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House of Representatives

□ 2045

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FIS- CAL YEAR 2003

(Continued)

Ms. SANCHEZ. Mr. Chairman, whether you are pro-life or pro-choice, agree or disagree with the merits of reproductive freedom, the fact remains that women of the United States have a constitutional right to these services. So why do we choose to place our overseas female soldiers and military dependents into a subclass of citizenship? Currently servicewomen may fly back to the United States to obtain reproductive services, but only after they have authorization from a commanding officer and can find space on military transport.

If your daughter, your wife, sister or friend had to make this tough reproductive choice and was stationed overseas, do you believe that as adult women they should be required to disclose this to their commanding officer? Would you want to put her on a plane alone? Our servicewomen and dependents overseas deserve better.

My amendment allows military personnel and their dependents serving overseas to use their own private funds to obtain safe, legal abortion services in overseas military hospitals. No Federal funds would be used.

The amendment will only affect U.S. military facilities overseas. My amendment will not violate host country laws, nor does it compel any doctor who opposes abortion on principle to perform one. It will, however, open up reproductive services at bases and countries where abortion is legal.

Vote for the rights of our servicewomen and dependents abroad. Vote for this amendment.

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

Mr. RYUN of Kansas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) is recognized for 10 minutes.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California (Ms. SANCHEZ). This amendment simply introduces a controversial issue of abortion into a national security debate. The amendment does not address an operational need for the Armed Services or ensure health care benefits extended to our men and women in uniforms and their families.

Under current law, government-funded abortions may be performed in the Department of Defense medical treatment facilities whenever the life of the mother would be endangered if the baby were carried to term. Additionally, self-funded abortions may be performed in these medical treatment facilities in cases in which the pregnancy is the result of an act of rape or incest.

If this amendment is adopted, self-funded abortions would not be limited in military medical treatment facilities outside the United States to cases in which the life of the mother would be endangered if the baby were carried to full term or in cases in which the pregnancy is the result of the act of rape or incest. Elective abortions can be performed in military medical treatment facilities outside the United States.

Proponents of the amendment claim that the amendment is necessary because female service members and dependents overseas are denied equal access to health care. This is simply not true. In those overseas locations where safe and legal abortions are not available, service members and their dependents currently have the option of using space available travel to return to the United States or to some other overseas location to obtain an abor-

tion. As a result, the argument that the DOD personnel overseas are denied equal access to health care just is not true.

Additionally, abortions are generally available overseas. For example, in Italy abortion services comparable to those in the United States are available from Italian providers. In Japan abortion is legal and generally unrestricted. And in Germany when a woman has an abortion she can have it during the first 12 weeks of her pregnancy.

In short, there is simply not any truth to the claim that our servicewomen and dependents overseas do not have equal access to abortion services.

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

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to my friend, the gentlewoman from California (Ms. HARMAN), the co-sponsor of this amendment.

Ms. HARMAN. Mr. Chairman, I rise in strong support of this amendment which I have co-authored with the gentlewoman from California for years. Since 1995, we have tried each year to change the policy that I think truly does harm to women serving in our military overseas.

Mr. Chairman, as we deploy women all over the world in the war on terrorism, it is urgent that they know they have our full support, our prayers and the same rights as every other American woman under our Constitution.

I listened to the last speaker, my good friend the gentleman from Kansas (Mr. RYUN), and it is not the case that military women have the same rights to pay for abortion services overseas as military women who serve at home. There are limited rights to abortion services overseas, but they are not the same rights that military women in America have. It is this difference that we seek to eliminate with this amendment.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Mr. Chairman, over 100,000 women, active service members, spouses and dependents of military personnel live on military bases overseas and rely on military hospitals for their medical care. It is not fair for them to have to violate their personal privacy to reveal that they are pregnant in order to get permission to fly home to have a safe abortion in an American hospital.

We are not asking the Federal government to pay for abortions overseas. We are not asking military doctors who have moral, religious or ethical objections to perform abortions overseas. All we are asking is that servicewomen stationed abroad have the same constitutional rights as servicewomen living here.

Mr. Chairman, they have earned those rights. They are putting their lives on the line to preserve our freedom. We should not ask them potentially to sacrifice their lives to secure an abortion.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise today to speak against this amendment to expand abortion services in military hospitals overseas. Let us be clear on what we are really talking about. What this amendment does is to allow the use of hard earned taxpayer dollars to fund abortions in our military overseas hospitals. This violates the strongly held convictions of millions of Americans who do not want their tax dollars going to fund activities that they believe are wrong.

The other side will argue that the procedure will be paid for by the woman seeking the abortion. But this clearly ignores the obvious fact that the infrastructure, the medical facilities, the equipment are all paid for with taxpayer dollars. This amendment is fundamentally about how we use our taxpayer dollars, which should not be a controversial issue. The overwhelming majority of taxpayers oppose the use of publicly held Federal dollars for abortion.

This amendment has been rejected six times by the same House. Do the right thing today and vote against the passage of this amendment again.

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

Mr. Chairman, just for the gentlewoman's sake, the individual who would get the abortion done would have to pay for the abortion herself. This is not a public expense.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), my colleague on the committee.

Mr. KIRK. Mr. Chairman, I take a point of personal privilege first to wish the best of luck to Hoover House at the University of Chicago in their ancient and honorable scavenger hunt.

I rise in support of the Sanchez amendment because it guarantees American women in uniform that they can use their own funds for all legal options in their health care. As a Naval

officer I served at Incirlik Air Base in Adana, Turkey. I know of the outstanding clinics available on base and also of the poor conditions available at the Adana Turkish City Hospital. I believe that U.S. service men and women should be treated on base by American doctors and that our women in uniform should not be forced into some clinic where English is not spoken.

I commend the gentlewoman, and this amendment should be adopted.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, first of all, I would like to note that terminating the life of a fetus is not properly defined as a reproductive service.

For many years we had no law respecting whether abortions could or could not be performed in medical facilities. We simply did not need one because military medical personnel would not perform abortions. Abortions for life of the mother, rape or incest are currently permitted in military facilities. And what this amendment asks for are abortions that fully 80 percent of Americans oppose; that is, abortion for birth control.

When you remove life of the mother, rape and incest, that is all that is left. Approving this amendment would be a major affront to our brave military medical people who do not want abortions performed in their facilities. Please vote against this motion.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move the Committee do now rise.

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

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 58, noes 325, answered “present” 1, not voting 50, as follows:

[Roll No. 148]

AYES—58

Abercrombie	Hill	Miller, George
Baldwin	Holt	Nadler
Barrett	Honda	Napolitano
Berry	Jefferson	Oberstar
Blumenauer	Johnson, E. B.	Olver
Bonior	Kaptur	Ortiz
Boyd	Langevin	Owens
Brady (PA)	Larson (CT)	Pascrell
Capuano	Lee	Pelosi
Condit	Lofgren	Peterson (MN)
Conyers	Lucas (KY)	Rodriguez
Costello	Lynch	Sanchez
DeGette	Markey	Schakowsky
Delahunt	Matsui	Shows
Doggett	McDermott	Slaughter
Filner	McGovern	Solis
Frank	McIntyre	Stenholm

Tanner
Taylor (MS)
Towns

Udall (NM)
Visclosky
Waters

Wu

NOES—325

Aderholt	Forbes	Maloney (NY)
Akin	Ford	Manzullo
Allen	Fossella	Mascara
Andrews	Frelinghuysen	Matheson
Armey	Frost	McCarthy (MO)
Baca	Gallegly	McCarthy (NY)
Bachus	Ganske	McCollum
Baird	Gekas	McCreery
Baker	Gephardt	McHugh
Baldacci	Gibbons	McInnis
Bartlett	Gilchrest	McKeon
Barton	Gilman	McKinney
Bass	Gonzalez	McNulty
Becerra	Goode	Meehan
Bentsen	Goodlatte	Meek (FL)
Bereuter	Graham	Meeks (NY)
Berkley	Granger	Mica
Biggert	Graves	Miller, Dan
Bilirakis	Green (TX)	Miller, Gary
Bishop	Green (WI)	Miller, Jeff
Blagojevich	Greenwood	Mollohan
Blunt	Grucci	Moore
Boehert	Gutierrez	Moran (KS)
Bonilla	Gutknecht	Moran (VA)
Bono	Hall (TX)	Morella
Boozman	Hansen	Murtha
Borski	Harman	Myrick
Boswell	Hart	Neal
Boucher	Hastings (FL)	Ney
Brady (TX)	Hastings (WA)	Northup
Brown (FL)	Hayes	Nussle
Brown (OH)	Hayworth	Obey
Brown (SC)	Hefley	Osborne
Bryant	Herger	Otter
Burr	Hilliard	Pallone
Buyer	Hinchee	Pastor
Callahan	Hinojosa	Paul
Calvert	Hobson	Payne
Camp	Hoeffel	Peterson (PA)
Cantor	Hoekstra	Petri
Capito	Holden	Phelps
Capps	Hoolley	Pickering
Cardin	Horn	Pitts
Carson (IN)	Hostettler	Pombo
Carson (OK)	Houghton	Pomeroy
Castle	Hoyer	Portman
Chabot	Hunter	Price (NC)
Chambliss	Hyde	Putnam
Clement	Inslee	Quinn
Clyburn	Isakson	Rahall
Coble	Israel	Ramstad
Collins	Issa	Rangel
Cooksey	Istook	Regula
Cox	Jackson (IL)	Rehberg
Coyne	Jackson-Lee	Rivers
Cramer	(TX)	Roemer
Crenshaw	Jenkins	Rogers (KY)
Crowley	Johnson (CT)	Rogers (MI)
Cubin	Johnson (IL)	Rohrabacher
Cummings	Johnson, Sam	Ros-Lehtinen
Cunningham	Jones (NC)	Ross
Davis (CA)	Jones (OH)	Rothman
Davis (FL)	Kanjorski	Roybal-Allard
Davis (IL)	Keller	Royce
Davis, Jo Ann	Kelly	Rush
Davis, Tom	Kennedy (RI)	Ryun (KS)
Deal	Kerns	Sabo
DeLauro	Kildee	Sandlin
DeLay	Kilpatrick	Sawyer
DeMint	Kind (WI)	Saxton
Deutsch	King (NY)	Schiff
Dicks	Kingston	Schrock
Dingell	Kirk	Scott
Dooley	Kleczka	Sensenbrenner
Doolittle	Knollenberg	Serrano
Doyle	Kolbe	Sessions
Dreier	Kucinich	Shadegg
Duncan	LaFalce	Shaw
Dunn	LaHood	Shays
Edwards	Lampson	Sherman
Ehlers	Lantos	Sherwood
Ehrlich	Larsen (WA)	Shimkus
Emerson	Latham	Shuster
Engel	Leach	Simmons
English	Levin	Skeen
Eshoo	Lewis (CA)	Skelton
Etheridge	Lewis (KY)	Smith (MI)
Evans	Linder	Smith (NJ)
Everett	Lipinski	Smith (TX)
Farr	LoBiondo	Smith (WA)
Fattah	Lowey	Snyder
Ferguson	Lucas (OK)	Spratt
Flake	Luther	Stearns
Fletcher	Maloney (CT)	Strickland

