

FLASH Act

Federal Lands Amplified Security for the Homeland Act



Federal Lands Amplified Security for the Homeland (FLASH) Act Representative Ciscomani Section-by-Section Overview

Sec. 4 Savings Clause.

- Protects legal uses of federal land, such as grazing, timber harvesting, hunting, oil and gas development, mining, or recreation.
- Protects the rights of state, private, and Tribal land.
- Exempts enforcement-related detentions conducted by the Department of Homeland Security or Department of Defense from the migrant housing prohibitions in Sec. 302.

Title I – Securing Federal Border Lands

Sec. 101. Enhancing Border Security Through the Construction of Navigable Roads Along Federal Border Lands. [[Chairman Westerman Border Road Discussion Draft](#)]

- Directs the Secretary of Agriculture and the Secretary of the Interior (the Secretaries), in consultation with the Secretary of Homeland Security, to inventory and install navigable roads on federal border lands to deter illegal crossings, gain operational control of the southern border, and increase U.S. Customs and Border Protection's (CBP) access to covered Federal lands.
- Specifies the navigable roads installed or inventoried must be at least 584 miles in total length along portions of the southern border that abut federal lands; positioned to optimize CBP access to, and enforcement capabilities along, the southern border; and located not more than 10 miles from the southern border. Roads must be completed within five years.
- Directs the Secretaries to maintain the road and ensure access for Department of Defense, CBP, law enforcement, and emergency personnel, in addition to any other personnel the Secretaries deems necessary.
- Requires coordination with the Secretary of Homeland Security to deploy fencing, surveillance, and related technology to deter illegal crossings and gain control of the southern border.
- Ensures National Environmental Policy Act compliance, as amended by the Fiscal Responsibility Act of 2023.

Sec. 102. U.S. Customs and Border Protection Access to Wilderness Areas. [[H.R. 4872/Speaker Johnson](#)]

- Amends the Wilderness Act (16 U.S.C. 1133) to ensure CBP may conduct specified activities within a wilderness area to secure the southern border.
- The specified activities are building access structures, installations, and roads; executing search and rescue operations; using motor vehicles, motorboats, or motorized equipment; conducting foot and horseback patrols; using aircraft (consistent with other applicable laws); deploying tactical infrastructure and technology; and constructing and maintaining physical roads and barriers.
- Requires specified activities protect, to the extent possible, the wilderness character of the area.

Sec. 103. Placement of Movable, Temporary Structures on Certain Federal Land to Secure the Southern Border of the United States. [\[H.R. 7479/Rep. Rouzer\]](#)

- Prohibits the U.S. Department of Agriculture (USDA) and the U.S. Department of the Interior (DOI) from requiring states along the southern border to obtain a special use authorization to place a movable, temporary structure on covered federal land for border security purposes.
- The state must apply not later than 45 days in advance of the planned placement.
- The structure may be in place for one year or less, but the state can apply for 90-day extensions from USDA or DOI, subject to CBP overview.

Sec. 104. Prohibition on Secretaries of the Interior and Agriculture.

- Prohibits DOI and USDA from restricting, on the federal lands they administer, CBP actions within 100 miles of the southern border that involve search and rescue operations and prevent unlawful entries into the United States.

Sec. 105. Interagency Cooperative Agreement.

- Directs DOI, USDA, and the Department of Homeland Security to fulfill the commitments in the “Memorandum of Understanding Among U.S. Department of Homeland Security and U.S. Department of the Interior and U.S. Department of Agriculture Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States’ Borders,” or any succeeding memorandum of understanding.

Title II – Ending Environmental Destruction on Public Lands

Subtitle A – Trash Reduction And Suppressing Harm from Environmental Degradation at the Border
[\[H.R. 6208/Rep. Tiffany\]](#)

Sec. 202. Policies and Procedures to Reduce Trash Along the Southern Border.

- Requires the Secretaries to develop policies and protocols to prevent and mitigate environmental damage caused by aliens without lawful immigration status on federal land along the southern border or those being housed on federal land.
- Policies and protocols must address trash accumulation and destruction of resources and wildlife habitat.

Sec. 203. Transparency and Accountability in Trash Accumulation on the Southern Border.

- Requires the Secretaries to submit a report on the amount of waste collected on federal lands along the southern border, including at sites used for the illegal cultivation of narcotics and on lands being used to house illegal immigrants.
- The report must detail the total amount of waste collected, acres of wildlife habitat impacted, discovery of unauthorized trails, and number of wildfires started as a result of illegal immigration.

Sec. 204. Penalties and Fines.

- Increases fines and penalties, by doubling or otherwise increasing them up to the maximum allowable federal threshold for a misdemeanor, whichever is lower, for offenses relating to fire, waste, and environmental degradation on federal lands for aliens without legal status.
- Requires the Secretaries to enforce these fines and penalties on federal border lands.
- Directs the agencies to submit a report on the amount collected in fines.

