

Subj: NARE

24 May 1988
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MEMORANDUM FOR: NIO/N
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AGC/DO
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FROM: Legislation Division
Office of Congressional Affairs

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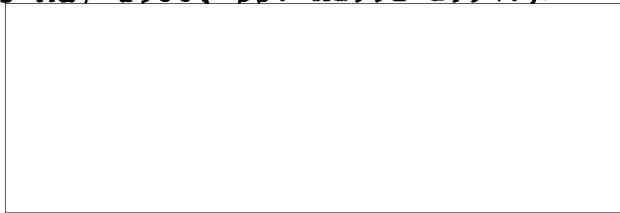
SUBJECTL Increased DoD Role in Drug Interdiction

1. On Thursday, May 12, 1988, during floor consideration of S. 2355 (the Department of Defense (DoD) authorization bill for fiscal year 1989) the Senate adopted an amendment which would increase DoD's role in the interdiction of drugs coming into the United States. A copy of the amendment as adopted is attached for your information.

2. You will note it requires the President to designate a "lead agency" which, the Senate recommends, be DoD. You will also note it requires the President to submit within thirty days of the enactment of the legislation a plan on how resources, including intelligence resources, will be deployed.

3. The Senate continues floor consideration of the bill with final passage expected in the very near future. The House version of this legislation, H.R. 4264, passed the House on 11 May 1988 and contained a similar provision. (See attached Congressional Record, dated 5 May 1988, pp. H2992-2994.)

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Attachments

S 5752

CONGRESSIONAL RECORD — SENATE

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Mr. DOLE. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2069

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON], for himself, Mr. NUNN, Mr. WARNER, Mr. DeCONCINI, Mr. D'AMATO, Mr. GRAHAM, Mr. THURMOND, Mr. CHILES, Mr. DOLE, Mr. SASSER, Mr. BOSCHWITZ, Mr. DIXON, Mr. BENTSEN, Mr. TRIBLE, Mr. DURENBERGER, Mr. GRAND, Mr. GORE, and Mr. WIRTH proposes an amendment numbered 2069.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 171, between lines 2 and 3, insert the following new sections:

SEC. 931. DRUG ENFORCEMENT ASSISTANCE

(a) FINDINGS.—The Congress finds that—
(1) the transport of weapons, drugs, and other contraband, as well as terrorists, across the borders of the United States constitutes a threat to the national security;

(2) a mission of the armed forces of the United States will be to assist Federal law enforcement agencies responsible for the interdiction of illicit drugs entering the United States by an aircraft or vessel;

(3) the additional resources and funds necessary to carry out this section should be made available to the Department of Defense; and

(4) activities under this section by members of the armed forces should be carried out to the maximum extent practicable in consultation and cooperation with appropriate law enforcement agencies.

(b) GUIDELINES TO THE MILITARY DEPARTMENTS.—Section 113 of title 10, United States Code, is amended by adding at the end of the following new subsection:

“(k) The Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall provide annually to the Secretaries of the military departments and to the Commanders of the Combatant Commands written guidelines to direct the effective detection and monitoring by the Army, Navy, Air Force, and Marine Corps of all potential aerial and maritime threats to the national security of the United States. Such guidelines shall include guidance on the specific force levels and specific supporting resources to be made available for the period of time for which such guidelines are to be effective.”

(c) LEAD AGENCY FOR DETECTION.—(1) Not later than 30 days after the date of enactment of this Act, the President shall designate a single lead agency for detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

(2) It is the sense of the Congress that the Department of Defense has unique capabilities, experience, equipment, and trained personnel and has contributed to the detection and monitoring of aerial and maritime transit of illegal drugs into the United States, and the President shall give priority consideration to these factors in making the designation required by paragraph (1).

(d) COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE NETWORK.—(1) Not later than 90 days after the date of enactment of this Act, the President shall report to Congress his plan for integration by the Department of Defense of command, control, communications, and intelligence assets of the United States dedicated to the interdiction of illegal drugs.

