

FEDERAL LANDS RESTORATION, ENHANCEMENT, PUBLIC
EDUCATION, AND INFORMATION RESOURCES ACT OF
2005

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JUNE 14, 2005.—Ordered to be printed
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Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 599]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 599) to provide a source of funds to carry out restoration activities on Federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND FINDINGS.

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Lands Restoration, Enhancement, Public Education, and Information Resources Act of 2005”.

(b) **FINDINGS.**—Congress finds the following:

(1) Violations of laws and regulations applicable to the use of Federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture often result in damages to those lands that require expenditures for restoration activities to mitigate the damages.

(2) Increased public information and education regarding the laws and regulations applicable to the use of these Federal lands can help to reduce the frequency of unintentional violations.

(3) It is appropriate that fines and other monetary penalties paid as a result of violations of laws and regulations applicable to the use of these Federal lands be used to defray the costs of such restoration activities and to provide such public information and education.

SEC. 2. USE OF FINES FROM VIOLATIONS OF LAWS AND REGULATIONS APPLICABLE TO PUBLIC LANDS FOR RESTORATION AND INFORMATIONAL ACTIVITIES.

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

“(d) **USE OF COLLECTED FINES.**—

“(1) AVAILABILITY AND AUTHORIZED USE.—Any moneys received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation prescribed under section 303(a) shall be available to the Secretary, without further appropriation and until expended, for the following purposes:

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

“(B) To increase public awareness of regulations and other requirements regarding the use of the public lands.

“(2) TREATMENT OF EXCESS FUNDS.—Moneys referred to in paragraph (1) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).”.

(b) NATIONAL PARK SYSTEM LANDS.—Section 3 of the National Park Service Organic Act (16 U.S.C. 3), is amended—

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

(2) by striking “He may also” the first place it appears and inserting the following:

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

(3) by striking “He may also” the second place it appears and inserting “The Secretary may”;

(4) by striking “No natural,” and inserting the following:

“(c) LEASE AND PERMIT AUTHORITIES.—No natural”; and

(5) by adding at the end the following new subsection:

“(d) USE OF COLLECTED FINES.—

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

“(A) To cover the cost to the United States of any improvement, protection, or rehabilitation work on the National Park System lands rendered necessary by the action which led to the fine or by similar actions.

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

“(2) TREATMENT OF EXCESS FUNDS.—Moneys referred to in paragraph (1) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).”.

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Subsection (f) of section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following new paragraphs:

“(3) USE OF COLLECTED FINES.—Any moneys received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of this Act or a regulation issued thereunder shall be available to the Secretary, without further appropriation and until expended, for the following purposes:

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

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

“(4) TREATMENT OF EXCESS FUNDS.—Moneys referred to in paragraph (3) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).”.

(d) NATIONAL FOREST SYSTEM LANDS.—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—

(1) by inserting before the first sentence the following:

“SEC. 551. PROTECTION OF NATIONAL FOREST SYSTEM LANDS; REGULATIONS.

“(a) REGULATIONS FOR USE AND PROTECTION OF NATIONAL FOREST SYSTEM.—”;

- (2) by striking “destruction; and any violation” and inserting the following: “destruction.”
- “(b) VIOLATIONS; PENALTIES.—Any violation”; and
- (3) by adding at the end the following new subsection:
- “(c) USE OF COLLECTED FINES.—
- “(1) AVAILABILITY AND AUTHORIZED USE.—Any moneys received by the United States as a result of a collateral payment in lieu of appearance or a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation issued under subsection (a) shall be available to the Secretary of Agriculture, without further appropriation and until expended, for the following purposes:
- “(A) To cover the cost to the United States of any improvement, protection, or rehabilitation work on National Forest System lands rendered necessary by the action which led to the fine or payment.
- “(B) To increase public awareness of rules, regulations, and other requirements regarding the use of such lands.
- “(2) TREATMENT OF EXCESS FUNDS.—Moneys referred to in paragraph (1) that the Secretary of Agriculture determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).”.

PURPOSE OF THE BILL

The purpose of H.R. 599 is to provide a source of funds to carry out restoration activities on federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Currently, most fines or penalties received from violations of federal rules or regulations on public lands are transferred to the Crime Victims Fund. The Crime Victims Fund is used to reimburse persons who have criminal actions taken against them. However, on federal land, many times the fine or penalty issued is due to natural resource or federal structure damage. H.R. 599 seeks to ensure monies collected from such violations return to the damaged area to rehabilitate and restore the land, as well as fund education about such damage (posting signs, etc.).

H.R. 599 would make available any moneys received from fines, forfeitures, judgments, compromises, or settlements for violations of rules and regulations applicable to federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture for restoration and public informational activities on such lands. Excess funds would be transferred to the Crime Victims Fund established under the Victims of Crime Act of 1984.

COMMITTEE ACTION

H.R. 599 was introduced on February 2, 2005, by Congressman Mark Udall (D-CO). The bill was referred to the Committee on Resources and additionally to the Committee on Agriculture. Within the Resources Committee, the bill was referred to the Subcommittees on Fisheries and Oceans, National Parks, and Forests and Forest Health. On March 16, 2005, the Subcommittee on Forests and Forest Health held a hearing on the bill. On May 18, 2005, the Full Resources Committee met to consider the bill. The Subcommittees were discharged from further consideration of the bill by unanimous consent. Congressman Mark Udall offered an amendment in the nature of a substitute to make technical changes as requested

by the Department of the Interior and the Department of Agriculture. The amendment was adopted by unanimous consent and the bill as amended was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the rules of the House of Representatives does not apply.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 599—Federal Lands Restoration, Enhancement, Public Education, and Information Resources Act of 2005

H.R. 599 would authorize land-management agencies to spend without appropriation criminal fines and penalties collected from violators of laws that govern the protection of federal lands. Currently, such collections (recorded as revenues) are deposited into the Crime Victims Compensation Fund and later spent (as direct spending). The four agencies affected are the U.S. Forest Service, Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service.

