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## House of Representatives

The House met at 10:30 a.m.

### MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY] for 5 minutes.

### LINE-ITEM VETOS OF DEFENSE LEGISLATION

Mr. HEFLEY. Mr. Speaker, I rise today to discuss the recent decision of the President to exercise the line-item veto on 38 military construction projects which were authorized during the legislative process.

Over the last 3 years, the Congress has made significant progress in advancing needed facilities improvements, meeting both housing and other quality-of-life requirements and the operational and readiness requirements of the military services.

The Congress did not invent these requirements. We relied on the extensive evidence collected all year during hearings and on site visits, and it is clear that a lot more needs to be done. Military infrastructure has been neglected for years. Twenty years ago, the record was filled with discussions about World War II wood, poor housing, and unsafe working conditions. The witnesses have not changed, but the testimony has not. The conditions still exist.

The Subcommittee on Military Installation and Facilities, which I chair, has worked closely with the Department of Defense and the military serv-

ices to upgrade housing and to improve facilities conditions generally. It is easy for some to be cynical about military construction projects. It is easy to call needed improvements pork. In fact, one Member of the other body thinks that anything that the President did not request is pork. If all we were going to do is follow the President's request, then why are we here? We could send in our rubber stamp and simply stay home.

More cynical, however, is the administration's lack of commitment in this area, which has been demonstrated by eroding budget requests. The real decline in the President's request over the past 5 years to support military infrastructure has been 20 percent. The fiscal year 1998 budget request for military construction was \$1.6 billion, 16 percent, less than prior year spending levels, all the while the services tell us on the record that they have multibillion-dollar facilities problems.

The \$287 million in military construction projects canceled by the President met validated military requirements. Congress worked with these military departments to assure that those funds would address real needs and that the project could be executed in fiscal year 1998. But the needs of the services are not what this exercise is all about.

These are the facts: 33 of the 38 projects, 85 percent of them, canceled by the President are in the President's own 5-year defense program. The remainder were priorities of the military services and the commands. Moreover, 26 percent of the canceled projects, 1 in 4, are in the President's fiscal year 2000 program. They are not good projects now, in the administration's judgment, but they would be good projects just 16 months from now so why cancel them?

When the defense bills are within the constraints of the budget agreement and when the projects are in the President's program, I fail to understand the

rationale for the administration's actions. The only explanation I can come to is politics, simple, crass, and cynical politics.

While the President plays politics, soldiers at Fort Campbell will continue to do vehicle maintenance in 1940's-era facilities that contain lead-based paint, asbestos, and faulty exhaust systems. The equipment that cannot fit in the undersized bays has to be worked on outside on gravel even during the winter.

We asked the Army to deploy to places like the urban streets of Somalia and Bosnia, but the troops most likely to go, those at Fort Bragg, will not be training in an adequate way because the President canceled the necessary training complex.

At Lackland Air Force Base, an aircraft painting facility was closed in 1994 because of violations of the Clean Air Act. The remaining facilities can only handle one-third of the workload and do not accommodate certain aircraft at all. The needed replacement facility was canceled by the President.

Navy Station Mayport has inadequate berthing space. The Navy believes this is a critical project. The President canceled it.

I have seen a number of the facilities for which the President has canceled improvements. I am appalled at the lack of judgment demonstrated by this administration.

No one would suggest that the Nation could not defend itself tomorrow without these projects, but given the record of neglect in basic military infrastructure, these cancellations will continue to compound a very serious problem. At each installation these projects affect readiness and, to the extent conditions are inadequate and unsafe, they must in the end be a factor in retention. We cannot continue to ignore this problem, but the administration appears to care very little about it.

The Committee on National Security held a hearing on this issue last week.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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I was appalled that both the director of the Office of Management and Budget and senior officials of the Department of Defense refused to submit to questions from the committee. Both OMB and OSD have gladly taken questions from the press on the subject. What do they have to fear if the cancellations are truly objective and justified?

Their failure to appear is all the more troubling because this administration admits that mistakes were made on the cancellations.

