

7                    “(a) *REGULATIONS FOR USE AND PROTECTION OF NA-*  
8        *TIONAL FOREST SYSTEM; ENFORCEMENT.—(1) The Sec-*  
9        *retary of Agriculture*”;

10                    (B) by striking “destruction; and any” and  
11                    all that follows through “or both.” and inserting  
12                    “destruction.”; and

13                    (C) by inserting after “destruction.”, as  
14                    added by subparagraph (B), the following new  
15                    paragraphs:

16                    “(2) *Any person who knowingly violates or fails to*  
17        *comply with any rule or regulation made under paragraph*  
18        *(1) shall be guilty of a Class A misdemeanor, subject to fine*  
19        *as provided in section 3571 of title 18, United States Code,*  
20        *or imprisonment as provided in section 3581 of that title,*  
21        *or both.*

22                    “(3) *Any person who otherwise violates or fails to com-*  
23        *ply with any such rule or regulation shall be guilty of a*  
24        *Class B misdemeanor, subject to fine or imprisonment, or*  
25        *both, as provided in such sections. A person who violates*

1 *any such rule or regulation may also be adjudged to pay*  
2 *all costs of the proceedings.”.*

3 (2) *CONFORMING AMENDMENT.—Section 551 of*  
4 *such Act, as designated by paragraph (1), is further*  
5 *amended by striking “Any person” and inserting the*  
6 *following:*

7 “(b) *PROCESS.—Any person”.*

8 **SEC. 3. CONSISTENT AUTHORITIES REGARDING USE OF**  
9 **COLLECTED FINES.**

10 (a) *LANDS UNDER JURISDICTION OF BUREAU OF*  
11 *LAND MANAGEMENT.—Section 305 of the Federal Land*  
12 *Policy and Management Act of 1976 (43 U.S.C. 1735), is*  
13 *amended by adding at the end the following new subsection:*

14 “(d) *USE OF COLLECTED FINES.—*

15 “(1) *AVAILABILITY AND AUTHORIZED USE.—Any*  
16 *moneys received by the United States as a result of*  
17 *a fine imposed under section 3571 of title 18, United*  
18 *States Code, for a violation of a regulation prescribed*  
19 *under section 303(a) shall be available to the Sec-*  
20 *retary, without further appropriation and until ex-*  
21 *pended, for the following purposes:*

22 “(A) *To cover the cost to the United States*  
23 *of any improvement, protection, or rehabilitation*  
24 *work on the public lands rendered necessary by*  
25 *the action which led to the fine.*

1           “(B) To increase public awareness of regu-  
2           lations and other requirements regarding the use  
3           of the public lands.

4           “(C) To cover administrative, legal, and re-  
5           lated expenses rendered necessary by the action  
6           which led to the fine.

7           “(2) RETURN OF EXCESS FUNDS TO TREAS-  
8           URY.—Moneys referred to in paragraph (1) that the  
9           Secretary determines are excess to the amounts nec-  
10          essary to carry out the purposes specified in such  
11          paragraph shall be transferred to miscellaneous re-  
12          ceipts.”.

13          (b) NATIONAL PARK SYSTEM LANDS.—Section 3 of the  
14          Act of August 25, 1916 (popularly known as the National  
15          Park Service Organic Act; 16 U.S.C. 3), as amended by  
16          section 2(b), is further amended by adding at the end the  
17          following new subsection:

18          “(d) USE OF COLLECTED FINES.—

19                 “(1) AVAILABILITY AND AUTHORIZED USE.—Any  
20                 moneys received by the United States as a result of  
21                 a fine imposed under section 3571 of title 18, United  
22                 States Code, for a violation of a rule or regulation  
23                 prescribed under this section shall be available to the  
24                 Secretary of the Interior, without further appropria-  
25                 tion and until expended, for the following purposes:

1           “(A) To cover the cost to the United States  
2           of any improvement, protection, or rehabilitation  
3           work on the National Park System lands ren-  
4           dered necessary by the action which led to the  
5           fine.

6           “(B) To increase public awareness of rules,  
7           regulations, and other requirements regarding  
8           the use of such lands.

9           “(C) To cover administrative, legal, and re-  
10          lated expenses rendered necessary by the action  
11          which led to the fine.

