



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Federal Lands Republican Members
From: Subcommittee on Federal Lands; Aniela Butler and Jason Blore –
Aniela@mail.house.gov, Jason.Blore@mail.house.gov; x6-7736
Date: March 10, 2025
Subject: Legislative Hearing on H.R. 1820 (Rep. Ciscomani), the “*Federal Lands Amplified Security for the Homeland Act*” or “*FLASH Act*”.

The Subcommittee on Federal Lands will hold a legislative hearing on H.R. 1820 (Rep. Ciscomani), the “*Federal Lands Amplified Security for the Homeland Act*” or “*FLASH Act*.” The hearing will take place on **Tuesday, March 11, 2025, at 10:15 a.m.** in room 1324 Longworth House Office Building.

Member offices are requested to notify Will Rodriguez (Will.Rodriguez@mail.house.gov) by 4:30 p.m. on Monday, March 10, 2025, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- During its four years in office, the Biden administration subjected our country to a series of disastrous immigration policies. These reckless measures flung open the southern border, prompting record numbers of illegal crossings and drug seizures.
- Much of the predictable harm that followed these actions occurred along the roughly 35 percent of the U.S.-Mexico border that is administered by federal land management agencies. Even during periods of strong enforcement, federal border lands are targeted by criminals, drug smugglers, and human traffickers because they are remote, largely uninhabited, and less frequently patrolled.
- Throughout the Biden border crisis, however, our nation’s national parks and public lands were left especially vulnerable. As surges in illegal immigration were accompanied by enormous trash piles, unauthorized trails, countless wildfires, and illegal marijuana cultivation in public areas, federal land managers did little to stop the damage. Instead, the Biden administration was busy turning national parks into migrant shelters.
- With the return of President Trump and Republican majorities in Congress, however, relief is finally at hand. The “FLASH Act” offers comprehensive solutions that will complement the Trump administration’s executive actions to ensure that our federal lands can now be protected from environmental harm, opened to the public for safe enjoyment, and made accessible to law enforcement officials to provide improved border security.
- These provisions will also serve as vital safeguards against any future presidential administration that may again seek to disregard the public interest and plunge the nation into the chaos that results from an open-border ideology.

II. WITNESSES

Panel I (Members of Congress):

- **The Honorable Juan Ciscomani**, Member of Congress, Arizona's 6th Congressional District

Panel II (Outside Experts):

- **The Honorable Thaddeus C. Cleveland**, Sheriff, Terrell County, Sanderson, Texas
- **Mr. Paul A. Perez**, President, National Border Patrol Council, Edinburg, Texas
- **Mr. Larry Lopez**, Lieutenant, San Bernardino County Sheriff's Department, San Bernardino, California
- **Mr. Bob Krumenaker**, Former Superintendent of Big Bend National Park (Retired), Coalition to Protect America's National Parks and the Association of National Park Rangers, Carlsbad, New Mexico [*Minority witness*]

III. BACKGROUND

[H.R. 1820 \(Rep. Ciscomani\), the “Federal Lands Amplified Security for the Homeland Act” or “FLASH Act”](#)

Overview of the Biden Administration's Border Crisis

The *FLASH Act* is the next step in the Committee on Natural Resources' legislative work addressing the Biden administration's border crisis. This legislation will restore the health of our national parks and public lands and shield them from abuse under a future open-borders administration.



Migrants attempting to cross the border near Eagle Pass, Texas.

Source: Getty Images, December 2023.

For information on the Committee's previous legislative and oversight hearings related to former President Biden's crisis at the border, please see:

- The Subcommittee on Federal Lands' legislative hearings on federal border lands security bills on [March 23, 2023](#) and [October 19, 2023](#).

- The Subcommittee on Federal Lands’ oversight field hearing in Sierra Vista, Arizona, entitled “[*Biden’s Border Crisis: The Consequences of Failing to Secure Federal Border Lands.*](#)”
- The Natural Resources Committee’s hearing entitled “[*Destroying America’s Best Idea: Examining the Biden Administration’s Use of National Park Service Lands for Migrant Camps.*](#)”
- The Subcommittee on Oversight & Investigation’s hearing entitled “[*Securing Our Border, Saving Our National Parks.*](#)”

