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

Mrs. HARTZLER introduced the following bill; which was referred to the Committee on

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.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Eradicate Crossing of Illegal Tunnels Act of 2021” or the “EXIT Act of 2021”.

SEC. 2. UNLAWFUL BORDER CROSSING TUNNEL SEARCH AND REMEDIATION.

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

“(i) WAIVER AUTHORITY OF CERTAIN ENVIRONMENTAL REQUIREMENTS REGARDING TUNNEL ACTIONS ON PRIVATE LAND.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all requirements relating to Federal, State, or local environmental permits and reviews such Secretary, in such Secretary’s sole discretion, determines necessary to search for and remediate unlawful border crossing tunnels under subsection (a)(3). Any such decision by the Secretary shall be effective upon being published in the Federal Register.”.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—To search for and remediate unlawful border crossing tunnels in accordance with section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), the Commissioner of U.S. Customs
and Border Protection and the Director of U.S. Immigration and Customs Enforcement are authorized to enter into indefinite delivery, indefinite quantity contracts.

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

(c) CLARIFICATION REGARDING ACTIONS ON PRIVATE LAND.—Paragraph (3) of section 287(a) of the Immigration and Nationality Act (8 U.S.C. 1357(a)) is amended by inserting “, including to search for and remediate unlawful border crossing tunnels,” after “patrolling the border”.