

(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. 9678

To address the public safety issues and environmental destruction currently impacting Federal lands along the southern border, enhance border security through the construction of navigable roads on Federal lands along the southern border, provide U.S. Customs and Border Protection access to Federal lands to improve the safety and effectiveness of enforcement activities, allow States to place temporary barriers on Federal land to secure the southern border, reduce the massive trash accumulations and environmental degradation along the southern border, reduce the cultivation of illegal cannabis on Federal lands, mitigate wildland fires caused by illegal immigration, and prohibit migrant housing on Federal lands.

IN THE HOUSE OF REPRESENTATIVES

Mr. CISCOMANI introduced the following bill; which was referred to the
Committee on _____

A BILL

To address the public safety issues and environmental destruction currently impacting Federal lands along the southern border, enhance border security through the construction of navigable roads on Federal lands along the southern border, provide U.S. Customs and Border Protection access to Federal lands to improve the safety and effectiveness of enforcement activities, allow States to place temporary barriers on Federal land to secure the southern border, reduce the massive trash accumula-

tions and environmental degradation along the southern border, reduce the cultivation of illegal cannabis on Federal lands, mitigate wildland fires caused by illegal immigration, and prohibit migrant housing on Federal lands.

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 “Federal Lands Ampli-
5 fied Security for the Homeland (FLASH) Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Savings clause.

TITLE I—SECURING FEDERAL BORDER LANDS

- Sec. 101. Enhancing border security through the construction of navigable roads along Federal border lands.
- Sec. 102. U.S. Customs and Border Protection access to wilderness areas.
- Sec. 103. Placement of movable, temporary structures on certain Federal land to secure the southern border of the United States.
- Sec. 104. Prohibition on Secretaries of the Interior and Agriculture.
- Sec. 105. Interagency cooperative agreement.

TITLE II—ENDING ENVIRONMENTAL DESTRUCTION ON PUBLIC LANDS

Subtitle A—Trash Reduction And Suppressing Harm From Environmental Degradation at the Border

- Sec. 201. Definitions.
- Sec. 202. Policies and procedures to reduce trash along the southern border.
- Sec. 203. Transparency and accountability in trash accumulation on the southern border.
- Sec. 204. Penalties and fines.

Subtitle B—Targeting and Offsetting Existing Illegal Contaminants

- Sec. 211. Trespass Cannabis Cultivation Site Response Initiatives.
- Sec. 212. Criminal penalties for illegal pesticide application.
- Sec. 213. Protection of national forests; Rules and regulations.
- Sec. 214. Protection of Federal land; Rules and regulations.

Subtitle C—Ending Major Border Land Environmental Ruin From Wildfires

Sec. 221. Southern Border Fuels Management Initiative.

Sec. 222. Mitigating environmental degradation and wildland fires caused by illegal immigration.

TITLE III—PROTECTING OUR COMMUNITIES FROM FAILURE TO
SECURE THE BORDER

Sec. 301. Definitions.

Sec. 302. Prohibition on providing housing to specified aliens.

Sec. 303. Report.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committees on Natural Resources,
7 Agriculture, Homeland Security, and the Judi-
8 ciary of the House of Representatives; and

9 (B) the Committees on Energy and Nat-
10 ural Resources, Agriculture, Nutrition, and
11 Forestry, Homeland Security and Governmental
12 Affairs, and the Judiciary of the Senate.

13 (2) BORDER STATE.—The term “Border State”
14 means a State that abuts the southern border.

15 (3) COVERED FEDERAL LANDS.—

16 (A) IN GENERAL.—The term “covered
17 Federal lands” means land—

18 (i) owned by the United States;

1 (ii) located in a unit that shares an
2 exterior boundary with the southern bor-
3 der; and

4 (iii) administered by—

5 (I) the National Park Service;

6 (II) the Bureau of Land Manage-
7 ment;

8 (III) the United States Fish and
9 Wildlife Service;

10 (IV) the Bureau of Reclamation;

11 or

12 (V) the Forest Service.

13 (B) EXCLUSION.—The term “covered Fed-
14 eral lands” does not include Federal lands held
15 in trust for Indian Tribes.

16 (4) OPERATIONAL CONTROL.—The term “oper-
17 ational control” has the meaning given such term in
18 section 2(b) of the Secure Fence Act of 2006 (8
19 U.S.C. 1701 note; Public Law 109–367).

20 (5) SECRETARY CONCERNED.—The term “Sec-
21 retary concerned” means—

22 (A) the Secretary of the Interior, with re-
23 spect to lands under the jurisdiction of the Sec-
24 retary of the Interior; and

1 (B) the Secretary of Agriculture, acting
2 through the Chief of the Forest Service, with
3 respect to National Forest System lands.

4 (6) SOUTHERN BORDER.—The term “southern
5 border” means the international border between the
6 United States and Mexico.

7 **SEC. 4. SAVINGS CLAUSE.**

8 (a) PROTECTION OF LEGAL USES.—Nothing in this
9 Act shall be construed to provide—

10 (1) authority to restrict legal uses, such as
11 grazing, timber harvesting, hunting, oil and gas de-
12 velopment, mining, or recreation on land under the
13 jurisdiction of the Secretary of the Interior or the
14 Secretary of Agriculture; or

15 (2) any additional authority to restrict legal ac-
16 cess to such land.

17 (b) EFFECT ON STATE AND PRIVATE LAND.—This
18 Act has no force or effect on State or private lands, and
19 nothing in this Act shall be construed as providing author-
20 ity on, or access to, State or private lands.

