

111TH CONGRESS
2D SESSION

S. 2999

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2010

Mr. UDALL of Colorado introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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, 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. CONSISTENT ENFORCEMENT AUTHORITY RE-**
2 **GARDING NATIONAL PARK SYSTEM LANDS,**
3 **NATIONAL FOREST SYSTEM LANDS, AND**
4 **OTHER PUBLIC LANDS.**

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

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

20 “(3) Any person who otherwise violates or fails
21 to comply with any of the provisions of this Act or
22 any regulation issued under this Act shall be guilty
23 of a Class B misdemeanor, subject to fine or impris-
24 onment, or both, as provided in such sections. A per-
25 son who violates any such provision or regulation

1 may also be adjudged to pay all costs of the pro-
2 ceedings.”.

3 (b) NATIONAL PARK SYSTEM LANDS.—

4 (1) ENFORCEMENT.—Section 3 of the National
5 Park Service Organic Act (16 U.S.C. 3) is amend-
6 ed—

7 (A) by striking “That the Secretary” the
8 first place it appears and inserting “(a) REGU-
9 LATIONS FOR USE AND MANAGEMENT OF NA-
10 TIONAL PARK SYSTEM; ENFORCEMENT (1) The
11 Secretary”;

12 (B) by striking “Service,” and all that fol-
13 lows through “proceedings.” and inserting
14 “Service.”; and

15 (C) by inserting after the first sentence the
16 following new paragraphs:

17 “(2) Any person who knowingly violates or fails
18 to comply with any rule or regulation issued under
19 this section shall be guilty of a Class A mis-
20 demeanor, subject to fine as provided in section
21 3571 of title 18, United States Code, or imprison-
22 ment as provided in section 3581 of that title, or
23 both.

24 “(3) Any person who otherwise violates or fails
25 to comply with any rule or regulation issued under

1 this section shall be guilty of a Class B mis-
 2 demeanor, subject to fine or imprisonment, or both,
 3 as provided in such sections. A person who violates
 4 any such rule or regulation may also be adjudged to
 5 pay all costs of the proceedings.”.

6 (2) CONFORMING AMENDMENTS.—Such section
 7 is further amended—

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

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

12 (B) by striking “He may also” the second
 13 place it appears and inserting “The Secretary
 14 may”; and

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

17 “(c) LEASE AND PERMIT AUTHORITIES.—No nat-
 18 ural”.

19 (c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—
 20 Section 4(f) of the National Wildlife Refuge System Ad-
 21 ministration Act of 1966 (16 U.S.C. 668dd(f)) is amend-
 22 ed—

23 (1) in paragraph (1), by striking “fined under
 24 title 18, United States Code, or imprisoned for not
 25 more than 1 year, or both.” and inserting “guilty of

1 a Class A misdemeanor, subject to fine as provided
 2 in section 3571 of title 18, United States Code, or
 3 imprisonment as provided in section 3581 of that
 4 title, or both. A person who violates any such provi-
 5 sion or regulation may also be adjudged to pay all
 6 costs of the proceedings.”; and

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

16 (d) NATIONAL FOREST SYSTEM LANDS.—The elev-
 17 enth undesignated paragraph under the heading “SUR-
 18 VEYING THE PUBLIC LANDS” of the Act of June 4, 1897
 19 (16 U.S.C. 551), is amended to read as follows:

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

22 “(a) REGULATIONS FOR USE AND PROTECTION OF
 23 NATIONAL FOREST SYSTEM.—The Secretary of Agri-
 24 culture shall make provisions for the protection of the Na-
 25 tional Forest System (as defined in section 11 of the For-

1 est and Rangeland Renewable Resources Planning Act of
2 1974 (16 U.S.C. 1609)) against destruction by fire and
3 depredations. The Secretary may issue such regulations
4 and establish such service as will insure the objects of the
5 National Forest System, namely, to regulate their occu-
6 pancy and use and to protect National Forest System
7 lands from destruction.

8 “(b) VIOLATIONS; PENALTIES.—(1) Any person who
9 knowingly violates any regulation issued under subsection
10 (a) shall be guilty of a Class A misdemeanor and shall
11 be subject to a fine as provided in section 3571 of title
12 18, United States Code, or imprisonment as provided in
13 section 3581 of that title, or both.

14 “(2) Any person who otherwise violates any regula-
15 tion issued under subsection (a) shall be guilty of a Class
16 B misdemeanor and shall be subject to a fine as provided
17 in section 3571 of title 18, United States Code, or impris-
18 onment as provided in section 3581 of that title, or both.

19 “(3) A person who violates any regulation issued
20 under subsection (a) may also be adjudged to pay all costs
21 of the proceedings.

22 “(c) PROCEDURE.—Any person charged with the vio-
23 lation of a regulation issued under subsection (a) may be
24 tried and sentenced by any United States magistrate judge
25 specially designated for that purpose by the court by which

1 the magistrate judge was appointed, in the same manner
 2 and subject to the same conditions as provided for in sub-
 3 sections (b) through (e) of section 3401 of title 18, United
 4 States Code.”.

5 **SEC. 2. ESTABLISHMENT OF MINIMUM FINE FOR VIOLA-**
 6 **TION OF PUBLIC LAND FIRE REGULATIONS**
 7 **DURING FIRE BAN.**

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)), as amended by section 1(a), is further amended
 12 by adding at the end the following new paragraph:

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

20 (b) NATIONAL PARK SYSTEM LANDS.—Subsection
 21 (a) of section 3 of the National Park Service Organic Act
 22 (16 U.S.C. 3), as designated and amended by section 1(b),
 23 is further amended by adding at the end the following new
 24 paragraph:

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

8 (c) NATIONAL FOREST SYSTEM LANDS.—Subsection
 9 (b) of section 551 of the Act of June 4, 1897 (16 U.S.C.
 10 551), as designated and amended by section 1(d), which
 11 before such designation and amendment was the eleventh
 12 undesignated paragraph under the heading “SURVEYING
 13 THE PUBLIC LANDS” of such Act, is further amended by
 14 adding at the end the following new paragraph:

15 “(4) In the case of a regulation issued under
 16 subsection (a) regarding the use of fire by individ-
 17 uals on National Forest System lands, if the viola-
 18 tion of the regulation was the result of reckless con-
 19 duct, occurred in an area subject to a complete ban
 20 on open fires, and resulted in damage to public or
 21 private property, the fine may not be less than
 22 \$500.”.

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