#### GUAM CALLS FOR GREATER PARTICIPATION IN AMERICAN DEMOCRACY

The SPEAKER pro tempore [Mr. PACKARD]. Under the Speaker's announced policy of January 21, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, tomorrow in the Committee on Resources at 10 a.m., a hearing will be held on H.R. 100, which is the commonwealth bill for Guam. I want to thank the chairman of the Committee on Resources, the gentleman from Alaska, [Mr. DON YOUNG], for allowing us to hold this hearing to achieve some final resolution on this commonwealth proposal, which has been developed on Guam throughout the decade of the 1980's, and which has been alive as proposed legislation in this Congress and previous Congresses going back to 1988 and the time of my predecessor, Mr. Ben Blaz.

The hearing will afford us an opportunity to get clarification from the administration, who has been negotiating this document, along with the Guam Commission on Self-Determination. And the person in charge of that is John Garamendi, the Deputy Secretary of the Interior.

We hope that people will understand that the commonwealth proposal is something that has been arrived at on a bipartisan basis on Guam. It is something that has achieved wide consensus on Guam, and is something which needs serious attention.

It is numbered H.R. 100, in light of the fact that next year, 1998, marks the 100th anniversary of Guam's association with the United States. Some 100 years ago, as a result of the Spanish-American War, Guam was taken and the U.S. flag flown over Guam on June 20, 1898, approximately a month earlier than Puerto Rico was taken by the United States.

Most people know Guam as a military installation, perhaps a little bit as a result of the wartime experience of the people of Guam, but Guam today is a proud island of 150,000 people, with a significant indigenous population eager to exercise their self-determination.

We have a \$3 billion a year economy fueled mostly by tourism. The military presence continues to be important, and of course Guam is very important in the strategic picture of the United

States in that part of the world, but the military no longer holds the commanding position it once did in terms of its impact on the local economy.

Joining with the three Governors, three living Governors of Guam, Gov. Carl Gutierrez, the incumbent, Gov. Joe Ada, and Gov. Paul Calvo, the latter two Republicans and the first a Democrat, is a large contingent from Guam numbering over 40 people, and I will enter their names into the RECORD.

These people reflect a good cross-section of the people of Guam. They reflect the energy and the concern and the determination of the people of Guam to reach the next level of their political development, and this next level of their political development is embodied in H.R. 100, which provides for a new expanded relationship with the Federal Government based on the principles of mutual consent and the establishment of a joint commission, provides for local control of immigration, and allows Guam to have fuller control over its own economic activities.

We hope that the administration tomorrow in their testimony, and I recognize that there are many problems, we have been in negotiation now for 4 to 5 years, that are still remaining on this issue, but we are hoping that the administration comes across tomorrow with a position that does not close the door to further discussion.

I know the Committee on Resources, which is the only committee to have the flags of the territories flying in its committee room, will take seriously its responsibility to deal with insular areas in a creative and fair-minded way. This is a call for greater participation in American democracy. It is a call whose time has come. One hundred years is just too long.

Mr. Speaker, the list of names referred to above are submitted herewith for the RECORD.

#### GUAM DELEGATION TO WASHINGTON FOR HEARING ON H.R. 100

Governor Carl T.C. Gutierrez, First Lady Geri Gutierrez, Former Governor Joseph Ada, Former Governor Paul Calvo, Senator Elizabeth Barrett-Anderson, Senator Anthony Blaz, Senator Mark Forbes, Senator Vicente Pangelinan, Senator Francis Santos, Mayor Paul McDonald, Mayor Isabel Haggard, Chief Justice Peter Siguenza, Judge Alberto Lamorena, Judge Joaquin Manibusan, Archbishop Anthony Apuron, Carolos Baretto, Leland Bettis, John Blaz, Bill Bufford, Toni Bufford.

Dennis Crisostomo, Hope Cristobal, Toni Cross, Vicky Cruz, Darrell Doss, Melissa Finney, Bernie Gines, Melanie Gisler, Elizabeth Gray, Jose Guevera, Carla Gutierrez, Hannah Gutierrez, Steven Hattori, Martin Jenkins, Scott Kimmel, Elfrie Koshiba, Diane Martos, Mary Matalas, Ben Meno, Kyle Oh.

Romy Pangilinan, Leonard Paulino, Tita Paulino, Rene Quintans, Frieda Ramarui, Rory Respicio, Ron Rivera, Richard Rodriguez, Florencio Rupley, Eileen Sablan, Anthony Sanchez, Peter Sgro, Laura Souder-Betances, Attorney General Charles Troutman, Dan Tydingco, Shingpe Lee Wang.

