sense. The D5 has been a first rate system. We need to backfit it on the four Pacific Tridents. It is part of our overall defense plan. It is something that this administration favors.

Who favors it? The President of the United States, the Secretary of Defense, and the Secretary of the Navy, the Chief of Naval Operations, that is who supports it, along with, I hope, a majority of the House of Representatives.

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

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Luther amendment. I appreciate my colleagues' and all of our colleagues' tireless efforts to fight and eliminate the Trident missile, a true relic of the Cold War.

With the potential for nuclear warhead reduction from the START II procedures, pending that ratification, we will not need to invest in missiles today that could be unnecessary in the near future. It is a waste.

Continuing the Trident's production wastes billions of dollars. In fact, terminating production of the Trident missiles, as this amendment does, the CBO estimates it would save over $2.5 billion over the next 7 years. In fiscal year 2001 alone it would save $473 million.

Mr. Chairman, this is money that can be invested in our children and their education, our seniors and their health care, and our families and their security. I urge my colleagues to invest in people. Vote for this amendment.

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

Mr. Chairman, this is a centerpiece of our strategic deterrent. The amount of money we are talking about here is less than 1 percent of the defense budget. With a growing nuclear club around the world, it is important for us to preserve the most important part of our nuclear deterrent.

This amendment would gut that program and would hurt strategic stability. Please vote against this amendment offered by my friend, the gentleman from Minnesota (Mr. LUTHER).

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

Mr. Chairman, I respect the point of view that this is the centerpiece of our defense, and yes, I do not disagree with that, but we have 372 of these missiles already. Who would suggest that we need 12 more when we have the pressing needs that we have in this country?

This amendment, Mr. Chairman, is supported by Taxpayers for Common Sense, the Council for a Livable World. Let us get some common sense in this body. That is all we are asking for on this amendment. Let us support this amendment and start sharing the resources that are in this bill with the other needs of our country.

The CHAIRMAN pro tempore (Mr. SUNUNU). The question is on the amendment offered by the gentleman from Minnesota (Mr. LUTHER).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. LUTHER) are postponed.

The point of no quorum is considered withdrawn.

Mr. HUNTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. VITTER) having assumed the chair, Mr. SUNUNU, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, had come to no resolution thereon.

ORDER OF CONSIDERATION OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that when the House next resolves itself into the Committee of the Whole House on the State of the Union for the further consideration of H.R. 4205, that the committee proceed to the consideration of amendments printed in the House Report 106–621 in the following order: No. 20, No. 13, Nos. 5 through 9, No. 11, No. 12, Nos. 14 through 19, Nos. 21 through 26, Nos. 28 through 35, No. 10, and No. 27.

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

There was no objection.

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. Pursuant to House Resolution 503 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4205.

□ 1636

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. GUTKNECHT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a demand for a recorded vote on amendment No. 4 printed in House Report 106–621 offered by the gentleman from Minnesota (Mr. LUTHER) had been postponed.

It is now in order to consider amendment No. 20 printed in House Report 106–621.

AMENDMENT NO. 20 OFFERED BY MR. TRAFICANT

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 printed in House Report 106–621 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 324, after line 11), 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 and drug traffickers 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 ON 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) 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.

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

''(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.''.

(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 pro tempore. Pursuant to House Resolution 503, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

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

Mr. TRAFICANT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, a great Georgetown basketball player not too far away, now in the NBA for the Miami Heat, was just named the most valuable defensive player in the National Basketball Association. He got that award because he did not allow anyone with bad intentions to come into his territory.

The Traficant amendment does not deal with immigration, it deals strictly with terrorism and with narcoterrorists. I submit that someone can actually send across the border the components of a nuclear missile, assemble it in Arizona, and launch it at American cities.

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

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

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have found in my short tenure in Congress that every year we celebrate the holiday season, we celebrate Easter with an Easter egg roll, we celebrate the Fourth of July, and we every year debate this ridiculous amendment.

Mr. Chairman, this amendment is ill-advised. Every year it is ill-timed. It has the ability or the potential to put our men and women in uniform in jeopardy. I would hope that my colleagues would join me in opposition to this amendment.

