

111TH CONGRESS  
1ST SESSION

# S. 720

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 26, 2009

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

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## A BILL

To provide a source of funds to carry out restoration activities on Federal land 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 Land Restoration, Enhancement, Public Edu-  
6 cation, and Information Resources Act” or the “Federal  
7 Land REPAIR Act”.

8 (b) FINDINGS.—Congress finds that—

1           (1) violations of laws (including regulations) ap-  
2           plicable to the use of Federal land under the juris-  
3           diction of the Secretary of the Interior or the Sec-  
4           retary of Agriculture often result in damages to the  
5           Federal land that require expenditures for restora-  
6           tion activities to mitigate the damages;

7           (2) increased public information and education  
8           regarding the laws (including regulations) applicable  
9           to the use of the Federal land can help to reduce the  
10          frequency of unintentional violations; and

11          (3) it is appropriate that fines and other mone-  
12          tary penalties paid as a result of violations of laws  
13          (including regulations) applicable to the use of Fed-  
14          eral land be used to defray the costs of the restora-  
15          tion activities and to provide public information and  
16          education.

17 **SEC. 2. USE OF FINES FROM VIOLATIONS OF LAWS AND**  
18 **REGULATIONS APPLICABLE TO PUBLIC LAND**  
19 **FOR RESTORATION AND INFORMATIONAL AC-**  
20 **TIVITIES.**

21          (a) LAND UNDER JURISDICTION OF BUREAU OF  
22 LAND MANAGEMENT.—Section 305 of the Federal Land  
23 Policy and Management Act of 1976 (43 U.S.C. 1735)  
24 is amended by adding at the end the following:

25          “(d) USE OF COLLECTED FINES.—

1           “(1) AVAILABILITY AND AUTHORIZED USE.—  
2           Any amounts received by the United States as a re-  
3           sult of a fine imposed under section 3571 of title 18,  
4           United States Code, for a violation of a regulation  
5           prescribed under section 303(a) shall be available to  
6           the Secretary, without further appropriation and  
7           until expended—

8                   “(A) to cover the cost to the United States  
9                   of any improvement, protection, or rehabilita-  
10                  tion work on public land rendered necessary by  
11                  the action that led to the fine or by similar ac-  
12                  tions; and

13                   “(B) to increase public awareness of regu-  
14                  lations and other requirements regarding the  
15                  use of public land.

16           “(2) TREATMENT OF EXCESS FUNDS.—  
17           Amounts referred to in paragraph (1) that the Sec-  
18           retary determines are in excess of the amounts nec-  
19           essary to carry out the purposes specified in that  
20           paragraph shall be transferred to the Crime Victims  
21           Fund established by section 1402 of the Victims of  
22           Crime Act of 1984 (42 U.S.C. 10601).”.

23           (b) NATIONAL PARK SYSTEM LANDS.—Section 3 of  
24           the National Park Service Organic Act (16 U.S.C. 3), is  
25           amended—

1           (1) by striking “That the Secretary” the first  
2 place it appears and inserting “(a) REGULATIONS  
3 FOR USE AND MANAGEMENT OF NATIONAL PARK  
4 SYSTEM; ENFORCEMENT.—The Secretary”;

5           (2) by striking “He may also” the first place it  
6 appears and inserting the following:

7           “(b) SPECIAL MANAGEMENT AUTHORITIES.—

8           “(1) IN GENERAL.—The Secretary of the Inte-  
9 rior may”;

10          (3) by striking “He may also” the second place  
11 it appears and inserting the following:

12          “(2) DETRIMENTAL ANIMALS AND PLANTS.—  
13 The Secretary may;”.

