

109TH CONGRESS
1ST SESSION

H. R. 975

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2005

Received; read twice and referred to the Committee on Energy and Natural
Resources

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 SYSTEM LANDS, AND OTHER**
10 **PUBLIC 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 National
10 Park Service Organic Act (16 U.S.C. 3) is amend-
11 ed—

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

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

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

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

1 Code, or imprisonment as provided in section 3581 of that
2 title, or both.

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

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

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

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

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

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

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

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

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

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

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

1 **“SEC. 551. PROTECTION OF NATIONAL FOREST SYSTEM**
2 **LANDS; REGULATIONS.**

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 protect National Forest System
13 lands from 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 and shall
17 be subject to a fine as provided in section 3571 of title
18 18, United States Code, or imprisonment as provided in
19 section 3581 of that title, or both.

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

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

4 “(c) PROCEDURE.—Any person charged with the vio-
5 lation of a regulation issued under subsection (a) may be
6 tried and sentenced by any United States magistrate judge
7 specially designated for that purpose by the court by which
8 the magistrate judge was appointed, in the same manner
9 and subject to the same conditions as provided for in sub-
10 sections (b) through (e) of section 3401 of title 18, United
11 States Code.”.

12 **SEC. 3. ESTABLISHMENT OF MINIMUM FINE FOR VIOLA-**
13 **TION OF PUBLIC LAND FIRE REGULATIONS**
14 **DURING FIRE BAN.**

15 (a) LANDS UNDER JURISDICTION OF BUREAU OF
16 LAND MANAGEMENT.—Section 303(a) of the Federal
17 Land Policy and Management Act of 1976 (43 U.S.C.
18 1733(a)), as amended by section 2(a), is further amended
19 by adding at the end the following new paragraph:

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

1 (b) NATIONAL PARK SYSTEM LANDS.—Subsection
2 (a) of section 3 of the National Park Service Organic Act
3 (16 U.S.C. 3), as designated and amended by section 2(b),
4 is further amended by adding at the end the following new
5 paragraph:

6 “(4) In the case of a rule or regulation issued under
7 this subsection regarding the use of fire by individuals on
8 such lands, if the violation of the rule or regulation was
9 the result of reckless conduct, occurred in an area subject
10 to a complete ban on open fires, and resulted in damage
11 to public or private property, the fine may not be less than
12 \$500.”.

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

20 “(4) In the case of a regulation issued under sub-
21 section (a) regarding the use of fire by individuals on Na-
22 tional Forest System lands, if the violation of the regula-
23 tion was the result of reckless conduct, occurred in an area
24 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 December 13,
2005.

Attest:

KAREN L. HAAS,
Clerk.