the Veterans of Foreign Wars, and I want to add my support for the Watts/Moran/Thornberry Amendment. It is a first step toward providing our military retirees with needed, affordable health care coverage.

Mr. DAVIS of Virginia. Mr. Chairman, I rise today in support of this amendment offered by my colleagues, Representatives J.C. WATTS (R–OK), JIM MORAN (D–VA), and WILLIAM ''MAC'' THORNBERRY (R–TX) that will help provide a portion of the military retiree community with affordable, accessible, high-quality health care by allowing them to join the Federal Employee Health Benefits Program (FEHBP). This amendment authorizes the Department of Defense (DoD) to conduct a demonstration program to enroll Medicare-eligible military retirees in the (FEHBP). The cost of the demonstration program is offset by the sale of the National Defense Stockpile materials. Furthermore, this demonstration project features a three-year program located at 6–10 sites around the nation. It will provide coverage for Medicare eligible military retirees (age 65 and above). This amendment will also cap costs at $100 million per year.

Mr. Chairman, although adoption of this amendment falls far short of our original commitments to our veterans. I believe that the passage of this amendment will bring a step closer the promise of lifetime health care made to career military and retirees is kept and I urge all of my colleagues to support the passage of this amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. THORNBERRY).

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

RECORDED VOTE

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 1, answered ''present'' 1, not voting 11, as follows:

[Roll No. 178]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—1

Thomas

ANSWERED ''PRESENT''—1

Ganske

NOT VOTING—11

Bateman
Gonzalez
Harman
Johnson, Sam
McGovern
Meeks (NY)
Parker
Pickett
Skaggs
Torres
Wicker

□ 1702

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LAHOOD) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman William, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Committee resumed its sitting.

PREFERENTIAL MOTION OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise and report the bill back to the whole House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I have offered the motion to strike the enacting clause to have a chance to protest against the outrageous denial of democratic procedures.

Along with the gentleman from California (Mr. CAMPBELL), the gentleman from Ohio, who chairs the Committee on the Budget, the gentleman from Tennessee (Mr. HILLEARY), the gentleman from California (Mr. CONDIT), and the gentleman from New York (Mr. SERRANO), I offered an amendment to the Committee on Rules to require that American ground troops leave Bosnia by December 31 of this year.

We recently had a supplemental in which we were asked and voted, I did not but the majority did, an additional $162 million per month for the American ground troops in Bosnia. I believe, and others do, that it is time for the Europeans to step up.

We believe, at the very least, this House ought to vote on whether or not

there should be a continuation of American ground troops in Bosnia. I have heard a number of Members complain about this. We have heard the people on the committee complain that we do not have enough funds to fund Defense. Some of us feel Defense is taking too much money from other programs. What justification is there for bringing a bill and having the Committee on Rules refuse to let this House even vote on whether or not we ought to have the ground troops in Bosnia?

Another amendment was offered by the gentleman from California and the gentleman from Colorado to reaffirm the role of this House in dealing with troops in Iraq. Let us be very clear. Many of us disagree with what the President is doing. It is the leadership of the House that has decided that the House will not be able to speak on Bosnia or Iraq.

And I will say this: If Members voted for the rule and are going to vote for the bill, at least have the consistency not to complain about American troops being in Bosnia and Iraq, because we are trying to give those Members a chance to deal with it. As to Iraq, most of us would probably vote to authorize that, but it ought to be voted on by the House. As to Bosnia, a majority of the House might say it is time for Europe to defend Europe and pull out. But, again, the House is not being given a chance to vote on it.

This is a very grave error and we have to protest. If we were able to defeat this bill, it could come back very soon after we came back and those amendments could be made in order. And we just want Members to be on record that if they vote for the bill in this form, they have waived their right, by any reasonable standards, to complain about the troops in Bosnia or to complain about executive branch excesses not listened to by the Congress.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank my colleague for yielding.

The gentleman is quite right, the Constitution gives the Congress the responsibility to declare war. It gives it to no other part of our government. No other part of our government. Politically, sometimes it is difficult to go on record on a question of war, but it is our responsibility to do so.

When I brought a privileged motion under the War Powers Resolution concerning Bosnia to the House floor, I was proud to be able to say that the American Legion had endorsed my effort. The American Legion agreed that we should not send soldiers and sailors and air personnel overseas, potentially to die, in service of their country, without the request of the people's representatives in Congress. Regrettably, that particular motion failed by a few votes. That motion failed, I think at least in part, because it was under the War Powers Resolution.

So with my colleague from Massachusetts, I attempted to get in the rule the chance to vote on whether we should have troops in Bosnia or troops in the Persian Gulf without having to rely on the War Powers Resolution. But we were denied that chance.

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Chairman, we ought to be very clear. If Members are going to go ahead and vote for this bill, let us at least change the title.

We asked for a vote on troops in Bosnia. We asked for a declaration of a congressional role in Iraq. Let us call it, if we are going to ratify a rule which says these things cannot even come up, the Congressional Abdication of Constitutional Responsibility Act of 1998, because that is what we will be doing.

We will be saying we in Congress will take our shots, we will make our political points, but tough decisions about the Middle East or Bosnia, let somebody else do them because we find them inconvenient or difficult.

I was told by the chairman of the Committee on Rules that he kept them off the floor to accommodate the President. I must say that it came as sort of a surprise to me that this bill was being constructed to accommodate the President. And it is not the sort of accommodation of a President we ought to engage in. We could save $2 billion a year by telling the Europeans it is their turn to do Bosnia. And we could serve the Constitution of the United States by the elected representatives debating it.

The leadership of this House has apparently decided, in cooperation with the President, not to speak out and to abdicate its constitutional responsibilities. That is a very grave error that does not serve well the traditions we profess to care about.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California once again.

Mr. CAMPBELL. Just to add, Mr. Chairman, one additional point of praise to our colleague from Colorado (Mr. SKAGGS), who offered an amendment in the supplemental that we not go to war in the Persian Gulf without the approval of this House. That was stricken in conference. This is our last chance to do our constitutional duty.

Mr. BUYER. Mr. Chairman, I rise in opposition to the motion.

The motion before us is a motion to strike the enacting clause. This is a preferential motion that is debatable only by 5 minutes on each side. If it is withdrawn before the vote, the motion may be repeated as soon as there is any intervening business, like further debate. If the motion is agreed to, the Committee will rise and there is a vote on the motion before the House. If that motion is agreed to, the defense bill is dead.

So I want everybody to completely understand what is before the House.

Secondly, let me address the comments on Bosnia. What I said of the President is, I would become not his critic but his constructive critic. And what I mean by that is that I want to work with the administration on an end state in Bosnia.

What we hope to do, and what I have been working on with the gentleman from Nebraska (Mr. BEREUTER) of the Committee on International Relations, along with the administration, is that when the President said he would set benchmarks of success in Bosnia on the civil implementation of the Dayton Accords, that in fact these are benchmarks that are realistic and achievable; ones that are pragmatic and ones that I believe are realistic.

We are in the course of drafting that resolution so it can be brought to this House floor so we can have the type of vote that the two Members that just previously spoke can actually have. Hopefully, we can do that in the next month.

I urge Members, if in fact a vote is called, to vote against the motion.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK).

The motion was rejected.

□ 1715

The CHAIRMAN. It is now in order to debate the subject of the assignment of members of the Armed Forces to assist in border patrol.

Pursuant to House Resolution 441, the gentleman from Indiana (Mr. BUYER) and the gentleman from Missouri (Mr. SKELTON) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, after consultation with the gentleman from Texas (Mr. REYES) and the gentleman from Ohio (Mr. TRAFICANT), the sponsor of the first amendment in order, I ask unanimous consent that the 30 minutes of general debate time be divided three ways between myself, the gentleman from Texas (Mr. REYES) and the gentleman from Ohio (Mr. TRAFICANT) each controlling 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUYER. Mr. Chairman, I would ask that the sponsor of the amendment please proceed, and I reserve the balance of time.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment is straightforward. It does not mandate the use of troops on our border. What it does, though, is it says that if the Administration, through the Attorney General, the Secretary of the Treasury, decides to use the military, which I believe they should to stop this narcotics madness, there are certain requirements.

Number one, they must be adequately trained. Number two, they

could never be on patrol without the presence of a law enforcement entity, and they could not make arrests, and the local governor and communities shall be notified of their presence.

Now, we have a number of substitutes presented here, and the last one attempts to almost replicate my original amendment, supposedly. But the difference is mine would provide for patrols without question. The substitute provides for reconnaissance missions. And under the dictionary of ''reconnaissance,'' it is in fact to gather information and to scout but do not engage.

Let there be no mistake, the difference is, if we decide that we are going to do something about these broad shipments of narcotics, the Traficant amendment would allow our troops to be adequately trained, never to be without the presence of a law enforcement entity. But, by God, they can engage and they can take issue.

Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to troops on the border.

As everyone knows, my background is one of having spent 26½ years patrolling this Nation's border as a border patrol agent and as a chief. I think it is a bad idea. I believe that we have to understand that the only way we are going to ensure the integrity of our borders is through trained, professional, Federal agents.

Mr. Chairman, I reserve the balance of my time.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly rise in opposition to the Traficant amendment. I know this body passed the amendment in the last Congress. I believe that the President, as the chief executive officer of the land, has the inherent ability if in fact there is an emergency or a threat to the borders of our Nation, I believe it is inherent to, not only as the chief security officer but also as the Commander-in-Chief, that if in fact our law enforcement agencies are inadequate to protect the ports of entry or the borders of our Nation, the military in fact should be there to do that. I believe that is inherent as the President, and we would expect the President to do that.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, that is all my amendment says. But it then codifies how those troops shall be used so there are no more accidental shootings, there is adequate training, they are never without the presence of a law enforcement entity. And it does exactly what the Chairman now is discussing.

Mr. BUYER. Mr. Chairman, reclaiming my time, what makes me uncomfortable is the fact that we are going to set forth a process that when the Attorney General notifies the Department of Defense, then they have to provide, and it becomes very bothersome to me.

Mr. REYES. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Texas.

Mr. REYES. Mr. Chairman, I just want to clarify that today, in the Immigration Naturalization Act that the government has already passed that is in effect, it provides that kind of authority. There is a section that provides the authority to the President to declare an emergency and do exactly what the gentleman is talking about.

Mr. BUYER. Mr. Chairman, reclaiming my time, what we all have to recognize is that, in 1993, as we had a larger military force than we have today, that there were people that were looking for other jobs for the military to do in civil military affairs and other things. This idea also came about around that same time period.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. BUYER) has expired.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what we have to recognize right now with the United States Army is we are left with 10 divisions and of those 10 divisions, we have the five follow-on divisions that are being hollowed out; and we have to be very careful if we are going to be taking our troops and assigning them into collateral duties. Let us be very careful.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Chairman, I would like to commend my colleague, the gentleman from Ohio (Mr. TRAFICANT), and I think even my colleague, the gentleman from Texas (Mr. REYES), who recognizes just how much the gentleman from Ohio has tried to moderate this issue and all he is trying to do is send a very clear message not just to the administration, not just to the American people, but to everyone that America will do for itself what it does for everyone else in the world and that it would defend its children and its neighborhoods with whatever resources are available.

We are just talking about allowing the people who pay the bills to have this military available, to have their neighborhoods protected just as much as the people in Bosnia or the people in Europe or the people in Africa. Is it too much to ask, Mr. Chairman, that we just recognize the people paying the bills should have the same peacekeeping capabilities that the rest of the world does?

Mr. Chairman, if we do not care about the drugs that are coming across the border, and we all know that, and illegal immigration and the related crime, let me remind my colleagues that this is a human issue, too.

More people die every year trying to cross the border illegally than were killed in the Oklahoma explosion. Let me say that again. Every year, more people die on the border trying to cross illegally. And many of those people that are dying are young juveniles who are being dragged across the border by people who think that it is safe to come across our borders.

I ask my colleagues that we send a clear message that America will do everything possible to secure its national frontiers, that the United States Congress expects the Federal Government to treat the boundaries of America as sacred and as secure as the boundaries in Bosnia or anywhere else in the world. We are asking that the commonsense approach of enforcing and using all the resources are available.

Let me just close with the gentleman from Texas (Mr. REYES) saying we want to secure the borders. The problem with not securing the borders, Mr. Chairman, is that we have refused to do everything humanly possible in the United States. Let us do as much here on our own soil as we do on everyone else's soil.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the gentleman from Indiana (Mr. BUYER) for yielding me time.

Mr. Chairman, I rise in strong support of the Traficant amendment. I think everyone here, particularly those Members from border states such as my State of Florida, recognize the simple truth. We are losing our war against drugs, and we are nowhere near winning our battle against illegal immigration.

I have a great deal of respect for efforts of the border patrol, the INS, the DEA and others who have been waging these wars for years. They have been valiant in their attempts, and they deserve our thanks and credit. But given the ease in which smugglers seem to be importing illegal drugs into our country and the steady stream of illegal aliens that keep crossing our borders, we obviously have not been able to equip them with the resources and tools they need to really stop these activities. And both these activities threaten our Nation by aiding and abetting crime and by weakening the fabric of our society.

The Traficant amendment is not radical. It simply allows those who are fighting these wars against illegal drugs and aliens to ask the military for help. It is not mandatory. It is not required. It simply allows the Pentagon to lend its resources where needed and when available.

I do not know about my colleagues, but I am growing tired of the term and hearing it ''the war on drugs.'' I want to end the war. I want to win the war. But we cannot do that as long as the resources of our drug lords outstrip those who we have asked to fight.

I would hope that all my colleagues who have talked tough about fighting drugs and talked tough about terrorism and talked tough about illegal immigration will put their votes where their rhetoric have been and support the Traficant amendment as offered today.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

(Mr. RODRIGUEZ asked and was given permission to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Chairman, as a member of the Committee on National Security, I oppose the amendment by the gentleman from Ohio (Mr. TRAFICANT).

