

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:

1 **SEC. ____ . CONSTRUCTION OF BORDER WALL.**

2 (a) IMPROVEMENT OF BARRIERS AT BORDER.—Sec-
3 tion 102 of the Illegal Immigration Reform and Immig-
4 rant Responsibility Act of 1996 (Division C of Public
5 Law 104–208; 8 U.S.C. 1103 note) is amended—

6 (1) by amending subsection (a) to read as fol-
7 lows:

8 “(a) IN GENERAL.—Not later than December 31,
9 2019, the Secretary of Homeland Security shall take such
10 actions as may be necessary (including the removal of ob-
11 stacles to detection of illegal entrants) to design, test, con-
12 struct, and install physical barriers, roads, and technology
13 along the international land border between the United
14 States and Mexico to prevent illegal crossings in all
15 areas.”;

16 (2) in subsection (b)—

17 (A) in paragraph (1)—

1 (i) in the paragraph heading, by strik-
2 ing “ADDITIONAL FENCING” and inserting
3 “FENCING”;

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

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

17 (iii) by striking subparagraph (B) and
18 redesignating subparagraphs (C) and (D)
19 as subparagraphs (B) and (C), respec-
20 tively;

21 (iv) in subparagraph (B), as so redес-
22 igned—

23 (I) by striking clause (i) and in-
24 serting the following:

1 “(i) IN GENERAL.—In carrying out
2 this section, the Secretary of Homeland
3 Security shall, before constructing physical
4 barriers in a specific area or region, con-
5 sult with the Secretary of the Interior, the
6 Secretary of Agriculture, appropriate Fed-
7 eral, State, local, and tribal governments,
8 and appropriate private property owners in
9 the United States to minimize the impact
10 on the environment, culture, commerce,
11 and quality of life for the communities and
12 residents located near the sites at which
13 such physical barriers are to be con-
14 structed. Nothing in this paragraph should
15 be construed to limit the Secretary of
16 Homeland Security’s authority to move
17 forward with construction after consulta-
18 tion.”;

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

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

23 “(ii) NOTIFICATION.—Not later than
24 60 days after the consultation required
25 under clause (i), the Secretary of Home-

1 land Security shall notify the Committees
2 on the Judiciary of the House of Rep-
3 resentatives and of the Senate, the Com-
4 mittee on Homeland Security of the House
5 of Representatives, and the Committee on
6 Homeland Security and Governmental Af-
7 fairs of the Senate of the type of physical
8 barriers, tactical infrastructure, or tech-
9 nology the Secretary has determined is
10 most practical and effective to achieve situ-
11 ational awareness and operational control
12 in a specific area or region and the other
13 alternatives the Secretary considered be-
14 fore making such a determination.”; and

15 (v) by striking subparagraph (C), as
16 so redesignated, and inserting the fol-
17 lowing:

18 “(C) LIMITATION ON REQUIREMENTS.—
19 Notwithstanding subparagraph (A), nothing in
20 this paragraph shall require the Secretary of
21 Homeland Security to install fencing, physical
22 barriers, or roads, in a particular location along
23 the international border between the United
24 States and Mexico, if the Secretary determines
25 that there is a pre-existing geographical barrier

1 or pre-constructed, impenetrable wall. The Sec-
2 retary must notify the House and Senate Com-
3 mittees on the Judiciary, the House Committee
4 on Homeland Security, and the Senate Com-
5 mittee on Homeland Security and Govern-
6 mental Affairs of any decision not to install
7 fencing in accordance with this provision within
8 30 days of a determination being made.”;

9 (B) in paragraph (2)—

10 (i) by striking “Attorney General”
11 and inserting “Secretary of Homeland Se-
12 curity”; and

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

15 (C) in paragraph (3)—

16 (i) by striking “Attorney General”
17 and inserting “Secretary of Homeland Se-
18 curity”; and

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

22 (3) in subsection (c), by amending paragraph
23 (1) to read as follows:

24 “(1) IN GENERAL.—Notwithstanding any other
25 provision of law, the Secretary of Homeland Security

1 shall have the authority to waive all legal require-
2 ments the Secretary, in the Secretary's sole discre-
3 tion, determines necessary to ensure the expeditious
4 design, testing, construction, installation, deploy-
5 ment, operation, and maintenance of physical bar-
6 riers, roads, and technology under this section. Any
7 such decision by the Secretary shall be effective
8 upon publication in the Federal Register.”.

9 (b) ACHIEVING OPERATIONAL CONTROL ON THE
10 BORDER.—Subsection (a) of section 2 the Secure Fence
11 Act of 2006 (8 U.S.C. 1701 note) is amended, in the mat-
12 ter preceding paragraph (1), by striking “18 months after
13 the date of the enactment of this Act” and inserting “De-
14 cember 31, 2019”.

15 (c) APPROPRIATIONS.—(1) There is hereby appro-
16 priated \$25,000,000,000 for an additional amount to
17 carry out this section.

18 (2) Section 230 of division F of the Consolidated Ap-
19 propriations Act, 2018 is hereby repealed.

