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(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R.

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

Mr. BISHOP of Utah (for himself and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on

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”.

1 **SEC. 2. PROHIBITION ON IMPEDING CERTAIN ACTIVITIES**
2 **OF THE SECRETARY OF HOMELAND SECU-**
3 **RITY RELATED TO BORDER SECURITY.**

4 (a) **IN GENERAL.**—The Secretary of the Interior or
5 the Secretary of Agriculture shall not impede, prohibit, or
6 restrict activities of the Secretary of Homeland Security
7 on land under the jurisdiction of the Secretary of the Inte-
8 rior or the Secretary of Agriculture to achieve operational
9 control (as defined in section 2(b) of the Secure Fence
10 Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367))
11 over the international land and maritime borders of the
12 United States.

13 (b) **AUTHORIZED ACTIVITIES.**—The Secretary of
14 Homeland Security shall have immediate access to any
15 public land managed by the Federal Government (includ-
16 ing land managed by the Secretary of the Interior or the
17 Secretary of Agriculture) for purposes of conducting ac-
18 tivities that assist in securing the border (including access
19 to maintain and construct roads, construct a fence, use
20 vehicles to patrol, and set up monitoring equipment).

21 (c) **CLARIFICATION RELATING TO WAIVER AUTHOR-**
22 **ITY.**—

23 (1) **IN GENERAL.**—Notwithstanding any other
24 provision of law (including any termination date re-
25 lating to the waiver referred to in this subsection),
26 the waiver by the Secretary of Homeland Security

1 on April 1, 2008, under section 102(e)(1) of the Ille-
2 gal Immigration Reform and Immigrant Responsi-
3 bility Act of 1996 (8 U.S.C. 1103 note; Public Law
4 104–208) of the laws described in paragraph (2)
5 with respect to certain sections of the international
6 border between the United States and Mexico and
7 between the United States and Canada shall be con-
8 sidered to apply to all sections of the international
9 land and maritime borders of the United States
10 within 100 miles of the international land and mari-
11 time borders of the United States for the activities
12 of the Secretary of Homeland Security described in
13 subsection (b), including the construction of infra-
14 structure, to achieve the operational control de-
15 scribed in subsection (a).

16 (2) DESCRIPTION OF LAWS WAIVED.—The laws
17 referred to in paragraph (1) are the National Envi-
18 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
19 seq.), the Endangered Species Act of 1973 (16
20 U.S.C. 1531 et seq.), the Federal Water Pollution
21 Control Act (33 U.S.C. 1251 et seq.), the National
22 Historic Preservation Act (16 U.S.C. 470 et seq.),
23 the Migratory Bird Treaty Act (16 U.S.C. 703 et
24 seq.), the Clean Air Act (42 U.S.C. 7401 et seq.),
25 the Archaeological Resources Protection Act of 1979

1 (16 U.S.C. 470aa et seq.), the Safe Drinking Water
2 Act (42 U.S.C. 300f et seq.), the Noise Control Act
3 of 1972 (42 U.S.C. 4901 et seq.), the Solid Waste
4 Disposal Act (42 U.S.C. 6901 et seq.), the Com-
5 prehensive Environmental Response, Compensation,
6 and Liability Act of 1980 (42 U.S.C. 9601 et seq.),
7 Public Law 86–523 (16 U.S.C. 469 et seq.), the Act
8 of June 8, 1906 (commonly known as the “Antiq-
9 uities Act of 1906”) (16 U.S.C. 431 et seq.), the Act
10 of August 21, 1935 (16 U.S.C. 461 et seq.), the
11 Wild and Scenic Rivers Act (16 U.S.C. 1271 et
12 seq.), the Farmland Protection Policy Act (7 U.S.C.
13 4201 et seq.), the Coastal Zone Management Act of
14 1972 (16 U.S.C. 1451 et seq.), the Wilderness Act
15 (16 U.S.C. 1131 et seq.), the Federal Land Policy
16 and Management Act of 1976 (43 U.S.C. 1701 et
17 seq.), the National Wildlife Refuge System Adminis-
18 tration Act of 1966 (16 U.S.C. 668dd et seq.), the
19 Fish and Wildlife Act of 1956 (16 U.S.C. 742a et
20 seq.), the Fish and Wildlife Coordination Act (16
21 U.S.C. 661 et seq.), subchapter II of chapter 5, and
22 chapter 7, of title 5, United States Code (commonly
23 known as the “Administrative Procedure Act”), the
24 Otay Mountain Wilderness Act of 1999 (Public Law
25 106–145, 113 Stat. 1711), sections 102(29) and

1 103 of California Desert Protection Act of 1994 (16
2 U.S.C. 410aaa et seq.), the National Park Service
3 Organic Act (16 U.S.C. 1 et seq.), Public Law 91–
4 383 (16 U.S.C. 1a–1 et seq.), sections 401(7), 403,
5 and 404 of the National Parks and Recreation Act
6 of 1978 (Public Law 95–625, 92 Stat. 3467), the
7 Arizona Desert Wilderness Act of 1990 (16 U.S.C.
8 1132 note; Public Law 101–628), section 10 of the
9 Act of March 3, 1899 (33 U.S.C. 403), the Act of
10 June 8, 1940 (16 U.S.C. 668 et seq.), Public Law
11 95–341 (42 U.S.C. 1996 et seq.), Public Law 103–
12 141 (42 U.S.C. 2000bb et seq.), the Forest and
13 Rangeland Renewable Resources Planning Act of
14 1974 (16 U.S.C. 1600 et seq.), and the Multiple-Use
15 Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).