21 (c) TRIBAL SOVEREIGNTY.—Nothing in this Act su-
22 persedes, replaces, negates, or diminishes treaties or other
23 agreements between the United States and Indian Tribes.

**TITLE I—SECURING FEDERAL
BORDER LANDS**

**SEC. 101. ENHANCING BORDER SECURITY THROUGH THE
CONSTRUCTION OF NAVIGABLE ROADS
ALONG FEDERAL BORDER LANDS.**

(a) DEFINITIONS.—In this section:

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

(A) able to accommodate at least a standard vehicle;

(B) of a width, length, and clearance height determined by the Secretary concerned, in consultation with the Secretary of Homeland Security; and

(C) constructed of surface material determined to be appropriate by the Secretary concerned, in consultation with the Secretary of Homeland Security.

(2) SECRETARY OF HOMELAND SECURITY.—The term “Secretary of Homeland Security” means the Secretary of Homeland Security, in consultation with the Chief Patrol Agent of each U.S. Border Patrol sector containing covered Federal lands.

(b) IN GENERAL.—The Secretary concerned, in consultation with the Secretary of Homeland Security, shall

1 take such actions as may be necessary to inventory exist-
2 ing roads and install navigable roads on covered Federal
3 lands to—

4 (1) deter illegal crossings in areas of high ille-
5 gal entry into the United States;

6 (2) gain operational control of the southern bor-
7 der; and

8 (3) increase U.S. Customs and Border Protec-
9 tion access to covered Federal lands.

10 (c) ROAD REQUIREMENTS.—The navigable roads in-
11 stalled or inventoried under subsection (b) shall be, to the
12 extent practicable—

13 (1) at least 584 miles total in length along the
14 portions of the southern border that abut covered
15 Federal lands;

16 (2) positioned to optimize U.S. Customs and
17 Border Protection access to, and enforcement capa-
18 bilities along, the southern border;

19 (3) not more than 10 miles from the southern
20 border; and

21 (4) completed not less than 5 years after the
22 date of the enactment of this Act.

23 (d) ROAD ACCESS AND MAINTENANCE.—In admin-
24 istering the navigable roads installed under this section,
25 the Secretary concerned shall—

1 (1) allow access to—

2 (A) Department of Defense and U.S. Cus-
3 toms and Border Protection personnel carrying
4 out official duties;

5 (B) local law enforcement officials carrying
6 out official duties;

7 (C) emergency response personnel carrying
8 out official duties;

9 (D) any other personnel the Secretary con-
10 cerned deems necessary to carry out the pur-
11 poses of the navigable roads described in sub-
12 section (b); and

13 (E) approved or authorized uses of navi-
14 gable roads along the southern border; and

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

17 (e) SECURITY FENCING AND TECHNOLOGY.—

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

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

1 (B) gain operational control of the south-
2 ern border by increasing U.S. Customs and
3 Border Protection access to covered Federal
4 lands.

5 (2) **TIMELINE.**—The Secretary concerned shall
6 ensure security measures implemented pursuant to
7 this subsection are in effect in accordance with the
8 timeline established under subsection (c)(4).

9 (f) **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 **SEC. 102. U.S. CUSTOMS AND BORDER PROTECTION ACCESS**
16 **TO WILDERNESS AREAS.**

17 Section 4(d) of the Wilderness Act (16 U.S.C. 1133)
18 is amended by adding at the end the following:

19 “(8) **U.S. CUSTOMS AND BORDER PROTECTION AC-**
20 **CESS.**—

21 “(A) **PERMISSIBLE ACTIVITIES.**—Notwith-
22 standing any other provision of this Act, the Com-
23 missioner of U.S. Customs and Border Protection
24 may conduct the following activities within a wilder-

1 ness area for the purpose of securing the inter-
2 national land borders of the United States:

3 “(i) Access structures, installations, and
4 roads.

5 “(ii) Execute search and rescue operations.

6 “(iii) Use motor vehicles, motorboats, and
7 motorized equipment.

8 “(iv) Conduct patrols on foot and on
9 horseback.

10 “(v) Notwithstanding any other law or reg-
11 ulation relating specifically to use of aircraft in
12 a wilderness area or in the airspace above a wil-
13 derness area, use aircraft, including approach,
14 landing, and takeoff.

15 “(vi) Deploy tactical infrastructure and
16 technology.

17 “(vii) Construct and maintain roads and
18 physical barriers.

19 “(B) PROTECTION OF WILDERNESS CHAR-
20 ACTER.—Any activity conducted by the Commis-
21 sioner of U.S. Customs and Border Protection under
22 subparagraph (A) shall be carried out in a manner
23 that, to the extent possible, protects the wilderness
24 character of the area.”.

1 **SEC. 103. PLACEMENT OF MOVABLE, TEMPORARY STRUC-**
2 **TURES ON CERTAIN FEDERAL LAND TO SE-**
3 **CURE THE SOUTHERN BORDER OF THE**
4 **UNITED STATES.**

5 (a) SPECIAL USE AUTHORIZATION.—Subject to sub-
6 section (b), the Secretary concerned shall not require a
7 Border State to obtain a special use authorization for the
8 temporary placement on covered Federal lands within the
9 Border State of a movable, temporary structure for the
10 purpose of securing the southern border, if the Border
11 State submits to the Secretary concerned notice of the
12 proposed placement not later than 45 days before the date
13 of the proposed placement.

14 (b) TEMPORARY PLACEMENT.—

15 (1) IN GENERAL.—A movable, temporary struc-
16 ture described in subsection (a) may be placed by a
17 Border State on covered Federal lands in accordance
18 with that subsection for a period of not more than
19 1 year, subject to paragraph (2).