(2) Not later than 120 days after submission of the report required by paragraph (1), the President shall report to Congress his plan for assignment of the responsibility for operating the command, control, communications, and intelligence network described in paragraph (1).

(e) AIRBORNE RADAR COVERAGE.—As soon as practicable after the date of enactment of this Act, the President shall deploy radar surveillance aircraft in sufficient numbers to provide an appropriate increase in the flying hours dedicated to drug interdiction. An appropriate increase of flying hours shall be dedicated to assistance to civilian agencies responsible for drug interdiction. An appropriate increase of flying hours shall be dedicated to such assistance along the Southwest border of the United States until such time as the aerostat radar surveillance systems that, as of the date of enactment of this Act, are planned for installation along such borders, are fully operational.

(f) LOAN OF PURSUIT AIRCRAFT.—The Department of Defense shall make available to the Coast Guard and Customs Service rotor wing and fixed wing aircraft of the armed forces to be used by such agencies in the pursuit of aircraft or vessels involved in illegal drug operations.

(g) DRUG INTERDICTION ASSISTANCE.—(1) Section 374(c)(2) of title 10, United States Code, is amended by inserting at the end thereof the following new subparagraph:

“(C) Equipment operated by or with the assistance of personnel of the Department of Defense for the purpose of monitoring and communicating the movement of air and sea traffic (including equipment operated by or with the assistance of personnel assigned under subsection (a)) may be used to intercept vessels and aircraft for the purpose of identifying and communicating with such vessels and aircraft and directing such vessels and aircraft to a location designated by appropriate civilian drug enforcement officials.”

(2) Section 374(c)(1) of title 10, United States Code, is amended by—

(1) striking out “In an emergency circumstance, equipment” and inserting in lieu thereof “Equipment”; and

(2) striking out “determine an emergency circumstance exists” and inserting in lieu thereof “approve such assistance”.

(3) Section 379 of title 10, United States Code, is amended by inserting the following new subsections at the end thereof:

“(e) Under regulations jointly prescribed by the Secretary of Defense and the Secretary of Transportation in consultation with the Attorney General, members of the armed forces who—

“(1) are assigned to duty on vessels of the Navy to which a member of the Coast Guard has been assigned under this section.

“(2) have been provided with appropriate training in the law enforcement functions of the Coast Guard, and

“(3) have been designated by an authorized member of the Coast Guard to perform the law enforcement functions of the Coast Guard

may, outside the United States, assist or perform any of the law enforcement functions of the Coast Guard under section 89 of title 14, United States Code.

“(f) Upon motion by the Attorney General or his designee, any civil action, claim, or proceeding brought against any member of the armed forces arising from such member's performance of duties under this chapter shall be deemed an action exclusively against the United States and the United States shall be substituted as a party defendant. The United States shall be entitled to all defenses otherwise available to an employee of the United States under state or Federal law as well as defenses to which the United States is independently entitled.”

(h) ENHANCED DRUG INTERDICTION AND ENFORCEMENT ROLE FOR THE NATIONAL GUARD.—

(1) PREAMBLE.—Congress having made a finding that “the transport of weapons, drugs, and other contraband, as well as terrorists, across the borders of the United States constitutes a threat to the national security,” the Secretary of Defense is directed to urge the Governors of the several states to provide plans for participation by the National Guard in performing the objectives of this law.

(2) IN GENERAL.—(A) The Secretary of Defense may provide to the Governor of a State who submits a plan to the Secretary under paragraph (B) sufficient funds for the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of such State used for the purpose of drug interdiction and enforcement operations and for the operation and maintenance of the equipment and facilities of the National Guard of such State used for such purposes.

(B) The Secretary may provide funds under paragraph (A) to the Governor of a State who submits a plan to the Secretary specifying how personnel of the National Guard of such State are to be used in drug enforcement and interdiction operation by a National Guard of a State unless—

(i) such operations are conducted at a time when personnel of the National Guard of the State are not in Federal service; and

(ii) participation by a National Guard personnel in such operations is service in addition to annual training required under section 502 of title 32, United States Code.

