

## PUBLIC LANDS FIRE REGULATIONS ENFORCEMENT ACT OF 2003

SEPTEMBER 15, 2003.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,  
submitted the following

### R E P O R T

[To accompany H.R. 1038]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1038) to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

#### CONTENTS

The Amendment .....	Page 1
Purpose and Summary .....	2
Background and Need for the Legislation .....	3
Hearings .....	3
Committee Consideration .....	3
Vote of the Committee .....	3
Committee Oversight Findings .....	3
New Budget Authority and Tax Expenditures .....	4
Congressional Budget Office Cost Estimate .....	4
Performance Goals and Objectives .....	5
Constitutional Authority Statement .....	5
Section-by-Section Analysis and Discussion .....	5
Changes in Existing Law Made by the Bill, as Reported .....	5
Markup Transcript .....	8

The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Public Lands Fire Regulations Enforcement Act of 2003”.

**SEC. 2. INCREASE IN MAXIMUM FINES FOR VIOLATION OF PUBLIC LAND REGULATIONS AND ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS DURING FIRE BAN.**

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

(1) in the second sentence, by striking “no more than \$1,000” and inserting “as provided in title 18, United States Code,”; and

(2) by inserting after the second sentence the following: “In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.”.

(b) **NATIONAL PARK SYSTEM LANDS.**—

(1) **FINES.**—Section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3) is amended—

(A) by striking “That the Secretary” at the beginning of the section and inserting “(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—The Secretary”;

(B) by striking “\$500” and inserting “\$10,000”; and

(C) by inserting after the first sentence the following: “In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.”.

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

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

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

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

(C) by striking “No natural,” and inserting the following:

“(c) **LEASE AND PERMIT AUTHORITIES.**—No natural”.

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

(1) by striking “\$500” and inserting “\$10,000”; and

(2) by inserting after the first sentence the following: “In the case of such a rule or regulation regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.”.

Amend the title so as to read:

A bill to increase maximum fine amounts authorized for the violation of regulations regarding Bureau of Land Management lands, National Park System lands, and National Forest System lands, to impose a minimum fine amount for a violation of fire regulations applicable to such lands when the violation is the result of reckless conduct, occurs in an area subject to a complete ban on open fires, and results in property damage, and for other purposes.

**PURPOSE AND SUMMARY**

H.R. 1038, as introduced, would increase the penalties to be imposed for a violation of fire regulations occurring on Bureau of Land Management, National Park System, or National Forest System lands when the violation results in damage to public or private property, as well as specifying the purpose for which collected fines may be used.

This legislation as introduced revises the penalties for violations by visitors’ using fire on public lands if such violation results in damage to public or private property. Namely, the Act changes the

maximum fine (\$1,000 for the Bureau of Land Management and \$500 for the National Park Service and the National Forest Service) to a minimum \$1,000 fine with respect to public lands under the management of the Bureau of Land Management, the National Park Service and the U.S. Forest Service. In addition, the Act also makes increases the maximum prison time from 6 months to 1 year for violations occurring on National Park Service and National Forest Service lands. (Such acts on Bureau of Land Management lands already have a maximum term of 1 year) The Act also makes money collected from fines imposed for violations of fire rules available to cover costs of the response or the improvements necessary because of the action and to increase public awareness of rules and regulations relating to fire on public lands.

#### BACKGROUND AND NEED FOR THE LEGISLATION

Human carelessness causes many fires, destroying thousands of acres per year. Stiffer penalties can help reduce the number of fires attributable to people violating fire bans.

Current penalties for violating existing fire regulations specify a maximum fine of no more than \$1000 and no more than 1 year imprisonment for offenders on Bureau of Land Management lands. On National Park Service and National Forest Service Lands, the maximums are \$500 and 6 months. As a practical matter, however, the fines are rarely assessed at that level. In many cases, fines levied are well below even \$100—a relatively weak deterrent.

#### HEARINGS

This legislation was introduced on February 27, 2003. It was referred primarily to the Committee on Resources and secondarily to the Committee on Agriculture. It was later referred sequentially to the Committee on the Judiciary. A hearing was held on this legislation on June 19, 2003 in the Committee on Resources. No hearings on this legislation have been held in the Committee on the Judiciary.

