

**AMENDMENT TO THE SENATE AMENDMENT TO H.R. 5376**

**OFFERED BY MR. BUDD OF NORTH CAROLINA**

Page 36, strike line 18 and all that follows through page 41, line 24 and insert the following:

**PART 3—FUNDING THE INTERNAL REVENUE SERVICE FREE  
“DIRECT EFILE” TAX RETURN SYSTEM**

**SEC. 10301. TASK FORCE TO DESIGN AN IRS-RUN FREE “DIRECT EFILE”  
TAX RETURN SYSTEM.**

The following sums are appropriated out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022: For necessary expenses of the Internal Revenue Service to deliver to Congress, within nine months following the date of the enactment of this Act, a report on (I) the cost (including options for differential coverage based on taxpayer adjusted gross income and return complexity) of developing and running a free direct efile tax return system, including costs to build and administer each release, with a focus on multi-lingual and mobile-friendly features and safeguards for taxpayer data; (II) taxpayer opinions, expectations, and level of trust, based on surveys, for such a free direct efile system; and (III) the opinions of an independent third-party on the overall feasibility, approach, schedule, cost, organizational design, and Internal Revenue Service capacity to deliver such a direct efile tax return system, \$15,000,000, to remain available until September 30, 2023: *Provided*, That these amounts shall be in addition to amounts otherwise available for such purposes.

Page 720, after line 3 insert the following:

**PART 1—APPROPRIATIONS**

Page 723, after line 9 insert the following:

**SEC. 70008. BUILDING A BORDER WALL.**

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there is appropriated to U.S. Customs and Border Protection for procurement, construction, and improvements, \$23,000,000,000 for fiscal year 2023, to remain available until expended, for construction of physical barriers, tactical infrastructure, and technology along the international border between the United States and Mexico.

**SEC. 70009. HIRING MORE BORDER PATROL AGENTS.**

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there is appropriated to U.S. Customs and Border Protection for operations and support, \$20,177,000,000 to remain available until September 30, 2031, to hire additional border patrol agents.

**SEC. 70010. HIRING MORE IMMIGRATION AND CUSTOMS ENFORCEMENT AGENTS.**

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there is appropriated to U.S. Immigration and Customs Enforcement for operations and support, \$20,070,000,000 to remain available until September 30, 2031, to hire additional law enforcement personnel.

**PART 2—BUILD THE WALL NOW ACT**

**SEC. 70201. HIRING MORE IMMIGRATION AND CUSTOMS ENFORCEMENT AGENTS.**

This part may be cited as the “Build the Wall Now Act”.

**SEC. 70202. RESUME CONSTRUCTION OF BARRIERS AND ROADS ALONG UNITED STATES AND MEXICO BORDER.**

(a) IN GENERAL.—

(1) IMMEDIATE RESUMPTION OF BORDER BARRIER CONSTRUCTION.—Not later than 24 hours after the date of the enactment of this Act, the Secretary of Homeland Security shall resume any project relating to the construction of physical barriers, tactical infrastructure, and technology along the international border between the United States and Mexico that were underway, or being planned for, prior to January 20, 2021.

(2) NO CANCELLATIONS.—The Secretary may not cancel any contract for activities related to the construction of the border barrier system that was entered into on or before January 20, 2021.

(3) USE OF FUNDS.—To carry out this section, the Secretary shall expend all funds appropriated or explicitly obligated for the construction of the border barrier system that were appropriated or obligated, as the case may be, for use beginning October 1, 2016.

(b) UPHOLD NEGOTIATED AGREEMENTS.—The Secretary shall ensure that all agreements executed in writing between the Department and private citizens, State, local, or Tribal governments, or other stakeholders are honored by the Department relating to current and future construction of the border barrier system as required by such agreements.

(c) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, each amount appropriated or otherwise made available for any project relating to the construction of such physical barriers, tactical infrastructure, and technology for fiscal year 2018, 2019, 2020, or 2021 shall remain available until expended.

