

## Union Calendar No. 74

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 599

**[Report No. 109–129, Part I]**

To provide a source of funds to carry out restoration activities on Federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. UDALL of Colorado (for himself and Mr. TANCREDO) 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

JUNE 14, 2005

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

JUNE 14, 2005

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 2, 2005]

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## A BILL

To provide a source of funds to carry out restoration activities on Federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, 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 AND FINDINGS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
5 *“Federal Lands Restoration, Enhancement, Public Edu-*  
6 *cation, and Information Resources Act of 2005”.*

7        (b) *FINDINGS.*—*Congress finds the following:*

8            (1) *Violations of laws and regulations applicable*  
9 *to the use of Federal lands under the jurisdiction of*  
10 *the Secretary of the Interior or the Secretary of Agri-*  
11 *culture often result in damages to those lands that re-*  
12 *quire expenditures for restoration activities to miti-*  
13 *gate the damages.*

14            (2) *Increased public information and education*  
15 *regarding the laws and regulations applicable to the*  
16 *use of these Federal lands can help to reduce the fre-*  
17 *quency of unintentional violations.*

18            (3) *It is appropriate that fines and other mone-*  
19 *etary penalties paid as a result of violations of laws*  
20 *and regulations applicable to the use of these Federal*  
21 *lands be used to defray the costs of such restoration*  
22 *activities and to provide such public information and*  
23 *education.*

1 **SEC. 2. USE OF FINES FROM VIOLATIONS OF LAWS AND**  
2 **REGULATIONS APPLICABLE TO PUBLIC**  
3 **LANDS FOR RESTORATION AND INFORMA-**  
4 **TIONAL ACTIVITIES.**

5 (a) *LANDS UNDER JURISDICTION OF BUREAU OF*  
6 *LAND MANAGEMENT.*—Section 305 of the Federal Land  
7 *Policy and Management Act of 1976 (43 U.S.C. 1735), is*  
8 *amended by adding at the end the following new subsection:*

9 “(d) *USE OF COLLECTED FINES.*—

10 “(1) *AVAILABILITY AND AUTHORIZED USE.*—Any  
11 *moneys received by the United States as a result of*  
12 *a fine imposed under section 3571 of title 18, United*  
13 *States Code, for a violation of a regulation prescribed*  
14 *under section 303(a) shall be available to the Sec-*  
15 *retary, without further appropriation and until ex-*  
16 *pended, for the following purposes:*

17 “(A) *To cover the cost to the United States*  
18 *of any improvement, protection, or rehabilitation*  
19 *work on the public lands rendered necessary by*  
20 *the action which led to the fine or by similar ac-*  
21 *tions.*

22 “(B) *To increase public awareness of regu-*  
23 *lations and other requirements regarding the use*  
24 *of the public lands.*

25 “(2) *TREATMENT OF EXCESS FUNDS.*—Moneys  
26 *referred to in paragraph (1) that the Secretary deter-*

1        *mines are excess to the amounts necessary to carry*  
2        *out the purposes specified in such paragraph shall be*  
3        *transferred to the Crime Victims Fund established by*  
4        *section 1402 of the Victims of Crime Act of 1984 (42*  
5        *U.S.C. 10601).”.*

6        *(b) NATIONAL PARK SYSTEM LANDS.—Section 3 of the*  
7        *National Park Service Organic Act (16 U.S.C. 3), is*  
8        *amended—*

9                *(1) by striking “That the Secretary” the first*  
10              *place it appears and inserting “(a) REGULATIONS*  
11              *FOR USE AND MANAGEMENT OF NATIONAL PARK*  
12              *SYSTEM; ENFORCEMENT.—The Secretary”;*

13              *(2) by striking “He may also” the first place it*  
14              *appears and inserting the following:*

15              *“(b) SPECIAL MANAGEMENT AUTHORITIES.—The Sec-*  
16              *retary of the Interior may”;*

17              *(3) by striking “He may also” the second place*  
18              *it appears and inserting “The Secretary may”;*

19              *(4) by striking “No natural,” and inserting the*  
20              *following:*

21              *“(c) LEASE AND PERMIT AUTHORITIES.—No nat-*  
22              *ural”;* and

23              *(5) by adding at the end the following new sub-*  
24              *section:*

25              *“(d) USE OF COLLECTED FINES.—*

1           “(1) *AVAILABILITY AND AUTHORIZED USE.*—Any  
2           *moneys received by the United States as a result of*  
3           *a fine imposed under section 3571 of title 18, United*  
4           *States Code, for a violation of a rule or regulation*  
5           *prescribed under this section shall be available to the*  
6           *Secretary of the Interior, without further appropri-*  
7           *ation and until expended, for the following purposes:*

