

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

Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchesy
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klecicka
Kolbe
LaFalce
Lampson
Lantos

Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-
McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pastore
Paul
Payne
Pelosi
Pickett
Pomeroy
Poshard

Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Velazquez
Vento
Waxman
Weygand
Whitfield
Wise
Woolsey
Wynn

NOES—243

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay

Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde

Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moakley
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Owens
Oxley
Packard
Pappas
Pascrell

Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun

Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu

Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wolf
Yates
Young (AK)
Young (FL)

NOT VOTING—11

Bateman
Foley
Gonzalez
Harman
Johnson, Sam
McDade
Meeke (NY)
Parker
Quinn
Torres
Wicker

So the amendment was not agreed to.

¶49.22 RECORDED VOTE

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

It was decided in the { Yeas 288
affirmative } Nays 132

¶49.23 [Roll No. 180] AYES—288

Aderholt
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay

Cramer
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kucnick
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)

Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Metcalf
Mica
Miller (CA)
Miller (FL)
Moakley
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Owens
Packard
Pallone
Pappas
Pascrell
Paxon

Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster

Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wolf
Young (AK)
Young (FL)

NOES—132

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Capps
Cardin
Clay
Clayton
Clyburn
Conyers
Coyle
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Ehrlich
Evans
Farr
Fattah
Fazio

Filner
Ford
Frank (MA)
Furse
Green
Gutierrez
Hamilton
Hastings (FL)
Hayworth
Hilliard
Hinchesy
Hinojosa
Hooley
Hooper
Houghton
Hoyer
Jackson (IL)
Jackson-Lee
(TX)
Johnson (WI)
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kolbe
Lampson
Lee
Lewis (GA)
Linder
Lofgren
Markey
Martinez
Matsui
McDermott
McGovern
McHale
McKinney
Meek (FL)
Menendez
Millender-
McDonald
Minge
Mink
Mollohan
Morella

Nadler
Neal
Oberstar
Olver
Ortiz
Pastor
Paul
Payne
Pelosi
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sanders
Sanford
Sawyer
Scott
Serrano
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stark
Stokes
Stump
Stupak
Thompson
Tierney
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Armey
Barrett (NE)
Bateman
Foley
Gonzalez
Harman
Johnson, Sam
McDade
Meeke (NY)
Parker
Quinn
Torres
Wicker

So the amendment was agreed to.