20 (2) EXTENSION.—

21 (A) IN GENERAL.—The period described in
22 paragraph (1) may be extended in 90-day incre-
23 ments, on approval by the Secretary concerned.

24 (B) CONSULTATION REQUIRED.—The Sec-
25 retary concerned shall consult with the Commis-
26 sioner of U.S. Customs and Border Protection

1 for purposes of determining whether to approve
2 an extension under subparagraph (A).

3 (C) APPROVAL.—The Secretary concerned
4 shall approve a request for an extension under
5 this paragraph if the Commissioner of U.S.
6 Customs and Border Protection determines that
7 operational control has not been achieved as of
8 the date of the consultation required under sub-
9 paragraph (B).

10 **SEC. 104. PROHIBITION ON SECRETARIES OF THE INTE-**
11 **RIOR AND AGRICULTURE.**

12 The Secretary of the Interior or the Secretary of Ag-
13 riculture may not impede, prohibit, or restrict activities
14 of U.S. Customs and Border Protection on covered Fed-
15 eral lands located within 100 miles of the southern border,
16 to execute search and rescue operations and to prevent
17 all unlawful entries into the United States, including en-
18 tries by terrorists, other unlawful aliens, instruments of
19 terrorism, narcotics, and other contraband through the
20 southern border.

21 **SEC. 105. INTERAGENCY COOPERATIVE AGREEMENT.**

22 The Secretary concerned shall enter into a coopera-
23 tive agreement with the Secretary of Homeland Security
24 to fulfill the commitments in the “Memorandum of Under-
25 standing Among U.S. Department of Homeland Security

1 and U.S. Department of the Interior and U.S. Depart-
2 ment of Agriculture Regarding Cooperative National Se-
3 curity and Counterterrorism Efforts on Federal Lands
4 along the United States' Borders", signed March 2006,
5 or any succeeding memorandum of understanding.

6 **TITLE II—ENDING ENVIRON-**
7 **MENTAL DESTRUCTION ON**
8 **PUBLIC LANDS**

9 **Subtitle A—Trash Reduction And**
10 **Suppressing Harm From Envi-**
11 **ronmental Degradation at the**
12 **Border**

13 **SEC. 201. DEFINITIONS.**

14 In this subtitle:

15 (1) **APPLICABLE FIRE AND SANITATION REGU-**
16 **LATIONS.**—The term “applicable fire and sanitation
17 regulations” means the following provisions of the
18 Code of Federal Regulations, as in effect on the date
19 of the enactment of this Act:

20 (A) With respect to lands under the juris-
21 diction of the Secretary of the Interior—

22 (i) sections 2.13 and 2.14 of title 36;

23 (ii) sections 423.29, 423.31, 423.34,

24 8365.1–1, 8365.1–7, 8365.2–1, 8365.2–3,

25 9212.1, and 9212.2 of title 43; and

1 (iii) sections 26.34, 27.94, and 27.95
2 of title 50.

3 (B) With respect to National Forest Sys-
4 tem lands, sections 261.5 and 261.11 of title
5 36.

6 (2) WASTE.—The term “waste” means any
7 refuse, garbage, rubbish, trash, debris, or litter left
8 or created by humans and disposed of—

9 (A) without authorization from the Federal
10 agency administering the area where the waste
11 is found; or

12 (B) outside of a waste collection receptacle.

13 **SEC. 202. POLICIES AND PROCEDURES TO REDUCE TRASH**
14 **ALONG THE SOUTHERN BORDER.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of the enactment of this Act, the Secretary concerned,
17 in coordination with the Secretary of Homeland Security,
18 shall establish and implement policies and protocols to
19 prevent and mitigate environmental degradation caused by
20 aliens without lawful immigration status—

21 (1) crossing the southern border on covered
22 Federal lands; or

23 (2) being housed, or otherwise illegally en-
24 croaching or camping, on National Forest System

1 lands or lands under the jurisdiction of the Sec-
2 retary of the Interior.

3 (b) PROTOCOLS.—In developing the policies and pro-
4 tocols under subsection (a), the Secretary concerned shall
5 consider policies and seek to implement best practices with
6 respect to—

7 (1) reducing trash accumulation, particularly in
8 ecologically sensitive areas—

9 (A) on covered Federal lands; or

10 (B) where aliens without lawful immigra-
11 tion status are being housed, or are otherwise
12 illegally encroaching or camping, on National
13 Forest System lands or lands under the juris-
14 diction of the Secretary of the Interior;

15 (2) addressing the destruction of sensitive nat-
16 ural and archaeological resources; and

17 (3) addressing the destruction of wildlife habi-
18 tat.

19 **SEC. 203. TRANSPARENCY AND ACCOUNTABILITY IN TRASH**
20 **ACCUMULATION ON THE SOUTHERN BOR-**
21 **DER.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, and for each fiscal year
24 thereafter, the Secretary concerned shall submit to the ap-

1 appropriate congressional committees a report on the
2 amount of waste collected in the following areas:

3 (1) Covered Federal lands.

4 (2) Sites on National Forest System lands or
5 lands under the jurisdiction of the Secretary of the
6 Interior—

7 (A) on which aliens without lawful immi-
8 gration status are being housed, or are other-
9 wise illegally encroaching or camping; or

10 (B) used for the illegal cultivation of nar-
11 cotics, including the cultivation of cannabis, by
12 aliens without lawful immigration status.