The Biden administration’s complete failure to secure the southern border created a confluence of security, environmental, and humanitarian crises. Our country is still reeling from those upheavals, with various metrics registering the troubling extent of the damage. Under President Biden, U.S. Customs and Border Protection (CBP) reported approximately 10.8 million illegal-entry encounters across the U.S.¹ For comparison, that was more than triple the number of encounters reported during the period roughly covering President Trump’s first term.² Under President Biden, 8.7 million of the encounters occurred along the southern border, illustrating the extreme stress placed upon that region.³ Concerningly, 392 illegal aliens on the terrorist watchlist were apprehended between ports of entry along the southern border during this time.⁴ Given that an estimated two million “got-aways” evaded capture under Biden’s watch, it is very likely that far greater numbers of potentially dangerous persons illegally entered the country.⁵ Drug trafficking also surged alongside rising border crossings. In July 2024, for instance, CBP reported the largest fentanyl seizure in the agency’s history, confiscating over four million blue fentanyl pills.⁶ Unfortunately, this event was not atypical; CBP seized approximately 21,100 pounds of fentanyl along the southern border in fiscal year (FY) 2024.⁷ This is enough fentanyl to kill approximately 4.1 billion people, or enough fatal doses to kill the entire U.S. population 14 times over.⁸ Against this backdrop of widespread harm, it is unsurprising that President Trump declared a national emergency at the southern border immediately upon returning to office.⁹

Some of the most dangerous areas along the southern border are the estimated 693 miles of federal land, representing approximately 35 percent of the total 1,965 miles of the southern

¹ U.S. Customs and Border Protection, CBP Enforcement Statistics, accessed March 4, 2025, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>. Figures correspond to FY2021-FY2024.

² *Id.* Figures correspond to FY2017-FY2020.

³ U.S. Customs and Border Protection, Southwest Land Border Encounters, accessed March 4, 2025, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁴ U.S. Customs and Border Protection, CBP Enforcement Statistics, accessed March 4, 2025, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>. Only 11 were encountered from FY2017-FY2020. *Id.*

⁵ Cory Smith, “ICE report showing more deportations ‘too little, too late’ for Biden,” The National News Desk, December 20, 2024, <https://ktul.com/news/nation-world/ice-figures-encouraging-biden-doesnt-get-credit-for-putting-out-a-fire-he-started-border-security-immigration-policy-trump-mass-deportations>.

⁶ U.S. Customs and Border Protection, “CBP Releases July 2024 Monthly Update,” August 16, 2024, <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-july-2024-monthly-update>.

⁷ U.S. Customs and Border Protection, “Drug Seizure Statistics,” accessed March 4, 2025, <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

⁸ Drug Enforcement Administration, “Facts About Fentanyl,” <https://www.dea.gov/resources/facts-about-fentanyl>.

⁹ The White House, “Declaring a National Emergency at the Southern Border of the United States,” January 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/declaring-a-national-emergency-at-the-southern-border-of-the-united-states/>.

border.¹⁰ Federal land management agencies including the Bureau of Land Management (BLM), National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), Bureau of Reclamation (BOR), and the U.S. Forest Service (USFS) all manage lands along the southern border.¹¹ Many of these lands have restrictive land designations, including national parks, national monuments, wilderness areas, and national wildlife refuges. Federal lands along the border are often targeted by criminals, drug smugglers, and human traffickers because they are remote, largely uninhabited, and less frequently patrolled.¹² Even in periods of strong enforcement, CBP agents face difficulties patrolling federal border lands due to the patchwork of “environmental laws, regulations and memos” drafted by faraway supervisors and managers.¹³ According to Brandon Judd, a former president of the National Border Patrol Council, these regulations undermine CBP’s “ability to effectively and efficiently secure our borders and put the lives of [CBP’s] agents and the public at greater risk.”¹⁴

**Table 1. Federal and Indian Lands on the
U.S. Border with Mexico**
(by agency and state, in linear miles)

Agency	AZ	TX	NM	CA	Total
NPS	37.8	157.3	0	0	195.1 (28.1%)
BLM	30.7	0	81.7	60.4	172.8 (24.9%)
FWS	63.0	94.2	0	0.6	157.8 (22.8)%
BIA	71.2	0.7	0	0	71.9 (10.4%)
FS	48.5	0	0	0	48.5 (7.0%)
DOD	37.2	0	0	0	37.2 (5.4%)
BOR	10.1	0	0	0	10.1 (1.5%)
Total	298.5 (43.0%)	252.2 (36.4%)	81.7 (11.8%)	61.0 (8.8%)	693.4 (100.0%)

Source: Congressional Research Service (using data compiled from the Protected Areas Database of the United States and the U.S. Census Bureau), 2018.

To help our federal border lands recover from this crisis and gain the protections afforded by adequate enforcement, Representative Ciscomani (R-AZ) introduced the “Federal Lands Amplified Security for the Homeland Act”, or “FLASH Act”, on March 4, 2025.

¹⁰ Carol Hardy Vincent, “Federal and Indian Lands on the U.S.-Mexico Border,” Congressional Research Service, February 21, 2018, <https://www.crs.gov/Reports/IF10832>. This estimate ranges from 632 miles to 820 miles.

¹¹ U.S. House Committee on Natural Resources, “Jurisdiction,” accessed March 4, 2025, <https://naturalresources.house.gov/about/jurisdiction.htm>.

