AMENDMENT TO RULES COMMITTEE PRINT 117–13

OFFERED BY MR. TIFFANY OF WISCONSIN

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

SEC. 10. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST U.S. CUSTOMS AND BORDER PROTECTION AND U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 15 of title 10, United States Code, is amended by adding at the end following new section:

“SEC. 285. ASSIGNMENT OF PERSONNEL FOR SUPPORT OF U.S. CUSTOMS AND BORDER PROTECTION AND U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.

“(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement—
“(1) in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

“(2) in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

“(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

“(1) the assignment is made pursuant to a request of the Secretary of Homeland Security; and

“(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

“(c) TRAINING PROGRAM REQUIRED.—The Secretary of Homeland Security and the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under
subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement is performing duties pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; or

“(B) supersede section 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Secretary of Homeland Security may establish ongoing joint task forces if the Secretary of Homeland Security determines that the joint task force, and the assignment of members to the joint task force, is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.
“(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

“(f) NOTIFICATION REQUIREMENTS.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

“(g) REIMBURSEMENT REQUIREMENT.—Section 277 of this title shall apply in the case of members assigned under subsection (a).”.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (c) of section 285 of title 10, United States Code, as added by subsection (a), shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: