

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF UTAH OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 2578
OFFERED BY MR. BISHOP OF UTAH**

Strike sections 1401, 1402, and 1403, and insert
the following:

1 **SEC. 1401. WAIVER OF FEDERAL LAWS WITH RESPECT TO**
2 **BORDER SECURITY ACTIONS ON DEPART-**
3 **MENT OF THE INTERIOR AND DEPARTMENT**
4 **OF AGRICULTURE LANDS.**

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “National Security and Federal Lands Protection Act”.

7 (b) **PROHIBITION ON SECRETARIES OF THE INTE-**
8 **RIOR AND AGRICULTURE.**—The Secretary of the Interior
9 or the Secretary of Agriculture shall not impede, prohibit,
10 or restrict activities of U.S. Customs and Border Protec-
11 tion on Federal land located within 100 miles of an inter-
12 national land border, that is under the jurisdiction of the
13 Secretary of the Interior or the Secretary of Agriculture
14 to prevent all unlawful entries into the United States, in-
15 cluding entries by terrorists, other unlawful aliens, instru-
16 ments of terrorism, narcotics, and other contraband
17 through the international land borders of the United
18 States.

1 (c) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND
2 BORDER PROTECTION.—U.S. Customs and Border Pro-
3 tection shall have access to Federal land under the juris-
4 diction of the Secretary of the Interior or the Secretary
5 of Agriculture for purposes of conducting the following ac-
6 tivities on such land that assist in securing the inter-
7 national land borders of the United States:

8 (1) Construction and maintenance of roads.

9 (2) Construction and maintenance of fences.

10 (3) Use of vehicles to patrol.

11 (4) Installation, maintenance, and operation of
12 surveillance equipment and sensors.

13 (5) Use of aircraft.

14 (6) Deployment of temporary tactical infra-
15 structure, including forward operating bases.

16 (d) CLARIFICATION RELATING TO WAIVER AUTHOR-
17 ITY.—

18 (1) IN GENERAL.—Notwithstanding any other
19 provision of law (including any termination date re-
20 lating to the waiver referred to in this subsection),
21 the waiver by the Secretary of Homeland Security
22 on April 1, 2008, under section 102(c)(1) of the Ille-
23 gal Immigration Reform and Immigrant Responsi-
24 bility Act of 1996 (8 U.S.C. 1103 note; Public Law
25 104–208) of the laws described in paragraph (2)

1 with respect to certain sections of the international
2 border between the United States and Mexico and
3 between the United States and Canada shall be con-
4 sidered to apply to all Federal land under the juris-
5 diction of the Secretary of the Interior or the Sec-
6 retary of Agriculture within 100 miles of the inter-
7 national land borders of the United States for the
8 activities of U.S. Customs and Border Protection de-
9 scribed in subsection (c).

10 (2) DESCRIPTION OF LAWS WAIVED.—The laws
11 referred to in paragraph (1) are limited to the Wil-
12 derness Act (16 U.S.C. 1131 et seq.), the National
13 Environmental Policy Act of 1969 (42 U.S.C. 4321
14 et seq.), the Endangered Species Act of 1973 (16
15 U.S.C. 1531 et seq.), the National Historic Preser-
16 vation Act (16 U.S.C. 470 et seq.), Public Law 86-
17 523 (16 U.S.C. 469 et seq.), the Act of June 8,
18 1906 (commonly known as the “Antiquities Act of
19 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic
20 Rivers Act (16 U.S.C. 1271 et seq.), the Federal
21 Land Policy and Management Act of 1976 (43
22 U.S.C. 1701 et seq.), the National Wildlife Refuge
23 System Administration Act of 1966 (16 U.S.C.
24 668dd et seq.), the Fish and Wildlife Act of 1956
25 (16 U.S.C. 742a et seq.), the Fish and Wildlife Co-

1 ordination Act (16 U.S.C. 661 et seq.), subchapter
2 II of chapter 5, and chapter 7, of title 5, United
3 States Code (commonly known as the “Administra-
4 tive Procedure Act”), the National Park Service Or-
5 ganic Act (16 U.S.C. 1 et seq.), the General Au-
6 thorities Act of 1970 (Public Law 91–383) (16
7 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404
8 of the National Parks and Recreation Act of 1978
9 (Public Law 95–625, 92 Stat. 3467), and the Ari-
10 zona Desert Wilderness Act of 1990 (16 U.S.C.
11 1132 note; Public Law 101–628).

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

14 (1) authority to restrict legal uses, such as
15 grazing, hunting, mining, or public-use recreational
16 and backcountry airstrips on land under the jurisdic-
17 tion of the Secretary of the Interior or the Secretary
18 of Agriculture;

19 (2) any additional authority to restrict legal ac-
20 cess to such land; or

21 (3) any additional authority or access to private
22 or State land.

23 (f) TRIBAL SOVEREIGNTY.—Nothing in this section
24 supersedes, replaces, negates, or diminishes treaties or

1 other agreements between the United States and Indian
2 tribes

3 (g) SUNSET.—This section shall have no force or ef-
4 fect after the end of the 5-year period beginning on the
5 date of enactment of this Act.

