AMENDMENT TO THE TEXT OF THE CONFERENCE REPORT TO ACCOMPANY H.R. 6157
OFFERED BY M_.

At the appropriate place, insert the following new section:

SEC. ___. CONSTRUCTION OF BORDER WALL.

(a) IMPROVEMENT OF BARRIERS AT 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.—Not later than December 31, 2019, 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, and install physical barriers, roads, and technology along the international land border between the United States and Mexico to prevent illegal crossings in all areas.”;

(2) in subsection (b)—

(A) in paragraph (1)—
(i) in the paragraph heading, by striking “ADDITIONAL FENCING” and inserting “FENCING”;

(ii) by striking subparagraph (A) and inserting the following:

“(A) PHYSICAL BARRIERS.—In carrying out subsection (a), the Secretary of Homeland Security shall construct physical barriers, including secondary barriers in locations where there is already a fence, along the international land border between the United States and Mexico that will prevent illegal entry and will assist in gaining operational control of the border (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367)).”;

(iii) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(iv) in subparagraph (B), as so redesignated—

(I) by striking clause (i) and inserting the following:
“(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall, before constructing physical barriers in a specific area or region, consult with the Secretary of the Interior, the Secretary of Agriculture, appropriate Federal, State, local, and tribal 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. Nothing in this paragraph should be construed to limit the Secretary of Homeland Security’s authority to move forward with construction after consultation.”;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i), as amended, the following new clause:

“(ii) NOTIFICATION.—Not later than 60 days after the consultation required under clause (i), the Secretary of Home-
land Security shall notify the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate of the type of physical barriers, tactical infrastructure, or technology the Secretary has determined is most practical and effective to achieve situational awareness and operational control in a specific area or region and the other alternatives the Secretary considered before making such a determination.”; and

(v) by striking subparagraph (C), as so redesignated, and inserting the following:

“(C) Limitation on Requirements.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, or roads, in a particular location along the international border between the United States and Mexico, if the Secretary determines that there is a pre-existing geographical barrier
or pre-constructed, impenetrable wall. The Secretary must notify the House and Senate Committees on the Judiciary, the House Committee on Homeland Security, and the Senate Committee on Homeland Security and Governmental Affairs of any decision not to install fencing in accordance with this provision within 30 days of a determination being made.”;

(B) in paragraph (2)—

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

(ii) by striking “fences” and inserting “physical barriers and roads”; and

(C) in paragraph (3)—

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

(ii) by striking “additional fencing” and inserting “physical barriers and roads”; and

(3) in subsection (c), 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, in the Secretary's sole discretion, determines necessary to ensure the expeditious design, testing, construction, installation, deployment, operation, and maintenance of physical barriers, roads, and technology under this section. Any such decision by the Secretary shall be effective upon publication in the Federal Register.”.

(b) Achieving Operational Control on the Border.—Subsection (a) of section 2 the Secure Fence Act of 2006 (8 U.S.C. 1701 note) is amended, in the matter preceding paragraph (1), by striking “18 months after the date of the enactment of this Act” and inserting “December 31, 2019”.

(c) Appropriations.—(1) There is hereby appropriated $25,000,000,000 for an additional amount to carry out this section.

(2) Section 230 of division F of the Consolidated Appropriations Act, 2018 is hereby repealed.

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