13 (b) CONTENTS OF REPORT.—Each report submitted
14 under subsection (a) shall include the following with re-
15 spect to areas covered by the report:

16 (1) The total amount of waste collected (in
17 pounds) by employees and contractors of Federal
18 agencies and the cost of collecting such waste, in-
19 cluding a breakdown by agency, region, or other unit
20 the Secretary concerned determines appropriate in
21 illustrating the distribution of waste.

22 (2) Suggestions on how to reduce environmental
23 degradation caused by waste.

1 (3) Data provided by Federal, State, and local
2 agencies, nonprofit and volunteer organizations, and
3 individuals with respect to—

4 (A) the amount of waste collected; and

5 (B) the number of waste collection events.

6 (4) The total number of acres of wildlife habitat
7 impacted by waste.

8 (5) The discovery of any unauthorized trails or
9 roads.

10 (6) The number of wildfires started as a result
11 of unauthorized human activity, including fires
12 started by aliens without lawful immigration status.

13 (7) Any other information the Secretary con-
14 cerned determines appropriate to demonstrate the
15 amount of waste found or collected.

16 (c) COLLECTION DATA.—

17 (1) IN GENERAL.—In developing the reports re-
18 quired under subsection (a), the Secretary concerned
19 shall—

20 (A) collaborate in information gathering
21 with State, local, nonprofit, and volunteer orga-
22 nizations and individuals assisting in waste col-
23 lection efforts; and

1 (B) to the maximum extent practicable,
2 verify the information provided by such organi-
3 zations and individuals.

4 (2) PROTECTION OF DATA.—The Secretary con-
5 cerned shall take precautions to ensure the privacy
6 of organizations and individuals submitting data for
7 the purposes of this section and prevent the disclo-
8 sure of personal identifiable information to the pub-
9 lic.

10 (d) DATES FOR SUBMISSION.—Except for the first
11 report submitted in accordance with subsection (a), the
12 Secretary concerned shall submit to the appropriate con-
13 gressional committees each fiscal year a report not later
14 than 90 days after the last day of the fiscal year covered
15 by the report.

16 **SEC. 204. PENALTIES AND FINES.**

17 (a) IN GENERAL.—An alien without lawful immigra-
18 tion status who, while on covered Federal land, carries out
19 an activity prohibited under applicable fire and sanitation
20 regulations shall be subject to criminal penalties and fines
21 authorized under such regulations.

22 (b) INCREASED PENALTIES AND FINES.—Not later
23 than 1 year after the date of the enactment of this Act,
24 the Secretary concerned shall promulgate rules and regu-
25 lations ensuring that the penalties and fines for carrying

1 out, on covered Federal lands, the prohibited activities re-
2 ferred to in subsection (a) are escalated, such that the
3 lower of the following increases occurs:

4 (1) The maximum term of imprisonment and
5 fines are doubled.

6 (2) The maximum term of imprisonment and
7 fines are raised to the greatest extent possible, such
8 that—

9 (A) the maximum term of imprisonment
10 does not exceed 1 year; and

11 (B) the fine does not exceed \$250,000.

12 (c) ENFORCEMENT.—The Secretary concerned shall
13 enforce existing regulations regarding criminal penalties
14 and fines authorized under such regulations, specifically
15 regarding applicable fire and sanitation regulations on
16 covered Federal land.

17 (d) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, and for each fiscal year
19 thereafter, the Secretary concerned shall submit to the ap-
20 propriate congressional committees a report detailing the
21 total amount collected in fines under subsection (a).

1 **Subtitle B—Targeting and Offset-**
2 **ting Existing Illegal Contami-**
3 **nants**

4 **SEC. 211. TRESPASS CANNABIS CULTIVATION SITE RE-**
5 **SPONSE INITIATIVES.**

6 (a) DEFINITIONS.—In this section:

7 (1) COVERED RESPONSE ACTION.—The term
8 “covered response action” means any activity to re-
9 move or remediate a release or threat of release to
10 the environment, resulting from the cultivation of
11 cannabis by a trespasser, of hazardous substances,
12 pollutants, contaminants, improper pesticides, or
13 refuse, including detection, identification, assess-
14 ment, monitoring, and cleanup activities.

15 (2) IMPROPER PESTICIDE.—The term “im-
16 proper pesticide” means a pesticide that is—

17 (A) at the time of application, cancelled by
18 the Environmental Protection Agency under the
19 Federal Insecticide, Fungicide, and Rodenticide
20 Act (7 U.S.C. 136 et seq.);

21 (B) improperly applied; or

22 (C) intentionally misused.

23 (3) IMPROPERLY APPLY.—The term “improp-
24 erly apply” means to use any registered pesticide in
25 a manner—

1 (A) inconsistent with its labeling (as that
2 term is defined in section 2 of the Federal In-
3 secticide, Fungicide, and Rodenticide Act (7
4 U.S.C. 136)); or

5 (B) that poses a risk to environmental or
6 human health.

7 (4) INDIAN TRIBE.—The term “Indian Tribe”
8 has the meaning given the term “Indian tribe” in
9 section 101 of the Comprehensive Environmental
10 Response, Compensation, and Liability Act of 1980
11 (42 U.S.C. 9601).

12 (5) INTENTIONALLY MISUSED.—The term “in-
13 tentiously misused” means, with respect to a pes-
14 ticide, the storage or application of a pesticide on a
15 cultivation site on Federal land which poses an indi-
16 rect or direct risk to wildlife, fish, or pollinators.

