

8. AN AMENDMENT TO BE OFFERED BY  
REPRESENTATIVE GOODE OF  
VIRGINIA, OR HIS DESIGNEE, TO  
BE DEBATABLE FOR 10 MINUTES:

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~~AMENDMENT TO H.R. 5122, AS REPORTED  
OFFERED BY MR. GOODE OF VIRGINIA~~

At the end of subtitle C of title X (page \_\_\_\_, after  
line \_\_\_\_), add the following new section:

1 **SEC. 1026. ASSIGNMENT OF MEMBERS OF THE ARMED**  
2 **FORCES TO ASSIST BUREAU OF CUSTOMS**  
3 **AND BORDER PROTECTION AND UNITED**  
4 **STATES IMMIGRATION AND CUSTOMS EN-**  
5 **FORCEMENT.**

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

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

12 **“(a) ASSIGNMENT AUTHORIZED.—**Upon submission  
13 of a request consistent with subsection (b), the Secretary  
14 of Defense may assign members of the Army, Navy, Air  
15 Force, and Marine Corps to assist the Bureau of Customs  
16 and Border Protection and the United States Immigration  
17 and Customs Enforcement of the Department of Home-  
18 land Security—



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

4           “(2) in the inspection of cargo, vehicles, and  
5 aircraft at points of entry into the United States to  
6 prevent the entry of weapons of mass destruction,  
7 components of weapons of mass destruction, prohib-  
8 ited narcotics or drugs, or other terrorist or drug  
9 trafficking items.

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

12           “(1) the assignment is at the request of the  
13 Secretary of Homeland Security; and

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

20          “(c) TRAINING PROGRAM REQUIRED.—The Sec-  
21 retary of Homeland Security and the Secretary of De-  
22 fense, shall establish a training program to ensure that  
23 members receive general instruction regarding issues af-  
24 fecting law enforcement in the border areas in which the  
25 members may perform duties under an assignment under



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

5 “(d) CONDITIONS OF USE.—(1) Whenever a member  
6 who is assigned under subsection (a) to assist the Bureau  
7 of Customs and Border Protection or the United States  
8 Immigration and Customs Enforcement is performing du-  
9 ties pursuant to the assignment, a civilian law enforce-  
10 ment officer from the agency concerned shall accompany  
11 the member.

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

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

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

19 “(e) ESTABLISHMENT OF ONGOING JOINT TASK  
20 FORCES.—(1) The Secretary of Homeland Security may  
21 establish ongoing joint task forces if the Secretary of  
22 Homeland Security determines that the joint task force,  
23 and the assignment of members to the joint task force,  
24 is necessary to respond to a threat to national security



1 posed by the entry into the United States of terrorists,  
2 drug traffickers, or illegal aliens.

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

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

13 “(g) REIMBURSEMENT REQUIREMENT.—Section 377  
14 of this title shall apply in the case of members assigned  
15 under subsection (a).”.

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

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

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

