

Border Lands Conservation Act Section by Section

Section 1. Short Title.

Section 1 provides the short title of the bill, the “Border Lands Conservation Act.”

Section 2. Definitions.

Section 2 defines key terms in the bill.

Section 3. Navigable Road Infrastructure Along Covered Federal Land.

Section 3 requires the Secretary of the Interior and the Secretary of Agriculture (“Secretaries”), in consultation with the Secretary of Homeland Security, to inventory existing roads and install, administer, and ensure access to navigable roads on covered Federal Land to deter illegal southern and northern border crossings; gain operational control of the southern and northern border; and increase the Department of Homeland Security access to covered Federal land. Further, the section requires that the Secretaries enter into cooperative agreements with the Secretary of Homeland Security to install technology on covered Federal land to deter illegal entry into the United States; and gain operation control of the southern and northern border.

Section 4. Access to Wilderness Areas.

Section 4 amends Section 4(d) Wilderness Act to authorize Secretary of Homeland Security to conduct the following activities within wilderness areas for the purposes of securing international land borders of the United States: access structures, installations, and roads; execute search and rescue operations; use motor vehicles, motorboats, and motorized equipment; and conduct patrols on foot and on horseback; use aircrafts; deploy tactical infrastructure; and construct and maintain roads and physical barriers.

Section 5. Search and Rescue.

Section 5 states that the Secretaries may not impede, prohibit, or restrict activities of the Department of Homeland Security on covered Federal land located within 100 miles of the southern or northern border to execute search and rescue operations; or to prevent unlawful entries into the United States by terrorists and unlawful aliens and instruments of terrorism, narcotics, and other contraband.

Section 6. Interagency Cooperative Agreement.

Section 6 requires the Secretary concerned to enter into cooperative agreements with the Secretary of Homeland Security to fulfill the commitments under the

memorandum of understanding entitled “Memorandum of Understanding Among U.S. Department of Homeland Security and U.S. Department of the Interior and U.S. Department of Agriculture Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States’ Borders;” or any successor to the memorandum of understanding.

Section 7. Inventory of Roads and Trails on Covered Federal Land Harmed by Illegal Aliens.

Section 7 requires that not later than one year after enactment, the Secretary concerned to inventory all previously unauthorized roads and trails on covered Federal land that have been created by illegal southern and northern border crossings. Further, not later than two years after the date on which the inventory is completed, the Secretary concerned shall determine whether each previously unauthorized road or trail has been damaged in a manner that has permanently altered its original characteristics. If so, the Secretary concerned shall enter into a cooperative agreement with the Secretary of Homeland Security to use and maintain the applicable road or trail to deter illegal entry into the United States; and to gain operational control of the southern or northern border, as applicable.

Section 8. Establishment of the Border Fuels Management Initiative.

Section 8 requires that not later than one year after the date of enactment, the Secretaries shall establish a program to be known as the “Border Fuels Management Initiative.” In carrying out the Initiative, the Secretaries shall reduce hazardous fuels on covered Federal land; address invasive or nonnative species along the covered Federal land that contribute to wildland fire risk or decrease the efficiency of U.S. Border Patrol operations; install fuel breaks along covered Federal land; set targets for acres to treat under the Initiative for each fiscal year; and in coordination with the Secretary of Homeland Security, prioritize fuels management on covered Federal land on which navigable roads are installed. Further, in carrying out the Initiative, the Secretaries shall coordinate and may enter into memoranda of understanding with the U.S. Border Patrol and State, local, and Tribal law enforcement agencies.

Section 9. Reports on Environmental Degradation and Wildland Fires Caused by Illegal Immigration.

Section 9 requires a number of different reports on the environmental degradation and wildland fires caused by illegal immigration.

Section 9(a) requires that not later than one year after enactment the Secretary concerned shall submit to the appropriate congressional committees a report

that includes a catalog of all reported incidents of environmental degradation caused and wildland fires ignited by aliens without lawful status on covered Federal land; and a description of additional resources or authorities necessary to mitigate, avoid, or prevent wildland fires and environmental degradation on covered Federal land caused by aliens without lawful immigration status crossing the southern or northern border.

Section 9(b) requires that not later than one year after enactment, the Director of the National Park Service shall submit to the appropriate congressional committees a report that includes a catalog of all reported incidents of environmental degradation and impacts on visitor safety caused by aliens without lawful immigration status at units of the National Park System; and a description of additional resources or authorities necessary to mitigate or avoid environmental degradation and impacts on visitor safety at units of the National Park System caused by aliens without lawful immigration status crossing the southern or northern border.

Section 9(c) requires that not later than one year after the date of enactment, the Director of the Fish and Wildlife Service shall submit to the appropriate congressional committees a report that includes a catalog of all reported incidents of environmental degradation, impacts on visitor safety, and limits on access to hunting and fishing caused by or as a result of aliens without lawful immigration status at units of the National Wildlife Refuge System; and a description of additional resources or authorities necessary to mitigate or avoid environmental degradation, impacts on visitor safety, and limits on access to hunting and fishing at units of the National Wildlife Refuge System caused by or as a result of aliens without lawful immigration status crossing the southern or northern border.

Section 9(d) requires that not later than one year after the date of enactment, the Comptroller General shall update the November 2011 report entitled “Arizona Border Region: Federal Agencies Could Better Utilize Law Enforcement Resources in Support of Wildland Fire Management Activities.”

Section 9(e) requires that not later than one year after the date of enactment, the Comptroller General shall submit to the appropriate congressional committees a report that describes the effects of illegal immigration on ranching and livestock industries; and any recommendations for policies that could be implemented by the Bureau of Land Management and Forest Service to compensate impacted grazing permit holders for such effects.

Section 10. Prohibition on Providing Housing to Aliens on Certain Federal Land.

Section 10 prohibits the use of Federal funds to provide housing to aliens without lawful immigration status on any land under the administrative jurisdiction of the Federal land management agencies, including through leases, contracts, or agreements. This shall not apply to a facility that is used primarily for the custody, detention, holding, processing, or removal of aliens without lawful immigration status.

Section 11. Savings Clause.

Section 11 states that nothing in this act provides authority to restrict legal uses, such as grazing, timber harvesting, oil and gas development, mining, or recreation on covered Federal land; or any additional authority to restrict legal access to covered Federal land. The section also states that this act has no force or effect on State or Private land and that nothing in this Act provides the Secretaries authority over, or access to, State or private land. Further, the section states that nothing in this act supersedes, replaces, negates, or diminishes any treaties or other agreements between the United States and Indian Tribes.