

a health benefits plan under this chapter in accordance with the agreement under subsection (a) of such section between the Secretary and the Office and applicable regulations under this chapter.”;

(2) in section 8906(b)—

(A) in paragraph (1), by striking “paragraphs (2) and (3)” and inserting in lieu thereof “paragraphs (2), (3), and (4)”;

(B) by adding at the end the following new paragraph:

“(4) In the case of individuals who enroll, as part of the demonstration project under section 1108 of title 10, in a health benefits plan in accordance with section 8905(d) of this title, the Government contribution shall

be determined in accordance with section 1108(h) of title 10.”; and

(3) in section 8906(g)—

(A) in paragraph (1), by striking “paragraph (2)” and inserting in lieu thereof “paragraphs (2) and (3)”;

(B) by adding at the end the following new paragraph:

“(3) The Government contribution described in subsection (b)(4) for beneficiaries who enroll, as part of the demonstration project under section 1108 of title 10, in accordance with section 8905(d) of this title shall be paid as provided in section 1108(h) of title 10.”

(c) DISPOSAL OF NATIONAL DEFENSE STOCKPILE MATERIALS TO OFFSET COSTS.—

(1) DISPOSAL REQUIRED.—Subject to paragraphs (2) and (3), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

- (A) \$89,000,000 during fiscal year 1999;
- (B) \$104,000,000 during fiscal year 2000;
- (C) \$95,000,000 during fiscal year 2001; and
- (D) \$72,000,000 during fiscal year 2002.

(2) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under paragraph (1) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Chromium Ferroally Low Carbons .....	92,000 short tons
Diamond Stones .....	3,000,000 carats
Palladium .....	1,227,831 troy ounces
Platinum .....	439,887 troy ounces

(3) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under paragraph (1) to the extent that the disposal will result in—

(A) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(B) avoidable loss to the United States.

(4) TREATMENT OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under paragraph (1) shall be—

(A) deposited into the general fund of the Treasury; and

(B) used to offset the revenues that will be lost as a result of the implementation of the demonstration project under section 1108 of title 10, United States Code (as added by subsection (a)).

(5) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in paragraph (1) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials specified in the table in paragraph (2).

It was decided in the affirmative ..... 

