

McHugh Price (NC) Stabenow
 McInnis Pryce (OH) Stark
 McIntosh Quinn Stearns
 McIntyre Radanovich Stenholm
 McKeon Rahall Strickland
 McKinney Ramstad Stump
 McNulty Rangel Stupak
 Meehan Regula Sununu
 Meek (FL) Reyes Sweeney
 Meeks (NY) Reynolds Talent
 Menendez Riley Tancredo
 Metcalf Rivers Tanner
 Mica Rodriguez Tauscher
 Millender- Roemer Tauzin
 McDonald Rogan Taylor (MS)
 Miller (FL) Rogers Taylor (NC)
 Miller, Gary Rohrabacher Terry
 Miller, George Ros-Lehtinen Thomas
 Minge Rothman Thompson (CA)
 Mink Roukema Thompson (MS)
 Moakley Roybal-Allard Thornberry
 Mollohan Royce Thune
 Moore Rush Thurman
 Moran (KS) Ryan (WI) Tiahrt
 Moran (VA) Ryan (KS) Tierney
 Morella Sabo Toomey
 Murtha Salmon Towns
 Myrick Sanchez Traficant
 Nadler Sanders Turner
 Napolitano Sandlin Udall (CO)
 Neal Sanford Udall (NM)
 Nethercutt Sawyer Upton
 Ney Saxton Velazquez
 Northup Scarborough Vento
 Norwood Schaffer Visclosky
 Nussle Schakowsky Vitter
 Oberstar Scott Walden
 Obey Sensenbrenner Walsh
 Ortiz Serrano Wamp
 Ose Sessions Waters
 Owens Shadegg Watkins
 Oxley Shaw Watt (NC)
 Packard Shays Watts (OK)
 Pallone Sherman Waxman
 Pascrell Sherwood Weiner
 Pastor Shimkus Weldon (FL)
 Paul Shows Weldon (PA)
 Payne Shuster Weller
 Pease Simpson Wexler
 Pelosi Sisisky Weygand
 Peterson (MN) Skeen Whitfield
 Peterson (PA) Skelton Wicker
 Petri Slaughter Wilson
 Phelps Smith (MI) Wise
 Pickering Smith (NJ) Wolf
 Pickett Smith (TX) Woolsey
 Pitts Smith (WA) Wu
 Pombo Snyder Young (AK)
 Pomeroy Souder Young (FL)
 Porter Spence
 Portman Spratt

NOT VOTING—9

Bono Hilleary Lofgren
 Brown (CA) Holt Oliver
 Cooksey Kasich Wynn

So the amendment was agreed to.

¶62.8 RECORDED VOTE

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

At the end of subtitle C of title X (page 283, after line 6), insert the following new section:

SEC. 1024. ASSIGNMENT OF MEMBERS 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.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

“(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers 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 to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

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

“(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

“(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

“(c) TRAINING PROGRAM.—If the assignment of members is requested under subsection (b), 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 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 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 assigned under subsection (a).

“(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.”

(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 242 affirmative } Nays 181

¶62.9

[Roll No. 186]

AYES—242

Aderholt Bachus Ballenger
 Andrews Baird Barcia
 Archer Baker Barr

Barrett (NE) Hall (OH) Phelps
 Bartlett Hall (TX) Pickering
 Barton Hastings (WA) Pitts
 Bass Hefley Portman
 Bereuter Herger Price (NC)
 Bilbray Hill (MT) Pryce (OH)
 Bilirakis Hobson Quinn
 Blunt Hoekstra Radanovich
 Boehlert Holden Rahall
 Boehner Horn Ramstad
 Boswell Hostettler Regula
 Boyd Hulshof Reynolds
 Brady (TX) Hunter Riley
 Brown (FL) Hutchinson Rivers
 Bryant Inslee Roemer
 Burton Isakson Rogan
 Calvert Istook Rogers
 Camp John Rohrabacher
 Campbell Johnson (CT) Ros-Lehtinen
 Canady Johnson, Sam Roukema
 Cannon Jones (NC) Royce
 Castle Kaptur Ryan (WI)
 Chabot Kelly Ryun (KS)
 Chambliss Kildee Salmon
 Clay Kind (WI) Sandlin
 Coble Kingston Saxton
 Coburn Kucinich Scarborough
 Collins Kuykendall Schaffer
 Combest LaFalce Sensenbrenner
 Cook LaHood Sessions
 Cooksey Lantos Shadegg
 Costello Largent Shaw
 Cramer Latham Shays
 Crane LaTourette Sherman
 Cubin Lazio Sherwood
 Cunningham Levin Shimkus
 Danner Lewis (CA) Shows
 Davis (VA) Lewis (KY) Shuster
 Deal Linder Simpson
 DeLay Lipinski Sisisky
 DeMint LoBiondo Skeen
 Deutsch Lowey Smith (MI)
 Diaz-Balart Lucas (KY) Smith (NJ)
 Dickey Lucas (OK) Smith (TX)
 Dicks Luther Smith (WA)
 Doyle Maloney (CT) Souder
 Duncan Mascara Spence
 Dunn McCarthy (NY) Spratt
 Emerson McColium Stabenow
 Engel McCrery Stearns
 English McHugh Sununu
 Eshoo McInnis Sweeney
 Etheridge McIntosh Talent
 Everett McIntyre Tancredo
 Ewing McKeon Tauscher
 Fletcher McNulty Tauzin
 Foley Metcalf Taylor (MS)
 Forbes Mica Taylor (NC)
 Fossella Miller (FL) Thomas
 Fowler Miller, Gary Thune
 Franks (NJ) Moakley Thurman
 Frelinghuysen Moran (KS) Tiahrt
 Gallegly Murtha Traficant
 Ganske Myrick Upton
 Gekas Nethercutt Vitter
 Gephardt Ney Walden
 Gibbons Northup Wamp
 Gilchrest Norwood Watkins
 Gillmor Norwood Watts (OK)
 Gilman Owens Weldon (FL)
 Goode Oxley Weldon (PA)
 Goodlatte Packard Weller
 Gordon Pallone Wicker
 Goss Pascrell Wilson
 Granger Pease Wise
 Green (WI) Peterson (MN) Wolf
 Greenwood Peterson (PA) Young (FL)
 Gutknecht Petri

NOES—181

Abercrombie Boucher Davis (IL)
 Ackerman Brady (PA) DeFazio
 Allen Brown (OH) DeGette
 Armey Burr Delahunt
 Baldacci Buyer DeLauro
 Baldwin Callahan Dingell
 Barrett (WI) Capps Dixon
 Bateman Capuano Doggett
 Becerra Cardin Dooley
 Bentsen Carson Doolittle
 Berkley Chenoweth Drerier
 Berman Clayton Edwards
 Berry Clement Ehlers
 Biggert Clyburn Ehrlich
 Bishop Condit Evans
 Blagojevich Cox Farr
 Blumenauer Coyne Fattah
 Bonilla Crowley Filmer
 Bonior Cummings Ford
 Borski Davis (FL) Frank (MA)