#### COMMITTEE CONSIDERATION

This legislation was reported favorably by voice vote on July 9, 2003, in the Committee on Resources. A report on this legislation was filed by the Committee on Resources on July 17, 2003 (H.Rept. No. 108-218, Part I and II). On September 10, 2003, the Committee on the Judiciary met in open session and ordered favorably reported the bill H.R. 1038, with an amendment, by a voice vote, a quorum being present.

#### VOTE OF THE COMMITTEE

In compliance with clause 3(b) of Rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the Committee consideration of H.R.1038.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activi-

ties under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1038, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 11, 2003.*

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1038, the "Public Lands Fire Regulations Enforcement Act of 2003."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll, who can be reached at 226-2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.  
Ranking Member

*H.R. 1038—Public Lands Fire Regulations Enforcement Act of 2003.*

CBO estimates that H.R. 1038 would not significantly affect the Federal budget. The bill would increase both revenues and direct spending by less than \$500,000 a year. H.R. 1038 contains no inter-governmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

H.R. 1038 would increase fines for violating fire regulations on certain Federal lands. Under current law, collections of such fines are recorded in the budget as governmental receipts (revenues) and are deposited in the Crime Victims Fund and later spent. Based on information from the Department of the Interior and the Forest Service regarding the number of likely cases involved, CBO estimates that increasing those fines would increase revenues and subsequent direct spending by less than \$500,000 annually. We also estimate that any increased costs for prison operations, which would be subject to appropriation, would not be significant.

On July 15, 2003, CBO transmitted a cost estimate for H.R. 1038 as ordered reported by the House Committee on Resources on July

9, 2003. The two versions of H.R. 1038 are similar, and our cost estimates are the same.

The CBO staff contact for this estimate is Megan Carroll, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### PERFORMANCE GOALS AND OBJECTIVES

H.R.1038 does not authorize funding. Therefore, clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives is inapplicable.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

#### SECTION-BY-SECTION ANALYSIS AND DISCUSSION

##### *Section 1. Short Title.*

The title of the legislation is the “Public Lands Fire Regulations Enforcement Act of 2003.”

##### *Section 2. Penalties for Violation of Public Land Fire Regulations Resulting in Property Damage.*

This section increases penalties for violations of regulations concerning the use of fire by visitors to Bureau of Land Management, National Park System, or National Forest System Lands to a fine of not less than \$1,000 or imprisonment for not more than 1 year, or both. This section states that any fine awarded under this section shall be in lieu of a fine otherwise applicable under 18 U.S.C. 3571.

Additionally, this section specifies that any money received as a result of a violation of the fire rules would be available to the Secretary of the Interior or the Secretary of Agriculture to: 1) cover the cost to the United States of improvements or rehabilitation necessary after the action which caused the fine; 2) to reimburse the affected agency for cost of the response to the action; or 3) to increase public awareness regarding rules and regulations governing the use of fire on public lands.

An amendment in the nature of a substitute was passed at markup to remove the provisions increasing imprisonment. The substitute allows the current provisions of Title 18 regarding imprisonment or fines to be used in prosecutions for actions on Bureau of Land Management lands. The substitute amendment also increases the possible penalties for violations of fire regulations on National Park System or National Forest System lands to \$10,000. Additionally, it establishes a minimum fine of \$500 for the reckless use of fire on public lands if the violation of the regulation occurred on land that is subject to a complete ban on open fires and the fire resulted in damage to public or private property.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,

as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

## SECTION 303 OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

### ENFORCEMENT AUTHORITY

SEC. 303. (a) The Secretary shall issue regulations necessary to implement the provisions of this Act with respect to the management, use, and protection of the public lands, including the property located thereon. Any person who knowingly and willfully violates any such regulation which is lawfully issued pursuant to this Act shall be fined [no more than \$1,000] *as provided in title 18, United States Code*, or imprisoned no more than twelve months, or both. *In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.* Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18 of the United States Code.

\* \* \* \* \*

## SECTION 3 OF THE ACT OF AUGUST 25, 1916

(Commonly known as the "National Park Service Organic Act")

CHAP. 408.—AN ACT To establish a National Park Service, and for other purposes.