CBO estimates that enacting H.R. 599 would have no impact on the federal budget because the fines and penalties to be made available to the four agencies under the bill are already available to be spent without appropriation from the Crime Victims Compensation Fund.

H.R. 599 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.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

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 italic, existing law in which no change is proposed is shown in roman):

SECTION 305 OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

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DEPOSITS AND FOREITURES

SEC. 305. (a) * * *

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(d) *USE OF COLLECTED FINES.*—

(1) *AVAILABILITY AND AUTHORIZED USE.*—*Any moneys received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation prescribed under section 303(a) shall be available to the Secretary, without further appropriation and until expended, for the following purposes:*

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

(B) *To increase public awareness of regulations and other requirements regarding the use of the public lands.*

(2) *TREATMENT OF EXCESS FUNDS.*—*Moneys referred to in paragraph (1) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).*

SECTION 3 OF THE NATIONAL PARK SERVICE ORGANIC ACT

SEC. 3. [That the Secretary](a) *REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.*—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. [He may also]

(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.

(d) *USE OF COLLECTED FINES.*—

(1) *AVAILABILITY AND AUTHORIZED USE.*—Any moneys received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a rule or regulation prescribed under this section shall be available to the Secretary of the Interior, without further appropriation and until expended, for the following purposes:

(A) To cover the cost to the United States of any improvement, protection, or rehabilitation work on the National Park System lands rendered necessary by the action which led to the fine or by similar actions.

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

(2) *TREATMENT OF EXCESS FUNDS.*—Moneys referred to in paragraph (1) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

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

SEC. 4. (a) * * *

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(f) PENALTIES.—

(1) * * *

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(3) *USE OF COLLECTED FINES.*—Any moneys received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of this Act or a regulation issued thereunder shall be available to the Secretary, without further appropriation and until expended, for the following purposes:

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

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

(4) *TREATMENT OF EXCESS FUNDS.*—Moneys referred to in paragraph (3) that the Secretary determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

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ACT OF JUNE 4, 1897

CHAP. 2.—AN ACT making appropriations for sundry civil expenses of the Government of the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes.

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UNDER THE DEPARTMENT OF THE INTERIOR.

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SURVEYING THE PUBLIC LANDS.

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SEC. 551. PROTECTION OF NATIONAL FOREST SYSTEM LANDS; REGULATIONS.

(a) *REGULATIONS FOR USE AND PROTECTION OF NATIONAL FOREST SYSTEM.*—The Secretary of the Interior 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~~ *destruction*.

(b) *VIOLATIONS; PENALTIES.*—*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. 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.

(c) *USE OF COLLECTED FINES.*—

(1) *AVAILABILITY AND AUTHORIZED USE.*—*Any moneys received by the United States as a result of a collateral payment in lieu of appearance or a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation issued under subsection (a) shall be available to the Secretary of Agriculture, without further appropriation and until expended, for the following purposes:*

(A) *To cover the cost to the United States of any improvement, protection, or rehabilitation work on National Forest System lands rendered necessary by the action which led to the fine or payment.*

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

(2) *TREATMENT OF EXCESS FUNDS.*—*Moneys referred to in paragraph (1) that the Secretary of Agriculture determines are excess to the amounts necessary to carry out the purposes specified in such paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).*

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COMMITTEE CORRESPONDENCE

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, June 9, 2005.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture,
Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: I ask your cooperation to help schedule early consideration by the House of Representatives of H.R. 599, to provide a source of funds to carry out restoration activities on federal lands under the jurisdiction of the Secretary of the Interior or

the Secretary of Agriculture, and for other purposes. H.R. 599 was referred primarily to the Committee on Resources and additionally to your Committee. The Committee on Resources ordered the bill favorably reported by unanimous consent on May 18, 2005, and I have transmitted a copy of the draft bill report to your staff for review.

I ask that you allow the Committee on Agriculture to be discharged from further consideration of this bill to expedite Floor scheduling. Of course, this action would not be considered as precedent for any future referrals of similar measures. Moreover, if the bill is conferenced with the Senate, I would support naming Agriculture Committee members to the conference committee. I would also be pleased to include this letter and your response in the report on the bill.

Mr. Chairman, I have been very pleased with the tremendous degree of cooperation between our two Committees these past two Congresses on the many bills which affect our national forests. Your staff has been responsive and thoughtful, and my staff very much appreciates their support and teamwork. I hope that you will give my request serious consideration and I look forward to your response.

Sincerely,

RICHARD W. POMBO,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, June 10, 2005.

Hon. RICHARD POMBO,
*Chairman, House Committee on Resources,
Longworth HOB, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for forwarding a draft copy of the Committee on Resources reports to accompany H.R. 599 and H.R. 975, as ordered reported by your Committee on May 18, 2005. As you are aware, the Committee on Agriculture was granted an additional referral of these pieces of legislation on those provisions that fall within the jurisdiction of this Committee.

Knowing of your interest in expediting both pieces of legislation and in maintaining the continued consultation between our Committees on these matters, I agree to discharge both H.R. 599 and H.R. 975 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim over these or similar measures. In addition, in the event a conference with Senate is requested on this matter, the Committee on Agriculture reserves the right to seek appointment of conferees, if it should become necessary.

Once again, I am grateful for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

BOB GOODLATTE,
Chairman.

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