

## GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 853, introduced by our colleague from California (Mr. MCKEON), removes land use restrictions on property acquired from the Forest Service by the Mammoth Community Water District in Mono County, California.

In 1987, the U.S. Forest Service conveyed 25 acres to the water district under land use conditions at the time. Of these lands, 12 acres are now needed for different uses, including much-needed water utility operations. Implementation of this noncontroversial bill will ultimately benefit the local water consumer and will adhere to all Federal, State, and local environmental laws.

I urge my colleagues to support this commonsense legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 853 simply removes outdated restrictions on lands owned by Mammoth County Water District in California. We have no objections to this noncontroversial bill.

Mr. MCKEON. Mr. Speaker, I rise today to speak on and offer my strong support for HR 953, legislation I introduced earlier this year to remove restrictions on 25 acres of land patented to the Mammoth County Water District.

Prior to 1987, the District occupied this land through a special use permit with the Forest Service. Of these 25 acres, 12 acres were used for the storage of materials, and prior to 1987, for oxidation ponds, which had become obsolete by that year.

After that time, Congress passed Public Law 97-465 that allowed these lands to be transferred directly to the District. While the law allowed for acquisition of these lands, it also directed that they could only be used for those purposes prior to the time of the conveyance.

Today, however, these 12 acres are no longer needed for the storage of materials and the community would like to utilize this land in a more economically viable manner.

This area is a popular ski destination for many tourists during the winter months and, every year, the town experiences more and more visitors. The town sits in the middle of the Forest Service land and contains limited private land for expanded commercial activities. As such, passage of this legislation would allow the town to accommodate for the growing economic needs of the region.

This legislation has the support of both the local community and the Forest Service and passed through the Committee on Resources without any objection.

I would like to express my deep appreciation to Chairman POMBO for bringing this legis-

lation to the floor and ask my colleagues to support its passage here today.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers. I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I have no additional speakers and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the bill, H.R. 853.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### TRAIL RESPONSIBILITY AND ACCOUNTABILITY FOR THE IMPROVEMENT OF LANDS ACT

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 975) 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, as amended.

The Clerk read as follows:

H.R. 975

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Trail Responsibility and Accountability for the Improvement of Lands Act" or "TRAIL Act".

#### SEC. 2. CONSISTENT ENFORCEMENT AUTHORITY REGARDING NATIONAL PARK SYSTEM LANDS, NATIONAL FOREST SYSTEM LANDS, AND OTHER PUBLIC LANDS.

(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) by inserting "(1)" after "(a)";

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraphs:

"(2) Any person who knowingly violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

"(3) Any person who otherwise violates or fails to comply with any of the provisions of this Act or any regulation issued under this Act shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings."

(b) NATIONAL PARK SYSTEM LANDS.—

(1) ENFORCEMENT.—Section 3 of the National Park Service Organic Act (16 U.S.C. 3) is amended—

(A) by striking "That the Secretary" the first place it appears and inserting "(a) REGULATIONS FOR USE AND MANAGEMENT OF NA-

TIONAL PARK SYSTEM; ENFORCEMENT.—(1) The Secretary";

(B) by striking "Service," and all that follows through "proceedings," and inserting "Service."; and

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

"(2) Any person who knowingly violates or fails to comply with any rule or regulation issued under this section shall be guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

"(3) Any person who otherwise violates or fails to comply with any rule or regulation issued under this section shall be guilty of a Class B misdemeanor, subject to fine or imprisonment, or both, as provided in such sections. A person who violates any such rule or regulation may also be adjudged to pay all costs of the proceedings."

(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 WILDLIFE REFUGE SYSTEM LANDS.—Section 4(f) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(f)) is amended—

(1) in paragraph (1), by striking "fined under title 18, United States Code, or imprisoned for not more than 1 year, or both," and inserting "guilty of a Class A misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.";

(2) in paragraph (2), by striking "fined under title 18, United States Code, or imprisoned not more than 180 days, or both," and inserting "guilty of a Class B misdemeanor, subject to fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both. A person who violates any such provision or regulation may also be adjudged to pay all costs of the proceedings.";

(d) 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 to read as follows:

"SEC. 551. PROTECTION OF NATIONAL FOREST SYSTEM LANDS; REGULATIONS.

"(a) REGULATIONS FOR USE AND PROTECTION OF NATIONAL FOREST SYSTEM.—The Secretary of Agriculture shall make provisions for the protection of the National Forest System (as defined in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609)) against destruction by fire and depredations. The Secretary may issue such regulations and establish such service as will insure the objects of the National Forest System, namely, to regulate their occupancy and use and to protect National Forest System lands from destruction.