SEC. 3. [That the Secretary] (a) *REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.*—*The Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violation of any of the rules and regulations authorized by this Act shall be punished by a fine of not more than [\$500] \$10,000 or imprisonment for not exceeding six months, or both, and be adjudged to pay all cost of the proceedings. In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500. [He may also]*

(b) *SPECIAL MANAGEMENT AUTHORITIES.*—*The Secretary of the Interior may, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects*

or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. [He may also] *The Secretary may* provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. [No natural,]

(c) *LEASE AND PERMIT AUTHORITIES.*—No natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: *Provided, however,* That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park: *And provided further,* That the Secretary of the Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids: *And provided further,* That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees, without the approval of the Secretary of the Interior first obtained in writing.

## ACT OF JUNE 4, 1897

**CHAP. 2.**—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes.

\* \* \* \* \*

### UNDER THE DEPARTMENT OF THE INTERIOR

\* \* \* \* \*

#### SURVEYING THE PUBLIC LANDS.

\* \* \* \* \*

The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations which may have been set aside or which may be hereafter set aside under the said Act of March third, eighteen hundred and ninety-one, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this Act or such rules and regulations shall be punished by a fine of not more than [ \$500 ] \$10,000 or imprisonment for not more than six months, or both. *In the case of such a rule or regulation regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct, occurred in an area subject to a complete ban on open fires, and resulted in damage to public or private property, the fine may not be less than \$500.* Any person charged with the violation of such rules and regula-

tions may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended.

\* \* \* \* \*

MARKUP TRANSCRIPT  
**BUSINESS MEETING**  
**WEDNESDAY, SEPTEMBER 10, 2003**

HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:07 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Chairman SENSENBRENNER. The Committee will be in order. A working quorum is present.

The first item on the agenda is the adoption of H.R. 1038, the "Public Lands Fire Regulation Enforcement Act." The Chair recognizes the gentleman from North Carolina, Mr. Coble, the Chairman of the Subcommittee on Crime, Terrorism, and Homeland Security.

Mr. COBLE. Thank you, Mr. Chairman.

Mr. Chairman, this is the sequential referral to us from Resources, and let me give you a few talking points. Since 19——

Chairman SENSENBRENNER. Do you have a motion first?

Mr. COBLE. Just a second, Mr. Chairman.

[Pause.]

Mr. COBLE. Mr. Chairman, the Subcommittee on Crime, Terrorism, and Homeland Security reports favorably the bill H.R. 1038 and moves the favorable recommendation to the full Committee.

Chairman SENSENBRENNER. Without objection, H.R. 1038 will be considered as read and open for amendment at any point.

[The bill, H.R. 1038, follows:]



108TH CONGRESS  
1ST SESSION

# H. R. 1038

To increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. TANCREDO (for himself, Mr. MCINNIS, Mr. UDALL of Colorado, Mr. BEAUPREZ, Mrs. MUSGRAVE, and Mr. HEFLEY) 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

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## A BILL

To increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, 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 “Public Lands Fire  
3 Regulations Enforcement Act of 2003”.

4 **SEC. 2. PENALTIES FOR VIOLATION OF PUBLIC LAND FIRE**  
5 **REGULATIONS RESULTING IN PROPERTY**  
6 **DAMAGE.**

7       (a) INCREASED PENALTIES ON INTERIOR LANDS.—  
8 Notwithstanding section 303(a) of the Federal Land Pol-  
9 icy and Management Act of 1976 (43 U.S.C. 1733(a)) or  
10 section 3 of the Act of August 25, 1916 (16 U.S.C. 3),  
11 a violation of the rules regulating the use of fire by visitors  
12 and other users of lands administered by the Bureau of  
13 Land Management or National Park System lands shall  
14 be punished by a fine of not less than \$1,000 or imprison-  
15 ment for not more than one year, or both, if the violation  
16 results in damage to public or private property.

