

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1505  
OFFERED BY MR. BISHOP OF UTAH**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

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

7       (a) 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 land under the jurisdiction of the Secretary of the  
12 Interior or the Secretary of Agriculture to achieve oper-  
13 ational control (as defined in section 2(b) of the Secure  
14 Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–  
15 367)) over the international land borders of the United  
16 States.

17       (b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND  
18 BORDER PROTECTION.—

1           (1) AUTHORIZATION.—U.S. Customs and Bor-  
2           der Protection shall have immediate access to land  
3           under the jurisdiction of the Secretary of the Inte-  
4           rior or the Secretary of Agriculture for purposes of  
5           conducting the following activities on such land that  
6           assist in securing the international land borders of  
7           the United States:

8                   (A) Construction and maintenance of  
9                   roads.

10                   (B) Construction and maintenance of  
11                   fences.

12                   (C) Use vehicles to patrol.

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

15                   (E) Use of aircraft.

16                   (F) Deployment of temporary tactical in-  
17                   frastructure, including forward operating bases.

18           (c) CLARIFICATION RELATING TO WAIVER AUTHOR-  
19           ITY.—

20                   (1) IN GENERAL.—Notwithstanding any other  
21                   provision of law (including any termination date re-  
22                   lating to the waiver referred to in this subsection),  
23                   the waiver by the Secretary of Homeland Security  
24                   on April 1, 2008, under section 102(c)(1) of the Ille-  
25                   gal Immigration Reform and Immigrant Responsi-

1 bility Act of 1996 (8 U.S.C. 1103 note; Public Law  
2 104–208) of the laws described in paragraph (2)  
3 with respect to certain sections of the international  
4 border between the United States and Mexico and  
5 between the United States and Canada shall be con-  
6 sidered to apply to all land under the jurisdiction of  
7 the Secretary of the Interior or the Secretary of Ag-  
8 riculture within 100 miles of the international land  
9 borders of the United States for the activities of  
10 U.S. Customs and Border Protection described in  
11 subsection (b).

12 (2) DESCRIPTION OF LAWS WAIVED.—The laws  
13 referred to in paragraph (1) are the National Envi-  
14 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
15 seq.), the Endangered Species Act of 1973 (16  
16 U.S.C. 1531 et seq.), the Federal Water Pollution  
17 Control Act (33 U.S.C. 1251 et seq.), the National  
18 Historic Preservation Act (16 U.S.C. 470 et seq.),  
19 the Migratory Bird Treaty Act (16 U.S.C. 703 et  
20 seq.), the Clean Air Act (42 U.S.C. 7401 et seq.),  
21 the Archaeological Resources Protection Act of 1979  
22 (16 U.S.C. 470aa et seq.), the Safe Drinking Water  
23 Act (42 U.S.C. 300f et seq.), the Noise Control Act  
24 of 1972 (42 U.S.C. 4901 et seq.), the Solid Waste  
25 Disposal Act (42 U.S.C. 6901 et seq.), the Com-

1       prehensive Environmental Response, Compensation,  
2       and Liability Act of 1980 (42 U.S.C. 9601 et seq.),  
3       Public Law 86–523 (16 U.S.C. 469 et seq.), the Act  
4       of June 8, 1906 (commonly known as the “Antiq-  
5       uities Act of 1906”) (16 U.S.C. 431 et seq.), the Act  
6       of August 21, 1935 (16 U.S.C. 461 et seq.), the  
7       Wild and Scenic Rivers Act (16 U.S.C. 1271 et  
8       seq.), the Farmland Protection Policy Act (7 U.S.C.  
9       4201 et seq.), the Coastal Zone Management Act of  
10       1972 (16 U.S.C. 1451 et seq.), the Wilderness Act  
11       (16 U.S.C. 1131 et seq.), the Federal Land Policy  
12       and Management Act of 1976 (43 U.S.C. 1701 et  
13       seq.), the National Wildlife Refuge System Adminis-  
14       tration Act of 1966 (16 U.S.C. 668dd et seq.), the  
15       Fish and Wildlife Act of 1956 (16 U.S.C. 742a et  
16       seq.), the Fish and Wildlife Coordination Act (16  
17       U.S.C. 661 et seq.), subchapter II of chapter 5, and  
18       chapter 7, of title 5, United States Code (commonly  
19       known as the “Administrative Procedure Act”), the  
20       Otay Mountain Wilderness Act of 1999 (Public Law  
21       106–145, 113 Stat. 1711), sections 102(29) and  
22       103 of California Desert Protection Act of 1994 (16  
23       U.S.C. 410aaa et seq.), the National Park Service  
24       Organic Act (16 U.S.C. 1 et seq.), Public Law 91–  
25       383 (16 U.S.C. 1a–1 et seq.), sections 401(7), 403,

1 and 404 of the National Parks and Recreation Act  
2 of 1978 (Public Law 95–625, 92 Stat. 3467), the  
3 Arizona Desert Wilderness Act of 1990 (16 U.S.C.  
4 1132 note; Public Law 101–628), section 10 of the  
5 Act of March 3, 1899 (33 U.S.C. 403), the Act of  
6 June 8, 1940 (16 U.S.C. 668 et seq.), (25 U.S.C.  
7 3001 et seq.), Public Law 95–341 (42 U.S.C. 1996),  
8 Public Law 103–141 (42 U.S.C. 2000bb et seq.),  
9 the Forest and Rangeland Renewable Resources  
10 Planning Act of 1974 (16 U.S.C. 1600 et seq.), and  
11 the Multiple-Use Sustained-Yield Act of 1960 (16  
12 U.S.C. 528 et seq.).

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

15 (1) authority to restrict legal uses, such as  
16 grazing, hunting, or mining, on land under the juris-  
17 diction of the Secretary of the Interior or the Sec-  
18 retary of Agriculture; or

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

21 **SEC. 3. SUNSET.**

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