Stump	Thurman	Watts (OK)
Stupak	Tiahrt	Weiner
Sullivan	Tiberi	Weldon (FL)
Sununu	Tierney	Weldon (PA)
Sweeney	Toomey	Weller
Tancredo	Turner	Wexler
Tauscher	Udall (CO)	Whitfield
Tauzin	Upton	Wicker
Taylor (NC)	Velazquez	Wilson (NM)
Terry	Vitter	Wilson (SC)
Thomas	Walden	Wolf
Thompson (CA)	Walsh	Wynn
Thompson (MS)	Wamp	Young (AK)
Thornberry	Watkins (OK)	Young (FL)
Thune	Watt (NC)	

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—50

Ackerman	Goss	Platts
Ballenger	Hall (OH)	Pryce (OH)
Barcia	Hilleary	Radanovich
Barr	Hulshof	Reyes
Berman	John	Reynolds
Boehner	Kennedy (MN)	Riley
Burton	LaTourette	Roukema
Cannon	Lewis (GA)	Ryan (WI)
Clay	Menendez	Sanders
Clayton	Millender-	Schaffer
Combest	McDonald	Simpson
Crane	Mink	Souder
Culberson	Nethercutt	Stark
Diaz-Balart	Norwood	Traficant
Foley	Ose	Watson (CA)
Gillmor	Oxley	Waxman
Gordon	Pence	Woolsey

□ 2117

Mrs. MYRICK, Ms. ROYBAL-ALLARD and Mr. HOEKSTRA changed their vote from "aye" to "no."

Ms. SOLIS changed her vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support of the Sanchez amendment. Women who volunteer to join the armed services, who risk their lives in faraway places, are asked now to compromise their constitutional right to choose. And she is also having to make a decision to compromise her health, because we are not talking about her life that may be at stake, but if she needs this medical procedure of an abortion to save her health, she may have to make the decision not to do that.

Let us be clear. This amendment simply gives American women overseas the same legal rights they would receive if they are at home. It does not provide public funding for abortions. It simply allows women to use their own money to pay for the procedure. It does not force medical personnel at military hospitals overseas to perform the procedure. They would still be allowed the option not to perform abortions based on moral, religious, or ethical objections.

This amendment is necessary for women's health. The current ban places women's health at risk by not allowing them the full range of reproductive health. I urge a "yes" vote on the Sanchez amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, with all due respect to the gentlewoman from California, the amendment that she offers, if enacted, will result in babies being brutally killed by abortion and will force pro-life Americans to facilitate the slaughter of innocent children. This is an abortion facilitation amendment. It will turn our military hospitals into abortion mills.

Mr. Chairman, it is time we ended our collective denial. Abortion is violence against children. Some abortion methods dismember and rip apart the fragile, precious bodies of children. Abortion methods also chemically poison children. There is nothing benign, there is nothing curing or nurturing about abortion. It is violence against children.

We worry a lot about chemical weapons, especially in the post-anthrax scare that we had, which actually affected my own district. What do my colleagues think these abortion chemicals do to children when they are injected into the amniotic sac? A high-concentrated saline badly burns the baby. It is violence against children.

Let us be about nurturing, promoting prenatal care and maternal health care, not the killing of babies.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentlewoman for yielding me this time and also for her persistence each year in trying to bring some equity to women and dependents who are serving in our Nation's military.

I rise in strong support of the Sanchez amendment to overturn what is a very and extremely discriminatory policy of denying servicewomen and female military dependents from using their own funds, mind you, for abortions at overseas military hospitals. At a time when many servicewomen are overseas fighting in Afghanistan, it is wrong to deny them access to vital reproductive health services. Women in the military should be able to depend on their base hospitals for all of their health care services.

A repeal of the current law ban on privately funded abortions would allow women access to the same range and the same quality of medical care available in the United States. I urge my colleagues to support the Sanchez amendment. We owe it to our women fighting abroad and serving in our military proudly throughout the world.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute and 10 seconds to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the amendment.

Despite what some of my colleagues have argued, American women in overseas military bases are not in danger if they cannot receive an abortion at a military facility. Pregnancy is not a

disease. Those facilities are to treat illness and disease and provide normal health care.

First, let us make clear what the United States policy is regarding overseas bases. For countries where abortion is banned, this amendment would do nothing to allow women stationed in these countries to have an abortion at a military facility. Why? Because U.S. military adheres to a country's local laws regarding abortions.

For example, South Korea bans abortions, meaning they will always be banned on military bases located in South Korea. This amendment will do nothing to change that policy. Further, in countries where abortion is legal, such as Germany, women may travel off base to receive an abortion, if they choose. While I would hope these women would not choose to have an abortion, they are not denied transportation, and the procedure can be done in a sanitary facility.

According to the Congressional Research Service, it is estimated that 1,500 women have left military facilities to have abortions since 1993. That could have been translated into an average of about 150 abortions a year at taxpayer-funded medical facilities.

This amendment would not do what its proponents claim. It is not about whether or not we want to permit our overseas military hospitals and facilities to perform abortions only; it is about spending taxpayer monies to do so.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, I thank my colleague from Kansas for yielding me this time, and I rise in opposition to this amendment.

As a reminder, the same amendment has been rejected by the House six times previously. I receive letters from my constituents, current retired servicemen and women about their concerns over services through the military health care system and the budget crunch it is facing. The men and women of our Armed Forces face enough medical concerns already, including preparing for serious threats like biological and chemical weapon attacks, without turning them into abortion clinics.

Adding unnecessary mandates to the current doctors and nurses would be a disservice. The primary mission of the military medical service system is to maintain the health of the military personnel. The system is designed to keep military personnel healthy so they can carry out their missions. In support of those in uniform, the military medical system also provides, where space is available, health care services to dependents of active-duty servicemembers and retirees and their dependents. These duties are enough to keep the system busy without adding unnecessary duties.

Another reminder: for the 3 years abortions were allowed at military facilities under the Clinton administration, military physicians refused to perform them, forcing the Clinton administration to hire civilians to perform abortions.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, I rise in favor of this particular amendment, which would allow for self-funded abortions to be conducted at military hospitals, which is vitally important for servicewomen and female dependents overseas.

This is about the availability of safe, sanitary facilities and well-trained professional staff. It is also about confidentiality. No woman should have to explain to a superior, employer, or superior in the military why she wishes to avail herself of a right that is provided under the Constitution of the United States. Currently, it is required that service individuals, servicewomen, tell their superior officer what their situation is in order to be given the opportunity to come back to the United States to avail themselves of safe, sanitary facilities. That is wrong.

I rise in support of the amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise today in opposition to the Sanchez amendment. For 6 years in a row, the House has rejected the Sanchez amendment.

As the former chairwoman of Feminists For Life, Frederica Matthews-Green, said, abortion is violence. Abortion is the most violent form of death known to mankind. It is death by dismemberment, decapitation, ripping the body apart, or poisoning. And she said there are always two victims with an abortion: one is the mother, the other is the baby. One is dead; one is wounded.

We should not be turning our military hospitals into abortion clinics. We should not be subsidizing with American taxpayer money military hospitals so that they can become abortion clinics. I urge Members to maintain the current law and vote "no" on the Sanchez amendment.

MOTION TO RISE OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I move that the Committee rise and report the bill back to the House with the recommendation that the enactment clause be stricken.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ROEMER. Mr. Chairman, I rise to talk about why the motions to rise from the committee, offered by the gentleman from Mississippi (Mr. TAYLOR), are a valuable contribution to this House, to the democratic principles, and actually to this bill.

When we started debate on this bill earlier this afternoon, the Committee on Rules, which sits above this Cham-

ber, a floor away, reported a rule that brought the defense authorization bill to the floor but did not allow a host of amendments to be offered on this bill, amendments that would make defense stronger; amendments that would save the taxpayer money; amendments that dealt with foreign policy and the amount of troops that could be in Colombia; amendments that would involve the BRACC commission and the closure of bases in this country.

All those amendments were thrown by the wayside. And the body, 435 Members of Congress, were told they could bring their ideas to the House floor, the people's House.

□ 2130

Mr. Chairman, if the Senate is called the deliberative people, we in this great body are called the people's House, and we are elected from Colorado and Indiana. We are elected from California and Maine and Florida. We are elected by 570,000 people to bring our ideas through amendments and legislation to this great hall, and to try to improve bills, to try to speak out on farm policy, on space policy, on banking regulations, to try to talk about the unemployed and the poor; and yes, to strengthen a defense bill.

But today, Mr. Chairman, we are silenced. Yes, some Members could offer amendments, but most of the 435 could not. The gentleman from Mississippi (Mr. TAYLOR) has been trying to offer his amendment on base closures. I would probably oppose his amendment; but he has the right to offer that amendment, to have that speech in this body, to have that freedom that we have in the House of Representatives to debate ideas.

