

**AMENDMENT TO H.R. 5136, AS REPORTED
OFFERED BY MR. MITCHELL OF ARIZONA**

Page 452, after line 10, insert the following:

1 **SEC. 1065. DEPLOYMENT OF ADDITIONAL NATIONAL**
2 **GUARD TROOPS ALONG INTERNATIONAL**
3 **BORDER BETWEEN THE UNITED STATES AND**
4 **MEXICO.**

5 (a) IMMEDIATE INCREASE; DURATION.—As soon as
6 practicable after the date of the enactment of this Act,
7 the Secretary of Defense shall—

8 (1) increase the number of members of the Na-
9 tional Guard deployed along the international border
10 between the United States and Mexico in support of
11 the border control activities of the United States
12 Customs and Border Protection of the Department
13 of Homeland Security by at least 3,000 above the
14 number so deployed as of May 1, 2010; and

15 (2) maintain such increased numbers through
16 December 31, 2011.

17 (b) TREATMENT OF DEPLOYED NATIONAL GUARD
18 TROOPS.—Members of the National Guard deployed pur-
19 suant to subsection (a) shall not be included in the calcula-
20 tion to determine compliance with—

1 (1) limits on end strength; or

2 (2) limits on the number of members of the Na-
3 tional Guard who may be placed on active duty for
4 operational support.

5 (c) OPTIONAL EARLY REDUCTION.—Notwith-
6 standing the date specified in subsection (a)(2), if the
7 number of Border Patrol agents serving along the inter-
8 national border between the United States and Mexico is
9 more than 20,163, the Secretary of Defense may reduce
10 the number of members of the National Guard deployed
11 along such border to comply with subsection (a)(1) by the
12 number of additional border patrol agents that are author-
13 ized, funded, hired, trained, and deployed. However, the
14 additional border patrol agents must be fully deployed be-
15 fore the Secretary may reduce the number of members of
16 the National Guard so deployed.

