

*Tom Coburn*  
S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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

IN THE S

	<b>AMENDMENT N<sup>o</sup></b>	<b>1361</b>	SS.
By	<i>Coburn</i>		
To pro	To:	<i>S. 744</i>	
Referre		<i>5</i>	1
		<b>Page(s)</b>	
<small>GPO: 2012 77-320 (mac)</small>			

AMENDMENT intended to be proposed by Mr. COBURN **(FOR HIMSELF, AND MR. JOHNSON OF WISCONSIN)**

- Viz:
- 1 Strike section 1105 and insert the following:
  - 2 **SEC. 1105. PROHIBITION ON ACTIONS THAT IMPEDE BOR-**
  - 3 **DER SECURITY ON CERTAIN FEDERAL LAND.**
  - 4 (a) PROHIBITION ON SECRETARIES OF THE INTE-
  - 5 RIOR AND AGRICULTURE.—The Secretary of the Interior
  - 6 or the Secretary of Agriculture shall not impede, prohibit,
  - 7 or restrict activities of U.S. Customs and Border Protec-
  - 8 tion on Federal land located within 100 miles of an inter-
  - 9 national land border that is under the jurisdiction of the
  - 10 Secretary of the Interior or the Secretary of Agriculture,
  - 11 to execute search and rescue operations and to prevent
  - 12 all unlawful entries into the United States, including en-

1 tries by terrorists, other unlawful aliens, instruments of  
2 terrorism, narcotics, and other contraband through the  
3 international land borders of the United States.

4 (b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND  
5 BORDER PROTECTION.—U.S. Customs and Border Pro-  
6 tection shall have immediate access to Federal land within  
7 100 miles of the international land border under the juris-  
8 diction of the Secretary of the Interior or the Secretary  
9 of Agriculture for purposes of conducting the following ac-  
10 tivities on such land that prevent all unlawful entries into  
11 the United States, including entries by terrorists, other  
12 unlawful aliens, instruments of terrorism, narcotics, and  
13 other contraband through the international land borders  
14 of the United States:

15 (1) Construction and maintenance of roads.

16 (2) Construction and maintenance of barriers.

17 (3) Use of vehicles to patrol, apprehend, or res-  
18 cue.

19 (4) Installation, maintenance, and operation of  
20 communications and surveillance equipment and sen-  
21 sors.

22 (5) Deployment of temporary tactical infra-  
23 structure.

24 (c) CLARIFICATION RELATING TO WAIVER AUTHOR-  
25 ITY.—

1           (1) IN GENERAL.—The waiver by the Secretary  
2 of Homeland Security on April 1, 2008, under sec-  
3 tion 102(e)(1) of the Illegal Immigration Reform  
4 and Immigrant Responsibility Act of 1996 (8 U.S.C.  
5 1103 note; Public Law 104–208) of the laws de-  
6 scribed in paragraph (2) with respect to certain sec-  
7 tions of the international border between the United  
8 States and Mexico and between the United States  
9 and Canada shall be considered to apply to all Fed-  
10 eral land under the jurisdiction of the Secretary of  
11 the Interior or the Secretary of Agriculture within  
12 100 miles of the international land borders of the  
13 United States for the activities of U.S. Customs and  
14 Border Protection described in subsection (b).

15           (2) DESCRIPTION OF LAWS WAIVED.—The laws  
16 referred to in paragraph (1) are limited to the Wil-  
17 derness Act (16 U.S.C. 1131 et seq.), the National  
18 Environmental Policy Act of 1969 (42 U.S.C. 4321  
19 et seq.), the Endangered Species Act of 1973 (16  
20 U.S.C. 1531 et seq.), the National Historic Preser-  
21 vation Act (16 U.S.C. 470 et seq.), Public Law 86–  
22 523 (16 U.S.C. 469 et seq.), the Act of June 8,  
23 1906 (commonly known as the “Antiquities Act of  
24 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic  
25 Rivers Act (16 U.S.C. 1271 et seq.), the Federal

1 Land Policy and Management Act of 1976 (43  
2 U.S.C. 1701 et seq.), the National Wildlife Refuge  
3 System Administration Act of 1966 (16 U.S.C.  
4 668dd et seq.), the Fish and Wildlife Act of 1956  
5 (16 U.S.C. 742a et seq.), the Fish and Wildlife Co-  
6 ordination Act (16 U.S.C. 661 et seq.), subchapter  
7 II of chapter 5, and chapter 7, of title 5, United  
8 States Code (commonly known as the “Administra-  
9 tive Procedure Act”), the National Park Service Or-  
10 ganic Act (16 U.S.C. 1 et seq.), the General Au-  
11 thorities Act of 1970 (Public Law 91–383) (16  
12 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404  
13 of the National Parks and Recreation Act of 1978  
14 (Public Law 95–625, 92 Stat. 3467), and the Ari-  
15 zona Desert Wilderness Act of 1990 (16 U.S.C.  
16 1132 note; Public Law 101–628).

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

19 (1) authority to restrict legal uses, such as  
20 grazing, hunting, mining, or public-use recreational  
21 and backcountry airstrips on land under the jurisdic-  
22 tion of the Secretary of the Interior or the Secretary  
23 of Agriculture; or

24 (2) any additional authority to restrict legal ac-  
25 cess to such land.

1       (e) EFFECT ON STATE AND PRIVATE LAND.—This  
2 Act shall—  
3           (1) have no force or effect on State or private  
4 land; and  
5           (2) not provide authority on or access to State  
6 or private land.