#### FREEDOM WORKS AWARD TO MARTHA WILLIAMSON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. ARMEY] is recognized during morning hour debates for 5 minutes.

Mr. ARMEY. Mr. Speaker, I am honored today to present the Freedom Works Award to Martha Williamson, executive producer of CBS networks television show "Touched By An Angel" and "Promised Land."

Martha Williamson takes her responsibility as a television producer very seriously. Her fine work on "Touched By An Angel" and "Promised Land" has proven that values and principles are good for TV and good for TV ratings.

□ 1045

That is because values strike a chord with the millions of Americans who struggle each day to reaffirm the values of responsibility and honesty and faith in their lives. Martha is serious about creating entertainment that reinforces the importance of family, faith and community. For that reason I have chosen to honor her work.

I established the Freedom Works Award to acknowledge individuals and groups who seek the personal reward of accepting and promoting responsibility without reliance on or funding from the Federal Government. The stand Martha has taken on behalf of profamily television is exactly the type of personal initiative I sought to highlight when I established this award.

Mr. Speaker, no Federal Government agency, no government rule, no government regulation requires Martha to produce profamily television. Rather, Martha has taken it upon herself to ensure that at least once a week families all across America have a chance to sit together and view television that stresses the values of faith, family, honesty, and responsibility. The millions that take advantage of that opportunity each week attest to her success.

I want to be very clear, Mr. Speaker. Martha Williamson does not do politics. What she does through her work is to take on the tough issues which affect us all, issues like suicide, drug and alcohol abuse, teen pregnancy, and race relations in the inner city.

Millions tune in weekly to "Touched By An Angel" and "Promised Land" and countless letters have poured into the show with stories of marriages that have been restored, debts that have been forgiven, and suicides that have been averted as a result of the uplifting message of Martha's work.

Mr. Speaker, I have raised 5 children. When you raise 5 children you learn a few things. As a young parent I remember very clearly the challenge I faced in making sure that my children were not exposed to the destructive influences all too often seen in the modern entertainment industry.

As a lawmaker and, most important, as a parent, I want to personally thank

Martha Williamson for her work and honor her devotion to American families by presenting her the Freedom Works Award. She provides millions of Americans with an uplifting hour of entertainment each week. The size of her audience should remind all of us and should remind the entertainment industry that family programming sells. The market responds to families everywhere working to reinforce values.

Mr. Speaker, freedom works and, Martha, if I may, your programs, both of them, work for me and my wife. We watch every week. Not only do we watch, but our minister and his wife watch and then the four of us get together and we compare notes and we discuss the show, and we see what lessons we can draw for ourselves and our lives.

The encouraging thing that I receive from my minister, not that my judgment is something I would trust on this matter, but that his is, that Martha, your shows are always true to Scripture as well as to sound values, sound advice, sound lessons for the American family. I want to add, then, my personal and, for my wife Susan and myself, our personal appreciation for your show.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the majority leader for yielding. I want to begin by congratulating the majority leader. This is a wonderful award, the Freedom Works Award, and I think he is doing excellent work in helping to single out "Touched By An Angel" and "Promised Land" and Martha Williamson and the work which she is doing in this area. I cannot give him enough praise for helping to create something like this that does focus upon that which should be given special honor.

Television has been called a vast wasteland and it struggles every day to find a balance between America's insatiable appetite for escape and its extraordinary capacity to teach. Entertainment programming in particular often panders to the familiar human desire to turn the brain off simply by turning the tube on. Yet as a mass medium, television has the greatest potential since the dawn of civilization for prodding society to confront its troubles and to look within for a renewal of the values of community and caring.

This potential is usually realized in news or documentary formats or in made-for-television specials, but not in regularly scheduled entertainment programming. Yet out of this tension, there occasionally rises programming that breaks the mold, that finds the balance but projects a level of quality and thoughtfulness that transcends its format and sets a new standard for the rest of the industry. Martha Williamson and her colleagues have ac-

complished as much with the creation of these two excellent shows. They get high ratings, but they send a positive family message out to America.

I recently discovered that the poet Maya Angelou wrote a poem especially for "Touched By An Angel." It closes with these lines: "Yet it is only love which sets us free."

I want to congratulate Martha and everyone who works on this program for having the courage to send this simple message to every American home each week. I congratulate CBS for having the courage of putting these two programs on. The outstanding public response to them is evidence that their judgment was correct. In conclusion, once again I want to congratulate the majority leader for taking the leadership in creating this award.

