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AMENDMENT TO H.R. 5658, AS REPORTED
OFFERED BY MR. GOODE OF VIRGINIA

At the end of subtitle C of title X, add the following
new section:

1 **SEC. 10__ . ASSIGNMENT OF MEMBERS OF THE ARMED**
2 **FORCES TO ASSIST BUREAU OF CUSTOMS**
3 **AND BORDER PROTECTION AND UNITED**
4 **STATES IMMIGRATION AND CUSTOMS EN-**
5 **FORCEMENT.**

6 (a) ASSIGNMENT AUTHORITY OF SECRETARY OF DE-
7 FENSE.—Chapter 18 of title 10, United States Code, is
8 amended by adding at the end the following new section:
9 **“§ 383. Assignment of members to assist border patrol**
10 **and control**

11 “(a) ASSIGNMENT AUTHORIZED.—Upon submission
12 of a request consistent with subsection (b), the Secretary
13 of Defense may assign members of the regular or reserve
14 components of the Army, Navy, Air Force, and Marine
15 Corps to assist the Bureau of Customs and Border Protec-
16 tion and the United States Immigration and Customs En-
17 forcement of the Department of Homeland Security—

1 “(1) in preventing the entry of terrorists, drug
2 traffickers, and illegal aliens into the United States;
3 and

4 “(2) in the inspection of cargo, vehicles, and
5 aircraft at points of entry into the United States to
6 prevent the entry of weapons of mass destruction,
7 components of weapons of mass destruction, prohib-
8 ited narcotics or drugs, or other terrorist or drug
9 trafficking items.

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

12 “(1) the assignment is at the request of the
13 Secretary of Homeland Security; and

14 “(2) the request is accompanied by a certifi-
15 cation by the Secretary of Homeland Security that
16 the assignment of members pursuant to the request
17 is necessary to respond to a threat to national secu-
18 rity posed by the entry into the United States of ter-
19 rorists, drug traffickers, or illegal aliens.

20 “(c) TRAINING PROGRAM REQUIRED.—The Sec-
21 retary of Homeland Security and the Secretary of Defense
22 shall establish a training program to ensure that members
23 receive general instruction regarding issues affecting law
24 enforcement in the border areas in which the members
25 may perform duties under an assignment under subsection

1 (a). A member may not be deployed at a border location
2 pursuant to an assignment under subsection (a) until the
3 member has successfully completed the training program.

4 “(d) CONDITIONS OF USE.—(1) Whenever a member
5 who is assigned under subsection (a) to assist the Bureau
6 of Customs and Border Protection or the United States
7 Immigration and Customs Enforcement is performing du-
8 ties pursuant to the assignment, a civilian law enforce-
9 ment officer from the agency concerned shall accompany
10 the member.

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

12 “(A) authorize a member assigned under sub-
13 section (a) to conduct a search, seizure, or other
14 similar law enforcement activity or to make an ar-
15 rest; and

16 “(B) supersede section 1385 of title 18 (popu-
17 larly known as the ‘Posse Comitatus Act’).

18 “(e) ESTABLISHMENT OF ONGOING JOINT TASK
19 FORCES.—(1) The Secretary of Homeland Security may
20 establish ongoing joint task forces if the Secretary of
21 Homeland Security determines that the joint task force,
22 and the assignment of members to the joint task force,
23 is necessary to respond to a threat to national security
24 posed by the entry into the United States of terrorists,
25 drug traffickers, or illegal aliens.

1 “(2) If established, the joint task force shall fully
2 comply with the standards as set forth in this section.

3 “(f) NOTIFICATION REQUIREMENTS.—The Secretary
4 of Homeland Security shall provide to the Governor of the
5 State in which members are to be deployed pursuant to
6 an assignment under subsection (a) and to local govern-
7 ments in the deployment area notification of the deploy-
8 ment of the members to assist the Department of Home-
9 land Security under this section and the types of tasks
10 to be performed by the members.

11 “(g) REIMBURSEMENT REQUIREMENT.—Section 377
12 of this title shall apply in the case of members assigned
13 under subsection (a).”.

14 (b) COMMENCEMENT OF TRAINING PROGRAM.—The
15 training program required by subsection (c) of section 383
16 of title 10, United States Code, as added by subsection
17 (a), shall be established as soon as practicable after the
18 date of the enactment of this Act.

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

“383. Assignment of members to assist border patrol and control.”.

