

amendment numbered 10, printed in Part 1 of House Report 105-137; amendment numbered 11, printed in Part 1 of House Report 105-137; (4) amendment numbered 7, printed in Part 1 of House Report 105-137, as modified by section 8(a) of House Resolution 169; (5) the amendment printed in section 8(c) of House Resolution 169; and (6) amendment numbered 35, printed in Part 2 of House Report 105-137.

¶71.16 DOD AUTHORIZATION

The SPEAKER pro tempore, Mr. PETRI, pursuant to House Resolution 169 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes.

Mr. YOUNG of Florida, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. HANSEN, resumed the Chair.

When Mr. YOUNG of Florida, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶71.17 ORDER OF BUSINESS—  
CONSIDERATION OF AMENDMENTS—  
H.R. 1119

On motion of Mr. STUMP, by unanimous consent,

*Ordered*, That the foregoing notice regarding the order of consideration of certain amendments to the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, during further consideration in the Committee of the Whole, pursuant to House Resolution 169, be considered sufficient compliance with section 5 of said resolution.

¶71.18 DOD AUTHORIZATION

The SPEAKER pro tempore, Mr. HANSEN, pursuant to House Resolution 169 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes.

Mr. YOUNG of Florida, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

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

When Mr. YOUNG of Florida, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶71.19 RECESS—2:36 P.M.

The SPEAKER pro tempore, Mr. BUYER, pursuant to clause 12 of rule I, declared the House in recess at 2 o'clock and 36 minutes p.m., subject to the call of the Chair until approximately 5 p.m.

¶71.20 AFTER RECESS—5:36 P.M.

The SPEAKER pro tempore, Mr. MILLER of Florida, called the House to order.

¶71.21 ORDER OF BUSINESS—  
CONSIDERATION OF H.J. RES. 79

On motion of Mr. SOLOMON, by unanimous consent,

*Ordered*, That at any time on Tuesday, June 24, 1997, the House may consider the joint resolution (H.J. Res. 79) disapproving the extension of non-discriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; that the joint resolution be considered as read for amendment; that all points of order against the joint resolution and against its consideration be waived; that the joint resolution be debatable for three and one-half hours, equally divided and controlled by the chairman of the Committee on Ways and Means (in opposition to the joint resolution) and a Member in support of the joint resolution; that pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered on the joint resolution to final passage without intervening motion; and that the provisions of sections 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of most-favored-nation treatment to the People's Republic of China for the remainder of the first session of the One Hundred Fifth Congress.

¶71.22 MESSAGE FROM THE PRESIDENT

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

¶71.23 DOD AUTHORIZATION

The SPEAKER pro tempore, Mr. MILLER of Florida, pursuant to House Resolution 169 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes.

Mr. YOUNG of Florida, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶71.24 RECORDED VOTE

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

At the end of title X (page 360, after line 8), insert the following new section:

SEC. . PROHIBITION OF PERFORMANCE OF MILITARY HONORS UPON DEATH OF PERSONS CONVICTED OF CAPITAL CRIMES.

(a) MILITARY FUNERALS.—The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, may not provide military honors at the funeral of a person who has been convicted of a crime under State or Federal law for which death is a possible punishment and for which the person was sentenced to death or life imprisonment without parole.

(b) APPLICABILITY OF SECTION.—This section applies without regard to any other provision of law relating to funeral or burial benefits.

