

AMENDMENT NO. _____ Calendar No. _____

Purpose: To promote effective deterrents against unlawful border crossings and ensure that border fencing is limited to the Southern border.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. LEAHY (for himself and Mr. CORNYN)

Viz:

- 1 Strike paragraph (7) of section 3(a) and insert the
- 2 following:
- 3 (7) SOUTHERN BORDER FENCING STRATEGY.—
- 4 The term “Southern Border Fencing Strategy”
- 5 means the strategy established by the Secretary pur-
- 6 suant to section 5(b) that identifies where fencing
- 7 (including double-layer fencing), infrastructure, and
- 8 technology, including at ports of entry, should be de-
- 9 ployed along the Southern border.

1 At the end of section 3(d), strike the period and in-
2 sert “of a notice that specifies each law that is being
3 waived and the Secretary’s explanation for the determina-
4 tion to waive that law. The waiver shall expire on the date
5 that the Secretary submits the written certification that
6 the Southern Border Fencing Strategy is substantially
7 completed as specified in subsection (c)(2)(A)(ii).”.

8 Strike paragraph (1) of section 5(b) and insert the
9 following:

10 (1) ESTABLISHMENT.—Not later than 180 days
11 after the date of the enactment of this Act, the Sec-
12 retary shall establish a strategy, to be known as the
13 “Southern Border Fencing Strategy”, to identify
14 where fencing (including double-layer fencing), infra-
15 structure, and technology, including at ports of
16 entry, should be deployed along the Southern border.

17 At the end of section 5(b), add the following:

18 (4) CONSULTATION.—

19 (A) IN GENERAL.—In implementing the
20 Southern Border Fencing Strategy required by
21 this subsection, the Secretary shall consult with
22 the Secretary of the Interior, the Secretary of
23 Agriculture, States, local governments, Indian

1 tribes, and property owners in the United
2 States to minimize the impact on the environ-
3 ment, culture, commerce, and quality of life for
4 the communities and residents located near the
5 sites at which such fencing is to be constructed.

6 (B) SAVINGS PROVISION.—Nothing in this
7 paragraph may be construed to—

8 (i) create or negate any right of action
9 for a State or local government or other
10 person or entity affected by this sub-
11 section; or

12 (ii) affect the eminent domain laws of
13 the United States or of any State.

14 (5) LIMITATION ON REQUIREMENTS.—Notwith-
15 standing paragraph (1), nothing in this subsection
16 shall require the Secretary to install fencing, or in-
17 frastructure that directly results from the installa-
18 tion of such fencing, in a particular location along
19 the Southern border, if the Secretary determines
20 that the use or placement of such resources is not
21 the most appropriate means to achieve and maintain
22 effective control over the Southern border at such lo-
23 cation.

1 Strike clause (iii) of section 6(a)(3)(A) and insert the
2 following:

3 (iii) \$1,500,000,000 shall be made
4 available to the Secretary, during the 5-
5 year period beginning on the date of the
6 enactment of this Act, to procure and de-
7 ploy fencing, infrastructure, and tech-
8 nology in accordance with the Southern
9 Border Fencing Strategy established pur-
10 suant to section 5(b).

11 At the end of title I, add the following:

12 **SEC. 1117. RULE OF CONSTRUCTION.**

13 Nothing in this Act may be construed to authorize
14 the deployment, procurement, or construction of fencing
15 along the Northern border.