12          “(2) RETURN OF EXCESS FUNDS TO TREAS-  
13          URY.—Moneys referred to in paragraph (1) that the  
14          Secretary determines are excess to the amounts nec-  
15          essary to carry out the purposes specified in such  
16          paragraph shall be transferred to miscellaneous re-  
17          ceipts.”.

18          (c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—  
19          Section 4(f) of the National Wildlife Refuge System Admin-  
20          istration Act of 1966 (16 U.S.C. 668dd(f)), as amended by  
21          section 2(c), is further amended by adding at the end the  
22          following new paragraphs:

23                 “(3) USE OF COLLECTED FINES.—Any moneys  
24                 received by the United States as a result of a fine im-  
25                 posed under section 3571 of title 18, United States

1     *Code, for a violation of this Act or a regulation issued*  
 2     *thereunder shall be available to the Secretary, without*  
 3     *further appropriation and until expended, for the fol-*  
 4     *lowing purposes:*

5             *“(A) To cover the cost to the United States*  
 6             *of any improvement, protection, or rehabilitation*  
 7             *work on the System lands rendered necessary by*  
 8             *the action which led to the fine.*

9             *“(B) To increase public awareness of rules,*  
 10            *regulations, and other requirements regarding*  
 11            *the use of System lands.*

12            *“(C) To cover administrative, legal, and re-*  
 13            *lated expenses rendered necessary by the action*  
 14            *which led to the fine.*

15            *“(4) RETURN OF EXCESS FUNDS TO TREAS-*  
 16            *URY.—Moneys referred to in paragraph (3) that the*  
 17            *Secretary determines are excess to the amounts nec-*  
 18            *essary to carry out the purposes specified in such*  
 19            *paragraph shall be transferred to miscellaneous re-*  
 20            *ceipts.”.*

21            *(d) NATIONAL FOREST SYSTEM LANDS.—Section 7 of*  
 22     *the Act of June 20, 1958 (16 U.S.C. 579c), is amended—*

23            *(1) by inserting “(a) TREATMENT OF CERTAIN*  
 24            *MONEYS RECEIVED ON BEHALF OF FOREST SERV-*  
 25            *ICE.—” before “Any moneys”;*

1           (2) by striking “contract or (2)” and inserting  
2           “contract, (2)”;

3           (3) by inserting after “improvements,” the fol-  
4           lowing: “or (3) as a result of a fine imposed under  
5           section 3571 of title 18, United States Code, for a vio-  
6           lation of a rule or regulation prescribed by the Sec-  
7           retary of Agriculture with respect to such lands,”;

8           (4) by striking “to cover” and all that follows  
9           through the end of the section and inserting the fol-  
10          lowing: “for the purposes specified in subsection (b).”;  
11          and

12          (5) by adding at the end the following new sub-  
13          section:

14          “(b) AUTHORIZED USE.—

15                 “(1) IN GENERAL.—The moneys referred to in  
16                 subsection (a) shall be available to the Secretary of  
17                 Agriculture for the following purposes:

18                         “(A) To cover the cost to the United States  
19                         of any improvement, protection, or rehabilitation  
20                         work on National Forest System lands rendered  
21                         necessary by the action which led to the fine, for-  
22                         feiture, judgment, compromise, or settlement.

23                         “(B) To increase public awareness of rules,  
24                         regulations, and other requirements regarding  
25                         the use of such lands.

1           “(C) *To cover administrative, legal, and re-*  
2           *lated expenses rendered necessary by the action*  
3           *which led to the fine.*

4           “(2) *RETURN OF EXCESS FUNDS TO TREAS-*  
5           *URY.—Moneys referred to in subsection (a) that the*  
6           *Secretary determines are excess to the amounts nec-*  
7           *essary to carry out the purposes specified in para-*  
8           *graph (1) shall be transferred to miscellaneous re-*  
9           *ceipts.”.*

10 **SEC. 4. ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION**  
11                                   **OF PUBLIC LAND FIRE REGULATIONS DURING**  
12                                   **FIRE BAN.**

