

.....
(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 18, United States Code, to authorize the use of National Guard forces for immigration enforcement purposes, to establish criminal penalties for assaulting immigration enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HARRIGAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 18, United States Code, to authorize the use of National Guard forces for immigration enforcement purposes, to establish criminal penalties for assaulting immigration enforcement officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guarding U.S. Author-
5 ity for Removal and Detention Act” or the “GUARD
6 Act”.

1 **SEC. 2. AMENDMENT TO THE POSSE COMITATUS ACT.**

2 Section 1385 of title 18, United States Code, is
3 amended—

4 (1) by striking “Whoever” and inserting “(a)
5 Whoever”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
9 the use of members of the National Guard—

10 “(1) performing State duty under orders issued
11 by the Governor of such State; or

12 “(2) performing duty under title 10 or 32, if
13 such members are used exclusively for—

14 “(A) the enforcement of the immigration
15 laws (as such term is defined in section 101 of
16 the Immigration and Nationality Act (8
17 U.S.C.1101)), including the apprehension or de-
18 tention of aliens unlawfully present in the
19 United States, and the execution of orders of
20 removal issued under the immigration laws; or

21 “(B) border security operations.”.

22 **SEC. 3. ASSAULTING IMMIGRATION ENFORCEMENT PER-**
23 **SONNEL.**

24 (a) ASSAULT ON FEDERAL IMMIGRATION OFFICERS
25 OR STATE LAW ENFORCEMENT ASSISTING IMMIGRATION

1 OPERATIONS.—Chapter 7 of title 18, United States Code,
2 is amended by adding at the end the following:

3 **“§ 119A. Assault on immigration enforcement officers**

4 “(a) Whoever knowingly assaults, resists, opposes,
5 impedes, intimidates, or interferes with—

6 “(1) any officer or employee of U.S. Immigra-
7 tion and Customs Enforcement, U.S. Customs and
8 Border Protection, or any other Federal immigration
9 enforcement agency; or

10 “(2) any State or local law enforcement officer
11 acting under Federal authority or in active assist-
12 ance of Federal immigration enforcement operations
13 in the performance of their official duties, or on ac-
14 count of the performance of such duties,

15 shall be fined under this title and imprisoned not less than
16 5 years and not more than 20 years.

17 “(b) If bodily injury results from the acts committed
18 in violation of subsection (a), the term of imprisonment
19 shall be not less than 10 years and not more than 30
20 years.

21 “(c) If death results from the acts committed in viola-
22 tion of subsection (a), the offender shall be subject to im-
23 prisonment for life or the death penalty.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 for chapter 7 of title 18, United States Code, is amended

- 1 by inserting after the item relating to section 119 the fol-
- 2 lowing:

“119A. Assault on immigration enforcement officers.”.