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 “DI-
RECT 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 ex-
penses of the Internal Revenue Service to deliver to Con-
gress, within nine months following the date of the enact-
ment of this Act, a report on (I) the cost (including op-
tions 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 safe-
guards for taxpayer data; (II) taxpayer opinions, expecta-
tions, 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 bor-
der patrol agents.

SEC. 70010. HIRING MORE IMMIGRATION AND CUSTOMS EN-
FORCEMENT 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 En-
forcement for operations and support, $20,070,000,000 to
remain available until September 30, 2031, to hire addi-
tional agents for Enforcement and Removal Operations.

PART 2—BUILD THE WALL NOW ACT

SEC. 70201. SHORT TITLE.

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 BARR-
RIER CONSTRUCTION.—Not later than 24 hours
after the date of the enactment of this Act, the Sec-
retary of Homeland Security shall resume any
project relating to the construction of physical bar-
riers, 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 BAR-
RIERS ALONG THE SOUTHERN BORDER.

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

(1) by amending subsection (a) to read as fol-

lows:

“(a) IN GENERAL.—The Secretary of Homeland Se-
curity shall take such actions as may be necessary (includ-
ing the removal of obstacles to detection of illegal en-
trants) 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 in-
serting “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 con-
structed.”; 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 do-
main, or to otherwise affect the emi-
inent 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 (e)—

(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 Representa-
tives 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 sub-
sections:
“(e) TECHNOLOGY.—The Secretary of Homeland Se-
curity, in carrying out this section, shall deploy along the
United States border the most practical and effective tech-
ology 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 surveil-
ance sensors’ means sensors that utilize an onboard
computer to analyze detections in an effort to dis-
cern between vehicles, humans, and animals, and ul-
timately 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 inter-
national 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.).


“(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.).


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


“(xvi) The Fish and Wildlife Coordination Act (16 U.S.C. 662 et seq.).


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


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

“(xxxi) The Paleontological Resources Preservation Act (16 U.S.C. 470aaa 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.).


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


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


“(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.