

109TH CONGRESS
1ST SESSION

H. R. 975

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 HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. TANCREDO (for himself, Mr. UDALL of Colorado, Mr. BEAUPREZ, Mr. OTTER, Mr. HEFLEY, and Mrs. MUSGRAVE) 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, 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. SHORT TITLE.**

2 This Act may be cited as the “Trail Responsibility
3 and Accountability for the Improvement of Lands Act” or
4 “TRAIL Act”.

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

9 (a) LANDS UNDER JURISDICTION OF BUREAU OF
10 LAND MANAGEMENT.—Section 303(a) of the Federal
11 Land Policy and Management Act of 1976 (43 U.S.C.
12 1733(a)) is amended—

13 (1) by inserting “(1)” after “(a)”;

14 (2) by striking the second sentence; and

15 (3) by adding at the end the following new
16 paragraphs:

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

23 “(3) Any person who otherwise violates or fails to
24 comply with any of the provisions of this Act or any regu-
25 lation issued under this Act shall be guilty of a Class B
26 misdemeanor, subject to fine or imprisonment, or both, as

1 provided in such sections. A person who violates any such
2 provision or regulation may also be adjudged to pay all
3 costs of the proceedings.”.

4 (b) NATIONAL PARK SYSTEM LANDS.—

5 (1) ENFORCEMENT.—Section 3 of the Act of
6 August 25, 1916 (popularly known as the National
7 Park Service Organic Act; 16 U.S.C. 3) is amend-
8 ed—

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

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

17 (C) by inserting after the first sentence the
18 following new paragraphs:

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

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

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

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

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

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

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

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

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

24 (1) in paragraph (1), by striking “fined under
 25 title 18, United States Code, or imprisoned for not

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

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

17 (d) NATIONAL FOREST SYSTEM LANDS.—The elev-
18 enth undesignated paragraph under the heading “SUR-
19 VEYING THE PUBLIC LANDS” of the Act of June 4, 1897
20 (16 U.S.C. 551), is amended to read as follows:

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

23 “(a) REGULATIONS FOR USE AND PROTECTION OF
24 NATIONAL FOREST SYSTEM.—The Secretary of Agri-
25 culture shall make provisions for the protection of the Na-

1 tional Forest System (as defined in section 11 of the For-
2 est and Rangeland Renewable Resources Planning Act of
3 1974 (16 U.S.C. 1609)) against destruction by fire and
4 depredations. The Secretary may issue such regulations
5 and establish such service as will insure the objects of the
6 National Forest System, namely, to regulate their occu-
7 pancy and use and to protect National Forest System
8 lands from destruction.

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

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

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

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

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

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

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

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

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

1 “(4) In the case of a rule or regulation issued under
2 this subsection regarding the use of fire by individuals on
3 such lands, if the violation of the rule or regulation was
4 the result of reckless conduct, occurred in an area subject
5 to a complete ban on open fires, and resulted in damage
6 to public or private property, the fine may not be less than
7 \$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 2(d), which
11 before such designation and amendment was the eleventh
12 undesignated paragraph under the heading “surveying the
13 public lands” of such Act, is further amended by adding
14 at the end the following new paragraph:

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

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