(C) Before funds are provided to the Governor of any State under this section, the Secretary of Defense shall consult with the Attorney General of the United States regarding the adequacy of the plan submitted by the Governor to the Secretary.

(3) SOURCE OF FUNDS.—(A) Of the amounts appropriated pursuant to section 301(a), up to \$30,000,000 shall be available for the purposes specified in paragraph (1).

(B) Of the amounts appropriated for National Guard Personnel, Army, and National Guard Personnel, Air Force, for fiscal year up to \$30,000,000 shall be available for the purposes specified in paragraph (1).

(4) REPORT.—(A) Not later than 90 days after the date of enactment of this Act, the President shall submit to Congress a report on the potential effectiveness of using members of the National Guard and the Reserves for drug interdiction efforts, consistent with applicable law, along the borders and at the points of entry of the United States.

(B) The report described in paragraph (A) shall include consideration of the potential for the long-term use of National Guard units of Arizona, Texas, California, Oklahoma, New Mexico, Tennessee, South Carolina, Florida, Virginia, New York, Georgia, and other states as appropriate, to perform drug interdiction operations, consistent with applicable law, coordinated by the Chief, National Guard Bureau, the Director of Operation Alliance Joint Command Group, and the Command, Communications, Control,

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and Intelligence Centers at March Air Force Base, California and Richmond Heights, Florida.

(1) **RULE OF CONSTRUCTION.**—Nothing in this section or in the amendments made by this section shall be construed to limit the authority of the executive branch in the use of Department of Defense personnel or equipment for law enforcement purposes otherwise authorized by law.

(J) **REPORT BY THE PRESIDENT.**—Not later than September 1, 1988, the President shall submit a report to Congress containing legislative proposals, including budgetary requests, to enhance the capability of the Department of Defense to perform the functions described in this section.

Mr. WILSON. Mr. President, I rise to urge adoption of the amendment which I offer on behalf of myself and Senators NUNN, WARNER, DECONCINI, D'AMATO, GRAHAM, THURMOND, CHILES, DOLE, SASSER, BOSCHWITZ, DIXON, BENTSEN, TRIBLE, DURENBERGER, and GRAMM.

Mr. President, let me begin by giving credit where it is due to those who have participated in a strenuous and extensive negotiation not only with each other but with officials of the Department of Defense and the Department of Justice. We are offering today legislation that gives the promise not of ending the tragedy of drugs in America but one that can make a very significant improvement in our ability to combat that problem.

I fully expect that later in this session as part of a comprehensive effort by the Congress we will submit legislation dealing with the necessity of curtailing demand.

But let me just say, Mr. President, that it is simplistic and misses a significant point to simply announce that were there not the demand, not the market for drugs in America, there would be no problem.

There is necessarily a very definite and a tragic relationship between the flood of drugs that is available in this Nation and the increasing addiction, because that flood of drugs not only feeds an appetite, but it is used to create a market. Unhappily, tragically, the market for these drugs are the most vulnerable in our society—the youngest, the poorest, the most susceptible. And they are found not just in the inner city or in the suburbs, but also in rural areas. They are found in virtually every economic stratum of our society. The one distinguishing characteristic they have is that they are young.

I will tell you that I am not terribly—I am saddened—but not terribly eager to spend time on someone who is 40 years old who has decided that he is going to do something dangerous with his health. I am concerned about children—9, 10, 11 year old children.

What we are saying, Mr. President, is that local law enforcement in this Nation is overwhelmed. There is a reason that street cops and policy chiefs and sheriffs are the ones urging that we do something to curtail demand by education, by prevention, by treatment and rehabilitation. It is

because they are in the business of interdicting the supply, trying to stop it from ever reaching the market—the market that exists on school grounds and play grounds.

Mr. President, in order to make their job far less dangerous, far less challenging, and far less expensive to the taxpayer, we are bound and determined to do what we can to interdict the supply of drugs beyond the borders of the United States. Why? For the very simple reason that for every dollar that we expend on interdiction of supply beyond the borders of the United States, we have better than doubled the return for that same dollar invested in local law enforcement efforts which, Mr. President, is no pejorative commentary on the local law enforcement. To the contrary, it is, rather, a commentary on the overwhelming odds that are faced by police departments and sheriff departments all across this land once they are compelled to deal with this tragedy at retail.

