

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To direct the Secretary of the Interior and the Secretary of Agriculture to construct roads on Federal lands along the United States border with Mexico, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. WESTERMAN 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 construct roads on Federal lands along the United States border with Mexico, 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 “Ensuring Border Ac-
5 cess and Protection on Federal Land Act”.

1 **SEC. 2. ENHANCING BORDER SECURITY THROUGH THE**
2 **CONSTRUCTION OF NAVIGABLE ROADS**
3 **ALONG FEDERAL BORDER LANDS.**

4 (a) **IN GENERAL.**—The Secretary concerned, in con-
5 sultation with the Secretary of Homeland Security, shall
6 take such actions as may be necessary to install navigable
7 roads on covered Federal lands to—

8 (1) deter illegal crossings in areas of high ille-
9 gal entry into the United States; and

10 (2) gain operational control of the southern bor-
11 der.

12 (b) **ROAD REQUIREMENTS.**—The navigable roads in-
13 stalled under subsection (a) shall be, to the extent prac-
14 ticable—

15 (1) at least 584 miles in length along the en-
16 tirety of the portion of the southern border that
17 abuts the covered Federal lands;

18 (2) contiguous;

19 (3) positioned to allow line-of-sight visibility of
20 the southern border;

21 (4) not more than 1 mile from the southern
22 border; and

23 (5) completed not less than 5 years after the
24 date of the enactment of this Act.

1 (c) ROAD ACCESS AND MAINTENANCE.—In admin-
2 istering the navigable roads installed under this section,
3 the Secretary concerned shall—

4 (1) only allow access to—

5 (A) Department of Defense and U.S. Cus-
6 toms and Border Protection personnel carrying
7 out official duties;

8 (B) local law enforcement officials carrying
9 out official duties;

10 (C) emergency response personnel carrying
11 out official duties; and

12 (D) any other personnel the Secretary con-
13 cerned deems necessary to carry out the pur-
14 poses of the navigable roads described in sub-
15 section (a); and

16 (2) maintain the navigable roads as necessary
17 for vehicular travel.

18 (d) SECURITY FENCING AND TECHNOLOGY.—

19 (1) IN GENERAL.—The Secretary concerned
20 shall enter into cooperative agreements with the Sec-
21 retary of Homeland Security to allow the Secretary
22 of Homeland Security to deploy the most practical
23 and effective fencing, surveillance, and related tech-
24 nology along the navigable roads installed under this
25 section to—

1 (A) deter illegal crossings in areas of high
2 illegal entry into the United States; and

3 (B) gain operational control of the south-
4 ern border.

5 (2) TIMELINE.—The Secretary concerned shall
6 ensure such security measures are in effect in ac-
7 cordance with the timeline established under sub-
8 section (b)(5).

9 (e) NEPA COMPLIANCE.—The Secretary concerned
10 shall ensure compliance with all applicable laws and regu-
11 lations, including the National Environmental Policy Act
12 (42 U.S.C. 4321 et seq.) and the amendments made to
13 such statute by the Fiscal Responsibility Act of 2023
14 (Public Law 118–5).

15 (f) DEFINITIONS.—In this Act:

16 (1) COVERED FEDERAL LANDS.—The term
17 “covered Federal lands” means land—

18 (A) owned by the United States;

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

21 (C) administered by—

22 (i) the National Park Service;

23 (ii) the Bureau of Land Management;

24 (iii) the United States Fish and Wild-
25 life Service;

- 1 (iv) the Bureau of Reclamation; or
- 2 (v) the Forest Service.

3 (2) NAVIGABLE ROAD.—The term “navigable
4 road” means a continuous path—

5 (A) able to accommodate a standard vehi-
6 cle;

7 (B) at least 12 feet wide; and

8 (C) constructed of appropriate surface ma-
9 terial (gravel, pavement, or dirt) so that it is
10 distinguishable from its surroundings.

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

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

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

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