AMENDMENT NO. 1359

Purpose: To include front line personnel in the Southern Border Security Commission.

IN THE S

By Coburn

To: 5. 744

Referred 6

Page(s)

AMENDMENT intended to be proposed by Mr. Coburn (for himself, and Mr. Johnson of Wisconsin)

Viz:

1. Beginning on page 861, strike line 23 and all that follows through page 864, line 7, and insert the following:

2. SEC. 4. SOUTHERN BORDER SECURITY COMMISSION.

3. (a) ESTABLISHMENT.—If the Secretary certifies that the Department has not achieved effective control in all border sectors during any fiscal year beginning before the date that is 5 years after the date of the enactment of this Act, not later than 60 days after such certification, there shall be established a commission to be known as the Southern Border Security Commission (referred to in this section as the Commission).

4. (b) COMPOSITION.—
(1) In general.—The Commission shall be composed of—

(A) 2 members who shall be appointed by the President;

(B) 2 members who shall be appointed by the President pro tempore of the Senate, of which—

(i) 1 shall be appointed upon the recommendation of the leader in the Senate of the political party that is not the political party of the President; and

(ii) 1 shall be appointed upon the recommendation of the leader in the Senate of the other political party;

(C) 2 members who shall be appointed by the Speaker of the House of Representatives, of which—

(i) 1 shall be appointed upon the recommendation of the leader in the House of Representatives of the political party that is not the political party of the President; and

(ii) 1 shall be appointed upon the recommendation of the leader in the House of Representatives of the other political party;
(D) 4 members, consisting of 1 member from each of the States along the Southern border, who shall be—

(i) the Governor of such State; or

(ii) appointed by the Governor of each such State; and

(E) 5 members, consisting of front line personnel with experience securing the borders of the United States and enforcing customs and immigration laws selected by a vote of their peers, including—

(i) 2 U.S. Border Patrol agents;

(ii) 1 U.S. Customs and Border Protection employee;

(iii) 1 U.S. Citizenship and Immigration Services employee; and

(iv) 1 U.S. Immigration and Customs Enforcement employee.

(2) QUALIFICATION FOR APPOINTMENT.—Appointed members of the Commission shall be distinguished individuals noted for their knowledge and experience in the field of border security at the Federal, State, or local level.

(3) TIME OF APPOINTMENT.—The appointments required by paragraph (1) shall be made not
later than 60 days after the Secretary makes a certification described in subsection (a).

(4) **CHAIR.**—At the first meeting of the Commission, a majority of the members of the Commission present and voting shall elect the Chair of the Commission.

(5) **VACANCIES.**—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(6) **RULES.**—The Commission shall establish the rules and procedures of the Commission which shall require the approval of at least 6 members of the Commission.

(c) **DUTIES.**—The Commission’s primary responsibility shall be to make recommendations to the President, the Secretary, and Congress on policies to achieve and maintain the border security goal specified in section 3(b) by achieving and maintaining—

(1) the capability to engage in, and engaging in, persistent surveillance in border sectors along the Southern border; and

(2) an effectiveness rate of 90 percent or higher in all border sectors along the Southern border.
(d) REPORT.—Not later than 180 days after the end of the 5-year period described in subsection (a), the Commission shall submit to the President, the Secretary, and Congress a report setting forth specific recommendations for policies for achieving and maintaining the border security goals specified in subsection (c). The report shall include, at a minimum, recommendations for the personnel, infrastructure, technology, and other resources required to achieve and maintain an effectiveness rate of 90 percent or higher in all border sectors.

(e) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Commission such staff and administrative services as may be necessary and appropriate for the Commission to perform its functions. Any employee of the executive branch of Government may be detailed to the Commission without reimbursement to the agency of that employee and such detail shall be without interruption or loss of civil service or status or privilege.
(g) **Comptroller General Review.**—The Comptroller General of the United States shall review the recommendations in the report submitted under subsection (d) in order to determine—

1. whether any of the recommendations are likely to achieve effective control in all border sectors;
2. which recommendations are most likely to achieve effective control; and
3. whether such recommendations are feasible within existing budget constraints.

(h) **Termination.**—The Commission shall terminate 30 days after the date on which the report is submitted under subsection (d).