

linking Mexico City through modern-day Texas and Louisiana, the El Camino Real provided missionaries, explorers, traders, ranchers and military passageway through the rugged unconquered terrain of North America, and I urge adoption of this Senate bill.

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

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to the consideration of this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentlewoman from Guam for yielding me this time, and I am honored to rise to support Senate bill 2052, the Camino Real de los Tejas National Historic Trail Act.

This bill is the Senate version of the legislation I introduced, recognizing the historical and cultural heritage of what has become known as the Camino Real de los Tejas. The Camino Real de los Tejas is a series of trails extending from the Rio Grande through San Antonio, and ending in Louisiana, covering nearly 2,600 miles in all.

For more than 150 years, these trail systems served as critical trade routes, post roads, cattle trails and military highways. These roads were also, prior to the Spanish, were the trails the Native Americans utilized for almost 500 years.

The history of the United States is often taught as the western migration and the settlements of this continent. That history is, of course, central to our national experience. But there is another history that deserves our attention and recognition. That history is the south-to-north migration of the Spanish, the Native Americans, and the peoples of Mexico and Latin America.

The Spanish and the Mexican exploration and development of Texas followed these patterns from the late 1600s to the time of Texas independence in 1836. Even today, that pattern continues as people from Latin America trade with the United States, visit our country, and migrate here seeking new lives.

The Camino Real de los Tejas National Historic Trail will give us the tools to remember that critical history and will provide local communities and organizations with the opportunity to develop cultural tourism in cooperation with the National Park Service. The Camino Real de los Tejas trail system was an important commercial and cultural trade corridor that helped define the history of Texas.

Mr. Speaker, I first introduced the legislation to establish El Camino de los Tejas Trail in 1998. During these past 6 years, I and my staff have worked closely with local community leaders and other Members of Congress to craft a bill that would recognize the history of the trail while absolutely protecting the private property rights.

I am proud this legislation enjoys bipartisan support in both the Senate and House.

I want to recognize the support and the work of Senator KAY BAILEY HUTCHISON, the senior Senator from Texas, who introduced this companion bill earlier this year and successfully negotiated its passage in the Senate. I want to personally thank her, because without her efforts, we would not be where we are at now.

I also want to thank the staff who worked on this bill in the committee and in our personal offices, including Laura Marquez of my office, and I especially want to thank my chief of staff, Jeff Mendelsohn, who has spearheaded our efforts to pass this bill during the past 6 years. His focus and dedication to the project has made today's passage possible.

I also want to thank Al Notzon, back home in San Antonio, who has worked and gotten some 30 or 40 letters from cities and counties and a multitude of individuals throughout the State of Texas and Louisiana to come forth.

The beauty of this piece of legislation is that it allows us to get a good recognition of our history. One important thing I would like to mention, Mr. Speaker, is that during the War of 1812, whether you know it or not, through this trail came 10,000 head of cattle. If it had not been for those Mexican cows coming through there, no telling what would have happened in 1812. But we were able to pull it off in that war, and that is one of the little tidbits of history that is there regarding this trail and which was so significant to the making of this country.

Ms. BORDALLO. Mr. Speaker, I thank my colleague, the gentleman from Texas (Mr. RODRIGUEZ) for his comments on this measure.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 2052.

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

A motion to reconsider was laid on the table.

TRAIL RESPONSIBILITY AND ACCOUNTABILITY FOR THE IMPROVEMENT OF LANDS ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3247) 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, to clarify the purposes for which collected fines may be used, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3247

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 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 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" the first place it appears and inserting "(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL 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 such rule or regulation 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 FORESTS; 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 preserve the forests therein 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. Any person who otherwise violates any such regulation shall be guilty of a Class B misdemeanor. A person who violates any such regulation 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) 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 Act of August 25, 1916 (popularly known as 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:

“(3) 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 gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, introduced by the gentleman from Colorado (Mr. TANCREDO), H.R. 3247, the Trail Responsibility and Accountability for Improvement of Lands, or TRAIL Act, 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 violations of regulations regarding the management, use, and protection of public lands.

Additionally, it creates a minimum fine of \$500 for anyone who knowingly starts a fire during a fire ban. The bill shares bipartisan support, and I urge its adoption.

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

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to the consideration of H.R. 3247.

Mr. TANCREDO. Mr. Speaker, I thank the House leadership for moving this legislation, which I introduced nearly one year ago. It stiffens the penalties for folks who willfully destroy our public lands, and standardizes them across most Federal lands. In addition, the bill includes provisions of H.R. 1038, which I also introduced, setting 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, Chairmen MCINNIS and WALDEN, Chairman RADANOVICH, Chairman GOODLATTE, and Chairman SENSENBRENNER for their efforts over the last two fire seasons in finally getting this legislation to the floor. I'd also like to

thank another colleague from Colorado, Mr. UDALL, who was instrumental in helping to make passage of this legislation possible today.

Those of us privileged to represent western States here in the Congress know of the long running battle between Federal land agencies and private interests—mainly because the Federal Government is the landlord of so much of the land in the western part of the United States. Over the years, issues of contention have ranged from grazing rights, to forest management, and energy development. Today, the public lands debate is also characterized by access to public lands for different recreational activities—all of which have an enormous and positive economic impact on the communities that we represent.

