

107TH CONGRESS
2D SESSION

H. R. 3808

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2002

Mr. MCINNIS 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

A BILL

To provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of the public lands, National Park System lands, and National Forest System lands, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Consistent Public
3 Land Laws Enforcement Act of 2002”.

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

8 (a) LANDS UNDER JURISDICTION OF BUREAU OF
9 LAND MANAGEMENT.—Section 303(a) of the Federal
10 Land Policy and Management Act of 1976 (43 U.S.C.
11 1733(a)) is amended by striking the second sentence and
12 inserting the following new sentences: “A violation of any
13 such regulation shall be a Class B misdemeanor, except
14 that a person who knowingly and willfully violates any
15 such regulation shall be guilty of a Class A misdemeanor,
16 subject to fine as provided in section 3571 of title 18,
17 United States Code, or imprisonment as provided in sec-
18 tion 3581 of that title, or both. A person who violates any
19 such regulation may also be adjudged to pay all costs of
20 the proceedings.”.

21 (b) NATIONAL PARK SYSTEM LANDS.—

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

1 (A) by striking “That the Secretary” and
2 inserting “(a) REGULATIONS FOR USE AND
3 MANAGEMENT OF NATIONAL PARK SYSTEM;
4 ENFORCEMENT.—The Secretary”; and

5 (B) by striking “Service,” and all that fol-
6 lows through “proceedings.” and inserting the
7 following: “Service. A violation of any such rule
8 or regulation shall be a Class B misdemeanor,
9 except that a person who knowingly and will-
10 fully violates any such rule or regulation shall
11 be guilty of a Class A misdemeanor, subject to
12 fine as provided in section 3571 of title 18,
13 United States Code, or imprisonment as pro-
14 vided in section 3581 of that title, or both. A
15 person who violates any such rule or regulation
16 may also be adjudged to pay all costs of the
17 proceedings.”.

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

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

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

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

4 (C) by striking “No natural,” and insert-
5 ing the following:

6 “(c) LEASE AND PERMIT AUTHORITIES.—No nat-
7 ural”.

8 (c) NATIONAL FOREST SYSTEM LANDS.—The elev-
9 enth undesignated paragraph under the heading “SUR-
10 VEYING THE PUBLIC LANDS” of the Act of June 4, 1897
11 (16 U.S.C. 551), is amended by striking “destruction; and
12 any” and all that follows through “or both.” and inserting
13 the following: “destruction. A violation of any such rule
14 or regulation shall be a Class B misdemeanor, except that
15 a person who knowingly and willfully violates any such
16 rule or regulation shall be guilty of a Class A mis-
17 demeanor, subject to fine as provided in section 3571 of
18 title 18, United States Code, or imprisonment as provided
19 in section 3581 of that title, or both. A person who violates
20 any such rule or regulation may also be adjudged to pay
21 all costs of the proceedings.”.

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

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

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

4 “(d) USE OF COLLECTED FINES.—

5 “(1) AVAILABILITY AND AUTHORIZED USE.—

6 Any moneys received by the United States as a re-
7 sult of a fine imposed under section 3571 of title 18,
8 United States Code, for a violation of a regulation
9 prescribed under section 303(a) shall be available to
10 the Secretary, without further appropriation and
11 until expended, for the following purposes:

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

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

19 “(2) RETURN OF EXCESS FUNDS TO TREAS-
20 URY.—Moneys referred to in paragraph (1) that the
21 Secretary determines are excess to the amounts nec-
22 essary to carry out the purposes specified in such
23 paragraph shall be transferred to miscellaneous re-
24 ceipts.”.

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

6 “(d) USE OF COLLECTED FINES.—

7 “(1) AVAILABILITY AND AUTHORIZED USE.—

8 Any moneys received by the United States as a re-
9 sult of a fine imposed under section 3571 of title 18,
10 United States Code, for a violation of a rule or regu-
11 lation prescribed under this section shall be available
12 to the Secretary of the Interior, without further ap-
13 propriation and until expended, for the following
14 purposes:

15 “(A) To cover the cost to the United
16 States of any improvement, protection, or reha-
17 bilitation work on the National Park System
18 lands rendered necessary by the action which
19 led to the fine.

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

23 “(2) RETURN OF EXCESS FUNDS TO TREAS-
24 URY.—Moneys referred to in paragraph (1) that the
25 Secretary determines are excess to the amounts nec-

1 essary to carry out the purposes specified in such
2 paragraph shall be transferred to miscellaneous re-
3 cepts.”.

4 (c) NATIONAL FOREST SYSTEM LANDS.—Section 7
5 of the Act of June 20, 1958 (16 U.S.C. 579c), is
6 amended—

7 (1) by inserting “(a) TREATMENT OF CERTAIN
8 MONEYS RECEIVED ON BEHALF OF FOREST SERV-
9 ICE.—” before “Any funds”;

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

12 (3) by inserting after “improvements,” the fol-
13 lowing: “or (3) as a result of a fine imposed under
14 section 3571 of title 18, United States Code, for a
15 violation of a rule or regulation prescribed by the
16 Secretary of Agriculture with respect to such
17 lands,”;

18 (4) by striking “to cover” and all that follows
19 through the end of the section and inserting the fol-
20 lowing: “for the purposes specified in subsection
21 (b).”; and

22 (5) by adding at the end the following new sub-
23 section:

24 “(b) AUTHORIZED USE.—

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

4 “(A) To cover the cost to the United
5 States of any improvement, protection, or reha-
6 bilitation work on National Forest System lands
7 rendered necessary by the action which led to
8 the fine, forfeiture, judgment, compromise, or
9 settlement.

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

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

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