

108TH CONGRESS
2D SESSION

H. R. 3247

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2004

Received

AN ACT

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, 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
5 and 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
13 Land Policy and Management Act of 1976 (43 U.S.C.
14 1733(a)) 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
18 paragraphs:

19 “(2) Any person who knowingly violates or fails to
20 comply with any of the provisions of this Act or any regu-
21 lation issued under this Act shall be guilty of a Class A
22 misdemeanor, subject to fine as provided in section 3571
23 of title 18, United States Code, or imprisonment as pro-
24 vided in section 3581 of that title, or both.

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

8 (b) NATIONAL PARK SYSTEM LANDS.—

9 (1) ENFORCEMENT.—Section 3 of the Act of
 10 August 25, 1916 (popularly known as the National
 11 Park Service Organic Act; 16 U.S.C. 3) is amend-
 12 ed—

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

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

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

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

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

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

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

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

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

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

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

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

23 (c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—
 24 Section 4(f) of the National Wildlife Refuge System Ad-

1 ministration Act of 1966 (16 U.S.C. 668dd(f)) is amend-
2 ed—

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

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

21 (d) NATIONAL FOREST SYSTEM LANDS.—The elev-
22 enth undesignated paragraph under the heading “SUR-
23 VEYING THE PUBLIC LANDS” of the Act of June 4, 1897
24 (16 U.S.C. 551), is amended to read as follows:

1 **“SEC. 551. PROTECTION OF NATIONAL FORESTS; REGULA-**
2 **TIONS.**

3 “(a) REGULATIONS FOR USE AND PROTECTION OF
4 NATIONAL FOREST SYSTEM.—The Secretary of Agri-
5 culture shall make provisions for the protection of the Na-
6 tional Forest System (as defined in section 11 of the For-
7 est and Rangeland Renewable Resources Planning Act of
8 1974 (16 U.S.C. 1609)) against destruction by fire and
9 depredations. The Secretary may issue such regulations
10 and establish such service as will insure the objects of the
11 National Forest System, namely, to regulate their occu-
12 pancy and use and to preserve the forests therein from
13 destruction.

14 “(b) VIOLATIONS; PENALTIES.—(1) Any person who
15 knowingly violates any regulation issued under subsection
16 (a) shall be guilty of a Class A misdemeanor. Any person
17 who otherwise violates any such regulation shall be guilty
18 of a Class B misdemeanor. A person who violates any such
19 regulation shall be subject to a fine as provided in section
20 3571 of title 18, United States Code, or imprisonment as
21 provided in section 3581 of that title, or both.

22 “(2) A person who violates any regulation issued
23 under subsection (a) may also be adjudged to pay all costs
24 of the proceedings.

25 “(c) PROCEDURE.—Any person charged with the vio-
26 lation of a regulation issued under subsection (a) may be

1 tried and sentenced by any United States magistrate judge
 2 specially designated for that purpose by the court by which
 3 the magistrate judge was appointed, in the same manner
 4 and subject to the same conditions as provided for in sub-
 5 sections (b) through (e) of section 3401 of title 18, United
 6 States Code.”.

7 **SEC. 3. ESTABLISHMENT OF MINIMUM FINE FOR VIOLA-**
 8 **TION OF PUBLIC LAND FIRE REGULATIONS**
 9 **DURING FIRE BAN.**

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

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

21 (b) NATIONAL PARK SYSTEM LANDS.—Subsection
 22 (a) of section 3 of the Act of August 25, 1916 (popularly
 23 known as the National Park Service Organic Act; 16
 24 U.S.C. 3), as designated and amended by section 2(b), is

1 further amended by adding at the end the following new
2 paragraph:

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

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

17 “(3) In the case of a regulation issued under sub-
18 section (a) regarding the use of fire by individuals on Na-
19 tional Forest System lands, if the violation of the regula-
20 tion was the result of reckless conduct, occurred in an area
21 subject to a complete ban on open fires, and resulted in

1 damage to public or private property, the fine may not
2 be less than \$500.”.

Passed the House of Representatives September 28,
2004.

Attest:

JEFF TRANDAHL,
Clerk.