

116TH CONGRESS  
1ST SESSION

# H. R. 3968

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

JULY 25, 2019

Mrs. HARTZLER 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 2019” or the “EXIT Act of 2019”.

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 under subsection (a)(3). Any such deci-  
20 sion by the Secretary shall be effective upon being pub-  
21 lished 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”.

○