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Mr. CLYBURN, Mrs. CAPPS, and Messrs. LIPINSKI, DEUTSCH, OBEY and OLVER changed their vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. On the pending Goode of Virginia amendment No. 8, the gentleman from Virginia (Mr. GOODE) has 2½ minutes remaining, and the gentleman from Texas (Mr. ORTIZ) has 4½ minutes remaining.

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

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

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia. And while I share my colleague's goal of promoting national security by ensuring the safety of our borders, I am convinced that the unintended consequences of this amendment would cause it to do more harm than good.

Mr. Chairman, in the wake of September 11, it is more essential than ever that we provide the tools necessary for our military to defend this country. Yet this amendment would give the men and women of the armed services the mandate of acting not only as soldiers but as policemen, customs agents, and border patrol officers.

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Mr. Chairman, the amendment requires that before any troops be allowed to serve on the border they must undergo a law enforcement training program. This would require valuable time and money that could be spent training our troops to do the job they signed up to do, rather than to be police officers and customs agents. If we want to provide more security at the border, we should provide more resources to the INS and Customs Service, not ask military to duplicate the work that existing agents are performing.

Mr. Chairman, the President already has the power should he need it, but this amendment is counterproductive to the goals of this legislation. Let us not stretch them thinner by asking them to not only do their jobs, but the jobs of others as well.

While I share my colleague's goal of promoting national Security by ensuring the safety of our borders, I am convinced that the unintended consequences of this amendment would cause it to do more harm than good.

Mr. Chairman, in the wake of September 11, it is more essential than ever that we provide the tools necessary for our military to defend this country. In a world of limited resources, this means giving our military a clear and specific mandate that will allow it to most efficiently use the resources we give it. Yet this amendment would give the men and women of the armed services the mandate of acting not only as soldiers, but as policemen, customs agents, and border patrol officers. This is

an unreasonable burden to place upon our troops at a time when we need them to be prepared to join the war against terror at a moment's notice.

I believe that this amendment would be extraordinarily expensive and counter-productive. The amendment requires that before any troops be allowed to serve on the border, they must undergo a law enforcement training program. This would require valuable time and money that could be spent training our troops to do the job they signed up to do, rather than to be police officers and customs agents.

Furthermore, even after they are trained, the amendment would require that all members of the military working on the border be accompanied by a civilian law enforcement officer at all times. This creates an enormously duplicative yet costly role for troops that we desperately need elsewhere. If we want to provide more security at the border, we should provide more resources to the INS and customs Service, not ask our military to duplicate the work that existing agents are performing.

Mr. Chairman, the President already has this power should he need it. But this amendment is counter-productive to the goals of this legislation. I have heard many Members in this Chamber today claim that our military has been over-burdened and under-funded in the past. Let's not stretch them even thinner by asking them to not only do their jobs, but others' jobs as well.

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

Mr. Chairman, we adopted this amendment last year. After September 11, the times demand that we adopt it even more this year.

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

Mr. ORTIZ. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. BECERRA) to close on this amendment.

Mr. BECERRA. Mr. Chairman, let me begin by first acknowledging the work of the gentleman from Virginia (Mr. GOODE) for his efforts to recognize the true national security interests that we have and the domestic security interests that I believe the gentleman is trying to raise through this amendment.

But, Mr. Chairman, the President did not request this amendment. The Department of Defense did not request this amendment. The Department of Justice, which houses the Immigration and Naturalization Service and the Border Patrol, did not request this amendment. The Department of the Treasury, which houses our Customs Service, did not request this amendment. The governors and the States that control our National Guard did not request this amendment. So why are we doing this amendment?

This is the House of Representatives. This is not the war room or the White House situation room. We should let those who know best how to deploy our military services, our men and women in uniform, to make those decisions. We are not day to day the best judges of how to deploy our troops, but that is what this amendment goes to.