An increase of U.S. troops on the border with Mexico is a dangerous proposal that will put the border residents in danger. Our military is the world's best trained fighting forces, and they are not the police officers, and they are not the border patrol agents. They are trained to fight, and we put our own citizens in danger.

I would like to remind my colleagues, exactly 1 year ago an 18-year-old high school student, American citizen, was shot to death by the Marine on patrol in west Texas. This tragic incident highlights the complexities of placing soldiers on the border and the potential harm to many residents.

I represent the border, and I recognize the importance of fighting drugs. And border residents also, just like everyone else, want to stop the influx of illegal drugs, and they believe in stopping the flow of undocumented immigrants. But the solution they support is more border patrol and Customs Service agents. The Customs Service agents are the ones that are directly involved in assuring when products come across that those things are well checked out.

It is no wonder that the Department of Defense and Justice and the Immigration and Naturalization Service all oppose this proposal. The border patrol has nearly 8,000 agents patrolling our national borders, and the Congress has authorized an additional 1,000 agents every year up to the year 2001.

Last year, the San Antonio Express and News pointed out that the incident in west Texas is an isolated incident. Yet it is one that puts everyone in danger. We need to be concerned about the possibility of future incidents such as those when we put people that are untrained on the border that are U.S. citizens.

Mr. Chairman, I serve on the Committee on National Security Subcommittee on Military Readiness. At a time when readiness concerns are at their highest and with the troops sent for extended periods of time to Bosnia and elsewhere, we cannot afford to pull additional men.

I would ask that my colleagues vote no on the amendment.

Mr. RODRIGUEZ. Mr. Chairman, as a member of the House National Security Committee, I oppose the amendment offered by the gentlemen from Ohio. An increase of U.S. troops on the border with Mexico is a dangerous proposal that will put border residents in danger and reduce military readiness. Our military is the world's best trained fighting force; they are not police officers and they are not border patrol agents. They are trained to fight, and we put our own citizens at grave risk by deploying them on American soil.

I represent two counties along the border with Mexico. In my town hall meetings, almost everyone I spoke with opposed putting troops on our border. Many of them had served in our military, and I respect their opinion. Border residents, just like everyone else, want to stop the influx of illegal drugs, and they believe in stopping the flow of undocumented immigrants. But the solution they support is more Border Patrol and Customs Service agents who are well trained to deal with the challenges of patrolling the border.

Exactly one year ago, an 18 year old American citizen was shot to death by a Marine on patrol near Redford, Texas. This tragic incident highlights the complexities of placing soldiers on the border and the potential harm to border residents. It is no wonder that the Departments of Defense and Justice and the Immigration and Naturalization Service all oppose this proposal. The Border Patrol has nearly 8,000 agents patrolling our nation's borders, and Congress has authorized an additional 1,000 agents every year until 2001. Last year, the San Antonio Express-News pointed out that the Redford incident may be isolated but warned against deploying soldiers into an area lawfully and peacefully used by private citizens.

Mr. Chairman, I serve on the House National Security Readiness Subcommittee. At a time when readiness concerns are at there highest and with troops sent for extended periods of time to Bosnia and elsewhere, we cannot afford to pull additional men and women away from their posts to do the work of Border Patrol agents. It is unfair to our fighting men and women, and it does harm to our national security. The military can provide assistance in numerous ways without this unwarranted diversion of troops.

All of our budgets are tight. Putting troops on our border is extremely costly; it is a bad use of scarce resources. The drain on our defense budget puts our readiness at risk. The Department of Defense has warned that the troops' work along the border are of minimal value to military readiness and detract from training with warfighting equipment for warfighting missions. This lack of training would directly reduce unit readiness levels; it could require troops to spend more times overseas with less time to train between deployments. These funds could be better used training our Armed Forces for their warfighting missions or ensuring Border Patrol agents are properly trained and have the resources needed to enforce our nation's laws and to protect themselves.

The substitute offered by Congressman REYES seeks to partially address these concerns by requiring data from the Department of Defense on the costs, military value, effects on readiness, training, and preparedness of deploying military personnel to our borders.

Mr. Chairman, I, and the tens of thousands of residents I represent along the border, urge my colleagues to vote against this misguided proposal and for the substitute offered by Congressman REYES. Hopefully, in conference, this entire provision will be removed. The placement of additional soldiers on our borders is a dangerous proposal that could have deadly consequences for border residents. We must remember who we are protecting.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, I appreciate the gentleman yielding 2 minutes. But it might take me a little longer. Will the gentleman from Ohio (Mr. TRAFICANT) yield me 1 minute?

Mr. TRAFICANT. Mr. Chairman, I yield the gentleman from Georgia (Mr. COLLINS) 1 minute.

Mr. COLLINS. Mr. Chairman, in the Third District of Georgia, illegal immigration and drug trafficking are major concerns. I congratulate my colleague from Ohio (Mr. TRAFICANT) for offering his amendment, which helps to address both of these difficult challenges.

I strongly support the amendment, which will allow our military forces to participate in the most basic national defense function there is, that of the defense of our own borders.

General Charles Wilhelm of the U.S. Southern Command recently referred to the international drug trade as the greatest chemical weapons threat to our national security.

□ 1730

Congress should act today to allow the U.S. military to pursue its mission to protect our national security.

It is high time for Congress to set its own priorities. The administration and some Members have shown great willingness to sacrifice American service members around the world to protect the borders of other nations. Today, we must act to protect our own borders, our own hometowns, and our own children and grandchildren from the hardships and suffering caused by illegal immigration and drug trafficking.

Members have a clear choice to make today. We can support the amendment of the gentleman from Ohio (Mr. TRAFICANT) and represent the interests of our constituents by addressing the flow of illegal immigrants and drugs across our southern border, or we can choose to represent the interests of illegal aliens and drug smugglers by supporting and maintaining the current failed policies.

If you believe there is not an illegal immigration problem, you should support the Reyes substitute. If you believe the drugs are not flowing from the nations of the Andean Ridge to the streets and schools of your hometown, you should support the Reyes substitute.

If, however, you know, as I do, that illegal immigration and drug trade are destroying the fabric of our communities, you should oppose the Reyes substitute and stand in strong support of the Traficant amendment.

I urge my colleagues to support the amendment of the gentleman from

Ohio (Mr. TRAFICANT) and to provide the INS and the Custom's Service the assistance they need to defend our American borders.

Mr. REYES. Mr. Chairman, can I ask the time remaining?

The CHAIRMAN. The gentleman from Texas (Mr. REYES) has 7½ minutes remaining. The gentleman from Ohio (Mr. TRAFICANT) has 8 minutes remaining. The gentleman from Indiana (Mr. BUYER) has 1½ minutes remaining.

Mr. BUYER. Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, here we go again. Everybody that is soft on drugs supports this amendment. If you are really tough for getting drugs, then you support the other amendment. Real simple, right? Wrong again.

I know my friend from Ohio is a big antidrug, anticrime, antiillegal activities; but understand this, most of the drugs come through the port of entry, not from the points in between. So you are putting troops out on the highways and byways, and that is not where the problem is. What am I saying is that this will not work. Even if we did it, it would not work. We would have another failure. What happened?

Number two, we are only asking some requirements that would at least let us know what in the devil is going on beside this mindless running the military and the antidrug activity and everything else.

Three, have you ever heard of Posse Comitatus at all? Anybody? Is this strange? Think about what you are doing and think about the simple fact that it will not work.

Let us give everybody real high points for being against drug proliferation, but let us use our senses about this. The Committee on National Security mostly and the Armed Services is against this, not because they do not want more jurisdiction, because they know it will not work; and you should, too.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I think the gentleman brings up a very good point that the Members should understand about the Posse Comitatus Act. When we have many different agencies out there, whether it is the Customs agency on the Border or any agencies, then if it is such a threat, then we should be beefing up those agencies, not our military getting involved in civil affairs.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Traficant amendment covers ports of entries as well, and it specifically states they can not make arrests, and it has been determined by the Parliamentarian that it does not infringe with Posse Comitatus laws at all.

We have got young people overdosing in cities all over this country, and we are going through this same type of constitutional jargon.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I strongly rise to support the amendment of the gentleman from Ohio (Mr. TRAFICANT). I think the gentleman is precisely right. It is time this country did something about drugs. If we think the border patrol is doing it, then let us ask ourselves why do we have 20,000 young people a year dying from drug overdoses?

It is time to use our best, but any method we need to stop drugs in this country. I cannot tell the gentleman how strongly I feel that he is exactly right.

Put the 82nd Airborne on maneuvers down there if you want to stop drugs. You have the safeguards in the bill to take care of the terrible tragedy we had before, but the tragedy is you cannot stop it in my hometown, and you cannot stop it in the State. We have got to stop it on the borders, and our military can do the job.

Mr. REYES. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) has 1½ minutes remaining. The gentleman from Ohio (Mr. TRAFICANT) has 6½ minutes remaining. The gentleman from Texas (Mr. REYES) has 5½ minutes remaining.

Mr. TRAFICANT. Mr. Chairman, parliamentary inquiry. Who has the right to close this debate?

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) has the right to close.

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HASTERT).

Mr. BUYER. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. HASTERT).

The CHAIRMAN. The gentleman from Illinois is recognized for 1½ minutes.

Mr. HASTERT. Mr. Chairman, I thank the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Indiana (Mr. BUYER) for yielding me the time.

Mr. Chairman, as you know, the national security of this country is threatened. It is not city to city. It is not State to State. But it is country to country.

We have 400 tons of cocaine, we have hundreds of hundreds of tons of marijuana, we have multiple tens of tons of heroin coming across our border every year. We lose 20,000 kids a year either to drugs or drug violence. If that is not national security, I do not know what it is.

If we lost 20,000 kids today in Bosnia or the Middle East, this country would be up in arms. We darn well better do everything we can, including putting our troops with civil authorities along the borders to stop the scourge of drugs.

We have to stand up. It is a matter of national will. It is a matter of national understanding and desire to solve a problem. I salute the gentleman from Ohio for his amendment. We need to stand behind him and make sure it becomes law.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding to me.

I have a great deal of respect for the gentleman from Ohio (Mr. TRAFICANT). It seems to me both amendments seek the same objective, and that is to ensure that we successfully confront the scourge of drugs in America. I am for that. But, unlike the formulation of the gentleman from Georgia, I do not accept the premise that I, therefore, have to be against Reyes and for Traficant.

I am for Reyes because I think it is a more thoughtful way of accomplishing the objective. The President of the United States has put General McCaffrey in charge of our drug control effort. I do not think he is a wimp. I think he understands military security needs. I think he understands how to utilize the military. He is the former Commander in Chief of SOUTHCOM, as so many of you on this floor know. His advice is that we do not move in this direction at this time. I think we ought to respect that.

I would also say, on a different front, that I am concerned, as all of you are, about conserving the resources we have available to keep this Nation secure. This bill does not have enough money in it for the military. I know some of my colleagues think that is not the case. I would be for spending more money in this bill.

I agree with the gentleman from Missouri (Mr. SKELTON), and I congratulate him for his leadership, and I agree with the chairman of this committee who have joined together in a bipartisan way to say, America, this is not a time to pretend that our security interests have been secured. This is not a time to retreat from our commitment and our responsibilities. We may not like being the sole superpower in the world, but that which we are, we are; and we have responsibilities.

I am supportive of deployment in Bosnia. We have saved hundreds of thousands of lives, and we have saved millions of people from being dispossessed from their homes. That is not only a moral good, it is a strategic good.

I say to my friends that, although I am going to support the Reyes amendment, I, too, agree that we ought to make every effort possible to secure our borders from the scourge of drugs.

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) has 1¼ minutes remaining. The gentleman from

Ohio (Mr. TRAFICANT) has 5½ minutes remaining. The gentleman from Texas (Mr. REYES) has 3½ minutes remaining.

Mr. REYES. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS), my good friend.

Mr. EDWARDS. Mr. Chairman, I live in Texas; frankly, much closer to the Mexican border than the gentleman from Ohio. While I have great respect for the gentleman's interest in fighting drugs, as a father of two small sons who will be raised in Texas near the Mexican border I will absolutely take a back seat to no one in this House in my interest in fighting drugs.

Let us be fair in this debate. This is not about who wants to fight drugs and who does not. This is about the best way to do it. There is a right way and a wrong way to accomplish our Nation's goals. The wrong way is to put thousands of U.S. soldiers on the Texas/Mexican border to make our State look like east Berlin during the Cold War.

The Army does not want this. Those of us who represent major Army installations, and I represent the largest populated Army installation in the world, Fort Hood, I can speak for thousands of Army soldiers in saying that they came into the Army to fight for our Nation's defense and wars, not to stand on the borders of our States in the fight against drugs, a noble cause, perhaps, but one that is inappropriate because of the Posse Comitatus.

What is the next step? I agree that fighting drunk driving fatalities is terribly important. Do we want to station thousands of soldiers on American roads and highways to fight drunk driving? Certainly not. For the same reason, we should not put thousands of Army soldiers on the border of Texas.

The fact is that it takes three soldiers for every one deployed, those to be trained, those deployed, and those who just recently deployed. We simply cannot afford in our national security interest to allow thousands of soldiers to be diverted to the Texas or any other border in our States.

Mr. REYES. Mr. Chairman, I only have one speaker remaining.

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) has the right to close.

Mr. TRAFICANT. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Ohio (Mr. TRAFICANT) has 5½ minutes remaining.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in order to vote on the Traficant amendment, you must defeat the Reyes amendment. Mr. REYES admitted when he started he opposes troops on the border. The buzzword in here is reconnaissance. Reconnaissance means to gather information, to scout, but do not engage. That is the difference.

I do not mandate anything. No one is doing anything. Someday maybe we will get a President that may want to. The gentleman from Texas (Mr. EDWARDS) does not want it. The gentleman from Texas (Mr. REYES) does not want it. Maybe the Pentagon does not want it.