17 (6) NONPROFIT CONSERVATION ORGANIZA-
18 TION.—The term “nonprofit conservation organiza-
19 tion” means an organization—

20 (A) that is described in section 501(c)(3)
21 of the Internal Revenue Code of 1986 and ex-
22 empt from taxation under section 501(a) of
23 such Code; and

24 (B) the primary purpose of which is con-
25 servation of natural resources.

1 (7) OWNER OF ADJACENT PROPERTY.—The
2 term “owner of adjacent property” means the owner
3 of property that is adjacent to land—

4 (A) that is under the jurisdiction of a Sec-
5 retary concerned; and

6 (B) on which a covered response action is
7 carried out under this section.

8 (8) TRESPASS CANNABIS CULTIVATION SITE RE-
9 SPONSE INITIATIVE; INITIATIVE.—The terms “Tres-
10 pass Cannabis Cultivation Site Response Initiative”
11 and “initiative” mean an initiative carried out under
12 subsection (b).

13 (b) TRESPASS CANNABIS CULTIVATION SITE RE-
14 SPONSE INITIATIVES.—

15 (1) IN GENERAL.—The Secretary of Agriculture
16 and the Secretary of the Interior shall each carry
17 out an initiative of environmental response to con-
18 tamination resulting from the cultivation of cannabis
19 by trespassers on land under the jurisdiction of the
20 applicable Secretary, each of which shall be known
21 as a Trespass Cannabis Cultivation Site Response
22 Initiative.

23 (2) ADMINISTRATIVE OFFICE WITHIN THE DE-
24 PARTMENT OF AGRICULTURE AND THE DEPART-
25 MENT OF THE INTERIOR.—The Secretary of Agri-

1 culture and the Secretary of the Interior shall iden-
2 tify a branch within the Forest Service and the De-
3 partment of the Interior, respectively, which shall
4 have the experience, expertise, and responsibility for
5 carrying out the applicable initiative successfully.

6 (c) INITIATIVE GOALS.—The goals of each initiative
7 shall include the detection, identification, assessment, in-
8 vestigation, monitoring, and development of solutions to,
9 and response to, contamination resulting from the cultiva-
10 tion of cannabis by trespassers on land under the jurisdic-
11 tion of the Secretary concerned.

12 (d) RESPONSIBILITY FOR COVERED RESPONSE AC-
13 TIONS.—

14 (1) BASIC RESPONSIBILITY.—Except with re-
15 spect to a covered response action that is required
16 to be taken by a potentially responsible party pursu-
17 ant to an agreement under section 122 of the Com-
18 prehensive Environmental Response, Compensation,
19 and Liability Act of 1980 (42 U.S.C. 9622), the
20 Secretary concerned shall carry out all necessary
21 covered response actions on land under the jurisdic-
22 tion of the Secretary concerned.

23 (2) STATE FEES AND CHARGES.—Fees and
24 charges imposed by a State on the disposal of haz-
25 ardous substances, pollutants, contaminants, im-

1 proper pesticides, or refuse resulting from the cul-
2 tivation of cannabis shall apply to covered response
3 actions carried out under this section.

4 (c) SERVICES OF OTHER ENTITIES.—

5 (1) IN GENERAL.—The Secretary concerned
6 may enter into agreements on a reimbursable or
7 other basis with any other Federal agency, any State
8 or local government agency, any Indian Tribe, any
9 owner of adjacent property, or any nonprofit con-
10 servation organization to obtain the services of the
11 agency, Indian Tribe, owner, or organization to as-
12 sist the Secretary concerned in carrying out the ap-
13 plicable initiative, including carrying out covered re-
14 sponse actions under this section.

15 (2) DATA AND SAFETY.—Agreements under
16 paragraph (1) may require approval and adherence
17 to safety, data collection, monitoring, assessment,
18 and reporting parameters set forth by the Secretary
19 concerned.

20 (3) CROSS-FISCAL YEAR AGREEMENTS.—An
21 agreement under paragraph (1) may be for a period
22 that begins in one fiscal year and ends in another
23 fiscal year so long as the period of the agreement
24 does not exceed three fiscal years.

1 (4) LIMITATION ON REIMBURSABLE AGREE-
2 MENTS.—An agreement under paragraph (1) may
3 not—

4 (A) provide for reimbursement for regu-
5 latory enforcement activities; or

6 (B) with respect to a site—

7 (i) change the cleanup standards se-
8 lected for the site pursuant to law; or

9 (ii) establish a cleanup level incon-
10 sistent with the future intended land use
11 as determined by the Secretary concerned.

12 (5) SURETY.—

13 (A) SURETY-CONTRACTOR RELATION-
14 SHIP.—Any surety which provides a bid, per-
15 formance, or payment bond in connection with
16 any direct Federal procurement for a contract
17 under this section to carry out a covered re-
18 sponse action and begins activities to meet its
19 obligations under such bond, shall, in connec-
20 tion with such activities or obligations, be enti-
21 tled to any indemnification and the same stand-
22 ard of liability to which its principal was enti-
23 tled under the contract or under any applicable
24 law or regulation.

25 (B) SURETY BONDS.—

1 (i) APPLICABILITY OF SECTIONS 3131
2 AND 3133 OF TITLE 40.—If under sections
3 3131 and 3133 of title 40, United States
4 Code, surety bonds are required for any di-
5 rect Federal procurement of any contract
6 under this section to carry out a covered
7 response action and are not waived pursu-
8 ant to section 3134 of title 40, the surety
9 bonds shall be issued in accordance with
10 such sections 3131 and 3133.