Yeas .....	420	Nays .....	1	Answered present	1				

Cunningham	Gutierrez	Leach	Pallone	Sabo	Stump
Danner	Gutknecht	Lee	Pappas	Salmon	Stupak
Davis (FL)	Hall (OH)	Levin	Pascrell	Sanchez	Sununu
Davis (IL)	Hall (TX)	Lewis (CA)	Pastor	Sanders	Talent
Davis (VA)	Hamilton	Lewis (GA)	Paul	Sandlin	Tanner
Deal	Hansen	Lewis (KY)	Paxon	Sanford	Tauscher
DeFazio	Hastert	Linder	Payne	Sawyer	Tauzin
DeGette	Hastings (FL)	Lipinski	Pease	Saxton	Taylor (MS)
Delahunt	Hastings (WA)	Livingston	Pelosi	Scarborough	Taylor (NC)
DeLauro	Hayworth	LoBiondo	Peterson (MN)	Schaefer, Dan	Thompson
DeLay	Hefley	Lofgren	Peterson (PA)	Schaffer, Bob	Thornberry
Deutsch	Hefner	Lowe	Petri	Schumer	Thune
Diaz-Balart	Herger	Lucas	Pickering	Scott	Thurman
Dickey	Hill	Luther	Pitts	Sensenbrenner	Tiahrt
Dicks	Hilleary	Maloney (CT)	Pombo	Serrano	Tierney
Dingell	Hilliard	Maloney (NY)	Pomeroy	Sessions	Towns
Dixon	Hinchey	Manton	Porter	Shadegg	Traficant
Doggett	Hinojosa	Manzullo	Portman	Shaw	Turner
Dooley	Hobson	Markey	Poshard	Shays	Upton
Doolittle	Hoekstra	Martinez	Price (NC)	Sherman	Velazquez
Doyle	Holden	Mascara	Pryce (OH)	Shimkus	Vento
Dreier	Hooley	Matsui	Quinn	Shuster	Visclosky
Duncan	Horn	McCarthy (MO)	Radanovich	Sisisky	Walsh
Dunn	Hostettler	McCarthy (NY)	Rahall	Skeen	Wamp
Edwards	Houghton	McCollum	Ramstad	Skelton	Waters
Ehlers	Hoyer	McCrery	Rangel	Slaughter	Watkins
Ehrlich	Hulshof	McDade	Redmond	Smith (MI)	Watt (NC)
Emerson	Hunter	McDermott	Regula	Smith (NJ)	Watts (OK)
Engel	Hutchinson	McHale	Reyes	Smith (OR)	Waxman
English	Hyde	McHugh	Riggs	Smith (TX)	Weldon (FL)
Ensign	Inglis	McInnis	Riley	Smith, Adam	Weldon (PA)
Eshoo	Istook	McIntosh	Rivers	Smith, Linda	Weller
Etheridge	Jackson (IL)	McIntyre	Rodriguez	Snowbarger	Wexler
Evans	Jackson-Lee	McKeon	Roemer	Snyder	Weygand
Everett	(TX)	McKinney	Rogan	Solomon	White
Ewing	Jefferson	McNulty	Rogers	Souder	Whitfield
Farr	Jenkins	Meehan	Rohrabacher	Spence	Wise
Fattah	John	Meek (FL)	Ros-Lehtinen	Spratt	Wolf
Fawell	Johnson (CT)	Menendez	Rothman	Stabenow	Woolsey
Fazio	Johnson (WI)	Metcalf	Roukema	Stark	Wynn
Filner	Johnson, E. B.	Mica	Roybal-Allard	Stearns	Yates
Foley	Jones	Millender-McDonald	Royce	Stenholm	Young (AK)
Forbes	Kanjorski	Miller (CA)	Rush	Stokes	Young (FL)
Frank (MA)	Kaptur	Miller (FL)	Ryan	Strickland	
Franks (NJ)	Kasich	Minge			NOES—1
Frelinghuysen	Kelly	Mink			Thomas
Frost	Kennedy (MA)	Moakley			ANSWERED “PRESENT”—1
Furse	Kennedy (RI)	Mollohan			Ganske
Galeggly	Kennedy	Moran (KS)			NOT VOTING—11
Gejdenson	Kilpatrick	Moran (VA)			Bateman
Gekas	Kim	Morella			McGovern
Gephardt	Kind (WI)	Murtha			Meeks (NY)
Gibbons	King (NY)	Myrick			Parker
Gilchrist	Kingston	Nadler			Pickett
Gillmor	Kleczka	Neal			
Gilman	Klink	Nethercutt			
Goode	Klug	Neumann			
Goodlatte	Knollenberg	Ney			
Goodling	Kolbe	Northup			
Gordon	Kucinich	Norwood			
Goss	LaFalce	Nussle			
Graham	LaHood	Oberstar			
Granger	Lampson	Obey			
Green	Lantos	Olver			
Greenwood	Largent	Ortiz			
	Latham	Owens			
	LaTourrette	Oxley			
	Lazio	Packard			

49.18

[Roll No. 178]

AYES—420

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

So the amendment was agreed to. The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

49.19 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was commu-

nicated to the House by Mr. Sherman William, one of his secretaries.

The Committee resumed its sitting; and after some time spent therein.

49.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following substitute amendment submitted by Mr. REYES to the amendment submitted by Mr. TRAFICANT:

Substitute amendment submitted by Mr. REYES:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) CONDITIONS ON USE.—(1) Whenever a member of the armed forces who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

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

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

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

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

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

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

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

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

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

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

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

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

Amendment submitted by Mr. TRAFICANT:

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

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

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

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

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

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

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

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

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

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

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

(d) CONDITIONS ON USE.—(1) Whenever a member of the armed forces who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

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

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

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

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

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

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

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

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

It was decided in the { Yeas ..... 179 negative ..... } Nays ..... 243

49.21 [Roll No. 179] AYES—179

Table listing names of members: Abercrombie, Ackerman, Allen, Baldacci, Barcia, Barrett (WI), Barton, Becerra, Bentsen, Berman, Berry, Bishop, Blagojevich, Blumenauer, Bonilla, Bonior, Borski, Boucher, Boyd, Brady (PA), Brown (CA), Brown (FL), Brown (OH), Cannon, Capps, Cardin, Clay, Clayton, Clement, Clyburn, Condit, Conyers, Coyne, Cummings, Danner, Davis (FL), Davis (IL), DeFazio, DeGette, Delahunt, DeLauro, Dicks, Dingell, Dixon, Doggett, Dooley, Doyle, Edwards, Ehlers, Engel, Eshoo