What we are attempting to do here is to deploy the assets of the military, very considerable assets, in particular having to do with a capability for surveillance, for detection, for tracking of maritime vessels and aircraft by which the great majority of drug smuggling into the United States is accomplished. And it is for that reason that this amendment is before us.

The amendment contains findings by the Congress, specifically that the transport of drugs and contraband is, in fact, a menace to national security. It is a serious threat, Mr. President.

The chairman of the Armed Services Committee and the cosponsor of this amendment spends a great deal of time, as do I and some of the others on this floor, worrying about other risks to national security. But to use the eloquent phrase that he employed the other day, we are dealing with nothing less than chemical warfare against the youth of this Nation, against the future leadership of America.

So it is appropriate that Congress find that the drug traffic constitutes a threat to national security and that a mission of the Armed Forces of the United States shall be to assist Federal law enforcement agencies responsible for the interdiction of those drugs entering the United States by aircraft or vessel.

This will provide guidelines to the military departments. It will require that the President submit to the Congress a plan that will best integrate and employ the military and civilian assets at our command. It expresses the sense of the Senate that the Department of Defense has unique capabilities, experience and equipment to participate in the kind of detection that is necessary if we are to stop drugs before they gain entrance to our Nation, stop them beyond our borders.

It looks to the expertise which the military holds by virtue of their experience and equipment in command

control and communications. It provides for airborne radar coverage, particularly of the southwestern border, until such time as aerostats can be employed and put in place there because of the special vulnerability of that very porous, very mountainous stretch of terrain.

It requires that the military loan adequate rotor and fixed wing aircraft to engage in the pursuit and surveillance of suspected aerial smugglers. It permits the use of military personnel who have been cross-sworn by the Coast Guard to have the same law enforcement abilities beyond the borders of the United States—not within, but beyond—as may be necessary in order to assist the Coast Guard and other law enforcement activities primarily employed in the interdiction of drugs from achieving their mission.

Mr. President, there was great debate as to whether or not we should involve the military. We have had that debate before. Indeed, there are some converts to the cause. At one time some time ago, I thought it inappropriate that the military be involved, that we should, rather simply, give greater assets to the civilian law enforcement agencies charged with that primary responsibility.

Mr. President, what has happened in the interval is that the drug traffic into the United States has reached floodtide. The problem has reached crisis proportions and it is necessary for us to deal with it in a timely fashion. We cannot ignore it. We cannot ignore the availability of the assets at our command.

So let me simply give to the chairman of the Armed Services Committee my sincere thanks for his cooperation, and to Senator DECONCINI, Senator D'AMATO, and Senator GRAHAM, who were central to these negotiations, who worked long and hard hours to convince the Department of Defense.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILSON. I ask unanimous consent that my time be extended by 2 minutes.

Mr. DOLE. I cannot do that. We have nine Senators, trying to divide 22 minutes between them.

Mr. WILSON. Very well. I will be compelled to shorten my thanks to the distinguished Senators who participated in this. I simply ask that their hard work be rewarded, as it should be, and more importantly, America's youth be protected by an "aye" vote.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. How much time remains?

The PRESIDING OFFICER. There are 21 minutes remaining.

Mr. DOLE. The Senator from California took 9 minutes. We are going to have a real problem here.

I yield 5 minutes to the Senator from New York, hoping he will not use it all.

SUBJECT: Increased DoD Role in Drug Interdiction

OCA/LEG/ [redacted] (24 May 1988)

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the Committee of the Whole now is whether or not this amendment to the amendment is germane. The Chair is prepared to rule.

Does the gentleman from California (Mr. BADHAM) desire to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. BADHAM. No, Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BADHAM. Mr. Chairman, my parliamentary inquiry is that allusion was made to the fact that we had a deadline for submitting amendments. Is it not true that there was no deadline for submitting amendments?