11 (ii) LIMITATION OF ACCRUAL OF
12 RIGHTS OF ACTION UNDER BONDS.—If,
13 under applicable Federal law, surety bonds
14 are required for any direct Federal pro-
15 curement of any contract under this sec-
16 tion to carry out a covered response action,
17 no right of action shall accrue on the per-
18 formance bond issued on such contract to
19 or for the use of any person other than an
20 obligee named in the bond.

21 (iii) LIABILITY OF SURETIES UNDER
22 BONDS.—If, under applicable Federal law,
23 surety bonds are required for any direct
24 Federal procurement of any contract under
25 this section to carry out a covered response

1 action, unless otherwise provided for by the
2 Secretary concerned in the bond, in the
3 event of a default, the surety's liability on
4 a performance bond shall be only for the
5 cost of completion of the contract work in
6 accordance with the plans and specifica-
7 tions of the contract less the balance of
8 funds remaining to be paid under the con-
9 tract, up to the penal sum of the bond.
10 The surety shall in no event be liable on
11 bonds to indemnify or compensate the obli-
12 gee for loss or liability arising from per-
13 sonal injury or property damage whether
14 or not caused by a breach of the bonded
15 contract.

16 (iv) NONPREEMPTION.—Nothing in
17 this paragraph shall be construed as—

18 (I) preempting, limiting, super-
19 seding, affecting, applying to, or
20 modifying any State laws, regulations,
21 requirements, rules, practices, or pro-
22 cedures; or

23 (II) affecting, applying to, modi-
24 fying, limiting, superseding, or pre-
25 empting any rights, authorities, liabil-

1 ities, demands, actions, causes of ac-
2 tion, losses, judgments, claims, stat-
3 utes of limitation, or obligations under
4 Federal or State law, which do not
5 arise on or under the bond.

6 (C) APPLICABILITY.—

7 (i) BONDS EXECUTED BEFORE DE-
8 CEMBER 5, 1991.—Subparagraphs (A) and
9 (B) shall not apply to bonds executed be-
10 fore December 5, 1991.

11 (ii) OTHER BONDS.—Subparagraphs
12 (A) and (B) shall not apply to bonds re-
13 quired with respect to response action con-
14 tracts under section 119 of the Com-
15 prehensive Environmental Response, Com-
16 pensation, and Liability Act of 1980 (42
17 U.S.C. 9619).

18 (f) ESTABLISHMENT OF ACCOUNTS.—

19 (1) TRESPASS CANNABIS CULTIVATION SITE RE-
20 SPONSE ACCOUNT, AGRICULTURE.—

21 (A) ESTABLISHMENT.—There is hereby es-
22 tablished in the Treasury of the United States
23 an account to be known as the “Trespass Can-
24 nabis Cultivation Site Response Account, Agri-
25 culture” which shall consist of, with respect to

1 land under the jurisdiction of the Forest Serv-
2 ice—

3 (i) amounts appropriated in advance
4 with respect to such land under subsection
5 (i);

6 (ii) amounts recovered from a tres-
7 passer for the costs of covered response ac-
8 tions on such land related to the cultiva-
9 tion of cannabis on such land by the tres-
10 passer; and

11 (iii) any other amounts recovered
12 from a contractor, insurer, surety, or other
13 person to reimburse the Department of
14 Agriculture for the costs of covered re-
15 sponse actions on such land related to the
16 cultivation of cannabis on such land by a
17 trespasser.

18 (B) OBLIGATION OF AUTHORIZED
19 AMOUNTS.—Funds authorized for deposit in an
20 account under subparagraph (A)—

21 (i) may be obligated or expended from
22 the account only to carry out the applica-
23 ble initiative, including to carry out cov-
24 ered response actions; and

1 (ii) shall remain available until ex-
2 pended.

3 (C) PAYMENTS OF FINES AND PEN-
4 ALTIES.—None of the funds appropriated to the
5 Trespass Cannabis Cultivation Site Response
6 Account, Agriculture may be used for the pay-
7 ment of a fine or penalty (including any supple-
8 mental environmental project carried out as
9 part of such penalty) imposed against the De-
10 partment of Agriculture unless the act or omis-
11 sion for which the fine or penalty is imposed
12 arises out of an activity funded by the Trespass
13 Cannabis Cultivation Site Response Account,
14 Agriculture and the payment of the fine or pen-
15 alty has been specifically authorized by law.

16 (2) TRESPASS CANNABIS CULTIVATION SITE RE-
17 SPONSE ACCOUNT, INTERIOR.—

18 (A) ESTABLISHMENT.—There is hereby es-
19 tablished in the Treasury of the United States
20 an account to be known as the “Trespass Can-
21 nabis Cultivation Site Response Account, Inte-
22 rior” which shall consist of, with respect to land
23 under the jurisdiction of the Department of the
24 Interior—

1 (i) amounts appropriated in advance
2 with respect to such land under subsection
3 (i);

4 (ii) amounts recovered from a tres-
5 passer for the costs of covered response ac-
6 tions on such land related to the cultiva-
7 tion of cannabis on such land by the tres-
8 passer; and

9 (iii) any other amounts recovered
10 from a contractor, insurer, surety, or other
11 person to reimburse the Department of the
12 Interior for the costs of covered response
13 actions on such land related to the cultiva-
14 tion of cannabis on such land by a tres-
15 passer.

16 (B) OBLIGATION OF AUTHORIZED
17 AMOUNTS.—Funds authorized for deposit in an
18 account under subparagraph (A)—

19 (i) may be obligated or expended from
20 the account only to carry out the applica-
21 ble initiative, including to carry out cov-
22 ered response actions; and

23 (ii) shall remain available until ex-
24 pended.