(d) USE OF FUNDS.—The amounts made available under subsection (c) for fiscal year 2021 shall only be available for barriers, technology, or roads that—

(1) use—

(A) operationally effective designs deployed as of the date of enactment of the Consolidated Appropriations Act, 2017 (Public Law 115–31), such as currently deployed steel bollard designs, that prioritize agent safety; or

(B) operationally effective adaptations of such designs that help mitigate community or environmental impacts of barrier system construction, including adaptations based on consultation with jurisdictions within which barrier system will be constructed; and

(2) are constructed in the highest priority locations as identified in the Border Security Improvement Plan.

(e) DEFINITIONS.—In this section:

(1) PHYSICAL BARRIERS.—The term “physical barriers” includes reinforced fencing, border barrier system, and levee walls.

(2) TACTICAL INFRASTRUCTURE.—The term “tactical infrastructure” includes boat ramps, access gates, checkpoints, lighting, and roads.

(3) TECHNOLOGY.—The term “technology” means border surveillance and detection technology, and includes the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Vehicle and Dismount Exploitation Radars (VADER).

(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology.

(E) Advanced unattended surveillance sensors.

(F) Mobile vehicle-mounted and man-portable surveillance capabilities.

(G) Unmanned aircraft systems.

(H) Other border detection, communication, and surveillance technology.

### **SEC. 70203. IMPROVING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.**

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, integrate, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the United States border to achieve

situational awareness and operational control of the border and deter, impede, and detect illegal activity in high traffic areas.”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “FENCING AND ROAD IMPROVEMENTS” and inserting “PHYSICAL BARRIERS”;

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “subsection (a)” and inserting “this section”;

(II) by striking “roads, lighting, cameras, and sensors” and inserting “tactical infrastructure, and technology”; and

(III) by striking “gain” and inserting “achieve situational awareness and”;

(ii) by amending subparagraph (B) to read as follows:

“(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—The Secretary, in carrying out this section, shall deploy along the United States border the most practical and effective physical barriers and tactical infrastructure available for achieving situational awareness and operational control of the border.”;

(iii) in subparagraph (C)—

(I) by amending clause (i) to read as follows:

“(i) IN GENERAL.—In carrying out this section, the Secretary shall consult with appropriate Federal agency partners, appropriate representatives of Federal, State, Tribal, and local governments, and appropriate private property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such physical barriers are to be constructed.”; and

(II) in clause (ii)—

(aa) in subclause (I), by striking “or” after the semicolon at the end;

(bb) by amending subclause (II) to read as follows:

“(II) delay the transfer to the United States of the possession of property or affect the validity of any property acquisition by the United States by purchase or eminent domain, or to otherwise affect the eminent domain laws of the United States or of any State; or”; and

(cc) by adding at the end the following new subclause:

“(III) create any right or liability for any party.”; and

(iv) by striking subparagraph (D);

(C) in paragraph (2)—

(i) by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(ii) by striking “this subsection” and inserting “this section”; and

(iii) by striking “construction of fences” and inserting “the construction of physical barriers”;

(D) by amending paragraph (3) to read as follows:

“(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security, when designing, constructing, and deploying physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, construction, or deployment of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines are necessary to maximize the safety and effectiveness of officers or agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.”; and

(E) in paragraph (4), by striking “this subsection” and inserting “this section”;

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all legal requirements the Secretary determines necessary to ensure the expeditious design, testing, construction, installation, deployment, integration, and operation of the physical barriers, tactical infrastructure, and technology under this section. Such waiver authority shall also apply with respect to any maintenance carried out on such physical barriers, tactical infrastructure, or technology. Any such decision by the Secretary shall be effective upon publication in the Federal Register.”;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) NOTIFICATION.—Not later than 7 days after the date on which the Secretary of Homeland Security exercises the waiver authority under paragraph (1), the Secretary shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of such waiver.”; and

(4) by adding at the end the following new subsections:

“(e) TECHNOLOGY.—The Secretary of Homeland Security, in carrying out this section, shall deploy along the United States border the most practical and effective technology available for achieving situational awareness and operational control of the border.