The CHAIRMAN pro tempore. That would be a question the gentleman would have to ask the Rules Committee.

Mr. BADHAM. I tried, Mr. Chairman, Lord knows I tried.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Chair is not prepared to rule on that question.

The Chair is prepared to rule on the point of order.

The Chair has examined both the amendment to the amendment and the amendment itself, and as the gentleman from Wisconsin (Mr. ASPIN) very clearly points out, the amendment to the amendment now pending on which a point of order has been raised is very clearly beyond the scope of the original amendment. Therefore, the Chair sustains the point of order.

For what purpose does the gentleman from Alabama (Mr. DICKINSON) rise?

AMENDMENT OFFERED BY MR. DICKINSON TO THE AMENDMENT OFFERED BY MR. ASPIN

Mr. DICKINSON. Mr. Chairman, I offer an amendment to the amendment.

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

Mr. ASPIN. Mr. Chairman, I reserve a point of order against the amendment until we have a chance to see it.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves a point of order on the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON to the amendment offered by Mr. ASPIN: At the end of the amendment, add the following new section:

SEC. 1042. USE OF ARMED FORCES FOR INTERDICTION OF ARMED NARCOTICS AT UNITED STATES BORDERS.

(a) GENERAL REQUIREMENT.—

(1) AUTHORITY TO LOCATE, PURSUE, AND SEIZE AIRCRAFT AND VESSELS.—Within 30 days after the date of the enactment of this Act, the President shall deploy equipment and personnel of the Armed Forces sufficient to halt the unlawful penetration of United States borders by aircraft and vessels carrying narcotics. Such equipment and personnel shall be used to locate, pursue, and seize such vessels and aircraft and to arrest their crews. Military personnel may not make arrests of crew members of any such aircraft or vessels after the crew members have departed the aircraft or vessels, unless the military personnel are in hot pursuit.

(2) RADAR COVERAGE.—As soon as practicable after the date of the enactment of this Act, the President shall deploy radar aircraft in sufficient numbers so that during the hours of darkness there is continuous aerial radar coverage of the southern border of the United States.

(3) PURSUIT AIRCRAFT.—The President also shall deploy sufficient numbers of rotor wing and fixed wing aircraft to pursue and seize intruding aircraft detected by the radar aircraft referred to in paragraph (2). The President shall use personnel and equipment of the United States Customs Service and the Coast Guard to assist in carrying out this paragraph.

(4) USE OF NATIONAL GUARD AND RESERVES.—In carrying out this Act, the President shall use members of the National Guard and the Reserves. The tours of such members shall correspond to their training commitments and shall be considered to be within their mission. The President shall withhold Federal funding from any National Guard unit whose State commander does not cooperate with the drug interdiction program required by this Act.

(5) EXPENSES.—The expenses of carrying out this Act shall be borne by the Department of Defense.

(b) 45-DAY DEADLINE.—The Secretary of Defense shall substantially halt the unlawful penetration of United States borders by aircraft and vessels carrying narcotics within 45 days after the date of the enactment of this Act.

(c) REPORT.—As soon as practicable after the date of the enactment of this Act, the President shall report to Congress the following:

(1) The effect on military readiness of the drug interdiction program required by this Act and the costs in the areas of procurement, operation and maintenance, and personnel which are necessary to restore readiness to the level existing before commencement of such program.

(2) The number of aircraft, vessels, and persons interdicted during the operation of the drug interdiction program and the number of arrest and convictions resulting from such program.

(3) Recommendations for any changes in existing law that may be necessary to more efficiently carry out this program.

(d) REQUEST FOR FUNDING.—Within 90 days after the date of the enactment of this Act, the President shall submit to Congress a request for—

(1) the amount of funds spent as a result of the drug interdiction program required by this Act; and

(2) the amount of funds needed to continue operation of the program through fiscal years 1988 and 1989.

Such request shall include amounts necessary to restore the readiness of the Armed Forces to the level existing before commencement of the program.

