

118TH CONGRESS
1ST SESSION

S. _____

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

Mrs. BLACKBURN introduced the following bill; which was read twice and referred to the Committee on _____

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. PLACEMENT OF MOVABLE, TEMPORARY**
4 **STRUCTURES ON CERTAIN FEDERAL LAND**
5 **TO SECURE AN INTERNATIONAL BORDER OF**
6 **THE UNITED STATES.**

7 (a) DEFINITIONS.—In this section:

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

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

5 (3) FEDERAL LAND MANAGEMENT AGENCY.—
6 The term “Federal land management agency”
7 means—

8 (A) the Bureau of Indian Affairs;

9 (B) the Bureau of Land Management;

10 (C) the Bureau of Reclamation;

11 (D) the Forest Service;

12 (E) the United States Fish and Wildlife
13 Service; and

14 (F) the National Park Service.

15 (4) NORTHERN BORDER.—The term “northern
16 border” means the international border between the
17 United States and Canada.

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

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

24 (A) the Secretary of the Interior, with re-
25 spect to Federal land under the jurisdiction and

1 management of the Secretary of the Interior,
2 acting through, as applicable—

3 (i) the Director of the Bureau of In-
4 dian Affairs;

5 (ii) the Director of the Bureau of
6 Land Management;

7 (iii) the Commissioner of Reclamation;

8 (iv) the Director of the United States
9 Fish and Wildlife Service; and

10 (v) the Director of the National Park
11 Service; and

12 (B) the Secretary of Agriculture, with re-
13 spect to National Forest System land, acting
14 through the Chief of the Forest Service.

15 (7) SOUTHERN BORDER.—The term “southern
16 border” means the international border between the
17 United States and Mexico.

18 (b) SPECIAL USE AUTHORIZATION.—Subject to sub-
19 section (c), the Secretary concerned shall not require a
20 Border State to obtain a special use authorization for the
21 temporary placement on Federal land within the Border
22 State of a movable, temporary structure for the purpose
23 of securing the northern border or southern border, if the
24 Border State submits to the Secretary concerned notice

1 of the proposed placement not later than 45 days before
2 the date of the proposed placement.

3 (c) TEMPORARY PLACEMENT.—

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

9 (2) EXTENSION.—

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

13 (B) CONSULTATION REQUIRED.—The Sec-
14 retary concerned shall consult with the Commis-
15 sioner of U.S. Customs and Border Protection
16 for purposes of determining whether to approve
17 an extension under subparagraph (A).

18 (C) APPROVAL.—The Secretary concerned
19 shall approve a request for an extension under
20 this paragraph if the Commissioner of U.S.
21 Customs and Border Protection determines that
22 operational control has not been achieved as of
23 the date of the consultation required under sub-
24 paragraph (B).