

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To direct the Secretary of the Interior and the Secretary of Agriculture to submit to Congress a report on the amount of waste collected on certain Federal land along the southern border of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TIFFANY introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Secretary of the Interior and the Secretary of Agriculture to submit to Congress a report on the amount of waste collected on certain Federal land along the southern border of the United States, 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.**

4 This Act may be cited as the “Trash Reduction And
5 Suppressing Harm from Environmental Degradation at
6 the Border Act” or the “TRASHED Border Act”.

1 **SEC. 2. POLICIES AND PROCEDURES TO REDUCE TRASH**
2 **ALONG THE SOUTHERN BORDER.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Secretary concerned,
5 in coordination with the Secretary of Homeland Security,
6 shall establish and implement policies and protocols to
7 prevent and mitigate environmental degradation on cov-
8 ered Federal lands caused by aliens without lawful immi-
9 gration status—

10 (1) crossing the southern border; or

11 (2) being housed, or otherwise illegally en-
12 croaching or camping, on National Forest System
13 lands or lands under the jurisdiction of the Sec-
14 retary of the Interior.

15 (b) PROTOCOLS.—In developing the policies and pro-
16 tocols under subsection (a), the Secretary concerned shall
17 consider policies and seek to implement best practices with
18 respect to—

19 (1) reducing trash accumulation, particularly in
20 ecologically sensitive areas—

21 (A) on covered Federal lands; or

22 (B) where aliens without lawful immigra-
23 tion status are being housed, or are otherwise
24 illegally encroaching or camping, on National
25 Forest System lands or lands under the juris-
26 diction of the Secretary of the Interior;

1 (2) address the destruction of sensitive natural
2 and archeological resources; and

3 (3) address the destruction of wildlife habitat.

4 **SEC. 3. TRANSPARENCY AND ACCOUNTABILITY IN TRASH**
5 **ACCUMULATION ON THE SOUTHERN BOR-**
6 **DER.**

7 (a) **IN GENERAL.**—Not later than 180 days after the
8 date of the enactment of this Act, and for each fiscal year
9 thereafter, the Secretary concerned shall submit to the ap-
10 propriate congressional committees a report on the
11 amount of waste collected in the following areas:

12 (1) Covered Federal lands.

13 (2) Sites on National Forest System lands or
14 lands under the jurisdiction of the Secretary of the
15 Interior—

16 (A) on which aliens without lawful immi-
17 gration status are being housed, or are other-
18 wise illegally encroaching or camping; or

19 (B) used for the illegal cultivation of nar-
20 cotics, including the cultivation of cannabis, by
21 aliens without lawful immigration status.

22 (b) **CONTENTS OF REPORT.**—Each report submitted
23 under subsection (a) shall include the following with re-
24 spect to areas covered by the report:

1 (1) The total amount of waste collected (in
2 pounds) by employees and contractors of Federal
3 agencies and the cost of collecting such waste, in-
4 cluding a breakdown by agency, region, or other unit
5 the Secretary concerned determines appropriate in
6 illustrating the distribution of waste.

7 (2) Suggestions on how to reduce environmental
8 degradation caused by waste.

9 (3) Data provided by Federal, State, and local
10 agencies, nonprofit and volunteer organizations, and
11 individuals with respect to—

12 (A) the amount of waste collected; and

13 (B) the number of waste collection events.

14 (4) The total number of acres of wildlife habitat
15 impacted by waste.

16 (5) The discovery of any unauthorized trails or
17 roads.

18 (6) The number of wildfires started as a result
19 of unauthorized human activity, including fires
20 started by aliens without lawful immigration status.

21 (7) Any other information the Secretary con-
22 cerned determines appropriate to demonstrate the
23 amount of waste found or collected.

24 (c) COLLECTION DATA.—

1 (1) IN GENERAL.—In developing the reports re-
2 quired under subsection (a), the Secretary concerned
3 shall—

4 (A) collaborate in information gathering
5 with State, local, nonprofit, and volunteer orga-
6 nizations and individuals assisting in waste col-
7 lection efforts; and

8 (B) to the maximum extent practicable,
9 verify the information provided by such organi-
10 zations and individuals.

