

110TH CONGRESS  
1ST SESSION

# S. 2241

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 land under the jurisdiction of those agencies, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 25, 2007

Mr. ALLARD (for himself and Mr. SALAZAR) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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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 land under the jurisdiction of those 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Public Land Fire Reg-  
3 ulations Enforcement Act”.

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

8 (a) LAND 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—

12 (1) by striking “(a) The Secretary” and insert-  
13 ing the following:

14 “(a) REGULATIONS.—

15 “(1) IN GENERAL.—The Secretary”;

16 (2) by striking the second sentence;

17 (3) in the third sentence, by striking “Any per-  
18 son charged” and inserting the following:

19 “(2) COURT PROCEDURES.—Any person  
20 charged”; and

21 (4) by adding at the end the following:

22 “(3) KNOWING VIOLATIONS.—Any person who  
23 knowingly violates or fails to comply with any of the  
24 provisions of this Act or any regulation issued under  
25 this Act shall be—

26 “(A) guilty of a Class A misdemeanor; and

1 “(B) subject to—

2 “(i) a fine under section 3571 of title  
3 18, United States Code;

4 “(ii) imprisonment under section 3581  
5 of title 18, United States Code; or

6 “(iii) fine and imprisonment under  
7 those sections.

8 “(4) OTHER VIOLATIONS.—Any person who  
9 otherwise violates or fails to comply with any of the  
10 provisions of this Act or any regulation issued under  
11 this Act shall—

12 “(A) be guilty of a Class B misdemeanor;

13 “(B) be subject to—

14 “(i) a fine under section 3571 of title  
15 18, United States Code;

16 “(ii) imprisonment under section 3581  
17 of title 18, United States Code; or

18 “(iii) fine and imprisonment under  
19 those sections; and

20 “(C) pay all costs of the proceedings asso-  
21 ciated with the violation or failure to comply.”.

22 (b) NATIONAL PARK SYSTEM LAND.—

23 (1) ENFORCEMENT.—Section 3 of the National  
24 Park Service Organic Act (16 U.S.C. 3) is amend-  
25 ed—

1 (A) in the first sentence—

2 (i) by striking “That the Secretary”

3 and inserting the following:

4 “(a) REGULATIONS FOR USE AND MANAGEMENT;  
5 ENFORCEMENT.—

6 “(1) IN GENERAL.—The Secretary”; and

7 (ii) by striking “Service,” and all that  
8 follows through “proceedings.” and insert-  
9 ing “Service.”;

10 (B) in subsection (a) (as designated by  
11 subparagraph (A)(i)) by adding at the end the  
12 following:

13 “(2) KNOWING VIOLATIONS.—Any person who  
14 knowingly violates or fails to comply with any of the  
15 provisions of this Act or any regulation issued under  
16 this Act shall be—

17 “(A) guilty of a Class A misdemeanor; and

18 “(B) subject to—

19 “(i) a fine under section 3571 of title  
20 18, United States Code;

21 “(ii) imprisonment under section 3581  
22 of title 18, United States Code; or

23 “(iii) fine and imprisonment under  
24 those sections.

1           “(3) OTHER VIOLATIONS.—Any person who  
2 otherwise violates or fails to comply with any of the  
3 provisions of this Act or any regulation issued under  
4 this Act shall—

5                   “(A) be guilty of a Class B misdemeanor;

6                   “(B) be subject to—

7                           “(i) a fine under section 3571 of title  
8 18, United States Code;

9                           “(ii) imprisonment under section 3581  
10 of title 18, United States Code; or

11                           “(iii) fine and imprisonment under  
12 those section; and

13                   “(C) pay all costs of the proceedings asso-  
14 ciated with the violation or failure to comply.”;

15                   (C) in the second sentence, by striking  
16 “He may also, upon” and inserting the fol-  
17 lowing:

18           “(b) SPECIAL MANAGEMENT AUTHORITIES.—

19                   “(1) IN GENERAL.—The Secretary of the Inte-  
20 rior may, on”;

21                   (D) in the third sentence, by striking “He  
22 may also provide” and inserting the following:

23                   “(2) ANIMAL AND PLANTS.—The Secretary of  
24 the Interior may provide”; and

1 (E) in the fourth sentence, by striking “No  
2 natural,” and inserting the following:

3 “(c) LEASE AND PERMIT AUTHORITIES.—No nat-  
4 ural”.

5 (c) NATIONAL WILDLIFE REFUGE SYSTEM LAND.—  
6 Section 4(f) of the National Wildlife Refuge System Ad-  
7 ministration Act of 1966 (16 U.S.C. 668dd(f)) is amended  
8 by striking paragraphs (1) and (2) and inserting the fol-  
9 lowing:

10 “(1) KNOWING VIOLATIONS.—Any person who  
11 knowingly violates or fails to comply with any of the  
12 provisions of this Act or any regulation issued under  
13 this Act shall—

14 “(A) be guilty of a Class A misdemeanor;

15 “(B) be subject to—

16 “(i) a fine under section 3571 of title  
17 18, United States Code;

18 “(ii) imprisonment under section 3581  
19 of title 18, United States Code; or

20 “(iii) fine and imprisonment under  
21 those sections; and

22 “(C) pay all costs of the proceedings asso-  
23 ciated with the violation or failure to comply.

