

## 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.

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 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]

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**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        *ticable, 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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1<sup>ST</sup> Session

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