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

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

Mr. Chairman, I can remember when a Member stood up when I offered to change the burden of proof in a civil tax case and change judicial consent, forcing the IRS to go to a judge before they could seize a home, and I heard a colleague say the same thing: Every year we do this, we did it for 10 years.

Last year it became law. In 1997, we had 10,037 seizures of homes, I would say to the gentleman from Texas (Mr. REYES). In 1999, there were only 161 seized. Sometimes it takes time to pass good legislation.

Mr. Chairman, let me say this, a Nation that does not secure its borders has no national security. A bill that does not debate the fact that only three out of 100 trucks are even inspected and our borders are wide open, and we are asking civilians to match the firepower of terrorists who literally have those bad intentions, it makes no sense, the argument that I am hearing.

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

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

Mr. Chairman, to my good friend and colleague, the gentleman from Ohio, if this amendment were to become law, then that would mean that this country would be in serious trouble, because what this amendment does, it advocates the equivalent of martial law for communities along the border, the equivalent of martial law, where whole regions of this country who are already suffering from lack of infrastructure, lack of support, lack of money, many, many different needs that we have along our border communities would, in a very disparate way, be affected by the utilization of the military, under the guise of terrorism.

My friend speaks about good legislation sometimes taking many years. A bad idea I think does not deserve its time and its place, and certainly this amendment does not deserve to be considered by this body.

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

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

Mr. BILBRAY. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, this is a very moderate amendment. There are many people in America who would say it does not go far enough. We hear a lot about what our responsibilities are in the Federal government, but if we read the Constitution, Article 4 specifically says that the Federal government's responsibility is to defend our neighborhoods from outside invasion.

We have a drug war supposedly going on, and the American people are paying to send troops all over the world to defend everybody else's neighborhoods, but Members of Congress who are sworn to uphold the Constitution will not even authorize the President to use troops if necessary to defend our children from the scourge of drugs.

The gentleman from Ohio is not saying put them there, he says at least be brave enough to say that if this is what it takes, we are willing to stand by our citizens, our children, and our Constitution that says our obligation constitutionally is not to defend other countries but to defend our own children in their neighborhoods.

Mr. Chairman, I am asking my colleagues to understand, this is a moderate proposal being presented. If Members will not even authorize the executive branch to use what resources are available to defend our children, resources that are used for other children all around the world, I ask Members, who do Members defend if they are not going to defend their children and their own constitutional responsibilities?

Check it out, Article 4, the responsibility of the Federal government to stop foreign invasion. Our country is being invaded by drugs. I do not want anyone to stand up and point fingers at other countries, that they are not doing enough about fighting the drug war, when they will not stand up and execute the minimum of constitutional responsibilities of this Congress.

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

Mr. ORTIZ. Mr. Chairman, I have fought the drug war. I have served in the military. I, in the same way, want to enforce and obey the Constitution of this United States, but we need to do it in a very responsible manner.

How many Members have had a chance to go visit and learn the needs of the border? Just last week, Mr. Chairman, we had five Federal judicial judges from the border States who carried 24 percent, in five districts, carried 24 percent of the workload in the United States.

□ 1645

We put soldiers on the border. Where are we going to keep them when we arrest them? What about the judges that are needed? What about the prosecutors that are needed? We have to provide, my friends. The infrastructure is not there. I have fought the war on drugs. I have talked to the judges about the needs that they have. If we do it in a responsible manner, yes, let us do it.

Let me say something else, when you are in the military, the training is totally different from the training that

people on the Border Patrol, who serve in the Border Patrol, have. We are dealing with human beings. We are dealing with people who are destitute, who are looking for a job. Yes, we need to enforce our borders and strengthen our borders, but let us do it in a responsible way.

Mr. Chairman, my friends from Ohio know, both of them, how much respect I have for both of them, but if we do not have the infrastructure, please tell me where we are going to house them? Who is going to try them?

Mr. Chairman, I oppose this amendment.

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

Mr. Chairman, let me say this, if we are worried about where we are going to house them, just let the narcotics people keep coming in. Tons of cocaine and heroin, we are debating how are we going to prosecute them, where are we going to keep them. Our borders are overflowing with narcotics. We have no war on drugs in America. It is hypocrisy.