¹² Statement of Brandon Judd on behalf of the National Border Patrol Council, Subcommittee on Oversight & Investigations Republican Forum: “The Biden Border Crisis: Environmental and Humanitarian Consequences”, May 27, 2021, https://naturalresources.house.gov/uploadedfiles/brandon_judd_testimony_biden_border_crisis_forum.pdf.

¹³ *Id.*

¹⁴ *Id.*

H.R. 1820, the *FLASH Act*

Title I – Securing Federal Border Lands

The Pressing Need for Navigable Roads

One of the primary issues CBP officers face when operating on federal lands is the lack of accessible, navigable roads. Accessible roads, paired with physical barriers such as fences or walls in strategic locations, are pivotal to securing our southern border. Fully accessible and well-maintained roads help CBP agents “interdict and apprehend illegal entrants” and support the construction and maintenance of other tactical infrastructure.¹⁵ They also enable CBP personnel to “efficiently traverse their areas of responsibility,” thus improving the agency’s overall operational effectiveness and mobility.¹⁶ Poorly maintained roads, by contrast, have been reported to have “negatively affected agents’ ability to respond and resolve illicit activity.”¹⁷



CBP patrolling the border near Yuma, Arizona. **Source:** Getty Images, 2023.

Despite its central importance, much of the road network in the southern border region falls far below what is necessary for effective border security. In fact, as of 2019, only 29 percent of the approximately 4,900 miles of roads CBP uses for operational patrols were owned by CBP or subject to CBP’s rights to conduct maintenance and

repair.¹⁸ Worse still, only 146 miles of those roads were in all-weather condition.¹⁹ CBP’s lack of access to navigable roads is especially pronounced on federal lands, which often comprise rugged and sparsely populated terrain.²⁰ In Arizona’s Coronado National Forest, for example, “the inability to build proper access roads along and near the [border] line, including secondary

¹⁵ “Southwest Border Security: Additional Actions Needed to Better Assess Fencing’s Contributions to Operations and Provide Guidance for Identifying Capability Gaps, GAO-17-331,” U.S. Government Accountability Office, February 2017, <https://www.gao.gov/assets/gao-17-331.pdf>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Katie Sullivan & Cristobal Ramón, “Current State of U.S.-Mexico Border Infrastructure: February 2019” Bipartisan Policy Center, February 14, 2019, <https://bipartisanpolicy.org/blog/current-state-of-u-s-mexico-border-infrastructure-february-2019/>.

²⁰ “Southwest Border: Border Patrol Operations on Federal Lands, GAO-11-573T,” U.S. Government and Accountability Office, April 15, 2011, <https://www.gao.gov/assets/gao-11-573t.pdf>.

roads, diminished agent mobility while patrolling and ultimately prevented agents from being as effective as they could otherwise be.”²¹

There is therefore an immediate need to build accessible patrol roads along our southern border. While President Trump requested significant funding for road maintenance during his first term, President Biden largely neglected this situation.²² This lack of action persisted despite a 2023 acknowledgment by the Department of Homeland Security of “an acute and immediate need to construct physical barriers and roads in the vicinity of the border of the United States in order to prevent unlawful entries into the United States....”²³ Back in office, President Trump has directed the Secretary of Homeland Security “to supplement available personnel to secure the southern border.”²⁴ The construction of additional roads could greatly enhance the operational effectiveness of this planned influx of enforcement personnel to the region.

Title I of the *FLASH Act* seeks to offset the road shortages that prevailed under the Biden administration. Effective border security requires that roads and physical barriers be constructed along the *full* length of federal border lands so that *all* illegal access points can be monitored. Otherwise, illegal migrants will shift their entry patterns to less-defended portions of the southern border, as has occurred in the past.²⁵ Adopting a comprehensive approach, Title I would direct the Secretaries of Agriculture and the Interior to install navigable roads on all federal lands along the southern border. Title I requires at least 584 miles of road, the most conservative estimate of federal land along the border.²⁶ This includes roughly 61 miles in California, 190 miles in Arizona, 81 miles in New Mexico, and 251 miles in Texas.²⁷ Additionally, these roads must be completed within five years. The roads will be accessible to the Department of Defense (DOD), CBP, local law enforcement, emergency response personnel, and others the Secretaries of Agriculture and the Interior deem necessary. Title I also requires those Secretaries to work with the Secretary of Homeland Security to deploy fencing, surveillance, and related technology along these roads. Taken together, these provisions are crucial to secure our border, stop the smuggling of narcotics and weapons into our country, and halt environmental damage associated with illegal border crossers.

