

118TH CONGRESS  
2D SESSION

# H. R. 7229

To appropriate \$25,000,000,000 for the construction of a border wall between the United States and Mexico, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2024

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Homeland Security, Energy and Commerce, Financial Services, the Judiciary, Agriculture, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To appropriate \$25,000,000,000 for the construction of a border wall between the United States and Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “WALL Act of 2024”.

5 **SEC. 2. MANDATORY SPENDING FOR BORDER WALL.**

6 (a) IN GENERAL.—There is appropriated  
7 \$25,000,000,000 for the purpose of constructing a phys-

1 ical barrier along the southern border of the United  
2 States.

3 (b) AVAILABILITY.—Amounts appropriated under  
4 subsection (a) shall remain available until expended for  
5 the purpose described in subsection (a).

6 **SEC. 3. OFFSETS.**

7 (a) ELIGIBILITY FOR CHILD TAX CREDIT.—

8 (1) IN GENERAL.—Section 24(e) of the Internal  
9 Revenue Code of 1986 is amended to read as fol-  
10 lows:

11 “(e) IDENTIFICATION REQUIREMENTS.—

12 “(1) IN GENERAL.—No credit shall be allowed  
13 under this section to a taxpayer with respect to any  
14 qualifying child unless the taxpayer includes on the  
15 return of tax for the taxable year—

16 “(A) the name of such qualifying child,  
17 and

18 “(B) the valid identification number of the  
19 taxpayer (and, in the case of a joint return, the  
20 taxpayer’s spouse) and such qualifying child.

21 “(2) VALID IDENTIFICATION NUMBER.—

22 “(A) IN GENERAL.—For purposes of this  
23 subsection, the term ‘valid identification num-  
24 ber’ means—

1           “(i) in the case of the taxpayer and  
2           any spouse of the taxpayer, a social secu-  
3           rity number issued to the individual by the  
4           Social Security Administration on or before  
5           the due date for filing the return for the  
6           taxable year, and

7           “(ii) in the case of a qualifying child,  
8           a social security number issued to such  
9           child by the Social Security Administration  
10          on or before the due date for filing such  
11          return.

12          “(B) EXCEPTION FOR INDIVIDUALS PRO-  
13          HIBITED FROM ENGAGING IN EMPLOYMENT IN  
14          UNITED STATES.—For purposes of subpara-  
15          graph (A)(i) and subsection (h)(4)(C), the term  
16          ‘social security number’ shall not include the so-  
17          cial security number of an individual who is  
18          prohibited from engaging in employment in the  
19          United States.”.

20          (2) CONFORMING AMENDMENTS.—Subsection  
21          (h) of section 24 of the Internal Revenue Code of  
22          1986 is amended—

23                  (A) in paragraph (1), by striking “(7)”  
24                  and inserting “(6)”,

1 (B) in paragraph (4), by amending sub-  
2 paragraph (C) to read as follows:

3 “(C) SOCIAL SECURITY NUMBER RE-  
4 QUIRED.—Subparagraph (A) shall not apply  
5 with respect to any dependent of the taxpayer  
6 unless the taxpayer includes on the return of  
7 tax for the taxable year, for both the taxpayer  
8 and the dependent, a social security number  
9 issued to each such individual by the Social Se-  
10 curity Administration on or before the due date  
11 for filing such return.”, and

12 (C) by striking paragraph (7).

13 (3) EFFECTIVE DATE.—The amendments made  
14 by this subsection shall apply to taxable years end-  
15 ing after the date of the enactment of this Act.

16 (b) INDIVIDUALS PROHIBITED FROM ENGAGING IN  
17 EMPLOYMENT IN UNITED STATES NOT ELIGIBLE FOR  
18 EARNED INCOME TAX CREDIT.—

19 (1) IN GENERAL.—Subsection (m) of section 32  
20 of the Internal Revenue Code of 1986 is amended to  
21 read as follows:

22 “(m) IDENTIFICATION NUMBERS.—

23 “(1) IN GENERAL.—Solely for purposes of sub-  
24 sections (c)(1)(E) and (c)(3)(D), a taxpayer identi-  
25 fication number means a social security number

1 issued to an individual by the Social Security Ad-  
2 ministration on or before the due date for filing the  
3 return for the taxable year.