24 “(2) OTHER VIOLATIONS.—Any person who  
25 otherwise violates or fails to comply with any of the

1 provisions of this Act or any regulation issued under  
2 this Act shall—

3 “(A) be guilty of a Class B misdemeanor;

4 “(B) be subject to—

5 “(i) a fine under section 3571 of title  
6 18, United States Code;

7 “(ii) imprisonment under section 3581  
8 of title 18, United States Code; or

9 “(iii) fine and imprisonment under  
10 those sections; and

11 “(C) pay all costs of the proceedings asso-  
12 ciated with the violation or failure to comply.”.

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

17 “The Secretary of Agriculture shall make provi-  
18 sions for the protection of the National Forest Sys-  
19 tem (as defined in section 11 of the Forest and  
20 Rangeland Renewable Resources Planning Act of  
21 1974 (16 U.S.C. 1609)) against destruction by fire  
22 and depredations. The Secretary may issue such reg-  
23 ulations and establish such service as would insure  
24 the objects of the National Forest System, including  
25 regulating the occupancy and use of the National

1 Forest System and protecting National Forest Sys-  
2 tem land from destruction. Any person who know-  
3 ingly violates any regulation issued under this para-  
4 graph shall be guilty of a Class A misdemeanor and  
5 shall be subject to a fine under section 3571 of title  
6 18, United States Code, imprisonment under section  
7 3581 of title 18, United States Code, or fine and im-  
8 prisonment under those sections. Any person who  
9 otherwise violates any regulation issued under this  
10 paragraph shall be guilty of a Class B misdemeanor,  
11 subject to a fine under section 3571 of title 18,  
12 United States Code, imprisonment under section  
13 3581 of title 18, United States Code, or fine and im-  
14 prisonment under those sections. A person who vio-  
15 lates any regulation issued under this paragraph  
16 may also be ordered to pay all costs of the pro-  
17 ceedings. Any person charged with the violation of a  
18 regulation issued under this paragraph may be tried  
19 and sentenced by any United States magistrate  
20 judge specially designated for that purpose by the  
21 court by which the magistrate judge was appointed,  
22 in the same manner and subject to the same condi-  
23 tions provided for in subsections (b) through (e) of  
24 section 3401 of title 18, United States Code.”.

1 **SEC. 3. ESTABLISHMENT OF MINIMUM FINE FOR VIOLA-**  
2 **TION OF PUBLIC LAND FIRE REGULATIONS**  
3 **DURING FIRE BAN.**

4 (a) LAND UNDER JURISDICTION OF BUREAU OF  
5 LAND MANAGEMENT.—Section 303(a) of the Federal  
6 Land Policy and Management Act of 1976 (43 U.S.C.  
7 1733(a)) (as amended by section 2(a)) is amended by add-  
8 ing at the end the following:

9 “(5) MINIMUM FINE.—In the case of a regula-  
10 tion issued under this section regarding the use of  
11 fire by individuals on public land, if the violation of  
12 the regulation was the result of reckless conduct, oc-  
13 curred in an area subject to a complete ban on open  
14 fires, and resulted in damage to public or private  
15 property, the fine shall be not less than \$500.”.

16 (b) NATIONAL PARK SYSTEM LAND.—Section 3(a) of  
17 the National Park Service Organic Act (16 U.S.C. 3(a))  
18 (as designated by section 2(b)) is amended by adding at  
19 the end the following:

20 “(4) MINIMUM FINE.—In the case of a rule or  
21 regulation issued under this subsection regarding the  
22 use of fire by individuals on the land, if the violation  
23 of the rule or regulation was the result of reckless  
24 conduct, occurred in an area subject to a complete  
25 ban on open fires, and resulted in damage to public

1 or private property, the fine shall be not less than  
2 \$500.”.

3 (c) NATIONAL FOREST SYSTEM LAND.—The elev-  
4 enth undesignated paragraph under the heading “SUR-  
5 VEYING THE PUBLIC LANDS” of the Act of June 4, 1897  
6 (16 U.S.C. 551) (as amended by section 2(d)) is amended  
7 by adding at the end the following: “In the case of a regu-  
8 lation issued under this paragraph regarding the use of  
9 fire by individuals on National Forest System land, if the  
10 violation of the regulation was the result of reckless con-  
11 duct, occurred in an area subject to a complete ban on  
12 open fires, and resulted in damage to public or private  
13 property, the fine shall be not less than \$500.”.

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