

110TH CONGRESS
1ST SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

Mr. ALLARD introduced the following bill; which was read twice and referred to the Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

5 (a) LAND 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 striking “(a) The Secretary” and insert-
10 ing the following:

11 “(a) REGULATIONS.—

12 “(1) IN GENERAL.—The Secretary”;

13 (2) by striking the second sentence;

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

16 “(2) COURT PROCEDURES.—Any person
17 charged”; and

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

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

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

24 “(B) subject to—

25 “(i) a fine under section 3571 of title
26 18, United States Code;

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

3 “(iii) fine and imprisonment under
4 those sections.

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

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

10 “(B) be subject to—

11 “(i) a fine under section 3571 of title
12 18, United States Code;

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

15 “(iii) fine and imprisonment under
16 those sections; and

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

19 (b) NATIONAL PARK SYSTEM LAND.—

20 (1) ENFORCEMENT.—Section 3 of the National
21 Park Service Organic Act (16 U.S.C. 3) is amend-
22 ed—

23 (A) in the first sentence—

24 (i) by striking “That the Secretary”
25 and inserting the following:

1 “(a) REGULATIONS FOR USE AND MANAGEMENT;
2 ENFORCEMENT.—

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

4 (ii) by striking “Service,” and all that
5 follows through “proceedings.” and insert-
6 ing “Service.”;

7 (B) in subsection (a) (as designated by
8 subparagraph (A)(i)) by adding at the end the
9 following:

10 “(2) 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 be—

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

15 “(B) 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.

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

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

2 “(B) be subject to—

3 “(i) a fine under section 3571 of title
4 18, United States Code;

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

7 “(iii) fine and imprisonment under
8 those section; and

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

11 (C) in the second sentence, by striking
12 “He may also, upon” and inserting the fol-
13 lowing:

14 “(b) SPECIAL MANAGEMENT AUTHORITIES.—

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

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

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

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

23 “(c) LEASE AND PERMIT AUTHORITIES.—No nat-
24 ural”.

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

6 “(1) KNOWING VIOLATIONS.—Any person who
7 knowingly violates or fails to comply with any of the
8 provisions of this Act or any regulation issued under
9 this Act shall—

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

11 “(B) be subject to—

12 “(i) a fine under section 3571 of title
13 18, United States Code;

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

16 “(iii) fine and imprisonment under
17 those sections; and

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

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

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

25 “(B) be subject to—

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

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

5 “(iii) fine and imprisonment under
6 those sections; and

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

9 (d) NATIONAL FOREST SYSTEM LAND.—The elev-
10 enth undesignated paragraph under the heading “SUR-
11 VEYING THE PUBLIC LANDS” of the Act of June 4, 1897
12 (16 U.S.C. 551) is amended to read as follows:

13 “The Secretary of Agriculture shall make provi-
14 sions for the protection of the National Forest Sys-
15 tem (as defined in section 11 of the Forest and
16 Rangeland Renewable Resources Planning Act of
17 1974 (16 U.S.C. 1609)) against destruction by fire
18 and depredations. The Secretary may issue such reg-
19 ulations and establish such service as would insure
20 the objects of the National Forest System, including
21 regulating the occupancy and use of the National
22 Forest System and protecting National Forest Sys-
23 tem land from destruction. Any person who know-
24 ingly violates any regulation issued under this para-
25 graph shall be guilty of a Class A misdemeanor and

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

21 **SEC. 3. ESTABLISHMENT OF MINIMUM FINE FOR VIOLA-**
22 **TION OF PUBLIC LAND FIRE REGULATIONS**
23 **DURING FIRE BAN.**

24 (a) LAND UNDER JURISDICTION OF BUREAU OF
25 LAND MANAGEMENT.—Section 303(a) of the Federal

1 Land Policy and Management Act of 1976 (43 U.S.C.
2 1733(a)) (as amended by section 2(a)) is amended by add-
3 ing at the end the following:

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

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

15 “(4) MINIMUM FINE.—In the case of a rule or
16 regulation issued under this subsection regarding the
17 use of fire by individuals on the land, if the violation
18 of the rule or regulation was the result of reckless
19 conduct, occurred in an area subject to a complete
20 ban on open fires, and resulted in damage to public
21 or private property, the fine shall be not less than
22 \$500.”.

23 (c) NATIONAL FOREST SYSTEM LAND.—The elev-
24 enth undesignated paragraph under the heading “SUR-
25 VEYING THE PUBLIC LANDS” of the Act of June 4, 1897

1 (16 U.S.C. 551) (as amended by section 2(d)) is amended
2 by adding at the end the following: “In the case of a regu-
3 lation issued under this paragraph regarding the use of
4 fire by individuals on National Forest System land, if the
5 violation of the regulation was the result of reckless con-
6 duct, occurred in an area subject to a complete ban on
7 open fires, and resulted in damage to public or private
8 property, the fine shall be not less than \$500.”.