4 “(2) EXCEPTION FOR INDIVIDUALS PROHIB-  
5 ITED FROM ENGAGING IN EMPLOYMENT IN UNITED  
6 STATES.—For purposes of paragraph (1), in the  
7 case of subsection (c)(1)(E), the term ‘social security  
8 number’ shall not include the social security number  
9 of an individual who is prohibited from engaging in  
10 employment in the United States.”.

11 (2) EFFECTIVE DATE.—The amendment made  
12 by this subsection shall apply to taxable years end-  
13 ing after the date of the enactment of this Act.

14 (c) IDENTIFICATION REQUIREMENT FOR AMERICAN  
15 OPPORTUNITY AND LIFETIME LEARNING CREDITS.—

16 (1) IN GENERAL.—Section 25A(g)(1) of the In-  
17 ternal Revenue Code of 1986 is amended by adding  
18 at the end the following new subparagraph:

19 “(C) SOCIAL SECURITY NUMBER RE-  
20 QUIRED.—

21 “(i) IN GENERAL.—For purposes of  
22 this paragraph, the term ‘taxpayer identi-  
23 fication number’ means a social security  
24 number issued to an individual by the So-  
25 cial Security Administration.

1                   “(ii) EXCEPTION FOR INDIVIDUALS  
2                   PROHIBITED FROM ENGAGING IN EMPLOY-  
3                   MENT IN UNITED STATES.—For purposes  
4                   of clause (i), the term ‘social security num-  
5                   ber’ shall not include the social security  
6                   number of an individual who is prohibited  
7                   from engaging in employment in the  
8                   United States.”.

9                   (2) EFFECTIVE DATE.—The amendment made  
10                  by this subsection shall apply to all taxable years  
11                  ending after the date of the enactment of this Act.

12                  (d) FEES FOR FILING A TAX RETURN USING AN  
13 ITIN.—

14                  (1) IN GENERAL.—Section 6109(i) of the Inter-  
15                  nal Revenue Code of 1986 is amended by adding at  
16                  the end the following new paragraph:

17                  “(5) FEE FOR FILING TAX RETURN USING AN  
18 ITIN.—

19                  “(A) IN GENERAL.—In the case of any in-  
20                  dividual income tax return filed by a taxpayer  
21                  residing in the United States, the Secretary  
22                  shall require the taxpayer to pay a fee for each  
23                  such return filed in an amount equal to the  
24                  product of—

1           “(i) the total number of individuals  
2           included on such return (including any  
3           spouse or dependent of the taxpayer) with  
4           respect to whom an individual taxpayer  
5           identification number has been issued,  
6           multiplied by

7           “(ii) \$300.

8           “(B) EXCEPTION.—Subparagraph (A)  
9           shall not apply to any individual who has re-  
10          ported to the Secretary that their social security  
11          number has been subject to theft, misuse, or  
12          misappropriation by another person.”.

13          (2) EFFECTIVE DATE.—The amendment made  
14          by this subsection shall apply to returns the due  
15          date for which (determined without regard to exten-  
16          sions) is after the date of the enactment of this Act.

17          (e) ENSURING VALIDITY OF SOCIAL SECURITY NUM-  
18          BERS.—

19               (1) IN GENERAL.—Section 6109 of the Internal  
20          Revenue Code of 1986 is amended by inserting after  
21          subsection (d) the following new subsection:

22               “(e) CONFIRMATION OF SOCIAL SECURITY NUM-  
23          BERS.—For purposes of paragraphs (1) and (3) of sub-  
24          section (a), the Secretary, in coordination with the Com-  
25          missioner of Social Security, shall verify that any social

1 security account number submitted by a person, or with  
2 respect to another person, in any return, statement, or  
3 other document is—

4 “(1) the correct social security account number  
5 as issued to such person by the Commissioner of So-  
6 cial Security, and

7 “(2) valid and otherwise unexpired as of the  
8 date of submission of such return, statement, or  
9 other document.”.

10 (2) EFFECTIVE DATE.—The amendment made  
11 by this subsection shall apply to returns, statements,  
12 and other documents submitted after the date of the  
13 enactment of this Act.