In the last 20 years, Americans have found new ways to enjoy their public lands and waterways beyond just hiking, horseback riding, or powerboats. Today, mountain bikers, ATVs, SUVs, and snowmobilers also use our public lands. Many of these vehicles represent the only access to the great outdoors to a whole segment of our population—folks like senior citizens and the disabled—that might not otherwise be able to get out and visit 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 3,100 jobs. With those economic benefits however, have come conflicts and irresponsible people.

No one here will say that there haven't been problems with certain individuals and groups abusing, misusing and in some instances, destroying valuable property on our Federal lands. Because of the actions of these thoughtless people, future generations have been deprived of the opportunity to view and enjoy our public lands.

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 10 years, human carelessness has been responsible for the ignition of just 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—or “collaterals” as they are called, 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.

In 2002, well after the imposition of the fire ban by both the Governor of Colorado and the Forest Supervisor—I was flying over Hayman Fire with the same district ranger. In addition to having a birds-eye view of the largest wildfire in State history, the two of us also had an excellent view of several campfires dotting the landscape outside its perimeter. He told me that even in the midst of a fire season like the one we had in Colorado—where some 800 human caused wildfires destroyed over a quarter of a million acres—that enforcing the 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 may be 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 regulations during period when declared fire bans are in effect.

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

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3247, 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.

The title of the bill was amended so as to read: "A Bill 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."

A motion to reconsider was laid on the table.

SMALL TRACTS ACT AMENDMENTS

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4617) to amend the Small Tracts Act to facilitate the exchange of small tracts of land, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4617

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

SECTION 1. LAND EXCHANGES, TAHOE NATIONAL FOREST, CALIFORNIA.

(a) CHRISTENSEN EXCHANGE AUTHORIZED.—Notwithstanding section 3 of Public Law 97-465 (16 U.S.C. 521e; commonly known as the Small Tracts Act), the Secretary of Agriculture may use the authority of such Act to convey to Irving N. Christensen all right, title, and interest of the United States in and to a parcel of National Forest System land lying north of California State Highway

49 within the N $\frac{1}{2}$ N $\frac{1}{2}$ of section 17 of township 19 north, range 9 east, Mount Diablo meridian, in exchange for lands owned by Irving N. Christensen, as of the date of the enactment of this Act, in that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 16 of township 19 north, range 9 east, Mount Diablo meridian, lying southwest of California State Highway 49 and that portion of S $\frac{1}{2}$ NE $\frac{1}{4}$ of section 17 of township 19 north, range 9 east, Mount Diablo meridian, lying southwest of California State Highway 49 and northeast of the North Fork Yuba River.

(b) MCCREARY EXCHANGE AUTHORIZED.—For purposes of Public Law 97-465 (16 U.S.C. 521c et seq.; commonly known as the Small Tracts Act), the land exchange authorized by this subsection is deemed to involve a mineral survey fraction. Using the authority of such Act, the Secretary of Agriculture may convey to Dennis W. McCreary and Cindy M. McCreary all right, title, and interest of the United States in and to a parcel of National Forest System land in Lot 121 of section 35 of township 20 north, range 10 east, Mount Diablo meridian, in exchange for lands owned by Dennis W. McCreary and Cindy M. McCreary, as of the date of the enactment of this Act, in Lot 19 of such section 35.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands to be exchanged under this section are withdrawn from location, entry, and patent under the mining laws of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, H.R. 4617 would facilitate the exchange of two small tracts of land under the Small Tracts Act in the Tahoe National Forest in California.

The first would exchange 3 acres of mineral rights from the Forest Service to the owner of the surface in exchange for 7 acres of land adjacent to a Forest Service campground.

The second would provide for the exchange of less than 1 acre owned by the Forest Service and located in the backyard of the property owner, with a parcel of less than an acre near a Forest Service trailhead. The Forest Service has indicated its interest and support for these exchanges in correspondence to the landowners, and I urge support of this bill.

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

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to the consideration of H.R. 4617.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 4617, 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.

The title of the bill was amended so as to read: "A Bill to authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest System land in the Tahoe National Forest in the State of California, and for other purposes."

A motion to reconsider was laid on the table.

MCINNIS CANYONS NATIONAL CONSERVATION AREA

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4827) to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area.

The Clerk read as follows:

H.R. 4827

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

SECTION 1. MCINNIS CANYONS NATIONAL CONSERVATION AREA.

(a) PURPOSE.—The Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 (16 U.S.C. 460mm et seq.) is amended in section 2(b) by striking "Colorado Canyons" and inserting "McInnis Canyons".

(b) DEFINITIONS.—Section 3 of such Act is amended—

(1) in paragraph (1), by striking "Colorado" and inserting "McInnis"; and

(2) in paragraph (2), by striking "Colorado" and inserting "McInnis".

(c) COLORADO CANYONS NATIONAL CONSERVATION AREA.—Section 4 of such Act is amended—

(1) in the heading, by striking "COLORADO" and inserting "MCINNIS"; and

(2) in subsection (a), by striking "Colorado Canyons" and inserting "McInnis Canyons".

(d) ADVISORY COUNCIL.—Section 8(a) of such Act is amended by striking "Colorado Canyons" and inserting "McInnis Canyons".

(e) SHORT TITLE.—Section 1 of such Act is amended by striking "Colorado" and inserting "McInnis".

(f) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the "Colorado Canyons National Conservation Area" shall be deemed to be a reference to the "McInnis Canyons National Conservation Area".

(g) EFFECTIVE DATE.—This section and the amendments made by this section take effect on January 1, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, this legislation, introduced by the gentleman from Oregon (Mr. WALDEN), would rename the Colorado Canyons National Conservation