

NATIONAL SECURITY AND FEDERAL LANDS PROTECTION
ACT

APRIL 17, 2012.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1505]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1505) to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

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

(a) **PROHIBITION ON SECRETARIES OF THE INTERIOR AND AGRICULTURE.**—The Secretary of the Interior or the Secretary of Agriculture shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367)) over the international land borders of the United States.

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

(1) **AUTHORIZATION.**—U.S. Customs and Border Protection shall have immediate access to land under the jurisdiction of the Secretary of the Interior or

the Secretary of Agriculture for purposes of conducting the following activities on such land that assist in securing the international land borders of the United States:

- (A) Construction and maintenance of roads.
- (B) Construction and maintenance of fences.
- (C) Use vehicles to patrol.
- (D) Installation, maintenance, and operation of surveillance equipment and sensors.
- (E) Use of aircraft.
- (F) Deployment of temporary tactical infrastructure, including forward operating bases.

(c) CLARIFICATION RELATING TO WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any termination date relating to the waiver referred to in this subsection), the waiver by the Secretary of Homeland Security on April 1, 2008, under section 102(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note; Public Law 104–208) of the laws described in paragraph (2) with respect to certain sections of the international border between the United States and Mexico and between the United States and Canada shall be considered to apply to all land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture within 100 miles of the international land borders of the United States for the activities of U.S. Customs and Border Protection described in subsection (b).

(2) DESCRIPTION OF LAWS WAIVED.—The laws referred to in paragraph (1) are the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), Public Law 86–523 (16 U.S.C. 469 et seq.), the Act of June 8, 1906 (commonly known as the “Antiquities Act of 1906”) (16 U.S.C. 431 et seq.), the Act of August 21, 1935 (16 U.S.C. 461 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Farmland Protection Policy Act (7 U.S.C. 4201 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), the Otay Mountain Wilderness Act of 1999 (Public Law 106–145, 113 Stat. 1711), sections 102(29) and 103 of California Desert Protection Act of 1994 (16 U.S.C. 410aaa et seq.), the National Park Service Organic Act (16 U.S.C. 1 et seq.), Public Law 91–383 (16 U.S.C. 1a–1 et seq.), sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95–625, 92 Stat. 3467), the Arizona Desert Wilderness Act of 1990 (16 U.S.C. 1132 note; Public Law 101–628), section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Act of June 8, 1940 (16 U.S.C. 668 et seq.), (25 U.S.C. 3001 et seq.), Public Law 95–341 (42 U.S.C. 1996), Public Law 103–141 (42 U.S.C. 2000bb et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.), the Mineral Leasing Act (30 U.S.C. 181, et seq.), the Materials Act of 1947 (30 U.S.C. 601 et seq.), and the General Mining Act of 1872 (30 U.S.C. 22 note).

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

- (1) authority to restrict legal uses, such as grazing, hunting, or mining, on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or
- (2) any additional authority to restrict legal access to such land.

SEC. 3. SUNSET.

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

PURPOSE OF THE BILL

The purpose of H.R. 1505, as ordered reported, is to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands that impede border security on such lands.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1505 resolves the turf war between the Border Patrol and federal land managers within the Department of the Interior and the Department of Agriculture that has put our national security at risk. Currently, land management bureaus have the authority to thwart border security activities under authorities created by environmental laws such as the Wilderness Act and the Endangered Species Act. Unfortunately, these laws are being used to block the Border Patrol from taking the actions needed to protect these federal lands and control the border, allowing drug smugglers and human traffickers to enter the country undeterred.

Congress mandated that the Border Patrol achieve “operational control” of the international borders of the United States. Operational control is defined in statute as the “prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.” While Congress has authorized large increases in manpower and equipment for the Border Patrol, it has left regulatory obstacles in its path that make operational control an unattainable demand. H.R. 1505 will solve this problem by exempting essential border security operations from significant restrictions created by certain environmental laws.