#### NAFTA EXPANSION PULLED FROM SUSPENSION CALENDAR

THE SPEAKER pro tempore [Mr. PACKARD]. Under the Speaker's announced policy of January 21, 1997, the gentleman from Ohio [Mr. BROWN] is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, Speaker GINGRICH has tried it again. Earlier this year, the Speaker attempted to insert the Caribbean Basin initiative into the budget bill. The Caribbean Basin initiative would have expanded NAFTA, the North American Free Trade Agreement, passed 4 years ago, would have expanded NAFTA to 26 Caribbean and Central American nations all buried in a budget bill that no one really would have understood or seen. Today Speaker GINGRICH was trying it one more time. H.R. 2644, the United States-Caribbean trade partnership, again basically the same issue, there was an attempt today to put it on the Suspension Calendar and ram it through Congress with no amendments, with not very much discussion and put together with a whole lot of other issues and a whole lot of other pieces of legislation. Fortunately, thanks to the efforts of people on both sides of the aisle that do not think we should expand NAFTA with only 20 or 30 minutes of debate, we should expand NAFTA to 26 more Caribbean and Central American nations, fortunately because there is so little support for that in this body, even though the support comes from the Republican leadership, that initiative was pulled off the calendar today.

That means that this Congress will in fact have an opportunity to debate the Caribbean Basin initiative at some point, and I believe that Congress ultimately will defeat it because there simply is not the support in this body for expanding NAFTA for those kinds of trade agreements.

That clearly speaks to the next step. The next step is within the next 2 weeks, Congress will likely vote on giving the President the authority, the fast track authority to negotiate other

trade agreements with Latin American countries. There clearly is not a majority of Members' support in this Congress to give the President fast track authority to expand NAFTA. It is pretty clear that this body should think twice before we rush headlong into a series of trade agreements that cost us American jobs, in trade agreements that jeopardize American food safety, in trade agreements that question the viability of truck safety on America's highways, that we should think twice before rushing into another series of trade agreements that jeopardize health and safety and jobs in this country before we fix the North American Free Trade Agreement.

The North American Free Trade Agreement, passed in 1993 in this country, has already cost hundreds of thousands of American jobs. The North American Free Trade Agreement has jeopardized American food safety, stories of strawberries that have infected Michigan schoolchildren with hepatitis A, strawberries coming from Mexico, raspberries coming from Guatemala, all kinds of food products coming into this country, not well enough inspected at the Mexican border; food products grown under conditions not acceptable in this country, where pesticides that are banned in the United States in many cases are actually legal in Mexico and Central America and other Latin American countries, where the North American Free Trade Agreement, and if expanded by the President's and Speaker GINGRICH's request, expanding those trade agreements to other countries in Latin America clearly will mean more problems at the border, more problems with food safety, more contaminated food in our country's food supply and our country's grocery stores, more problems with truck safety as trucks come across to the tune of thousands of trucks a day across the border now confined only to New Mexico, Arizona, Texas, and California, but as those trucks move into the other 44 States of the mainland, we clearly will have even more problems with truck safety.

That is why, Mr. Speaker, we should defeat fast track, not rush headlong into an agreement, into a new series of agreements that costs American jobs, jeopardizes American food safety and truck safety. We should defeat fast track today. I applaud the Speaker for pulling off the calendar the Caribbean Basin initiative. It was a bad idea. Fast track is a bad idea. We should defeat both those agreements when they come to the floor of the House of Representatives.

#### A HISTORIC VISIT

THE SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise to talk about a very controversial and

highly important historical event. I am speaking about the visit of China's President Jiang Zemin to our Nation. President Jiang's visit will be the first visit for a Chinese leader since Deng Xiaoping was received by President Carter in 1979.

The relationship between China and the United States will be the world's most important and most interesting in the dawn of the unfolding millennium. This visit will help set the table of whether this relationship will be based on distrust and animosity that will give rise to a new global confrontation between two giant superpowers or if this relationship will be based upon a working relationship of understanding and mutual respect between two partners.

I would like to see the latter relationship develop, but I believe its development will be based upon China's willingness to be a global leader that applies the standards of democracy and true free markets to their own Nation. The term "comprehensive engagement" is being used to detail the talks this week. I believe most of us in Congress and most of our Nation desires a peaceful relationship with China and to be engaged comprehensively. But the administration has to prioritize the issues of contention between our nations in order to make President Jiang's visit an achievement.