"(b) VIOLATIONS; PENALTIES.—(1) Any person who knowingly violates any regulation issued under subsection (a) shall be guilty of a Class A misdemeanor and shall be subject to a fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

"(2) Any person who otherwise violates any regulation issued under subsection (a) shall

be guilty of a Class B misdemeanor and shall be subject to a fine as provided in section 3571 of title 18, United States Code, or imprisonment as provided in section 3581 of that title, or both.

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

“(c) PROCEDURE.—Any person charged with the violation of a regulation issued under subsection (a) may be tried and sentenced by any United States magistrate judge specially designated for that purpose by the court by which the magistrate judge was appointed, in the same manner and subject to the same conditions as provided for in subsections (b) through (e) of section 3401 of title 18, United States Code.”.

**SEC. 3. 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)), as amended by section 2(a), is further amended by adding at the end the following new paragraph:

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

“(4) 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.”.

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

“(4) In the case of a regulation issued under subsection (a) regarding the use of fire by individuals on National Forest System 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.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

**GENERAL LEAVE**

Ms. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 975, introduced by the gentleman from Colorado (Mr. TANCREDO), would 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 violation of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies. Additionally, this measure includes two technical corrections to drafting errors.

I would like to recognize and thank Chairman GOODLATTE and the House Agriculture Committee for its cooperation on this bill. H.R. 975 shares bipartisan support, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 975 will lead to more uniform enforcement of the criminal laws on our public lands. Original cosponsors of this legislation include Representatives MARK UDALL and DIANA DEGETTE of Colorado and JIM MATHESON of Utah, all Members who understand the value of our public lands and take seriously our responsibility as stewards of those lands. They are to be commended for their efforts to bring this measure to the floor today.

Mr. Speaker, we support H.R. 975.

Mr. TANCREDO. Mr. Speaker, I thank the House leadership for scheduling action on this important legislation. It is designed to stiffen and standardize the penalties for folks who willfully damage or destroy our public lands. It also sets a tough minimum fine of \$500 for individuals who violate fire regulations on public lands when a complete ban on open fires is in place.

I want to recognize and thank Chairman POMBO and Chairman GOODLATTE for their efforts on this bill. I'd also like to thank my colleague from Colorado, Mr. UDALL for his assistance.

In the last twenty years, Americans have found new ways to enjoy their public lands and waterways beyond just hiking, horseback riding, or powerboats. Today, mountain bikers, snowmobilers and others also use our public lands. Many of these vehicles represent the only access to the great outdoors available to a whole segment of our population—folks like senior citizens and the disabled who wouldn't otherwise be able to enjoy beautiful places like the Pike National Forest in my district.

The economic impact for Colorado of these kinds of recreational activities contributes more than \$200 million to our economy, creating more than 3,000 jobs. With those economic benefits however, have come conflicts and irresponsible actors. This legislation is designed to help ensure that those irresponsible actors pay the price for their actions.

Recreation on our public lands and waterways will continue to grow—and it should. This bill will help equip our land managers with the means to appropriately and evenhandedly enforce land use regulations

against those few bad apples who spoil the whole bunch. The TRAIL Act accomplishes this by creating consistent fines and penalties among all of our land use agencies. In doing so, the bill also increases fines and penalties substantially for people who knowingly engage in inappropriate behavior.

The second section of the bill addresses the growing problem of human caused wildfires on our public lands. Over the last ten years, human carelessness has been responsible for the ignition of over one million wildfires on our public lands. By comparison, lightning has caused only about one-tenth that many fires over the same time period.

The current penalties for violating fire regulations vary from agency to agency. In a practical sense, however, the fines are generally assessed at a far lower level. In fact, under current law, fines are set as low as \$25—little more than the cost of a seatbelt ticket in most states. I believe, as I think most people do, that these weak penalties lack any real deterrent value for would-be violators. In fact, one district ranger in Colorado related a story to me about a would-be visitor to the Pike National Forest who called to inquire if he could pay the puny fine in advance.

He told me that even in the midst of a fire season like the 2002 season in Colorado—where some 800 human caused wildfires destroyed over a quarter of a million acres—that enforcing the fire ban was a continuing problem, in large part because the fine is so small.

Enhancing the penalties for those who choose to disregard the directives of our land managers is one way we can reduce both the number of human caused wildfires and the terrible destruction they leave in their wake by creating a deterrent. This bill would accomplish that by imposing a minimum fine of \$500 for individuals who violate fire bans.

I hope the House will pass the bill, and ask for your support.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the bill, H.R. 975, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

**NORTHERN COLORADO WATER CONSERVANCY DISTRICT FACILITIES CONVEYANCE**

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3443) to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, as amended.

The Clerk read as follows:

H.R. 3443

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*