Nearly unfettered access onto our federal borderlands by illegal border crossers has devastated significant natural and cultural sites. Tons of litter and other biological pollutants are left behind as illegal traffic tramples federal property. Cartels and smugglers are not known for their adherence to environmental law, but the Border Patrol is bound by the restrictions mandated by federal land managers.

The Border Patrol needs access to patrol the remote landscapes found on much of the border. However, current law requires them to ask permission of land agency bureaucrats to do their job. The Border Patrol must obtain permission to enter federal lands. The Border Patrol must obtain permission to place monitoring equipment necessary to secure the border. The Border Patrol must obtain permission to move equipment on federal land. The Border Patrol must obtain permission to place temporary camps that would keep Border Patrol agents in the field doing their job. The Border Patrol must obtain permission to maintain roads on federal lands. Land managers can take months to grant these authorizations to the Border Patrol. At times, permission is not given, leaving heavily trafficked areas unprotected. There is no incentive for the local federal land managers to cooperate with the Border Patrol.

This legislation would facilitate security access to federal lands by extending the waiver authority previously granted to the Department of Homeland Security and exercised to build portions of the border fence between the U.S. and Mexico. This authority would only encompass federal land within the current statutory jurisdiction of the Border Patrol, defined as 100 miles from the inter-

national border. The authority also expires in five years, which will allow Congress an opportunity to determine if it needs extending or modification. Management of federal lands will not change. The Department of the Interior and Department of Agriculture will retain those responsibilities and continue to oversee recreational and economic uses of these federal lands. The Border Patrol is prohibited from restricting legal uses of federal lands, such as hunting, grazing, mining, camping, or using all-terrain vehicles.

COMMITTEE ACTION

H.R. 1505 was introduced on April 13, 2011, by Congressman Rob Bishop (R-UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. The bill was additionally referred to the Committee on Agriculture and to the Committee on Homeland Security. On July 8, 2011, the Subcommittee on National Parks, Forests and Public Lands held a hearing on the bill. On October 5, 2011, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment in the nature of a substitute. Congressman Colleen Hanabusa (D-HI) offered an amendment designated .037 to the amendment in the nature of a substitute; that amendment was withdrawn. Congressman Raúl Grijalva (D-AZ) offered an amendment designated .001 to the amendment in the nature of a substitute; that amendment was adopted by voice vote. Congressman Raúl Grijalva (D-AZ) offered an amendment designated .002 to the amendment in the nature of a substitute; the amendment was not adopted by a record vote of 13 to 25, as follows:

No further amendments were offered, and the amendment in the nature of a substitute offered by Mr. Bishop was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by a record vote of 26 to 17, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: October 5, 2011

Recorded Vote #: 2

Meeting on / Amendment: **H.R. 1505** – Favorably reported to the House of Representatives, as amended by a roll call vote of 26 yeas and 17 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Hastings, WA Chairman	X			<i>Mr. Heinrich, NM</i>		X	
<i>Mr. Markey, MA Ranking</i>				Mr. Benishek, MI	X		
Mr. Young, AK	X			<i>Mr. Lujan, NM</i>		X	
<i>Mr. Kildee, MI</i>		X		Mr. Rivera, FL	X		
Mr. Duncan of TN				<i>Mr. Sarbanes, MD</i>		X	
<i>Mr. Defazio, OR</i>		X		Mr. Duncan of SC	X		
Mr. Gohmert, TX	X			<i>Ms. Sutton, OH</i>		X	
<i>Mr. Faleomavaega, AS</i>				Mr. Tipton, CO	X		
Mr. Bishop, UT	X			<i>Ms. Tsongas, MA</i>		X	
<i>Mr. Pallone, NJ</i>		X		Mr. Gosar, AZ	X		
Mr. Lamborn, CO	X			<i>Mr. Pierluisi, PR</i>		X	
<i>Mrs. Napolitano, CA</i>		X		Mr. Labrador, ID	X		
Mr. Wittman, VA	X			<i>Mr. Garamendi, CA</i>		X	
<i>Mr. Holt, NJ</i>		X		Ms. Noem, SD	X		
Mr. Broun, GA	X			<i>Ms. Hanabusa, HI</i>		X	
<i>Mr. Grijalva, AZ</i>		X		Mr. Southerland, FL	X		
Mr. Fleming, LA	X			Mr. Flores, TX	X		
<i>Ms. Bordallo, GU</i>		X		Mr. Harris, TX	X		
Mr. Coffman, CO	X			Mr. Landry, LA	X		
<i>Mr. Costa, CA</i>		X		Mr. Fleischmann, TN	X		
Mr. McClintock, CA	X			Mr. Runyan, NJ	X		
<i>Mr. Boren, OK</i>				Mr. Johnson, OH	X		
Mr. Thompson, PA	X						
<i>Mr. Sablan, CNMI</i>		X					
Mr. Denham, CA	X						
				TOTALS	26	17	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1505—National Security and Federal Lands Protection Act

