

Tomorrow is Veterans Day. In ceremonies across the country, we will honor those who risked their lives to serve our country. We can not and must not forget those who sacrificed to strengthen democracy around the world and defend our freedoms.

I urge my colleagues to support this resolution and honor the women who have served our country so well.

Mr. MCKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from California (Mr. McKeon) that the House suspend the rules and agree to the resolution, H.Res. 41, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### UNITED STATES MARSHALS SERVICE IMPROVEMENT ACT OF 1999

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2336) to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General, as amended.

The Clerk read as follows:

H.R. 2336

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Marshals Service Improvement Act of 1999".

#### SEC. 2. APPOINTMENTS OF MARSHALS.

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended—

(1) in section 561(c)—

(A) by striking "The President shall appoint, by and with the advice and consent of the Senate," and inserting "The Attorney General shall appoint"; and

(B) by inserting "United States marshals shall be appointed subject to the provisions of title 5 governing appointments in the competitive civil service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and pay rates." after the first sentence;

(2) by striking subsection (d) of section 561;

(3) by redesignating subsections (e), (f), (g), (h), and (i) of section 561 as subsections (d), (e), (f), (g), and (h), respectively; and

(4) by striking section 562.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 28, United States Code, is amended by striking the item relating to section 562.

#### SEC. 3. TRANSITIONAL PROVISIONS; PRESIDENTIAL APPOINTMENT OF CERTAIN UNITED STATES MARSHALS.

(a) INCUMBENT MARSHALS.—Notwithstanding the amendments made by this Act, each marshal appointed under chapter 37 of title 28, United States Code, before the date of the enactment of this Act shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office until the expiration of that marshal's term and the appointment of a successor.

(b) VACANCIES AFTER ENACTMENT.—Notwithstanding the amendments made by this Act, with respect to the first vacancy which occurs in the office of United States marshal in any district, during the period beginning on the date of the enactment of this Act and ending on December 31, 2001, the President shall appoint, by and with the advice and consent of the Senate, a marshal to fill that vacancy for a term of 4 years. Any marshal appointed by the President under this subsection shall, unless that marshal resigns or is removed from office by the President, continue to perform the duties of that office after the end of the four-year term to which such marshal was appointed or until a successor is appointed.

#### SEC. 4. REPORT BY THE ATTORNEY GENERAL.

On or before January 31, 2003, the Attorney General shall report to the Committees on the Judiciary of the House and Senate the number of United States Marshals appointed under section 561(c) of title 28, United States Code, as amended by section 2 of this Act, as of December 31, 2002, who are people of color or women.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. Bachus).

#### GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2336, the bill now under consideration.

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

There was no objection.

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

I am pleased to once again manage this bill on behalf of my friend and colleague, the gentleman from Florida (Mr. MCCOLLUM), who is the chief architect of this bill and legislation in previous Congresses, which was actually the same legislation. I want to recognize his important leadership on this issue.

Mr. Speaker, the United States Marshals Service is the Nation's oldest Federal law enforcement agency. It is an agency of the Department of Justice. It is charged with many important and varied, and I stress that word varied, law enforcement responsibilities, including operating the witness security program, which is a very complex program, protecting the Federal judiciary, apprehending Federal fugitives, managing seized and forfeited assets in the Federal Court system, and transporting Federal prisoners between Federal prisons.

Today, there are 94 U.S. marshals, one for each Federal judicial district. Each of these persons is presently appointed by the President with the advice and consent of the Senate. But, unfortunately, there is no criteria for the selection of marshals. In fact, no managerial or law enforcement experience is even required, and it is that

managerial experience that has given us problems. It is an unfamiliarity with the witness security program that has given us problems. It is not being familiar with the Federal court system and the special procedures there that has given us problems.

Unlike all other Marshals Service employees, each U.S. Marshal is exempt from the control or discipline of the director of the Marshals Service, cannot be reassigned, and can only be removed by the President or upon appointment of a successor. This lack of accountability has resulted in numerous problems, including budgetary irresponsibility among some marshals. A lack of law enforcement experience, and even more so the lack of experience in carrying out the specialized duties of the Marshals office and unfamiliarity among some appointed marshals with the mission of the Marshals Service, has led to a glut of middle managers who must assist the U.S. Marshal rather than actively pursue the work that the Deputy U.S. Marshals are supposed to do.

Mr. Speaker, this bill will address those problems. It is the United States Marshals Service Improvement Act of 1999. It will professionalize the Marshals Service by amending the selection process for U.S. Marshals. Under this bill, all marshals would be selected by the Attorney General from persons who work in the Federal Civil Service System. The bill will help to ensure that only career Federal employees with law enforcement and, as I said, more importantly with managerial experience, will be appointed as U.S. Marshals. In fact, I expect that most, if not all, future marshals will come from the ranks of career marshal employees, people that have experience dealing with the day-to-day intricacies of the Marshals Service.

The changes put forth by this bill will go into effect January 1, 2002. In the interim, all U.S. Marshals currently serving will continue to perform their duties until their terms expire, unless they resign or are removed by the President. And all marshal vacancies that must be filled between the date of the enactment of this legislation and December 31, 2001, will be filled as currently done, by presidential appointment, with the advice and consent of the Senate, for a 4-year term.

The text of H.R. 2336 is identical to a bill introduced in the 105th Congress by the gentleman from Florida (Mr. MCCOLLUM), H.R. 927, the United States Marshals Service Improvement Act of 1997. That bill passed the House on the suspension calendar by a voice vote on March 18, 1997. Unfortunately, the other body did not act on that bill, and so the gentleman from Florida (Mr. MCCOLLUM) reintroduced the legislation in this Congress, and that legislation is H.R. 2336.

