

**AMENDMENT TO H.R. 1588, AS REPORTED
(FY04 DEFENSE AUTHORIZATION BILL)
OFFERED BY MR. GOODE OF VIRGINIA**

At the end of title X (page ____, after line ____),
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



1 “(2) the United States Customs Service of the
2 Department of Homeland Security in the inspection
3 of cargo, vehicles, and aircraft at points of entry
4 into the United States to prevent the entry of weap-
5 ons of mass destruction, components of weapons of
6 mass destruction, prohibited narcotics or drugs, or
7 other terrorist or drug trafficking items.

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

10 “(1) the assignment is at the request of the
11 Secretary of Homeland Security; and

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

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

- 1 until the member has successfully completed the training
- 2 program.

“(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Border Security 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.

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

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

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

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

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



1 “(f) NOTIFICATION REQUIREMENTS.—The Secretary
2 of Homeland Security shall provide to the Governor of the
3 State in which members are to be deployed pursuant to
4 an assignment under subsection (a) and to local govern-
5 ments in the deployment area notification of the deploy-
6 ment of the members to assist the Department of Home-
7 land Security under this section and the types of tasks
8 to be performed by the members.

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

12 “(h) TERMINATION OF AUTHORITY.—No assignment
13 may be made or continued under subsection (a) after Sep-
14 tember 30, 2005.”.

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

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

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