H.R. 1505 would waive the requirement that the Department of Homeland Security (DHS) comply with certain federal laws when conducting border security activities on federal lands within 100 miles of U.S. land borders. The bill also would eliminate the requirement that DHS consult with the Department of the Interior (DOI) and the U.S. Department of Agriculture (USDA) before carrying out such activities. Based on information from the affected agencies, CBO estimates that implementing the legislation would not have a significant impact on the federal budget. Enacting H.R. 1505 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Under current law, DHS has the authority to waive various environmental and land management laws when conducting certain activities related to border security. The bill would provide a broad waiver of those laws for all such activities conducted within 100 miles of U.S. land borders and would eliminate the requirement that DHS consult with DOI and USDA before carrying out those activities. The provisions of the legislation would expire five years after enactment.

H.R. 1505 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information from the Department of the Interior and the U.S. Department of Agriculture, CBO estimates

that implementing the legislation would not have a significant impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands that impede border security on such lands.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

The purpose of H.R. 1505 is not to make the border more secure. Rather, the purpose of the bill is to use border security as cover to effectively repeal more than a century of environmental protection for Americans living and working along our borders with Canada and Mexico.

In April, the Natural Resources Committee held a joint oversight hearing with the House Oversight and Government Reform Committee during which the Government Accountability Office (GAO), the Interior Department, the Agriculture Department and the Border Patrol all testified, under oath, that federal land management laws do not impair border security.

According to the GAO report (GAO-11-573T), 22 of 26 Border Patrol Agents-in-Charge interviewed reported that federal land management laws had no impact on the overall security status of their jurisdiction. The four remaining Agents-in-Charge reported that they had not requested increased resources to mitigate the conflicts they saw or that their request for such resources had been denied by the Border Patrol, not the Interior Department.

In summary, the number of Border Patrol Agents-in-Charge who found that federal land management laws were impeding border security, but were prevented from fixing the problem by the Interior Department, was exactly zero. The Administration concurred with this finding at multiple hearings. The record is clear—the problem this bill claims to solve does not exist.

The true purpose of this legislation is also clear. The proponents oppose the more than 30 bedrock environmental protections effectively repealed by this legislation—including the Clean Water Act, Clean Air Act and Safe Drinking Water Act—everywhere, not just within 100 miles of the border. H.R. 1505 employs a manufactured conflict with border security to weaken their application.

The laws waived by this Act are the work-product of dozens of Administrations and Congresses, developed after thousands of hours of negotiation and compromise and, in most cases, were enacted with strong, bi-partisan support. H.R. 1505 hands the Border Patrol a unilateral veto over all of these laws.

This legislation grants the Chief of U.S. Customs and Border Protection unprecedented power; application of dozens of laws, impacting millions of acres and millions of people's lives would be within the Chief's unilateral and unreviewable control. Management of dozens of National Parks, wildlife refuges, and forests would be ceded to DHS. Decisions regarding whether our water is safe to drink, our air is safe to breath and whether Superfund sites are to be cleaned up would all rest with one individual.