17       (b) INCREASED PENALTIES ON NATIONAL FOREST  
18 SYSTEM LANDS.—Notwithstanding the eleventh undesig-  
19 nated paragraph under the heading “SURVEYING THE  
20 PUBLIC LANDS” of the Act of June 4, 1897 (16 U.S.C.  
21 551), a violation of the rules regulating the use of fire  
22 by visitors and other users of National Forest System  
23 lands shall be punished by a fine of not less than \$1,000  
24 or imprisonment for not more than one year, or both, if  
25 the violation results in damage to public or private prop-  
26 erty.

1 (c) RELATION TO OTHER SENTENCE OF FINE AU-  
2 THORITY.—The maximum fine amount specified in sub-  
3 sections (a) and (b) applies in lieu of the fine otherwise  
4 applicable under section 3571 of title 18, United States  
5 Code.

6 (d) USE OF COLLECTED FINES.—Any moneys re-  
7 ceived by the United States as a result of a fine imposed  
8 for a violation of fire rules applicable to lands adminis-  
9 tered by the Bureau of Land Management, National Park  
10 System lands, or National Forest System lands shall be  
11 available to the Secretary of the Interior or the Secretary  
12 of Agriculture, as the case may be, without further appro-  
13 priation and until expended, for the following purposes:

14 (1) To cover the cost to the United States of  
15 any improvement, protection, or rehabilitation work  
16 rendered necessary by the action that resulted in the  
17 fine.

18 (2) To reimburse the affected agency for the  
19 cost of the response to the action that resulted in  
20 the fine, including investigations, damage assess-  
21 ments, and legal actions.

22 (3) To increase public awareness of rules, regu-  
23 lations, and other requirements regarding the use of  
24 fire on public lands.

○

Chairman SENSENBRENNER. The Chair recognizes the gentleman from North Carolina to strike the last word.

Mr. COBLE. I thank the Chairman. As I said, this is a sequential referral, and this is the first time I've really seen the bill, but the staff has run the traps with the minority and with Resources, and it appears there is no controversy surrounding this.

A few talking points, Mr. Chairman. Since 1944, Smokey Bear has been a national symbol for fire prevention. I'm sorry. How about now, Bobby?

Since 1944, Smokey Bear has been a national symbol for fire prevention. His message, "Only You Can Prevent Forest Fires," is one of the most recognizable and remembered motto from any ad campaign. While Smokey's done a tremendous job in promoting public awareness about the dangers of wildfires and their prevention, human carelessness continues to destroy an average of 100,000 acres per year.

Today we mark up H.R. 1038, the "Public Lands Regulation Enforcement Act of 2003." This bill would increase the penalties to be imposed for fire regulations applicable to public lands under the authority of the Bureau of Land Management, the National Park Service, and the U.S. Forest Service. Stiffer penalties may be one way to help reduce the number of fires attributable to carelessness and to the national disregard of fire bans.

The need for tougher penalties cannot be better illustrated by a real-life scenario that occurred just last year. A visitor to a Colorado national forest contacted a district ranger about the fines for violating the recently imposed fire ban. When the visitor was informed that the fine for violating the ban was around \$50, he asked if there was a way to pay the fine in advance.

Current penalties for violating existing fire regulations specify a maximum fine of \$1,000 and 6 months' imprisonment for offenders, with many fines being levied at under \$100. The original bill as introduced would change the maximum \$1,000 fine to a minimum \$1,000 fine and allow imprisonment for up to 1 year with respect to public lands under the Bureau of Land Management, National Park System of the U.S. Forest Service.

Additionally, the original bill deemed money collected from fines imposed for violation of fire rules available to cover cost of improvements necessary because of the action and increased public awareness of rules and regulations related to fire on public lands. Because of the issues raised by the Department of Justice and others, I will be offering an amendment in the nature of a substitute today to remove the provisions increasing the length of imprisonment and will allow the current provisions of Title 18 regarding imprisonment to be utilized in prosecutions. The substitute amendment also will increase the possible penalties for violation of fire regulations on National Park System lands or National Forest System lands to \$10,000 and establishes a minimum fine of \$500 for the use of fire on public lands if a violation of the regulation occurred on land that is subject to a complete ban on open fires and the fire resulted in damage to public or private property.

In addition, the substitute amendment removes the provisions governing the use of collected fines. Although there are some discrepancies between the way the three agencies penalize offenders due to the fact that these penalties were adopted at different peri-

ods in our Nation's history, these increased fines will bring more consistency to the penalties available for setting fires on public lands.