14 (f) REQUIRING AGENCIES TO USE E-VERIFY TO  
15 CONFIRM SATISFACTORY IMMIGRATION STATUS FOR ELI-  
16 GIBILITY FOR CERTAIN FEDERALLY FUNDED BENE-  
17 FITS.—

18 (1) IN GENERAL.—Section 1137(a) of the So-  
19 cial Security Act (42 U.S.C. 1320b-7(a)) is amend-  
20 ed—

21 (A) in paragraph (6), by striking “; and”  
22 and inserting a semicolon;

23 (B) in paragraph (7), by striking the pe-  
24 riod at the end and inserting “; and”; and

25 (C) by adding at the end the following:



1           “(8) with respect to any applicant for, or recipi-  
2           ent of, benefits under a program listed in subsection  
3           (b) who is a noncitizen and whose eligibility for such  
4           benefits is conditional upon such applicant or recipi-  
5           ent having an immigration status that allows the ap-  
6           plicant or recipient to work in the United States, the  
7           State agency administering such program shall use  
8           the employment eligibility confirmation program de-  
9           scribed in section 403(a) of the Illegal Immigration  
10          Reform and Immigrant Responsibility Act of 1996  
11          (8 U.S.C. 1324a note) (also known as ‘E-Verify’) to  
12          confirm that such applicant or recipient has such  
13          status, and shall deny eligibility for such benefits to  
14          any such applicant or recipient who does not have  
15          such status.”.

16           (2) FEDERAL HOUSING PROGRAMS.—

17           (A) Section 8(o)(6) of the United States  
18          Housing Act of 1937 (42 U.S.C. 1437f(o)(6)) is  
19          amended by adding at the end the following:

20           “(D) VERIFICATION OF IMMIGRATION STA-  
21          TUS.—For each dwelling unit for which a hous-  
22          ing assistance payment contract is established  
23          under this subsection, the public housing agen-  
24          cy shall, with respect to any prospective tenant  
25          of the dwelling unit who is a noncitizen and

1 whose eligibility for assistance is conditional  
2 upon the tenant having an immigration status  
3 that allows the tenant to work in the United  
4 States, use the employment eligibility confirma-  
5 tion program described in section 403(a) of the  
6 Illegal Immigration Reform and Immigrant Re-  
7 sponsibility Act of 1996 (8 U.S.C. 1324a note)  
8 (commonly known as ‘E-Verify’) to confirm  
9 that the tenant has such status and shall deny  
10 eligibility for such assistance to any tenant who  
11 does not have such status.”.

12 (B) Section 8(o)(13) of the United States  
13 Housing Act of 1937 (42 U.S.C. 1437f(o)(13))  
14 is amended by adding at the end the following:

15 “(P) VERIFICATION OF IMMIGRATION STA-  
16 TUS.—For each dwelling unit in a project for  
17 which a housing assistance payment contract is  
18 established under this subsection, the public  
19 housing agency shall, with respect to any pro-  
20 spective tenant of the dwelling unit who is a  
21 noncitizen and whose eligibility for assistance is  
22 conditional upon the tenant having an immigra-  
23 tion status that allows the tenant to work in the  
24 United States, use the employment eligibility  
25 confirmation program described in section

1           403(a) of the Illegal Immigration Reform and  
2           Immigrant Responsibility Act of 1996 (8 U.S.C.  
3           1324a note) (commonly known as ‘E-Verify’)  
4           to confirm that the tenant has such status and  
5           shall deny eligibility for such assistance to any  
6           tenant who does not have such status.”.

7           (C) Section 3(a) of the United States  
8           Housing Act of 1937 (42 U.S.C. 1437a(a)) is  
9           amended by adding at the end the following:

10           “(9) VERIFICATION OF IMMIGRATION STA-  
11           TUS.—For each public housing dwelling unit owned,  
12           assisted, or operated by a public housing agency, the  
13           public housing agency shall, with respect to any pro-  
14           spective tenant of the dwelling unit who is a noncit-  
15           izen and whose eligibility for assistance is condi-  
16           tional upon the tenant having an immigration status  
17           that allows the tenant to work in the United States,  
18           use the employment eligibility confirmation program  
19           described in section 403(a) of the Illegal Immigra-  
20           tion Reform and Immigrant Responsibility Act of  
21           1996 (8 U.S.C. 1324a note) (commonly known as  
22           ‘E-Verify’) to confirm that the tenant has such sta-  
23           tus and shall deny eligibility for such assistance to  
24           any tenant who does not have such status.”.