After all, Mr. Chairman, our defense, our men and women, our troops overseas tonight, are in the cold mountains of Tora Bora fighting terrorists for us and for the principles that we hold dear in this Chamber. Ideas, speech, debate, all these wonderful things that the Founding Fathers put together 225 years ago, but we cannot do them today. I do not think that is right. I do not think that is what the great House is about. I think this could have been a much shorter day, quite frankly, if we would have been allowed the opportunity to debate just a few of these amendments.

I know that there are Republicans that had good ideas, good amendments, good principles to bring forward here, but the Committee on Rules said no. The Committee on Rules said no to Democrats. This year, Mr. Chairman, a motion to recommit was denied the minority for the first time in 35 years, to offer our ideas as the minority party. Who knows who will be the minority party next year, but the minority right should rule around here, that we have an opportunity to offer a motion to recommit, and the right to offer amendments for debate, and let the majority vote them up or down.

While the gentleman from North Carolina (Mr. TAYLOR) may have an

amendment I disagree with, he has a right and a principle I strongly agree with, and that is the right to debate in this great Chamber.

I would hope that we put partisanship and party behind us tonight, and put principle and value in front of us and allow more amendments tonight and more amendments in the future on our bills.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

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

Mr. RYUN of Kansas. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Is there any Member who wishes to speak in opposition to the motion?

Mr. RYUN of Kansas. Mr. Chairman, I rise in opposition to the motion; but in fairness to Members and staff that are here, I yield back the balance of my time.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman from Indiana (Mr. ROEMER).

The motion was rejected.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) has 1¾ minutes remaining on the Sanchez amendment, and the gentlewoman from California (Ms. SANCHEZ) has 2 minutes remaining on the Sanchez amendment.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

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

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 75, noes 319, answered "present" 1, not voting 39, as follows:

[Roll No. 149]

AYES—75

Abercrombie	Hilliard	Oberstar
Ackerman	Holt	Olver
Baldwin	Honda	Ortiz
Barrett	Israel	Pascrell
Becerra	Jackson-Lee	Pelosi
Berry	(TX)	Peterson (MN)
Blumenauer	Jefferson	Rahall
Bonior	Johnson, E. B.	Rodriguez
Boyd	Jones (OH)	Sanchez
Brady (PA)	Kaptur	Sanders
Capuano	Langevin	Schakowsky
Condit	Lantos	Shows
Conyers	Larson (CT)	Skelton
Costello	Lee	Slaughter
Cummings	Lofgren	Solis
Davis (FL)	Lynch	Stark
DeGette	Markey	Stenholm
Delahunt	Matsui	Tanner
Doggett	McDermott	Taylor (MS)
Eshoo	McGovern	Thurman
Evans	McIntyre	Towns
Filner	Meeks (NY)	Udall (NM)
Ford	Miller, George	Waters
Frank	Mink	Wu
Hastings (FL)	Moore	
Hill	Napolitano	

NOES—319

Aderholt	Gilchrist	Miller, Gary
Akin	Gilman	Miller, Jeff
Allen	Gonzalez	Mollohan
Andrews	Goode	Moran (KS)
Armye	Goodlatte	Moran (VA)
Baca	Gordon	Murtha
Bachus	Goss	Myrick
Baker	Graham	Nadler
Baldacci	Granger	Neal
Barcia	Graves	Ney
Bartlett	Green (TX)	Northup
Barton	Green (WI)	Norwood
Bass	Greenwood	Obey
Bentsen	Grucci	Osborne
Bereuter	Gutierrez	Otter
Berkley	Gutknecht	Owens
Berman	Hall (TX)	Pallone
Biggert	Harman	Pastor
Bilirakis	Hart	Paul
Bishop	Hastings (WA)	Payne
Blagojevich	Hayes	Pence
Blunt	Hayworth	Peterson (PA)
Boehlerl	Hefley	Petri
Bonilla	Herger	Phelps
Bono	Hilleary	Pickering
Boozman	Hinchee	Pitts
Borski	Hinojosa	Platts
Boswell	Hobson	Pombo
Boucher	Hoefel	Pomeroy
Brady (TX)	Hoekstra	Portman
Brown (FL)	Holden	Price (NC)
Brown (OH)	Hoolley	Putnam
Brown (SC)	Horn	Quinn
Bryant	Hostettler	Radanovich
Burr	Houghton	Ramstad
Buyer	Hoyer	Rangel
Callahan	Hyde	Regula
Calvert	Inlee	Rehberg
Camp	Isakson	Reynolds
Cantor	Issa	Rivers
Capito	Istook	Roemer
Capps	Jackson (IL)	Rogers (KY)
Cardin	Jenkins	Rogers (MI)
Carson (IN)	Johnson (CT)	Rohrabacher
Carson (OK)	Johnson (IL)	Ros-Lehtinen
Castle	Johnson, Sam	Ross
Chabot	Jones (NC)	Rothman
Chambliss	Kanjorski	Royal-Allard
Clement	Keller	Royce
Clyburn	Kelly	Rush
Coble	Kennedy (RI)	Ryun (KS)
Collins	Kerns	Sabo
Combust	Kildee	Sandlin
Cooksey	Kilpatrick	Sawyer
Cox	Kind (WI)	Saxton
Coyne	King (NY)	Schiff
Cramer	Kingston	Schrock
Crenshaw	Kirk	Scott
Crowley	Klecicka	Sensenbrenner
Cubin	Knollenberg	Serrano
Culberson	Kolbe	Sessions
Cunningham	Kucinich	Shadegg
Davis (CA)	LaFalce	Shaw
Davis (IL)	LaHood	Shays
Davis, Jo Ann	Lampson	Sherman
Davis, Tom	Larsen (WA)	Sherwood
Deal	Latham	Shimkus
DeLauro	LaTourette	Shuster
DeMint	Leach	Simmons
Deutsch	Levin	Skeen
Diaz-Balart	Lewis (CA)	Smith (MI)
Dicks	Lewis (KY)	Smith (NJ)
Dingell	Linder	Smith (TX)
Doolittle	Lipinski	Smith (WA)
Doyle	LoBiondo	Snyder
Dreier	Lowey	Souder
Duncan	Lucas (KY)	Spratt
Dunn	Lucas (OK)	Stearns
Edwards	Luther	Strickland
Ehlers	Maloney (CT)	Stump
Ehrlich	Maloney (NY)	Stupak
Emerson	Manzullo	Sullivan
Engel	Mascara	Sununu
English	Matheson	Sweeney
Etheridge	McCarthy (MO)	Tancredo
Farr	McCarthy (NY)	Tauscher
Fattah	McCollum	Tauzin
Ferguson	McCrery	Taylor (NC)
Flake	McHugh	Terry
Fletcher	McInnis	Thomas
Foley	McKeon	Thompson (CA)
Forbes	McKinney	Thompson (MS)
Fossella	McNulty	Thornberry
Frelinghuysen	Meehan	Thune
Frost	Meek (FL)	Tiahrt
Gallegly	Menendez	Tiberi
Gekas	Mica	Tierney
Gibbons	Miller, Dan	Turner

Udall (CO)	Watt (NC)	Wilson (NM)
Upton	Watts (OK)	Wilson (SC)
Velazquez	Weiner	Wolf
Visclosky	Weldon (FL)	Woolsey
Vitter	Weldon (PA)	Wynn
Walden	Weller	Young (AK)
Walsh	Wexler	Young (FL)
Wamp	Whitfield	
Watkins (OK)	Wicker	

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—39

BairdBallenger	Gillmor	Ose
Barr	Hall (OH)	Oxley
Boehner	Hansen	Pryce (OH)
Burton	Hulshof	Reyes
Cannon	Hunter	Riley
Clay	John	Roukema
Clayton	Kennedy (MN)	Ryan (WI)
Crane	Lewis (GA)	Schaffer
DeLay	Millender-	Simpson
Dooley	McDonald	Toomey
Everett	Morella	Trafficant
Ganske	Nethercutt	Watson (CA)
Gephardt	Nussle	Waxman

□ 2159

Mr. COX changed his vote from "aye" to "no."

Ms. ESHOO changed her vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) has 1¼ minutes remaining and the gentlewoman from California (Ms. SANCHEZ) has 2 minutes remaining.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I rise in support of the Sanchez-Harman amendment to H.R. 4546, which would simply lift the current ban on privately funded abortions at U.S. military facilities overseas.

Mr. Chairman, our service men and women take an oath of office like our oath of office to support and defend the Constitution.

□ 2200

Yet, they are denied their constitutional right to privacy and to a safe and legal, accessible abortion under Roe v. Wade.

I have an opportunity to visit bases in my district very regularly, and I actually have been surprised, but I should not be, that I have been approached by servicemen and women about this issue, and by the men whose wives serving our country have to return home from their overseas station because of an unwanted and unexpected pregnancy. This is a fairness issue. For those protecting our freedom overseas, we need to allow them the same rights to access abortions as women in the United States.

Mr. Chairman, I urge Members to support this amendment.

Ms. SANCHEZ. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I want to read a little portion of a letter that I received from a woman who has spent 10 years in the Army serving her country, this country. She wrote about the fact that she had an unwanted pregnancy and the de-

tails of what she had to do in order to come back to this country to receive that reproductive service.

She writes, "I can remember thinking at the time how unfair it was that I had to resort to these drastic measures. Had I been in the States, it would not have been this way. I can remember being resentful of my fellow male comrades who were able to have vasectomies paid for by the military in Germany, and yet I had to use my leave time and own funds to fly back to the U.S. for what is also a reproductive choice. Women in the military are denied their right to control their reproductive process while abroad, although men in the military enjoy the same rights abroad as they do in the States."

And she ends, "Please continue to fight for our service women. I was one of them, and I feel we are entitled to the same rights as our servicemen, or at least that is what I thought I was fighting for."

