

118TH CONGRESS
1ST SESSION

H. R. 1464

To amend the Immigration and Nationality Act to clarify that the Secretary of Homeland Security may waive certain environmental requirements to permit U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to search for unlawful border crossing tunnels on private land to prevent the illegal entry of aliens into the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2023

Mrs. LESKO (for herself, Mr. CRENSHAW, Mr. BABIN, and Mr. CISCOMANI) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, 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

A BILL

To amend the Immigration and Nationality Act to clarify that the Secretary of Homeland Security may waive certain environmental requirements to permit U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to search for unlawful border crossing tunnels on private land to prevent the illegal entry of aliens into the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Eradicate Crossing of
3 Illegal Tunnels Act of 2023” or the “EXIT Act of 2023”.

4 **SEC. 2. UNLAWFUL BORDER CROSSING TUNNEL SEARCH**
5 **AND REMEDIATION.**

6 (a) WAIVER AUTHORITY OF CERTAIN ENVIRON-
7 MENTAL REQUIREMENTS REGARDING TUNNEL ACTIONS
8 ON PRIVATE LAND.—Section 287 of the Immigration and
9 Nationality Act (8 U.S.C. 1357) is amended by adding
10 at the end the following new subsection:

11 “(i) WAIVER AUTHORITY OF CERTAIN ENVIRON-
12 MENTAL REQUIREMENTS REGARDING TUNNEL ACTIONS
13 ON PRIVATE LAND.—Notwithstanding any other provision
14 of law, the Secretary of Homeland Security shall have the
15 authority to waive all requirements relating to Federal,
16 State, or local environmental permits and reviews such
17 Secretary, in such Secretary’s sole discretion, determines
18 necessary to search for and remediate unlawful border
19 crossing tunnels pursuant to subsection (a)(3). Any such
20 determination by the Secretary shall be effective upon
21 being published in the Federal Register.”.

22 (b) CONTRACT AUTHORITY.—

23 (1) IN GENERAL.—To search for and remediate
24 unlawful border crossing tunnels in accordance with
25 section 287 of the Immigration and Nationality Act
26 (8 U.S.C. 1357), the Commissioner of U.S. Customs

1 and Border Protection and the Director of U.S. Im-
2 migration and Customs Enforcement are authorized
3 to enter into indefinite delivery, indefinite quantity
4 contracts.

5 (2) DEFINITION.—In this subsection, the term
6 “indefinite delivery, indefinite quantity contract”
7 means a contract that is entered into by the head of
8 a Federal agency with two or more sources pursuant
9 to the same solicitation.

10 (c) CLARIFICATION REGARDING ACTIONS ON PRI-
11 VATE LAND.—Paragraph (3) of section 287(a) of the Im-
12 migration and Nationality Act (8 U.S.C. 1357(a)) is
13 amended by inserting “, including to search for and reme-
14 diate unlawful border crossing tunnels,” after “patrolling
15 the border”.

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