11 (2) PROTECTION OF DATA.—The Secretary con-
12 cerned shall take precautions to ensure the privacy
13 of organizations and individuals submitting data for
14 the purposes of this Act and prevent the disclosure
15 of personal identifiable information to the public.

16 (d) DATES FOR SUBMISSION.—Except for the first
17 report submitted in accordance with subsection (a), the
18 Secretary concerned shall submit to the appropriate con-
19 gressional committees each fiscal year report not later
20 than 90 days after the last day of the fiscal year covered
21 by the report.

22 **SEC. 4. PENALTIES AND FINES.**

23 (a) IN GENERAL.—An alien without lawful immigra-
24 tion status who, while on covered Federal land, carries out

1 an activity prohibited under applicable fire and sanitation
2 regulations shall be subject to penalties and fines.

3 (b) PENALTIES DOUBLED.—Not later than 1 year
4 after the date of the enactment of this Act, the Secretary
5 concerned shall promulgate rules and regulations to double
6 the penalties and fines for prohibited activities referred to
7 in subsection (a) carried out on covered Federal lands.

8 (c) ENFORCEMENT.—The Secretary concerned shall
9 enforce existing regulations regarding penalties and fines,
10 specifically regarding applicable fire and sanitation regula-
11 tions on covered Federal land.

12 (d) REPORT.—Not later than 180 days after the date
13 of the enactment of this Act, and for each fiscal year
14 thereafter, the Secretary concerned shall submit to the ap-
15 propriate congressional committees a report detailing the
16 total amount collected in penalties and fines under sub-
17 section (a).

18 **SEC. 5. DEFINITIONS.**

19 In this Act:

20 (1) APPLICABLE FIRE AND SANITATION REGU-
21 LATIONS.—The term “applicable fire and sanitation
22 regulations” means the following provisions of the
23 Code of Federal Regulations, as in effect on the date
24 of the enactment of this Act:

1 (A) With respect to lands under the juris-
2 diction of the Secretary of the Interior—

3 (i) sections 2.13 and 2.14 of title 36;

4 (ii) sections 423.29, 423.31, 423.34,
5 8365.1–1, 8365.1–7, 8365.2–1, 8365.2–3,
6 9212.1, and 9212.2 of title 43; and

7 (iii) sections 26.34, 27.94, and 27.95
8 of title 50.

9 (B) With respect to National Forest Sys-
10 tem lands, sections 261.5 and 261.11 of title
11 36.

12 (2) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committees on Natural Resources,
16 Agriculture, Homeland Security, and the Judi-
17 ciary of the House of Representatives; and

18 (B) the Committees on Energy and Nat-
19 ural Resources, Agriculture, Nutrition, and
20 Forestry, Homeland Security & Governmental
21 Affairs, and the Judiciary of the Senate.

22 (3) COVERED FEDERAL LANDS.—The term
23 “covered Federal lands” means land—

24 (A) owned by the United States;

1 (B) located in a unit that shares an exte-
2 rior boundary with the southern border; and

3 (C) administered by—

4 (i) the National Park Service;

5 (ii) the Bureau of Land Management;

6 (iii) the United States Fish and Wild-
7 life Service;

8 (iv) the Bureau of Reclamation; or

9 (v) the Forest Service.

10 (3) SECRETARY CONCERNED.—The term “Sec-
11 retary concerned” means—

12 (A) the Secretary of the Interior, with re-
13 spect to lands under the jurisdiction of the Sec-
14 retary of the Interior; and

15 (B) the Secretary of Agriculture, acting
16 through the Chief of the Forest Service, with
17 respect to National Forest System lands.

18 (4) SOUTHERN BORDER.—The term “southern
19 border” means the international land border between
20 the United States and Mexico.

21 (5) WASTE.—The term “waste” means any
22 refuse, garbage, rubbish, trash, debris, or litter left
23 or created by humans and disposed of—

- 1 (A) without authorization from the Federal
- 2 agency administering the area where the waste
- 3 is found; or
- 4 (B) outside of a waste collection receptacle.