6. Section 5511.2–1 is amended by revising paragraph (a) to read as follows:

§5511.2–1 Free use privilege; cutting by agent.

(a) Except as provided in §5511.1–4 the only timber which may be cut under §§ 5511.2–1 through 5511.2–5 for free use in Alaska is timber on vacant public lands in the State not reserved for national forest or other purposes. The timber so cut may not be sold or bartered. The free use privilege does not extend to associations or corporations, except churches, hospitals, and charitable institutions. Any applicant entitled to the free use of timber may procure it by agent, if desired, but no part of the timber may be used in payment for services in obtaining it or in manufacturing it into lumber. Timber may not be cut by an applicant under this section after the land has been included in a valid homestead settlement or entry or other claim, except that any applicant for the free use of timber who has been granted a permit to cut as hereinafter provided, will have a right to cut the timber while the permit remains in force as against a subsequent applicant who may wish to obtain the same timber by purchase.

* * * *

§5511.2-4 [Amended]

7. Section 5511.2–4 is amended by revising the reference "5511.2–6" to read "5511.2–5".

§5511.2-5 [Amended]

8. Section 5511.2-5 is removed.

§ 5511.2–7 [Redesignated as § 5511.2–5 and amended]

9. Section 5511.2–7 is redesignated as § 5511.2–5 and the reference "§ 5511.2–4" at the end of the section is revised to read "§ 5511.1–4".

10. Section 5511.4 is added to read as follows:

§ 5511.4 Prohibited acts.

(a) In addition to the prohibited acts listed in § 5462.2, the acts or omissions listed in paragraph (b) will render the person(s) responsible liable to the United States in a civil action for trespass and such persons may be prosecuted criminally.

(b) The following acts are prohibited: (1) Obtaining any free use permit or taking any timber, trees, or other vegetative resources through falsifying, concealing, or covering up by any trick, scheme, or device a material fact, or making any false, fictitious, or fraudulent statements or representations, or making or using any false, fictitious or fraudulent statement or entry, including altering of any free use permit or using a reproduction of any official load tags.

(2) Using timber secured under a free use permit for any purpose other than provided for in §§ 5511.1–1(d), 5511.1–2, 5511.1–4, 5511.2–2, 5511.3–6, or 5511.3–8.

(3) Violating any of the terms and conditions of a free use permit.

(4) Exporting timber cut under a free use permit from the State in which it was cut, except as provided in § 5511.1– 1(e).

(5) The cutting of timber under a free use permit for sale, barter, speculation, or use by others than the permittee.

11. Section 5511.5 is added to read as follows:

§ 5511.5 Penalties.

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a), any individual who knowingly and willfully commits the prohibited acts under § 5511.4(b) is subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$100,000, or not more than \$250,000 if commission of the prohibited acts results in death, in accordance with the applicable provisions of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 et. seq.), or imprisonment not to exceed 12 months, or both, for each offense, and any organization that commits these prohibited acts is subject to arrest and trial by the United States Magistrate and, if convicted, shall be subject to a fine of not more than \$200,000, or not more than \$500,000 if commission of the prohibited acts results in death.

PART 9230—TRESPASS

12. The authority citation for 43 CFR part 9230 continues to read as follows:

Authority: R.S. 2478; 43 U.S.C. 1201; 43 U.S.C. 1701, et seq.; 18 U.S.C. 1851–1858.

Subpart 9239—Kinds of Trespass

13. Section 9239.1–1 is amended by removing paragraph (c) and (d), and revising the heading and paragraph (b) to read as follows:

§ 9239.1–1 Unauthorized cutting, removal, or injury.

(b) Commission of any of the acts listed in §§ 5462.2 and 5511.4 of this title constitutes a trespass.

14. Section 9239.1–2 is amended by revising the heading and paragraph (a) to read as follows:

§9239.1–2 Penalty for trespass.

(a) In accordance with §§ 9239.0–7, 9239.0–8, and 9239.1–1 of this subpart,

anyone responsible for a trespass act is liable to the United States in a civil action for damages and may be prosecuted under criminal law as provided in § 9265.6 of this chapter.

15. Section 9239.1–3 is amended by adding paragraph (a)(4) to read as follows:

§9239.1–3 Measure of damages.

- (a) * * *
- (1) * * *

(4) In the case of a purchase from a trespasser, if the purchaser has no knowledge of the trespass, but should have had such knowledge through reasonable diligence, the value at the time of the purchase.

* * * *

PART 9260—LAW ENFORCEMENT— CRIMINAL

16. The authority citation for 43 CFR part 9260 is revised to read as follows:

Authority: 16 U.S.C. 433; 16 U.S.C. 460*l*– 6a; 16 U.S.C. 670j; 16 U.S.C. 1246(i); 16 U.S.C. 1338; 18 U.S.C. 1851–1861; 18 U.S.C. 3551 *et seq.*; 43 U.S.C. 315(a); 43 U.S.C. 1061, 1063; 43 U.S.C. 1733.

Subpart 9265—Timber and Other Vegetative Resources Management

17. The heading of subpart 9265 is revised to read as set forth above.

18. Section 9265.0–3 is amended by inserting after "title 18 U.S.C.," the phrase "and section 1733 of title 43 U.S.C.,".

19. Section 9265.4 is amended by adding text to read as follows:

§ 9265.4 Sales of forest products, general.

Commission of any of the acts listed in § 5462.2 of this title is a violation of Federal regulations and may subject the responsible person(s) to criminal penalties under titles 18 and 43 of the United States Code.

20. Section 9265.5 is revised to read as follows:

§ 9265.5 Non-sale disposals, general.

Commission of any of the acts listed in § 5511.4 of this title is a violation of Federal regulations and may subject the responsible person(s) to criminal penalties under titles 18 and 43 U.S.C.

21. Section 9265.6 is added to read as follows:

§9265.6 Penalties.

(a) *Sales administration*. Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), any individual who knowingly and willfully commits the prohibited acts under § 5462.2(b) of this