1 (D) Section 202(i) of the Housing Act of  
2 1959 (12 U.S.C. 1701q(i)) is amended by add-  
3 ing at the end the following:

4 “(3) VERIFICATION OF IMMIGRATION STA-  
5 TUS.—For each dwelling unit assisted under this  
6 section, the owner shall, with respect to any prospec-  
7 tive tenant of the dwelling unit who is a noncitizen  
8 and whose eligibility for assistance is conditional  
9 upon the tenant having an immigration status that  
10 allows the tenant to work in the United States, use  
11 the employment eligibility confirmation program de-  
12 scribed in section 403(a) of the Illegal Immigration  
13 Reform and Immigrant Responsibility Act of 1996  
14 (8 U.S.C. 1324a note) (commonly known as ‘E-  
15 Verify’) to confirm that the tenant has such status  
16 and shall deny eligibility for such assistance to any  
17 tenant who does not have such status.”.

18 (E) Section 811(i)(1) of the Cranston-Gon-  
19 zalez National Affordable Housing Act (42  
20 U.S.C. 8013(i)(1)) is amended by adding at the  
21 end the following:

22 “(E) VERIFICATION OF IMMIGRATION STA-  
23 TUS.—For each dwelling unit assisted under  
24 this section, the owner shall, with respect to  
25 any prospective tenant of the dwelling unit who

1 is a noncitizen and whose eligibility for assist-  
2 ance is conditional upon the tenant having an  
3 immigration status that allows the tenant to  
4 work in the United States, use the employment  
5 eligibility confirmation program described in  
6 section 403(a) of the Illegal Immigration Re-  
7 form and Immigrant Responsibility Act of 1996  
8 (8 U.S.C. 1324a note) (commonly known as  
9 ‘E-Verify’) to confirm that the tenant has such  
10 status and shall deny eligibility for such assist-  
11 ance to any tenant who does not have such sta-  
12 tus.”.

13 (3) RULEMAKING.—

14 (A) IN GENERAL.—The Secretary of Agri-  
15 culture, the Secretary of Health and Human  
16 Services, and the Secretary of Labor shall pro-  
17 mulgate rules to implement section 1137(a)(8)  
18 of the Social Security Act, as added by para-  
19 graph (1), which requires the use of E-Verify  
20 to verify applicant eligibility for certain pro-  
21 grams administered by their respective depart-  
22 ments.

23 (B) HOUSING PROGRAMS.—The Secretary  
24 of Housing and Urban Development shall pro-  
25 mulgate rules to implement amendments made

1 by subparagraphs (A) through (E) of para-  
2 graph (2), which require the use of E-Verify to  
3 verify tenant eligibility for housing assistance  
4 programs administered by the Department of  
5 Housing and Urban Development.

6 (4) EFFECTIVE DATE.—The amendments made  
7 by this subsection shall take effect on the date of en-  
8 actment of this Act.

9 **SEC. 4. MINIMUM FINES FOR ILLEGAL ENTRY AND OVER-**  
10 **STAY.**

11 (a) ILLEGAL ENTRY.—Chapter 8 of title II of the Im-  
12 migration and Nationality Act (8 U.S.C. 1321 et seq.) is  
13 amended—

14 (1) in section 275 (8 U.S.C. 1325)—

15 (A) in subsection (a)—

16 (i) by striking “(1)”;

17 (ii) by striking “or (2)”;

18 (iii) by striking “(3)”; and

19 (iv) by striking “shall, for” and all  
20 that follows and inserting the following:

21 “shall—

22 “(1) for the first commission of any such of-  
23 fense, be fined in accordance with subsection (b),  
24 imprisoned not more than 6 months, or both; and

1           “(2) for a subsequent commission of any such  
2 offense, be fined in accordance with subsection (b),  
3 imprisoned not more than 2 years, or both.”; and

