

AMENDMENT TO RULES COMMITTEE PRINT 119-

36

OFFERED BY MR. LUTTRELL OF TEXAS

At the end of subtitle E of title X, insert the following:

1 **SEC. 10__ . AUTHORITY OF DEPARTMENT OF DEFENSE**
2 **AND NATIONAL GUARD TO PREVENT ARMED**
3 **FOREIGN NATIONALS FROM CROSSING**
4 **UNITED STATES BORDERS.**

5 (a) AUTHORITY OF DEPARTMENT OF DEFENSE TO
6 COUNTER ARMED FOREIGN NATIONALS ILLEGALLY
7 CROSSING UNITED STATES BORDERS.—

8 (1) FINDING.—Congress finds that the illegal
9 crossing of United States borders by armed foreign
10 nationals associated with the combatant forces of a
11 foreign country, a guerrilla force, or a terrorist or
12 other organization the actions of which pose a threat
13 to the security of the United States, is an act of in-
14 vasion.

15 (2) AUTHORITY.—Consistent with the mission
16 of the Department of Defense to defend the security
17 of the United States, the Secretary of Defense is au-
18 thorized, at the discretion of the President and in

1 coordination with relevant law enforcement authori-
2 ties, to use the force and resources necessary to
3 repel the threat posed by the illegal crossing of
4 United States borders by armed foreign nationals.

5 (3) ARMED FOREIGN NATIONAL DEFINED.—In
6 this subsection, the term “armed foreign national”
7 means any individual who—

8 (A) is not a citizen or national of the
9 United States; and

10 (B) is in possession of a firearm, ammuni-
11 tion, or a destructive device (as such terms are
12 defined in section 921(a) of title 18, United
13 States Code).

14 (b) AUTHORITY OF NATIONAL GUARD TO REPEL
15 PERSONS ATTEMPTING TO ENTER THE UNITED STATES
16 FROM MEXICO WHO ARE CARRYING WEAPONS.—Section
17 502(f)(2) of title 32, United States Code, is amended by
18 adding at the end the following new subparagraph:

19 “(C) Notwithstanding section 1385 of title 18,
20 such actions as may be necessary to repel any per-
21 son who is—

22 “(i) attempting to enter the United States
23 by land across the border between the United
24 States and Mexico; and

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“(ii) clearly carrying a weapon.”.