The American people not only want it, they need it. How many more overdoses in cities across America? Well, 100 percent of all heroin and cocaine comes from overseas. All the Traficant amendment says, and this disguise of an amendment which parallels it, even though he does not want it, with the reconnaissance language, no engagement is just that.

We are not engaged in a war around here. This is a joke. I do not mandate it. But, by God, if there is an emergency and we are to do it, here is what the Traficant language says: They can be deployed. They must be trained. They can never be out unless it is a joint participatory law enforcement envoy with them who would make the arrest. But if they see a narcotic trafficker, they can tackle them. They can engage.

How much more are we going to protect? You said we have done a good job in Bosnia. We save lives. We have.

□ 1745

We saved lives in Korea. This is a national security issue. This is a national security bill. Is the border between Mexico and Canada the same as the border between Ohio and Pennsylvania? The border is a national security issue, and, by God, the Congress of the United States better start securing our borders.

Now, I know the business and the politics of this place, but I have got kids dying of overdose, and we are not doing a damn thing about it.

This is camouflaged language, and the only way you are going to have this vote, and maybe it will not become law this time; it took 14 years to change the burden of proof in a tax case, and it might take another 10. But you answer this question: How many more overdoses have we had? How many more kids getting shot and ripped? If we do not protect our borders, who is going to do it? Japan? How about China now?

I want a ''no'' vote on Reyes, and I want to send a message to everybody, the American people want the Congress of the United States to treat our borders as a national security checkpoint, and I want an admission from this Congress. We have had a lot of rhetoric and talk. We have failed. We do not even engage. The substitute does not even engage. This is about our war on drugs.

Now, I am not the most well-liked guy around here. I do not come with easy things. But, damn it, I am going to present the engagement of a debate on this, because we have been wrong. And if we need more money, appropriate it. I think we are real low in the military. And if they decide they want to have an emergency and send troops, they should come in here and ask for the money, and we should give them the money.

That is exactly what I stand for, very simple. This substitute, the man says he opposes deployment of troops, and he puts the buzz word ''reconnaissance, do not engage.'' Well, if we are not going to engage, then why do not we just throw out the ball, give the needles, and keep jacking the arms of kids all over America.

I want the Committee on National Security not only to vote for this, I want you to fight like a junkyard dog to keep it in the final bill. And I hope to God we get some day a President that is going to utilize the option that the Congress of the United States would make available to him. I do not mandate it. I will just ensure if they do it, we do not have another shooting we had in Redford, Texas. And that is why we had it. The Congress was not engaged, and the Congress let a slipshod, throw-out-the-ball program end up taking a life. We did not throw out the FBI for Ruby Ridge, and we should not throw out the military presence on the border because of an accidental shooting.

My major concern is not immigration, which some people are demeaning me with; it is tons and tons of heroin and cocaine. For those who represent cities overrun with narcotics, you are talking about the source. Not treatment now, you are talking about the drugs coming in. And if we do not intercept them, folks, we do not have a program.

So I am going to ask in closing here, because I cannot come back now, to defeat the amendment of a substitute that does not engage. And if we are going to do this, allow us to engage under restricted parameters that meet Posse Comitatus and could also get us into all ports of entries to get at this madness. We can do that, we should do that. This is a national security issue.

Mr. REYES. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Texas is recognized for 2 minutes.

Mr. REYES. Mr. Chairman, we have heard a lot this afternoon about being proactive, being engaged, being pro-law enforcement. I would like to begin by clearing up a misconception on this issue.

Voting to send armed military personnel to the border and patrolling our Nation's borders is not a pro-enforcement vote. It does not mean that you are tough on crime; it does not mean that you are tough on drug traffickers or tough on illegal aliens.

If anyone wants to be tough on crime, wants to be tough on drug traffickers, then you need to come spend some time on the border. Come spend some time with me working with the Border Patrol. Come spend some time with me working with Customs, with DEA.

If you want to be tough on crime and you want to understand how tough it is to patrol the Nation's borders, come

with me and see it for more than a couple of hours. Do not stand here in this House and talk about how tough we can be and how tough we should be and the kinds of things that we are or are not doing.

The truth is, all across the border, both on the southern and the northern border, we have got Border Patrol officers, we have got Customs officers, we have got Inspectors, we have got DEA, they are all engaged in enforcing this Nation's laws against both illegal immigration and narcotics trafficking.

The gentleman from Ohio, whom I respect, is concerned about drugs. I have repeatedly explained to him, 90 percent of the drugs coming into this country come through ports of entry, ports of entry that today are utilizing National Guard to help Customs inspect the trucks.

Now, let me give you a statistic. Out of every 100 trucks coming in from Mexico, only three get fully inspected by Customs. So I would ask the question, if you were a drug trafficker and you had those kinds of odds, would you send drugs through the river, or would you send them through the ports of entry in that way?

Mr. Chairman, I ask that Members not support sending military to the border, and I ask that you support my amendment.

Mr. BUYER. Mr. Chairman, I yield one minute to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, the gentleman from Ohio spoke about the war on drugs, and nobody can deny that that is happening in America today. But the front line of the war on drugs is just as much in Youngstown, Ohio, as it is in Nogales, Arizona; and I do not think any of us believe that the 82nd Airborne should be patrolling the streets of Youngstown, Ohio.

The fact is, we are already using military forces in a substantial way along the border. We have JTF–6 located in El Paso that coordinates all of the intelligence work that we are doing on the war on drugs. We have the Air Force operating the aerostats that look for the planes that would be crossing the border. We have Reserve engineering companies that are on active duty along the border building roads and fences every single day. We have the National Guard that is helping to load and unload trucks so they can be inspected along the border.

Mr. Chairman, I serve on two of the appropriations subcommittees that between them fund almost 100 percent of Federal law enforcement. We are struggling in those subcommittees to make sure that we have adequate resources to provide the Customs agents, the Border Patrol, the INF inspectors, the DEA people that we need. But we need specialized people trained to do the work. We do not need paratroopers, we do not need Abraham tanks, we do not need B–2 bombers. We need to have the kind of people that can do the work of interdicting drugs and protecting our borders. I urge Members to vote ''no'' on the Traficant amendment.

Mr. BUYER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to compliment the gentleman from Ohio for his passion and years of work on this measure. I just want to say to the gentleman that we have in place the DEA, Customs and Border Patrol. This is an issue of who are the proper agencies out there and whether they have the sufficient funds.

I respectfully disagree with the gentleman. I would urge the Members to vote for the Reyes amendment and against the gentleman's measure, respectfully.

The CHAIRMAN. It is now in order to consider the amendments printed in part C of House Report 105–544, which shall be considered in the following order:

Amendment No. 1, by the gentleman from Ohio (Mr. TRAFICANT); and Amendment No. 2, by the gentleman from Texas (Mr. REYES).

It is now in order to consider Amendment No. 1 printed in part C of House Report 105–544.

AMENDMENT NO. 1 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 1 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

''§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—The Secretary of Defense may assign members of the armed forces to assist—

''(1) the Immigration and Naturalization Service in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

''(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.

''(b) REQUEST FOR ASSIGNMENT.—The assignment of members of the armed forces under subsection (a) may only occur—

''(1) at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service; and

''(2) at the request of the Secretary of the Treasury, in the case of an assignment to the United States Customs Service.

''(c) TRAINING PROGRAM.—If the assignment of members of the armed forces is requested by the Attorney General or the Secretary of the Treasury, the Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members to be assigned receive general instruction regarding issues affecting law enforcement in the border areas in which the members will perform duties under the assignment. A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS ON USE.—(1) Whenever a member of the armed forces who is assigned under subsection (a) to assist the Immigration and Naturalization Service 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.

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

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members of the armed forces are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

''(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members of the armed forces assigned under subsection (a).

''(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2001.''.

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

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

Mr. REYES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Texas (Mr. REYES) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself one minute.

To the distinguished chairman, you are advising this Congress to support troops on the border that cannot engage. You are telling them to vote for a substitute that does not engage, but puts troops on the border.

Mr. Chairman, the only difference with these two amendments is he says you can put them on the border, but they cannot engage. The Traficant amendment says, I do not limit them. They can tackle them, they can detain them, but they can only be there if the administration wants them, and they must be out there with a civilian law enforcement entity, and they cannot make the arrests, and it specifically states and cites the Posse Comitatus laws.

How many more overdoses will we have? Why does not the Congress just deploy troops to the border and then tell them, ''Don't engage.''

Beam me up, really. That states it. That is the drug policy of the United States of America.

Mr. REYES. Mr. Chairman, I yield 1½ minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the Department of Defense does not support this, the Department of Justice does not support the Traficant amendment, the people who live along the border in Texas and parts of California do not support this amendment. And if you do not believe that, talk to the folks in Redford, Texas. When the military was deployed in Texas last year for that brief time they were out there, while we all talk here, talk about reducing drugs and the number of people who die in this country as a result of drug overdoses, the deaths that were occurring were not because of drug use so much as Ezequiel Hernandez, a U.S. citizen, dying at the hands of our own military. The first time since 1970 that someone who was an American citizen on American soil has perished at the hands of his own compatriot.

That is what happens when you put a force that is trained to kill on a border to do work that is not necessarily to kill, but to interdict.

If I were a Border Patrol agent watching this debate, I would say, ''Thanks a lot. I go out every day and I try to stop drugs from coming into this country, and you are telling me I do not do a good job. And you are telling me my fellow companions that go out there every day, they do not do a good job, and we have to have now someone else not trained to do my job, do my job.''

We have got to stop talking and give the resources, so the folks who do the work have the chance to do it. That is what we have to do. A lot of talk here, a lot of action on the border. Let us support the folks who do the action and stop the drugs from coming in, rather than just saying we are going to stop the drugs. That is what we need to do.

Mr. REYES. Mr. Chairman, I yield one minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I had not intended to become involved in this debate, but as ranking member of this committee, I must. I must look out for the military that we have, knowing the various missions that we have and, frankly, the lack of young men and young women that we have presently on duty.

Mr. Chairman, first we should look at the specialists, those that are involved in Border Patrol, the Customs, the National Guard. We already have military people of all services, including the Navy, working against the drug traffic.

This evidently involves brute force. The 82nd Airborne, my goodness, they are the first line of our defense. We have today too few young men and young women to cover the necessary missions that they have. We need more. We need more resources for the right specialists, and even to consider this, we need more resources for those in uniform.

PARLIAMENTARY INQUIRY

Mr. REYES. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. REYES. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Texas (Mr. REYES) has the right to close.

Mr. REYES. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I was born and raised on the border, and I stand and I speak in favor of the Reyes substitute amendment and against the Traficant proposal.

I find it incredibly ironic that exactly one year ago today a Marine assisting the INS on our border shot and killed Ezequiel Hernandez, an 18-year-old U.S. citizen from Redford, Texas. Zeke, as he was called, had the misfortune of living on our southern border in an area known for drug trafficking, and he paid the price with his life.

□ 1800

I have to ask all of my colleagues here if they believe that that is fair. Ezequiel became a casualty of America's drug wars, the victim of an upsurge of violence along the 2,000-mile United States and Mexican border that has put residents and law enforcement officials on edge. Zeke is dead and there is nothing we can do to bring him back.

It is unfair to our fighting men and women, and it does harm to our national security. The military can provide assistance in numerous ways without this unwarranted diversion of troops. All of our budgets are tight. Putting troops on our borders is extremely costly, and it is a bad use of resources.

These funds could be better used training our Armed Forces for better war-fighting missions or ensuring Border Patrol agents are properly trained and have the resources needed to enforce our Nation's laws and to protect themselves.

Mr. Chairman, I urge each and every colleague to vote against the Traficant amendment and to support the Reyes amendment.

Mr. TRAFICANT. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Ohio (Mr. TRAFICANT) has 4 minutes remaining, and the gentleman from Texas (Mr. REYES) has 1 minute remaining.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Appropriations Subcommittee on National Security.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me the time. I am going to support with enthusiasm the Traficant amendment.

To lose the war against drugs is tragic, but to surrender to the war on drugs without even launching a fight is just inexcusable. I think that while it might be different than the policies that we have used in the past, I think that the gentleman's approach to this could certainly be one of the major efforts in stopping the terrible influx of drugs into the Nation and into the bodies of Americans.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume. I am proud to have the support of the distinguished chairman of the Appropriations Subcommittee on National Security.

Our military is underfunded. We have taken a meat ax to it. We have sent our military all over the world to protect the borders all over the world. We come down to very sophisticated, legalized types of debates when we talk about our own border.

Today's debate is not just about a nonengagement, status quo alternative that is not really even wanted; today's debate is not about Ezequiel Hernandes. Zeke is dead because Congress did not put in safeguards to the madness that exists.

Today's debate is about national security in our border. There was, in fact, a report issued by the National Defense Panel, and I want to share this with the gentleman from Florida (Mr. YOUNG), because I do not believe I have, and I want to quote: ''The apparent ease of infiltration of our borders by drug smugglers illustrates a potentially significant problem. It suggests that terrorist cells armed with even nuclear, chemical and biological weapons, could also infiltrate our borders.''

I have nothing against the Border Patrol. They need 25,000 more of them. When I call over there, if we had 25,000 more Border Patrol, they say we would have to hire anywhere between 6,000 and 9,500 support personnel to accommodate another 25,000.

I think it is time to reassess the issue of national security. I am not talking about New York and New Jersey, New Mexico and Texas, I am talking about every port of entry and I am talking about the border of our Nation, and if that is not a national security checkpoint, then we do not know what we are doing here.

Now, if, in fact, we are saying we are going to lose readiness, I do not mandate this, and we should not have to lose readiness protecting our borders, Congress. That is an insult. If we need money and the President would decide to do it, there is an appropriation process, there is a Committee on Appropriations.

Let me say one last thing. What I do is codify how this would happen if that Commander in Chief would so decide, and maybe this one may never do it, and maybe there are people in the House that might never want it. But how many more tragedies and deaths and tons of cocaine and heroin do we keep reading about before we act?

