

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

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

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
Biggert	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
Cardin (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 (PA)
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	Trafficant
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	Gingrich
Barton	Collins	Galleghy
Bass	Combest	Ganske
Bentsen	Cooksey	Gekas
Bereuter	Costello	Gibbons
Berkley	Cox	Gilchrest
Berman	Cramer	Gillmor
Berry	Crane	Gilman
Biggert	Crenshaw	Goode
Bilirakis	Crowley	Goodlatte
Bishop	Cubin	Gordon
Blagojevich	Culberson	Goss
Blunt	Cunningham	Graham
Boehlert	Davis (CA)	Granger
Boehner	Davis (FL)	Graves
Bonilla	Davis, Jo Ann	Green (TX)
Bonior	Davis, Tom	Green (WI)
Bono	Deal	Greenwood
Boozman	DeFazio	Grucci
Borski	DeLay	Gutknecht
Boswell	DeMint	Hall (OH)
Boucher	Diaz-Balart	Hall (TX)
Boyd	Dicks	Hansen
Brady (TX)	Dingell	Harman
Brown (FL)	Dooley	Hart
Brown (SC)	Doolittle	Hastings (WA)
Bryant	Doyle	Hayes
Burr	Dreier	Hayworth
Buyer	Dunn	Hefley

Herger	McCollum
Hilleary	McCrery
Hinchey	McHugh
Hinojosa	McInnis
Hobson	McIntyre
Hoeffel	McKeon
Hoekstra	McNulty
Holden	Meeke (FL)
Hooley	Mica
Horn	Miller, Dan
Hostettler	Miller, Gary
Houghton	Miller, Jeff
Hoyer	Moore
Hulshof	Moran (KS)
Hunter	Moran (VA)
Hyde	Morella
Isakson	Murtha
Israel	Myrick
Issa	Nethercutt
Istook	Ney
Jenkins	Northup
John	Norwood
Johnson (CT)	Nussle
Johnson (IL)	Obey
Johnson, E. B.	Ortiz
Johnson, Sam	Osborne
Jones (NC)	Ose
Kanjorski	Oxley
Kaptur	Pence
Keller	Peterson (MN)
Kelly	Peterson (PA)
Kennedy (MN)	Petri
Kennedy (RI)	Phelps
Kerns	Pickering
Kildee	Pitts
Kind (WI)	Platts
King (NY)	Pombo
Kingston	Pomeroy
Kirk	Portman
Knollenberg	Price (NC)
Kolbe	Pryce (OH)
LaFalce	Putnam
LaHood	Quinn
Lampson	Radanovich
Langevin	Ramstad
Lantos	Regula
Larsen (WA)	Rehberg
Latham	Reyes
LaTourrette	Reynolds
Leach	Riley
Levin	Roemer
Lewis (CA)	Rogers (KY)
Lewis (KY)	Rogers (MI)
Linder	Rohrabacher
Lipinski	Ros-Lehtinen
LoBiondo	Ross
Lowe	Rothman
Lucas (KY)	Roukema
Lucas (OK)	Royce
Luther	Ryan (WI)
Lynch	Ryun (KS)
Maloney (CT)	Sanders
Manzullo	Sandlin
Matheson	Saxton
Matsui	Schaffer
McCarthy (MO)	Schiff
McCarthy (NY)	Schrock

NOES—101

Abercrombie	Frank
Baca	Gephardt
Baldwin	Gonzalez
Barrett	Gutierrez
Becerra	Hastings (FL)
Blumenauer	Hill
Brady (PA)	Hilliard
Brown (OH)	Holt
Capuano	Honda
Carson (IN)	Inslee
Clay	Jackson (IL)
Clayton	Jackson-Lee
Clyburn	(TX)
Condit	Jefferson
Conyers	Jones (OH)
Coyne	Kilpatrick
Cummings	Kleczka
Davis (IL)	Kucinich
DeGette	Larson (CT)
Delahunt	Lee
DeLauro	Lewis (GA)
Doggett	Loftgren
Duncan	Maloney (NY)
Engel	Markey
Evans	McGovern
Farr	McKinney
Fattah	Meehan
Finer	Meeke (NY)
Flake	Menendez
Ford	

Sensenbrenner	Solis
Sessions	Stark
Shadegg	Strickland
Shaw	Thompson (MS)
Shays	Tierney
Sherman	Towns
Sherwood	Udall (NM)
Shimkus	Velazquez
Shows	Visclosky
Shuster	Waters
Simmons	
Simpson	
Skeen	
Skelton	Burton
Slaughter	Deutsch
Smith (MI)	Emerson
Smith (NJ)	Mascara
Smith (TX)	
Smith (WA)	
Snyder	
Souder	
Spratt	
Stearns	
Stenholm	
Stump	
Stupak	
Sullivan	
Sununu	
Sweeney	
Tancred	
Tanner	
Tauscher	
Tauzin	
Taylor (MS)	
Taylor (NC)	
Terry	
Thomas	
Thompson (CA)	
Thornberry	
Thune	
Thurman	
Tiahrt	
Tiberti	
Toomey	
Turner	
Udall (CO)	
Upton	
Vitter	
Walden	
Walsh	
Wamp	
Watkins (OK)	
Watts (OK)	
Waxman	
Weiner	
Weldon (FL)	
Weldon (PA)	
Weller	
Wexler	
Whitfield	
Wicker	
Wilson (NM)	
Wilson (SC)	
Wolf	
Wu	
Young (AK)	
Young (FL)	

NOT VOTING—6

	Watson (CA)
	Watt (NC)
	Woolsey
	Wynn
	McDermott
	Traficant

□ 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