My amendment does not deal with immigration, but it says they must be trained. They cannot make arrests. They must always be in the presence of civilian law enforcement officers.

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

Mr. REYES. Mr. Chairman, I will defer, I will close. I am the last speaker on this segment.

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

Mr. Chairman, the amendment calls for the training of regular and reserved troops. It prohibits making arrests. They are not involved with illegal immigration. Their purpose is to support preventing terrorists from entering our Nation, and if there is one threat that we face more than anywhere else, is not a sophisticated battle somewhere overseas, it is terroristic and continued attempt to impregnate our Nation and blow up our Federal buildings.

In addition, if this is a war on drugs, then I am Woody Allen, because we have none, and we have two border patrol agents for every mile of border. I say if the Secretary of the Treasurer or the Attorney General requests it, they are allowed to do it. It does not mandate it. I want to know the program, because there is no program, our Nation is overrun by narcotics.

The weight of this problem falls right on Congress who sits back with people in the White House that have done nothing. This group has done nothing. If we need more judges, hire them. If we need more prosecutors, hire them and do that in another bill.

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

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

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

Mr. REYES. Mr. Chairman, in deference to my friend, Woody, the gentleman from Ohio (Mr. TRAFICANT), I would like to close by saying that the Department of Defense does have, the authority does have a plan. I want to enter into the RECORD a copy of a report that was just filed this week.

Mr. Chairman, I would like to read from it, and it says, I quote, ''in emergencies, the DOD will respond to requests for support as required. It is not in the DOD's military interests to require training in search and seizure of arrest or use of force against civilian citizens,'' what my colleague is advocating. ''This type of training has minimal military value and detracts from the training with war-fighting equipment for which we are trained in war-fighting missions. It will lead to decreased military training, which reduces unit readiness levels and overall combat effectiveness of the armed forces.''

Mr. Chairman, I ask my friend, the gentleman from Ohio (Mr. TRAFICANT), this is not what the military is trained to do. We already stretched our troops all around the world in many different types of missions. I strongly ask my colleagues to vote against this amendment.

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

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

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

Mr. ORTIZ. Mr. Chairman, as I stated before, I am for arresting terrorists and narcotraffickers, but, my friends, the dockets of the judges who border the United States and Mexico are overloaded. They are having to look for places to incarcerate hard-core criminals. All I am saying is let us be responsible, let us come up with a plan.

I have five presiding judges, there are 89, 89 judicial Federal districts throughout the United States, my friends, and five of these judicial districts, five carry 24 percent. Yes, I am for arresting traffickers and narcotraffickers. I used to arrest them when I was sheriff, but let us come with a responsible plan. It may be my friend can help me by coming up with a bill that will give these judges help, give the United States marshals help, but this is not the place for the military to be involved in.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, it is not as though the House has had this debate. It never had this debate. It seems as though we have had it over the years, and I have great respect for the gentleman from Ohio (Mr. TRAFICANT). I have great respect for his passion and his zeal.

Let us apply a little common sense, as the gentleman from Missouri (Mr. SKELTON) always likes to teach me. This is also about the Constitution and the prerogatives of the Office of the Presidency. He is the Commander-in-Chief. The Congress, we do not have to stand here and tell the Commander-in-Chief that one of your jobs is to protect the Nation's borders. Constitutionally, it is implied in the powers of the Executive Office of the Presidency.

With regard to narcotics, let us be very upfront; 80 percent of the drugs that are coming into this country come through ports of entry. Now, we have 10 percent that are air. We probably have the other 10 percent that come through the transit countries here in particular, whether it is up through central America to Mexico, they shortland the border, and then they end up taking it across the border through mules, to humans, to motorbikes, horseback, that happens; so the gentleman is correct on that.

That issue gets addressed by, whether it is INS and DEA and those types of issues, but for the Congress to mandate placing our troops in divisions on the border is not the most prudent way to do this. I agree with the gentleman from Texas (Mr. REYES) about how it detracts from the unit readiness and those types of things, he is right. I concur with the gentleman's analysis. That is not what we should be doing.

I would urge Members to vote against the Traficant amendment, although, I have great respect for his passion.

Mr. SKELTON. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. REYES).

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

Mr. Chairman, this is often one of the issues that gets contentious on the floor of Congress, and it is a lot like eating an ice cream sundae. It looks good. It feels good eating it, but it is not good for us and a lot of times people recommend against it. Part of this effort is not one of wanting to sound tough on drugs.

Like my colleague, the gentleman from Texas (Mr. ORTIZ), I fought the war on drugs. I had 26½ years working the border with the United States Border Patrol, so I know what is involved. That is why I emphatically asked my colleagues let us fund the INS, let us fund Border Patrol. Let us give them the right equipment. Let us give Customs the necessary personnel, the necessary technology to do the kind of professional job that my colleague, the gentleman from Ohio (Mr. TRAFICANT) is concerned about.

If, in fact, this issue is about fighting terrorism; if, in fact, we are concerned about the ability of this country to monitor and control the borders, it is not a Republican or a Democratic issue. It is an issue that has to be dealt fairly. It is an issue that has to be dealt even-handledly, and it is one that has got to be done strategically.

We cannot impose marshal law on communities along the border simply because they happened to live there, people happen to live there. It is imperative that we provide the same kinds of

protection to residents along the border like Brownsville, El Paso, Nogales, and the San Diego area that the same citizens in Ohio and other parts of this great country have.

It is an issue of fairness. It is an issue of working smart to protect this country, but doing it professionally by funding INS Border Patrol and Customs.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

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

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

Mr. Chairman, let me start off by just saying that I think the gentleman from Texas (Mr. REYES) is the most successful Border Patrol chief in the history of this country, a great American, a great crew chief in Vietnam. I have been down in the contrawars with my great friend, the gentleman from Texas (Mr. ORTIZ), a wonderful, wonderful member of our committee. I also respect the gentleman from Ohio (Mr. TRAFICANT) and what he is trying to do. And I just want to point out a few things.

We have already entered the drug war with the U.S. military. We entered the drug war because we realized that our Customs folks and our other folks were being overwhelmed by what essentially were military operations on the side of the people that were moving cocaine and other narcotics to our children into the U.S., so we started using American military assets, even though there was a major debate 15 years ago on this subject.

This is only permissive. It requires the request of the Attorney General of the United States and the Secretary of the Treasury, and even then it is not mandatory, it is discretionary with DOD.

I would say if we look at the enormous effectiveness of the smugglers, people who are moving now, both people and narcotics into this country, and the prospect and possibility of terrorism, which always exists, this is not an unusual or an extreme request. It requires a request from the Attorney General of the United States, and in some cases, with this 2,000 mile border and an underfunded Border Patrol which is stretched very thin and which, even today, cannot meet its recruiting requirements, it is very obvious, it is very easy to envision a time when the United States in its interests, its preservation interests and security interests, should have the right to have American troops on the border.

Mr. Chairman, I do not think it is an outrageous request, and I think it is something that we should be able to have at least in our hip pocket.

I would just ask my friends, I joined with them on all of these requests for more Border Patrol funding, and I led some of those requests, the INS has not gone along with those requests, we are still short Border Patrol agents. I think this is a reasonable amendment

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, let us be upfront about this. Mexico has recognized how critical the war on drugs are. They have put their troops at the border. We are not even mandating that. We have Naval forces and Air forces right now working a drug interdiction on the border, and we have the National Guard of the State of California. I do not know about the other States, but the troops from California are already at the border.

Now, I have supported both gentlemen from Texas in increasing funding for Border Control, but to deny the American people who pay the taxes for the national defense capabilities of this country, to deny them the resources defending their neighborhoods, because we are worried about a public relations problem, or we are worried that it may detract from hiring more Border Patrol agents, I strongly support that. I think my colleagues know that.

