

**MODIFICATION TO THE AMENDMENT OFFERED BY
Ms. MCSALLY OF ARIZONA
(AMDT #57 TO RULES COMMITTEE PRINT 115-70)**

The amendment as modified is as follows:

Page 116, after line 2, insert the following new section:

1 **SEC. 515. NATIONAL GUARD SUPPORT TO SECURE THE**
2 **SOUTHERN BORDER.**

3 (a) NATIONAL GUARD SUPPORT.—

4 (1) AUTHORITY TO REQUEST.—The Secretary
5 of Homeland Security may, pursuant to chapter 15
6 of title 10, United States Code, request that the Secretary of Defense support the efforts of the Secretary of Homeland Security to secure the southern
7 border of the United States. The Secretary of Defense may authorize the provision of such support
8 under section 502(f) of title 32, United States Code.

9 (2) APPROVAL AND ORDER.—With the approval
10 of the Secretaries of Homeland Security and Defense, the Governor of a State may order any units
11 or personnel of the National Guard of such State to
12 perform operations and missions under section
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1 502(f) of title 32, United States Code, for the pur-
2 pose of securing the southern border of the United
3 States.

4 (b) TYPES OF SUPPORT AUTHORIZED.—The support
5 provided in accordance with subsection (a) may include—

6 (1) construction of reinforced fencing or other
7 physical barriers;

8 (2) operation of ground-based surveillance sys-
9 tems;

10 (3) deployment of manned aircraft, unmanned
11 aerial surveillance systems, and ground-based sur-
12 veillance systems to support continuous surveillance
13 of the southern border; and

14 (4) intelligence analysis support.

15 (c) MATERIEL AND LOGISTICAL SUPPORT.—The Sec-
16 retary of Defense may deploy such materiel, equipment,
17 and logistics support as may be necessary to ensure the
18 effectiveness of the assistance provided under subsection
19 (a).

20 (d) READINESS.—To ensure that the use of units and
21 personnel of the National Guard of a State authorized
22 pursuant to this section does not degrade the training and
23 readiness of such units and personnel, the Secretary of
24 Defense shall consider the following requirements when
25 authorizing or approving support under subsection (a):

1 (1) The performance of such support may not
2 affect adversely the quality of such training or readi-
3 ness or otherwise interfere with the ability of a unit
4 or personnel of the National Guard of a State to
5 perform the military functions of such member or
6 unit.

7 (2) The performance of such support may not
8 degrade the military skills of the units or personnel
9 of the National Guard of a State performing such
10 support.

11 (e) REPORT ON READINESS.—Upon the request of
12 the Secretary of Homeland Security, the Secretary of De-
13 fense shall provide to the Secretary of Homeland Security
14 a report on the readiness of units and personnel of the
15 National Guard that the Secretary of Defense determines
16 are capable of providing such support.

17 (f) REIMBURSEMENT NOTIFICATION.—Prior to pro-
18 viding any support under subsection (a), the Secretary of
19 Defense shall notify the Secretary of Homeland Security
20 whether the requested support will be reimbursed under
21 section 277 of title 10, United States Code.

22 (g) REIMBURSEMENT TO STATES.—The Secretary of
23 Defense may reimburse a State for costs incurred in the
24 deployment of any units or personnel of the National
25 Guard pursuant to subsection (a).

1 (h) RELATIONSHIP TO OTHER LAWS.—Nothing in
2 this section may be construed as—

3 (1) affecting the authorities under chapter 9 of
4 title 32, United States Code; or

5 (2) vesting in the Secretary of Homeland Secu-
6 rity or the Secretary of Defense any authority of the
7 Secretary of Transportation or the Administrator of
8 the Federal Aviation Administration under title 49,
9 United States Code, or any other provision of law.

10 (i) REPORTS.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act and bian-
13 nually thereafter through December 31, 2021, the
14 Secretary of Defense shall submit to the appropriate
15 congressional defense committees (as defined in sec-
16 tion 101(a)(16) of title 10, United States Code) a
17 report regarding any support provided pursuant to
18 subsection (a) for the six-month period preceding
19 each such report.

20 (2) ELEMENTS.—Each report under paragraph
21 (1) shall include a description of—

22 (A) the support provided; and

23 (B) the sources and amounts of funds obli-
24 gated and expended to provide such support.

