

113TH CONGRESS
2D SESSION

H. R. 5164

To clarify that the Secretary of Homeland Security may undertake law enforcement and border security activities within the Organ Mountains-Desert Peaks National Monument, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2014

Mr. PEARCE (for himself, Mr. HUDSON, Mr. BISHOP of Utah, Mr. POSEY, Mr. LABRADOR, Mr. LAMBORN, Mr. BROOKS of Alabama, Mr. MARCHANT, Mr. WENSTRUP, Mrs. LUMMIS, Mr. FLEMING, Mr. NEUGEBAUER, Mr. HALL, Mr. STEWART, Mr. LAMALFA, Mr. PRICE of Georgia, Mr. McCLINTOCK, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To clarify that the Secretary of Homeland Security may undertake law enforcement and border security activities within the Organ Mountains-Desert Peaks National Monument, and for other purposes.

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 “Organ Mountains-
5 Desert Peaks National Monument Correction Act”.

1 **SEC. 2. DEFINITION.**

2 For the purpose of this Act, the term “National
3 Monument” means the area designated as the “Organ
4 Mountains-Desert Peaks National Monument” in Presi-
5 dential Proclamation 9131, dated May 21, 2014.

6 **SEC. 3. BORDER SECURITY AND LAW ENFORCEMENT.**

7 (a) IN GENERAL.—Neither the National Monument
8 designation nor any management plan in furtherance of
9 the National Monument shall be interpreted or construed
10 to—

11 (1) prevent the Secretary of Homeland Security
12 from undertaking law enforcement and border secu-
13 rity activities within the areas designated as a Na-
14 tional Monument, including the ability to use motor-
15 ized vehicles within the National Monument;

16 (2) limit the 2006 Memorandum of Under-
17 standing among the Department of Homeland Secu-
18 rity, the Department of the Interior, and the De-
19 partment of Agriculture regarding cooperative na-
20 tional security and counterterrorism efforts on Fed-
21 eral land along the borders of the United States;

22 (3) prevent the Secretary of Homeland Security
23 from conducting any low-level overflights over the
24 National Monument that may be necessary for law
25 enforcement and border security purposes; or

1 (4) prevent the Secretary of the Interior from
2 allowing within the National Monument the installa-
3 tion and maintenance of communication or surveil-
4 lance infrastructure necessary for law enforcement
5 or border security activities.

6 (b) ADMINISTRATIVE ACCESS.—The route excluded
7 from the Potrillo Mountains identified as “Restricted—
8 Administrative Access” on the map entitled “Potrillo
9 Mountains Complex” and dated December 10, 2013, shall
10 be available for administrative and law enforcement uses,
11 including border security activities.

12 (c) LAW ENFORCEMENT ACTIVITIES.—Nothing in
13 this Act, or any land management plan issued in further-
14 ance of this Act or Presidential Proclamation 9139, dated
15 May 21, 2014, shall prevent Federal, State, or local law
16 enforcement personnel from having unfettered access to
17 the National Monument, including the use of specialized
18 equipment and motorized vehicles outside of existing roads
19 and trails.

20 **SEC. 4. NATIONAL DEFENSE.**

21 Nothing in the national monument designation or any
22 management plan in furtherance of the national monu-
23 ment shall restrict or preclude—

24 (1) low-level overflights of military aircraft over
25 the National Monument, including military over-

1 flights that can be seen or heard within the National
2 Monument;

3 (2) the designation of new units of special air-
4 space over the National Monument; or

5 (3) the use or establishment of military flight
6 training routes over the National Monument.

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