As one observer has said, this summit will demand something that the Clinton administration has yet to produce, a clearly articulated set of priorities. Without prioritizing United States interests in China, the administration's present construct of engagement is meaningless. What China needs to do is to change its domestic law and make a commitment that it will uphold international obligations embodied in applicable international treaties.

One of the larger problems with China is its current trade imbalance. The trade deficit with China reached \$40 billion in 1996 alone, and it is expected that the 1997 trade deficit with China will be even greater. This translates into amazing figures that every American spends approximately \$150 a year more on Chinese goods than China spends on United States products. President Clinton should urge President Jiang to work to reduce tariffs and nontariff barriers to aid United States businesses who are trying to compete in China.

As it seems with most of our trading partners, it is easier for Chinese products to enter into the United States than for American products to have access to the Chinese market. Reducing applicable tariffs will encourage United States sales and will help reduce the trade imbalance with China.

Another factor, Mr. Speaker, in opening up the Chinese market will be to encourage President Jiang to dismantle as quickly as possible the overwhelming amount of state-owned enterprises. The traditional bureaucratic

state control of businesses acts as an economic drag and increases the tendency for trade deficits. By privatizing these enterprises China will allow market forces to determine their success and would allow United States companies an even playing field in order to compete.

China's No. 1 economic priority is to ascend to the World Trade Organization. The United States should continue resisting China's membership to the WTO unless they begin reducing their own tariffs and if they begin adhering to international legal standards as if it applies to business contracts and other legal norms.

In addition, Mr. Speaker, China lacks many of the laws that apply to global commerce. China needs the proper legal infrastructure regarding contracts, private property ownership and arbitration in order to support China's continued economic growth.

□ 1100

So the United States businesses receive the legal protection to operate in full capacity in the Chinese market.

China needs to adhere to democratic values. They must continue the development of democratic values in China that should receive priority attention on the summit's agenda. Other things, such as religious persecution, international covenants on human rights, legislative and judicial exchanges, and grassroots democracy must also be on the agenda. A modern, open, legislative and judicial system in China is necessary to protect religious, economic and political freedoms.

In conclusion, Mr. Speaker, this morning I hope the visit of President Jiang is a first step in resolving our differences with China, and I hope that President Jiang will follow up on some of the things we talked about this morning. That will be a significant accomplishment.

#### DEFEAT THE NUCLEAR WASTE POLICY ACT OF 1997

The SPEAKER pro tempore (Mr. PACKARD). Under the Speaker's announced policy of January 21, 1997, the gentleman from Nevada [Mr. GIBBONS] is recognized during morning hour debates for 5 minutes.

Mr. GIBBONS. Mr. Speaker, few problems, if any, have been more challenging in recent years than the disposal of nuclear waste. I believe that sound science and reason and the protection of this Nation's citizens should be drawn upon when we address nuclear waste storage.

H.R. 1270, the Nuclear Waste Policy Act of 1997, will mandate upon the State of Nevada and this Nation, the transportation of high level waste, while failing, yes, failing, to address the issues of environmental protection, safety, and the general well-being of all Americans.

The disposal of nuclear waste is a problem that will exist for thousands

and thousands and thousands of years. Let us not be hasty when making policy decisions that may have serious repercussions well into the future.

The policy of this Congress should not be a quick-fix approach to this serious problem. Members should not just wash their hands by protecting a subsidized industry, by transporting the most deadly material man has ever known, only to hide it in the ground.

Members should understand and not sweep under the rug the dangers of this substance. We should address the problem itself, reprocessing, recycling, or changing the dangerous chemical properties of the waste. That is the direction that this body and the policy of this Nation should be headed.

Many Members do not know what will be loaded onto the trains and trucks. Casks, filled with enough high level nuclear waste to contaminate entire communities, massive land resources, and entire water supplies. Each cask of nuclear waste holds 24 fuel assemblies.

In terms of radioactivity, each fuel assembly contains 10 times the long-lived radioactivity released by the Hiroshima bomb. My constituents and colleagues, are your constituents aware of the danger of hauling over 70,000 tons of nuclear waste across this country? You should be, because the National Environmental Protection Act of 1969 requires Federal agencies to consider alternatives, seek public comment and consider any and all environmental ramifications before proceeding with a major Federal action. However, NEPA and all other Federal and State laws are waived in this bill.