□ 1700

San Diego has more drug problems through the court system than any other portion of this country. This is not about conviction. This is about interdiction. I strongly support the argument of the gentleman from Texas that we need more court processes. But do not dare walk away from the fact that the States are doing it, Mexico is doing it, the Navy is doing it, the Air Force is doing it, everyone is committed to this. Everyone is committed to controlling the border, but we are going to condition that American troops will not be used for controlling our border.

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

Mr. BILBRAY. I do not have time.

Mr. REYES. The gentleman still has time. Let me just ask my colleague if he realizes that that authority already exists? I read from a report filed this week. That authority is already there with DOD.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The gentleman's time has expired.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I cannot even believe this debate. Is the border a national security checkpoint or not? Are we guarding borders in the Mideast? Are we vaccinating dogs in Haiti with our military; building homes overseas?

I am not worried about the small illegal immigrant running across that border. I understand that. But, my God, I am a former sheriff. How many more overdoses are we going to have? Where is our program? We have no program.

I heard the gentleman from Indiana (Mr. BUYER) talk about the ports of entry. The Traficant bill allows the military to assist Customs as well at those ports of entry. They cannot make arrests, they must be trained, they cannot violate posse comitatus. But, go ahead, keep the doors open. Keep the cocaine and heroin coming in, colleagues, and then let the people all over America end up on slabs. Maybe we need a rocket to come across, someone to put together a warhead, maybe in Arizona. Maybe that will teach us a lesson.

I say the Constitution says Congress is responsible for our national defense. We authorized the President to conduct our programs. I do not mandate it, but I do authorize that possibility to occur.

I want to thank this chairman for being respectful enough to allow a Democrat to bring this amendment and to have time to speak granted from the Republicans.

Mr. ORTIZ. Mr. Chairman, I rise today to oppose the Traficant Amendment.

I have been a law enforcement officer, and I served in the Army. These two endeavors simply do not mix, particularly inside the borders of the United States. Putting our forces on the border is a violation of the legal protection of citizens from the military under Posse Comitatus.

Our energy should rightly be focused on the need for professional law enforcement officers; we do not have enough INS and Customs personnel to address the need that now exists. Protecting our border is a massive undertaking, one which should be performed by professional, bilingual INS and Customs personnel.

As a co-chair of the Congressional Border Caucus, I can tell you that one of our most constant and pressing issues is lobbying and fighting for resources to put the law enforcement we need on the border. Again, that is the appropriate venue for the gentleman from Ohio, and others who share his concern, to focus their efforts.

The Department of Defense has spoken to this issue and their views are very instructive for this debate. They note that it is not in the DoD's military interest to require training in search and seizure arrests—or use of force against civilian citizens.

They say this will lead to decreased military training, which reduces unit readiness levels and overall combat effectiveness of the Armed Forces. That, my friends, is not the path we want to take. Our soldiers face enough danger.

DoD also says that "the risk of potential confrontation between U.S. citizens and military members far outweigh the benefit." Indeed it does, and for one citizen on the border, it is too late.

I urge my colleagues to defeat this amendment.

The CHAIRMAN pro tempore. All time has expired.

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

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The CHAIRMAN pro tempore. The Committee will rise informally.

The SPEAKER pro tempore (Mr. VITTER) assumed the Chair.

MESSAGE FROM THE PRESIDENT

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

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

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The Committee resumed its sitting.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). It is now in order to consider amendment No. 13 printed in House Report 106–621.

AMENDMENT NO. 13 OFFERED BY MR. STEARNS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. STEARNS:

At the end of title VII (page 247, after line 9), insert the following new section:

SEC. 7___. STUDY ON COMPARABILITY OF COVERAGE FOR PHYSICAL, SPEECH, AND OCCUPATIONAL THERAPIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study comparing coverage and reimbursement for covered beneficiaries under chapter 55 of title 10, United States Code, for physical, speech, and occupational therapies under the TRICARE program and the Civilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under medicare and the Federal Employees Health Benefits Program. The study shall examine the following:

(1) Types of services covered.

(2) Whether prior authorization is required to receive such services.

(3) Reimbursement limits for services covered.

(4) Whether services are covered on both an inpatient and outpatient basis.