“(f) DEFINITIONS.—In this section:

“(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term ‘advanced unattended surveillance sensors’ means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

“(2) HIGH TRAFFIC AREAS.—The term ‘high traffic areas’ means areas in the vicinity of the United States border that—

“(A) are within the responsibility of U.S. Customs and Border Protection; and

“(B) have significant unlawful cross-border activity, as determined by the Secretary of Homeland Security.

“(3) OPERATIONAL CONTROL.—The term ‘operational control’ has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

“(4) PHYSICAL BARRIERS.—The term ‘physical barriers’ includes reinforced fencing, border barrier system, and levee walls.

“(5) SITUATIONAL AWARENESS.—The term ‘situational awareness’ has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

“(6) TACTICAL INFRASTRUCTURE.—The term ‘tactical infrastructure’ includes boat ramps, access gates, checkpoints, lighting, and roads.

“(7) TECHNOLOGY.—The term ‘technology’ means border surveillance and detection technology, and includes the following:

“(A) Tower-based surveillance technology.

“(B) Deployable, lighter-than-air ground surveillance equipment.

“(C) Vehicle and Dismount Exploitation Radars (VADER).

“(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology.

“(E) Advanced unattended surveillance sensors.

“(F) Mobile vehicle-mounted and man-portable surveillance capabilities.

“(G) Unmanned aircraft systems.

“(H) Other border detection, communication, and surveillance technology.

“(8) UNMANNED AIRCRAFT SYSTEM.—The term ‘unmanned aircraft system’ has the meaning given such term in section 44801 of title 49, United States Code.”.

**SEC. 70204. CODIFYING PREVIOUSLY WAIVED LEGAL REQUIREMENTS.**

Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended by adding at the end the following new paragraph:

“(4) PREVIOUSLY WAIVED LEGAL REQUIREMENTS.—

“(A) IN GENERAL.—Any project relating to the construction of physical barriers, tactical infrastructure, and technology along the international border between the United States and Mexico shall be exempt from any law or regulation described in subparagraph (B).

“(B) ELEMENTS.—The laws or regulations described in this subparagraph are the following:

“(i) An Act to facilitate the work of the Forest Service (Public Law 87–869).

“(ii) The Administrative Procedure Act (5 U.S.C. 500 et seq.).

“(iii) The American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996 et seq.).

“(iv) The Arizona Desert Wilderness Act (6 U.S.C. 460ddd et seq.).

“(v) The Arizona-Idaho Conservation Act of 1988 (Public Law 100–696).

“(vi) The Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.).

“(vii) The Clean Air Act (42 U.S.C. 7401 et seq.).

“(viii) The Clean Water Act (33 U.S.C. 1151 et seq.).

“(ix) The Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

“(x) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(xi) The Endangered Species Act (16 U.S.C. 1531 et seq.).

“(xii) The Farmland Protection Policy Act (7 U.S.C. 4201 et seq.).

“(xiii) The Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 et seq.).

“(xiv) The Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.).

