

Tom Coburn  
S.L.C.

JUN 19 2013

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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

IN THE SENATE

	<b>AMENDMENT N<sup>o</sup> 1359</b>
To prov	By <u>Coburn</u>
Referred	To: _____
	<u>S. 744</u>
	<u>6</u>
	Page(s)

GPO: 2012 77-320 (mac)

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
  - 2 follows through page 864, line 7, and insert the following:
  - 3 **SEC. 4. SOUTHERN BORDER SECURITY COMMISSION.**
  - 4 (a) ESTABLISHMENT.—If the Secretary certifies that
  - 5 the Department has not achieved effective control in all
  - 6 border sectors during any fiscal year beginning before the
  - 7 date that is 5 years after the date of the enactment of
  - 8 this Act, not later than 60 days after such certification,
  - 9 there shall be established a commission to be known as
  - 10 the Southern Border Security Commission (referred to in
  - 11 this section as the Commission).
  - 12 (b) COMPOSITION.—

1           (1) IN GENERAL.—The Commission shall be  
2 composed of—

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

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

8           (i) 1 shall be appointed upon the rec-  
9 ommendation of the leader in the Senate of  
10 the political party that is not the political  
11 party of the President; and

12           (ii) 1 shall be appointed upon the rec-  
13 ommendation of the leader in the Senate of  
14 the other political party;

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

18           (i) 1 shall be appointed upon the rec-  
19 ommendation of the leader in the House of  
20 Representatives of the political party that  
21 is not the political party of the President;  
22 and

23           (ii) 1 shall be appointed upon the rec-  
24 ommendation of the leader in the House of  
25 Representatives of the other political party;

1 (D) 4 members, consisting of 1 member  
2 from each of the States along the Southern bor-  
3 der, who shall be—

4 (i) the Governor of such State; or

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

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

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

13 (ii) 1 U.S. Customs and Border Pro-  
14 tection employee;

15 (iii) 1 U.S. Citizenship and Immigra-  
16 tion Services employee; and

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

19 (2) QUALIFICATION FOR APPOINTMENT.—Ap-  
20 pointed members of the Commission shall be distin-  
21 guished individuals noted for their knowledge and  
22 experience in the field of border security at the Fed-  
23 eral, State, or local level.

24 (3) TIME OF APPOINTMENT.—The appoint-  
25 ments required by paragraph (1) shall be made not

1 later than 60 days after the Secretary makes a cer-  
2 tification described in subsection (a).

3 (4) CHAIR.—At the first meeting of the Com-  
4 mission, a majority of the members of the Commis-  
5 sion present and voting shall elect the Chair of the  
6 Commission.

7 (5) VACANCIES.—Any vacancy of the Commis-  
8 sion shall not affect its powers, but shall be filled in  
9 the manner in which the original appointment was  
10 made.

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

15 (c) DUTIES.—The Commission’s primary responsi-  
16 bility shall be to make recommendations to the President,  
17 the Secretary, and Congress on policies to achieve and  
18 maintain the border security goal specified in section 3(b)  
19 by achieving and maintaining—

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

23 (2) an effectiveness rate of 90 percent or higher  
24 in all border sectors along the Southern border.

1           (d) REPORT.—Not later than 180 days after the end  
2 of the 5-year period described in subsection (a), the Com-  
3 mission shall submit to the President, the Secretary, and  
4 Congress a report setting forth specific recommendations  
5 for policies for achieving and maintaining the border secu-  
6 rity goals specified in subsection (c). The report shall in-  
7 clude, at a minimum, recommendations for the personnel,  
8 infrastructure, technology, and other resources required to  
9 achieve and maintain an effectiveness rate of 90 percent  
10 or higher in all border sectors.

11           (e) TRAVEL EXPENSES.—Members of the Commis-  
12 sion shall be allowed travel expenses, including per diem  
13 in lieu of subsistence rates authorized for employees of  
14 agencies under subchapter I of chapter 57 of title 5,  
15 United States Code, while away from their homes or reg-  
16 ular places of business in the performance of services for  
17 the Commission.

18           (f) ADMINISTRATIVE SUPPORT.—The Secretary shall  
19 provide the Commission such staff and administrative  
20 services as may be necessary and appropriate for the Com-  
21 mission to perform its functions. Any employee of the ex-  
22 ecutive branch of Government may be detailed to the Com-  
23 mission without reimbursement to the agency of that em-  
24 ployee and such detail shall be without interruption or loss  
25 of civil service or status or privilege.

1 (g) COMPTROLLER GENERAL REVIEW.—The Comp-  
2 troller General of the United States shall review the rec-  
3 ommendations in the report submitted under subsection  
4 (d) in order to determine—

5 (1) whether any of the recommendations are  
6 likely to achieve effective control in all border sec-  
7 tors;

8 (2) which recommendations are most likely to  
9 achieve effective control; and

10 (3) whether such recommendations are feasible  
11 within existing budget constraints.

12 (h) TERMINATION.—The Commission shall terminate  
13 30 days after the date on which the report is submitted  
14 under subsection (d).