

HC-2,3,4

Pending

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for National Guard support to secure the southern land border of the United States.

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

H. R. 4899

AMENDMENT NO 4214

Maki

By McCain - others
To: HR 4899

saster
Sep

[Handwritten signature]

Ref

4
Page(s)

and

GPO: 2008 45-603 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MCCAIN (for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. CORNYN)

Viz:

- 1 At the end of chapter 3 of title I, add the following:
- 2 NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN
- 3 LAND BORDER OF THE UNITED STATES
- 4 SEC. 309. (a) ADDITIONAL AMOUNT.—For an addi-
- 5 tional amount under this chapter for the deployment of
- 6 not fewer than 6,000 National Guard personnel to per-
- 7 form operations and missions under section 502(f) of title
- 8 32, United States Code, in the States along the southern
- 9 land border of the United States for the purposes of as-

1 sisting U.S. Customs and Border Protection in securing
2 such border, \$250,000,000: ~~Provided, That National~~
3 Guard units and personnel deployed under this section
4 may be assigned such operations and missions as are nec-
5 essary to secure the southern land border of the United
6 States: *Provided further*, That duty by National Guard
7 personnel performing operations and missions under this
8 section shall be full-time National Guard duty under title
9 32, United States Code: *Provided further*, That the oper-
10 ations and missions assigned under this section shall in-
11 clude, but not be limited to, temporary authority to per-
12 form construction of fencing, including double-layer and
13 triple-layer fencing, increasing ground-based mobile sur-
14 veillance systems, deployment of additional unmanned air-
15 craft systems sufficient to maintain continuous surveil-
16 lance of the border, deployment and provision of capability
17 for radio communications interoperability between U.S.
18 Customs and Border Protection and State, local, and trib-
19 al law enforcement agencies, construction of checkpoints
20 along the border to bridge the gap to long-term permanent
21 checkpoints, and conduct of mobile patrols and provision
22 of assistance to U.S. Customs and Border Protection, par-
23 ticularly in rural, high-trafficked areas, as designated by
24 the Commissioner of Customs and Border Protection: *Pro-*
25 *vided further*, That the Secretary of Defense shall com-

1 mence the deployment of National Guard units and per-
2 sonnel under this section to secure the southern land bor-
3 der of the United States not later than 72 hours after
4 the date of the enactment of this Act, and shall complete
5 the deployment of initial units and personnel to that bor-
6 der for that purpose not later than 30 days after the date
7 of the enactment of this Act: *Provided further*, That the
8 Secretary of Defense shall maintain the deployment of Na-
9 tional Guard units and personnel along the southern land
10 border of the United States until the Secretary of Defense,
11 in consultation with the Secretary of Homeland Security
12 and the chief executive officers of the States adjoining
13 such border, certifies to Congress that the Federal Gov-
14 ernment has achieved operational control of such border
15 (as defined in section 2(b) of the Secure Fence Act of
16 2006 (Public Law 109-367)): *Provided further*, That the
17 Secretary of Defense shall deploy such materiel and equip-
18 ment and logistics support as is necessary to ensure suc-
19 cess of the operations and missions conducted by the Na-
20 tional Guard under this section: *Provided further*, That
21 National Guard personnel deployed under this section
22 shall not be included in the calculation to determine com-
23 pliance with limits on end strength for National Guard
24 personnel or on limits on the number of National Guard
25 personal that may be placed on active duty for operational

1 support under section 415 of this Act or 115 of title 10,
2 United States Code.

3 (b) OFFSETTING RESCISSION.—The unobligated bal-
4 ance of each amount appropriated or made available under
5 the American Recovery and Reinvestment Act of 2009
6 (Public Law 111-5) (other than under title X of division
7 A of such Act) is rescinded pro rata such that the aggre-
8 gate amount of such rescissions equals \$250,000,000 in
9 order to offset the amount appropriated by subsection (a).

10 ~~The Director of the Office of Management and Budget~~
11 ~~shall report to each congressional committee the amounts~~
12 ~~so rescinded within the jurisdiction of such committee.~~