Mr. RYUN of Kansas. Mr. Chairman, I yield the balance of the time to the distinguished gentleman from Illinois (Mr. HYDE).

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

Mr. HYDE. Mr. Chairman, I have been around here for some time; this is my 28th year. Every year we talk about the military budget and military hospitals. I am convinced that the purpose of a military hospital is for military medical readiness and to save lives; to save lives, not to take life.

Now, we have heard lots of words about the pregnant woman and her discomfort, and I sympathize with that situation very much so, but not one scintilla, not one thought, has been given to the unborn child.

How many of my colleagues have held a newborn baby in their arms? That is what we are talking about. We are talking about abortion, not reproductive rights. Reproductive. There is nothing reproductive about an abortion. It is contra-reproductive. An abortion kills a little baby once it has begun its life.

There is no choice involved except a dead baby or a live baby. That is the choice that is involved.

Now, we know what an abortion is, even though we want to euphemize it by saying reproductive choice, the product of conception. The little baby is not killed; it undergoes demise. We know all of the beautiful euphemisms. But the other part of this equation is simply the fact that the American taxpayers contain millions of people who resist, as a matter of conscience, participating in this killing of an innocent, vulnerable, defenseless, unborn child, and their tax dollars are involved, because tax dollars have built the hospital, tax dollars maintain the hospital, and the consciences of those people ought to be respected.

Vote no.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Sanchez amendment, which

would allow military women and dependents stationed overseas to obtain abortion services with their own money. I want to thank my colleague LORETTA SANCHEZ for her fine work on this important issue.

Over 100,000 women live on American military bases abroad. These women risk their lives and security to protect our great and powerful nation. These women work to protect the freedoms of our country. And yet, these women—for the past eight years—have been denied the very Constitutional rights they fight to protect.

My colleagues, this restriction is un-American, undemocratic, and would be unconstitutional on U.S. soil. How can this body deny constitutional liberties to the very women who toil to preserve them? Mr. Chairman, as we work to promote and ensure democracy worldwide we have an obligation to ensure that our own citizens are free while serving abroad. Our military bases should serve as a model of democracy at work, rather than an example of freedom suppressed.

This amendment is not about taxpayer dollars funding abortions because no federal funds would be used for these services. This amendment is not about health care professionals performing procedures they are opposed to because they are protected by a broad exemption. This amendment is about ensuring that all American women have the ability to exercise their Constitutional right to privacy and access safe and legal abortion services.

Mr. Chairman, as our nation works to preserve our freedoms and democracy, now is not the time to put barriers in the path of our troops overseas. We know that the restriction on abortion does nothing to make abortion less necessary—it simply makes abortion more difficult and dangerous.

It is time to lift this ban, and ensure the fair treatment of our military personnel. I urge passage of the Sanchez amendment.

Mr. BLUMENAUER. Mr. Chairman, I support the pro-choice Amendment offered by Representative SANCHEZ to the Defense Authorization bill. This amendment restores the right of female service members and dependents who are stationed overseas to use their personal funds to obtain abortions.

Current law prohibits United States military service members and their dependents stationed overseas from obtaining an abortion in military hospitals, even if they pay for the procedure with their own funds. The defense authorization bill that we are considering today leaves this prohibition in place, while the Sanchez amendment removes this restriction.

This ban threatens women's health and privacy. Women stationed overseas rely on their base hospitals for medical care and are often in areas where local health care facilities are inadequate or unavailable. This ban may compel a woman to postpone the procedure while she looks for a provider, or may force a woman facing an unplanned pregnancy to seek an illegal, unsafe abortion. Alternatively, she may have to inform her superiors about her need for an abortion and wait until there is space available on a military flight back to the United States, sacrificing her privacy and increasing her health risk with potentially risky delays. The ban is especially unjust because the government is not determining how and where American tax dollars are spent; it is dictating to women what they can and cannot do with their own money.

Women serving overseas, defending Americans' liberties, should not be denied the very rights they are charged with protecting simply because they are serving abroad. I urge my colleagues to reject this anti-choice strategy and vote for the Sanchez amendment.

Mr. NADLER. Mr. Chairman, I rise today in strong support of Representative SANCHEZ's amendment.

This amendment is about recognizing the rights and dignity of our women in the armed forces. It grants those serving overseas and their dependents access to appropriate reproductive health care. It is really a very limited amendment to correct a policy that never should have been enacted in the first place. This amendment does not impose Department of Defense funding for abortion. Rather, it simply allows women to obtain safe abortion services using their own funds in U.S. military hospitals outside of the United States.

The current ban increases women's health risks and denies women their basic constitutional right to privacy. It requires a woman to inform her superiors of her need for abortion and wait until there is space available on a military flight back to the United States. This delay puts women's lives in jeopardy.

Furthermore, women serving our country today depend on their military base hospital for medical care in areas where local health care facilities may be inadequate or unavailable. The health of a servicewoman is threatened when she has to look outside of the base for a safe provider of the medical attention she needs. The current policy may even force a woman to seek back alley or unsafe abortion when facing a crisis pregnancy.

In addition, the ban discriminates against the women serving our country overseas. This amendment would ensure equal access to comprehensive reproductive health care for all U.S. servicewoman and dependents, regardless of where they are stationed.

We should provide the best possible medical attention to our military personnel, and that includes reproductive health services. We ought to pass this amendment now. We owe it to the women in our armed services who risk their lives everyday to protect liberty and fight for our freedom. They work hard every day to promote our safety, let's act today to protect their safety. I urge my colleagues to vote for the Sanchez amendment.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentlewoman from California (Ms. SANCHEZ).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. SANCHEZ) will be postponed.

It is now in order to consider amendment No. 8.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

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

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

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

One hundred Members being present, the point of no quorum is overruled.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 83, noes 312, not voting 39, as follows:

[Roll No. 150]

AYES—83

Abercrombie	Gordon	Ortiz
Baird	Hill	Pascarell
Baldacci	Hilliard	Pelosi
Baldwin	Hinchey	Rahall
Barrett	Hinojosa	Rangel
Becerra	Hoefel	Rodriguez
Berry	Holt	Roybal-Allard
Blumenauer	Honda	Sanchez
Bonior	Jackson-Lee	Sanders
Boyd	(TX)	Schakowsky
Brady (PA)	Jefferson	Shows
Brown (FL)	Johnson, E. B.	Slaughter
Capps	Langevin	Solis
Capuano	Lantos	Stark
Condit	Larson (CT)	Stenholm
Conyers	Lee	Stupak
Costello	Lofgren	Tanner
Crowley	Lynch	Taylor (MS)
Cummings	Markey	Thompson (CA)
DeGette	Matsui	Thompson (MS)
Dicks	McDermott	Thurman
Doggett	McGovern	Towns
Dooley	McIntyre	Udall (NM)
Eshoo	Meeks (NY)	Velazquez
Evans	Miller, George	Waters
Filner	Moore	Wexler
Ford	Napolitano	Woolsey
Frank	Oberstar	Wu

NOES—312

Ackerman	Chabot	Forbes
Aderholt	Chambliss	Fossella
Akin	Clement	Frelinghuysen
Allen	Clyburn	Frost
Andrews	Coble	Gallegly
Armey	Collins	Ganske
Baca	Cox	Gekas
Bachus	Coyne	Gephardt
Baker	Cramer	Gibbons
Ballenger	Crenshaw	Gilchrest
Barcia	Cubin	Gillmor
Bartlett	Culberson	Gilman
Barton	Cunningham	Gonzalez
Bass	Davis (CA)	Goode
Bentsen	Davis (FL)	Goodlatte
Bereuter	Davis (IL)	Goss
Berkley	Davis, Jo Ann	Graham
Biggett	Davis, Tom	Granger
Billirakis	Deal	Graves
Bishop	DeFazio	Green (TX)
Blagojevich	DeLauro	Green (WI)
Blunt	DeMint	Greenwood
Boehler	Deusch	Grucci
Boehner	Diaz-Balart	Gutierrez
Bonilla	Dingell	Gutknecht
Bono	Doilittle	Hall (TX)
Boozman	Doyle	Hansen
Borski	Dreier	Harman
Boswell	Duncan	Hart
Brown (OH)	Dunn	Hastings (FL)
Brown (SC)	Edwards	Hastings (WA)
Bryant	Ehlers	Hayes
Burr	Ehrlich	Hayworth
Buyer	Emerson	Hefley
Callahan	Engel	Heger
Camp	Etheridge	Hilleary
Cantor	Farr	Hobson
Capito	Fattah	Hoekstra
Cardin	Ferguson	Holden
Carson (IN)	Flake	Hooley
Carson (OK)	Fletcher	Horn
Castle	Foley	Hostettler