This legislation continues to enjoy strong bipartisan support, and I urge all my colleagues to support it.

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the bill H.R. 2336.

Mr. Speaker, the United States Marshals Service Improvement Act of 1999 is the bill before us, and I want to thank the gentleman from Alabama for outlining the importance of the U.S. Marshals Service and the provisions in the bill.

This bill will change the selection process of the United States Marshals from that of appointment by the President, with advice and consent of the Senate, to a merit system appointment by the Attorney General. It is expected this will bring about an improvement in the level of professionalism in the U.S. Marshals Service and provide more opportunities for advancement among the professional employees of the service.

As the gentleman from Alabama mentioned, a similar bill passed the House last year but was not taken up by the Senate. That bill provided for the appointment of U.S. Marshals by the U.S. Marshal. Some Members voted against that bill and expressed the concern that such an appointment procedure might dilute the progress made in assuring diversity and excellence in qualifications among the U.S. Marshals. The requirement in H.R. 2336 for the appointment by the Attorney General should ensure a broader applicant pool and a greater visibility and accountability to minority and female hiring concerns.

The bill, H.R. 2336, passed both the Subcommittee on Crime and the full Committee on the Judiciary by a unanimous vote. No opposition to the matter was expressed during committee consideration to the bill and I, therefore, urge my colleagues to support the bill.

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

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

Mr. Speaker, this legislation would depoliticize the selection process, it would address problems of patronage in the present system, and, most importantly, it would allow us to appoint more experienced U.S. Marshals, marshals not only experienced in law enforcement but, more importantly, experienced in the complexities of the U.S. Marshals' job.

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Mr. Speaker, I urge passage of the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 2336, as amended.

The question was taken.

Mr. COLLINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### RECOGNIZING THE U.S. BORDER PATROL'S SEVENTY-FIVE YEARS OF SERVICE

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 122) recognizing the United States Border Patrol's 75 years of service since its founding.

The Clerk read as follows:

H. CON. RES. 122

Whereas the Mounted Guard was assigned to the Immigration Service under the Department of Commerce and Labor from 1904 to 1924;

Whereas the founding members of this Mounted Guard included Texas Rangers, sheriffs, and deputized cowboys who patrolled the Texas frontier looking for smugglers, rustlers, and people illegally entering the United States;

Whereas following the Department of Labor Appropriation Act of May 28, 1924, the Border Patrol was established within the Bureau of Immigration, with an initial force of 450 Patrol Inspectors, a yearly budget of \$1 million, and \$1,300 yearly pay for each Patrol Inspector, with each patrolman furnishing his own horse;

Whereas changes regarding illegal immigration and increases of contraband alcohol traffic brought about the need for this young patrol force to have formal training in border enforcement;

Whereas during the Border Patrol's 75-year history, Border Patrol Agents have been deputized as United States Marshals on numerous occasions;

Whereas the Border Patrol's highly trained and motivated personnel have also assisted in controlling civil disturbances, performing National security details, aided in foreign training and assessments, and responded with security and humanitarian assistance in the aftermath of numerous natural disasters;

Whereas the present force of over 8,000 agents, located in 146 stations under 21 sectors, is responsible for protecting more than 8,000 miles of international land and water boundaries;

Whereas, with the increase in drug-smuggling operations, the Border Patrol has also been assigned additional interdiction duties, and is the primary agency responsible for drug interdiction between ports-of-entry;

Whereas Border Patrol agents have a dual role of protecting the borders and enforcing immigration laws in a fair and humane manner; and

Whereas the Border Patrol has a historic mission of firm commitment to the enforcement of immigration laws, but also one fraught with danger, as illustrated by the fact that 86 agents and pilots have lost their lives in the line of duty—6 in 1998 alone: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the historical significance of the United States Border Patrol's founding and its 75 years of service to our great Nation.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Alabama (Mr. BACHUS) and the gentleman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 122.

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

There was no objection.

Mr. BACHUS. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to wholeheartedly and enthusiastically support H. Con. Res. 122, commemorating the 75th anniversary of the United States Border Patrol.

I would like to especially thank my colleague and friend, the gentleman from Texas (Mr. REYES), for sponsoring this legislation.

I come to pay tribute to a group of men and women who guard our Nation's borders and risk their very lives every day. The group of men and women to whom I am referring are the United States Border Patrol.

Might I, as a personal note, and I know that he might share it with my colleagues, just thank the gentleman from Texas (Mr. REYES) for the years of service that he gave in the Border Patrol command. His advocacy, his affection, his service has been much appreciated by all concerned.

On May 28, 1924, the Border Patrol was established within the Bureau of Immigration with an initial force of 40 patrol inspectors and a yearly budget of \$1 million.

This year is the 75th anniversary of the United States Border Patrol. Along with my colleague, the gentleman from Texas (Mr. REYES), we also introduced the Border Patrol Recruitment and Retention Act of 1999.

This legislation provided incentives and support for recruiting and retaining Border Patrol agents. This legislation increased compensation for Border Patrol agents and allowed the Border Patrol agency to recruit its own agents without relying on the personnel office of the Department of Justice or INS.

We know for sure that the Border Patrol could, in fact, do their own business and do their own job, but we also know that because of the hard work that they deserve the incentives and pay increases that any other law enforcement organization deserved or received.

The Border Patrol Recruitment and Retention Enhancement Act moved Border Patrol agents with one year's agency experience from the Federal Government's GS-9 pay level, approximately \$34,000 annually, to GS-11, approximately \$41,000 annually next year.