It was decided in the { Yeas ..... 416  
affirmative ..... } Nays ..... 0

¶71.25 [Roll No. 225]  
AYES—416

Abercrombie	Costello	Graham
Ackerman	Coyne	Granger
Aderholt	Cramer	Green
Allen	Crane	Greenwood
Andrews	Crapo	Gutierrez
Archer	Cubin	Gutknecht
Armey	Cummings	Hall (OH)
Bachus	Cunningham	Hall (TX)
Baesler	Danner	Hamilton
Baker	Davis (FL)	Hansen
Baldacci	Davis (IL)	Harman
Ballenger	Davis (VA)	Hastert
Barcia	Deal	Hastings (FL)
Barr	DeFazio	Hastings (WA)
Barrett (NE)	DeGette	Hayworth
Bartlett	Delahunt	Hefley
Barton	DeLauro	Hefner
Bass	DeLay	Henger
Bateman	Dellums	Hill
Becerra	Deutsch	Hilleary
Bentsen	Diaz-Balart	Hilliard
Bereuter	Dickey	Hinchey
Berman	Dicks	Hinojosa
Berry	Dingell	Hobson
Bilbray	Dixon	Hoekstra
Bilirakis	Doggett	Holden
Bishop	Dooley	Hooley
Blagojevich	Doolittle	Horn
Bliley	Doyle	Hostettler
Blumenauer	Dreier	Houghton
Boehlert	Duncan	Hoyer
Boehner	Dunn	Hulshof
Bonilla	Edwards	Hunter
Bonior	Ehlers	Hutchinson
Bono	Ehrlich	Hyde
Borski	Emerson	Inglis
Boswell	Engel	Istook
Boucher	English	Jackson (IL)
Boyd	Ensign	Jackson-Lee
Brady	Etheridge	(TX)
Brown (CA)	Evans	Jefferson
Brown (FL)	Everett	Jenkins
Brown (OH)	Ewing	John
Bryant	Farr	Johnson (CT)
Bunning	Fattah	Johnson (WI)
Burr	Fawell	Johnson, E. B.
Burton	Fazio	Johnson, Sam
Buyer	Filner	Jones
Callahan	Flake	Kanjorski
Calvert	Foglietta	Kaptur
Camp	Foley	Kasich
Campbell	Forbes	Kelly
Canady	Ford	Kennedy (MA)
Cannon	Fowler	Kennedy (RI)
Capps	Fox	Kennelly
Cardin	Frank (MA)	Kildee
Carson	Franks (NJ)	Kim
Castle	Frelinghuysen	Kind (WI)
Chabot	Frost	King (NY)
Chambliss	Furse	Kingston
Chenoweth	Galleghy	Klecza
Christensen	Ganske	Klink
Clay	Gejdenson	Klug
Clayton	Gekas	Knollenberg
Clement	Gephardt	Kolbe
Clyburn	Gibbons	Kucinich
Coble	Gilchrest	LaFalce
Coburn	Gillmor	LaHood
Collins	Gilman	Lampson
Combust	Gonzalez	Lantos
Condit	Goode	Largent
Conyers	Goodlatte	Latham
Cook	Goodling	LaTourette
Cooksey	Goss	Lazio

Leach	Pappas	Skelton
Levin	Parker	Slaughter
Lewis (CA)	Pascrell	Smith (MI)
Lewis (GA)	Pastor	Smith (NJ)
Lewis (KY)	Paul	Smith (OR)
Linder	Paxon	Smith (TX)
Livingston	Payne	Smith, Adam
LoBiondo	Pease	Smith, Linda
Lofgren	Pelosi	Snowbarger
Lowe	Peterson (MN)	Snyder
Lucas	Peterson (PA)	Solomon
Luther	Petri	Souder
Maloney (CT)	Pickering	Spence
Manton	Pickett	Spratt
Manzullo	Pitts	Stabenow
Markey	Pombo	Stearns
Martinez	Pomeroy	Stenholm
Mascara	Porter	Stokes
Matsui	Portman	Strickland
McCarthy (MO)	Poshard	Stump
McCarthy (NY)	Price (NC)	Stupak
McCollum	Quinn	Sununu
McCrery	Radanovich	Talent
McDade	Rahall	Tanner
McDermott	Ramstad	Tauscher
McGovern	Rangel	Tauzin
McHale	Redmond	Taylor (MS)
McHugh	Regula	Taylor (NC)
McInnis	Reyes	Thomas
McIntyre	Riggs	Thompson
McKeon	Riley	Thornberry
McKinney	Rivers	Thune
McNulty	Rodriguez	Thurman
Meehan	Roemer	Tiahrt
Meek	Rogan	Tierney
Menendez	Rogers	Torres
Metcalf	Rohrabacher	Towns
Mica	Ros-Lehtinen	Traficant
Millender-	Rothman	Turner
McDonald	Roukema	Upton
Miller (CA)	Roybal-Allard	Velazquez
Miller (FL)	Royce	Vento
Minge	Rush	Visclosky
Mink	Ryun	Walsh
Moakley	Salmon	Wamp
Molinari	Sanchez	Waters
Moran (KS)	Sanders	Watkins
Moran (VA)	Sandlin	Watt (NC)
Morella	Sanford	Watts (OK)
Murtha	Sawyer	Waxman
Myrick	Saxton	Weldon (FL)
Neal	Scarborough	Weldon (PA)
Nethercutt	Schaffer, Bob	Weller
Neumann	Scott	Wexler
Ney	Sensenbrenner	Weygand
Northup	Serrano	White
Norwood	Sessions	Whitfield
Nussle	Shadegg	Wicker
Oberstar	Shaw	Wise
Obey	Shays	Wolf
Olver	Sherman	Woolsey
Ortiz	Shimkus	Wynn
Owens	Shuster	Young (AK)
Oxley	Sisisky	Young (FL)
Packard	Skaggs	
Pallone	Skeen	