Houghton	Meehan	Schiff
Hoyer	Meek (FL)	Schrock
Hulshof	Menendez	Scott
Hunter	Mica	Sensenbrenner
Hyde	Miller, Dan	Serrano
Inslee	Miller, Gary	Sessions
Isakson	Miller, Jeff	Shadegg
Israel	Mollohan	Shaw
Issa	Moran (KS)	Shays
Istook	Moran (VA)	Sherman
Jackson (IL)	Morella	Sherwood
Jenkins	Murtha	Shuster
Johnson (CT)	Myrick	Simmons
Johnson (IL)	Nadler	Simpson
Johnson, Sam	Neal	Skeen
Jones (NC)	Ney	Skelton
Jones (OH)	Northup	Smith (MI)
Kanjorski	Norwood	Smith (NJ)
Kaptur	Obey	Smith (TX)
Keller	Oliver	Smith (WA)
Kelly	Osborne	Snyder
Kennedy (RI)	Otter	Spratt
Kerns	Owens	Stearns
Kildee	Oxley	Strickland
Kilpatrick	Pallone	Stump
Kind (WI)	Pastor	Sullivan
King (NY)	Paul	Sununu
Kingston	Payne	Sweeney
Kirk	Pence	Tancredo
Kleccka	Peterson (MN)	Tauscher
Knollenberg	Peterson (PA)	Tauzin
Kolbe	Petri	Taylor (NC)
Kucinich	Phelps	Terry
LaFalce	Pickering	Thomas
LaHood	Pitts	Thornberry
Lampson	Platts	Thune
Larsen (WA)	Pombo	Tiahrt
Latham	Pomeroy	Tiberi
LaTourette	Portman	Tierney
Leach	Price (NC)	Toomey
Levin	Pryce (OH)	Turner
Lewis (CA)	Putnam	Udall (CO)
Lewis (KY)	Quinn	Upton
Lipinski	Ramstad	Visclosky
LoBiondo	Regula	Vitter
Lowe	Rehberg	Walden
Lucas (KY)	Reynolds	Walsh
Lucas (OK)	Rivers	Wamp
Luther	Roemer	Watt (NC)
Maloney (NY)	Rogers (KY)	Watts (OK)
Manzulio	Rogers (MI)	Weiner
Mascara	Rohrabacher	Weldon (FL)
Matheson	Ros-Lehtinen	Weldon (PA)
McCarthy (MO)	Ross	Weller
McCarthy (NY)	Royce	Whitfield
McCollum	Rush	Wicker
McCrary	Ryan (WI)	Wilson (NM)
McHugh	Ryun (KS)	Wilson (SC)
McInnis	Sabo	Wolf
McKeon	Sandlin	Wynn
McKinney	Sawyer	Young (AK)
McNulty	Schaffer	Young (FL)

NOT VOTING—39

Barr	English	Radanovich
Berman	Everett	Reyes
Boucher	Hall (OH)	Riley
Brady (TX)	John	Rothman
Burton	Kennedy (MN)	Roukema
Calvert	Lewis (GA)	Saxton
Cannon	Linder	Shimkus
Clay	Maloney (CT)	Souder
Clayton	Millender	Traficant
Combest	McDonald	Watkins (OK)
Cooksey	Mink	Watson (CA)
Crane	Nethercutt	Waxman
Delahunt	Nussle	
DeLay	Ose	

□ 2230

Mr. LEWIS of California changed his vote from “aye” to “no.”

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in part A of House Report 107-450.

PART A AMENDMENT NO. 8 OFFERED BY MR. GOODE

Mr. GOODE. Mr. Chairman, I offer amendment No. 8.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 8 offered by Mr. GOODE:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. ____ ASSIGNMENT OF MEMBERS 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.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps 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 to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

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

“(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

“(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

“(c) TRAINING PROGRAM REQUIRED.—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 receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). 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 OF USE.—(1) Whenever a member 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) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Attorney General or the Secretary of the Treasury may establish ongoing joint task forces when accompanied by a certification by the President that the assignment of members pursuant to the request to establish a joint task force is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

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

“(f) 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 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.

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

“(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2005.”

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

(c) 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 415, the gentleman from Virginia (Mr. GOODE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODE).

□ 2230

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

Mr. Chairman, I rise in support of amendment 81. Amendment 81 is a very simple amendment that would authorize the Secretary of Defense to assign members of the Armed Forces to assist the Immigration and Naturalization Service if requested by the head of INS or, if requested, the Secretary of Defense could also, if requested by INS, use the Armed Forces to assist in cases of drug trafficking and also, if needed, to deal with the illegal situation.

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

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

The CHAIRMAN. The gentleman from Texas (Mr. ORTIZ) is recognized for 10 minutes.

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

Mr. Chairman, I have been on both sides. I have been in law enforcement and I have been in the military, and I will say one thing, law enforcement and military matters do not mix. And I am just wondering whether my colleagues know that we have 120,000 troops stationed and deployed throughout the world.

I think that we need to focus now on the war that we are fighting now. The new war includes many fronts, including law enforcement on our borders, we have Customs, we have Border Patrol, we have INS and others doing a great job. Since September 11 in the Commerce-Justice appropriations last year,

we funded an additional 570 border patrol men and 348 immigration inspectors. And not only that, Mr. Chairman, in the border security bill that we passed yesterday, we added another 1,600 INS inspectors and investigators. Besides, Mr. Chairman, many of the border States already have the National Guard helping INS, helping the Border Patrol.

We did not want to have a negative impact on the readiness of our troops to bring them from the military role that they are playing now and put them in a civilian role. I think this is wrong, and this is why I oppose this amendment.

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

Mr. GOODE. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, it is not news to anyone in this House that the borders of this Nation for the most part are porous and undefended. As a result, millions of people have over the last several years entered this country illegally. Most of them come with benign intent. Others come with malicious intent. Among the latter are those that bring drugs into the country.

I recently returned from a visit to the Coronado Forest near Nogales, Arizona, a forest I should say that is under siege, inside siege. This is an area that is experiencing the highest traffic of both humans and illegal drugs. There are so many people coming through in this part of the border into that particular area that the forest has been degraded. There are literally hundreds of footpaths that have been worn into the mountains. There are thousands of acres that have been torched as a result of people leaving their campfires. Mostly these people are undocumented aliens coming through starting campfires and moving on. Most of these people coming through or a great many of them are carrying narcotics on their backs in homemade backpacks. They come in large numbers, they come in small, but they carry tons of illegal narcotics.

Mr. Chairman, they come through in small numbers and in large. They come through with people protecting them with M-16s, and not only that in the same area which had several incursions by members of the Mexican military and of the Mexican federal police. In fact, in the year 2001 there were 23 such incursions along our border, along our southern border, 23 times. In the last 10 years there have been over 100 such incursions. These people are not just lost down there, Mr. Chairman.

This Nation is in fact under siege. Our need, our ability to defend our own borders is well known. Our inability to do so with the resources now available is also well known.

Mr. Chairman, the reality is this, that we cannot protect and defend the borders of the United States at the present time with the present re-

sources, and that is one of our primary and sole responsibilities.

The Federal Government is the only entity charged with the responsibility of defending our borders. We are not doing it now. More help is needed. It is appropriate to give the Department of Defense, it is appropriate to give the President, it is appropriate to give the Attorney General the ability to use the Armed Forces in a case where this Nation is in fact threatened, and I believe we are threatened. We are threatened by drug trafficking. We are threatened by massive immigration. It is definitely an amendment that deserves our support.

Mr. ORTIZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ), my good friend, the Vice President of the Hispanic Caucus.

Mr. RODRIGUEZ. Mr. Chairman, as a member of the House Committee on Armed Services, I oppose the amendment that has been raised. Let me first of all say that this amendment is a very serious amendment because of the fact that the President right now has the right to call for troops if he wants them. He has the right to call them. What this amendment allows is the opportunity for the Department of Defense or the Secretary of Defense with a request of the Secretary, Attorney General and Secretary of Treasury to be able to have that influence and be able to move on that as consented by the President. We ought to leave this responsibility to the Commander in Chief and to the President and to do this is a major constitutional change.

In addition, the increase of U.S. troops on the border with Mexico is a dangerous proposal that will leave 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 risk.

As we know, we have had cases in the past, 4 years ago, when we had the young man killed on the border at Redford, Texas, 18 years old. He was a high school student killed by Marines, so that has already occurred.

At the present time I also want to share with you that for the very first time in recorded history we have over 79,000 both guardsmen and reservists doing full time. At a time when the Army has asked for over 40,000 troops, this bill that we are dealing with today will call for 2,500 additional Army people. But we need over 40,000 of them. So it is a serious situation. When we ask them to do additional work such as this, it is unfair to our fighting men and women and it harms 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 the border is extremely costly. It is bad to use scarce resources that drain our defense budget and put our readiness at

risk. So I ask we vote no on this amendment.

Mr. GOODE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, our President has stated that this is a war like none other we have ever fought. Before September 11 no one ever dreamed that we would have our Armed Services guarding our airports.

Certainly we should permit the disposition of our troops anywhere they might be needed in the future to protect our national security and our vital interests, and this certainly includes the border. This is not obligatory legislation. This is only permissive legislation. How could we not vote to prevent the disposition of our troops on the border if in the view of our Commander in Chief, and it will not be done without his knowledge and therefore his presumed ascent, how could we preclude him from using the our troops that he feels is necessary on the border? There is no valid reason that this legislation should not be passed. I urge its acceptance.

Mr. ORTIZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, my good friend from Colorado (Mr. TANCREDO) that just spoke a few minutes ago was in actuality setting up a scenario of guerrilla warfare on the soil of the United States of America.

Frankly, this amendment is not needed. Just a few weeks ago this House passed H.R. 3231, the Immigration Reform bill, which enhanced the services and the dollars for our border patrol agents. There is no proof that any military at any points of entry anywhere on September 11 could have prevented the heinous and horrific acts of terrorists coming and doing the tragedy of September 11. There is no proof, no proof that military could stop terrorists coming across the border. There is no proof that the terrorists who acted on September 11 walked across our border.

We have very able border patrol agents, professionally enhanced with the dollars that we are providing in the immigration bill, and we should focus our attention to making sure that we have the resources for our civilian Border Patrol.

Under the terminology of the posse comitatus, we should not use the military for police and local functions.

I think it is important for this House to make several statements: One, we will protect this Nation and the people within it, but immigration does not equate to terrorism. And the use of the military for this reason undermines

the very purpose of their service. If we begin to take military personnel out of individual units across this Nation, we will have a domino effect of ineffectiveness and unreadiness to be able to fight the kind of wars and the kinds of circumstances that our military brass determined that they should fight.

I will also note that years ago, some years ago or a couple of years ago, when this bill came forward, it was well known that the Defense Department is not for it, the Department of Justice is not for it, and it does not provide any additional powers to the President of the United States that he does not already have. It sends a very bad message on behalf of this Congress on what we stand for, putting military personnel at the border for no purposes, and I do believe that we are protected by the strong enforcement or reinforcement of our border patrol agents and the new funding sources that we are looking to provide. Let us not willy-nilly provide scare tactics for this country.

