

# Union Calendar No. 338

108TH CONGRESS  
2D SESSION

# H. R. 3247

[Report No. 108-511, Parts I and II]

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 20, 2004

Reported from the Committee on Resources with an amendment

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

MAY 20, 2004

Referral to the Committee on Agriculture extended for a period ending not later than May 20, 2004

MAY 20, 2004

The Committee on Agriculture discharged

MAY 20, 2004

Referred to the Committee on the Judiciary for a period ending not later than June 30, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X

JUNE 30, 2004

Additional sponsors: Mr. BEAUPREZ, Mr. OTTER, Mr. SHIMKUS, Mr. ACEVEDO-VILÁ, Mr. RADANOVICH, Mr. SIMPSON, Mr. GREEN of Wisconsin, Mrs. CUBIN, Mr. CANNON, Mr. GIBBONS, Mr. PETERSON of Pennsylvania, Mr. PORTER, Mr. STUPAK, Mr. MATHESON, and Mr. BOUCHER

JUNE 30, 2004

Reported from the Committee on the Judiciary with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[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”.*

1 **SEC. 2. CONSISTENT ENFORCEMENT AUTHORITY REGARD-**  
2 **ING NATIONAL PARK SYSTEM LANDS, NA-**  
3 **TIONAL FOREST LANDS, AND OTHER PUBLIC**  
4 **LANDS.**

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

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

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

11 (3) *by adding at the end the following new para-*  
12 *graphs:*

13 “(2) *Any person who knowingly violates or fails to*  
14 *comply with any of the provisions of this Act or any regula-*  
15 *tion issued under this Act shall be guilty of a Class A mis-*  
16 *demeanor, subject to fine as provided in section 3571 of title*  
17 *18, United States Code, or imprisonment as provided in*  
18 *section 3581 of that title, or both.*

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

26 (b) *NATIONAL PARK SYSTEM LANDS.*—

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

4                   (A) by striking “That the Secretary” the  
5                   first place it appears and inserting “(a) *REGU-*  
6                   *LATIONS FOR USE AND MANAGEMENT OF NA-*  
7                   *TIONAL PARK SYSTEM; ENFORCEMENT.*—(1) The  
8                   Secretary”;

9                   (B) by striking “Service,” and all that fol-  
10                  lows through “proceedings.” and inserting “Serv-  
11                  ice.”; and

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

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

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

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

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

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

7           (B) *by striking “He may also” the second*  
8 *place it appears and inserting “The Secretary*  
9 *may”;* and

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

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

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

17           (1) *in paragraph (1), by striking “fined under*  
18 *title 18, United States Code, or imprisoned for not*  
19 *more than 1 year, or both.” and inserting “guilty of*  
20 *a Class A misdemeanor, subject to fine as provided in*  
21 *section 3571 of title 18, United States Code, or im-*  
22 *prisonment as provided in section 3581 of that title,*  
23 *or both. A person who violates any such provision or*  
24 *regulation may also be adjudged to pay all costs of*  
25 *the proceedings.”;* and

1           (2) *in paragraph (2), by striking “fined under*  
 2 *title 18, United States Code, or imprisoned not more*  
 3 *than 180 days, or both.” and inserting “guilty of a*  
 4 *Class B misdemeanor, subject to fine as provided in*  
 5 *section 3571 of title 18, United States Code, or im-*  
 6 *prisonment as provided in section 3581 of that title,*  
 7 *or both. A person who violates any such provision or*  
 8 *regulation may also be adjudged to pay all costs of*  
 9 *the proceedings.”.*

10       (d) *NATIONAL FOREST SYSTEM LANDS.—*

11           (1) *ENFORCEMENT.—The eleventh undesignated*  
 12 *paragraph under the heading “SURVEYING THE PUB-*  
 13 *LIC LANDS” of the Act of June 4, 1897 (16 U.S.C.*  
 14 *551), is amended—*

15                   (A) *by striking “The Secretary of the Inte-*  
 16 *rior” and inserting the following:*

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

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

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

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

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

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

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

20               “(b) PROCESS.—Any person”.