NOT VOTING—18

Barrett (WI)	Lipinski	Sabo
Blunt	Maloney (NY)	Schaefer, Dan
Cox	McIntosh	Schiff
Eshoo	Mollohan	Schumer
Gordon	Nadler	Stark
Kilpatrick	Pryce (OH)	Yates

So the amendment was agreed to.

71.26 RECORDED VOTE

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

Strike out section 568 (page 192, line 9, through page 201, line 9) and insert in lieu thereof the following:

**SEC. 568. IMPROVEMENT OF MISSING PERSONS AUTHORITIES APPLICABLE TO DEPARTMENT OF DEFENSE.**

(a) APPLICABILITY TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following:

“(C) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

“(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

“(2)(A) Any other person who is a citizen of the United States and is described in subparagraph (B) who serves with or accompanies the armed forces in the field under orders and becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

“(B) A person described in this subparagraph is any of the following:

“(i) A civilian officer or employee of the Department of Defense.

“(ii) An employee of a contractor of the Department of Defense.

“(iii) An employee of a United States firm licensed by the United States under section 38 of the Arms Export Control Act (22 U.S.C. 2778) to perform duties under contract with a foreign government involving military training of the military forces of that government in accordance with policies of the Department of Defense.”; and

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

“(f) SECRETARY CONCERNED.—In this chapter, the term ‘Secretary concerned’ includes—

“(1) in the case of a person covered by clause (i) of subsection (c)(2)(B), the Secretary of the military department or head of the element of the Department of Defense employing the employee;

“(2) in the case of a person covered by clause (ii) of subsection (c)(2)(B), the Secretary of the military department or head of the element of the Department of Defense contracting with the contractor; and

“(3) in the case of a person covered by clause (iii) of subsection (c)(2)(B), the Secretary of Defense.”.

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out “one military officer” and inserting in lieu thereof “one individual described in paragraph (2)”;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) An individual referred to in paragraph (1) is the following:

“(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

“(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.”.

(3) Section 1504(d) of such title is amended—

(A) in paragraph (1), by striking out “who are” and all that follows in that paragraph and inserting in lieu thereof “as follows:

“(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

“(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

“(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of

annual pay payable for grade GS-13 of the General Schedule under section 5332 of title 5; and

“(ii) such members of the armed forces as the Secretary considers advisable.

“(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

“(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

“(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board’s inquiry to the number of civilians who are subjects of the board’s inquiry.”; and

(B) in paragraph (4), by striking out “section 1503(c)(3)” and inserting in lieu thereof “section 1503(c)(4)”.

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

“(1) The term ‘missing person’ means—

“(A) a member of the armed forces on active duty who is in a missing status; or

“(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders and who is in a missing status.

Such term includes an unaccounted for person described in section 1509(b) of this title, under the circumstances specified in the last sentence of section 1509(a) of this title.”.

(b) REPORT ON PRELIMINARY ASSESSMENT OF STATUS.—(1) Section 1502 of such title is amended—

(A) in subsection (a)(2)—

(i) by striking out “10 days” and inserting in lieu thereof “48 hours”; and

(ii) by striking out “Secretary concerned” and inserting in lieu thereof “theater component commander with jurisdiction over the missing person”;

(B) in subsection (a), as amended by subparagraph (A)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(ii) by inserting “(1)” after “COMMANDER.—”; and

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

“(2) However, if the commander determines that operational conditions resulting from hostile action or combat constitute an emergency that prevents timely reporting under paragraph (1)(B), the initial report should be made as soon as possible, but in no case later than ten days after the date on which the commander receives such information under paragraph (1).”;

(C) by redesignating subsection (b) as subsection (c);

(D) by inserting after subsection (a), as amended by subparagraphs (A) and (B), the following new subsection (b):

“(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person.”; and