It is the hope of our Subcommittee that stiffer penalties will reduce the careless acts that destroy so much of our land and wildfire resources. This has been devastating, as you know, Mr. Chairman, and I think this is a good approach.

I yield back.

Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Scott?

Mr. SCOTT. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. CONYERS. I thank my colleague from Virginia. I'd like to enter my record in—my statement in the record by unanimous consent.

Chairman SENSENBRENNER. Without objection.

Mr. CONYERS. I thank the gentleman for yielding.

[The prepared statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND RANKING MEMBER, COMMITTEE ON THE JUDICIARY

I support the underlying premise of the bill. It marks a notable improvement over the text of the bill as it was originally introduced.

First, it omits a provision found in the introduced version of the bill that would have redirected funds intended for the Justice Department's victims crime fund and permitted the Secretaries of the Interior and Agriculture to use those monies to cover the costs of firefighting, rehabilitation, and to increase public awareness regarding the use of fire on public lands. While I agree that these are worthwhile functions, I have to point out that the crime victims fund also serves an extremely important purpose. Contributions to the fund help finance victim assistance and compensation programs; in addition to training, technical assistance, and national demonstration programs showcasing promising practices in the delivery of victim rights and service.

Second, I am pleased to see that the bill's two provisions which sought to increase the prison term associated with violating a federal regulation regarding the use of fire by visitors on interior or forest lands have also been deleted. Many have suggested that those two provisions would have been excessive; and in some cases, discouraged law enforcement officials from issuing citations or tickets for routine offenses.

Having said this, I must admit that the legislation remains far from perfect. As it is currently written, the bill permits inconsistent penalties for fire use violations to occur. Violations that occur on interior lands—those administered by the Bureau of Land Management—are punishable as Class A misdemeanors (which may result in a fine of up to \$100,000 or imprisonment for up to one year); while those taking place on national forest lands—those managed by the National Park System and USDA Forest system—remain Class B misdemeanors (resulting in a fine of up to \$10,000 or up to six months in prison).

Moreover, the substitute creates additional inconsistencies by increasing the criminal fines associated with violations that take place on forest lands from a maximum fine of \$5,000 up to one not to exceed \$10,000. This change in law directly conflicts with the criminal fines outlined in the Penalties Enhancement Act of 1984, 18 U.S.C. 3571, which cap the fine for Class B misdemeanors at \$5,000.

I would like to thank the Majority for demonstrating a willingness on their part to address the many concerns that those on this side of the aisle have previously raised. Hopefully, we can continue to work in a bipartisan manner to address the concerns raised today, so that we can continue to move this legislation to the House floor for its ultimate passage.

Mr. SCOTT. And, Mr. Chairman, I would just like to thank the gentleman from North Carolina, the Chairman of the Committee, for accommodating many of the concerns, particularly on the man-

datory minimums. Those concerns have been worked out in the amendment in the nature of a substitute, and I support the bill.

Chairman SENSENBRENNER. Does the gentleman yield back?

Mr. SCOTT. I yield back.

Chairman SENSENBRENNER. Without objection, all opening statements will be placed in the record at this point.

Are there amendments? The gentleman from North Carolina.

Mr. COBLE. I have an amendment at the desk, Mr. Chairman.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment in the nature of a substitute to H.R. 1038 offered by Mr. Coble. Strike out all after——

Chairman SENSENBRENNER. Without objection, the amendment will be considered as read.

[The amendment in the nature of a substitute follows:]

H.L.C.

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

To H.R. 1038

OFFERED BY MR. ~~SENSENBRENNER~~ *961e*

Strike out all after the enacting clause and insert the following:

## 1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Public Lands Fire  
3 Regulations Enforcement Act of 2003".

4 SEC. 2. INCREASE IN MAXIMUM FINES FOR VIOLATION OF  
5 PUBLIC LAND REGULATIONS AND ESTAB-  
6 LISHMENT 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)) is amended—

13 (1) in the second sentence, by striking "no  
14 more than \$1,000" and inserting "as provided in  
15 title 18, United States Code,"; and

16 (2) by inserting after the second sentence the  
17 following: "In the case of a regulation issued under  
18 this section regarding the use of fire by individuals  
19 on the public lands, if ~~the~~ *a reckless* violation of the regulation

1 occurred in an area subject to a complete ban on  
2 open fires and resulted in damage to public or pri-  
3 vate property, the fine may not be less than \$500.”.

