

118TH CONGRESS
2D SESSION

S. 3576

To authorize certain States to take certain actions on certain Federal land to secure an international border of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2024

Mrs. BLACKBURN (for herself, Mr. CORNYN, Mr. CRUZ, Mr. BRAUN, Mr. BUDD, Mr. CASSIDY, Mr. CRAMER, Mrs. HYDE-SMITH, Mr. RICKETTS, Mr. SCOTT of South Carolina, and Mr. VANCE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize certain States to take certain actions on certain Federal land to secure an international border of the United States, 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 “Creating Obstructions
5 Necessary To Address Illegal and Nefarious Entry Rap-
6 idly Act” or the “CONTAINER Act”.

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

5 (a) DEFINITIONS.—In this section:

6 (1) BORDER STATE.—The term “Border State”
7 means a State that is adjacent to the northern bor-
8 der or southern border.

9 (2) FEDERAL LAND.—The term “Federal land”
10 means land under the jurisdiction and management
11 of a Federal land management agency that is adja-
12 cent to the northern border or southern border.

13 (3) FEDERAL LAND MANAGEMENT AGENCY.—
14 The term “Federal land management agency”
15 means—

16 (A) the Bureau of Indian Affairs;

17 (B) the Bureau of Land Management;

18 (C) the Bureau of Reclamation;

19 (D) the Forest Service;

20 (E) the United States Fish and Wildlife
21 Service; and

22 (F) the National Park Service.

23 (4) NORTHERN BORDER.—The term “northern
24 border” means the international border between the
25 United States and Canada.

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

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

7 (A) the Secretary of the Interior, with re-
8 spect to Federal land under the jurisdiction and
9 management of the Secretary of the Interior,
10 acting through, as applicable—

11 (i) the Director of the Bureau of In-
12 dian Affairs;

13 (ii) the Director of the Bureau of
14 Land Management;

15 (iii) the Commissioner of Reclamation;

16 (iv) the Director of the United States
17 Fish and Wildlife Service; and

18 (v) the Director of the National Park
19 Service; and

20 (B) the Secretary of Agriculture, with re-
21 spect to National Forest System land, acting
22 through the Chief of the Forest Service.

23 (7) SOUTHERN BORDER.—The term “southern
24 border” means the international border between the
25 United States and Mexico.

1 (b) SPECIAL USE AUTHORIZATION.—Subject to sub-
2 section (c), the Secretary concerned shall not require a
3 Border State to obtain a special use authorization for the
4 temporary placement on Federal land within the Border
5 State of a movable, temporary structure for the purpose
6 of securing the northern border or southern border, if the
7 Border State submits to the Secretary concerned notice
8 of the proposed placement not later than 45 days before
9 the date of the proposed placement.

10 (c) TEMPORARY PLACEMENT.—

11 (1) IN GENERAL.—A movable, temporary struc-
12 ture described in subsection (b) may be placed by a
13 Border State on Federal land in accordance with
14 that subsection for a period of not more than 1 year,
15 subject to paragraph (2).

16 (2) EXTENSION.—

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

20 (B) CONSULTATION REQUIRED.—The Sec-
21 retary concerned shall consult with the Commis-
22 sioner of U.S. Customs and Border Protection
23 for purposes of determining whether to approve
24 an extension under subparagraph (A).

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

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