This section of Title 1 reflects an updated version of draft legislation from the 118th Congress sponsored by Chairman Bruce Westerman (R-AR), entitled “*Ensuring Border Access and*

²¹ Statement of Brandon Judd on behalf of the National Border Patrol Council, Subcommittee on Oversight & Investigations Republican Forum: “The Biden Border Crisis: Environmental and Humanitarian Consequences”, May 27, 2021, https://naturalresources.house.gov/uploadedfiles/brandon_judd_testimony_biden_border_crisis_forum.pdf.

²² Katie Sullivan & Cristobal Ramón, “Current State of U.S.-Mexico Border Infrastructure: February 2019” Bipartisan Policy Center, February 14, 2019, <https://bipartisanpolicy.org/blog/current-state-of-u-s-mexico-border-infrastructure-february-2019/>.

²³ Department of Homeland Security, Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, As Amended, Federal Register, October 5, 2023, <https://www.federalregister.gov/documents/2023/10/05/2023-22176/determination-pursuant-to-section-102-of-the-illegal-immigration-reform-and-immigrant-responsibility>.

²⁴ The White House, “Securing Our Borders,” January 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/>.

²⁵ Camilo Montoya-Galvez, “Migrant crossings fall sharply along Texas border, shifting to Arizona and California,” CBS News, February 8, 2024, <https://www.cbsnews.com/news/immigration-texas-border-arizona-california-migrants/>. The article notes that “daily illegal crossings have slowed to a trickle” in areas where Governor Greg Abbott deployed the Texas National Guard.

²⁶ Federal and Indian Lands on the U.S.-Mexico Border, Congressional Research Service, February 21, 2018, <https://www.crs.gov/Reports/IF10832>.

²⁷ *Id.*

Protection on Federal Land Act.” Hearing information on the legislation, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

Increasing CBP’s Operational Capabilities on Public Lands

CBP’s enforcement efforts along the southern border are also hampered by restrictive land use designations and limitations that federal land managers impose on CBP’s access. Among land use designations, wilderness areas pose especially serious challenges. For example, since mechanized and motorized vehicles are prohibited within wilderness areas, CBP agents must rely on horses to engage in or continue their pursuits.²⁸ This switch from vehicle to horseback squanders valuable time and jeopardizes officer safety.²⁹ With approximately 1.1 million acres of land along the southern border designated as wilderness, such challenges cannot be avoided without altering the status quo.³⁰ Even the Obama administration acknowledged that wilderness areas and their associated restrictions “can be detrimental to the most effective accomplishment of [CBP’s] missions” and can even serve as “a hindrance to the maintenance of officer safety.”³¹ This lack of accessibility also hampers CBP rescue operations, which were conducted 5,420 times along the southern border in FY 2024.³² Without the ability to use mechanized equipment, these rescue operations become more dangerous, costly, and time-consuming.



A CBP agent patrols California’s Otay Mesa Mountain Range by foot. **Source:** Associated Press, 2005.

Title I incorporates provisions from the “Securing Our Borders and Wilderness Act,” a bill sponsored by Speaker Mike Johnson (R-LA) in the 118th Congress, to address the unique challenges posed by wilderness areas.³³ Title I amends the Wilderness Act of 1964 to ensure CBP can conduct specified activities within wilderness areas to secure the southern border.³⁴ These permitted activities include building access structures, installations, and roads; executing search and rescue operations;

using motor vehicles, motorboats, or motorized equipment; conducting foot and horseback

²⁸ Statement of Brandon Judd on behalf of the National Border Patrol Council, Subcommittee on Oversight & Investigations Republican Forum: “The Biden Border Crisis: Environmental and Humanitarian Consequences”, May 27, 2021, https://naturalresources.house.gov/uploadedfiles/brandon_judd_testimony_biden_border_crisis_forum.pdf.

²⁹ *Id.*

³⁰ Data provided to the House Committee on Natural Resources by Congressional Research Service, September 18, 2023.

³¹ Statement of Brandon Judd on behalf of the National Border Patrol Council, Subcommittee on Oversight & Investigations Republican Forum: “The Biden Border Crisis: Environmental and Humanitarian Consequences”, May 27, 2021, https://naturalresources.house.gov/uploadedfiles/brandon_judd_testimony_biden_border_crisis_forum.pdf (quoting an October 2009 letter from then Secretary of Homeland Security, Janet Napolitano).

³² U.S. Customs and Border Protection, “CBP Enforcement Statistics,” accessed March 5, 2025, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

³³ “Securing Our Borders and Wilderness Act,” <https://www.congress.gov/bill/118th-congress/house-bill/4872>.

³⁴ 16 U.S.C. 1133.

patrols; using aircraft (consistent with other applicable laws); deploying tactical infrastructure and technology; and constructing and maintaining physical roads and barriers. When performing these activities, CBP is required to protect, to the extent possible, the wilderness character of the area.

