

Union Calendar No. 312

112TH CONGRESS
2^D SESSION

H. R. 1505

[Report No. 112-448, Part I]

To prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2011

Mr. BISHOP of Utah (for himself, Mr. KING of New York, Mr. HASTINGS of Washington, Mr. SMITH of Texas, and Mr. CARTER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture and Homeland Security, 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

APRIL 17, 2012

Additional sponsors: Mr. COFFMAN of Colorado, Mr. CANSECO, Mr. REHBERG, Mr. MCCLINTOCK, Mr. GOSAR, Mrs. LUMMIS, Mr. CHAFFETZ, Mrs. MCMORRIS RODGERS, Mr. ROYCE, Mrs. MILLER of Michigan, Mr. BROUN of Georgia, Mrs. BLACKBURN, Ms. JENKINS, Mr. KING of Iowa, Mr. FLEMING, Mrs. ELLMERS, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. DUNCAN of Tennessee, Mr. BACHUS, Mr. GOODLATTE, Mr. LANKFORD, Mrs. MYRICK, Mr. WESTMORELAND, Mr. CRAWFORD, Mr. HERGER, Mr. WOODALL, Mr. LUETKEMEYER, Mr. LABRADOR, Mr. GARY G. MILLER of California, Mr. YOUNG of Alaska, Mr. JOHNSON of Ohio, Mr. POSEY, Mr. NUNES, Mr. BROOKS, Mr. MILLER of Florida, Mr. HALL, Mr. FLEISCHMANN, Mr. FLORES, Mr. LAMBORN, Mr. GOHMERT, Mr. SOUTHERLAND, Mr. WITTMAN, Mr. FRANKS of Arizona, Mr. CALVERT, Mr. DUNCAN of South Carolina, Mr. GIBSON, Mr. POE of Texas, Mr. PEARCE, Mr. McCAUL, Mr. RUNYAN, Mr. COBLE, Mr. GUTHRIE, Mrs. BACHMANN, and Mr. McKEON

APRIL 17, 2012

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

APRIL 17, 2012

The Committees on Agriculture and Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 13, 2011]

A BILL

To prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, 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 “National Security and*
5 *Federal Lands Protection Act”.*

6 **SEC. 2. PROHIBITION ON IMPEDING CERTAIN ACTIVITIES**
7 **OF U.S. CUSTOMS AND BORDER PROTECTION**
8 **RELATED TO BORDER SECURITY.**

9 *(a) PROHIBITION ON SECRETARIES OF THE INTERIOR*
10 *AND AGRICULTURE.—The Secretary of the Interior or the*
11 *Secretary of Agriculture shall not impede, prohibit, or re-*
12 *strict activities of U.S. Customs and Border Protection on*
13 *land under the jurisdiction of the Secretary of the Interior*
14 *or the Secretary of Agriculture to achieve operational con-*
15 *trol (as defined in section 2(b) of the Secure Fence Act of*
16 *2006 (8 U.S.C. 1701 note; Public Law 109–367)) over the*
17 *international land borders of the United States.*

18 *(b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND*
19 *BORDER PROTECTION.—*

20 *(1) AUTHORIZATION.—U.S. Customs and Border*
21 *Protection shall have immediate access to land under*
22 *the jurisdiction of the Secretary of the Interior or the*
23 *Secretary of Agriculture for purposes of conducting*
24 *the following activities on such land that assist in se-*

1 *curing the international land borders of the United*
2 *States:*

3 (A) *Construction and maintenance of roads.*

4 (B) *Construction and maintenance of*
5 *fences.*

6 (C) *Use vehicles to patrol.*

7 (D) *Installation, maintenance, and oper-*
8 *ation of surveillance equipment and sensors.*

9 (E) *Use of aircraft.*

10 (F) *Deployment of temporary tactical infra-*
11 *structure, including forward operating bases.*

12 (c) *CLARIFICATION RELATING TO WAIVER AUTHOR-*
13 *ITY.—*

14 (1) *IN GENERAL.—Notwithstanding any other*
15 *provision of law (including any termination date re-*
16 *lating to the waiver referred to in this subsection), the*
17 *waiver by the Secretary of Homeland Security on*
18 *April 1, 2008, under section 102(c)(1) of the Illegal*
19 *Immigration Reform and Immigrant Responsibility*
20 *Act of 1996 (8 U.S.C. 1103 note; Public Law 104–*
21 *208) of the laws described in paragraph (2) with re-*
22 *spect to certain sections of the international border*
23 *between the United States and Mexico and between*
24 *the United States and Canada shall be considered to*
25 *apply to all land under the jurisdiction of the Sec-*