21 **SEC. 3. CONSISTENT AUTHORITIES REGARDING USE OF**  
22 **COLLECTED FINES.**

23               (a) LANDS UNDER JURISDICTION OF BUREAU OF  
24 LAND MANAGEMENT.—Section 305 of the Federal Land

1 *Policy and Management Act of 1976 (43 U.S.C. 1735), is*  
2 *amended by adding at the end the following new subsection:*

3 “(d) *USE OF COLLECTED FINES.*—

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

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

15 “(B) *To increase public awareness of regu-*  
16 *lations and other requirements regarding the use*  
17 *of the public lands.*

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

21 “(2) *RETURN OF EXCESS FUNDS TO TREAS-*  
22 *URY.*—*Moneys referred to in paragraph (1) that the*  
23 *Secretary determines are excess to the amounts nec-*  
24 *essary to carry out the purposes specified in such*

1       *paragraph shall be transferred to miscellaneous re-*  
2       *ceipts.”.*

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

8       **“(d) USE OF COLLECTED FINES.**—

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

16               **“(A) To cover the cost to the United States**  
17       *of any improvement, protection, or rehabilitation*  
18       *work on the National Park System lands ren-*  
19       *dered necessary by the action which led to the*  
20       *fine.*

21               **“(B) To increase public awareness of rules,**  
22       *regulations, and other requirements regarding*  
23       *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 paragraph (1) that the  
6           Secretary determines are excess to the amounts nec-  
7           essary to carry out the purposes specified in such  
8           paragraph shall be transferred to miscellaneous re-  
9           ceipts.”.

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

15                 “(3) USE OF COLLECTED FINES.—Any moneys  
16                 received by the United States as a result of a fine im-  
17                 posed under section 3571 of title 18, United States  
18                 Code, for a violation of this Act or a regulation issued  
19                 thereunder shall be available to the Secretary, without  
20                 further appropriation and until expended, for the fol-  
21                 lowing purposes:

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

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

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

7           “(4) RETURN OF EXCESS FUNDS TO TREAS-  
8           URY.—Moneys referred to in paragraph (3) 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          (d) NATIONAL FOREST SYSTEM LANDS.—Section 7 of  
14          the Act of June 20, 1958 (16 U.S.C. 579c), is amended—

15                 (1) by inserting “(a) TREATMENT OF CERTAIN  
16                 MONEYS RECEIVED ON BEHALF OF FOREST SERV-  
17                 ICE.—” before “Any moneys”;

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

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

1           (4) *by striking “to cover” and all that follows*  
2 *through the end of the section and inserting the fol-*  
3 *lowing: “for the purposes specified in subsection (b).”;*  
4 *and*

5           (5) *by adding at the end the following new sub-*  
6 *section:*

7           “(b) *AUTHORIZED USE.—*

8           “(1) *IN GENERAL.—The moneys referred to in*  
9 *subsection (a) shall be available to the Secretary of*  
10 *Agriculture for the following purposes:*

11           “(A) *To cover the cost to the United States*  
12 *of any improvement, protection, or rehabilitation*  
13 *work on National Forest System lands rendered*  
14 *necessary by the action which led to the fine, for-*  
15 *feiture, judgment, compromise, or settlement.*

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

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

22           “(2) *RETURN OF EXCESS FUNDS TO TREAS-*  
23 *URY.—Moneys referred to in subsection (a) that the*  
24 *Secretary determines are excess to the amounts nec-*  
25 *essary to carry out the purposes specified in para-*



1 to a complete ban on open fires, and resulted in damage  
2 to public or private property, the fine may not be less than  
3 \$500.”.

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

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

17 SECTION 1. SHORT TITLE.

18 **This Act may be cited as the “Trail Re-**  
19 **sponsibility and Accountability for the Im-**  
20 **provement of Lands Act” or “TRAIL Act”.**

1 SEC. 2. CONSISTENT ENFORCEMENT AUTHORITY REGARD-  
2                   ING NATIONAL PARK SYSTEM LANDS, NA-  
3                   TIONAL FOREST LANDS, AND OTHER PUBLIC  
4                   LANDS.

5           (a) LANDS UNDER JURISDICTION OF BUREAU  
6 OF LAND MANAGEMENT.—Section 303(a) of the  
7 Federal Land Policy and Management Act of  
8 1976 (43 U.S.C. 1733(a)) is amended—

9                   (1) by inserting “(1)” after “(a)”;

10                   (2) by striking the second sentence;

11           and

12                   (3) by adding at the end the following  
13 new paragraphs:

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

22           “(3) Any person who otherwise violates or  
23 fails to comply with any of the provisions of  
24 this Act or any regulation issued under this  
25 Act shall be guilty of a Class B misdemeanor,  
26 subject to fine or imprisonment, or both, as

1 provided in such sections. A person who vio-  
2 lates any such provision or regulation may  
3 also be adjudged to pay all costs of the pro-  
4 ceedings.”.