4           (B) in subsection (b)—

5           (i) by inserting “(1)” before “Any  
6 alien”;

7           (ii) by striking “civil penalty of” and  
8 all that follows through the period at the  
9 end of paragraph (2) and inserting “civil  
10 penalty in an amount equal to not less  
11 than \$3,000 and not more than \$10,000.”;  
12 and

13           (iii) in the undesignated matter at the  
14 end, by striking “Civil penalties” and in-  
15 serting the following:

16           “(2) Civil penalties”; and

17           (2) in section 276 (8 U.S.C. 1326), by amend-  
18 ing subsection (a) to read as follows:

19           “(a)(1) Subject to paragraph (2) and subsection (b),  
20 any alien who, after being denied admission, excluded, de-  
21 ported, or removed or after departing the United States  
22 while an order of exclusion, deportation, or removal is out-  
23 standing, enters, attempts to enter, or is at any time found  
24 in, the United States, shall be subject to a civil penalty

1 in an amount equal to not less than \$3,000 and not more  
2 than \$10,000.

3 “(2) Notwithstanding paragraph (1), an alien de-  
4 scribed in such paragraph shall not be subject to the civil  
5 penalty described in such paragraph if—

6 “(A) before reembarking at a place outside the  
7 United States or applying for admission from a for-  
8 eign contiguous territory, the Secretary of Homeland  
9 Security has expressly consented to such alien’s re-  
10 applying for admission; or

11 “(B) with respect to an alien previously denied  
12 admission and removed, such alien establishes that  
13 he or she was not required to obtain such advance  
14 consent under this Act.”.

15 (b) OVERSTAY.—Section 222(g) of the Immigration  
16 and Nationality Act (8 U.S.C. 1202(g)) is amended by  
17 adding at the end the following:

18 “(3) An alien described in paragraph (1) shall be sub-  
19 ject to a civil penalty in an amount equal to the product  
20 of \$50 multiplied by the number of months that the alien  
21 remained in the United States beyond the alien’s author-  
22 ized period of stay.”.

23 **SEC. 5. BORDER WALL CONSTRUCTION.**

24 (a) IN GENERAL.—



1           (1) IMMEDIATE RESUMPTION OF BORDER WALL  
2           CONSTRUCTION.—Not later than seven days after  
3           the date of the enactment of this Act, the Secretary  
4           shall resume all activities related to the construction  
5           of the border wall along the border between the  
6           United States and Mexico that were underway or  
7           being planned for prior to January 20, 2021.

8           (2) USE OF FUNDS.—To carry out this section,  
9           the Secretary shall expend all unexpired funds ap-  
10          propriated or explicitly obligated for the construction  
11          of the border wall that were appropriated or obli-  
12          gated, as the case may be, for use beginning on Oc-  
13          tober 1, 2019, including pursuant to section 2(a).

14          (3) USE OF MATERIALS.—Any unused materials  
15          purchased before the date of the enactment of this  
16          Act for construction of the border wall may be used  
17          for activities related to the construction of the bor-  
18          der wall in accordance with paragraph (1).

19          (b) PLAN TO COMPLETE TACTICAL INFRASTRUC-  
20          TURE AND TECHNOLOGY.—Not later than 90 days after  
21          the date of the enactment of this Act and annually there-  
22          after until construction of the border wall has been com-  
23          pleted, the Secretary shall submit to the appropriate con-  
24          gressional committees an implementation plan, including  
25          annual benchmarks for the construction of 200 miles of

1 such wall and associated cost estimates for satisfying all  
2 requirements of the construction of the border wall, in-  
3 cluding installation and deployment of tactical infrastruc-  
4 ture, technology, and other elements as identified by the  
5 Department prior to January 20, 2021, through the ex-  
6 penditure of funds appropriated or explicitly obligated, as  
7 the case may be, for use, as well as any future funds ap-  
8 propriated or otherwise made available by Congress.

9 (c) DEFINITIONS.—In this section:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
11 TEES.—The term “appropriate congressional com-  
12 mittees” means the Committee on Homeland Secu-  
13 rity and the Committee on Appropriations of the  
14 House of Representatives and the Committee on  
15 Homeland Security and Governmental Affairs and  
16 the Committee on Appropriations of the Senate.