I offer a process. It is very imperative that we defeat the Reyes amendment. It does not engage and he does not even want troops. I am saddened that the gentleman from Indiana (Mr. BUYER), the authorizing chairman, would support a nonengagement deployment that costs the same amount of money, but would leave them handcuffed. I would ask that my colleagues support my amendment.

Mr. REYES. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Texas (Mr. REYES) has 1 minute remaining.

Mr. REYES. Mr. Chairman, I yield myself the remainder of my time. Again, I rise in opposition to troops on the border, and in reference to the comments from my colleague from Ohio, I doubt that we in this body want troops at O'Hare, at JFK, LaGuardia, LAX, those are all ports of entry, and when we are talking about terrorism, I have been there. I have done it. Terrorists do not come in a specific profile, they come dressed like the gentleman from Ohio (Mr. TRAFICANT), they come dressed like me. Most importantly, they come through the ports of entry. They have nothing to do with the troops being out patrolling between those ports of entry.

Drug smugglers, border bandits. The last time I was in a gun fight was in March of 1995 with border bandits and drug smugglers. I know the issues, I know what is important, and I can tell my colleagues, military on the border is a bad idea.

If my colleagues doubt that, let me give an example. I was in Bosnia in January. Of about 28 soldiers that we had a town hall meeting with, 3 of them had told me that they had been on a drug mission in Texas and part of the problem that I see here is that when we are involving our troops doing police work, it is completely different from combat. I think it is a disservice to have them on the southern border of Texas today and 6 months from now have them in Bosnia, in real danger, and having to decide, is this combat or is this law enforcement?

The CHAIRMAN. The gentleman's time has expired. All time has expired.

It is now in order to consider the substitute amendment to the Traficant amendment, numbered 2 in part C of House Report 105–544.

AMENDMENT NO. 2 OFFERED BY MR. REYES AS A SUBSTITUTE FOR AMENDMENT NO. 1 OFFERED BY MR. TRAFICANT

Mr. REYES. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Part C amendment No. 2 offered by Mr. Reyes as a substitute for amendment No. 1 offered by Mr. Traficant:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—The Secretary of Defense may assign members of the armed forces to conduct reconnaissance missions to assist—

''(1) the Immigration and Naturalization Service in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

''(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.

''(b) WRITTEN REQUEST FOR ASSIGNMENT; ELEMENTS.—(1) The assignment of members of the armed forces under subsection (a) may only occur at the written request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, and at the request of the Secretary of the Treasury, in the case of an assignment to the United States Customs Service.

''(2) The written request from the Attorney General or the Secretary of the Treasury (as the case may be) shall include—

''(A) a precise definition of which activities the members of the armed forces are to participate in, the duration of their mission, and the liability to be assumed by the Department of Defense upon assignment of armed forces personnel;

''(B) an examination of the beneficial and detrimental effect of these assignments on the military training, readiness levels, military preparedness, and overall combat effectiveness of the armed forces;

''(C) the estimated cost of such assignments to the Immigration and Naturalization Service or the United States Customs Service (as the case may be), as required under subsection (f); and

''(D) an examination of the possibility that members of the armed forces may inadvertently participate in law enforcement activities in violation of section 375 of this title and 1385 of title 18 (popularly known as the 'Posse Comitatus Act'), both of which prohibit direct participation of military personnel in civilian law enforcement activities.

''(c) TRAINING PROGRAM.—(1) If the assignment of members of the armed forces is requested by the Attorney General or the Secretary of the Treasury, the Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that the members to be assigned are properly trained to deal with the unique and diverse situations that the members may face in performing their assignment along the international borders of the United States and major ports of entry.

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

''(d) CONDITIONS ON USE.—(1) Whenever a member of the armed forces who is assigned under subsection (a) to assist the Immigration and Naturalization Service 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.

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

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members of the armed forces are to be deployed pursuant to an assignment under subsection (a), and local governments and local law enforcement agencies in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of reconnaissance missions to be performed by the members.

''(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members of the armed forces assigned under subsection (a).

''(g) REPORTING REQUIREMENTS.—Upon the completion of each assignment of members of the armed forces under subsection (a), the Secretary of Defense shall submit to Congress a report containing—

''(1) an examination of the beneficial and detrimental effect of such assignments on the military training, readiness levels, military preparedness, and overall combat effectiveness of the armed forces;

''(2) an assessment of the value of this section; and

''(3) recommendations on the continued use of the authority provided under subsection (a).

''(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2001.''.

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

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

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from Texas (Mr. REYES), and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FILNER).

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Chairman, I rise in support of the Reyes amendment and in opposition to the Traficant amendment, and I thank my friend from Ohio for raising this issue.

I live in the district that has the busiest border crossing in the world. We need the attention to this issue. We need the help of this Congress to fight those drugs. But I tell my colleagues, this is the wrong way to do it.

We should ask ourselves, I say to the gentleman (Mr. TRAFICANT) and those who spoke from Georgia and Illinois, why is it that the Members of this body who represent the 2 cities that are the biggest on the border, that have the busiest crossings on the border, and many other of the border Congress people oppose the Traficant amendment? We know something about the border. We know that this fight has to be increased. But we have constituents who we are bound to protect.

We believe, and we have evidence, and my colleagues have heard it today,

that those who are trained in the best equipped, best disciplined, most efficient fighting machine in the world are not equipped or trained to fight this fight.

Our constituents are at risk with American troops at the border, and may I remind my colleagues, this is a friendly country. Nobody has said that yet. The last invasion I recall was maybe the Alamo, but this could do serious damage to that relationship. It could do serious damage to our constituents.

Yes, I say to the gentleman from Ohio, (Mr. TRAFICANT), let us fight this war, but let us not limit ourselves to the old and easy ideas of ending the scourge; let us go beyond the conventional solutions of this greater force, move toward more innovative proposals.

We who represent the places where the gentleman is concerned about are against the gentleman's amendment. I urge my colleagues to join us in defeating the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I claim the time in opposition, and I yield myself 30 seconds.

The gentleman opposes the deployment of troops under the Traficant amendment, but supports the deployment of troops under the Reyes amendment, and they cannot engage. That is what the gentleman just said.

My constituents do not live on the border either, but 80 percent of the heroin and cocaine going into their arms and up their nose comes across that border.

Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we just heard it said that if we have our American armed services personnel on the border that it will harm American constituents. It is not the Army, Navy, Marines that I know of. They are not going to turn their guns and use their weapons on American constituents, and I probably misunderstood what I heard, but I did hear that it was going to harm our constituents. That is not the point.

The point is to keep drugs away from our constituents who are being harmed by drugs that are getting in.

Mr. Chairman, if one is in a burning building and one has to jump 5 stories, one does not say wait a minute to the fireman below with the safety net, are you from the right fire jurisdiction? I do not want to jump just to anybody.

Our school kids are being flooded with illegal drugs, and this is not about which uniform is going to protect our border; this is about protecting the children in the schoolyard, it is not about a turf war between the DEA or the INS or the Marines. It is about protecting children.

I am a member of the drug task force. We have been studying the problem for a long time. We cannot effectively fight drugs without a strong interdiction program, and much of that has to be done at our border. This is not about telling the INS they are not doing a good job, this is about saying, send in the cavalry, the war is a lot bigger than we thought it was, and we need to have everybody on deck, helping out to try and stop this, because it is killing our children. Forget which government agency is going to get the credit. Let us save our children and put kids first.

Mr. REYES. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the Reyes amendment. Let us think about this for a minute. We have 2 borders in this country, one with Mexico and one with Canada. The shortest of the 2 is Mexico. We are suggesting here that that is the border we need to put troops on in a country that has been a great ally to the United States, and frankly, the border between California and Mexico and Texas and Mexico is the busiest commercial border in the world.

We are going to try to now slow down that border and put people that are untrained on that border, and it just does not make sense. Essentially it sends out a message that our country just wants to be fortress America. Most of America is surrounded by water. What about all the coastlines? Are we going to put the troops in my district in Pebble Beach in Florida and in West Palm Beach? People would not stand for that.

Besides that, the gentleman from Ohio (Mr. TRAFICANT) comes up here and says his amendment allows him to engage and yet we read in the amendment, here it says, ''Nothing in this section shall be construed to authorize a member assigned under subsection (a) to conduct search, seizure or similar law enforcement activity or to make an arrest.''

The Reyes amendment is a better one, please support it.

□ 1815

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to the gentleman, the Traficant amendment lets them engage, to tackle and detain them for the law enforcement entity to arrest them.

Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Chairman, I will take 30 seconds, since I have to go get a BESTEA bill out on the floor so Members can go home tomorrow.

I ask Members, defeat the Reyes amendment, because it is status quo. Support the Traficant amendment because then we will do something about the drugs crossing these borders that are killing our children. Please defeat the amendment of my good friend, the gentleman from Texas (Mr. REYES). He is a great guy but the amendment is wrong. The amendment offered by the gentleman from Ohio (Mr. TRAFICANT) is right. It is a good amendment, vote for it.

Mr. TRAFICANT. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I ask for opposition to the Reyes amendment. Let us not be so darned politically correct when it comes to the defense of this Nation.

Mr. Chairman, the drug importers and sellers are watching us today, and they will say, either we vote for the Reyes amendment, which maintains the status quo, or we vote for the Traficant, which will say we will do what we can at the border within the resources of this country to defend this country.

Those who are saying that Mexico might get upset, and let me challenge them, Mexico has been willing to do at the border what we have not. Everyone who votes against Mexico's certification ought to look at that vote. They have put the troops on the border, not because it is anti-American, but because it is antidrug.

Let us have the guts to be pro American and antidrug, and if Members want to vote against Mexico, they had better vote for this bill.

Mr. TRAFICANT. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of the Traficant amendment and oppose the Reyes amendment. The basic reason, in 1968 I was in the Marine Corps stationed in Quantico, Virginia. We came up here when there were D.C. riots after Martin Luther King, Junior, was assassinated.

We as the U.S. Marine Corps patrolled the streets, made sure people were not out looting and things like that. Whenever we came across a problem, we called the District of Columbia police. They were the ones that made the arrest. The point is, we operated with them in a very fluid manner. I think this is a possibility for the Southwest. Support the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if Members support the Reyes amendment, they say we can put troops on the border, but they cannot be engaged. The gentleman from Texas (Mr. REYES) admitted when he started the debate he does not even want troops on the border. They are just trying to kill the Traficant amendment. We know that.

The Traficant amendment says they must be trained, they must be requested by the Attorney General, the Secretary of the Treasury, and the President; let us face it, specifically

trained. They can never go out on a patrol by themselves. And yes, they cannot make the arrest. That is the protection constitutionally, the posse comitatus law. They can tackle that guy, they can return fire.

Narco terrorists have been shooting across the border at our people for quite a while. We have border patrol agents in hospitals being shot by narco terrorists, Mr. Chairman.

In order to have a vote on the Traficant amendment, Members must defeat the substitute. I am asking Members to do that, and give this House a chance to up-or-down vote on an amendment that we can fight for in that conference. Maybe right now there is not enough steam with it, but we are engaging in the debate for our constituents. I am asking Members to defeat the Reyes substitute and vote for the Traficant amendment.

Mr. REYES. Mr. Chairman, first, I would like to thank the gentleman from Ohio (Mr. TRAFICANT). I have spent some time today discussing this issue with him, and I appreciate the fact that this year I believe that the debate has been on a very high level, and about the real issues. I respect the fact that he is concerned about the amount of narcotics in this country. We are all concerned about that.

But where we disagree is where we think that in support for the Traficant amendment, where we think that we can stand here or vote for a proposal that could conceivably cost the lives of, yes, constituents.

Somebody made mention of questioning whether we are harming constituents. Ironically enough, one year ago today a young man in Redford, Texas, was shot and killed in a very unfortunate incident by a United States marine deployed on one of these patrols. If that is not harming a constituent, I do not know what is.

We talk about being members of the drug task force, we talk about drug strategy. There is only one way to defeat drugs. That is on three different levels. I know, because I spent 26½ years doing that, not being a member of a drug task force, or not being a part of this or a part of that, but doing the job, working with other Federal agencies, local and State agencies.

There are three ways we need to approach this problem. That is through education, that is through treatment, and yes, that is through enforcement. But enforcement does not include deploying the military into our communities along the border. The price is too high. The death of one young man in Redford, Texas, is too high. Stop and think, as parents, what Members would be feeling today one year ago, when that young man was shot and killed. It pours salt in a wound that has not even healed yet.

The gentleman from Ohio (Mr. TRAFICANT) makes mention of my opposition to troops on the border. Yes, I am opposed to troops on the border, but I think I am opposed to the troops on the border for the right reasons. I do not have to sound tough on drugs, I have been there. I have done that. I ask that Members support the Reyes amendment, and that they ultimately understand why we are opposed to sending troops to our borders.

Mr. ORTIZ. Mr. Chairman, I rise today to register my opposition to the Traficant amendment, by my friend from Ohio; and in support of the Reyes substitute which would better organize the scope of the military's role on the border.

As a veteran and a former law enforcement officer, I understand the unique perspectives of those who strive to keep the peace on the border, and the views of those in this Congress who believe we should put military resources we already have in a place they are needed. However, putting our soldiers on the border is a very bad idea.

For 50 years, the United States spent our money and our energy fighting a war against communism. In 1989, we saw the Berlin Wall finally come down.

It would be a mistake of enormous proportions if we erected our own wall, in the form of our military, along our southern border.

At a time when Mexico is our neighbor, friend and economic partner, it would be folly to station troops WHO ARE TRAINED TO KILL on the international border.

There is a huge difference between law enforcement officers trained to police the civilian population and the military troops who are trained to kill the enemy.

We are painfully aware that illegal immigrants and drugs are coming across the border. But the answer to that problem is to increase the Border Patrol staff along the border, not reinforce it with troops trained to shoot to kill.

Already there have been two incidents along the border in which the military engaged. As a result, one young U.S. citizen has died at the hands of another in pursuit of an ambiguous mission. We cannot change that; but what we do here today may well prevent it from happening again.