13           (a) *LANDS UNDER JURISDICTION OF BUREAU OF*  
14 *LAND MANAGEMENT.—Section 303(a) of the Federal Land*  
15 *Policy and Management Act of 1976 (43 U.S.C. 1733(a)),*  
16 *as amended by section 2(a), is further amended by adding*  
17 *at the end the following new paragraph:*

18           “(4) *In the case of a regulation issued under this sec-*  
19 *tion regarding the use of fire by individuals on the public*  
20 *lands, if the violation of the regulation was the result of*  
21 *reckless conduct, occurred in an area subject to a complete*  
22 *ban on open fires, and resulted in damage to public or pri-*  
23 *vate property, the fine may not be less than \$500.”.*

24           (b) *NATIONAL PARK SYSTEM LANDS.—Subsection (a)*  
25 *of section 3 of the Act of August 25, 1916 (popularly known*

1 *as the National Park Service Organic Act; 16 U.S.C. 3),*  
2 *as designated and amended by section 2(b), is further*  
3 *amended by adding at the end the following new paragraph:*

4       “(4) *In the case of a rule or regulation issued under*  
5 *this subsection regarding the use of fire by individuals on*  
6 *such lands, if the violation of the rule or regulation was*  
7 *the result of reckless conduct, occurred in an area subject*  
8 *to a complete ban on open fires, and resulted in damage*  
9 *to public or private property, the fine may not be less than*  
10 *\$500.”.*

11       (c) *NATIONAL FOREST SYSTEM LANDS.—Subsection*  
12 *(a) of section 551 of the Act of June 4, 1897 (16 U.S.C.*  
13 *551), as designated and amended by section 2(d), which be-*  
14 *fore such designation and amendment was the eleventh un-*  
15 *designated paragraph under the heading “SURVEYING THE*  
16 *PUBLIC LANDS” of such Act, is further amended by adding*  
17 *at the end the following new paragraph:*

18       “(4) *In the case of such a rule or regulation regarding*  
19 *the use of fire by individuals on such lands, if the violation*  
20 *of the rule or regulation was the result of reckless conduct,*  
21 *occurred in an area subject to a complete ban on open fires,*  
22 *and resulted in damage to public or private property, the*  
23 *fine may not be less than \$500.”.*

Chairman SENSENBRENNER. This is a bill that we have on a sequential referral that expires on June 30. Basically, it is a good bill; however, there is a criminal penalties provision that has the proceeds of criminal fines being deposited in a place other than the Victims Compensation Fund.

Sections 2, 3, and 4 are within the jurisdiction of the Judiciary Committee. I am going to ask unanimous consent that my full statement be included in the record at this point and yield back the balance of my time.

[The prepared statement of Chairman Sensenbrenner follows:]

PREPARED STATEMENT OF THE HONORABLE F. JAMES SENSENBRENNER, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN, AND CHAIRMAN, COMMITTEE ON THE JUDICIARY

Today we mark up H.R. 3247, the "Trail Responsibility and Accountability for the Improvement of Lands Act" or "TRAIL" Act. This bill was primarily referred to the Committee on Resources and additionally to the Committee on Agriculture. The Resources Committee held a Subcommittee hearing and favorably reported the bill, as amended, by unanimous consent. The Committee on Agriculture discharged the bill without further action.

Several substantive provisions of this bill pertain to criminal proceedings: Section 2, which relates to making criminal penalties consistent; Section 3, which provides for the use of criminal fines that are collected; and Section 4, which establishes a minimum fine for certain fire violations. These provisions are within the Judiciary Committee's Rule X criminal law jurisdiction, and as such, we received a sequential referral until June 30th.

This important piece of legislation provides consistent enforcement authority to the four major federal land management agencies. This authority includes enforcement of regulations regarding the management, use, or protection of the public lands under their jurisdiction. These agencies—the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the U.S. Forest Service—each are charged with the protection of various public lands, but similar violations often result in different penalties, depending on which entity has jurisdiction of the land where the violation has occurred. This legislation, while providing consistency in the law, will clear up confusion on the part of the public and serve to deter violators. Instead of having different penalties in the respective statutes that relate to these agencies, the TRAIL Act creates two general classes of fines and penalties that already exist under the criminal code.