4 (b) NATIONAL PARK SYSTEM LANDS.—

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

8 (A) by striking “That the Secretary” at  
9 the beginning of the section and inserting “(a)  
10 REGULATIONS FOR USE AND MANAGEMENT OF  
11 NATIONAL PARK SYSTEM; ENFORCEMENT.—  
12 The Secretary”;

13 (B) by striking “\$500” and inserting  
14 “10,000”; and

15 (C) by inserting after the first sentence the  
16 following: “In the case of a rule or regulation  
17 issued under this subsection regarding the use  
18 of fire by individuals on such lands, if <sup>a reckless</sup> ~~the~~ viola-  
19 tion of the rule or regulation occurred in an  
20 area subject to a complete ban on open fires  
21 and resulted in damage to public or private  
22 property, the fine may not be less than \$500.”.

23 (2) CONFORMING AMENDMENTS.—Such section  
24 is further amended—



1 (A) by striking "He may also" the first  
2 place it appears and inserting the following:

3 "(b) SPECIAL MANAGEMENT AUTHORITIES.—The  
4 Secretary of the Interior may";

5 (B) by striking "He may also" the second  
6 place it appears and inserting "The Secretary  
7 may"; and

8 (C) by striking "No natural," and insert-  
9 ing the following:

10 "(e) LEASE AND PERMIT AUTHORITIES.—No nat-  
11 ural".

12 (c) NATIONAL FOREST SYSTEM LANDS.—The elev-  
13 enth undesignated paragraph under the heading "SUR-  
14 VEYING THE PUBLIC LANDS" of the Act of June 4, 1897  
15 (16 U.S.C. 551), is amended—

16 (1) by striking "\$500" and inserting "10,000";  
17 and

18 (2) by inserting after the first sentence the fol-  
19 lowing: "In the case of such a rule or regulation re-  
20 garding the use of fire by individuals on such lands,  
21 if <sup>a reckless</sup> ~~the~~ violation of the rule or regulation occurred in  
22 an area subject to a complete ban on open fires and  
23 resulted in damage to public or private property, the  
24 fine may not be less than \$500."

Amend the title so as to read: "A bill to increase maximum fine amounts authorized for the violation of regulations regarding Bureau of Land Management lands, National Park System lands, and National Forest System lands, to impose a minimum fine amount for a violation of fire regulations applicable to such lands when the violation occurs in an area subject to a complete ban on open fires and results in property damage, and for other purposes.

Chairman SENSENBRENNER. And the gentleman from North Carolina is recognized for 5 minutes.

Mr. COBLE. Well, Mr. Chairman, I think I explained it in my opening—in my previous opening statement.

Chairman SENSENBRENNER. Okay. The gentleman yield back?

Mr. COBLE. Yield back.

The question is on the adoption of the amendment in the nature of a substitute offered by the gentleman from North Carolina. Those in favor will say aye? Opposed, no?

The ayes appear to have it. The ayes have it; the amendment in the nature of a substitute is agreed to.

The question now is on reporting the bill H.R. 1038 favorably as amended by the amendment in the nature of a substitute. A reporting quorum is not present, and without objection, the previous question is ordered on the motion to report the bill favorably as amended.

[Intervening business.]

Chairman SENSENBRENNER. A reporting quorum being present, we will now resume the unfinished business, which is the motion to report favorably the bill H.R. 1038 as amended by the amendment in the nature of a substitute. Those in favor will say aye? Opposed, no?

The ayes appear to have it. The ayes have it, and the motion to report favorably is agreed to.

Without objection, the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute incorporating the amendment adopted here today. Without objection, the Chairman is authorized to move to go to conference pursuant to House Rules. And without objection, the staff is directed to make any technical and conforming changes. All Members will be given 2 days as provided by House Rules in which to submit additional, dissenting, supplemental, or minority views.