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:

SEC. 515. NATIONAL GUARD SUPPORT TO SECURE THE
SOUTHERN BORDER.

(a) National Guard Support.—

(1) Authority to request.—The Secretary of Homeland Security may, pursuant to chapter 15 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 border of the United States. The Secretary of Defense may authorize the provision of such support under section 502(f) of title 32, United States Code.

(2) Approval and order.—With the approval of the Secretaries of Homeland Security and Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform operations and missions under section
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502(f) of title 32, United States Code, for the purpose of securing the southern border of the United States.

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

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

(2) operation of ground-based surveillance systems;

(3) deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern border; and

(4) intelligence analysis support.

(c) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense may deploy such materiel, equipment, and logistics support as may be necessary to ensure the effectiveness of the assistance provided under subsection (a).

(d) READINESS.—To ensure that the use of units and personnel of the National Guard of a State authorized pursuant to this section does not degrade the training and readiness of such units and personnel, the Secretary of Defense shall consider the following requirements when authorizing or approving support under subsection (a):
(1) The performance of such support may not affect adversely the quality of such training or readiness or otherwise interfere with the ability of a unit or personnel of the National Guard of a State to perform the military functions of such member or unit.

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

e) Report on Readiness.—Upon the request of the Secretary of Homeland Security, the Secretary of Defense shall provide to the Secretary of Homeland Security a report on the readiness of units and personnel of the National Guard that the Secretary of Defense determines are capable of providing such support.

(f) Reimbursement Notification.—Prior to providing any support under subsection (a), the Secretary of Defense shall notify the Secretary of Homeland Security whether the requested support will be reimbursed under section 277 of title 10, United States Code.

(g) Reimbursement to States.—The Secretary of Defense may reimburse a State for costs incurred in the deployment of any units or personnel of the National Guard pursuant to subsection (a).
(h) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed as—

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

(2) vesting in the Secretary of Homeland Security or the Secretary of Defense any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration under title 49, United States Code, or any other provision of law.

(i) REPORTS.—

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

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

(A) the support provided; and

(B) the sources and amounts of funds obligated and expended to provide such support.