1 (C) PAYMENTS OF FINES AND PEN-
2 ALTIES.—None of the funds appropriated to the
3 Trespass Cannabis Cultivation Site Response
4 Account, Interior may be used for the payment
5 of a fine or penalty (including any supplemental
6 environmental project carried out as part of
7 such penalty) imposed against the Department
8 of the Interior unless the act or omission for
9 which the fine or penalty is imposed arises out
10 of an activity funded by the Trespass Cannabis
11 Cultivation Site Response Account, Interior and
12 the payment of the fine or penalty has been
13 specifically authorized by law.

14 (g) BUDGET REPORTS.—In proposing the budget for
15 any fiscal year pursuant to section 1105 of title 31, United
16 States Code, the President shall set forth separately the
17 amounts requested for each initiative.

18 (h) RELATIONSHIP TO CERCLA.—Nothing in this
19 section affects—

20 (1) the application of the Comprehensive Envi-
21 ronmental Response, Compensation, and Liability
22 Act of 1980 (42 U.S.C. 9601 et seq.) to any activity
23 that is a covered response action; or

24 (2) any obligation or responsibility of any per-
25 son or entity under such Act.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out this section, there is authorized to be appropriated
3 \$16,037,000 for each of fiscal years 2025 through 2031.

4 **SEC. 212. CRIMINAL PENALTIES FOR ILLEGAL PESTICIDE**
5 **APPLICATION.**

6 Section 14(b)(2) of the Federal Insecticide, Fun-
7 gicide, and Rodenticide Act (7 U.S.C. 1361(b)(2)) is
8 amended to read as follows:

9 “(2) PRIVATE APPLICATOR.—

10 “(A) IN GENERAL.—Any private applicator
11 or other person not included in paragraph (1)
12 who knowingly violates any provision of this Act
13 shall be fined not more than \$1,000, or impris-
14 oned for not more than 30 days, or both.

15 “(B) DURING THE COMMISSION OF A FED-
16 ERAL OFFENSE.—Any private applicator or
17 other person not included in paragraph (1) who
18 knowingly violates any provision of this Act
19 during the commission of a Federal offense
20 under section 1361 of title 18, United States
21 Code, shall, in addition to the punishment pro-
22 vided under such section, be imprisoned for not
23 more than 10 years.”.

1 **SEC. 213. PROTECTION OF NATIONAL FORESTS; RULES AND**
2 **REGULATIONS.**

3 The Act of June 4, 1897 (16 U.S.C. 551; 30 Stat.
4 35), is amended by inserting “Any violation of the provi-
5 sions of this section, the sections referenced in the pre-
6 ceding sentence, or such rules and regulations, which in-
7 volves the illegal cultivation of cannabis on public lands
8 using pesticides which are not in compliance with the Fed-
9 eral Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
10 136 et seq.) shall be punished by a fine of not more than
11 \$250,000 or imprisonment for not more than 20 years,
12 or both.” before “Any person charged”.

13 **SEC. 214. PROTECTION OF FEDERAL LAND; RULES AND**
14 **REGULATIONS.**

15 (a) IN GENERAL.—Any person who violates the Fed-
16 eral Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
17 136, et seq.) in connection with the illegal cultivation of
18 cannabis on Federal land shall be subject to a fine of not
19 more than \$250,000 or imprisonment for not more than
20 20 years, or both.

21 (b) CLARIFICATION.—Penalties under subsection (a)
22 shall be in addition to applicable penalties under any other
23 Federal or State law.

24 (c) FEDERAL LAND DEFINED.—In this section, the
25 term “Federal land” means any Federal land or an inter-

1 est in land administered by the Secretary of the Interior
2 acting through—

3 (1) the Bureau of Indian Affairs (except land
4 held in trust by the Secretary for the benefit of an
5 Indian Tribe);

6 (2) the Bureau of Land Management;

7 (3) the National Park Service; or

8 (4) the United States Fish and Wildlife Service.

9 **Subtitle C—Ending Major Border**
10 **Land Environmental Ruin From**
11 **Wildfires**

12 **SEC. 221. SOUTHERN BORDER FUELS MANAGEMENT INITIA-**
13 **TIVE.**

14 (a) ESTABLISHMENT.—Not later than 1 year after
15 the date of the enactment of this Act, the Secretary of
16 the Interior shall establish a program to be known as the
17 “Southern Border Fuels Management Initiative” (in this
18 section referred to as the “Initiative”).

19 (b) PURPOSE.— The purpose of the Initiative is to
20 carry out vegetation management activities along the
21 southern border in order to—

22 (1) reduce the risk of catastrophic wildfire
23 along the southern border and improve landscape re-
24 silience;

1 (2) improve operational control of the southern
2 border; and

3 (3) improve visibility and sight lines along the
4 southern border to increase safety for law enforce-
5 ment.

6 (c) ACTIVITIES.—In carrying out the Initiative, the
7 Secretary shall—

8 (1) reduce hazardous fuels along the southern
9 border;

10 (2) address invasive or non-native species along
11 the southern border that contribute to wildfire risk
12 or decrease operation efficiency of border patrol op-
13 erations;

14 (3) install fuel breaks along the southern bor-
15 der;

16 (4) set targets for acres to treat under the pro-
17 gram for each fiscal year; and

18 (5) prioritize fuels management on covered
19 Federal lands on which navigable roads are con-
20 structed under section 101.

21 (d) COORDINATION.—In carrying out the Initiative,
22 the Secretary shall coordinate and may enter into memo-
23 randums of understanding with the Forest Service, U.S.
24 Border Patrol, and State, local, or Tribal law enforcement
25 agencies.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary of the Inte-
3 rior to carry out this section \$3,660,000 for each of fiscal
4 years 2025 through 2031.