In addition to statutory land use designations, federal land managers impose various restrictions on CBP activity. For example, when CBP requested permission to move surveillance equipment, federal land managers took “more than 4 months to conduct the required historic property assessment and grant permission, but by then illegal traffic had shifted to other areas.”³⁵ To counter this problem, Title I prohibits the Department of the Interior (DOI) and the Department of Agriculture (USDA) from restricting CBP actions within 100 miles of the southern border that involve search and rescue operations, apprehensions, and preventing unlawful entries into the United States.

Previously, the U.S. Department of Homeland Security (DHS) and federal land management agencies had signaled their mutual intent to work together to ensure border security. Specifically, DHS, DOI, and USDA entered into a March 2006 agreement entitled, “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,” (2006 MOU).³⁶ The 2006 MOU provides specific guidance on cooperation related to border security, committing the signatories “to preventing illegal entry into the United States, protecting Federal lands and natural and cultural resources, and—where possible—preventing adverse impacts associated with illegal entry.”³⁷ As noted by the U.S. Government Accountability Office (GAO), however, “such cooperation has not always occurred,” as CBP officials report excessive delays in trying to coordinate with federal land managers.³⁸ Accordingly, Title I directs DOI, USDA, and DHS to fulfill the commitments made in the 2006 MOU, or any succeeding memorandum of understanding. With greater cooperation among federal agencies, better enforcement outcomes are more likely to occur.

Empowering Border States to Protect Their Communities

The Biden administration also worsened the border crisis by repeatedly obstructing state-led enforcement measures. Having borne the brunt of mass-scale illegal migration, several states attempted to erect their own barriers along the southern border. In 2022, for example, Arizona, under then Governor Doug Ducey, “set up hundreds of double-stacked shipping containers” along the state’s border with Mexico to stem the surge of illegal immigrants arriving amidst the

³⁵ “Southwest Border: Border Patrol Operations on Federal Lands, GAO-11-573T” U.S. Government Accountability Office, April 15, 2011, <https://www.gao.gov/assets/gao-11-573t.pdf>.

³⁶ “Southwest Border: Border Patrol Operations on Federal Lands, GAO-11-573T” U.S. Government Accountability Office, April 15, 2011, <https://www.gao.gov/assets/gao-11-573t.pdf>.

³⁷ 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, March 2006, available at <https://cis.org/sites/cis.org/files/articles/2010/mou.pdf>.

³⁸ “Southwest Border: Border Patrol Operations on Federal Lands, GAO-11-573T” U.S. Government Accountability Office, April 15, 2011, <https://www.gao.gov/assets/gao-11-573t.pdf>.

Biden administration's border crisis.³⁹ Similarly, in 2022 and 2023, Texas Governor Greg Abbott placed shipping containers along Texas's portion of the southern border and "installed wrecking-ball-sized buoys and razor wire along the Rio Grande" to achieve the same purpose.⁴⁰ However, after legal challenges from the Biden administration, the Supreme Court eventually ruled to allow CBP to remove some of these barriers.⁴¹

Through Congressional action, states may be authorized to act without upsetting the federal supremacy issues the Supreme Court was determined to uphold. Title I, therefore, empowers states to secure the southern border so they are never again rendered powerless in the face of an open-border presidency. Reflecting solutions put forward in H.R. 534, sponsored by Representative David Rouzer (R-NC), Title I grants border states the explicit authority to place temporary barriers on federal land to prevent illegal immigration and protect their communities.⁴² Title I accomplishes this by prohibiting DOI and USDA from requiring southern border states to obtain a special use authorization for placing movable, temporary structures on federal land if the state notifies the federal land management agency not later than 45 days before placement. These structures may be put in place for one year or less, but the states can apply for 90-day extensions from USDA or DOI, subject to CBP overview.

Title II – Ending Environmental Destruction on Public Lands

Subtitle A – Trash Reduction And Suppressing Harm from Environmental Degradation at the Border (TRASHED Border) Act

There are devastating environmental consequences of illegal immigration. Illegal immigrants leave behind trash, including human waste, medical products, abandoned vehicles, and plastic. Illegal trash dumping along the border threatens wildlife, destroys habitat, and attracts disease-carrying insects such as mosquitoes and flies. Human waste is a growing problem that contaminates the drinking water of nearby residents. This trash puts an



Illegal immigrant campsites at the southern border on the Coronado National Forest. **Source:** Chairman Tom Tiffany, February 2024.

³⁹ Adam Shaw, "GOP lawmakers look to allow states to erect temporary border walls to halt illegal immigration," Fox News, March 1, 2024, <https://www.foxnews.com/politics/gop-lawmakers-look-to-allow-states-to-erect-temporary-border-walls-to-halt-illegal-immigration?msocid=145926dafc126bfe33283560fd006aa3>.

