

damages in civil suits involving personal searches; the amendment also ensures that there is recourse for potential abuses of civil rights by providing recourse against the U.S. government.

Section 141 of the bill provides immunity to a Customs officer conducting a search of a person or property provided he or she was acting in "good faith."

The term "good faith" is not defined in the bill. An officer could engage in blatantly discriminatory conduct, but if he in "good faith" believes that he was justified in doing so, he could not be held liable.

Customs officers are already entitled to qualified immunity that protects them from unwarranted claims related to illegal and unconstitutional searches.

This bill would expand immunity so as to make it nearly impossible for a person seeking redress for an unconstitutional search.

No law enforcement official is entitled to this broad grant of immunity and the Customs Office, which has a documented history of racial profiling, should not be an exception to the qualified immunity standard. Given that Congress has recently expanded the police powers of government officials, it should not at the same time cut back on the mechanisms in existing law that are designed to ensure police powers are not abused.

It is our duty to breathe life into the words that protect every American Citizen, no matter the color of their skin. We must remember Dr. Martin Luther King's words: "Injustice anywhere is a threat to justice everywhere."

I urge my colleagues to vote against H.R. 3129 and support the Rangel Amendment.

□ 1545

The CHAIRMAN pro tempore (Mr. NETHERCUTT). All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 231, not voting 6, as follows:

[Roll No. 192]

AYES—197

Abercrombie	Capps	Dooley
Ackerman	Capuano	Doyle
Allen	Cardin	Edwards
Andrews	Carson (IN)	Engel
Baca	Clay	Eshoo
Baird	Clayton	Etheridge
Baldacci	Clement	Evans
Baldwin	Clyburn	Farr
Barrett	Condit	Fattah
Becerra	Conyers	Filner
Bentsen	Costello	Flake
Berkley	Coyne	Ford
Berman	Crowley	Frank
Berry	Cummings	Frost
Bishop	Davis (CA)	Gephardt
Blagojevich	Davis (FL)	Gonzalez
Blumenauer	Davis (IL)	Gordon
Bonior	DeFazio	Green (TX)
Borski	DeGette	Gutierrez
Boswell	Delahunt	Hall (OH)
Boucher	DeLauro	Harman
Brady (PA)	Dicks	Hastings (FL)
Brown (FL)	Dingell	Hill
Brown (OH)	Doggett	Hilliard

Hinchey	McDermott	Roybal-Allard
Hinojosa	McGovern	Rush
Hoefel	McIntyre	Sabo
Holt	McKinney	Sanchez
Honda	McNulty	Sanders
Hoolley	Meehan	Sandlin
Hoyer	Meek (FL)	Sawyer
Inslee	Meeks (NY)	Schakowsky
Israel	Menendez	Schiff
Jackson (IL)	Millender-McDonald	Scott
Jackson-Lee (TX)	Miller, George	Serrano
Jefferson	Mink	Sherman
John	Mollohan	Skelton
Johnson, E. B.	Moore	Slaughter
Jones (OH)	Moran (VA)	Smith (WA)
Kanjorski	Morella	Snyder
Kaptur	Murtha	Solis
Kennedy (RI)	Nadler	Spratt
Kildee	Napolitano	Stark
Kilpatrick	Neal	Strickland
Kind (WI)	Oberstar	Stupak
Klecza	Obey	Tanner
Kucinich	Oliver	Tauscher
LaFalce	Ortiz	Thompson (CA)
Lampson	Owens	Thompson (MS)
Langevin	Pallone	Thurman
Lantos	Pascarell	Tierney
Larsen (WA)	Pastor	Towns
Larson (CT)	Paul	Udall (CO)
Lee	Payne	Udall (NM)
Levin	Pelosi	Velazquez
Lewis (GA)	Pomeroy	Visclosky
Lofgren	Price (NC)	Waters
Lowey	Rahall	Watson (CA)
Lynch	Rangel	Watt (NC)
Maloney (NY)	Reyes	Waxman
Markey	Rivers	Weiner
Matheson	Rodriguez	Wexler
Matsui	Rohrabacher	Woolsey
McCarthy (MO)	Ross	Wu
McCarthy (NY)	Rothman	Wynn
McCollum		