Subtitle B – Targeting and Offsetting Existing Illegal Contaminants [\[H.R. 1473/Rep. Peters\]](#)

Sec. 211. Trespass Cannabis Cultivation Site Response Initiatives.

- Establishes the Trespass Cannabis Cultivation Site Response Initiatives (Initiatives), under which the Secretary concerned must carry out environmental response on lands under their jurisdiction in response to illegal cultivation of cannabis.
- The goals of the Initiatives are the detection, identification, assessment, investigation, and monitoring of, and the development of solutions and responses to, contamination resulting from the cultivation of cannabis by trespassers on federal land.
- Directs the Secretaries to identify a branch within the U.S. Forest Service (USFS) and a branch within DOI to carry out the program.
- Requires the initiative to be carried out in a manner consistent with section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- Directs the Secretaries or contracted entities to pay fees and charges imposed by the State for the disposal of hazardous material.
- Permits the Secretaries to enter into agreements with other federal agencies, state or local agencies, Indian tribes, owners of adjacent property, or any nonprofit conservation organization to assist with the environmental remediation work.
- Sets up terms for surety bonds, including indemnification and liability standards.
- Establishes accounts known as the “Trespass Cannabis Cultivation Site Response Account, Interior” and the “Trespass Cannabis Cultivation Site Response Account, Agriculture” comprised of appropriated funds, fines from trespassers, and reimbursements for contracts.
- Requires the President to submit a budget request for environmental remediation programs for USFS and DOI.
- Authorizes \$16.037 million for each of fiscal years 2026 through 2032 for this program.

Sec. 212. Criminal Penalties for Illegal Pesticide Application.

- Creates additional criminal penalties for the use of banned pesticides and rodenticides during the commission of a federal offense, with a maximum sentence of 10 years in addition to the punishment for the original offense.

Sec. 213. Protection of National Forests; Rules and Regulations.

- Raises the criminal penalties for using banned pesticides in illegal cannabis cultivation sites on NFS lands to a maximum of 20 years in prison and \$250,000 in criminal fines to establish parity with the criminal penalties for smuggling banned pesticides into the U.S.

Sec. 214. Protection of Federal Land; Rules and Regulations.

- Raises the criminal penalties for using banned pesticides in illegal cannabis cultivation sites on lands administered by DOI to a maximum of 20 years in prison and \$250,000 in criminal fines to establish parity with the criminal penalties for smuggling banned pesticides into the U.S.

Subtitle C – Ending Major Border Land Environmental Ruin from Wildfires

Sec. 221. Southern Border Fuels Management Initiative.

- Requires the Secretary of the Interior to establish the Southern Border Fuels Management Initiative, to coordinate projects with the CBP and prioritize fuels management projects on federal land along the border, including federal land on which navigable roads are constructed under Section 101.
- Projects must also address invasive and non-native species contributing to wildfire risks and establish fuel breaks along the southern border.
- Authorizes \$3.66 million for each of fiscal years 2026 through 2032 for this program.
- This initiative shall terminate 7 years after enactment.

Sec. 222. Mitigating Environmental Degradation and Wildland Fires Caused by Illegal Immigration.

- Requires the Secretaries, in coordination with the Secretary of Homeland Security, to implement policies and protocols to mitigate, avoid, or prevent wildland fires and environmental degradation on covered federal border lands caused by aliens without lawful immigration status.
- Directs the Secretaries to aim these policies and protocols at reducing trash accumulation along the southern border, preventing wildland fires, and mitigating the destruction of natural and archeological resources and wildlife habitat.
- Requires the Secretaries to submit, within one year of enactment, a report to Congress describing the policies and protocols, cataloging all reported incidents of environmental degradation and wildland fires caused by aliens without lawful immigration status, and identifying additional resources or authorities necessary to carry out the policies and protocols.
- Directs the Comptroller General of the United States to update, within two years of enactment, its November 2011 report entitled “Federal Agencies Could Better Utilize Law Enforcement Resources in Support of Wildland Fire Management Activities”.

Title III – Protecting our Communities from Failure to Secure the Border [*\[H.R. 5283/Rep. Malliotakis\]*](#)

Sec. 302. Prohibition on Providing Housing to Specified Aliens.

- Prohibits any federal funds to provide housing, including a temporary or permanent encampment, to illegal immigrants on any land under the jurisdiction of federal land management agencies, including through leases, contracts, or agreements. This would apply to the National Park Service (NPS), Bureau of Land Management, U.S. Fish and Wildlife Service, and USFS.
- Revokes the lease, commenced on September 15, 2023, and renewed on September 13, 2024, between NPS and the City of New York for housing migrants at Floyd Bennett Field, as well as any subsequent lease or lease renewal.

Sec. 303. Report.

- Requires the Secretaries to jointly submit to Congress an annual specifying the number of aliens that have been housed on federal lands and the countries of origin of such specified aliens.