17 (2) DEPARTMENT.—The term “Department”  
18 means the Department of Homeland Security.

19 (3) SECRETARY.—The term “Secretary” means  
20 the Secretary of Homeland Security.

21 (4) TACTICAL INFRASTRUCTURE.—The term  
22 “tactical infrastructure” includes boat ramps, access  
23 gates, checkpoints, lighting, and roads associated  
24 with a border wall.

1           (5) TECHNOLOGY.—The term “technology” in-  
2           cludes border surveillance and detection technology,  
3           including linear ground detection systems, associated  
4           with a border wall.

5 **SEC. 6. STRENGTHENING THE REQUIREMENTS FOR BAR-**  
6 **RIERS ALONG THE SOUTHERN BORDER.**

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

10           (1) by amending subsection (a) to read as fol-  
11           lows:

12           “(a) IN GENERAL.—The Secretary of Homeland Se-  
13           curity shall take such actions as may be necessary (includ-  
14           ing the removal of obstacles to detection of illegal en-  
15           trants) to design, test, construct, install, deploy, integrate,  
16           and operate physical barriers, tactical infrastructure, and  
17           technology in the vicinity of the southwest border to  
18           achieve situational awareness and operational control of  
19           the southwest border and deter, impede, and detect unlaw-  
20           ful activity.”;

21           (2) in subsection (b)—

22                   (A) in the subsection heading, by striking  
23                   “FENCING AND ROAD IMPROVEMENTS” and in-  
24                   serting “PHYSICAL BARRIERS”;

25                   (B) in paragraph (1)—

1 (i) in the heading, by striking “FENC-  
2 ING” and inserting “BARRIERS”;

3 (ii) by amending subparagraph (A) to  
4 read as follows:

5 “(A) REINFORCED BARRIERS.—In carrying  
6 out this section, the Secretary of Homeland Se-  
7 curity shall construct a border wall, including  
8 physical barriers, tactical infrastructure, and  
9 technology, along not fewer than 900 miles of  
10 the southwest border until situational aware-  
11 ness and operational control of the southwest  
12 border is achieved.”;

13 (iii) by amending subparagraph (B) to  
14 read as follows:

15 “(B) PHYSICAL BARRIERS AND TACTICAL  
16 INFRASTRUCTURE.—In carrying out this sec-  
17 tion, the Secretary of Homeland Security shall  
18 deploy along the southwest border the most  
19 practical and effective physical barriers, tactical  
20 infrastructure, and technology available for  
21 achieving situational awareness and operational  
22 control of the southwest border.”;

23 (iv) in subparagraph (C)—

24 (I) by amending clause (i) to  
25 read as follows:

1           “(i) IN GENERAL.—In carrying out  
2 this section, the Secretary of Homeland  
3 Security shall consult with the Secretary of  
4 the Interior, the Secretary of Agriculture,  
5 appropriate representatives of State, Trib-  
6 al, and local governments, and appropriate  
7 private property owners in the United  
8 States to minimize the impact on natural  
9 resources, commerce, and sites of historical  
10 or cultural significance for the commu-  
11 nities and residents located near the sites  
12 at which physical barriers, tactical infra-  
13 structure, and technology are to be con-  
14 structed. Such consultation may not delay  
15 such construction for longer than seven  
16 days.”; and

17                           (II) in clause (ii)—

18                                   (aa) in subclause (I), by  
19 striking “or” after the semicolon  
20 at the end;

21                                   (bb) by amending subclause  
22 (II) to read as follows:

23                                   “(II) delay the transfer to the  
24 United States of the possession of  
25 property or affect the validity of any

1 property acquisition by the United  
2 States by purchase or eminent do-  
3 main, or to otherwise affect the emi-  
4 nent domain laws of the United States  
5 or of any State; or”; and

6 (cc) by adding at the end  
7 the following new subclause:

8 “(III) create any right or liability  
9 for any party.”; and

10 (v) by striking subparagraph (D);

11 (C) in paragraph (2)—

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

15 (ii) by striking “this subsection” and  
16 inserting “this section”; and

17 (iii) by striking “construction of  
18 fences” and inserting “the construction of  
19 physical barriers, tactical infrastructure,  
20 and technology”;