The reason I support trade treaties like NAFTA and GATT is that they address the economic foundations of this region by expanding economic and job opportunities.

We are better served as a nation if we address the economic motivation behind the movement of illegal immigrants and drugs, as opposed to positioning U.S. troops to be our cops at a friendly international border.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio (Mr. TRAFICANT) will state his parliamentary inquiry.

Mr. TRAFICANT. Mr. Chairman, the first vote that will be taken will be taken on the Reyes substitute, am I correct?

The CHAIRMAN. The gentleman is correct.

The question is on the amendment offered by the gentleman from Texas (Mr. REYES) as a substitute for the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

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

RECORDED VOTE

Mr. REYES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any recorded vote that may be ordered on the Traficant amendment, without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 179, noes 243, not voting 11, as follows:

[Roll No. 179]

AYES—179

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Cannon
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Velazquez
Vento
Waxman
Weygand
Whitfield
Wise
Woolsey
Wynn

NOES—243

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane

Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moakley
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Owens
Oxley
Packard
Pappas
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wolf
Yates
Young (AK)
Young (FL)

NOT VOTING—11

Bateman
Foley
Gonzalez
Harman
Johnson, Sam
McDade
Meeks (NY)
Parker
Quinn
Torres
Wicker

□ 1841

Mr. RIGGS, Mr. DAVIS of Virginia, Ms. RIVERS, Mr. DEUTSCH, and Mr. EHRLICH changed their vote from ''aye'' to ''no.''

Mr. JOHN, Ms. BROWN of Florida, and Mr. CANNON changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 288, noes 132, not voting 13, as follows:

[Roll No. 180]

AYES—288

Aderholt
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fawell
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Metcalf
Mica
Miller (CA)
Miller (FL)
Moakley
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wolf
Young (AK)
Young (FL)

NOES—132

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Capps
Cardin
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Ehrlich
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Green
Gutierrez
Hamilton
Hastings (FL)
Hayworth
Hilliard
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kolbe
Lampson
Lee
Lewis (GA)
Linder
Lofgren
Markey
Martinez
Matsui
McDermott
McGovern
McHale
McKinney
Meek (FL)
Menendez
Millender-McDonald
Minge
Mink
Mollohan
Morella
Nadler
Neal
Oberstar
Olver
Ortiz
Pastor
Paul
Payne
Pelosi
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sanders
Sanford
Sawyer
Scott
Serrano
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stark
Stokes
Stump
Stupak
Thompson
Tierney
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Armey
Barrett (NE)
Bateman
Foley
Gonzalez
Harman
Johnson, Sam
McDade
Meeks (NY)
Parker
Quinn
Torres
Wicker

□ 1850

Mr. TOWNS changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 19 printed in part D of House Report 105–544.

AMENDMENT NO. 19 OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 19 offered by Mr. GILMAN:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. NUCLEAR EXPORT REPORTING REQUIREMENT.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended by adding at the end the following new chapter:

"CHAPTER 11—NUCLEAR EXPORT REPORTING

"SEC. 111. REPORTS ON EXPORTS.

''(a) ACTIONS REQUIRING REPORTING.—Unless and until the conditions set forth in subsection (b) are met—

''(1) no license may be issued for the export of—

''(A) any production facility or utilization facility,

''(B) any source material or special nuclear material, or

''(C) any component, substance, or item that has been determined under section 109b. of the Atomic Energy Act of 1954 to be especially relevant from the standpoint of export control because of its significance for nuclear explosive purposes;

''(2) the United States shall not approve the retransfer of any facility, material, item, technical data, component, or substance described in paragraph (1); and

''(3) no authorization may be given under section 57b.(2) of the Atomic Energy Act of 1954 for any person to engage, directly or indirectly, in the production of special nuclear material.

''(b) CONDITIONS.—

''(1) IN GENERAL.—The conditions referred to in subsection (a) are the following:

''(A) Before the export, retransfer, or activity is approved, the appropriate agency shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing such export, retransfer, or activity and the basis for any proposed approval thereof, and, in the case of an authorization described in subsection (a)(3), the appropriate agency shall transmit to the Committee on Commerce of the House of Representatives a report describing the activity for which authorization is sought and the basis for any proposed approval thereof. Each report under this subparagraph report shall contain—

''(i) a detailed description of the proposed export, retransfer, or activity, as the case may be, including a brief description of the quantity, value, and capabilities of the export, retransfer, or activity;

''(ii) the name of each contractor expected to provide the proposed export, retransfer, or activity;

''(iii) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel expected to be needed in the recipient country to carry out the proposed export, retransfer, or activity;and;

''(iv) a description, including estimated value, from each contractor described in clause (ii) of any offset agreements proposed to be entered into in connection with such proposed export, retransfer, or activity (if known on the date of transmittal of the report), and the projected delivery dates and end user of the proposed export, retransfer, or activity; and

''(v) the extent to which the recipient country is in compliance with the conditions specified in paragraph (2) of section 129 of the Atomic Energy Act of 1954.

The report transmitted under this subparagraph shall be unclassified, unless the public disclosure thereof would be clearly detrimental to the security of the United States.

''(B) Unless the President determines that an emergency exists which requires immediate approval of the proposed export, retransfer, or activity in the national security interests of the United States, no such approval shall be given until at least 30 calendar days after Congress receives the report described in subparagraph (A), and shall not be approved then if Congress, within that 30-day period, enacts a joint resolution prohibiting the proposed export, retransfer, or activity. If the President determines that an emergency exists that requires immediate approval of the proposed export, retransfer, or activity in the national security interests of the United States, thus waiving the requirements of this paragraph, he shall submit in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a detailed justification for his determination, including a description of the emergency circumstances that necessitate the immediate approval of the export, retransfer, or activity, and a discussion of the national security interests involved.

''(2) CONSIDERATION OF JOINT RESOLUTIONS IN THE SENATE.—Any joint resolution under paragraph (1)(B) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

''(c) PUBLICATION OF UNCLASSIFIED TEXT OF REPORTS.—The appropriate agency shall cause to be published in the Federal Register, upon transmittal to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, the full unclassified text of each report submitted pursuant to subsection (b)(1)(A).

''(d) EXCEPTIONS.—The requirements of this section shall not apply to—

''(1) any export, retransfer, or activity for which a general license or general authorization is granted by the appropriate agency; or

''(2) any export or retransfer to, or activity in, a country that is a member of the Organization for Economic Cooperation and Development.

''(e) DEFINITIONS.—As used in this section, the terms 'production facility', 'utilization facility', 'source material', and 'special nuclear material', have the meanings given those terms in section 11 of the Atomic Energy Act of 1954.''.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from New York (Mr. GILMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise in support of this amendment which enhances the oversight role of Congress in the licensing of nuclear exports.

There is currently little to no congressional review of United States nuclear exports. Export licenses granted by the Nuclear Regulatory Commission are subject to advanced publication and the possibility for public comment, including a formal hearing. But there is no public transparency involved in these licenses granted by the Department of Energy.

More to the point, there is no role for congressional review of licensing decisions with regard to either agency except for subsequent arrangements for retransfers of nuclear fuel as outlined in section 131 of the Atomic Energy Act.

Accordingly, Mr. Chairman, this amendment establishes a process in law which is similar to that in existing law for the export of conventional arms. If the Congress has the right to review and potentially disapprove the sale of a grenade, then it should have the right to review and potentially disapprove the sale of a nuclear reactor.

Under this amendment, Mr. Chairman, the administration must submit a report to the Congress on proposed nuclear exports to certain countries. Those proposed exports include nuclear reactors or components, nuclear fuel or nuclear fuel components, or retransfer of such items in any technology transfer.

Once the appropriate committees in the Congress receive notice of the proposed export, they would have 30 calendar days to review the proposed sales and, if applicable, introduce and move through the Congress a resolution to disapprove the proposed sale.

Mr. Chairman, I would note that under the Arms Export Control Act, the Congress has never successfully enacted a resolution of disapproval over a President's objection to ban an arms sale. More importantly, however, is that under the AECA, and now under the procedures established by this amendment for nuclear exports, the Congress will have a mechanism to hold the appropriate executive branch agencies accountable for what exports are being approved. Such a formal mechanism would allow the Congress the ability to hold hearings and to gain information on proposed nuclear sales.

This amendment, Mr. Chairman, is purposely drawn to exclude nuclear exports to our Western European allies as well as other allied and friendly countries, including Japan, Australia and New Zealand. This amendment is also purposely drawn to exclude certain types of nuclear exports, including those requiring general licenses or general authorizations.

The purpose of narrowing the list of countries and the type of licenses that are captured under the amendment is to make certain that the Congress does not create an undue administrative burden on the executive branch or adversely affect our Nation's nuclear industry's ability to compete in a world market.

I fully recognize that there is a fundamental difference between a weapon and a nuclear reactor provided for the purposes of a civilian nuclear energy program. But, Mr. Chairman, there are real world examples in which U.S. nuclear technology has been provided for purportedly civilian nuclear programs but then diverted to military programs. I am thinking, of course, of India.

Mr. Chairman, I believe that this amendment will give us the ability to hold both China and Russia's feet to the fire with respect to their nuclear nonproliferation policies.

In the case of China, we want to make certain they do not backtrack on their pledge to halt new nuclear assistance to Iran, and that they maintain their commitments made pursuant to

the U.S. nuclear cooperation agreement.

And with regard to Russia, we want to make certain that they meet their commitments pursuant to their membership in the Nuclear Suppliers Group and we want to examine closely their continued assistance to the Iranian nuclear program.

Mr. Chairman, I would like to point out that, in my view, had there been any knowledge in the Congress of the possibility of a missile technology transfer to China as a result of satellite exports, those exports would have been denied. This amendment gives the Congress the ability to give the necessary congressional scrutiny to nuclear exports, particularly those which may be of a proliferation risk.

Accordingly, Mr. Chairman, I urge my colleagues to support this amendment. It is a vote for enhanced congressional review of U.S. nuclear exports.

Mr. PICKETT. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I do agree with many of his concerns about nuclear proliferation. I think Congress does need sufficient information to be able to accomplish its oversight responsibilities, but I believe we already have that.

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I am concerned about the unintended consequences of this amendment which will be contrary to our Nation's best interest. This amendment is unnecessary. Applications for licenses to export nuclear facilities, fuel and controlled nuclear technology are already required to be made public immediately upon filing with the Nuclear Regulatory Commission. We do not need to add another layer of bureaucracy and complexity to this process.

Non-OECD countries like Taiwan, Thailand and others are planning the construction of several nuclear power facilities over the next decade. U.S. companies are on the cutting edge of these technologies and would be strong competitors for this business. This is business that could run into billions of dollars during the next 25 years.

No other nation prohibits its nuclear equipment suppliers from selling to potential customers, including China. Unlike their counterparts designed in Russia, U.S. light-water reactors are at very little risk for nuclear proliferation, and our reactor designs are not conducive to the production of highly enriched uranium, plutonium and other weapons-grade materials. We as a nation can rest easier knowing that reactors built in these non-OECD countries are not producing weapons materials.

Mr. Chairman, I believe that that amendment is overkill, that it will add a layer of bureaucracy and unnecessary time-consuming requirements to our suppliers, and I would urge a vote in opposition to the Gilman amendment.

The CHAIRMAN. The time of gentleman from New York (Mr. GILMAN) has expired. The gentleman from Virginia (Mr. PICKETT) has 3 minutes remaining.

Mr. PICKETT. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding me the time.

In studying this amendment, we find that, quite frankly, it is unnecessary and that under the Atomic Energy Act no export license can be granted unless the United States Government has already negotiated a nuclear cooperation agreement with the nation receiving the equipment or the technology.

These agreements are reviewed by the Congress before their implementation, thereby eliminating the need for further congressional review with each individual license. Changing licensing procedures would reward India, imposing new restrictions on peaceful nuclear trade, especially with China at this time. It would harm U.S. China relations and would perversely reward India for detonating its nuclear device and punish China for India's misdeeds.

New licensing procedures that institute greater delay and greater certainty will leave China and other potential markets like Brazil to view U.S. vendors as unreliable suppliers.

Mr. PICKETT. Mr. Chairman, we have no further speakers on this amendment, and I yield back the balance of our time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 441, further proceedings on the amendment offered by the gentleman from New York (Mr. GILMAN) will be postponed.

It is now in order to consider Amendment No. 20 printed in part D of House Report 105–544.

AMENDMENT NO. 20 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 20 offered by Mr. HUNTER:

At the end of title VIII (page 199, after line 25), insert the following new sections:

SEC. 804. INCREASE IN MICRO-PURCHASE THRESHOLD.

(a) INCREASE IN THRESHOLD.—Subsection (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428(e)) is amended by striking out ''$2,500'' and inserting in lieu thereof ''$10,000''.

(b) EXEMPTION OF MICRO-PURCHASES FROM PROCUREMENT LAWS.—Subsection (b) of such section (41 U.S.C. 428(b)) is amended by striking ''to section 15(j)'' and all that follows through the end of such subsection and inserting in lieu thereof the following: ''any provision of law that sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law that provides for criminal or civil penalties.''.

(c) DOMESTICALLY PRODUCED GOODS AND SERVICES.—In the implementation of the amendments made by this section through the Federal Acquisition Regulation (as required by section 32(e) of such Act), the Federal Acquisition Regulation shall require the head of each executive agency to ensure that procuring activities of that agency, in awarding a contract with a price not greater than the micro-purchase threshold, make every effort to purchase domestically produced goods and services.

(d) CONFORMING AMENDMENTS.—(1) Subsections (c) and (d) of such section (41 U.S.C. 428(c) and (d)) are each amended by striking ''$2,500'' and inserting in lieu thereof ''the micro-purchase threshold''.

(2) Section 15(j)(1) of the Small Business Act (15 U.S.C. 644(j)(1)) is amended by striking ''$2,500'' and inserting in lieu thereof ''the micro-purchase threshold (as defined in section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f))''.