Enactment of H.R. 1505 would not only allow DHS to trample the ground near the border, it would also allow the agency to trample the rights of states and Native People. This legislation would

empower individual Border Patrol agents to enter Tribal land, without notice, and conduct any and all activities—including excavation and construction—without regard to the presence of Tribal sacred sites, burial sites, or environmental impacts. Subcommittee Ranking Member Grijalva offered an amendment to exempt Tribal lands from the sweeping application of H.R. 1505 but that attempt to protect Tribal sovereignty was rejected by the Majority.

The real problem of border enforcement is one of manpower, budgets, economic incentives and difficult terrain. This bill addresses none of these concerns. We will not secure our borders by allowing our water to be polluted. We will not stop illegal drug trafficking by allowing our air to get dirtier and we will not stop terrorists from entering this country by allowing toxic waste dumps along the border.

In the end, if H.R. 1505 reduces the number of immigrants coming to this country, it will only be because the water, air and economies of our border communities are so degraded that no one wants to come here anymore.

This legislation is sweeping and reactionary; the bill is not what it appears and should be rejected.

EDWARD J. MARKEY.
RAÚL M. GRIJALVA.
RUSH HOLT.
JOHN GARAMENDI.
GRACE F. NAPOLITANO.
NIKI TSONGAS.
COLLEEN W. HANABUSA.
BEN R. LUJÁN.
DALE E. KILDEE.

DOC HASTINGS, WA
 CHAIRMAN
 DON YOUNG, AK
 JOHN J. DUNCAN, JR., TN
 LOUIE GOMBERG, TX
 BOB BISHOP, UT
 DOUG LAMBORN, CO
 ROBERT J. WITTMAN, VA
 PAUL C. BROUN, GA
 JOHN FLEHRING, IA
 MIKE DUFFMAN, CO
 TOM MISLINTOCK, CA
 TERRY THOMPSON, PA
 JEFF DEHAMM, CA
 DAN BENIGER, AR
 DAVID BRIDEN, FL
 JEFF BURKMAN, SC
 SCOTT R. TIPTON, CO
 PAUL A. GOSAR, AZ
 PAUL R. LANKFORD, ID
 KRISTI L. MOEM, SD
 STEVE SCOTTLAND, FL
 BILL FLORES, TX
 ANDY HAMBIS, MD
 JEFFREY M. LANDRY, LA
 JON RUNYAN, NJ
 BILL JOHNSON, OH
 MARK AMODEI, NV

TODD YOUNG
 CHIEF OF STAFF

U.S. House of Representatives
Committee on Natural Resources
 Washington, DC 20515

November 10, 2011

EDWARD J. MARKEY, MA
 RANKING DEMOCRATIC MEMBER
 DALE E. KILDEE, MI
 PETER A. DEFAZIO, OR
 ENI FIA FALGONAVALEGA, AS
 FRANK PALLONE, JR., NJ
 GRACE F. NARDITANO, CA
 RUSHDI HOLT, NJ
 RAUL M. GRIJALVA, AZ
 MASOULI Z. BORDALLO, GU
 JIM COSTA, CA
 DAN ROSEN, DA
 GREGORIO KILILI CAMACHO SABLAR, CMR
 MARTIN HEINRICH, NM
 BERRY LUKASIK, KS
 JOHN P. SARBANES, MD
 BETTY SUTTON, OH
 NIKI TSONGAS, MA
 PEDRO R. INDRUSSI, PR
 JOHN GARAMENDY, CA
 COLLEEN W. HANABUSA, HI

JEFFREY DUNCAN
 DEMOCRATIC STAFF DIRECTOR

The Honorable Frank Lucas
 Chairman
 Committee on Agriculture
 1301 Longworth HOB
 Washington, D.C. 20515

Dear Mr. Chairman:

On October 5, 2011, the Committee on Natural Resources ordered reported, with amendment, H.R. 1505, the National Security and Federal Lands Protection Act, by a vote of 26-17. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committees on Agriculture and Homeland Security. I have forwarded a copy of the reported text and draft bill report to your Committee staff for review.