⁴⁰ *Id.*

⁴¹ William Melhado, "U.S. Supreme Court says Texas can't block federal agents from the border," The Texas Tribune, January 22, 2024, <https://www.texastribune.org/2024/01/22/texas-border-supreme-court-immigration/>.

⁴² "Rouzer Reintroduces the CONTAINER Act in the 119th Congress," The Office of Congressman David Rouzer, January 17, 2025, <https://rouzer.house.gov/news/documentsingle.aspx?DocumentID=2386>.

incredible strain on federal, state, Tribal, local, and private land managers and owners. In FY 2021, BLM district offices cleaned up 235 sites, collecting over 193 tons of garbage.⁴³ The Arizona Department of Environmental Quality estimates that more than 2,000 tons of trash are discarded annually along Arizona’s border.⁴⁴

Subtitle A of Title II reflects legislation sponsored by Federal Lands Subcommittee Chairman Tom Tiffany (R-WI) in the 118th Congress.⁴⁵ The “*Trash Reduction And Suppressing Harm from Environmental Degradation at the Border (TRASHED Border) Act*” addresses environmental damage on federal border lands caused by illegal immigration. This includes areas where aliens are being housed or camping on federal land and areas where there is damage to sensitive natural and archaeological resources and destruction of wildlife habitat. This subtitle would require federal land management agencies to develop policies and protocols to prevent and mitigate environmental damage from illegal immigrants. In addition, to bring greater transparency, federal land management agencies must report the amount of waste collected on southern border lands, sites housing migrants, and sites used to cultivate illegal marijuana. Having greater transparency will show the true extent of the environmental impacts illegal immigration has on federal lands. To deter future harmful activities, this subtitle increases the fines and penalties imposed on those aliens without legal status who are engaged in illegal trash- or fire-related activities on federal land.

Hearing information on Chairman Tiffany’s legislation, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

Subtitle B – Targeting and Offsetting Existing Illegal Contaminants (TOXIC) Act



Illegal cannabis site on National Forest System land.

Source: NBC News, 2021.

Trash accumulation from illegal immigration is not limited solely to federal border lands. Illegal cannabis cultivation, which produces enormous quantities of waste, occurs on federal land throughout the country. These illicit cultivation activities are often performed by illegal immigrants or those connected to a drug cartel. USFS

⁴³ Data provided by Bureau of Land Management to Committee Staff, February 6, 2023.

⁴⁴ Arizona Department of Environmental Quality, “Arizona Border Trash,” accessed March 5, 2025, <https://legacy.azdeq.gov/obep/waste.html>.

⁴⁵ “TRASHED Border Act,” <https://www.congress.gov/bill/118th-congress/house-bill/6208>.

law enforcement officials estimated the arrests they make for illegal cannabis cultivation are “almost all drug cartel-related.”⁴⁶ USFS also reported that 5,801 illegal cannabis cultivation sites were detected on National Forest System lands over the 2011-2022 period.⁴⁷ While data is limited, USFS estimated that they removed 381,510 pounds of trash, 479 miles of plastic irrigation lines, and 228 containers of banned and illegal pesticides from illegal cultivation sites over a roughly 20-year period.⁴⁸ USFS estimated illegal marijuana cultivation on National Forest System lands earns cartels an estimated \$56 to \$91 million annually.⁴⁹ The cost of cleaning up these sites has been roughly \$40,000 per site.⁵⁰ At one illegal site, an environmental assessment “concluded that more than 14.25 million gallons of water were illegally diverted.”⁵¹

Subtitle B of Title II reflects an updated version of legislation from the 118th Congress, the “*Targeting and Offsetting Existing Illegal Contaminants (TOXIC) Act*.”⁵² The TOXIC Act would seek to address the environmental damage caused by toxic chemicals associated with illegal marijuana cultivation and subject those illegally cultivating and harvesting marijuana on federal lands to stricter criminal penalties. Specifically, this bill creates a Trespass Cannabis Cultivation Site Response Initiative for the land management agencies. The TOXIC Act also raises the criminal penalties for using banned pesticides in illegal cannabis cultivation to a maximum of 20 years in prison and a \$250,000 fine, which would create parity with the existing penalties for smuggling banned chemicals into the country. During the legislative hearing on H.R. 1473, DOI advised that similar authority for federal land under the management of DOI would be beneficial.⁵³ The updated language incorporated in the FLASH Act includes DOI-managed land and reflects technical assistance from USFS, DOI, and the Environmental Protection Agency.⁵⁴

Hearing information on the TOXIC Act from the last Congress, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

Subtitle C – Ending Major Border Land Environmental Ruin From Wildfires

Additionally, wildfires sparked by cross-border violators’ (CBVs) campfires contribute to the destruction of natural resources and wildlife habitat throughout federal border lands.⁵⁵ In 2011, GAO produced a report to analyze the wildfires along the southern border in Arizona.⁵⁶ At least 2,467 wildfires occurred in the Arizona border region during a four-year span, resulting in over

⁴⁶ NPR, “Illegal Pot Operations In Public Forests Are Poisoning Wildlife And Water,” November 12, 2019, <https://www.npr.org/transcripts/773122043>.

