

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H. R. 5875

Making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT In the Nature of a Substitute intended to be proposed by Mr. MCCAIN (for himself and Mr. KYL)

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 That the following sums are appropriated, out of any

4 money in the Treasury not otherwise appropriated, for the

5 fiscal year ending September 30, 2010, and for other pur-

6 poses, namely:

7 DEPARTMENT OF HOMELAND SECURITY

8 U.S. CUSTOMS AND BORDER PROTECTION

9 SALARIES AND EXPENSES

10 For an additional amount for “Salaries and Ex-

11 penses”, \$356,900,000, to remain available until Sep-

1 2012, for costs of acquisition and deployment of un-
2 manned aircraft systems.

3 CONSTRUCTION AND FACILITIES MANAGEMENT

4 For an additional amount for “Construction and Fa-
5 cilities Management”, \$9,000,000, to remain available
6 until September 30, 2012, for costs to construct up to
7 three forward operating bases for use by the Border Patrol
8 to carry out enforcement activities on the Southwest Bor-
9 der of the United States.

10 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

11 SALARIES AND EXPENSES

12 For an additional amount for “Salaries and Ex-
13 penses”, \$30,000,000 to remain available until September
14 30, 2012, for law enforcement activities targeted at reduc-
15 ing the threat of violence along the Southwest Border of
16 the United States.

17 FEDERAL EMERGENCY MANAGEMENT AGENCY

18 STATE AND LOCAL PROGRAMS

19 For an additional amount for “State and Local Pro-
20 grams”, \$50,000,000, to remain available until September
21 30, 2011, for Operation Stonegarden.

22 FEDERAL LAW ENFORCEMENT TRAINING CENTER

23 SALARIES AND EXPENSES

24 For an additional amount for “Salaries and Ex-
25 penses”, \$8,100,000, to remain available until September

1 30, 2011, for costs to provide basic training for new U.S.
2 Customs and Border Protection Officers and Border Pa-
3 trol agents.

4 GENERAL PROVISIONS

5 (INCLUDING RESCISSIONS)

6 **SEC. 101. For an additional amount for the Department of Jus-**
7 **tice for necessary expenses for increased law en-**
8 **forcement activities related to Southwest border**
9 **enforcement, \$201,000,000, to remain available**
10 **until September 30, 2012: *Provided, That funds***
11 **shall be distributed to the following accounts**
12 **and in the following specified amounts—**

13 (1) “Administrative Review and Appeals”,
14 \$2,118,000;

15 (2) “Detention Trustee”, \$7,000,000;

16 (3) “Legal Activities, Salaries and Expenses,
17 General Legal Activities”, \$3,862,000;

18 (4) “Legal Activities, Salaries and Expenses,
19 United States Attorneys”, \$9,198,000;

20 (5) “United States Marshals Service, Salaries
21 and Expenses”, \$29,651,000;

22 (6) “United States Marshals Service, Construc-
23 tion”, \$8,000,000;

1 (7) “Interagency Law Enforcement, Inter-
2 agency Crime and Drug Enforcement”,
3 \$21,000,000;

4 (8) “Federal Bureau of Investigation, Salaries
5 and Expenses”, \$25,262,000;

6 (9) “Drug Enforcement Administration, Sala-
7 ries and Expenses”, \$35,805,000;

8 (10) “Bureau of Alcohol, Tobacco, Firearms
9 and Explosives, Salaries and Expenses”,
10 \$39,104,000; and

11 (11) “Federal Prison System, Salaries and Ex-
12 penses”, \$20,000,000.

1 **SEC. 102. From unobligated balances made available to U.S.**
2 **Customs and Border Protection “Border Security**
3 **Fencing, Infrastructure, and Technology”,**
4 **\$100,000,000 are rescinded.**

5 **SEC. 103. Notwithstanding any other provision of law, from**
6 **available funds, the Department of Defense shall**
7 **pay, in fiscal years 2010 and 2011, the full costs**
8 **associated with the deployment of the National**
9 **Guard along the Southwest Border of the United**
10 **States.**

11 **SEC. 104. USE OF STIMULUS FUNDS TO OFFSET COSTS OF**
12 **BORDER SECURITY.**

13 (a) IN GENERAL.—The unobligated balance of each
14 amount appropriated or made available under the Amer-
15 ican Recovery and Reinvestment Act of 2009 (Public Law
16 111–5) (other than under title X of division A of such
17 Act) is rescinded on a pro rata basis so that the aggregate
18 amount of such rescissions is equal to the net reduction
19 in revenues to the Treasury resulting from amounts ap-
20 propriated under this Act, after factoring in the rescission
21 under section 102.

22 (b) REPORT.—The Director of the Office of Manage-
23 ment and Budget shall report to each congressional com-
24 mittee the amounts so rescinded within the jurisdiction of
25 such committee.

1 This Act may be cited as the “Emergency Border Se-
2 curity Supplemental Appropriations Act, 2010”.