21 (D) by amending paragraph (3) to read as

22 follows:

23 “(3) AGENT SAFETY.—In carrying out this sec-  
24 tion, the Secretary of Homeland Security, when de-  
25 signing, testing, constructing, installing, deploying,

1 integrating, and operating physical barriers, tactical  
2 infrastructure, or technology, shall incorporate such  
3 safety features into such design, test, construction,  
4 installation, deployment, integration, or operation of  
5 such physical barriers, tactical infrastructure, or  
6 technology, as the case may be, that the Secretary  
7 determines are necessary to maximize the safety and  
8 effectiveness of officers and agents of the Depart-  
9 ment of Homeland Security or of any other Federal  
10 agency deployed in the vicinity of such physical bar-  
11 riers, tactical infrastructure, or technology.”; and

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

14 (3) in subsection (c)—

15 (A) by amending paragraph (1) to read as  
16 follows:

17 “(1) IN GENERAL.—Notwithstanding any other  
18 provision of law, the Secretary of Homeland Security  
19 shall waive all legal requirements necessary to en-  
20 sure the expeditious design, testing, construction, in-  
21 stallation, deployment, integration, operation, and  
22 maintenance of the physical barriers, tactical infra-  
23 structure, and technology under this section. The  
24 Secretary shall ensure the maintenance and effec-  
25 tiveness of such physical barriers, tactical infrastruc-

1       ture, or technology. Any such action by the Sec-  
2       retary shall be effective upon publication in the Fed-  
3       eral Register.”;

4               (B) by redesignating paragraph (2) as  
5       paragraph (3); and

6               (C) by inserting after paragraph (1) the  
7       following new paragraph:

8               “(2) NOTIFICATION.—Not later than seven  
9       days after the date on which the Secretary of Home-  
10      land Security exercises a waiver pursuant to para-  
11      graph (1), the Secretary shall notify the Committee  
12      on Homeland Security of the House of Representa-  
13      tives and the Committee on Homeland Security and  
14      Governmental Affairs of the Senate of such waiver.”;  
15      and

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

18              “(e) TECHNOLOGY.—In carrying out this section, the  
19      Secretary of Homeland Security shall deploy along the  
20      southwest border the most practical and effective tech-  
21      nology available for achieving situational awareness and  
22      operational control.

23              “(f) DEFINITIONS.—In this section:

24                      “(1) ADVANCED UNATTENDED SURVEILLANCE  
25      SENSORS.—The term ‘advanced unattended surveil-



1 lance sensors’ means sensors that utilize an onboard  
2 computer to analyze detections in an effort to dis-  
3 cern between vehicles, humans, and animals, and ul-  
4 timately filter false positives prior to transmission.

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

9 “(3) PHYSICAL BARRIERS.—The term ‘physical  
10 barriers’ includes reinforced fencing, the border wall,  
11 and levee walls.

12 “(4) SECRETARY.—The term ‘Secretary’ means  
13 the Secretary of Homeland Security.

14 “(5) SITUATIONAL AWARENESS.—The term ‘sit-  
15 uational awareness’ has the meaning given such  
16 term in section 1092(a)(7) of the National Defense  
17 Authorization Act for Fiscal Year 2017 (Public Law  
18 114–328; 6 U.S.C. 223(a)(7)).

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

22 “(7) TECHNOLOGY.—The term ‘technology’ in-  
23 cludes border surveillance and detection technology,  
24 including the following:

25 “(A) Tower-based surveillance technology.

1           “(B) Deployable, lighter-than-air ground  
2 surveillance equipment.

3           “(C) Vehicle and Dismount Exploitation  
4 Radars (VADER).

5           “(D) 3-dimensional, seismic acoustic detec-  
6 tion and ranging border tunneling detection  
7 technology.

8           “(E) Advanced unattended surveillance  
9 sensors.

10          “(F) Mobile vehicle-mounted and man-  
11 portable surveillance capabilities.

12          “(G) Unmanned aircraft systems.

13          “(H) Tunnel detection systems and other  
14 seismic technology.

15          “(I) Fiber-optic cable.

16          “(J) Other border detection, communica-  
17 tion, and surveillance technology.

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

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