5 (f) TERMINATION.—The Initiative shall terminate 7
6 years after the date of the enactment of this Act.

7 **SEC. 222. MITIGATING ENVIRONMENTAL DEGRADATION**
8 **AND WILDLAND FIRES CAUSED BY ILLEGAL**
9 **IMMIGRATION.**

10 (a) IN GENERAL.—Not later than 90 days after the
11 date of the enactment of this Act, the Secretary concerned,
12 in coordination with the Secretary of Homeland Security,
13 shall establish and implement policies and protocols to
14 mitigate, avoid, or prevent—

15 (1) wildland fires ignited by aliens without law-
16 ful immigration status; and

17 (2) environmental degradation on covered Fed-
18 eral lands caused by aliens without lawful immigra-
19 tion status crossing the southern border.

20 (b) PROTOCOLS.—In developing the protocols under
21 subsection (a), the Secretary concerned shall consider poli-
22 cies to—

23 (1) reduce trash accumulation along the south-
24 ern border, particularly in ecologically sensitive
25 areas;

1 (2) prevent the ignition of wildland fires by
2 aliens without lawful immigration status, particu-
3 larly in where there is a risk of—

4 (Λ) loss of life or property;

5 (B) damage to critical wildlife habitat;

6 (C) damage to public infrastructure; and

7 (D) degradation of watersheds or public
8 water sources;

9 (3) address the destruction of sensitive natural
10 and archeological resources; and

11 (4) address the destruction of wildlife habitat.

12 (c) REPORT TO CONGRESS.—Not later than 1 year
13 after the date of the enactment of this Act, the Secretary
14 concerned shall submit to the appropriate congressional
15 committees a report that includes—

16 (1) a description of the policies and protocols
17 established under subsection (a);

18 (2) a catalog of all reported incidents of envi-
19 ronmental degradation and wildland fires ignited by
20 aliens without lawful immigration status, includ-
21 ing—

22 (Λ) the number of acres burned and total
23 number of fires ignited;

1 (B) a description of each incident of envi-
2 ronmental degradation and the total number of
3 such incidents;

4 (C) the estimated cost of cleaning up or re-
5 mediating such environmental degradation;

6 (D) the number of such aliens connected to
7 each fire and whether or not they were appre-
8 hended; and

9 (E) the area in which incidents of environ-
10 mental degradation occurred, including areas
11 congressionally designated for the protection of
12 natural resources; and

13 (3) additional resources or authorities necessary
14 to mitigate, avoid, or prevent wildland fires and en-
15 vironmental degradation caused by aliens without
16 lawful immigration status crossing the southern bor-
17 der.

18 (d) UPDATED REPORT.—

19 (1) IN GENERAL.—Not later than 2 years after
20 the date of the enactment of this Act, the Comp-
21 troller General of the United States shall update its
22 November 2011 report entitled “Federal Agencies
23 Could Better Utilize Law Enforcement Resources in
24 Support of Wildland Fire Management Activities”.

1 (2) ADDITIONAL STATES CONSIDERED.—In up-
2 dating the report under paragraph (1), the Comp-
3 troller General shall include information on each
4 Border State.

5 **TITLE III—PROTECTING OUR**
6 **COMMUNITIES FROM FAIL-**
7 **URE TO SECURE THE BORDER**

8 **SEC. 301. DEFINITIONS.**

9 In this title:

10 (1) FEDERAL LAND MANAGEMENT AGENCIES.—

11 The term “Federal land management agencies”
12 means—

13 (A) the National Park Service;

14 (B) the Bureau of Land Management;

15 (C) the United States Fish and Wildlife
16 Service; and

17 (D) the Forest Service.

18 (2) HOUSING.—The term “housing” means a
19 temporary or permanent encampment used for the
20 primary purpose of sheltering specified aliens.

21 (3) SPECIFIED ALIEN.—The term “specified
22 alien” means an alien who has not been admitted,
23 as such terms are defined in section 101(a) of the
24 Immigration and Nationality Act (8 U.S.C.
25 1101(a)).

1 **SEC. 302. PROHIBITION ON PROVIDING HOUSING TO SPECI-**
2 **FIED ALIENS.**

3 (a) IN GENERAL.—No Federal funds may be used
4 to provide housing to specified aliens on any land under
5 the administrative jurisdiction of the Federal land man-
6 agement agencies, including through leases, contracts, or
7 agreements.

8 (b) REVOCATION OF LEASE.—The lease between the
9 United States of America—United States Department of
10 the Interior—National Park Service and the City of New
11 York for the Premises known as Portions of Floyd Ben-
12 nett Field, in the Jamaica Bay Unit of Gateway National
13 Recreation Area (NPS Lease # L-GATE912-2023, Com-
14 mencement Date - September 15, 2023) is hereby revoked,
15 and a renewal or extension of the lease or a subsequent
16 lease that is substantially similar is—

17 (1) revoked if entered into before the date of
18 the enactment of this Act; and

19 (2) prohibited after the date of the enactment
20 of this Act.

21 **SEC. 303. REPORT.**

22 The Secretary of the Interior and the Secretary of
23 Agriculture shall jointly submit to the appropriate con-
24 gressional committees an annual report that includes—

25 (1) the number of specified aliens that have
26 been provided housing on any land under the admin-

- 1 istrative jurisdiction of the Federal land manage-
- 2 ment agencies; and
- 3 (2) information regarding the countries of ori-
- 4 gin of such specified aliens.