A poll taken in December 1995 concluded that 70 percent of the American citizens are against transporting nuclear waste. Since that time, more studies have confirmed the opposition of a majority of Americans to transfer of this dangerous cargo across our Nation and through our communities.

Thus far, over 400 private property, State's rights, environmental and fiscal watchdog groups have expressed their strong opposition to this bill. Likewise, American cities such as Los Angeles, Denver, St. Louis, and Philadelphia have spoken out against this act.

To my colleagues who stand in favor of this drastic measure, if my voice were worth the \$13 million the nuclear energy lobbyists have spent distorting the idea of temporary nuclear storage, we would be debating a bill to fund the implementation of recycling and reprocessing. And why not? It is happening right now in England and France. While families in these countries are safe from radioactivity and radioactive waste on their roads and railroads, we are debating a bill that will do just the opposite.

Every day we come before this House on behalf of the American people to pass legislation that will protect them from things such as drugs, repeat criminal offenders on our streets, and

potentially threatening foreign nations. Yet many of my colleagues now want to flood our roads and flood our railroads with deadly nuclear waste.

H.R. 120 proposes that high level nuclear waste be stored at an interim storage facility at Yucca Mountain, NV. Proponents contend this is the most suitable area for storage, as well as the safest. Well, just how safe does this sound to you? A study by the Geological Survey discovered 33 earthquake faults directly through the site. The area is seismically active. Since 1976, there have been 621 seismic events of a magnitude greater than 2.5 within a 50-mile radius of Yucca Mountain. For you in the new math, that is over 300 earthquakes a year.

Another serious danger from this region's seismic activity involves the water table. Former senior DOE geologist, Jerry Szymanski, has found an earthquake could dramatically elevate the water table, flooding the repository with water and releasing radio nucleoids into our water supply. I urge all Members to vote "no" on the rule and final passage of H.R. 1270. I don't want to come back to this House and say I told you so.

#### REIMBURSEMENT DUE RESERVE AND GUARD MEMBERS DEPLOYED IN SUPPORT OF OPERATION JOINT GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I rise this morning to encourage my colleagues to support the Defense authorization conference report. The conferees have worked hard to resolve difficult issues and to reach an agreement.

This agreement contains important policy language that should be enacted into law. However, I am also aware of a need that it does not address. I, therefore, urge my colleagues to cosponsor legislation, which I will introduce this week to correct the inequities that affect 4,206 Army Reserve and National Guard members who were deployed to Europe in support of Operation Joint Guard.

These soldiers had to take money out of their own pockets to pay for the shipment of personal items which the Army itself has paid for in the past and, after some persuasion, has started to pay again. My legislation grants the army the authority, the statutory authority, it needs to reimburse these affected soldiers who are junior grade enlisted members and cannot afford to pay for their reimbursement.

In fact, it affects some 14,000 National Guardsmen throughout the United States. They are due to receive an average payment of \$400. Not much to the average person, but they want their money and they need their money.

They have already waited some 9 months to be reimbursed for these ex-

penses. They should not have to wait any longer. They should not be denied reimbursement because the Army lacks the authority to pay for reimbursement of expenses incurred while serving this Nation.

They should not have to wait any longer, Mr. Speaker. I therefore urge my colleagues to join me in sponsoring this legislation.

#### RENAMING FEDERAL COURTHOUSE IN HONOR OF FORMER U.S. REPRESENTATIVE ROY ROWLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, we find ourselves in a period of great debate as to what constitutes bipartisanship. I believe that true bipartisanship is honorable compromise for the good of the country. If we search for real live models of honorable compromise, we can find no better example than the former Democratic member from my home State of Georgia.

Congressman Roy Rowland of Dublin, GA, began a lifetime of public service long before coming to the House of Representatives. Roy Rowland spent his youth developing a keen sense of duty and honor as an Eagle Scout.

Fresh out of high school, Roy entered the U.S. Army to fight in World War II as a sergeant in command of a machine gun crew in the European theater. He was a member of U.S. forces that liberated German concentration camps, where he learned firsthand the horrifying final results of intolerance.

Roy left the Army at the end of the war with a Bronze Star for service in combat, and returned to educational pursuits. He graduated from the Medical College of Georgia in 1952 and continued what was to become a lifetime of public service, by providing health care to the people of Dublin, GA, as a family practice physician.