⁴⁷ Response to questions for the record submitted by Chairman Westerman. On file with the Committee.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ U.S. Attorney’s Office, Eastern District of California, “Mexican National Sentenced to 10 Years in Prison for Growing Over 6,500 Marijuana Plants in the Shasta-Trinity National Forest,” March 10, 2023, <https://www.justice.gov/usao-edca/pr/mexican-national-sentenced-10-years-prison-growing-over-6500-marijuana-plants-shasta>.

⁵² “Targeting and Offsetting Existing Illegal Contaminants Act,” <https://www.congress.gov/bill/118th-congress/house-bill/1473>.

⁵³ Testimony of Chris French, Deputy Chief of the Forest Service before the Subcommittee on Federal Lands, March 23, 2023, https://republicans-naturalresources.house.gov/UploadedFiles/Testimony_FrenchFI3.23.23.pdf.

⁵⁴ Technical assistance provided by agencies on file with the Committee.

⁵⁵ U.S. Government Accountability Office, “Arizona Border Region: Federal Agencies Could Better Utilize Law Enforcement Resources in Support of Wildland Fire Management Activities”, November 8, 2011, <https://www.gao.gov/products/gao-12-73>.

⁵⁶ *Id.*

\$35 million in fire suppression costs.⁵⁷ Fighting fire along the border is more difficult due to safety concerns. Nighttime operations and aerial firefighting methods are limited due to the presence of CBVs.⁵⁸ USFS can directly link illegal cultivation of marijuana on federal lands as the primary culprit behind wildfires that ultimately burned 265,00 acres.⁵⁹ Illegal cannabis sites in national forests exacerbate the dual threats of catastrophic wildfire and severe drought. Recently, in 2020, an illegal cannabis grower started the 125,000-acre Dolan Fire in the Los Padres National Forest, which killed 11 endangered condors.⁶⁰

Subtitle C of Title II codifies the Southern Border Fuels Management Initiative, which requires the Secretary of the Interior to prioritize fuels management on federal land along the southern border. This Initiative was started under President Trump’s first term to “increase safety and visibility for our border patrol agents, improve national security, and increase landscape resilience through vegetation management” along the U.S.-Mexico border.”⁶¹ This important Initiative allowed DOI to install 30 miles of fuel breaks in FY 2019 and treat nearly 80,000 acres of land to reduce hazardous fuels.⁶² Among its litany of border-related failures, however, the Biden administration allowed this crucial program to go dormant. By codifying this Initiative in federal statute, this subtitle of the *FLASH Act* will prevent such a lapse from recurring, improve operational efficiencies along the border, and reduce the risk of future catastrophic wildfires. Further, this subtitle would direct GAO 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.”⁶³ Representative Ken Calvert (R-CA) introduced this subtitle as standalone legislation, the “*Ending Major Borderland Environmental Ruin from Wildfires (EMBER) Act*,” during the 118th Congress.⁶⁴

Title III – Protecting Our Communities from Failure to Secure the Border

The widespread effects of President Biden’s border crisis turned every American community into a border community. His administration’s unprecedented decision to lease National Park System land to New York City (NYC) to relieve pressure on their migrant housing crisis was a dangerous and failed experiment. After signing a lease with NYC in the summer of 2023, the Biden administration established a migrant encampment at Floyd Bennett Field (FBF), part of the Gateway National Recreation Area in NYC. House Committee on Natural Resources Republicans repeatedly conducted oversight on this abuse of power, including the misuse and denial of access to America’s federal lands. Virtually every major concern the Committee raised ultimately came to fruition. The migrant crisis in NYC and the existence of the encampment at

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Response to questions for the record submitted by Chairman Westerman. On file with the Committee.

⁶⁰ *Id.*

⁶¹ DOI, “Southern Border Fuels Management,” last updated in 2020, <https://edit.doi.gov/wildlandfire/southern-border-fuels-management>.

⁶² *Id.*

⁶³ U.S. Government Accountability Office, “Arizona Border Region: Federal Agencies Could Better Utilize Law Enforcement Resources in Support of Wildland Fire Management Activities,” GAO-12-73, Nov 22, 2011, <https://www.gao.gov/products/gao-12-73>.

⁶⁴ H.R.9682 (Rep. Calvert), “Ending Major Borderland Environmental Ruin from Wildfires (EMBER) Act,” <https://www.congress.gov/bill/118th-congress/house-bill/9682>.