Let us remember something here. If we have civilian law enforcement work

and oversight and deployment that must take place, we have civilian law enforcement to do that work, our Border Patrol, our Customs agents, our National Guard. They should be doing that work along the border. Right now the President has the authority if there is an emergency to deploy our troops. But why clutter the law with something that does nothing to make it clear how we best use our troops.

In fact, this undermines our security. It undermines our readiness because it takes troops from their units where they are best deployed by the minds of the generals in our services and places them, based on the minds of people who sit here today, along our borders. That is not the way to conduct military operations.

I am not in the military, but I can tell Members something, I know I do not know as well as our generals where to put our troops. I will put my faith and confidence in our generals. Members should do the same.

This amendment, while perhaps well-intentioned, does nothing except cost us more money and undermine our readiness, and for that reason it should not be approved.

I respect the gentleman from Virginia (Mr. GOODE), I think he is well-intentioned, but I do not believe that this goes where we wish to go. If Members do not believe that, just look at our past history. The one time when we recently deployed our troops along the border, what was the reminder, what was the relic of that brief deployment, the death of a U.S. citizen, an 18-year-old by the name of Ezequiel Hernandez, who was herding his sheep and was killed by our own Army personnel by mistake. Let us not make the mistake again.

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

Mr. Chairman, we do not know what terrorist event in the future may demand the need for the Secretary of Defense to have this authority. This is not a mandatory bill, this is just simply giving that authority where it is needed.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODE).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. GOODE) will be postponed.

It is now in order to consider amendment No. 9 printed in Part A of House Report 107-450.

PART A AMENDMENT NO. 9 OFFERED BY MR.

PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 9 offered by Mr. PAUL:

At the end of title X (page 218, after line 15), insert the following new section:

SEC. 10. SENSE OF CONGRESS ON PROHIBITION OF USE OF FUNDS FOR INTERNATIONAL CRIMINAL COURT.

It is the sense of Congress that none of the funds appropriated pursuant to authorizations of appropriations in this Act should be used for any assistance to, or to cooperate with or to provide any support for, the International Criminal Court.

The CHAIRMAN. Pursuant to House Resolution 415, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

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

Mr. Chairman, first I would like to thank the cosponsors of this amendment, the gentleman from Georgia (Mr. BARR), the gentleman from Utah (Mr. CANNON), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Virginia (Mr. GOODE), the gentleman from Texas (Mr. SESSIONS), the gentleman from Tennessee (Mr. WAMP), and the gentleman from Florida (Mr. WELDON).

This amendment is not complex at all. It is a sense of Congress resolution as put in the bill. It says, "It is the sense of Congress that none of the funds appropriated pursuant to authorizations of appropriations in this Act should be used for any assistance to, or to cooperate with or to provide any support for the International Criminal Court."

This amendment is to urge the President not to use any funds for the International Criminal Court. I would like it to be a mandate. It is not, but it is still very, very important. I think this sends a message to our servicemen that they will never have to be taken into court against their will in the International Criminal Court.

On December 31, right before the last day of the treaty, the Rome Convention, could be signed, our President signed this convention, but it has never been ratified. It has not been brought to the Senate. It was too late, and our President now does not have any intention. We might say why worry about it, but just recently we all know that the President has essentially rescinded the signature on this treaty to make the point that we do not want our servicemen called in and tried in International Criminal Court as war criminals. So it is a protection of the servicemen.

But the interesting thing is that under this Rome Convention, the agreement is once 60 nations sign the treaty, it goes into effect. Even with what the President did by rescinding the signature and saying we do not want any part of it, we are still under international law under the understanding that our servicemen could be called into International Criminal Court.

We have to make this message very loud and clear. This is not overly strong, but I think we should make this message and say that none of these funds should be spent, but we still have to offer protection to our personnel that they never be called into this International Criminal Court. To me, it is an issue of national sovereignty, and it is an issue that is important to a lot of Americans. It is what our job should be, to protect our country. For this reason, I think this is very important. I hope I can get Members to agree with the amendment and pass it.

