AMENDMENT NO. 1361

Purpose: To allow U.S. Customs and Border Protection to enforce immigration laws on Federal land.

IN THE UNITED STATES HOUSE OF REPRESENTA-TIVES

AMENDMENT No. 1361

By Coburn

To propose an amendment to the bill

Refereed to the Committee on Appropriations

Ordered to be on the calendar for consideration

AMENDMENT intended to be proposed by Mr. COBURN (for himself, and Mr. JOHNSON of WISCONSIN)

Viz:

Strike section 1105 and insert the following:

SEC. 1105. PROHIBITION ON ACTIONS THAT IMPEDE BORDER SECURITY ON CERTAIN FEDERAL LAND.

(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 Federal land located within 100 miles of an international land border that is under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, to execute search and rescue operations and to prevent all unlawful entries into the United States, including en-
tries by terrorists, other unlawful aliens, instruments of
terrorism, narcotics, and other contraband through the
international land borders of the United States.

(b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND
BORDER PROTECTION.—U.S. Customs and Border Pro-
tection shall have immediate access to Federal land within
100 miles of the international land border under the juris-
diction of the Secretary of the Interior or the Secretary
of Agriculture for purposes of conducting the following ac-
tivities on such land that prevent all unlawful entries into
the United States, including entries by terrorists, other
unlawful aliens, instruments of terrorism, narcotics, and
other contraband through the international land borders
of the United States:

(1) Construction and maintenance of roads.
(2) Construction and maintenance of barriers.
(3) Use of vehicles to patrol, apprehend, or res-
cue.
(4) Installation, maintenance, and operation of
communications and surveillance equipment and sen-
sors.
(5) Deployment of temporary tactical infra-
structure.

(c) CLARIFICATION RELATING TO WAIVER AUTHOR-
ITY.—
(1) IN GENERAL.—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 Federal 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).


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

(1) authority to restrict legal uses, such as grazing, hunting, mining, or public-use recreational and backcountry airstrips 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.
(e) EFFECT ON STATE AND PRIVATE LAND.—This Act shall—

(1) have no force or effect on State or private land; and

(2) not provide authority on or access to State or private land.