This bill makes any knowing violation or failure to comply with any of the provisions of the organic statutes of these land management agencies a Class A misdemeanor, subject to the fines and/or imprisonment as provided in Sections 3571 and 3581 of Title 18.

Any other violation would be a Class B misdemeanor, under the same code provisions. This bill also clarifies authorities regarding the use of collected fines.

Finally, the TRAIL Act establishes a minimum fine of \$500 for the violation of a public land fire ban if the violation is the result of reckless conduct, occurs in an area that was subject to a total ban on open fires, and results in damage to public or private property.

The combined effect of this common sense legislation is that the land managers and the Department of Justice will have greater flexibility to deal with criminal violations of land management regulations. I urge my colleagues to support the TRAIL Act.

Chairman SENSENBRENNER. I recognize the gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman, for scheduling this markup of H.R. 3247.

The purpose of the bill is to provide consistent enforcement authority among various agencies with jurisdiction for public land management, including Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, Forest Service. It also enhances their ability to address violations of their regulations regarding the management, use and protection of public lands by in-

creasing the penalties and clarifying the purposes for which the collected fines may be used.

The bill is primarily a Resource Committee bill, but since it now includes the text of H.R. 1038, the "Public Lands Fire Regulations Enforcement Act of 2003," which we passed last September and some language affecting the Crime Victims Fund, I thank you for asserting the jurisdiction of this Committee.

Specifically, that part of the bill makes criminal penalties for violating primarily fire regulations concerning public lands consistent among the various entities with jurisdiction over such lands and establishes a minimum \$500 fine for violations and provides that all criminal fines for these violations will go to rehabilitating these lands.

This is a bipartisan bill, not controversial. With a small bit of tweaking that I understand we might do during the markup, I think the bill reflects our priorities with respect to the Crime Victims Fund. I believe we should pass the bill and urge my colleagues to support it after those amendments, and I yield back.

Chairman SENSENBRENNER. Without objection, all Members' opening statements will be placed in the record at this point.

Are there amendments?

The gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The Clerk will report the amendment.

The CLERK. Amendment to H.R. 3247, as reported from the Committee on Resources—

Mr. COBLE. Mr. Chairman, I would move that the amendment be considered as read.

Chairman SENSENBRENNER. Without objection, so ordered.

[The amendment offered by Mr. Coble follows:]

H.L.C.

**AMENDMENT TO H.R. 3247, AS REPORTED FROM**

**THE COMMITTEE ON RESOURCES**

**OFFERED BY** Coble

Strike section 3 (page 7, line 8 through page 12, line 9) and redesignate succeeding sections accordingly.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. COBLE. Well you and the gentleman from Virginia have pretty well touched on the purport of this bill, Mr. Chairman. Most of the fines collected through—strike that. Most of the monies col-

lected through criminal fines go to the Office for Victims of Crime at the Department of Justice now. The bill before us in its present form, however, diverts those monies to the four major land management agencies which the gentleman from Virginia previously mentioned to cover the cost to rehabilitate, protect or improve Federal lands.

My amendment simply strikes section 3 that provides that and reverts to what the law presently is, that is, for the fines to go to the Office for Victims of Crime at DOJ. I am told, Mr. Chairman and colleagues, that our friends on Resources have no heartburn with my amendment and I urge its passage.

Chairman SENSENBRENNER. Does the gentleman yield back?

Mr. COBLE. I yield back.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentleman from North Carolina, Mr. Coble. Those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Are there further amendments?

There are no further amendments.

Without objection, the previous question is ordered on the motion to report the bill favorably as amended since a reporting quorum is not present.

[Intervening business.]

Chairman SENSENBRENNER. A reporting quorum is now present. The question is on reporting the bill—without objection the version of the bill H.R. 3247, reported by the Committee on Resources and laid down as the base text as adopted, as amended.

The question occurs on the motion to report the bill H.R. 3247 favorably as amended.

All in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The motion to report favorably is agreed to.

Without objection, the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute incorporating the amendments adopted here today.

Without objection, the Chairman is authorized to move to go to conference pursuant to House rules.

Without objection, the staff is directed to make any technical and conforming changes, and all Members will be given 2 days as provided by the House rules in which to submit additional, dissenting, supplemental or minority views.