

Calendar No. 243

114TH CONGRESS
1ST SESSION**S. 750****[Report No. 114–150]**

To achieve border security on certain Federal lands along the Southern border.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2015

Mr. MCCAIN (for himself and Mr. FLAKE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 1, 2015

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To achieve border security on certain Federal lands along the Southern border.

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 “~~Arizona Borderlands~~
5 ~~Protection and Preservation Act~~”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **BORDER SECURITY.**—The term “border se-
4 curity” means—

5 (A) the functioning and operational capa-
6 bility to conduct continuous and integrated
7 manned or unmanned, monitoring, sensing, or
8 surveillance of 100 percent of Southern border
9 mileage or the immediate vicinity of the South-
10 ern border; and

11 (B) the apprehension or turn back of all il-
12 legal entries across the Southern border during
13 a fiscal year.

14 (2) **FEDERAL LANDS.**—The term “Federal
15 lands” includes all land under the control of the Sec-
16 retary concerned that is located within the South-
17 west border region in the Tucson and Yuma sectors
18 of United States Border Patrol along the Southern
19 border.

20 (3) **SECRETARY.**—The term “Secretary” means
21 the Secretary of Homeland Security.

22 (4) **SECRETARY CONCERNED.**—The term “Sec-
23 retary concerned” means—

24 (A) with respect to land under the jurisdic-
25 tion of the Secretary of Agriculture, the Sec-
26 retary of Agriculture; and

1 ~~(B)~~ with respect to land under the jurisdic-
 2 tion of the Secretary of the Interior, the Sec-
 3 retary of the Interior.

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

7 **SEC. 3. SUPPORT FOR BORDER SECURITY NEEDS.**

8 ~~(a)~~ IN GENERAL.—To achieve border security on
 9 Federal lands—

10 ~~(1)~~ the Secretary and the Secretary concerned,
 11 notwithstanding any other provision of law, shall
 12 provide U.S. Customs and Border Protection per-
 13 sonnel with immediate access to Federal lands for
 14 border security activities, including—

15 ~~(A)~~ routine motorized patrols; and

16 ~~(B)~~ the deployment of communications,
 17 surveillance, and detection equipment; and

18 ~~(2)~~ the Secretary concerned may provide edu-
 19 cation and training to U.S. Customs and Border
 20 Protection personnel on the natural and cultural re-
 21 sources present on individual Federal land units.

22 ~~(b)~~ INTERMINGLED STATE AND PRIVATE LAND.—

23 Subsection ~~(a)~~ shall not apply to any private or State-
 24 owned land within the boundaries of Federal lands.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Arizona Borderlands*
3 *Protection and Preservation Act”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) *BORDER SECURITY.*—*The term “border secu-*
7 *rity” means—*

8 (A) *the functioning and operational capa-*
9 *bility to conduct continuous and integrated*
10 *manned or unmanned, monitoring, sensing, or*
11 *surveillance of 100 percent of Southern border*
12 *mileage within the Tucson and Yuma sectors or*
13 *the immediate vicinity of the Southern border*
14 *within the Tucson and Yuma Sectors; and*

15 (B) *the apprehension or turn back of illegal*
16 *entries across the Southern border in the Tucson*
17 *and Yuma sectors.*

18 (2) *FEDERAL LANDS.*—*The term “Federal lands”*
19 *includes all land under the control of the Secretary*
20 *concerned that is located—*

21 (A) *within 100 miles of the international*
22 *border between the United States and Mexico;*
23 *and*

24 (B) *within the Tucson and Yuma sectors of*
25 *United States Border Patrol.*

1 (3) *SECRETARY CONCERNED.*—*The term “Sec-*
2 *retary concerned” means—*

3 (A) *with respect to land under the jurisdic-*
4 *tion of the Secretary of Agriculture, the Sec-*
5 *retary of Agriculture; and*

6 (B) *with respect to land under the jurisdic-*
7 *tion of the Secretary of the Interior, the Sec-*
8 *retary of the Interior.*