FBF led to increased crime targeting local NYC community residents.⁶⁵ Numerous reports of criminality in and around the FBF migrant camp included allegations of domestic violence, assault, shoplifting, prostitution, and panhandling scams.⁶⁶ Before the FBF Lease expired on September 14, 2024, NPS renewed the lease for another year.⁶⁷ Shortly thereafter, the City of New York announced it would be terminating its lease with the site and ending the migrant encampment on March 10, 2025.⁶⁸

Biden administration officials responsible for deliberately transforming FBF into a migrant camp sought to evade congressional oversight and accountability. The Committee launched a thorough investigation into the FBF lease, which involved requests for document productions, briefings, and interviews with several federal agencies, including NPS, DHS, Council on Environmental Quality, and White House officials. On August 9, 2024, Chairman Westerman issued a subpoena to DHS for documents related to the lease agreement.⁶⁹ The Committee plans to continue working with the Trump administration to finally get answers to outstanding questions from the previous administration and bring accountability to this ill-conceived lease.

In addition to restricting public access to national park lands, the FBF lease sets a terrible precedent by transforming America's best idea—our national parks—into inaccessible migrant encampments. To ensure this blatant misuse of public lands never recurs, Title III of the *FLASH Act* reflects legislation sponsored by Representative Nicole Malliotakis (R-NY) in the 118th Congress, which passed the House of Representatives with a bipartisan vote of 224-203 on November 30, 2024.⁷⁰ Title III would prohibit federal funding from being used to house illegal immigrants on federal land for reasons unrelated to DHS and DOD border enforcement operations. It would also cancel the renewed FBF lease to ensure this harmful precedent cannot be used as a justification by future administrations to turn national parks into migrant shelters.

Hearing information on Representative Nicole Malliotakis's legislation from the last Congress, including testimony, can be found [here](#), and the hearing memo can be found [here](#).

⁶⁵ Sarah Goodman, et al., "City Hall vows to probe 'lawlessness' following Post report on spike in crime around Floyd Bennett Field migrant shelter," New York Post, January 14, 2024, <https://nypost.com/2024/01/14/metro/city-will-probe-any-lawlessness-by-migrants-at-bennett-floyd-field/>.

⁶⁶ Carl Campanile, "Migrants' pricey cars towed outside controversial NYC shelter in same area where they begged door to door," New York Post, January 6, 2024, <https://nypost.com/2024/01/06/metro/at-least-five-unregistered-vehicles-used-by-migrants-parked-outside-floyd-bennet-field-shelter-towed/>. Georgia Worrell, et al., "Fear and loathing at Brooklyn's Floyd Bennett Field: Neighbors fuming over migrants' 'lawlessness'," New York Post, January 13, 2024, <https://nypost.com/2024/01/13/metro/brooklyn-residents-fuming-over-migrants-lawlessness>. Isabelle Stanley, "Floyd Bennett Field migrants leaves NYC'ers fuming over reported spike in robberies, scams and an arrests near shelter," Daily Mail, January, 14, 2024, <https://www.dailymail.co.uk/news/article-12962373/Floyd-Bennett-Field-New-York-migrant-crime-shelter-arrests.html>. Craig McCarthy & Alex Oliveria, "Adams 'looking into' imposing curfew at migrant shelters as panhandling, crime surges," New York Post, January 11, 2024, <https://nypost.com/2024/01/11/metro/adams-looking-into-imposing-curfew-at-migrant-shelters-as-panhandling-crime-surges/>.

⁶⁷ House Natural Resources Committee, "Westerman Slams NPS for Extending Migrant Encampment Lease on National Park," September 13, 2024, <https://naturalresources.house.gov/news/documentsingle.aspx?DocumentID=416525>.

⁶⁸ ABC7News New York, "New York City shutting down migrant shelter at Floyd Bennett Field in March 2025," December 10, 2024, <https://abc7ny.com/post/new-york-city-shutting-down-migrant-shelter-floyd-bennett-field-march-2025/15636033/>.

⁶⁹ House Natural Resources Committee, "Westerman Issues Subpoena Over Obstructed Documents Regarding Migrant Encampment on National Park Land," August 9, 2024, <https://naturalresources.house.gov/news/documentsingle.aspx?DocumentID=416394>.

⁷⁰ "Protecting our Communities from Failure to Secure the Border Act of 2023," <https://www.congress.gov/bill/118th-congress/house-bill/5283>.

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

[FLASH Act Section-by-Section](#)

V. COST

A formal cost estimate from the Congressional Budget Office (CBO) is not yet available. CBO previously scored Title III of the legislation and determined the “net effect on direct spending would be negligible.”⁷¹

VI. ADMINISTRATION POSITION

The administration’s position is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 1820](#)

⁷¹ Congressional Budget Office, H.R. 5283, Protecting our Communities from Failure to Secure the Border Act of 2023, November 17, 2023, <https://www.cbo.gov/publication/59793>.