1 *retary of the Interior or the Secretary of Agriculture*
2 *within 100 miles of the international land borders of*
3 *the United States for the activities of U.S. Customs*
4 *and Border Protection described in subsection (b).*

5 (2) *DESCRIPTION OF LAWS WAIVED.—The laws*
6 *referred to in paragraph (1) are the National Envi-*
7 *ronmental Policy Act of 1969 (42 U.S.C. 4321 et*
8 *seq.), the Endangered Species Act of 1973 (16 U.S.C.*
9 *1531 et seq.), the Federal Water Pollution Control Act*
10 *(33 U.S.C. 1251 et seq.), the National Historic Pres-*
11 *ervation Act (16 U.S.C. 470 et seq.), the Migratory*
12 *Bird Treaty Act (16 U.S.C. 703 et seq.), the Clean*
13 *Air Act (42 U.S.C. 7401 et seq.), the Archaeological*
14 *Resources Protection Act of 1979 (16 U.S.C. 470aa et*
15 *seq.), the Safe Drinking Water Act (42 U.S.C. 300f et*
16 *seq.), the Noise Control Act of 1972 (42 U.S.C. 4901*
17 *et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901*
18 *et seq.), the Comprehensive Environmental Response,*
19 *Compensation, and Liability Act of 1980 (42 U.S.C.*
20 *9601 et seq.), Public Law 86–523 (16 U.S.C. 469 et*
21 *seq.), the Act of June 8, 1906 (commonly known as*
22 *the “Antiquities Act of 1906”) (16 U.S.C. 431 et seq.),*
23 *the Act of August 21, 1935 (16 U.S.C. 461 et seq.),*
24 *the Wild and Scenic Rivers Act (16 U.S.C. 1271 et*
25 *seq.), the Farmland Protection Policy Act (7 U.S.C.*

1 4201 *et seq.*), the Coastal Zone Management Act of
2 1972 (16 U.S.C. 1451 *et seq.*), the Wilderness Act (16
3 U.S.C. 1131 *et seq.*), the Federal Land Policy and
4 Management Act of 1976 (43 U.S.C. 1701 *et seq.*), the
5 National Wildlife Refuge System Administration Act
6 of 1966 (16 U.S.C. 668dd *et seq.*), the Fish and Wild-
7 life Act of 1956 (16 U.S.C. 742a *et seq.*), the Fish and
8 Wildlife Coordination Act (16 U.S.C. 661 *et seq.*),
9 subchapter II of chapter 5, and chapter 7, of title 5,
10 United States Code (commonly known as the “Admin-
11 istrative Procedure Act”), the Otay Mountain Wilder-
12 ness Act of 1999 (Public Law 106–145, 113 Stat.
13 1711), sections 102(29) and 103 of California Desert
14 Protection Act of 1994 (16 U.S.C. 410aaa *et seq.*), the
15 National Park Service Organic Act (16 U.S.C. 1 *et*
16 *seq.*), Public Law 91–383 (16 U.S.C. 1a–1 *et seq.*),
17 sections 401(7), 403, and 404 of the National Parks
18 and Recreation Act of 1978 (Public Law 95–625, 92
19 Stat. 3467), the Arizona Desert Wilderness Act of
20 1990 (16 U.S.C. 1132 note; Public Law 101–628),
21 section 10 of the Act of March 3, 1899 (33 U.S.C.
22 403), the Act of June 8, 1940 (16 U.S.C. 668 *et seq.*),
23 (25 U.S.C. 3001 *et seq.*), Public Law 95–341 (42
24 U.S.C. 1996), Public Law 103–141 (42 U.S.C. 2000bb
25 *et seq.*), the Forest and Rangeland Renewable Re-

1 *sources Planning Act of 1974 (16 U.S.C. 1600 et*
2 *seq.), the Multiple-Use Sustained-Yield Act of 1960*
3 *(16 U.S.C. 528 et seq.), the Mineral Leasing Act (30*
4 *U.S.C. 181, et seq.), the Materials Act of 1947 (30*
5 *U.S.C. 601 et seq.), and the General Mining Act of*
6 *1872 (30 U.S.C. 22 note).*

7 *(d) PROTECTION OF LEGAL USES.—This section shall*
8 *not be construed to provide—*

9 *(1) authority to restrict legal uses, such as graz-*
10 *ing, hunting, or mining, on land under the jurisdic-*
11 *tion of the Secretary of the Interior or the Secretary*
12 *of Agriculture; or*

13 *(2) any additional authority to restrict legal ac-*
14 *cess to such land.*

15 **SEC. 3. SUNSET.**

16 *This Act shall have no force or effect after the end of*
17 *the 5-year period beginning on the date of enactment of this*
18 *Act.*

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