Mr. GOODE. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Chairman, I thank the gentleman from Virginia (Mr. GOODE) for yielding me time, and I support his amendment.

I rise in support of the Goode amendment and the Bob Stump National Defense Authorization bill. Mr. Speaker, I also rise to address another part of the bill that is especially germane.

In recent days there has been a great deal of discussion, speculation and media coverage about the Crusader program, and let me clarify some issues because I believe there are some myths out there that are flowing around through the airwaves.

First, our bill merely funds the President's budget request, no more, no less. Even at this late hour in the authorization process the President's budget proposal has not formally been revised. Full funding of the Crusader is part of what the President sent over earlier this year, and more importantly it is what our fighters say they need. Additionally, the Crusader funding level is \$475 million, or about 1.2 percent of the overall DOD budget. For this relatively modest commitment in the overall budget, this Congress will provide protection and security for our soldiers.

The Crusader is something that our service chiefs, the combatant commanders and service secretaries have been unanimous in their support in testimony before the Committee on Armed Services here and in the Senate.

□ 2245

Furthermore, Mr. Chairman, a number of critics of Crusader mistakenly believe it is the same program that critics focused on in 1999. At that time, it weighed close to 60 tons. Now it weighs under 40 tons. It has downsized. It has modernized. It has been a poster child for transformation.

Mr. Chairman, speculation about alternatives to Crusader is pure theo-

rizing at this point. Crusader has 8 years of development under its belt, and hypothetical replacements would have start-up costs, research expenses and all the hiccups of a new program.

Mr. Chairman, the fact is that if we intend to have the best ground forces possible for force protection and future fire support, the answer is Crusader. I am proud of the committee and this bill for recognizing that and for supporting full funding of what this very important system will provide for our men and women in uniform.

MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

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

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

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 249, not voting 31, as follows:

[Roll No. 151]

AYES—154

Abercrombie	Hall (TX)	Olver
Ackerman	Harman	Ortiz
Allen	Hastings (FL)	Owens
Andrews	Hill	Pallone
Baca	Hilliard	Pascarell
Baird	Hinchey	Payne
Baldacci	Hinojosa	Pelosi
Baldwin	Hoeffel	Phelps
Barrett	Holden	Pomeroy
Becerra	Holt	Rahall
Bentsen	Honda	Rangel
Berkley	Hoyer	Rodriguez
Berry	Inslee	Ross
Bishop	Israel	Roybal-Allard
Blumenauer	Jackson-Lee	Rush
Bonior	(TX)	Sanchez
Boswell	Jefferson	Sanders
Boucher	Johnson, E. B.	Sandlin
Boyd	Jones (OH)	Sawyer
Brady (PA)	Kaptur	Schakowsky
Brown (FL)	Kildee	Schiff
Brown (OH)	Kilpatrick	Sherman
Capps	Kind (WI)	Shows
Capuano	Kucinich	Skelton
Carson (OK)	LaFalce	Slaughter
Clyburn	Lampson	Snyder
Condit	Langevin	Solis
Costello	Lantos	Spratt
Crowley	Larsen (WA)	Stark
Cummings	Larson (CT)	Stenholm
Davis (CA)	Lee	Strickland
Davis (FL)	Levin	Stupak
Davis (IL)	Lipinski	Tanner
DeFazio	Lofgren	Tauscher
DeGette	Lynch	Taylor (MS)
DeLahunt	Maloney (CT)	Thompson (CA)
DeLauro	Markey	Thompson (MS)
Deutsch	Matsui	Thurman
Dicks	McCarthy (NY)	Tierney
Doggett	McCollum	Towns
Doyle	McDermott	Turner
Eshoo	McGovern	Udall (CO)
Etheridge	McIntyre	Udall (NM)
Evans	Meehan	Velazquez
Farr	Meeks (NY)	Waters
Filner	Miller, George	Watt (NC)
Ford	Mink	Weiner
Frank	Moore	Wexler
Gonzalez	Napolitano	Woolsey
Gordon	Neal	Wu
Green (TX)	Oberstar	Wynn
Gutierrez	Obey	

NOES—249

Aderholt	Graham	Otter
Akin	Granger	Pastor
Armey	Graves	Paul
Bachus	Green (WI)	Pence
Baker	Greenwood	Peterson (MN)
Ballenger	Grucci	Peterson (PA)
Barcia	Gutknecht	Petri
Barr	Hansen	Pickering
Bartlett	Hart	Pitts
Barton	Hastings (WA)	Platts
Bass	Hayes	Pombo
Bereuter	Hayworth	Portman
Biggert	Hefley	Price (NC)
Bilirakis	Herger	Pryce (OH)
Blagojevich	Hilleary	Putnam
Blunt	Hobson	Quinn
Boehler	Hoekstra	Radanovich
Boehner	Hookey	Ramstad
Bonilla	Horn	Regula
Bono	Hostettler	Rehberg
Boozman	Houghton	Reynolds
Borski	Hunter	Rivers
Brown (SC)	Hyde	Roemer
Bryant	Isakson	Rogers (KY)
Burr	Issa	Rogers (MI)
Buyer	Istook	Rohrabacher
Callahan	Jackson (IL)	Ros-Lehtinen
Calvert	Jenkins	Rothman
Camp	Johnson (CT)	Royce
Cantor	Johnson (IL)	Ryan (WI)
Capito	Johnson, Sam	Ryan (KS)
Cardin	Jones (NC)	Sabo
Carson (IN)	Kanjorski	Saxton
Castle	Keller	Schaffer
Chabot	Kelly	Schroock
Chambliss	Kennedy (RI)	Scott
Clement	Kerns	Sensenbrenner
Coble	King (NY)	Serrano
Collins	Kingston	Sessions
Cooksey	Kirk	Shadegg
Cox	Kleccka	Shaw
Cramer	Knollenberg	Shays
Crenshaw	Kolbe	Sherwood
Cubin	LaHood	Shuster
Cunningham	Latham	Simmons
Davis, Jo Ann	LaTourette	Simpson
Davis, Tom	Leach	Skeen
Deal	Lewis (CA)	Smith (MI)
DeLay	Lewis (KY)	Smith (NJ)
DeMint	LoBiondo	Smith (TX)
Diaz-Balart	Lowe	Smith (WA)
Dingell	Lucas (KY)	Stearns
Doolittle	Lucas (OK)	Stump
Dreier	Luther	Sullivan
Duncan	Maloney (NY)	Sununu
Dunn	Manzullo	Sweeney
Edwards	Mascara	Tancredo
Ehlers	Matheson	Tauzin
Ehrlich	McCarthy (MO)	Taylor (NC)
Emerson	McCrery	Terry
Engel	McHugh	Thomas
English	McInnis	Thornberry
Everett	McKeon	Thune
Fattah	McKinney	Tiahrt
Ferguson	McNulty	Tiberti
Flake	Meek (FL)	Toomey
Fletcher	Menendez	Upton
Foley	Mica	Visclosky
Forbes	Miller, Dan	Vitter
Fossella	Miller, Gary	Walden
Frelinghuysen	Miller, Jeff	Walsh
Frost	Mollohan	Wamp
Gallegly	Moran (KS)	Watkins (OK)
Ganske	Moran (VA)	Watts (OK)
Gekas	Morella	Weldon (FL)
Gephardt	Murtha	Weller
Gibbons	Myrick	Whitfield
Gilchrest	Nadler	Wicker
Gillmor	Ney	Wilson (NM)
Gilman	Northup	Wilson (SC)
Goode	Norwood	Wolf
Goodlatte	Nussle	Young (AK)
Goss	Osborne	Young (FL)

NOT VOTING—31

Berman	Dooley	Oxley
Brady (TX)	Hall (OH)	Reyes
Burton	Hulshof	Riley
Cannon	John	Roukema
Clay	Kennedy (MN)	Shimkus
Clayton	Lewis (GA)	Souder
Combest	Linder	Trafficant
Conyers	Millender	Watson (CA)
Coyne	McDonald	Waxman
Crane	Nethercutt	Weldon (PA)
Culberson	Ose	

□ 2309

Mr. CLYBURN, Mrs. CAPPS, and Messrs. LIPINSKI, DEUTSCH, OBEY and OLVER changed their vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. On the pending Goode of Virginia amendment No. 8, the gentleman from Virginia (Mr. GOODE) has 2½ minutes remaining, and the gentleman from Texas (Mr. ORTIZ) has 4½ minutes remaining.

Mr. ORTIZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

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

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia. And while I share my colleague's goal of promoting national security by ensuring the safety of our borders, I am convinced that the unintended consequences of this amendment would cause it to do more harm than good.

Mr. Chairman, in the wake of September 11, it is more essential than ever that we provide the tools necessary for our military to defend this country. Yet this amendment would give the men and women of the armed services the mandate of acting not only as soldiers but as policemen, customs agents, and border patrol officers.

□ 2311

Mr. Chairman, the amendment requires that before any troops be allowed to serve on the border they must undergo a law enforcement training program. This would require valuable time and money that could be spent training our troops to do the job they signed up to do, rather than to be police officers and customs agents. If we want to provide more security at the border, we should provide more resources to the INS and Customs Service, not ask military to duplicate the work that existing agents are performing.

Mr. Chairman, the President already has the power should he need it, but this amendment is counterproductive to the goals of this legislation. Let us not stretch them thinner by asking them to not only do their jobs, but the jobs of others as well.

While I share my colleague's goal of promoting national Security by ensuring the safety of our borders, I am convinced that the unintended consequences of this amendment would cause it to do more harm than good.

Mr. Chairman, in the wake of September 11, it is more essential than ever that we provide the tools necessary for our military to defend this country. In a world of limited resources, this means giving our military a clear and specific mandate that will allow it to most efficiently use the resources we give it. Yet this amendment would give the men and women of the armed services the mandate of acting not only as soldiers, but as policemen, customs agents, and border patrol officers. This is

an unreasonable burden to place upon our troops at a time when we need them to be prepared to join the war against terror at a moment's notice.

