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. Eshhmers, Mr. Gavlegly, Mr. Burton of Indiana, Mr. Duncan of Tennessee, Mr. Bucbush, 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.
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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Security and
 Federal Lands Protection Act”.

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

(a) Prohibition on Secretaries of the Interior
 and Agriculture.—The Secretary of the Interior or the
 Secretary of Agriculture shall not impede, prohibit, or re-
 strict activities of U.S. Customs and Border Protection on
 land under the jurisdiction of the Secretary of the Interior
 or the Secretary of Agriculture to achieve operational con-
 trol (as defined in section 2(b) of the Secure Fence Act of
 2006 (8 U.S.C. 1701 note; Public Law 109–367)) over the
 international land borders of the United States.

(b) Authorized Activities of U.S. Customs and
 Border Protection.—

(1) Authorization.—U.S. Customs and Border
 Protection shall have immediate access to land under
 the jurisdiction of the Secretary of the Interior or the
 Secretary of Agriculture for purposes of conducting
 the following activities on such land that assist in se-
curing the international land borders of the United
States:

(A) Construction and maintenance of roads.

(B) Construction and maintenance of
fences.

(C) Use vehicles to patrol.

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

(E) Use of aircraft.

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

(c) Clarification Relating to Waiver Author-
ity.—

(1) In general.—Notwithstanding any other
provision of law (including any termination date re-
lating to the waiver referred to in this subsection), the
waiver by the Secretary of Homeland Security on
April 1, 2008, under section 102(c)(1) of the Illegal
Immigration Reform and Immigrant Responsibility
Act of 1996 (8 U.S.C. 1103 note; Public Law 104–
208) of the laws described in paragraph (2) with re-
spect to certain sections of the international border
between the United States and Mexico and between
the United States and Canada shall be considered to
apply to all land under the jurisdiction of the Sec-
retary of the Interior or the Secretary of Agriculture
within 100 miles of the international land borders of
the United States for the activities of U.S. Customs
and Border Protection described in subsection (b).

(2) DESCRIPTION OF LAWS WAIVED.—The laws
referred to in paragraph (1) are the National Envi-
1531 et seq.), the Federal Water Pollution Control Act
(33 U.S.C. 1251 et seq.), the National Historic Pres-
ervation Act (16 U.S.C. 470 et seq.), the Migratory
Bird Treaty Act (16 U.S.C. 703 et seq.), the Clean
Air Act (42 U.S.C. 7401 et seq.), the Archaeological
Resources Protection Act of 1979 (16 U.S.C. 470aa et
seq.), the Safe Drinking Water Act (42 U.S.C. 300f et
seq.), the Noise Control Act of 1972 (42 U.S.C. 4901
et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901
et seq.), the Comprehensive Environmental Response,
9601 et seq.), Public Law 86–523 (16 U.S.C. 469 et
seq.), the Act of June 8, 1906 (commonly known as
the “Antiquities Act of 1906”) (16 U.S.C. 431 et seq.),
the Act of August 21, 1935 (16 U.S.C. 461 et seq.),
the Wild and Scenic Rivers Act (16 U.S.C. 1271 et
seq.), the Farmland Protection Policy Act (7 U.S.C.

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

(1) authority to restrict legal uses, such as grazing, hunting, or mining, on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or

(2) any additional authority to restrict legal access to such land.

SEC. 3. SUNSET.

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

APRIL 17, 2012

Reported from the Committee on Natural Resources with an amendment.

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.

April 17, 2012

Report No. 112-448, Part I

[Report No. 112-448, Part I]