NOES—231

Aderholt	Dreier	Johnson, Sam
Akin	Duncan	Jones (NC)
Armey	Dunn	Keller
Bachus	Ehlers	Kelly
Baker	Ehrlich	Kennedy (MN)
Ballenger	English	Kerns
Barcia	Everett	King (NY)
Barr	Ferguson	Kingston
Bartlett	Fletcher	Kirk
Barton	Foley	Knollenberg
Bass	Forbes	Kolbe
Bereuter	Fossella	LaHood
Biggart	Frelinghuysen	Latham
Bilirakis	Gallely	LaTourette
Blunt	Ganske	Leach
Boehert	Gekas	Lewis (CA)
Boehner	Gibbons	Lewis (KY)
Bonilla	Gilchrest	Linder
Bono	Gillmor	Lipinski
Boozman	Gilman	LoBiondo
Boyd	Goode	Lucas (KY)
Brady (TX)	Goodlatte	Lucas (OK)
Brown (SC)	Goss	Luther
Bryant	Graham	Maloney (CT)
Burr	Granger	Manzullo
Buyer	Graves	McCrery
Callahan	Green (WI)	McHugh
Calvert	Greenwood	McInnis
Camp	Grucci	McKeon
Cannon	Gutknecht	Mica
Cantor	Hall (TX)	Miller, Dan
Capito	Hansen	Miller, Gary
Carson (OK)	Hart	Miller, Jeff
Castle	Hastings (WA)	Moran (KS)
Chabot	Hayes	Myrick
Chambliss	Hayworth	Nethercutt
Coble	Hefley	Ney
Collins	Herger	Northup
Combest	Hilleary	Norwood
Cooksey	Hobson	Nussle
Cox	Hoekstra	Osborne
Cramer	Holden	Ose
Crane	Horn	Oxley
Crenshaw	Hostettler	Pence
Cubin	Houghton	Peterson (MN)
Culberson	Hulshof	Peterson (PA)
Cunningham	Hunter	Petri
Davis, Jo Ann	Hyde	Phelps
Davis, Tom	Isakson	Pickering
Deal	Issa	Pitts
DeLay	Istook	Platts
DeMint	Jenkins	Pombo
Diaz-Balart	Johnson (CT)	Portman
Doolittle	Johnson (IL)	Pryce (OH)

Putnam	Shays	Thomas
Quinn	Sherwood	Thornberry
Radanovich	Shimkus	Thune
Ramstad	Shows	Tiahrt
Regula	Shuster	Tiberi
Rehberg	Simmons	Toomey
Reynolds	Simpson	Turner
Riley	Skeen	Upton
Roemer	Smith (MI)	Vitter
Rogers (KY)	Smith (NJ)	Walden
Rogers (MI)	Smith (TX)	Walsh
Ros-Lehtinen	Souder	Wamp
Roukema	Stearns	Watkins (OK)
Royce	Stenholm	Weldon (FL)
Ryan (WI)	Stump	Weldon (PA)
Ryun (KS)	Sullivan	Weller
Saxton	Sununu	Whitfield
Schaffer	Sweeney	Wicker
Schrock	Tancredo	Wilson (NM)
Sensenbrenner	Tauzin	Wilson (SC)
Sessions	Taylor (MS)	Wolf
Shadegg	Taylor (NC)	Young (AK)
Shaw	Terry	Young (FL)

NOT VOTING—6

Burton	Emerson	Trafigant
Deutsch	Mascara	Watts (OK)

□ 1609

Mrs. JOHNSON of Connecticut and Messrs. YOUNG of Alaska, SHERWOOD, SKEEN, WELLER, BACHUS, LUTHER, and GILMAN changed their vote from "aye" to "no."

Ms. MCCARTHY of Missouri, Ms. HOOLEY of Oregon and Mr. DAVIS of Florida changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed Recorded Votes on Wednesday, May 22, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes:

On agreeing to H. Res. 427, rollcall vote No. 186, I would have voted "yea;"

On approving the Journal, rollcall vote No. 187, I would have voted "yea;"

On agreeing to H. Res. 426, rollcall vote No. 188, I would have voted "yea;"

On agreeing to the Conference Report, rollcall vote No. 189, I would have voted "yea;"

On Passage of H.R. 3717, rollcall vote No. 190, I would have voted "yea;"

On Passage of H. Res. 424, rollcall vote No. 191, I would have voted "yea;"

On Agreeing to the Waters Amendment, rollcall vote No. 192, I would have voted "nay."

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NETHERCUTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3129) to authorize appropriations for fiscal years

2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, pursuant to House Resolution 426, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. THOMAS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 327, noes 101, not voting 6, as follows:

[Roll No. 193]

AYES—327

Ackerman	Callahan	Edwards
Aderholt	Calvert	Ehlers
Akin	Camp	Ehrlich
Allen	Cannon	English
Andrews	Cantor	Eshoo
Armey	Capito	Etheridge
Bachus	Capps	Everett
Baird	Cardin	Ferguson
Baker	Carson (OK)	Fletcher
Baldacci	Castle	Foley
Ballenger	Chabot	Forbes
Barcia	Chambliss	Fossella
Barr	Clement	Frelinghuysen
Bartlett	Coble	Galleghy
Barton	Collins	Ganske
Bass	Combest	Gekas
Bentsen	Cooksey	Gibbons
Bereuter	Costello	Gilchrest
Berkley	Cox	Gillmor
Berman	Cramer	Gilman
Berry	Crane	Goode
Biggert	Crenshaw	Goodlatte
Bilirakis	Crowley	Gordon
Bishop	Cubin	Goss
Blagojevich	Culberson	Graham
Blunt	Cunningham	Granger
Boehrlert	Davis (CA)	Graves
Boehner	Davis (FL)	Green (TX)
Bonilla	Davis, Jo Ann	Green (WI)
Bonior	Davis, Tom	Greenwood
Bono	Deal	Grucci
Boozman	DeFazio	Gutknecht
Borski	DeLay	Hall (OH)
Boswell	DeMint	Hall (TX)
Boucher	Diaz-Balart	Hansen
Boyd	Dicks	Harman
Brady (TX)	Dingell	Hart
Brown (FL)	Dooley	Hastings (WA)
Brown (SC)	Doolittle	Hayes
Bryant	Doyle	Hayworth
Burr	Dreier	Hefley
Buyer	Dunn	