Roy not only provided health care to Georgia families, he served them in the State legislature from 1976 until 1982, and in the year of 1983, Roy's dedication to serving his country brought him to the U.S. House of Representatives.

In his freshman year, Congressman Rowland introduced and succeeded in passing legislation that stopped the illegal use of Quaaludes through the fraudulent prescription sales.

In the early 1980's, the abuse of Quaaludes had reached epidemic proportions, and the drug was fast on its way to becoming the illegal drug of choice on the streets.

Roy, I was in practice back in that period of time in the 1980's, and recognized then what a tremendous problem it was for our patients and the country, and I appreciate your efforts in removing Quaaludes.

Today, though, the good news is that problem is history, because of the work of Roy Rowland.

Congressman Rowland's efforts were not Democratic or Republican in nature. They addressed a pressing concern for all Americans and garnered true bipartisan support.

When debate over the AIDS crisis was still locked in a state of misinformation and confusion and fragmentation, Roy Rowland stepped forward with his experience as a medical professional to provide the leadership this body needed to move forward.

Congressman Rowland introduced and passed into law legislation that created the National Commission on AIDS, which provided America with the plain, scientific facts so necessary to establish sound public health policy to combat this killer disease.

When the battle over health care reform was at its peak in the 103d Congress, Roy Rowland once again led the way in finding solutions to America's problems that were outside the realm of partisanship. He succeeded in drafting health care reform legislation through a group of five Republicans and five Democrats that provided coverage for 92 percent of the American public.

The Rowland bill did not pass during that time of heated debate and multiple proposals, but the blueprint Roy left us is one that should be carefully examined when we face contentious issues in the future.

In his 12 years of service here in the House, Roy Rowland set a standard for standing firm on conviction without resorting to partisan attacks. He fought like a tiger on this floor, but never had an enemy on either side of the aisle.

In his reelection campaigns, he was frequently personally attacked, but never responded in kind.

Today, I ask for your vote on legislation that will honor and preserve the legacy of service that Dr. and Congressman Roy Rowland has left for us to follow. This bill will redesignate the Dublin Federal Courthouse in Dublin, GA, as the J. Roy Rowland Federal Courthouse, in order that the example Roy Rowland set through a lifetime of service should not be forgotten.

In the spirit of true bipartisanship that our former colleague exemplified, I ask for your support today of this legislation.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 11 o'clock and 14 minutes a.m.), the House stood in recess until 12 noon.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SNOWBARGER] at 12 noon.

## PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Enable us, O gracious God, to lift our hearts and souls above the commotion of the moment and the busy tasks that are before us, to offer our thanks and praise for the innumerable blessings and benefits which You have given to us and to all people. May our spirits transcend the obligations and duties that must be accomplished in our daily lives to catch a spiritual vision where justice is our byword and service to others our great joy.

With this prayer of thanksgiving we offer to You, O God, our appreciation that we can live lives of promise and commitment and in a world that is often confused and bewildering, we can have a sense of fulfillment and satisfaction.

In Your holy name, we pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore (Mr. SNOWBARGER). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## TRIBUTE TO DEAN SMITH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, Thursday, October 9 was a very sad day for basketball and sports fans alike.

After 36 seasons as head coach of the North Carolina Tarheels, Dean Smith, the ultimate competitor, left his post and passed the reins to his longtime assistant. With this announcement, Dean Smith ended an era in college basketball. His record of 879 total victories, 11 trips to the Final Four, 13 ACC Championships, and 2 National Championships will never be matched.

These stats and scores point out what every basketball fan already knows. Dean Smith is the winningest coach in college basketball history. His impact on the sports history books is only rivaled by his impact on the lives, hearts, and minds of his players. To quote a lesser known Tarheel, Michael Jordan, he says, "He's like a father figure to us all."

Today I honor a man who represents the best that college sports has to offer, a man of true integrity and class who makes North Carolinians proud that he calls Chapel Hill home. Thank you, Coach Smith, for your many years of commitment. We surely will miss you.