“(xv) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

- “(xvi) The Fish and Wildlife Coordination Act (16 U.S.C. 662 et seq.).
- “(xvii) The Migratory Bird Conservation Act of 1929 (16 U.S.C. 715 et seq.).
- “(xviii) The Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).
- “(xix) The Military Lands Withdrawal Act of 1999 (Public Law 106–65).
- “(xx) The Multiple-Use and Sustained-Yield Act of 1960 (16 U.S.C. 583 et seq.).
- “(xxi) The National Environmental Policy Act (Public Law 91–190).
- “(xxii) The National Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).
- “(xxiii) The National Forest Management Act of 1976 (16 U.S.C. 472a et seq.).
- “(xxiv) The National Historic Preservation Act (Public Law 89–665).
- “(xxv) The National Parks and Recreation Act of 1978 (Public Law 95–625).
- “(xxvi) The National Trails System Act (16 U.S.C. 1241 et seq.).
- “(xxvii) The National Wildlife Refuge System Administration Act (16 U.S.C. 668dd et seq.).
- “(xxviii) The Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).
- “(xxix) The Noise Control Act (42 U.S.C. 4901 et seq.).
- “(xxx) The Otay Mountain Wilderness Act of 1990 (Public Law 106–145).
- “(xxxii) The Paleontological Resources Preservation Act (16 U.S.C. 470aaa et seq.).
- “(xxxii) Section 10 of the Reclamation Project Act of 1939 (43 U.S.C. 387).
- “(xxxiii) The Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).
- “(xxxiv) The Rivers and Harbors Act of 1899 (33 U.S.C. 403 et seq.).
- “(xxxv) The Safe Drinking Water Act (42 U.S.C. 300f et seq.).
- “(xxxvi) The Sikes Act (16 U.S.C. 670a et seq.).
- “(xxxvii) The Small Business Act (15 U.S.C. 631 et seq.).
- “(xxxviii) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).
- “(xxxix) The Wild and Scenic Rivers Act (16 U.S.C. 1281 et seq.).
- “(xl) The Wild Horse and Burro Act (16 U.S.C. 1331 et seq.).
- “(xli) The Wilderness Act (16 U.S.C. 1131 et seq.).
- “(xlii) Part 125 of title 13, Code of Federal Regulations.

“(xliii) Sections 16.504, 16.505, 17.205, 17.207, 22.404, 22.404–5, and 28.102–1 of title 48, Code of Federal Regulations.

“(xliv) Section 550 of title 40, United States Code.

“(xlv) Chapters 1003, 1005, 1007, 1009, 1021, 3125, 3201, and 3203 of title 54, United States Code.

“(xlvi) Division A of subtitle III of title 54, United States Code.

“(xlvii) Sections 100101(a), 100751(a), 102101 of title 54, United States Code.

“(xlviii) Sections 2304, 2304c, 2305, 2505a, and 2306a of title 10, United States Code.

“(xlix) Title 41, United States Code.”.

**SEC. 70205. PROHIBITION AGAINST USE OF FUNDS TO IMPLEMENT OR ENFORCE PRESIDENTIAL PROCLAMATION 10142.**

No funds, resources, or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency by any Act of Congress for any fiscal year, may be used to implement or enforce Presidential Proclamation 10142, issued on January 20, 2021.

At the end of the bill, insert the following:

**TITLE IX—COMMITTEE ON THE JUDICIARY**

**PART 1—REDUCING IMMIGRATION BACKLOG**

**SEC. 90101. INCREASING THE NUMBER OF AUTHORIZED IMMIGRATION JUDGES.**

(a) INCREASE IN IMMIGRATION JUDGES.—The Attorney General of the United States shall increase the total number of Immigration Judges to adjudicate pending cases and efficiently process future cases by 366 judges.

(b) NECESSARY SUPPORT STAFF FOR IMMIGRATION JUDGES.—To address the shortage of support staff for Immigration Judges, the Attorney General shall ensure that each Immigration Judge has sufficient support staff, adequate technological and security resources, and appropriate courtroom facilities.

**SEC. 90102. INCREASING THE NUMBER OF BOARD OF IMMIGRATION APPEALS ATTORNEYS.**

(a) INCREASE IN BOARD OF IMMIGRATION APPEALS ATTORNEYS.—The Attorney General shall increase the number of Board of Immigration Appeals staff attorneys by sixty attorneys.

(b) NECESSARY SUPPORT STAFF FOR BOARD OF IMMIGRATION APPEALS.—To address the shortage of support staff for the Board of Immigration appeals, the Attorney General shall ensure that the Board of Immigration Appeals and its staff attorneys has sufficient support staff and adequate technological and security resources.

**PART 2—FUNDING FOR ADDITIONAL IMMIGRATION JUDGES AND  
BOARD OF IMMIGRATION APPEALS ATTORNEYS**

**SEC. 90201. APPROPRIATIONS.**

In addition to the amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there is appropriated to the Executive Office for Immigration Review to hire additional immigration judges and Board of Immigration Appeals staff attorneys, \$3,870,000,000, to remain available until September 30, 2031.