(e) BUDGET REQUESTS.—The President shall submit in his budget for fiscal year 1990 for the Department of Defense a request for funds for the drug interdiction program required by this Act in the form of a separate budget function.

(f) This section shall expire on September 30, 1989.

On page 1, line 6, strike "\$90,000,000" and insert "\$125,000,000", and strike "two" and insert "three".

On page 1, line 12, strike "\$42,000,000" and insert "\$70,000,000", and strike "six" and insert "ten".

On page 1, line 15, strike \$8,000,000 and insert \$25,000,000.

On page 1, after line 16, insert the following:

(4) The amount provided in section 102(d) for Navy other procurement is hereby increased by \$45,000,000 for procurement of two aerostat radar surveillance systems. On page 2, strike lines 21-24.

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Mr. DICKINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Alabama?

Mr. ECKART. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The Clerk will read.

The Clerk completed reading the amendment to the amendment.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. ASPIN) insist on his point of order or reserve his point of order?

Mr. ASPIN. Mr. Chairman, we are still looking at it to see whether it is germane.

We still want to reserve the point of order.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. ASPIN) reserves his point of order.

The gentleman from Alabama (Mr. DICKINSON) is recognized for 5 minutes.

Mr. DICKINSON. Mr. Chairman, in support of the amendment and in opposition to the point of order that was made on the initial amendment that it was permanent law and it exceeded the 1 year of the bill, this amendment simply changes the time, so that instead of being permanent law it conforms to the objection previously raised. The amendment covers only 1 year, the life of this bill. We have done our best to conform it to meet the objection previously raised.

For that reason we think that it is in order on the points of objection raised before and we would urge the acceptance of the amendment.

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

The CHAIRMAN pro tempore. Does any Member desire to rise in opposition to the pending amendment to the amendment?

Does the gentleman from Wisconsin (Mr. ASPIN) rise in opposition to the amendment?

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

Mr. Chairman, I yield to the gentleman from Ohio (Mr. ECKART).

Mr. ECKART. I thank the gentleman for yielding.

Mr. Chairman, on the gentleman's reservation of the point of order, I would like to draw to the attention of the Chair two matters. One is the language relative to posse comitatus. That is a matter which is not within the exclusive jurisdiction of the Committee on Armed Services. It belongs

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in a manner of reference to the Committee on the Judiciary and therefore is not within the course or scope of the gentleman's original amendment, which simply increases an authorization and changes a number relevant to procurements for services and materiel for the Department of the Navy.

Second, I would point out there is an additional section in the amendment which deals with the discretionary authority that a commander may have with the peculiar level of activities of the National Guard, reverting that authority back to the Federal Government. Clearly that is a matter that is beyond the scope and course of the gentleman from Wisconsin's original amendment.

Therefore, although the intention clearly by the offerers is clear in what they seek, I believe that the gentleman from Alabama's efforts are peculiarly beyond the course and scope of the amendment originally offered by the gentleman from Wisconsin and that the point of order that the gentleman will assert should in fact be upheld by the Chair.

Mr. ASPIN. Mr. Chairman, let me just point out that the problem that we are having with the germaneness here is the exact problem that we have with trying to deal with this issue on this bill. We could possibly at the end of the day here end up with an amendment that is germane to this bill. We will raise other points of order, the gentleman will correct it; we will go back and try it again; and so forth.

Eventually we may end up with an amendment which is germane to this bill at this time, but it is not a comprehensive approach to the drug problem and it is going to knock out some of the provisions that the gentleman from California [Mr. HERRER] had in his amendment. We are not going to be able to deal with the Hunter amendment in this bill, the Hunter-Robinson amendment in this bill because in order to get the thing germane to this bill we are going to have to alter it in such a way that we are going to end up not doing what the gentleman from California or the gentleman from Arkansas would want to do.

We are still having a look at the problem and see whether in fact we can make it an amendment that is germane. But it seems to me we are trying to force something in here which should not be forced because we are going to end up doing something that does not make any sense and we are not going to be able to deal with it in a comprehensive way.