9 **SEC. 3. SUPPORT FOR BORDER SECURITY NEEDS.**

10 (a) *IN GENERAL.*—*To achieve border security on Fed-*
11 *eral lands—*

12 (1) *notwithstanding any other provision of law,*
13 *the Secretary concerned shall provide U.S. Customs*
14 *and Border Protection personnel with immediate ac-*
15 *cess to Federal lands for border security activities, in-*
16 *cluding—*

17 (A) *routine motorized patrols; and*

18 (B) *the deployment of communications, sur-*
19 *veillance, and detection equipment;*

20 (2) *the Secretary concerned may provide edu-*
21 *cation and training to U.S. Customs and Border Pro-*
22 *tection personnel on the natural and cultural re-*
23 *sources present on individual Federal land units; and*

24 (3) *the security activities described in paragraph*
25 *(1) shall be conducted, to the maximum extent prac-*

1 *licable, in a manner that the Secretary of Homeland*
2 *Security determines will best protect the natural and*
3 *cultural resources on Federal lands.*

4 *(b) INTERMINGLED STATE AND PRIVATE LAND.—Sub-*
5 *section (a) shall not apply to any private or State-owned*
6 *land within the boundaries of Federal lands.*

7 *(c) SUNSET.—The requirements under this section*
8 *shall terminate on the date that is 4 years after the date*
9 *of the enactment of this Act.*

10 **SEC. 4. REPORT.**

11 *Not later than 90 days before the date on which the*
12 *requirements under section 3 are scheduled to terminate,*
13 *the Comptroller General of the United States shall submit*
14 *a report to the appropriate congressional committees that*
15 *includes—*

16 *(1) an analysis of the effectiveness of the actions*
17 *taken pursuant to such section, including the impact*
18 *of such actions on—*

19 *(A) border security activities; and*

20 *(B) the natural and cultural resources on*
21 *impacted Federal lands;*

22 *(2) an assessment of the 2006 Memos of Under-*
23 *standing between the Department of Homeland Secu-*
24 *rity, the Department of Agriculture, and the Sec-*
25 *retary of the Interior regarding access to Federal and*

1 *Indian lands for border security activities, includ-*
2 *ing—*

3 *(A) how such memoranda, as in force on the*
4 *date of the enactment of this Act, impacted bor-*
5 *der security activities;*

6 *(B) the best way to improve such memo-*
7 *randa and their application;*

8 *(C) specific ways in which such memoranda*
9 *could be used to ensure that the Department of*
10 *Homeland Security receives timely access to Fed-*
11 *eral lands for critical border security activities;*
12 *and*

13 *(D) the number of agency personnel re-*
14 *quired to effectively and efficiently execute such*
15 *memoranda;*

16 *(3) a sector-by-sector analysis of the expected im-*
17 *pect of applying the requirements under section 3 to*
18 *the entire land border of the United States, includ-*
19 *ing—*

20 *(A) an assessment of—*

21 *(i) how border security activities and*
22 *natural, cultural, and historic resources on*
23 *Federal and Indian lands would be im-*
24 *acted, including the potential impact on*
25 *wildlife, including endangered species;*

1 (ii) any actions the Department of
2 Homeland Security would need to take to
3 mitigate the impact of border security ac-
4 tions, including the estimated costs of such
5 actions; and

6 (iii) whether lack of access hinders bor-
7 der security; and

8 (B) an examination of the impact of pro-
9 viding the Department of Homeland Security
10 with increased access to Federal and Indian
11 lands located within—

12 (i) 25 miles of the United States bor-
13 der;

14 (ii) 50 miles of the United States bor-
15 der, or

16 (iii) 100 miles of the United States
17 border; and

18 (4) a sector-by-sector analysis of—

19 (A) the costs incurred by each Secretary
20 concerned relating to managing and mitigating
21 for illegal border activity on Federal lands, in-
22 cluding the cost of restoring natural resources
23 that were damaged by illegal border activity;

1 (B) *the impact of illegal traffic on wildlife,*
2 *including endangered species and critical habi-*
3 *tat; and*

4 (C) *the impact of illegal traffic on natural,*
5 *cultural, and historic resources on Federal lands.*

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