I believe that this amendment would be extraordinarily expensive and counter-productive. The amendment requires that before any troops be allowed to serve on the border, they must undergo a law enforcement training program. This would require valuable time and money that could be spent training our troops to do the job they signed up to do, rather than to be police officers and customs agents.

Furthermore, even after they are trained, the amendment would require that all members of the military working on the border be accompanied by a civilian law enforcement officer at all times. This creates an enormously duplicative yet costly role for troops that we desperately need elsewhere. If we want to provide more security at the border, we should provide more resources to the INS and customs Service, not ask our military to duplicate the work that existing agents are performing.

Mr. Chairman, the President already has this power should he need it. But this amendment is counter-productive to the goals of this legislation. I have heard many Members in this Chamber today claim that our military has been over-burdened and under-funded in the past. Let's not stretch them even thinner by asking them to not only do their jobs, but others' jobs as well.

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

Mr. Chairman, we adopted this amendment last year. After September 11, the times demand that we adopt it even more this year.

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

Mr. ORTIZ. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. BECERRA) to close on this amendment.

Mr. BECERRA. Mr. Chairman, let me begin by first acknowledging the work of the gentleman from Virginia (Mr. GOODE) for his efforts to recognize the true national security interests that we have and the domestic security interests that I believe the gentleman is trying to raise through this amendment.

But, Mr. Chairman, the President did not request this amendment. The Department of Defense did not request this amendment. The Department of Justice, which houses the Immigration and Naturalization Service and the Border Patrol, did not request this amendment. The Department of the Treasury, which houses our Customs Service, did not request this amendment. The governors and the States that control our National Guard did not request this amendment. So why are we doing this amendment?

This is the House of Representatives. This is not the war room or the White House situation room. We should let those who know best how to deploy our military services, our men and women in uniform, to make those decisions. We are not day to day the best judges of how to deploy our troops, but that is what this amendment goes to.

Let us remember something here. If we have civilian law enforcement work

and oversight and deployment that must take place, we have civilian law enforcement to do that work, our Border Patrol, our Customs agents, our National Guard. They should be doing that work along the border. Right now the President has the authority if there is an emergency to deploy our troops. But why clutter the law with something that does nothing to make it clear how we best use our troops.

In fact, this undermines our security. It undermines our readiness because it takes troops from their units where they are best deployed by the minds of the generals in our services and places them, based on the minds of people who sit here today, along our borders. That is not the way to conduct military operations.

I am not in the military, but I can tell Members something, I know I do not know as well as our generals where to put our troops. I will put my faith and confidence in our generals. Members should do the same.

This amendment, while perhaps well-intentioned, does nothing except cost us more money and undermine our readiness, and for that reason it should not be approved.

I respect the gentleman from Virginia (Mr. GOODE), I think he is well-intentioned, but I do not believe that this goes where we wish to go. If Members do not believe that, just look at our past history. The one time when we recently deployed our troops along the border, what was the reminder, what was the relic of that brief deployment, the death of a U.S. citizen, an 18-year-old by the name of Ezequiel Hernandez, who was herding his sheep and was killed by our own Army personnel by mistake. Let us not make the mistake again.

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

Mr. Chairman, we do not know what terrorist event in the future may demand the need for the Secretary of Defense to have this authority. This is not a mandatory bill, this is just simply giving that authority where it is needed.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODE).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. GOODE) will be postponed.

It is now in order to consider amendment No. 9 printed in Part A of House Report 107-450.

PART A AMENDMENT NO. 9 OFFERED BY MR.

PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 9 offered by Mr. PAUL:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. 10. SENSE OF CONGRESS ON PROHIBITION OF USE OF FUNDS FOR INTERNATIONAL CRIMINAL COURT.

It is the sense of Congress that none of the funds appropriated pursuant to authorizations of appropriations in this Act should be used for any assistance to, or to cooperate with or to provide any support for, the International Criminal Court.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 10 minutes.

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

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

Mr. Chairman, first I would like to thank the cosponsors of this amendment, the gentleman from Georgia (Mr. BARR), the gentleman from Utah (Mr. CANNON), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Virginia (Mr. GOODE), the gentleman from Texas (Mr. SESSIONS), the gentleman from Tennessee (Mr. WAMP), and the gentleman from Florida (Mr. WELDON).

This amendment is not complex at all. It is a sense of Congress resolution as put in the bill. It says, "It is the sense of Congress that none of the funds appropriated pursuant to authorizations of appropriations in this Act should be used for any assistance to, or to cooperate with or to provide any support for the International Criminal Court."

This amendment is to urge the President not to use any funds for the International Criminal Court. I would like it to be a mandate. It is not, but it is still very, very important. I think this sends a message to our servicemen that they will never have to be taken into court against their will in the International Criminal Court.

On December 31, right before the last day of the treaty, the Rome Convention, could be signed, our President signed this convention, but it has never been ratified. It has not been brought to the Senate. It was too late, and our President now does not have any intention. We might say why worry about it, but just recently we all know that the President has essentially rescinded the signature on this treaty to make the point that we do not want our servicemen called in and tried in International Criminal Court as war criminals. So it is a protection of the servicemen.

But the interesting thing is that under this Rome Convention, the agreement is once 60 nations sign the treaty, it goes into effect. Even with what the President did by rescinding the signature and saying we do not want any part of it, we are still under international law under the understanding that our servicemen could be called into International Criminal Court.

We have to make this message very loud and clear. This is not overly strong, but I think we should make this message and say that none of these funds should be spent, but we still have to offer protection to our personnel that they never be called into this International Criminal Court. To me, it is an issue of national sovereignty, and it is an issue that is important to a lot of Americans. It is what our job should be, to protect our country. For this reason, I think this is very important. I hope I can get Members to agree with the amendment and pass it.

Mr. Chairman, earlier this week President Bush took the bold step of renouncing the signature of the United States on the Rome Statute of the International Criminal Court. The Bush Administration, in explaining this move, correctly pointed out that this court has unchecked power that contradicts our Constitution and its system of checks and balances; that the Court is "open for exploitation and politically-motivated prosecutions;" and that "the ICC asserts jurisdiction over citizens of states that have not ratified the treaty"—which undermines American sovereignty.

President Bush, in renouncing the U.S. signature and declaring that the United States would have nothing to do with the International Criminal Court, has put the Court on notice that the United States will defend its sovereignty and its citizens. The president is to be most highly commended for standing strong for American sovereignty in the face of worldwide attempts to undermine that sovereignty with this deeply flawed global court.

But there is no time to rest on this victory. As Secretary of Defense Donald Rumsfeld stated this week, upon our renunciation of the ICC: "Unfortunately, the ICC will not respect the U.S. decision to stay out of the treaty. To the contrary, the ICC provisions claim the authority to detain and try American citizens—U.S. soldiers, sailors, airmen and Marines, as well as current and future officials—even though the United States has not given its consent to be bound by the treaty." Secretary Rumsfeld added, "When the ICC treaty enters into force this summer, U.S. citizens will be exposed to the risk of prosecution by a court that is unaccountable to the American people, and that has no obligation to respect the Constitutional rights of our citizens."

Secretary Rumsfeld is correct. It is clear that the International Criminal Court has no intention of honoring our president's decision to neither participate in nor support their global judicial enterprise. According to the Statutes of the court, they do indeed claim jurisdiction over Americans even though the president has now stated forcefully that we do not recognize the Court nor are we a party to the Treaty.

I have introduced this amendment to the Defense Authorization Act, therefore, to support the president's decision and to indicate that Congress is behind him in his rejection of this unconstitutional global court. It is imperative that we not award the International Criminal Court a single tax dollar to further its objective of undermining our sovereignty and our Constitutional protections. How could we do anything less: each of us in this body has taken an oath to protect and defend the Constitution of the United States?

I am also introducing today a Sense of the Congress bill to commend President Bush for

his bold and brave decision to renounce the United States' signature on the Statute of the International Court. We must support the president as he seeks to protect American servicemen and citizens from this court. I hope all of my colleagues here will co-sponsor and support this legislation, and please call my office for more details.

In the meantime, I urge enthusiastic support of this amendment before us. We must speak with one voice in denying the International Criminal Court a single American tax dollar!

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

□ 2320

Mr. CROWLEY. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

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

Mr. Chairman, I rise in opposition to the amendment introduced by the honorable gentleman from Texas that would prohibit the use of funds to assist, cooperate with, or provide any support to the International Criminal Court. The International Criminal Court is a reality, as the gentleman has stated. The Rome statute, the treaty establishing the court, has been ratified by the 60 countries needed for the court to come into existence, as has been stated as well.

The court will function with or without United States support or participation. A prohibition on U.S. support will not protect the very same American citizens the gentleman from Texas wishes to protect from the court's jurisdiction. In fact, our lack of participation in the court's mechanisms will harm U.S. national interests by making it impossible for the United States to affect the development of the court. We will thus be completely unable to protect any Americans that do find themselves before this court.

Opponents of the court have argued that U.S. servicemen and women will be subject to politically motivated trials. But since national courts have primary jurisdiction and since the U.S. military is committed to fully investigating any charges of war crimes committed by U.S. military personnel, the military in my opinion has nothing to fear from an ICC prosecutor run amuck. The case of U.S. Army Sergeant Frank Ronghi proves that U.S. servicemen have nothing to fear from international tribunals. Ronghi was accused of raping and murdering an 11-year-old Kosovar girl. Despite the fact that the ICTY statute gives the tribunal primacy over national courts' own jurisdiction, the United States faced no obstacles from the tribunal to launching its own investigation, conducting its own court-martial, and eventually sentencing Sergeant Ronghi according to the Uniform Code of Military Justice.