The gentleman from Alabama knows that his colleague from Alabama, the chairman of the investigating subcommittee, and the people on the investigating subcommittee, the chairman and I are all committed to a thorough examination of this issue of the use of the military in the drug interdiction problem. It is a complicated issue and

a very, very important issue and something that should not be dealt with by trying to force an amendment. We are going to have to strike several other parts of it, I would guess, in order to make it germane. We are going to end up with something that is not going to do the job and we are going to have to do it in the regular order anyway.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield to me?

Mr. ASPIN. I yield to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I understand what the gentleman is saying. It was not my intent or desire to prolong discussion on the bill. Let me just say in response to the points that the gentleman raised, however, that I recognize there will be a separate drug bill on which there will be an opportunity to deal with all of these matters. This amendment would not have come up if the chairman had not agreed with the gentleman from Oregon [Mr. AuCOIN] to take a certain amount of the SDI money and plug it into the add-back package for drug interdiction.

If that had not been in order, this amendment would not have come up.

So for that reason the gentleman from Illinois and the gentleman from California thought "well, if that is going to be made in order we think our amendment should be made in order." I am sorry it came up, too. I would rather it had been dealt with in the ordinary course of business. But since it was not, since the other drug interdiction money was injected, the gentleman from Illinois and the gentleman from California and the gentleman from Arkansas felt it was only fair that their amendment be considered.

Mr. ASPIN. Let me reclaim my time and let me respond to the gentleman from Alabama that what we were dealing with in this bill and what we dealt with in the add-back amendments was money allocated for certain kinds of pieces of equipment. And in our add-back package we had 350 million dollars' worth of equipment that could be used for drug interdiction. The gentleman from Alabama, when we came on the floor this morning, had an amendment that would add another \$125 million.

The gentleman from Alabama's amendment was certainly consistent and within the purview of this committee; it was consistent with the amendment, it was clearly a germane amendment and we clearly would have had a chance to have the gentleman from Alabama's amendment.

What the gentleman from California has is an amendment that goes beyond the issue of funding ships and planes and goes into the issue of other parts of the drug-fighting problem, of who is to make arrests, what the policy is going to be and that is what makes this germaneness problem.

Mr. DICKINSON. I understand.

Mr. Chairman, I just thought I might mention that the other amendment triggered this amendment.

If the point of order is sustained, it would be my intent to offer the dollar-only amendment to which the chairman just alluded.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. ASPIN] has expired. Does the gentleman from Alabama [Mr. DICKINSON] move to strike the last word?

Mr. DICKINSON. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, we have made copies of the amended add-back package available to the chairman of the committee and he indicated initially that he had no objection to it. I hope that would be the case, in the event the point of order is sustained to the amendment now pending, so that we could get on with the balance of the bill.

Mr. ASPIN. Mr. Chairman, would the gentleman yield?

Mr. DICKINSON. I yield to the chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, let me propose in the interest of not spending the entire day on this issue, let me propose that the problem is that the language of this amendment in several places goes beyond the scope of the bill as defined, as we have it.

I would propose at this point that I drop my point of order on the amendment, we will accept the amendment and do the best we can with it in conference and we will deal with the issue when we would, I would think, better deal with it in the drug bill coming up later.

Mr. DICKINSON. Let me say to the chairman I appreciate it. I think that is a fair deal and we should do it.

Mr. ASPIN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN pro tempore. The point of order is withdrawn.

The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON] to the amendment offered by the gentleman from Wisconsin [Mr. ASPIN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 385, noes 23, not voting 23, as follows:

[Roll No. 105]

AYES—385

Ackerman	Archer	Barnard
Akaka	Army	Bartlett
Alexander	Aspin	Barton
Anderson	Atkins	Bateman
Andrews	AuCoin	Bates
Annuozio	Badham	Bennett
Anthony	Baker	Bevel
Applegate	Ballew	Brown

H 2994

CONGRESSIONAL RECORD — HOUSE

May 5, 1988

Berman
Bevill
Billakis
Billey
Boehlert
Boggs
Boland
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dorman (CA)
Dowdy
Downey
Dreier
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Florja
Foglietta
Ford (MI)
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdensot

Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiller
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolfer
Konnyu
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lukens, Thomas
Lukens, Donald
Lungren
MacKay
Madigan
Manton
Marlenee
Martin (IL)

Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nielsen
Nowak
Oaker
Obey
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Reul
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Ross
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Rums
Sahli
Sawyer
Saxton
Schaefer
Schauer
Schneider
Schroeder
Schubert
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisk

Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snow
Solarz
Solomon
Spence
Spratt
St Germain

Bellenson
Bonior
Conyers
Dellums
Dymally
Edwards (CA)
Frank
Lehman (FL)

NOES—23

Lowry (WA)
Markey
Mineta
Morrison (CT)
Oberstar
Pease
Roybal
Sabo

Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wyllie
Yatron
Young (AK)
Young (FL)

NOES—23

Savage
Stark
Studds
Swift
Vento
Wells
Williams

NOT VOTING—23

Biaggi
Billbray
Boulter
Crockett
Daub
Dingell
Duncan
Flake

□ 1144

Messrs. FRANK, SWIFT, DYMALLY, SAVAGE, and VENTO changed their votes from "aye" to "no."

Messrs. VOLKMER, LAGOMARSINO, MURPHY, TOWNS, and PETRI changed their votes from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. (Mr. GRAY of Illinois). Does the gentleman from Wisconsin [Mr. ASPIN] desire to debate his amendment?

Mr. ASPIN. No, Mr. Chairman. I yield back the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Alabama [Mr. DICKINSON] desire to debate the amendment, as amended?

Mr. DICKINSON. No, Mr. Chairman. I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. It is now in order to debate the subject matter of ballistic missiles.

Pursuant to the House Resolution 436, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 45 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 6 minutes to the gentleman from Washington [Mr. DICKS].

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

Mr. DICKS. Mr. Chairman, for the last decade there has been no more divisive issue before this House than ICBM modernization. Believe me, I know.

Once again, we are debating how and whether we should proceed to make our missiles mobile, in order to reduce their vulnerability. I am convinced there is real value in this effort, especially with the prospect of a 50-percent reduction in strategic forces.

If we are not careful, we could wind up with a situation where the temptation to strike first in a crisis is increased, rather than reduced after a START agreement. This would come to pass if both sides choose to retain vulnerable, and highly MIRV'd systems while foregoing highly survivable single-warhead, mobile missiles. Of course the worst of all worlds would be if the Soviets were smart enough to deploy only small mobile and we were not.

That is why I continue to be a strong proponent of the small ICBM. Jeffery Record, a long-time, and conservative, military analyst noted in a recent article in the Los Angeles Times:

Given the prospects for a 50 percent cut in strategic nuclear weapons, the rationale for Midgetman is greater today than when first recommended by the Scowcroft Commission. Deployment of, say, 250 to 500 single-warhead Midgetman would also distribute remaining land-based ICBM warheads over a much larger number of launchers. This inflation of "aim points" would make it virtually impossible for the Soviets to "clean out" the entire U.S. land-based ICBM force in a single stroke.

The single-warhead small ICBM restores survivability to the land-based leg because it is highly mobile and with only one warhead it is not an inviting target. MX rail mobile is slow, vulnerable and with 10 warheads a highly lucrative target.

General Scowcroft reaffirmed his Commission's position in a December 9, 1987, letter to Chairman Nunn when he stated,

We would stress, once again, that it is vital for the Nation's security that "we have underway a program for long-term ICBM survivability to hedge against long-term vulnerability of our forces. While there are several possible approaches to the fulfillment of this compelling need, the small mobile ICBM is currently the most promising. In that respect, the rail garrison basing for the MX, while possessing attractive features, is not a substitute for the small mobile ICBM, in as much as it requires significant warning time to achieve survivability.

This last point is the crux of the debate. Rail garrison gets you absolutely nothing for protection against the so-called bolt out of the blue attack. In fact by being vulnerable to such an attack, but providing some