I ask that you allow the Agriculture Committee to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,

 Doc Hastings
 Chairman

FRANK L. LUCAS, OKLAHOMA
 CHAIRMAN
 HING TONKATTE, ILLINOIS
 VICE CHAIRMAN
 DREW KNOX, OHIO
 RANDY HUEBNER, ILLINOIS
 K. MICHAEL CONRADY, TEXAS
 JEFF COFFENSEY, KENTUCKY
 JAY SCHMIDT, OHIO
 DUSTY GARDNER, PENNSYLVANIA
 THOMAS J. BRIDENY, FLORIDA
 MARIO A. STUEBMAN, CALIFORNIA
 BILLY HORN, OHIO
 ALBERTA SCOTT, GEORGIA
 SCOTT P. PETERSON, CALIFORNIA
 STEVE SOUTHWARD, FLORIDA
 ERIC W. HICK, ARIZONA
 NORTH CAROLINA
 THOMAS L. LAMAR, KANSAS
 BOB LEE, TENNESSEE
 RICHARD L. LUMM, NORTH CAROLINA
 CHRISTOPHER J. GIBSON, NEW YORK
 RANDY HUEBNER, ILLINOIS
 VALA HORN, MISSOURI
 SHERI F. SCHILLING, ILLINOIS
 PHILIP H. HERR, MISSOURI
 KRISTEN KOKON, SOUTH DAKOTA

U.S. House of Representatives
Committee on Agriculture
 Room 1301, Longworth House Office Building
 Washington, DC 20515-0001

(202) 225-2121
 (202) 225-0917 FAX
 November 10, 2011

GILLIN C. PETERSON, MINNESOTA
 RAYMOND BENNETT, ARIZONA
 TIM HIGDON, PENNSYLVANIA
 MARK MINTYRE, NORTH CAROLINA
 LUDWIG L. BUDWELL, IOWA
 JOE BAUCK, CALIFORNIA
 DENNIS A. CAHILL, CALIFORNIA
 DAVID SCOTT, GEORGIA
 FRITZ CULLER, TEXAS
 JIM COSTA, CALIFORNIA
 ROBERT J. WALKER, MINNESOTA
 KURT SCHRAEDER, OREGON
 LARRY KOSSELL, NORTH CAROLINA
 WILLIAM L. JOHNS, NEW YORK
 CHELSEY PHIBBS, MARYLAND
 JOE COURTFREY, CONNECTICUT
 PETER WELCH, VERMONT
 MARCO A. FUDGE, OHIO
 GEORGE B. BUCHANAN, MISSISSIPPI
 NORTHERN MARIANA ISLANDS
 TERRY A. SEWELL, ALABAMA
 JAMES P. McGOVERN, MASSACHUSETTS

NICOLE SCOTT,
 STAFF DIRECTOR
 KEVIN J. ARAMP,
 CHIEF COUNSEL
 PUBLIUS L. LAPEW,
 MINORITY STAFF DIRECTOR

The Honorable Doc Hastings
 Chairman
 Committee on Natural Resources
 1324 Longworth HOB
 Washington, D.C. 20515

Dear Chairman Hastings:

Thank you for the opportunity to review the text of the report to accompany H.R. 1505, to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 1505 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction.

I ask that you insert a copy of our exchange of letters into the Congressional Record during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to working with you as we prepare to pass this important legislation.