SEC. 805. AUTHORITY FOR STATISTICAL SAMPLING TO VERIFY RECEIPT OF GOODS AND SERVICES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting at the end the following new section:

''§ 2410n. Statistical sampling procedures in the payment for goods and services

''(a) VERIFICATION AFTER PAYMENT.—Notwithstanding section 3324 of title 31, in making payments for goods or services, the Secretary may prescribe regulations that authorize verification, after payment, of receipt and acceptance of goods and services. Any such regulations shall prescribe the use of statistical sampling procedures for such verification. Such procedures shall be commensurate with the risk of loss to the Government.

''(b) PROTECTION OF PAYMENT OFFICIALS.—A disbursing or certifying official who carries out proper collection actions and relies on the procedures established pursuant to this section is not liable for losses to the Government resulting from the payment or certification of a voucher not audited specifically because of the use of such procedures.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 141 is amended by adding at the end the following new item:

''2410n. Statistical sampling procedures in the payment for goods and services.''.

MODIFICATION TO AMENDMENT NO. 20 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer a modification to my amendment at the desk, and I ask unanimous consent that my amendment be considered in accordance with this modification.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. HUNTER:

The amendment as modified is as follows:

At the end of title VIII (page 199, after line 25), insert the following new section:

SEC. 804. STUDY ON INCREASE IN MICRO-PURCHASE THRESHOLD.

(a) STUDY REQUIREMENT.—The Comptroller General, in consultation with the Administrator for Federal Procurement Policy, the Administrator of the Small Business Administration, and the Secretary of Defense, shall conduct a study to assess the impact of the current micro-purchase program and the advisability of increasing the micro-purchase

threshold under section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) to $10,000.

(b) MATTERS COVERED.—(1) The assessment of the impact of the current micro-purchase program shall be based on purchase activity under the micro-purchase threshold conducted during the two-year period beginning on February 10, 1996 (the date of the enactment of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106)). The assessment shall include, to the extent practicable—

(A) a general breakdown of the supplies, services, and construction purchased; and

(B) an evaluation of the rate of small business participation, economic concentration, and competition.

(2) The assessment of the advisability of increasing the micro-purchase threshold shall include a comparison of any adverse impact of an increased micro-purchase threshold (such as on small business participation) to benefits (such as cost savings, including administrative cost savings, savings from a reduced acquisition workforce and logistics structure, and reduction in acquisition lead time).

(c) REPORT.—Not later than 30 days after completion of the study, the Comptroller General shall submit a report on the results of the study to—

(1) the Committees on Armed Services and on Small Business of the Senate; and

(2) the Committees on National Security and on Small Business of the House of Representatives.

SEC. 805. AUTHORITY FOR STATISTICAL SAMPLING TO VERIFY RECEIPT OF GOODS AND SERVICES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting at the end the following new section:

''§ 2410n. Statistical sampling procedures in the payment for goods and services

''(a) VERIFICATION AFTER PAYMENT.—Notwithstanding section 3324 of title 31, in making payments for goods or services, the Secretary may prescribe regulations that authorize verification, after payment, of receipt and acceptance of goods and services. Any such regulations shall prescribe the use of statistical sampling procedures for such verification. Such procedures shall be commensurate with the risk of loss to the Government.

''(b) PROTECTION OF PAYMENT OFFICIALS.—A disbursing or certifying official who carries out proper collection actions and relies on the procedures established pursuant to this section is not liable for losses to the Government resulting from the payment or certification of a voucher not audited specifically because of the use of such procedures.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 141 is amended by adding at the end the following new item:

''2410n. Statistical sampling procedures in the payment for goods and services.''.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is simply a request for a study, and it is a study in an area where we are trying to make some headway in bringing the Department of Defense up to speed with domestic civilian practices; and, particularly, we are now undertaking a program whereby we use credit cards instead of lengthy contract orders to purchase items up to $2,500.

The Department of Defense and the Administration would like to move ahead and increase that limit from $2,500 to $10,000. There are a number of people in the small business community who have concern about that. They feel that there may be problems. They want to know what the impact is.

And so, we now have a modification to this amendment, which, for practical purposes, simply requests the GAO to study the issue and to give us what it believes to be the impacts on small business and also on savings that could accrue to the Department of Defense should we move that threshold from $2,500 to $10,000. That is the essence of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent to claim the time in opposition, as there is no Member opposing the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I wonder if the gentleman from California (Mr. HUNTER) would be kind enough to engage in a bit of a dialogue with me.

I am sure that he would agree that the question of bundling contracts is of some concern to our small business constituents and friends, and I wonder if the gentleman could comment with respect to the study and the question of bundling contracts.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, there is concern. Because when we move to a credit card system, the government buyers are under an obligation to try to look at the entire market, the entire array of sellers to the best of their ability. They are required to try to be good purchasers, to get the best value. That means, in most cases, the lowest price. But not always.

And there is always a fear in the small business community that we are going to have a buyer who is going to choose their favorite seller, if you will, or their favorite company and simply move contracts that way. And so, small businesses are always concerned about this.

On the other side, sometimes we end up, because we have a very complicated system of contracting, we end up paying $500 for $100 desks after we have gone through all the competitions and all the things that attend that and, ultimately, write a fairly complicated contract.

So the idea is let us give our buyers for the small amounts for the small goods, let us assign them a certain element of discretion and presume that they are going to be honest and have good judgment, and that when they go down to buy office equipment and other things that come up under the $2,500 threshold, that they are going to use good judgment and that they are going to use the small business community in a practical way and they are going to spread these purchases around. And that means that we pay $100 for the $100 desk instead of $500.

So there is a certain fear on one side; and, on the other hand, there is a certain efficiency to be gained. So this simply asks the question and requires a study as to what the results will be.

Mr. ABERCROMBIE. Mr. Chairman, reclaiming my time, I appreciate that. But the intent here, and I guess I just want to make the intent clear for those who may be doing the study, the intent here is to also look at such questions of working something up so we get a series of $10,000 or 10,000 $100-contracts that could go to a fairly large corporation and cut out otherwise legitimate small business.

I know that is not the intent of the gentleman from California (Mr. HUNTER). But we do not want to have a study that ends up in that fashion.

Mr. HUNTER. Mr. Chairman, if the gentleman would further yield, first, this does not affect or change the ability of the government to bundle contracts. But we want the GAO to look at that also, the idea of loading up or bundling contracts.

Mr. SKELTON. Mr. Chairman, we have reviewed the amendment on this side, and we have no objection.

Mrs. MALONEY of New York. Mr. Chairman. I wish to commend the gentleman from California (Mr. HUNTER) for revising his amendment regarding the Micro-Purchase Threshold. I support his amendment to provide for a study of implementation of the Micro-Purchases procedures that were enacted as part of the Federal Acquisition Streamlining Act of 1994 (FASA).

During the consideration of FASA, the small business community had voiced deep concerns about the contracting procedures that applicable to Micro-Purchases, those purchases less than $2,500 in value. They could be awarded without any competition. Of even greater concern, Micro-Purchases were exempt from the long-established requirements of the Small Business Act that initially reserved small purchases for competition among small firms.

Purchases below the $2,500 Micro-Purchase Threshold also represented a very substantial pool of potential business highly suitable for small firms. Procurements below $2,500 are estimated to represent approximately 85% of the procurement actions each year, which totalled some $15 million in fiscal

year 1997. In dollar terms, procurement opportunities below $2,500 total approximately $4 billion.

The Department of Defense has been advocating increasing the Micro-Purchase Threshold. Such action should not be taken until we know the impact of Micro-Purchase procedures at the current $2,500 threshold. To do otherwise would do a disservice to the small business community.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 4 minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California (Mr. HUNTER).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) considered as Amendment No. 39 printed in part D of House Report 105–544.

AMENDMENT NO. 39 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 39 offered by Mr. TAYLOR of Mississippi:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. RANDOM DRUG TESTING OF DEPARTMENT OF DEFENSE EMPLOYEES.

(a) EXPANSION OF EXISTING PROGRAM.—(1) Chapter 81 of title 10, United States Code, is amended by inserting after section 1581 the following new section:

"§ 1582. Random testing of employees for use of illegal drugs

''(a) PROGRAM REQUIRED.—The Secretary of Defense shall expand the drug testing program required for civilian employees of the Department of Defense by Executive Order 12564 (51 Fed. Reg. 32889; September 15, 1986) to include the random testing on a controlled and monitored basis of all such employees for the use of illegal drugs.

''(b) TESTING PROCEDURES AND PERSONNEL ACTIONS.—The requirements of Executive Order 12564 regarding drug testing procedures and the personnel actions to be taken with respect to any employee who is found to use illegal drugs shall apply to the expanded drug testing program required by this section.

''(c) NOTIFICATION TO NEW EMPLOYEES.—The Secretary of Defense shall notify persons employed after the date of the enactment of this section that, as a condition of employment by the Department of Defense, the person may be required to submit to mandatory random drug testing under the expanded drug testing program required by this section.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1581 the following new item:

''1582. Random testing of employees for use of illegal drugs.''.

(b) FUNDING.—No additional funds are authorized to be appropriated on account of the amendment made by subsection (a). The Secretary of Defense shall carry out the expanded drug testing program for civilian employees of the Department of Defense under section 383 of title 10, United States Code, as added by subsection (a), using amounts otherwise provided for the program.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as was pointed out in the recent dialogue with the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Texas (Mr. REYES), there is a war on drugs going on, and our Nation is losing.

Mr. Chairman, the point that would I like to make with this amendment and the law that I would like to change with this amendment would allow our Department of Defense to test all of its employees for drugs and, in the future, tell future hires that, as a requirement of working for the Department of Defense, that they will submit to random drug testing.

In February, I went to Colombia, went to places like Ibague, went to places likes San Jose, where American pilots are flying crop dusters and being shot at by Colombian guerillas and Colombian narco-traffickers.

We have American A-teams on the ground in Colombia training the Colombian Lance Arrows, their word for Ranger. We have American Seals training their navy. We have Americans in Iquitos, Peru, right across the Amazon River, training their riverine operations. It is a real war. It is a real war with real casualties.

The week after I left Colombia, the Lance Arrows that I had the privilege of visiting went out, 125 of them. Eighteen of them returned. The remainder were either killed or captured.

The point I am trying to make is it does not make much sense to tell our uniformed personnel that work for the Department of Defense that they are subject to drug testing but the civilian who does almost the same job as a mechanic, as a technician who is working right next to him, is not.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I applaud the gentleman from Mississippi (Mr. TAYLOR) and will concur, and I intend to vote for his amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

□ 1915

(Mr. DEFAZIO asked and was given permission to speak out of order.)

TRAGEDY AT THURSTON HIGH SCHOOL IN SPRINGFIELD, OREGON

Mr. DEFAZIO. Mr. Chairman, a tragic event has occurred in my congressional district, in my hometown; and I am requesting a leave of absence for Friday and the balance of the week, as the eyes of the country turn toward my hometown of Springfield where, early this morning, a number of students at Thurston High School were shot by a fellow student.

Our hearts and prayers go out to the victims and their families. At this time, many, many questions remain about the circumstances of this horrible tragedy. But what we do know is that a terrible tragedy has occurred. I need to return to Oregon to be with my family and my community in this time of sorrow.

Mr. TAYLOR of Mississippi. Mr. Chairman, I ask unanimous consent to use the 5 minutes in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have a drug problem. As a State Senator of Mississippi, I am real proud of the fact that I helped pass the toughest drug law in America. In Mississippi, if you sell two ounces of cocaine, two ounces of heroin, 100 pills, 10 pounds of marijuana, in one sale or intent or a series of sales over the period of 1 year, you are caught and convicted, you spend the rest of your life in the Mississippi State Penitentiary.

But it is not enough, because we have this disconnect in our country where we say, if you are a dealer, you are bad; if but if you use it, it is okay.

I often wonder how many kids here on Capitol Hill use drugs. They work for our Nation. They should not. I would hope at some point during this Congress we will see to it that everyone who works for this Nation, as a requirement of working for this Nation, will subject themselves to drug tests.

But I cannot do that on this bill. I can, however, require that we take a step in that direction and say if you are going to work for our Nation's Department of Defense, if you are committing your life to defending our Nation or working to support those people who defend our Nation, you are not going to use drugs. You are not going to take your Federal paycheck and break the law and use illegal drugs. That is what we are asking to do.

I do not think there is any opposition to this. I want to thank the chairman for allowing this amendment to come to the floor. I want to thank our ranking member who went to bat with the Committee on Rules to see to it that this amendment was made in order.

I want to thank the Committee on Rules. I think they made a mistake

when they voted not to bring it to the floor, but they admitted their mistake and saw to it that it could be voted on. It takes a big man to admit he made a mistake.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider the amendment of the gentleman from California (Mr. THOMAS) considered as amendment number 41 printed in part D of House Report 105–544.

AMENDMENT NO. 41 OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 41 made in order by an order of the House of May 21, 1998, offered by Mr. THOMAS:

At the end of title XXXIV (page 373, after line 2), insert the following new section:

SEC. 3408. TREATMENT OF STATE OF CALIFORNIA CLAIM REGARDING NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3415(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended by striking out the first sentence and inserting in lieu thereof the following: ''Amounts in the contingent fund shall be available for paying a claim described in subsection (a) in accordance with the terms of, and the payment schedule contained in, the Settlement Agreement entered into between the State of California and the Department of Energy, dated October 11, 1996, and supplemented on December 10, 1997. The Secretary shall modify the Settlement Agreement to negate the requirements of the Settlement Agreement with respect to the request for and appropriation of funds.''.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from California (Mr. THOMAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly do want to thank the chairman of the Committee on National Security and the ranking member, respectively the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), first of all for their courtesy in allowing me to discuss the amendment at this time. Actually, I have to go back. The original genesis of this amendment is once again thanking them; only at that time they were known as the Armed Services Committee and the subcommittee that consists of the gentleman from Virginia (Mr. BATEMAN) and the gentleman from Virginia (Mr. SISISKY).