Mr. Chairman, earlier this week President Bush took the bold step of renouncing the signature of the United States on the Rome Statute of the International Criminal Court. The Bush Administration, in explaining this move, correctly pointed out that this court has unchecked power that contradicts our Constitution and its system of checks and balances; that the Court is "open for exploitation and politically-motivated prosecutions;" and that "the ICC asserts jurisdiction over citizens of states that have not ratified the treaty"—which undermines American sovereignty.

President Bush, in renouncing the U.S. signature and declaring that the United States would have nothing to do with the International Criminal Court, has put the Court on notice that the United States will defend its sovereignty and its citizens. The president is to be most highly commended for standing strong for American sovereignty in the face of worldwide attempts to undermine that sovereignty with this deeply flawed global court.

But there is no time to rest on this victory. As Secretary of Defense Donald Rumsfeld stated this week, upon our renunciation of the ICC: "Unfortunately, the ICC will not respect the U.S. decision to stay out of the treaty. To the contrary, the ICC provisions claim the authority to detain and try American citizens—U.S. soldiers, sailors, airmen and Marines, as well as current and future officials—even though the United States has not given its consent to be bound by the treaty." Secretary Rumsfeld added, "When the ICC treaty enters into force this summer, U.S. citizens will be exposed to the risk of prosecution by a court that is unaccountable to the American people, and that has no obligation to respect the Constitutional rights of our citizens."

Secretary Rumsfeld is correct. It is clear that the International Criminal Court has no intention of honoring our president's decision to neither participate in nor support their global judicial enterprise. According to the Statutes of the court, they do indeed claim jurisdiction over Americans even though the president has now stated forcefully that we do not recognize the Court nor are we a party to the Treaty.

I have introduced this amendment to the Defense Authorization Act, therefore, to support the president's decision and to indicate that Congress is behind him in his rejection of this unconstitutional global court. It is imperative that we not award the International Criminal Court a single tax dollar to further its objective of undermining our sovereignty and our Constitutional protections. How could we do anything less: each of us in this body has taken an oath to protect and defend the Constitution of the United States?

I am also introducing today a Sense of the Congress bill to commend President Bush for

his bold and brave decision to renounce the United States' signature on the Statute of the International Court. We must support the president as he seeks to protect American servicemen and citizens from this court. I hope all of my colleagues here will co-sponsor and support this legislation, and please call my office for more details.

In the meantime, I urge enthusiastic support of this amendment before us. We must speak with one voice in denying the International Criminal Court a single American tax dollar!

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

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Mr. CROWLEY. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

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

Mr. Chairman, I rise in opposition to the amendment introduced by the honorable gentleman from Texas that would prohibit the use of funds to assist, cooperate with, or provide any support to the International Criminal Court. The International Criminal Court is a reality, as the gentleman has stated. The Rome statute, the treaty establishing the court, has been ratified by the 60 countries needed for the court to come into existence, as has been stated as well.

The court will function with or without United States support or participation. A prohibition on U.S. support will not protect the very same American citizens the gentleman from Texas wishes to protect from the court's jurisdiction. In fact, our lack of participation in the court's mechanisms will harm U.S. national interests by making it impossible for the United States to affect the development of the court. We will thus be completely unable to protect any Americans that do find themselves before this court.

Opponents of the court have argued that U.S. servicemen and women will be subject to politically motivated trials. But since national courts have primary jurisdiction and since the U.S. military is committed to fully investigating any charges of war crimes committed by U.S. military personnel, the military in my opinion has nothing to fear from an ICC prosecutor run amuck. The case of U.S. Army Sergeant Frank Ronghi proves that U.S. servicemen have nothing to fear from international tribunals. Ronghi was accused of raping and murdering an 11-year-old Kosovar girl. Despite the fact that the ICTY statute gives the tribunal primacy over national courts' own jurisdiction, the United States faced no obstacles from the tribunal to launching its own investigation, conducting its own court-martial, and eventually sentencing Sergeant Ronghi according to the Uniform Code of Military Justice.

Earlier this week, as stated by the gentleman from Texas, the Bush administration announced that it would