

AMENDMENT TO RULES COMMITTEE PRINT 119-8
OFFERED BY MR. CUELLAR OF TEXAS

At the end of subtitle B of title XVII, add the following new section:

1 **SEC. 17 ____ . BORDER INFRASTRUCTURE AND ACCESS IM-**
2 **PROVEMENT FOR NATIONAL SECURITY OP-**
3 **ERATIONS.**

4 (a) **AUTHORITY.**—The Secretary of Defense (referred
5 to in this section as the “Secretary”), in coordination with
6 the Secretary of Homeland Security and the Secretary of
7 Transportation, may carry out a program to be known as
8 the “Border Infrastructure and Access Improvement Pro-
9 gram” (referred to in this section as the “Program”) to
10 enhance mobility, terrain access, and operational visibility
11 for United States armed forces and law enforcement con-
12 ducting national security and border enforcement missions
13 along international boundary waterways.

14 (b) **PROGRAM ACTIVITIES.**—Subject to the limita-
15 tions under this section, the Program may include—

16 (1) construction, expansion, or hardening of
17 roads, bridges, and rights-of-way adjacent to inter-
18 national river boundaries;

1 (2) vegetation and biomass management, in-
2 cluding removal of invasive or concealing plant spe-
3 cies, and removal, restoration, or stabilization of
4 river islands and other obstructions that materially
5 impede visibility or movement; and

6 (3) improvement or stabilization of riverine ac-
7 cess points to support patrols, surveillance, emer-
8 gency response, and interdiction operations.

9 (c) PILOT PROGRAM.—Subject to the availability of
10 appropriations, beginning not later than 30 days after the
11 date of enactment of this Act, the Secretary shall imple-
12 ment pilot projects under the Program to validate oper-
13 ational approaches and capabilities, including projects that
14 improve border infrastructure and access, and may expand
15 the Program in subsequent fiscal years as the Secretary
16 determines appropriate.

17 (d) CONDITIONS, PARTICIPATION, AND FUNDING.—
18 The Secretary may only carry out the Program in jurisdic-
19 tions—

20 (1) that share an international river boundary
21 with Mexico; and

22 (2) that the Secretary of Homeland Security
23 has designated as high-priority for interdiction or
24 operational access.

1 (e) LANDOWNER CONSENT.—Prior to carrying out
2 Program activities on non-Federal land, the Secretary
3 shall, to the maximum extent practicable, obtain the land-
4 owner’s written consent and enter into a written agree-
5 ment addressing scope, access, liability, environmental
6 safeguards, and maintenance.

7 (f) CONSULTATION REQUIREMENTS.—

8 (1) CONSULTATION WITH THE INTERNATIONAL
9 BOUNDARY AND WATER COMMISSION.—In carrying
10 out the Program, the Secretary shall consult with
11 the International Boundary and Water Commission
12 and other appropriate binational or international
13 water authorities that control or manage land along
14 the boundary waterways regarding access, best prac-
15 tices, and environmental protections.

16 (2) CONSULTATION WITH TRIBAL GOVERN-
17 MENTS.—In carrying out the Program, the Sec-
18 retary shall consult with Tribal governments, as ap-
19 propriate.

20 (g) COMPLIANCE WITH ENVIRONMENTAL LAWS.—
21 The Program shall be carried out in compliance with ap-
22 plicable Federal and State environmental laws, including
23 the National Environmental Policy Act and the Endan-
24 gered Species Act, and, except to the extent there is an
25 imminent and substantial national security risk, any envi-

1 ronmental review required under such a law shall be com-
2 pleted prior to beginning any persistent construction or
3 vegetation-clearance under the Program.

4 (h) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, and annually thereafter, the Sec-
6 retary of Defense and the Secretary of Homeland Security
7 shall jointly submit a report to the Committees on Armed
8 Services of the House of Representatives and of the Sen-
9 ate and to the Committees on Appropriations of the House
10 of Representatives and of the Senate on the implementa-
11 tion of the Program, including—

12 (1) the location of each project carried out
13 under the Program;

14 (2) the funding sources for each such project;

15 (3) the number of miles of infrastructure that
16 were improved under the Program;

17 (4) the number of acres of vegetation managed
18 under the Program;

19 (5) the environmental mitigation measures ap-
20 plied under the Program; and

21 (6) the measured operational outcomes as a re-
22 sult of the Program, including changes in response
23 times and interdictions materially enabled.