8                   “(A) *To cover the cost to the United States*  
9                   *of any improvement, protection, or rehabilitation*  
10                   *work on the National Park System lands ren-*  
11                   *dered necessary by the action which led to the*  
12                   *fine or by similar actions.*

13                   “(B) *To increase public awareness of rules,*  
14                   *regulations, and other requirements regarding*  
15                   *the use of such lands.*

16           “(2) *TREATMENT OF EXCESS FUNDS.*—*Moneys*  
17           *referred to in paragraph (1) that the Secretary deter-*  
18           *mines are excess to the amounts necessary to carry*  
19           *out the purposes specified in such paragraph shall be*  
20           *transferred to the Crime Victims Fund established by*  
21           *section 1402 of the Victims of Crime Act of 1984 (42*  
22           *U.S.C. 10601).”.*

23           “(c) *NATIONAL WILDLIFE REFUGE SYSTEM LANDS.*—  
24           *Subsection (f) of section 4 of the National Wildlife Refuge*  
25           *System Administration Act of 1966 (16 U.S.C. 668dd) is*

1 *amended by adding at the end the following new para-*  
2 *graphs:*

3           “(3) *USE OF COLLECTED FINES.*—*Any moneys*  
4 *received by the United States as a result of a fine im-*  
5 *posed under section 3571 of title 18, United States*  
6 *Code, for a violation of this Act or a regulation issued*  
7 *thereunder shall be available to the Secretary, without*  
8 *further appropriation and until expended, for the fol-*  
9 *lowing purposes:*

10           “(A) *To cover the cost to the United States*  
11 *of any improvement, protection, or rehabilitation*  
12 *work on the System lands rendered necessary by*  
13 *the action which led to the fine or by similar ac-*  
14 *tions.*

15           “(B) *To increase public awareness of rules,*  
16 *regulations, and other requirements regarding*  
17 *the use of System lands.*

18           “(4) *TREATMENT OF EXCESS FUNDS.*—*Moneys*  
19 *referred to in paragraph (3) that the Secretary deter-*  
20 *mines are excess to the amounts necessary to carry*  
21 *out the purposes specified in such paragraph shall be*  
22 *transferred to the Crime Victims Fund established by*  
23 *section 1402 of the Victims of Crime Act of 1984 (42*  
24 *U.S.C. 10601).”.*

1           (d) *NATIONAL FOREST SYSTEM LANDS.*—*The eleventh*  
2 *undesignated paragraph under the heading “SURVEYING*  
3 *THE PUBLIC LANDS” of the Act of June 4, 1897 (16 U.S.C.*  
4 *551), is amended—*

5                   (1) *by inserting before the first sentence the fol-*  
6 *lowing:*

7           **“SEC. 551. PROTECTION OF NATIONAL FOREST SYSTEM**  
8                   **LANDS; REGULATIONS.**

9           **“(a) REGULATIONS FOR USE AND PROTECTION OF NA-**  
10 **TIONAL FOREST SYSTEM.—”;**

11                   (2) *by striking “destruction; and any violation”*  
12 *and inserting the following: “destruction.*

13           **“(b) VIOLATIONS; PENALTIES.—Any violation”;** *and*

14                   (3) *by adding at the end the following new sub-*  
15 *section:*

16           **“(c) USE OF COLLECTED FINES.—**

17                   **“(1) AVAILABILITY AND AUTHORIZED USE.—Any**  
18 *moneys received by the United States as a result of*  
19 *a collateral payment in lieu of appearance or a fine*  
20 *imposed under section 3571 of title 18, United States*  
21 *Code, for a violation of a regulation issued under sub-*  
22 *section (a) shall be available to the Secretary of Agri-*  
23 *culture, without further appropriation and until ex-*  
24 *pended, for the following purposes:*

1           “(A) To cover the cost to the United States  
2           of any improvement, protection, or rehabilitation  
3           work on National Forest System lands rendered  
4           necessary by the action which led to the fine or  
5           payment.

6           “(B) To increase public awareness of rules,  
7           regulations, and other requirements regarding  
8           the use of such lands.

9           “(2) *TREATMENT OF EXCESS FUNDS.—Moneys*  
10          *referred to in paragraph (1) that the Secretary of Ag-*  
11          *riculture determines are excess to the amounts nec-*  
12          *essary to carry out the purposes specified in such*  
13          *paragraph shall be transferred to the Crime Victims*  
14          *Fund established by section 1402 of the Victims of*  
15          *Crime Act of 1984 (42 U.S.C. 10601).”.*





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