5 (b) NATIONAL PARK SYSTEM LANDS.—

6 (1) ENFORCEMENT.—Section 3 of the  
7 Act of August 25, 1916 (popularly known  
8 as the National Park Service Organic Act;  
9 16 U.S.C. 3) is amended—

10 (A) by striking “That the Sec-  
11 retary” the first place it appears and  
12 inserting “(a) REGULATIONS FOR USE  
13 AND MANAGEMENT OF NATIONAL PARK  
14 SYSTEM; ENFORCEMENT.—(1) The Sec-  
15 retary”;

16 (B) by striking “Service,” and all  
17 that follows through “proceedings.”  
18 and inserting “Service.”; and

19 (C) by inserting after the first  
20 sentence the following new para-  
21 graphs:

22 “(2) Any person who knowingly violates or  
23 fails to comply with any rule or regulation  
24 issued under this section shall be guilty of a  
25 Class A misdemeanor, subject to fine as pro-

1 vided in section 3571 of title 18, United States  
2 Code, or imprisonment as provided in section  
3 3581 of that title, or both.

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

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

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

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

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

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

23 “(c) LEASE AND PERMIT AUTHORITIES.—No  
24 natural”.

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

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

16          **(2) in paragraph (2), by striking**  
17          **“fined under title 18, United States Code,**  
18          **or imprisoned not more than 180 days, or**  
19          **both.” and inserting “guilty of a Class B**  
20          **misdemeanor, subject to fine as provided**  
21          **in section 3571 of title 18, United States**  
22          **Code, or imprisonment as provided in**  
23          **section 3581 of that title, or both. A per-**  
24          **son who violates any such provision or**

1 regulation may also be adjudged to pay  
2 all costs of the proceedings.”.

3 **(d) NATIONAL FOREST SYSTEM LANDS.—**

4 **(1) ENFORCEMENT.—**The eleventh un-  
5 designated paragraph under the heading  
6 “SURVEYING THE PUBLIC LANDS” of the Act  
7 of June 4, 1897 (16 U.S.C. 551), is amend-  
8 ed—

9 **(A) by striking “The Secretary of**  
10 **the Interior” and inserting the fol-**  
11 **lowing:**

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

14 **“(a) REGULATIONS FOR USE AND PROTECTION**  
15 **OF NATIONAL FOREST SYSTEM; ENFORCEMENT.—**

16 **(1) The Secretary of Agriculture”;**

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

21 **(C) by inserting after “destruc-**  
22 **tion.”, as added by subparagraph (B),**  
23 **the following new paragraphs:**

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

1 made under paragraph (1) shall be guilty of  
2 a Class A misdemeanor, subject to fine as pro-  
3 vided in section 3571 of title 18, United States  
4 Code, or imprisonment as provided in section  
5 3581 of that title, or both.

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

13 (2) CONFORMING AMENDMENT.—Section  
14 551 of such Act, as designated by para-  
15 graph (1), is further amended by striking  
16 “Any person” and inserting the following:  
17 “(b) PROCESS.—Any person”.

18 SEC. 3. ESTABLISHMENT OF MINIMUM FINE FOR VIOLA-  
19 TION OF PUBLIC LAND FIRE REGULATIONS  
20 DURING FIRE BAN.

21 (a) LANDS UNDER JURISDICTION OF BUREAU  
22 OF LAND MANAGEMENT.—Section 303(a) of the  
23 Federal Land Policy and Management Act of  
24 1976 (43 U.S.C. 1733(a)), as amended by sec-

1 **tion 2(a), is further amended by adding at the**  
2 **end the following new paragraph:**

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

11 **(b) NATIONAL PARK SYSTEM LANDS.—Sub-**  
12 **section (a) of section 3 of the Act of August 25,**  
13 **1916 (popularly known as the National Park**  
14 **Service Organic Act; 16 U.S.C. 3), as des-**  
15 **ignated and amended by section 2(b), is fur-**  
16 **ther amended by adding at the end the fol-**  
17 **lowing new paragraph:**

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

1       **(c) NATIONAL FOREST SYSTEM LANDS.—Sub-**  
2 **section (a) of section 551 of the Act of June**  
3 **4, 1897 (16 U.S.C. 551), as designated and**  
4 **amended by section 2(d), which before such**  
5 **designation and amendment was the eleventh**  
6 **undesigned paragraph under the heading**  
7 **“SURVEYING THE PUBLIC LANDS” of such Act, is**  
8 **further amended by adding at the end the fol-**  
9 **lowing new paragraph:**

10       **“(4) In the case of such a rule or regula-**  
11 **tion regarding the use of fire by individuals**  
12 **on such lands, if the violation of the rule or**  
13 **regulation was the result of reckless conduct,**  
14 **occurred in an area subject to a complete ban**  
15 **on open fires, and resulted in damage to pub-**  
16 **lic or private property, the fine may not be**  
17 **less than \$500.”.**



Union Calendar No. 338

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

**H. R. 3247**

[Report No. 108-511, Parts I and II]

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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.

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JUNE 30, 2004

Reported from the Committee on the Judiciary with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed