

**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:

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

**4 SEC. 10301. TASK FORCE TO DESIGN AN IRS-RUN FREE “DI-
5 RECT EFILE” TAX RETURN SYSTEM.**

6 The following sums are appropriated out of any
7 money in the Treasury not otherwise appropriated, for the
8 fiscal year ending September 30, 2022: For necessary ex-
9 penses of the Internal Revenue Service to deliver to Con-
10 gress, within nine months following the date of the enact-
11 ment of this Act, a report on (I) the cost (including op-
12 tions for differential coverage based on taxpayer adjusted
13 gross income and return complexity) of developing and
14 running a free direct efile tax return system, including
15 costs to build and administer each release, with a focus
16 on multi-lingual and mobile-friendly features and safe-
17 guards for taxpayer data; (II) taxpayer opinions, expecta-
18 tions, and level of trust, based on surveys, for such a free

1 direct efile system; and (III) the opinions of an inde-
2 pendent third-party on the overall feasibility, approach,
3 schedule, cost, organizational design, and Internal Rev-
4 enue Service capacity to deliver such a direct efile tax re-
5 turn system, \$15,000,000, to remain available until Sep-
6 tember 30, 2023: *Provided*, That these amounts shall be
7 in addition to amounts otherwise available for such pur-
8 poses.

Page 720, after line 3, insert the following:

9 **PART 1—APPROPRIATIONS**

Page 723, after line 9, insert the following:

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

11 In addition to amounts otherwise available, out of any
12 money in the Treasury not otherwise appropriated, there
13 is appropriated to U.S. Customs and Border Protection
14 for procurement, construction, and improvements,
15 \$23,000,000,000 for fiscal year 2023, to remain available
16 until expended, for construction of physical barriers, tac-
17 tical infrastructure, and technology along the international
18 border between the United States and Mexico.

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

20 In addition to amounts otherwise available, out of any
21 money in the Treasury not otherwise appropriated, there
22 is appropriated to U.S. Customs and Border Protection

1 for operations and support, \$20,177,000,000 to remain
2 available until September 30, 2031, to hire additional bor-
3 der patrol agents.

4 **SEC. 70010. HIRING MORE IMMIGRATION AND CUSTOMS EN-**
5 **FORCEMENT AGENTS.**

6 In addition to amounts otherwise available, out of any
7 money in the Treasury not otherwise appropriated, there
8 is appropriated to U.S. Immigration and Customs En-
9 forcement for operations and support, \$20,070,000,000 to
10 remain available until September 30, 2031, to hire addi-
11 tional agents for Enforcement and Removal Operations.

12 **PART 2—BUILD THE WALL NOW ACT**

13 **SEC. 70201. SHORT TITLE.**

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

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

19 (a) IN GENERAL.—

20 (1) IMMEDIATE RESUMPTION OF BORDER BAR-
21 RIER CONSTRUCTION.—Not later than 24 hours
22 after the date of the enactment of this Act, the Sec-
23 retary of Homeland Security shall resume any
24 project relating to the construction of physical bar-
25 riers, tactical infrastructure, and technology along

1 the international border between the United States
2 and Mexico that were underway, or being planned
3 for, prior to January 20, 2021.

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

8 (3) USE OF FUNDS.—To carry out this section,
9 the Secretary shall expend all funds appropriated or
10 explicitly obligated for the construction of the border
11 barrier system that were appropriated or obligated,
12 as the case may be, for use beginning October 1,
13 2016.

14 (b) UPHOLD NEGOTIATED AGREEMENTS.—The Sec-
15 retary shall ensure that all agreements executed in writing
16 between the Department and private citizens, State, local,
17 or Tribal governments, or other stakeholders are honored
18 by the Department relating to current and future con-
19 struction of the border barrier system as required by such
20 agreements.

21 (c) AVAILABILITY OF FUNDS.—Notwithstanding any
22 other provision of law, each amount appropriated or other-
23 wise made available for any project relating to the con-
24 struction of such physical barriers, tactical infrastructure,

1 and technology for fiscal year 2018, 2019, 2020, or 2021
2 shall remain available until expended.

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

6 (1) use—

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

12 (B) operationally effective adaptations of
13 such designs that help mitigate community or
14 environmental impacts of barrier system con-
15 struction, including adaptations based on con-
16 sultation with jurisdictions within which barrier
17 system will be constructed; and

18 (2) are constructed in the highest priority loca-
19 tions as identified in the Border Security Improve-
20 ment Plan.

21 (e) DEFINITIONS.—In this section:

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

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

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

7 (A) Tower-based surveillance technology.

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

10 (C) Vehicle and Dismount Exploitation Ra-
11 dars (VADER).

12 (D) 3-dimensional, seismic acoustic detec-
13 tion and ranging border tunneling detection
14 technology.

15 (E) Advanced unattended surveillance sen-
16 sors.

17 (F) Mobile vehicle-mounted and man-port-
18 able surveillance capabilities.

19 (G) Unmanned aircraft systems.

20 (H) Other border detection, communica-
21 tion, and surveillance technology.

1 **SEC. 70203. IMPROVING THE REQUIREMENTS FOR BAR-**
2 **RIERS ALONG THE SOUTHERN BORDER.**

3 Section 102 of the Illegal Immigration Reform and
4 Immigrant Responsibility Act of 1996 (division C of Pub-
5 lic 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.—The Secretary of Homeland Se-
9 curity shall take such actions as may be necessary (includ-
10 ing the removal of obstacles to detection of illegal en-
11 trants) to design, test, construct, install, deploy, integrate,
12 and operate physical barriers, tactical infrastructure, and
13 technology in the vicinity of the United States border to
14 achieve situational awareness and operational control of
15 the border and deter, impede, and detect illegal activity
16 in high traffic areas.”;

17 (2) in subsection (b)—

18 (A) in the subsection heading, by striking
19 “FENCING AND ROAD IMPROVEMENTS” and in-
20 serting “PHYSICAL BARRIERS”;

21 (B) in paragraph (1)—

22 (i) in subparagraph (A)—

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

25 (II) by striking “roads, lighting,
26 cameras, and sensors” and inserting

1 “tactical infrastructure, and tech-
2 nology”; and

3 (III) by striking “gain” and in-
4 serting “achieve situational awareness
5 and”;

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

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

15 (iii) in subparagraph (C)—

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

18 “(i) IN GENERAL.—In carrying out
19 this section, the Secretary shall consult
20 with appropriate Federal agency partners,
21 appropriate representatives of Federal,
22 State, Tribal, and local governments, and
23 appropriate private property owners in the
24 United States to minimize the impact on
25 the environment, culture, commerce, and

1 quality of life for the communities and
2 residents located near the sites at which
3 such physical barriers are to be con-
4 structed.”; and

5 (II) in clause (ii)—

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

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

11 “(II) delay the transfer to the
12 United States of the possession of
13 property or affect the validity of any
14 property acquisition by the United
15 States by purchase or eminent do-
16 main, or to otherwise affect the emi-
17 nent domain laws of the United States
18 or of any State; or”;

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

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

23 (iv) by striking subparagraph (D);

24 (C) in paragraph (2)—

1 (i) by striking “Attorney General”
2 and inserting “Secretary of Homeland Se-
3 curity”;

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

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

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

11 “(3) AGENT SAFETY.—In carrying out this sec-
12 tion, the Secretary of Homeland Security, when de-
13 signing, constructing, and deploying physical bar-
14 riers, tactical infrastructure, or technology, shall in-
15 corporate such safety features into such design, con-
16 struction, or deployment of such physical barriers,
17 tactical infrastructure, or technology, as the case
18 may be, that the Secretary determines are necessary
19 to maximize the safety and effectiveness of officers
20 or agents of the Department of Homeland Security
21 or of any other Federal agency deployed in the vicin-
22 ity of such physical barriers, tactical infrastructure,
23 or technology.”; and

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

1 (3) in subsection (c)—

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

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, the Secretary of Homeland Security
6 shall have the authority to waive all legal require-
7 ments the Secretary determines necessary to ensure
8 the expeditious design, testing, construction, instal-
9 lation, deployment, integration, and operation of the
10 physical barriers, tactical infrastructure, and tech-
11 nology under this section. Such waiver authority
12 shall also apply with respect to any maintenance car-
13 ried out on such physical barriers, tactical infra-
14 structure, or technology. Any such decision by the
15 Secretary shall be effective upon publication in the
16 Federal Register.”;

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

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

21 “(2) NOTIFICATION.—Not later than 7 days
22 after the date on which the Secretary of Homeland
23 Security exercises the waiver authority under para-
24 graph (1), the Secretary shall notify the Committee
25 on Homeland Security of the House of Representa-

1 tives and the Committee on Homeland Security and
2 Governmental Affairs of the Senate of such waiver.”;
3 and

4 (4) by adding at the end the following new sub-
5 sections:

6 “(e) TECHNOLOGY.—The Secretary of Homeland Se-
7 curity, in carrying out this section, shall deploy along the
8 United States border the most practical and effective tech-
9 nology available for achieving situational awareness and
10 operational control of the border.

11 “(f) DEFINITIONS.—In this section:

12 “(1) ADVANCED UNATTENDED SURVEILLANCE
13 SENSORS.—The term ‘advanced unattended surveil-
14 lance sensors’ means sensors that utilize an onboard
15 computer to analyze detections in an effort to dis-
16 cern between vehicles, humans, and animals, and ul-
17 timately filter false positives prior to transmission.

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

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

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

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

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

8 “(5) SITUATIONAL AWARENESS.—The term ‘sit-
9 uational awareness’ has the meaning given such
10 term in section 1092(a)(7) of the National Defense
11 Authorization Act for Fiscal Year 2017 (Public Law
12 114–328; 6 U.S.C. 223(a)(7)).

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

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

19 “(A) Tower-based surveillance technology.

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

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

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

4 “(E) Advanced unattended surveillance
5 sensors.

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

8 “(G) Unmanned aircraft systems.

9 “(H) Other border detection, communica-
10 tion, and surveillance technology.

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

15 **SEC. 70204. CODIFYING PREVIOUSLY WAIVED LEGAL RE-**
16 **QUIREMENTS.**

17 Section 102(c) of the Illegal Immigration Reform and
18 Immigrant Responsibility Act of 1996 (division C of Pub-
19 lic Law 104–208; 8 U.S.C. 1103 note) is amended by add-
20 ing at the end the following new paragraph:

21 “(4) PREVIOUSLY WAIVED LEGAL REQUIRE-
22 MENTS.—

23 “(A) IN GENERAL.—Any project relating
24 to the construction of physical barriers, tactical
25 infrastructure, and technology along the inter-

1 national border between the United States and
2 Mexico shall be exempt from any law or regula-
3 tion described in subparagraph (B).

4 “(B) ELEMENTS.—The laws or regulations
5 described in this subparagraph are the fol-
6 lowing:

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

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

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

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

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

18 “(vi) The Bald and Golden Eagle Pro-
19 tection Act (16 U.S.C. 668 et seq.).

20 “(vii) The Clean Air Act (42 U.S.C.
21 7401 et seq.).

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

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

1 “(x) The Comprehensive Environ-
2 mental Response, Compensation, and Li-
3 ability Act of 1980 (42 U.S.C. 9601 et
4 seq.).

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

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

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

12 “(xiv) The Federal Grant and Cooper-
13 ative Agreement Act of 1977 (31 U.S.C.
14 6301 et seq.).

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

18 “(xvi) The Fish and Wildlife Coordi-
19 nation Act (16 U.S.C. 662 et seq.).

20 “(xvii) The Migratory Bird Conserva-
21 tion Act of 1929 (16 U.S.C. 715 et seq.).

22 “(xviii) The Migratory Bird Treaty
23 Act (16 U.S.C. 703 et seq.).

24 “(xix) The Military Lands Withdrawal
25 Act of 1999 (Public Law 106–65).

1 “(xx) The Multiple-Use and Sus-
2 tained-Yield Act of 1960 (16 U.S.C. 583 et
3 seq.).

4 “(xxi) The National Environmental
5 Policy Act (Public Law 91–190).

6 “(xxii) The National Fish and Wildlife
7 Act of 1956 (16 U.S.C. 742a et seq.).

8 “(xxiii) The National Forest Manage-
9 ment Act of 1976 (16 U.S.C. 472a et
10 seq.).

11 “(xxiv) The National Historic Preser-
12 vation Act (Public Law 89–665).

13 “(xxv) The National Parks and Recre-
14 ation Act of 1978 (Public Law 95–625).

15 “(xxvi) The National Trails System
16 Act (16 U.S.C. 1241 et seq.).

17 “(xxvii) The National Wildlife Refuge
18 System Administration Act (16 U.S.C.
19 668dd et seq.).

20 “(xxviii) The Native American Graves
21 Protection and Repatriation Act (25
22 U.S.C. 3001 et seq.).

23 “(xxix) The Noise Control Act (42
24 U.S.C. 4901 et seq.).

1 “(xxx) The Otay Mountain Wilderness
2 Act of 1990 (Public Law 106–145).

3 “(xxxi) The Paleontological Resources
4 Preservation Act (16 U.S.C. 470aaa et
5 seq.).

6 “(xxxii) Section 10 of the Reclamation
7 Project Act of 1939 (43 U.S.C. 387).

8 “(xxxiii) The Resource Conservation
9 and Recovery Act (42 U.S.C. 6901 et
10 seq.).

11 “(xxxiv) The Rivers and Harbors Act
12 of 1899 (33 U.S.C. 403 et seq.).

13 “(xxxv) The Safe Drinking Water Act
14 (42 U.S.C. 300f et seq.).

15 “(xxxvi) The Sikes Act (16 U.S.C.
16 670a et seq.).

17 “(xxxvii) The Small Business Act (15
18 U.S.C. 631 et seq.).

19 “(xxxviii) The Solid Waste Disposal
20 Act (42 U.S.C. 6901 et seq.).

21 “(xxxix) The Wild and Scenic Rivers
22 Act (16 U.S.C. 1281 et seq.).

23 “(xl) The Wild Horse and Burro Act
24 (16 U.S.C. 1331 et seq.).

1 “(xli) The Wilderness Act (16 U.S.C.
2 1131 et seq.).

3 “(xlii) Part 125 of title 13, Code of
4 Federal Regulations.

5 “(xliii) Sections 16.504, 16.505,
6 17.205, 17.207, 22.404, 22.404–5, and
7 28.102–1 of title 48, Code of Federal Reg-
8 ulations.

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

11 “(xlv) Chapters 1003, 1005, 1007,
12 1009, 1021, 3125, 3201, and 3203 of title
13 54, United States Code.

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

16 “(xlvii) Sections 100101(a),
17 100751(a), 102101 of title 54, United
18 States Code.

19 “(xlviii) Sections 2304, 2304c, 2305,
20 2505a, and 2306a of title 10, United
21 States Code.

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

1 **SEC. 70205. PROHIBITION AGAINST USE OF FUNDS TO IM-**
2 **PLEMENT OR ENFORCE PRESIDENTIAL**
3 **PROCLAMATION 10142.**

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

At the end of the bill, insert the following:

9 **TITLE IX—COMMITTEE ON THE**
10 **JUDICIARY**

11 **PART 1—REDUCING IMMIGRATION BACKLOG**

12 **SEC. 90101. INCREASING THE NUMBER OF AUTHORIZED IM-**
13 **MIGRATION JUDGES.**

14 (a) **INCREASE IN IMMIGRATION JUDGES.**—The Attor-
15 ney General of the United States shall increase the total
16 number of Immigration Judges to adjudicate pending
17 cases and efficiently process future cases by 366 judges.

18 (b) **NECESSARY SUPPORT STAFF FOR IMMIGRATION**
19 **JUDGES.**—To address the shortage of support staff for
20 Immigration Judges, the Attorney General shall ensure
21 that each Immigration Judge has sufficient support staff,
22 adequate technological and security resources, and appro-
23 priate courtroom facilities.

1 **SEC. 90102. INCREASING THE NUMBER OF BOARD OF IMMI-**
2 **GRATION APPEALS ATTORNEYS.**

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

7 (b) NECESSARY SUPPORT STAFF FOR BOARD OF IM-
8 MIGRATION APPEALS.—To address the shortage of sup-
9 port staff for the Board of Immigration appeals, the At-
10 torney General shall ensure that the Board of Immigration
11 Appeals and its staff attorneys has sufficient support staff
12 and adequate technological and security resources.

13 **PART 2—FUNDING FOR ADDITIONAL IMMIGRA-**
14 **TION JUDGES AND BOARD OF IMMIGRATION**
15 **APPEALS ATTORNEYS**

16 **SEC. 90201. APPROPRIATIONS.**

17 In addition to the amounts otherwise available, out
18 of any money in the Treasury not otherwise appropriated,
19 there is appropriated to the Executive Office for Immigra-
20 tion Review to hire additional immigration judges and
21 Board of Immigration Appeals staff attorneys,
22 \$3,870,000,000, to remain available until September 30,
23 2031.