It involved the sale of the naval petroleum reserve known as Elk Hills. In 1974 President Ford ordered oil produced at this naval petroleum reserve at its maximum efficient rate. For more than two decades, oil was produced commercially, but it was a government-held property. We always wanted to try to sell it if it was going to be used to simply produce oil to sell. But as I was wont to say at one time, you can shear a sheep every year, and you can slaughter it only once.

It was producing more than $1 billion a year of revenue for more than a decade. But the gentleman from Virginia put together a sale and bidding procedure which not only succeeded in reaching the CBO's estimate of a $2.6 billion sale, but, in fact, sold for $3.65 billion.

One of the reasons we think it sold at that price was that a lien on land held by State teachers, given to the teachers during the land grant college period, and the tracts of land being incorporated in the Elk Hills area, they never received a penny off the land. It was a Federal Reserve. But when it was going to be released for sale, they certainly were going to claim a revenue stream from that land.

The solution put in the legislation in the then Armed Services bill was to take 9 percent of the sales price, whatever it was, and provide it to the State Teachers Retirement Fund. It was put in language that said pursuant to an appropriation.

Elk Hills has been sold, $3.65 billion. Almost $326 million is held in reserve to be doled out over the years. In the wisdom of a number of people around here, we came to the conclusion of why not just give it to them. The money is sitting there. There is no reason to dole it out. Certainly $1 billion more than was planned would cover the cost of moving these dollars.

So I am indebted, once again, to the now Committee on National Security for their willingness to accommodate the ability to pay the State teachers once out of a fund that is now reserved. That is the sum and substance of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, as there is no Member to claim the time in opposition, I ask unanimous consent to claim the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, I hereby yield back the balance of my time.

Mr. THOMAS. Mr. Chairman, after having once again thanked the Committee on National Security, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. THOMAS).

The amendment was agreed to.

AMENDMENT D–19 OFFERED BY MR. GILMAN.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. GILMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 405, noes 9, not voting 19, as follows:

[Roll No. 181]

AYES—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)

Menendez	Rahall	Snyder
Metcalf	Ramstad	Solomon
Mica	Rangel	Souder
Millender-McDonald	Redmond	Spence
Miller (CA)	Regula	Stabenow
Miller (FL)	Reyes	Stark
Minge	Riggs	Stearns
Mink	Riley	Stenholm
Moakley	Rivers	Stokes
Mollohan	Rodriguez	Strickland
Moran (KS)	Roemer	Stump
Moran (VA)	Rogan	Stupak
Morella	Rogers	Sununu
Murtha	Rohrabacher	Talent
Myrick	Ros-Lehtinen	Tanner
Nadler	Rothman	Tauzin
Neal	Roukema	Taylor (MS)
Nethercutt	Roybal-Allard	Thomas
Neumann	Royce	Thompson
Ney	Rush	Thornberry
Northup	Ryun	Thune
Norwood	Sabo	Thurman
Nussle	Salmon	Tiahrt
Oberstar	Sanchez	Tierney
Obey	Sanders	Towns
Olver	Sandlin	Traficant
Ortiz	Sanford	Turner
Owens	Saxton	Upton
Packard	Scarborough	Velazquez
Pallone	Schaefer, Dan	Vento
Pappas	Schaffer, Bob	Visclosky
Pascrell	Schumer	Walsh
Pastor	Scott	Wamp
Paul	Sensenbrenner	Waters
Paxon	Serrano	Watkins
Payne	Sessions	Watt (NC)
Pease	Shadegg	Watts (OK)
Pelosi	Shaw	Waxman
Peterson (MN)	Shays	Weldon (FL)
Peterson (PA)	Sherman	Weldon (PA)
Petri	Shimkus	Weller
Pickering	Shuster	Wexler
Pitts	Sisisky	Weygand
Pombo	Skeen	White
Pomeroy	Slaughter	Whitfield
Porter	Smith (MI)	Wise
Portman	Smith (NJ)	Wolf
Poshard	Smith (OR)	Woolsey
Price (NC)	Smith (TX)	Wynn
Pryce (OH)	Smith, Adam	Young (AK)
Radanovich	Smith, Linda	Young (FL)
	Snowbarger	

NOES—9

Brown (CA)	Frank (MA)	Sawyer
Dooley	McIntyre	Skelton
Fazio	Pickett	Tauscher

NOT VOTING—19

Bateman	Johnson, Sam	Spratt
Blumenauer	McDade	Taylor (NC)
Coyne	Meeks (NY)	Torres
Dixon	Oxley	Wicker
Foley	Parker	Yates
Gonzalez	Quinn	
Harman	Skaggs	

□ 1942

Messrs. FAZIO of California, FRANK of Massachusetts and SAWYER changed their vote from ''aye'' to ''no.''

Messrs. SISISKY, ADAM SMITH of Washington and RANGEL and Mrs. CAPPS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. 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.

Ms. DEGETTE. Mr. Chairman, I rise today in opposition to H.R. 3616, the Department of Defense Authorization Act for FY 99, because it contains two egregious provisions which adversely affect women in the military—allowing gender segregated training and housing facilities, and banning access to health care clinics overseas for a full range of health care services.

However, I am in support of the bill's authorization of $655 million to aid in the cleanup and closure of the Rocky Flats nuclear site near Denver. This total represents an additional $40 million to President Clinton's request, and I commend the Committee on National Security for its vision and leadership on this important project.

Yet the provisions which attacks on the rights of women in the military are needless poison pills to this very important and necessary authorization bill. Every woman in America has a constitutional right to have an abortion. The anti-choice movement in Congress has been relentless in its effort to overturn this constitutional right. Additionally, segregating women from men will not improve discipline, training, or effectiveness. In times of war, women and men fight together, not separately. In fact, our military opposes this initiative, yet the House of Representatives has approved this unprecedented initiative.

Consequently, I oppose this legislation in its current form and I urge my colleagues to think about the message they are sending to all American women when they take away these rights of military women. I hope that the conference report will return to the House without these two meanspirited and harmful provisions.

Mr. HOYER. Mr. Chairman, I rise in support of this bill and would like to commend the work of both the Chairman, Mr. SPENCE and the Ranking Member, Mr. SKELTON. I believe the priorities which they have established in this bill are good for both our Nation and for our Nation's defense.

We are preparing to enter the 14th consecutive year of real decline in defense spending. I am one of those who believe that we cannot continue to put the military at risk. The funding constraints imposed by the balanced budget agreement make our choices more difficult. However, we still must ensure that other priorities do not drive us away from one of the primary responsibilities the Congress has, and that is ensuring for the Nation's defense.

We all realize that the United States holds a unique position in the world. People all over the globe look to us for security and stability. It may not be fair, but it is the reality. While our Military Forces are shrinking, operations around the world are increasing. The increased pace of peacekeeping, humanitarian relief, and other contingency operations is forcing our Armed Forces to do more with less. However, doing more with less is not always conducive with ensuring the long term readiness of our Armed Services. Our troops serving today in Bosnia are just one of the recent examples of our global leadership and responsibility. I continue to support our deployment of troops in Bosnia and believe the work they are accomplishing there makes America a better place and the world a safer one.

I say to both the Chairman and the Ranking Member that their priorities are right for our Nation, we need to stand up for those priorities and pursue them.

I support this bill to authorize $270 billion for critical defense needs in fiscal year 1999 and want to commend the committee for what is in the bill before us: a 3.6% military pay raise; the $2.7 billion for procurement of 27 FA–18 E/F's; $36.2 billion for continued research and development, which includes $456 million for the joint strike fighter; the continued support for the important mission of the special operations command; the $2 billion to purchase the second new attack submarine. The $285 million for 30 Blackhawk helicopters, 18 of which are for the Army National Guard; and the procurement of 8 V–22 Ospreys for the Marine Corps.

I also want to commend Chairman HEFLEY and Ranking Member ORTIZ for their work on authorizing $8.2 billion for military construction.

I commend the Committee for funding these DOD and Navy priorities and for addressing the needs of our men and women in the Armed Services.

Mr. QUINN. Mr. Chairman, although I am unable to cast my vote for this legislation, I am pleased to take this opportunity to voice my support for H.R. 3616, the Fiscal Year 1999 National Defense Authorization Act.

For the fourth consecutive year, the Department of Defense's modernization budget fell far short of the $60 billion that former Chairman of the Joint Chiefs General Shalikashvili testified the military needs each year to update its aging force. Even more disturbing is the continuing trend of budget requests for modernization that are billions less than they were forecast to be during the previous year.

The research and development situation in the United States military looks very bleak as well. Spending for research and development accounts are forecasted to fall by at least fourteen percent.

This year's overall budget request represents the lowest real level of U.S. defense spending since before the Korean War. Clearly, the practice of the United States military increasing its number of missions while resources decline will continue unless the defense budget is increased.

H.R. 3616, while consistent with the Balanced Budget Act, continues the 14-year trend of real decline in defense spending. I commend the National Security Committee for working within these constraints to focus the limited resources available on addressing readiness, quality of life, and modernization shortfalls. This bill provides the Department of Defense with some of the tools necessary to better recruit and retain quality personnel, better train them to the highest possible standards, and better equip them with advanced military technology while trying to provide for an improved quality of life.

The high pace of operations continues unabated with attendant negative impacts on military quality of life. America's military forces are under severe stress.

H.R. 3616 takes proactive measures to directly reduce the stress and would provide military personnel a 3.6 percent pay raise—.5 percent more than that requested in the budget—to halt the growing pay gap. In addition, the bill limits the Department of Defense's ability to accelerate military personnel cuts and add $74 million to help the Army maintain adequate manpower levels.

Among many other important provisions, the bill also would mandate that burial honors for all veterans be provided on request after October 1999 and increase funding for the National Guard Youth Challenge Program to $50 million.

Mr. CHAMBLISS. Mr. Chairman, I rise to congratulate Chairman SPENCE and Ranking Member SKELTON for bringing forward a good bill in a tough year. At a time when we are asking our armed services to do more with

less, this bill represents the most balanced approach to our military priorities.

I would like to take a few moments to highlight a few issues in this legislation that I have had the privilege to work on over the last several months.

F–22

I am very concerned about recent GAO recommendations that would have us further delay the F–22. This program has experienced too many delays and too many reductions in planned buy. Specifically, the GAO has expressed concern about lack of test hours conducted to date. The truth is this program is meeting or exceeding all performance targets set by the USAF, and the Air Force is fully satisfied with the quality of data derived from the test hours that have been conducted.

Furthermore, last year this Congress imposed a very restrictive, unprecedented cost cap on the contractor, a cap that set in stone the cost of this program over a planned buy of nearly 340 aircraft. I am pleased to report that the Air Force and contractor are meeting the terms of those caps while also meeting established performance requirements. Now is not the time to throw this program into further disarray.

I am also pleased to report that Raptor 01, our first test aircraft, flew again just two days ago at Edwards AFB. This fully successful flight lasted nearly two hours. The bottom line is that this bill provides for a fully funded program that is absolutely necessary to ensuring air dominance for our warfighters into the 21st century. I commend the Committee on its work in this area.

JSTARS

Over the last decade, DoD has well-established this nation's ground reconnaissance need. That need is translated into 19 fully operational JointSTARS aircraft. Today, DoD is ignoring that stated need for 19 aircraft, and it has stopped procurement at 13.

This bill makes a commitment for long-lead funding for 2 of the necessary 6 additional aircraft. In the area of intelligence, there is no room for compromise. There is no substitute. And the bottom line is that JSTARS is absolutely necessary to meeting our land reconnaissance needs in the 21st century.

MWR

Morale, Welfare and Recreation is an issue that does not receive much attention in such a massive bill, but one that is very important to our troops in the field—it relates to their quality of life.

I am proud of the good work in this bill, under the leadership of Chairman MCHUGH, work that will translate directly into a better standard of living for our men and women in the armed services.

Tough decisions were made, decisions that require we balance many interests, but decisions that ultimately must weigh heavily in favor of the military men and women who have committed themselves to us.

Specifically, the Panel authorized the expansion of commissary benefits to Reserves from 12 to 24 days. Today we are asking more and more of our guard and reserve forces. It is only fair that they are more integrated into our military community, which includes increased access to the ''military benefit.''

In addition, the Panel worked hard to protect the military resale system. Notwithstanding the hard work of DoD, the Panel remains concerned about unsupported initiatives that may do more harm than good to our resale system.

Finally, I am pleased to report that the Panel recommended a provision that will require that DoD privately contract for a survey of military resale consumers to determine their preferences on key issues facing the resale system. A key item to be surveyed is the desirability of the availability of beer and wine products in military commissary stores. The Panel authorized such sale by DoD. It is the opinion of many members of the Panel that convenience to the military consumer must come first. I look forward to the results of such a survey.

PAY RAISE

Last, but not least, I am proud to observe that this bill includes a 3.6 percent pay raise for our military members. We must invest in our military and continue to draw the most talented young people in our nation. Today we face very serious recruiting and retention issues in all of our services. It is my hope that this pay raise will begin to show our commitment to the hard work our military does every day.

MORE FUNDING

Mr. Chairman, we have done the best with what we have been given. However, it is not enough. The world continues to be a dangerous place, and recent developments in India and Pakistan bring this point home. As Chairman WELDON often notes, we are facing a train wreck around 2001 and 2002—a train wreck that will require tradeoffs that will not be in the national security interest of this nation. We must have more resources, as we must never grow complacent with our role as the world's superpower. I vow to work together with my colleagues to continue to press for adequate funding of our military priorities. Until that day, I am pleased to report that this bill is a fair balance of our priorities.

Mr. GREENWOOD. Mr. Chairman, I rise today in support of the FY 1999 Defense Authorization Act and in appreciation of the inclusion of a provision, brought to my attention by my constituent, Mr. James Biscardi of Quakertown, Pennsylvania. Without his continued dedication, the men of the Navy Armed Guard, who served with honor, dignity, and courage, would still be awaiting their deserved congressional recognitioin.