Earlier this week, as stated by the gentleman from Texas, the Bush administration announced that it would

remove the United States' signature from the Rome statute, an unprecedented step that has damaged the moral credibility of the United States and serves as a U.S. repudiation of the notion that war criminals and perpetrators of genocide should be brought to justice. The unsigning of the statute will not protect American citizens from being brought before the court. Furthermore, our rejection of the court encourages autocratic leaders to ignore their own international commitments. It will also make it more difficult for the United States to ensure that war criminals from Iraq, Sudan, Liberia, Sierra Leone, Cambodia and other countries face justice for their atrocities.

The administration's unsigning of the Rome statute places the United States in the company of notorious human rights abusers like Iraq, North Korea, China, Cuba, Libya, and Burma. By approving the amendment in question, Congress would add insult to injury by further repudiating the International Criminal Court, which is an important instrument of international justice.

Mr. Chairman, the resolution being discussed today would hinder U.S. national interests. Ironically, by preventing the United States from cooperating with the court in any way, it will actually endanger, in my opinion, American lives. It would, for example, prohibit Defense Department officials from responding to court investigators when they ask for information that would help exonerate an American serviceman brought before the court. It would also prevent a member of the U.S. Armed Forces from testifying in support of our NATO allies who do support this court. Finally, it would prevent us from supporting a trial of a figure as notorious as Saddam Hussein were he to be brought before this court for crimes against humanity.

According to this amendment, the United States should not support the court with intelligence, information and legal expertise that could convict someone like Saddam Hussein and his cronies of crimes against humanity, despite the fact that the administration itself has already embarked on an ambitious effort to build a war crimes case against Saddam Hussein and his associates.

Finally, Mr. Chairman, this amendment would hinder our ability to wage war on terrorism. We have asked virtually every country in the world to support the implementation of U.S. domestic law designed to combat terrorism on such things as terrorist money laundering. Now, with this amendment, Congress is refusing to cooperate with the international community in its efforts to bring war criminals and terrorists to justice.

Mr. Chairman, this amendment accomplishes very little. The administration has already stated its intent not to cooperate with this court. Endorsing the amendment would only put Con-

gress on record as having prevented the United States from cooperating with an institution that will help promote the rule of law. I urge my colleagues to oppose this amendment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would just like to associate myself with the remarks that the gentleman just made. I believe that the best way to protect our U.S. servicemen is to become part of the International Criminal Court and thereby retain our complementarity which allows us to try our own soldiers before they would ever be tried by an International Criminal Court, thus protecting our own soldiers. Whereas if we do not sign and do not go ahead with the criminal court, we really subject our soldiers to this court without the protections that our signing would allow us to have.

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

Mr. PAUL. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the distinguished gentleman from Texas for yielding time in support of this very important amendment.

The previous speakers are operating in some Alice-in-Wonderland world. Let me see if I can get this straight. It is hard to even diagram it out, their logic or lack thereof.

We have an International Criminal Court or a court that calls itself an International Criminal Court, not subject to or bound by the constitutional guarantees that would otherwise in every instance apply to United States servicemen and women and citizens and those who commit crimes in this country, even though they are not citizens. Yet they are saying that because the United States has renounced the improper signature of a previous chief executive in this country that our men and women would therefore not be subject to protections.

Well, of course we are not going to be subject to the protections offered by the International Criminal Court because we are not subject to it. That is the whole point of this amendment. To say that our men and women, our policymakers, our commanders, those who order our men and women into harm's way to protect our national security interests that might run afoul of some foreign dictator that might go to the International Criminal Court and seek to have bogus charges brought against our men and women would somehow not be protected because we have not signed or deemed ourselves not bound by this criminal court, where is the logic in that? There is no more logic in that than there would be in saying that we ought to subject our men and women to the International Criminal Court in the first place, Mr. Chairman.

The fact of the matter is that the Bush administration took a very bold

step, and yes, it is unprecedented, but the signing of this International Criminal Court treaty by the prior administration in the waning days of the prior administration's tenure in office was itself unprecedented and improper. I commend the Bush administration for saying that we shall not be bound, our policy-makers, our men and women in uniform should not be bound by this kangaroo court. I commend the gentleman from Texas for bringing forth this amendment that says very clearly, and I hope that our colleagues on the other side understand this, yes, it would renounce in a very, very substantive and very concrete way this so-called International Criminal Court.

Contrary to their illogical arguments that somehow this course of action would deny our men and women protection, it would in fact clothe them fully in the protection of our Constitution and not subject them to the lack of protection that they would have if we allowed them in any way, shape or form to be subject to this foreign international jurisdictional court.

So what we are stating here today with this amendment, which I ask all of our colleagues to support, we are saying that our men and women that go out under that flag will continue to have the protection of that flag, of our Constitution, of our Bill of Rights, and not be subject to some international kangaroo court that folks on the other side may like for some reason, but let us stand up for America, let us stand up for our Bill of Rights and not subject our men and women to a foreign court that has no jurisdiction.

Mr. CROWLEY. I would inquire as to how much time we have remaining.

The CHAIRMAN. The gentleman from New York (Mr. CROWLEY) has 4 minutes remaining and the gentleman from Texas (Mr. PAUL) has 4½ minutes remaining.

Mr. CROWLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Chairman, the Paul amendment which was approved by the Committee on Rules and made in order is an amendment that prohibits funds to be spent on the international court. Some would argue that that is a good government amendment and he had every right to bring that for debate and a vote in the House of Representatives.

There were five Members of Congress that went before the Committee on Rules to try to get a similar amendment on a prohibition of funds for the Crusader, which is a 155-millimeter howitzer which does not have a military requirement anymore, which does not have the support of this administration; and I fear, Mr. Chairman, that if Congress cannot even vote on a system that the Pentagon does not even want anymore, has recommended that

we kill it, what kind of confidence with good government do the people of this country have that we are doing our business here in this Congress?

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There are compelling arguments to make that this body has an obligation to debate these issues, to consider them, and to vote on them. That is one of the reasons the gentleman from Mississippi (Mr. TAYLOR) has been making the motions that he has made all night long, so that Members of Congress can do their duty, their principled obligation, to bring ideas to the floor, get debate, work with Members of the Republican majority party, and get amendments put into bills or have them defeated.

Now, the Crusader has a military requirement that Napoleon may have used, may have benefited from; Ulysses S. Grant sure could have shortened the Civil War; John Pershing really could have used it probably in World War I. But Secretary Rumsfeld says he does not want it to fight terrorists. He does not need it in this new century to fight wars against our enemies. Why, then, does the Congress refuse to have a debate on this issue? Maybe the opponents would lose; maybe they can convince us. But not to have this debate in this great body says to the American people, and the headlines tomorrow will be Congress has never met a weapons system, even in war, that the Secretary does not want that they will not approve, that they cannot kill.

Now, the President of the United States has supported Secretary Rumsfeld. They have both said they do not want it. The military requirement is no longer there. What about using the \$11 billion that this Congress wants to spend on that and put it toward the war on terrorism? What about buying some more ships? What about health care? What about an additional pay raise for our military? Those are things that we could do with \$11 billion on a Crusader that we do not need, that is not a requirement, and that this administration does not want. But we cannot even debate it. We cannot even have a vote on that important amendment.

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

Mr. ROEMER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, the gentleman has asked the question why we cannot debate it, and he is entitled to an answer. It would be a little embarrassing for people who have been arguing almost all the time that with a war going on, we must rally around the President and support the Commander in Chief, give the Defense Department what it asks for. It would be embarrassing for them to then have to vote exactly contrary to that.

Now, the rules of this House do not require consistency. The rules do not require Members having stated a principle to live by it, so they could say

that, but it would be embarrassing. So that is the answer to the gentleman's question. The majority clearly could not simultaneously continue to argue that it is everybody's patriotic duty to rally around the Commander in Chief and the Secretary of Defense on military matters, and then vote to repudiate them. So the way they do this is by silence.

Mr. PAUL. Mr. Chairman, I yield myself the remaining time.

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

Mr. PAUL. Mr. Chairman, it is unprecedented to repudiate a signature on a treaty, but it is very important. They must have felt it was extremely important for the protection of our soldiers. So it is this discomfort we might feel about the repudiation of a signature versus doing what we think is best to protect our troops. I honestly believe that this is very necessary.

Now, the argument that all of a sudden we are going to capture Saddam Hussein and we are not going to have the international criminal court to deal with him, that is really not a good argument because the special tribunals for Yugoslavia as well as Rwanda can and still be set up. It has nothing to do with that, so that would still be available.

And it is the jurisdiction, it is the sovereignty, it is the civil liberties of the American soldier that we are dealing with. The gentleman from Georgia (Mr. BARR) brought this up, and this is very true. These trials, they do not have juries. The judges are appointed in secret. They cannot face their accusers. And we are going to join an organization like that, endorse it, send money and say that our troops may become subject to this? To me, it is an extremely dangerous situation that we have here now, because we did not even ratify the treaty. We have repudiated the signature and they are still saying this is going to apply to our soldiers. We have a serious problem on our hands and we should at least do this very little thing here, because this is a sense of Congress resolution that we would not like to have the President spend any money on this, and this would support his position.

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

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

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

It is now in order to consider amendment No. 10 printed in part B of House report 107-450.

PART B AMENDMENT NO. 10 OFFERED BY MR. BEREUTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. BEREUTER:

At the end of subtitle D of title V (page 125, after line 9), insert the following new section:

SEC. 533. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) ATHLETIC AND SMALL ARMS COMPETITIONS.—Section 504 of title 32, United States Code, is amended by adding at the end the following new subsection:

“(c) CONDUCT OF AND PARTICIPATION IN CERTAIN COMPETITIONS.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition so long as—

“(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

“(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

“(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

“(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).”

(b) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

“(d) AVAILABILITY OF FUNDS.—(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

“(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

“(B) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

“(2) Not more than \$2,500,000 may be obligated or expended in any fiscal year under subsection (c).

“(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term ‘qualifying athletic competition’ means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.”

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “AUTHORIZED ACTIVITIES.—” after “(a)”; and

(2) in subsection (b), by inserting “AUTHORIZED LOCATIONS.—” after “(b)”.

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) Subsection (a) of such section is amended—