

**PROPOSED AMENDMENT TO THE DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010 (JULY 8, 2009)**

**SA 1399. Mr. DeMINT proposed an amendment to amendment SA 1373 proposed by Mr. Reid (for Mr. Byrd (for himself, Mr. Inouye, and Mrs. Murray)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:**

At the appropriate place, insert the following:

**SEC. \_\_. BORDER FENCE COMPLETION.**

(a) *Minimum Requirements.*--Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended--

(1) in subparagraph (A), by adding at the end the following: ``Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not

[Page: S7212] [GPO's PDF](#)

be used to meet the 700-mile fence requirement under this subparagraph.";

(2) in subparagraph (B)--

(A) in clause (i), by striking ``and" at the end;

(B) in clause (ii), by striking the period at the end and inserting ``; and"; and

(C) by adding at the end the following:

``(iii) not later than December 31, 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A)."; and

(3) in subparagraph (C), by adding at the end the following:

``(iii) **FUNDING NOT CONTINGENT ON CONSULTATION.**--Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).".

(b) *Report.*--Not later than September 30, 2009, the Secretary of Homeland Security shall submit a report to Congress that describes--

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this Act; and

(2) the plans for completing such fencing before December 31, 2010.

**SA 1400. Mr. *McCAIN* proposed an amendment to amendment SA 1373 proposed by Mr. *Reid* (for Mr. *Byrd* (for himself, Mr. *Inouye*, and Mrs. *Murray*)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:**

On page 31, line 19, strike all through page 32, line 3, and insert the following:

(6) \$350,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135 and 1163), of which not less than \$25,000,000 shall be for Amtrak security.