

nicated to the House by Mr. Sherman William, one of his secretaries.

The Committee resumed its sitting; and after some time spent therein.

¶49.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following substitute amendment submitted by Mr. REYES to the amendment submitted by Mr. TRAFICANT:

Substitute amendment submitted by Mr. REYES:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

“§ 374a. Assignment of members to assist border patrol and control

“(a) ASSIGNMENT AUTHORIZED.—The Secretary of Defense may assign members of the armed forces to conduct reconnaissance missions to assist—

“(1) the Immigration and Naturalization Service in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

“(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.

“(b) WRITTEN REQUEST FOR ASSIGNMENT; ELEMENTS.—(1) The assignment of members of the armed forces under subsection (a) may only occur at the written request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, and at the request of the Secretary of the Treasury, in the case of an assignment to the United States Customs Service.

“(2) The written request from the Attorney General or the Secretary of the Treasury (as the case may be) shall include—

“(A) a precise definition of which activities the members of the armed forces are to participate in, the duration of their mission, and the liability to be assumed by the Department of Defense upon assignment of armed forces personnel;

“(B) an examination of the beneficial and detrimental effect of these assignments on the military training, readiness levels, military preparedness, and overall combat effectiveness of the armed forces;

“(C) the estimated cost of such assignments to the Immigration and Naturalization Service or the United States Customs Service (as the case may be), as required under subsection (f); and

“(D) an examination of the possibility that members of the armed forces may inadvertently participate in law enforcement activities in violation of section 375 of this title and 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’), both of which prohibit direct participation of military personnel in civilian law enforcement activities.

“(c) TRAINING PROGRAM.—(1) If the assignment of members of the armed forces is requested by the Attorney General or the Secretary of the Treasury, the Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that the members to be assigned are properly trained to deal with the unique and diverse situations that the members may face in performing their assignment along the international borders of the United States and major ports of entry.

“(2) A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) CONDITIONS ON USE.—(1) Whenever a member of the armed forces who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

“(B) supersede section 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members of the armed forces are to be deployed pursuant to an assignment under subsection (a), and local governments and local law enforcement agencies in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of reconnaissance missions to be performed by the members.

“(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members of the armed forces assigned under subsection (a).

“(g) REPORTING REQUIREMENTS.—Upon the completion of each assignment of members of the armed forces under subsection (a), the Secretary of Defense shall submit to Congress a report containing—

“(1) an examination of the beneficial and detrimental effect of such assignments on the military training, readiness levels, military preparedness, and overall combat effectiveness of the armed forces;

“(2) an assessment of the value of this section; and

“(3) recommendations on the continued use of the authority provided under subsection (a).

“(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2001.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

“374a. Assignment of members to assist border patrol and control.”.

Amendment submitted by Mr. TRAFICANT:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

“§ 374a. Assignment of members to assist border patrol and control

“(a) ASSIGNMENT AUTHORIZED.—The Secretary of Defense may assign members of the armed forces to assist—

“(1) the Immigration and Naturalization Service in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

“(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.

“(b) REQUEST FOR ASSIGNMENT.—The assignment of members of the armed forces under subsection (a) may only occur—

“(1) at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service; and

“(2) at the request of the Secretary of the Treasury, in the case of an assignment to the United States Customs Service.

“(c) TRAINING PROGRAM.—If the assignment of members of the armed forces is requested by the Attorney General or the Secretary of the Treasury, the Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members to be assigned receive general instruction regarding issues affecting law enforcement in the border areas in which the members will perform duties under the assignment. A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) CONDITIONS ON USE.—(1) Whenever a member of the armed forces who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

“(B) supersede section 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members of the armed forces are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

“(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members of the armed forces assigned under subsection (a).

“(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2001.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

“374a. Assignment of members to assist border patrol and control.”.

It was decided in the { Yeas 179
negative } Nays 243

¶49.21 [Roll No. 179]
AYES—179

Abercrombie	Boucher	Danner
Ackerman	Boyd	Davis (FL)
Allen	Brady (PA)	Davis (IL)
Baldacci	Brown (CA)	DeFazio
Barcia	Brown (FL)	DeGette
Barrett (WI)	Brown (OH)	Delahunt
Barton	Cannon	DeLauro
Becerra	Capps	Dicks
Bentsen	Cardin	Dingell
Berman	Clay	Dixon
Berry	Clayton	Doggett
Bishop	Clement	Dooley
Blagojevich	Clyburn	Doyle
Blumenauer	Condit	Edwards
Bonilla	Conyers	Ehlers
Bonior	Coyne	Engel
Borski	Cummings	Eshoo