Sincerely,



Frank D. Lucas
 Chairman

cc: The Honorable John A. Boehner, Speaker
 The Honorable Collin C. Peterson
 The Honorable Edward J. Markey
 Mr. John Sullivan, Parliamentarian

DOC HASTINGS, WA
 CHAIRMAN
 DON HOUSER, AK
 JOHN J. DUNCAN, JR., TN
 LOUIE GOMBERG, TX
 ROB BISHOP, UT
 DOUG LAMBRON, CO
 ROBERT J. WITTMAN, VA
 PAUL C. BROUSS, GA
 JOHN KLEINER, LA
 MIKE COFFMAN, CO
 TOM NEUBERT/DICK, CA
 GLENN THOMPSON, PA
 JEFF BENHAM, CA
 DAVE BENSHIEK, MS
 DAVID RIVERA, FL
 JEFF BURDICK, SC
 SCOTT T. TIPTON, EG
 PAUL A. COSAR, AZ
 PAUL B. LAMPROSE, ID
 KRISTI L. NOEM, SD
 STEVE SCUTTLER/ANDR. FL
 BILL KLONES, TX
 ANDY HARRIS, MD
 JEFFREY M. LANDRY, LA
 JON RUNYAN, NJ
 BILL JOHNSON, OH
 MARK AMODEI, NV

 TODD YOUNG
 CHIEF OF STAFF

U.S. House of Representatives
Committee on Natural Resources
 Washington, DC 20515

EDWARD J. MARKEY, MA
 RAINING DEMOCRATIC MEMBER
 DALE E. KILDEE, MI
 PETER A. DIFAZIO, OH
 ENYAH BALCOMBA/REGA, AS
 FRANK PALLONE, JR., NJ
 GRACE F. NAPOLITANO, CA
 RUSSELL HUST, NJ
 RAUL M. GRIJALVA, AZ
 MARCELO E. D'BOREALLO, CU
 JIM COSTA, CA
 DAN ROSEN, OK
 GREGGORY KILU/GAMACHO/SABLAN, CN
 MARTIN HEZEVICH, NM
 BEN RAY/ELLANK, NM
 JOHN P. SARBANES, MD
 SETTY SUTTON, OH
 NIKI TSONGAS, MA
 FRED H. PERLESSE, PR
 JOHN GARAMENDI, CA
 COLLEEN W. HANABUSA, HI

 JEFFREY BURGAN
 DEMOCRATIC STAFF DIRECTOR

December 14, 2011

The Honorable Peter King
 Chairman
 Committee on Homeland Security
 H2-176 Ford House Office Building
 Washington, D.C. 20515

Dear Mr. Chairman:

On October 5, 2011, the Committee on Natural Resources ordered reported, with amendment, H.R. 1505, the National Security and Federal Lands Protection Act, by a vote of 26-17. The bill was referred primarily to the Committee on Natural Resources, with additional referrals to the Committees on Homeland Security and Agriculture. I have forwarded a copy of the reported text and draft bill report to your Committee staff for review.

I ask that you allow the Committee on Homeland Security to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Homeland Security represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,

 Doc Hastings
 Chairman

PETER T. KING, NEW YORK
CHAIRMAN

BENNIE G. THOMPSON, MISSISSIPPI
RANKING MEMBER



One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

December 14, 2011

The Honorable Doc Hastings
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Hastings,

I am writing in regards to the jurisdictional interest of the Committee on Homeland Security over provisions in H.R. 1505, the National Security and Federal Lands Protection Act, which the Committee on Natural Resources ordered to be reported out, with amendment, on October 5, 2011.

I understand the importance of advancing this legislation to the House floor in an expeditious manner. Therefore, the Committee on Homeland Security will discharge H.R. 1505 from further consideration. This action is conditional on our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on Homeland Security over the subject matter included in this or similar legislation. I request that you urge the Speaker to appoint members of this Committee to any conference committee for consideration of any provisions that fall within the jurisdiction of the Committee on Homeland Security in the House-Senate conference on this or similar legislation.

I also request that this response and your letter be included in the Committee on Natural Resources report to H.R. 1505 and in the *Congressional Record* during consideration of this measure on the House floor. Thank you for your consideration of this matter.

Sincerely,



PETER T. KING
Chairman

○