14          (4) by striking “No natural,” and inserting the  
15 following:

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

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

19          “(d) USE OF COLLECTED FINES.—

20          “(1) AVAILABILITY AND AUTHORIZED USE.—

21 Any amounts received by the United States as a re-  
22 sult of a fine imposed under section 3571 of title 18,  
23 United States Code, for a violation of a rule or regu-  
24 lation prescribed under this section shall be available

1 to the Secretary of the Interior, without further ap-  
2 propriation and until expended—

3 “(A) to cover the cost to the United States  
4 of any improvement, protection, or rehabilita-  
5 tion work on the National Park System land  
6 rendered necessary by the action that led to the  
7 fine or by similar actions; and

8 “(B) to increase public awareness of rules,  
9 regulations, and other requirements regarding  
10 the use of National Park System land.

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

18 (c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—  
19 Section 4(f) of the National Wildlife Refuge System Ad-  
20 ministration Act of 1966 (16 U.S.C. 668dd(f)) is amended  
21 by adding at the end the following:

22 “(3) USE OF COLLECTED FINES.—Any  
23 amounts received by the United States as a result  
24 of a fine imposed under section 3571 of title 18,  
25 United States Code, for a violation of this Act (in-

1 cluding a regulation issued under this Act) shall be  
2 available to the Secretary, without further appro-  
3 priation and until expended—

4 “(A) to cover the cost to the United States  
5 of any improvement, protection, or rehabilita-  
6 tion work on System land rendered necessary  
7 by the action that led to the fine or by similar  
8 actions; and

9 “(B) to increase public awareness of rules,  
10 regulations, and other requirements regarding  
11 the use of System land.

12 “(4) TREATMENT OF EXCESS FUNDS.—  
13 Amounts referred to in paragraph (3) that the Sec-  
14 retary determines are in excess of the amounts nec-  
15 essary to carry out the purposes specified in that  
16 paragraph shall be transferred to the Crime Victims  
17 Fund established by section 1402 of the Victims of  
18 Crime Act of 1984 (42 U.S.C. 10601).”.

19 (d) NATIONAL FOREST SYSTEM LAND.—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—

23 (1) by striking “The Secretary” and inserting  
24 the following:

1 **“SEC. 3. PROTECTION OF NATIONAL FOREST SYSTEM LAND;**  
2 **REGULATIONS.**

3 “(a) REGULATIONS FOR USE AND PROTECTION OF  
4 NATIONAL FOREST SYSTEM.—

5 “(1) IN GENERAL.—The Secretary”;

6 (2) by striking “continued; and he may” and  
7 inserting the following: “continued.

8 “(2) REGULATIONS.—The Secretary may”;

9 (3) by striking “destruction; and any violation”  
10 and inserting the following: “destruction.

11 “(b) VIOLATIONS; PENALTIES.—

12 “(1) IN GENERAL.—Any violation”;

13 (4) by striking “Any person” and inserting the  
14 following:

15 “(2) MAGISTRATE JUDGE.—Any person”;

16 (5) by adding at the end the following:

17 “(c) USE OF COLLECTED FINES.—

18 “(1) AVAILABILITY AND AUTHORIZED USE.—

19 Any amounts received by the United States as a re-  
20 sult of a collateral payment in lieu of appearance or  
21 a fine imposed under section 3571 of title 18,  
22 United States Code, for a violation of a regulation  
23 issued under subsection (a) shall be available to the  
24 Secretary of Agriculture, without further appropria-  
25 tion and until expended—

1           “(A) to cover the cost to the United States  
2           of any improvement, protection, or rehabilita-  
3           tion work on National Forest System land ren-  
4           dered necessary by the action that led to the  
5           fine or payment; and

6           “(B) to increase public awareness of rules,  
7           regulations, and other requirements regarding  
8           the use of National Forest System land.

9           “(2) TREATMENT OF EXCESS FUNDS.—  
10          Amounts referred to in paragraph (1) that the Sec-  
11          retary of Agriculture determines are in excess of the  
12          amounts necessary to carry out the purposes speci-  
13          fied in that paragraph shall be transferred to the  
14          Crime Victims Fund established by section 1402 of  
15          the Victims of Crime Act of 1984 (42 U.S.C.  
16          10601).”; and

17          (6) by moving section 3 (as designated by para-  
18          graph (1)) so as to appear at the end of that Act.

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