In the beginning of the 104th Congress, Mr. Biscardi, a true American Patriot, contacted my office seeking recognitioin for those who served in the Navy Armed Guard. By working with him, I drafted legislation, now part of the FY 1999 Defense Authorization Act, that recognizes the outstanding service of the members of the Armed Guard during World Wars I and II and thanks the surviving crewmen of the Armed Guard for their service.

The Armed Guard was created as a branch of the United States Navy during World War I to protect the merchant ships of the United States by maintaining weapons on 384 merchant ships. During World War II, the Armed Guard was reactivated as a response to the German strategy of attacking and sinking merchant ships, even those of neutral countries, which appeared to be bringing goods to the Allied Nations in Europe. Over 144,900 men served in the Armed Guard on 6,236 merchant ships during World War II. Nearly 2,000 of these men made the supreme sacrifice, and gave their lives in defense of their country.

The dedication of, and sacrifices made, by the men of the Armed Guard deserve the recognition and gratitude of the United States. Through the passage of the Defense Authorization bill, the United States Congress will be acknowledging the outstanding service of the 144,970 men who served in the Armed Guard during World War II, and the men who served in World War I. These men have earned a heartfelt thanks from the country that they so gallantly fought to protect.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, Chairman 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. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, pursuant to House Resolution 441, 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 any 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 amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on 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.

☐ 1945

MOTION TO RECOMMIT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman opposed to the bill?

Mr. FRANK of Massachusetts. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves that the bill be recommitted to the Committee on National Security with instructions to report it back forthwith with the following amendment:

At the end of title XII (page , after line), insert the following new section:

SEC. . WITHDRAWAL OF UNITED STATES ARMED FORCES FROM THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) LIMITATION.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1999 may be used for the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina after December 31, 1998, unless a law has been enacted that explicitly authorizes the deployment of such Armed Forces.

(b) EXCEPTIONS.—The limitation contained in subsection (a) shall not apply with respect to—

(1) the deployment of United States Armed Forces for the express purpose of ensuring

the safe withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina;

(2) a limited number of members of United States Armed Forces sufficient only to protect United States diplomatic facilities and citizens; or

(3) noncombatant personnel to advise the North Atlantic Treaty Organization (NATO) Commander in the Republic of Bosnia and Herzegovina.

Mr. SPENCE. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPENCE) reserves a point of order.

The gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I apologize to the House for intruding at this late date, but it did seem to me, having the elected representatives of the American people vote on whether or not American ground troops ought to stay in Bosnia until infinity was a reasonable use of about 20 minutes.

It is not ideal to do it this way, but the gentleman from California (Mr. CAMPBELL), the gentleman from California (Mr. CONDIT), the gentleman from Ohio (Mr. KASICH), the gentleman from Tennessee (Mr. HILLEARY), the gentleman from New York (Mr. SERRANO) and I submitted this germane amendment in a timely fashion to the Committee on Rules and we were told we could not debate it. My colleagues may not realize how important the issues have been that we have been dealing with, because they were so important, the ones we have been debating for the last couple of days, that we did not have a chance to vote on Bosnia.

We are told that we are spread too thin. A number of Members have complained of the President's dispensing the troops to Bosnia. Being heard here today is important, because a lot of Members here have been heard on the subject of Bosnia. I am delighted to give them a chance to put their voting cards where their mouths have been.

We are here faced with an amendment that says the troops have to leave by December 31. That is plenty of time. It does allow for troops afterwards, if they are needed, to pull out in an orderly fashion. This is a correctly drawn amendment by the gentleman from California. It even says, because we were told, well, later we will come in with the right conditions. This amendment says, if a subsequent bill comes forward, then that will cover it. All this says is, we will not by silence acquiesce in the indefinite extension of that mission.

This is not Mission Creep, this is Mission Rush. This is Mission Hurdle, and we are all allowing it to happen if we do not vote for this.

Now, I believe it was a good thing that the world, and the U.S. leading, stopped people from killing each other in Bosnia. The fight has been broken up; we have stopped the killing. We have a relatively easy military mission, I think. It is to keep the combatants apart.

Now, Bosnia is very close to the following countries: Germany, France, Italy, England, the Scandinavian countries, the Benelux countries. They are members of a vestigial organization known as NATO. We are giving NATO a chance to mean something. The U.S. carries the burden in South Korea; the U.S. carries the burden in Iraq. Is it never to be time for Europe to do something on their own? Can Europe never be expected by us to do this? It is a relatively small thing: Keep the troops in this police action to separate people.

Members just voted, I did not vote, but Members just voted to put American troops on the border. Well, where are they going to come from? Maybe we can take them from Bosnia. We are told we have to have troops in Europe because they are our allies. Well, if that is the case, if we show we are allies by having troops in each other's countries, are we sending for Dutch troops to control the Mexican border to deal with drugs? Can we expect some French troops to help us implement the Traficant amendment? We cannot keep voting for more and more and not sometimes say no. If we do not believe the European troops are capable of maintaining the peace in Bosnia on their own, then let us stop pretending that there is anything but a unilateral American presence.

This amendment is a chance for Members to vote to say, and we will save, by the way, $2 billion. In the supplemental we asked for $162 million a month, Pentagon calculation. That is the incremental cost of keeping the troops in Bosnia. So we can save $2 billion on the defense bill, we can inconvenience our European allies by asking them to increase their forces, and we can be consistent if we have said we are for pulling the troops out of Bosnia, and I have to say to my Republican colleagues, you have been fighting the President all over the place. You have been whacking him and hitting him and smacking him. This is something he cares about. They have the troops in Bosnia, you have been shadow boxing and dancing and creating and melting snowmen. You have been taking care of China and you have been taking care of this and that. Here it is.

The chairman of the Committee on Rules said he could not allow this amendment because the President told him not to. Well, the President cannot control the vote on a motion to recommit, so if you want to show that you believe in the constitutional function of Congress, you can vote for it.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Speaker, I appreciate the gentleman yielding, and I will only take a moment to say that the gentleman in the well is expressing about the most important prerogative that a Member of the House of Representatives can express. The Constitution makes it imperative that we vote to go to war, that it not be done by a President, that it be done by the people's representatives. When we send soldiers and sailors and air personnel to die overseas, they must know it is with the approval of the people's representatives in this House.

I applaud the gentleman for his courage and I ask for an ''aye'' vote.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of the time, but I hope I do not yield back the prerogatives of this House.

Mr. SPENCE. Mr. Speaker, I withdraw my point of order, and I claim the time in opposition to the motion.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Let us stop and pause for a moment in where we are. This is a motion to recommit saying we are going to tell the President of the United States that he has to bring the troops home and we have to do it now. I have been before this body and I have stood here and I have offered amendments in the past with the gentleman from Missouri (Mr. SKELTON) and the gentleman from Pennsylvania (Mr. MCHALE). I did not like how we went into the Dayton Accords, but let us stop and think about where we are right now.

Has the mission been successful? It has. Have we completely and always agreed? No, we have not. I gave a commitment to the President, I said I would no longer be your critic, I will be your constructive critic, and this is not about politics, because it could be in the year 2000 we could have a Republican President and we are going to inherit Bosnia and there are going to be troops that are going to be in Bosnia, because I firmly believe those troops are still going to be in Bosnia. The key is, how do we slowly bring those troops home so we then have a commitment to an enduring peace in Bosnia? That is what this is about, an enduring peace in Bosnia.

Do not get consumed by this by saying, oh, this has got to be about the troops, bringing the troops home. If we believe in the commitment toward peace, if we really believe in that, this is also about NATO and our relationship with our NATO allies. Oh, I also want NATO to carry; actually, I want our European allies to carry a greater burden in the peace and the stability of the continent of Europe.

But right now, where are we right now? This is not a wise thing to do. The gentleman from Nebraska (Mr. BEREUTER) of the Committee on International Relations and myself are working on a resolution, along with the administration. When the President of the United States said that what we are going to do is we are going to set very real benchmarks for success in the civil implementation of Bosnia,

what is key is that we make sure that the benchmarks of success are realistic, they are viable, and that they are pragmatic.

What we are going to do is, and we put this into resolution form, we want to come here to this body so that everyone has a comfort level with regard to the benchmarks of success, because I do not want, nor do my colleagues want troops in Bosnia for a very long time, and what is unfortunate is they may be there because of the parameters that were set out in the predicate of the Dayton Accords that may require generation secure.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I rise in opposition to this.

We debated this fully this past March. With the gentleman in the well I had an amendment that opposed the initial placing of troops in Bosnia for the simple reason that there was army and training that should not have taken place. That has been a success. This is not the right message to send to the troops, it is not the right message to send to our allies who, by the way, furnish 75 percent of the troops there, and by the way, provide 85 percent of the reconstruction assistance. I think we should vote this down and pass this bill.

Mr. SPENCE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—ayes 167, noes 251, not voting 15, as follows:

[Roll No. 182]

AYES—167

Archer
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bilbray
Bilirakis
Blunt
Bonilla
Brady (TX)
Brown (CA)
Bryant
Bunning
Burton
Camp
Campbell
Canady
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Conyers
Cook
Costello
Crane
Crapo
Cubin
Danner
Davis (IL)
Deal
DeFazio
Doggett
Duncan
Emerson
English
Ensign
Ewing
Farr
Filner
Forbes
Fox
Frank (MA)
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Graham
Granger
Green
Greenwood
Gutierrez
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hooley
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Johnson (CT)
Kaptur
Kasich
Kelly
Kingston
Klug
LaHood
Largent
Latham
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas
Manzullo
McCollum
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Mink
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Owens
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Poshard
Pryce (OH)
Ramstad
Rangel
Regula
Roemer
Rogers
Rohrabacher
Roukema
Royce
Rush
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shays
Shimkus
Smith (MI)
Smith (TX)
Snowbarger
Souder
Stark
Stearns
Stokes
Stump
Sununu
Talent
Thomas
Thornberry
Thune
Tiahrt
Tierney
Towns
Traficant
Upton
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Whitfield
Woolsey
Young (AK)

NOES—251

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Cooksey
Cox
Coyne
Cramer
Cummings
Cunningham
Davis (FL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Fattah
Fawell
Fazio
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Goodling
Gordon
Goss
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Livingston
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Redmond
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Shadegg
Shaw
Sherman
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Turner
Velazquez
Vento
Visclosky
Walsh
Waxman
Weldon (FL)
Wexler
Weygand
White
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—15

Bateman
Foley
Gonzalez
Harman
Johnson, Sam
McDade
Meeks (NY)
Parker
Quinn
Skaggs
Spratt
Taylor (NC)
Torres
Wicker
Yates

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Mrs. EMERSON and Messrs. NETHERCUTT, SNOWBARGER, MCKEON and HUTCHINSON changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). 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. SPENCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 357, noes 60, not voting 16, as follows:

[Roll No. 183]

AYES—357

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Crane
Crapo
Cubin
Cummings
Cunningham
Danner

Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Forbes
Ford
Fossella
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—60

Barrett (WI)
Becerra
Bonior
Brown (CA)
Brown (OH)
Campbell
Conyers
Cramer
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Ehlers
Engel
Eshoo
Filner
Frank (MA)
Franks (NJ)
Furse
Gutierrez
Hinchey
Hoekstra
Hooley
Jackson (IL)
Kind (WI)
Kucinich
Lee
Lofgren
Lowey
Luther
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Miller (CA)
Minge
Morella
Nadler
Oberstar
Obey
Owens
Paul
Payne
Petri
Rahall
Rivers
Roybal-Allard
Royce
Rush
Sanders
Sensenbrenner
Serrano
Shays
Slaughter
Stark
Velazquez
Vento
Woolsey

NOT VOTING—16

Bateman
Foley
Gonzalez
Goodling
Harman
Johnson, Sam
McDade
Meeks (NY)
Parker
Quinn
Skaggs
Spratt
Taylor (NC)
Torres
Wicker
Yates

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The Clerk announced the following pair:

On this vote:

Mr. Quinn for, with Mr. Yates against.

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 year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3616, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3616, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MOTION TO INSTRUCT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998 OFFERED BY MR. MINGE

Mr. MINGE. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. MINGE moves the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R 2400, be instructed to ensure that spending for highways and transit programs authorized in the conference agreement on H.R. 2400 is fully paid for using estimates of the Congressional Budget Office, to reject the use of estimates from any other source, to reject any method of budgeting that departs from the budget enforcement principles currently in effect, or the use of the budget surplus to pay for spending on highways or transit programs.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Minnesota (Mr. MINGE) will be recognized for 30 minutes, and a Member in opposition will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the transportation bill that is pending before the conference committee exceeds what was in the balanced budget agreement of 1997. It exceeds what is in the Senate budget resolution. It exceeds what is in the pending House budget resolution. It is clear that we have a budget busting bill that is coming out of the conference committee.

Mr. Speaker, it is clear that the conferees have a very heavy burden of identifying offsets that would make this particular transportation bill fit within any type of reasonable budget process. In this context, it is becoming clear that the conferees are sorely tempted to use a process called directed scoring.

This body has established a tradition of referring to the Congressional Budget Office to determine the cost of programs that are proposed, to determine the cost of offsets that are proposed, to provide guidance to this body. The Congressional Budget Office, over the years, has earned the reputation of being bipartisan, actually of being nonpartisan. The Congressional Budget Office, if it had been listened to, 10, 15 years ago, would have provided us with the guidance that would have avoided the tremendous deficits that we incurred in the 1980s and the early 1990s. Tragically, we did not listen to the Congressional Budget Office.

The question that we now face is, should we depart from this honored principle, should we disregard the rules and the traditions of this body and simply pick and choose?

Mr. Speaker, the tradition that is so well established and the rules that are so well established are ones that we should continue to observe. If we are to allow the conferees to simply determine what particular scoring agency or