(b) REPORT.—Not later than March 31, 2001, the Secretary shall submit a report on the findings of the study conducted under this section to the Committees on Armed Services of the Senate and the House of Representatives.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

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

Mr. Chairman, every now and then in a debate we need an amendment that everybody agrees on and everybody is happy about, and this is just such an amendment. And I think it is appropriate that we have this one after our previous debate. In addition, this amendment has been worked out with the Committee on Armed Services.

The purpose of my amendment is to request that the Secretary of Defense conduct a study comparing the coverage and reimbursement for physical, speech, and occupational therapies for covered beneficiaries under the TRICARE program to coverage and reimbursement for such same therapies under Medicare and the Federal Employee Health Benefits Program. So we are comparing what is provided under TRICARE with what is provided under Medicare and the Federal Employee Health Benefits Program.

This study examines the following: The type of services covered; whether prior authorization is required to receive such services; reimbursement limits for services covered; and, fourthly, whether services are covered on both an inpatient and outpatient basis.

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

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

Mr. SKELTON. Mr. Chairman, we see nothing wrong with the gentleman's amendment. As far as we are concerned, we accept it.

Mr. STEARNS. Reclaiming my time, Mr. Chairman, I thank the gentleman. I will just finish my presentation for the good of the House, and I thank the chairman for his kind acceptance.

The Secretary shall submit a report on the findings of the study conducted to the House and Senate Committees on Armed Services no later than March 31, 2001. So, Mr. Chairman, I offer this amendment because it has been brought to my attention that acceptance of TRICARE patients presents a variety of problems, business concerns, to rehab providers. Because of these concerns, rehab practices are reluctant to accept TRICARE patients, and that is wrong.

For example, most patients with a diagnosis of a stroke, for example, require two and sometimes three rehab disciplines, depending upon the severity of the stroke. Therefore, the stroke patient may require physical and occupational therapy and possibly speech therapy, if the speech centers of the brain are involved. The concern here is that only the physical therapy services are covered as reimbursable service without prior written authorization, while speech therapy services require prior written authorization.

Confusing? That is what this study will determine, the proper way to go.

Occupational therapy would not be covered, as it can only be covered in an institutional facility. In most cases this creates a significant inconvenience for patients who now must receive their physical and speech therapy in one facility and have to travel to a separate institutional facility for occupational therapy services.

Another good example, Mr. Chairman, concerns patients who are referred with a diagnosis of, let us say, a head trauma or upper extremity trauma. They would have similar rehab needs as stroke patients and, most likely, experience similar inconveniences.

Providers are also concerned about the potential for interpretation of fraud by utilizing a physical therapy assistant in the treatment of TRICARE patients. That should not occur. In hospitals, skilled nursing facilities, and outpatient rehab facilities it is common for the therapy staff to be comprised of physical therapists and physical therapy assistants. When the rehab staffing is compromised due to sickness, educational leave, vacation, et cetera, the rehab provider is limited to the staff who can treat TRICARE patients. These TRICARE patient appointments may need be canceled and the therapy interrupted due to the compromised staffing pattern.

This situation does not occur in treating traditional Medicare patients. Neither does it occur with Federal Employee Health Benefits. The requirement for utilizing only registered physical therapists serves to create a more expensive model in which to deliver rehab services.

In Florida, for example, physical therapy assistants, by their practice, can perform all of the therapy services rendered by a registered physical therapist, with the exception of performing a patient evaluation, changing a patient's plan of care or treatment, or discharging a patient. The risks associated with a TRICARE patient accidentally being treated by a physical therapy assistant presents a significant concern to all these rehab providers.

So, Mr. Chairman, I think this study will try to determine how these problems can be resolved. My district has many active duty and retired military and their dependents who rely on this program for their health care. By having DOD conduct such a study, we would be provided with the necessary information to make a fair assessment about coverage of the rehab therapies by TRICARE. I urge my colleagues to support this amendment.

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

The CHAIRMAN pro tempore. Does any Member claim time in opposition to the amendment?

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to section 3 of House Resolution 503, I offer en bloc amendments consisting of the following amendments, printed in House Report 106–621: Amendment No. 5, as modified; amendments 6, 7, 8 and 9; amendment No. 11,