

**AMENDMENT TO H.R. 4200, AS REPORTED  
OFFERED BY MR. GOODE OF VIRGINIA**

At the end of title X, insert the following new section:

1 SEC. \_\_\_\_ ASSIGNMENT OF MEMBERS TO ASSIST BUREAU  
2 OF BORDER SECURITY AND BUREAU OF CITI-  
3 ZENSHIP AND IMMIGRATION SERVICES OF  
4 THE DEPARTMENT OF HOMELAND SECURITY.

5 (a) ASSIGNMENT AUTHORITY OF SECRETARY OF DE-  
6 FENSE.—Chapter 18 of title 10, United States Code, is  
7 amended by inserting after section 374 the following new  
8 section:

9 “§ 374a. Assignment of members to assist border pa-  
10 trol and control

11 “(a) ASSIGNMENT AUTHORIZED.—Upon submission  
12 of a request consistent with subsection (b), the Secretary  
13 of Defense may assign members of the Army, Navy, Air  
14 Force, and Marine Corps to assist—

15 “(1) the Bureau of Border Security of the De-  
16 partment of Homeland Security in preventing the  
17 entry of terrorists, drug traffickers, and illegal aliens  
18 into the United States; and

19 “(2) the United States Customs Service of the  
20 Department of Homeland Security in the inspection



1 of cargo, vehicles, and aircraft at points of entry  
 2 into the United States to prevent the entry of weap-  
 3 ons of mass destruction, components of weapons of  
 4 mass destruction, prohibited narcotics or drugs, or  
 5 other terrorist or drug trafficking items.

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

8 “(1) the assignment is at the request of the  
 9 Secretary of Homeland Security; and

10 “(2) the request is accompanied by a certifi-  
 11 cation by the Secretary of Homeland Security that  
 12 the assignment of members pursuant to the request  
 13 is necessary to respond to a threat to national secu-  
 14 rity posed by the entry into the United States of ter-  
 15 rorists, drug traffickers, or illegal aliens.

16 “(c) TRAINING PROGRAM REQUIRED.—The Sec-  
 17 retary of Homeland Security and the Secretary of De-  
 18 fense, shall establish a training program to ensure that  
 19 members receive general instruction regarding issues af-  
 20 fecting law enforcement in the border areas in which the  
 21 members may perform duties under an assignment under  
 22 subsection (a). A member may not be deployed at a border  
 23 location pursuant to an assignment under subsection (a)  
 24 until the member has successfully completed the training  
 25 program.



1       “(d) CONDITIONS OF USE.—(1) Whenever a member  
2 who is assigned under subsection (a) to assist the Bureau  
3 of Border Security or the United States Customs Service  
4 is performing duties at a border location pursuant to the  
5 assignment, a civilian law enforcement officer from the  
6 agency concerned shall accompany the member.

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

8               “(A) authorize a member assigned under sub-  
9 section (a) to conduct a search, seizure, or other  
10 similar law enforcement activity or to make an ar-  
11 rest; and

12               “(B) supersede section 1385 of title 18 (popu-  
13 larly known as the ‘Posse Comitatus Act’).

14       “(e) ESTABLISHMENT OF ONGOING JOINT TASK  
15 FORCES.—(1) The Secretary of Homeland Security may  
16 establish ongoing joint task forces if the Secretary of  
17 Homeland Security determines that the joint task force,  
18 and the assignment of members to the joint task force,  
19 is necessary to respond to a threat to national security  
20 posed by the entry into the United States of terrorists,  
21 drug traffickers, or illegal aliens.

22       “(2) If established, the joint task force shall fully  
23 comply with the standards as set forth in this section.

24       “(f) NOTIFICATION REQUIREMENTS.—The Secretary  
25 of Homeland Security shall provide to the Governor of the



1 State in which members are to be deployed pursuant to  
2 an assignment under subsection (a) and to local govern-  
3 ments in the deployment area notification of the deploy-  
4 ment of the members to assist the Department of Home-  
5 land Security under this section and the types of tasks  
6 to be performed by the members.

7 “(g) REIMBURSEMENT REQUIREMENT.—Section 377  
8 of this title shall apply in the case of members assigned  
9 under subsection (a).

10 “(h) TERMINATION OF AUTHORITY.—No assignment  
11 may be made or continued under subsection (a) after Sep-  
12 tember 30, 2006.”.

13 (b) COMMENCEMENT OF TRAINING PROGRAM.—The  
14 training program required by subsection (e) of section  
15 374a of title 10, United States Code, as added by sub-  
16 section (a), shall be established as soon as practicable  
17 after the date of the enactment of this Act.

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

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