Herger	McCollum	Sensenbrenner
Hilleary	McCrery	Sessions
Hincheey	McHugh	Shadegg
Hinojosa	McInnis	Shaw
Hobson	McIntyre	Shays
Hoefl	McKeon	Sherman
Hoekstra	McNulty	Sherwood
Holden	Meek (FL)	Shimkus
Hooley	Mica	Shows
Horn	Miller, Dan	Shuster
Hostettler	Miller, Gary	Simmons
Houghton	Miller, Jeff	Simpson
Hoyer	Moore	Skeen
Hulshof	Moran (KS)	Skelton
Hunter	Moran (VA)	Slaughter
Hyde	Morella	Smith (MI)
Isakson	Murtha	Smith (NJ)
Israel	Myrick	Smith (TX)
Issa	Nethercutt	Smith (WA)
Istook	Ney	Snyder
Jenkins	Northup	Souder
John	Norwood	Spratt
Johnson (CT)	Nussle	Stearns
Johnson (IL)	Obey	Stenholm
Johnson, E. B.	Ortiz	Stump
Johnson, Sam	Osborne	Stupak
Jones (NC)	Ose	Sullivan
Kanjorski	Oxley	Sununu
Kaptur	Pence	Sweeney
Keller	Peterson (MN)	Tancredo
Kelly	Peterson (PA)	Tanner
Kennedy (MN)	Petri	Tauscher
Kennedy (RI)	Phelps	Tauzin
Kerns	Pickering	Taylor (MS)
Kildee	Pitts	Taylor (NC)
Kind (WI)	Platts	Terry
King (NY)	Pombo	Thomas
Kingston	Pomeroy	Thompson (CA)
Kirk	Portman	Thornberry
Knollenberg	Price (NC)	Thune
Kolbe	Pryce (OH)	Thurman
LaFalce	Putnam	Tiahrt
LaHood	Quinn	Tiberi
Lampson	Radanovich	Toomey
Langevin	Ramstad	Turner
Lantos	Regula	Udall (CO)
Larsen (WA)	Rehberg	Upton
Latham	Reyes	Vitter
LaTourette	Reynolds	Walden
Leach	Riley	Walsh
Levin	Roemer	Wamp
Lewis (CA)	Rogers (KY)	Watkins (OK)
Lewis (KY)	Rogers (MI)	Watts (OK)
Linder	Rohrabacher	Waxman
Lipinski	Ros-Lehtinen	Weiner
LoBiondo	Ross	Weidon (FL)
Lowe	Rothman	Weldon (PA)
Lucas (KY)	Roukema	Weller
Lucas (OK)	Royce	Wexler
Luther	Ryan (WI)	Whitfield
Lynch	Ryun (KS)	Wicker
Maloney (CT)	Sanders	Wilson (NM)
Manzullo	Sandlin	Wilson (SC)
Matheson	Saxton	Wolf
Matsui	Schaffer	Wu
McCarthy (MO)	Schiff	Young (AK)
McCarthy (NY)	Schrock	Young (FL)

NOES—101

Abercrombie	Frank	Millender-McDonald
Baca	Gephardt	Miller, George
Baldwin	Gonzalez	Mink
Barrett	Gutierrez	Mollohan
Becerra	Hastings (FL)	Nadler
Blumenauer	Hill	Napolitano
Brady (PA)	Hilliard	Neal
Brown (OH)	Holt	Oberstar
Capuano	Honda	Olver
Carson (IN)	Inslee	Otter
Clay	Jackson (IL)	Owens
Clayton	Jackson-Lee	Pallone
Clyburn	(TX)	Pascarell
Condit	Jefferson	Pastor
Conyers	Jones (OH)	Paul
Coyne	Kilpatrick	Payne
Cummings	Kleczka	Pelosi
Davis (IL)	Kucinich	Rahall
DeGette	Larson (CT)	Rangel
Delahunt	Lee	Rivers
DeLauro	Lewis (GA)	Rodriguez
Doggett	Lofgren	Roybal-Allard
Duncan	Maloney (NY)	Rush
Engel	Markey	Sabo
Evans	McGovern	Sanchez
Farr	McKinney	Sawyer
Fattah	Meehan	Schakowsky
Flner	Meeks (NY)	Scott
Flake	Menendez	Serrano
Ford		

Solis	Towns	Watson (CA)
Stark	Udall (NM)	Watt (NC)
Strickland	Velazquez	Woolsey
Thompson (MS)	Visclosky	Wynn
Tierney	Waters	

NOT VOTING—6

Burton	Emerson	McDermott
Deutsch	Mascara	Trafficant

□ 1629

Messrs. SAWYER, RAHALL and HOLT changed their vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to authorize appropriations for fiscal years 2002 through 2004 for the United States Custom Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.”

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3129.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1630

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. WYNN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 877.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 428 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 428

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year