## OPPOSE H.R. 1270

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, a letter circulated around Capitol Hill yesterday boasts that passing H.R. 1270 will save money. Mr. Speaker, if it were not for the severity of this issue, this letter would be laughable. This is yet another example of the nuclear industry distorting the truth. The truth is that H.R. 1270 will cost the American taxpayers \$1.5 billion, that is with a "B," over the next 5 years. Contrast this with the cost of onsite storage and the taxpayers will save, even then, close to \$1 billion over the next 5 years.

Rather than have high level nuclear waste transported through communities across this country, we could use this money to decrease the deficit, provide more tax relief for the American taxpayers, improve our roads, hire more teachers, or put more police officers on the street.

I urge my colleagues to get the facts. Do not be fooled by the nuclear industry. This is a bad bill. It is a bad bill for all Americans. Oppose H.R. 1270.

## WHEN WILL THE WHITE HOUSE WISE UP?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China's President is in America. President Jiang told the press China will not tolerate any interference by the U.S. Government. In fact, President Jiang sent over a list of irritant subjects he will not even discuss, Members.

No. 1, he will not even talk about trade, even though it is going to hit \$60

billion. No. 2, no, he will not talk about human rights. No. 3, he does not even want to hear about the last Presidential election. Do not mention John Huang, Charlie Trie. Stay out, Uncle Sam. And guess what? The White House said, "Don't worry, this is no big deal."

Beam me up. The White House will not wise up until there is a full-blown rice paddy on the east lawn of the White House. Somebody is smoking dope.

## THE CLINTON WHITE HOUSE LEGACY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, there is a great deal of talk these days about the legacy that this administration will leave. I think it is fair to say that this White House has indeed set a new standard of ethics.

I think it is fair to say that this White House has set a new standard in the use of the Lincoln bedroom.

I think it is fair to say that this White House has set a new standard in terms of raising money on Federal property.

I think it is fair to say that this White House has set a new standard in terms of deciding which rich donors get to accompany the Secretary of Commerce on trade missions.

I think it is fair to say that this White House has set a new standard in terms of raising money at Buddhist temples, shaking down impoverished Indian tribes. Using the IRS for political purposes, rewarding top dollar fund-raisers with Commerce Department jobs, making huge money from cattle futures while declaring moral outrage at the decade of greed, and coming up with the "I don't recall" defense whenever the subject turns to raising money.

I agree, that is quite a legacy.

## CELEBRATORY ATMOSPHERE SURROUNDING VISIT OF CHINA'S MILITARY LEADERS TO THE UNITED STATES IS INAPPROPRIATE

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, tomorrow the Clinton administration will roll out the red carpet for the ruler of a regime that rolled out the tanks in Tiananmen Square. Tomorrow the Clinton administration will give a 21-gun salute to the heads of the Chinese military that proliferates weapons of mass destruction and brutally occupies Tibet. I do not think that that is an appropriate welcome.

While I agree that we must engage China, that the leaders of our two countries must meet to discuss issues of concern, I think it is completely inappropriate to have such a celebratory

atmosphere surrounding the visit. The more appropriate auspices would have been a working visit President Clinton used to welcome many other leaders of important countries to Washington, DC.

Tomorrow, though, Project Democracy in China, of the Independent Federation of Chinese Students and Scholars and the Tiananmen Memorial Foundation, will hold a press conference, and I join with them in their aspirations when they call upon the President and the United States to demand that China's human rights record be condemned, its prisoners of conscience released, and demand political reform in China.

I urge my colleagues to join us in Lafayette Square for a protest rally at 12 noon in front of the White House.

#### RECOGNITION OF GOOD SCIENTIFIC WORK BY GOVERNMENT EMPLOYEES

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, very often from this podium we hear criticism of our Government and of our Nation, and rightfully so, because we exercise an oversight role. But I believe we have an obligation also to point out when the Government does something good and something right. I would like to mention two such items that have happened recently.

First of all, Dr. William Phillips, of the National Institute of Standards and Technology, recently shared a Nobel Prize for physics for research that he had done on cooling atoms. This is a very esoteric field of research, and it has real promise for the future, particularly for precise timekeeping, and will improve our time-standard accuracy by a factor of 100.

In a recent science magazine I noticed also that William H.F. Smith from the National Oceanic and Atmospheric Administration and David Sandwell from Scripps Institution have succeeded in mapping the world, including the ocean floors, from satellites. What I am displaying here is a remarkable map, obtained for the first time in history, showing all the topographical details of the land and undersea surfaces. This will be extremely useful in analyzing effects such as El Nino and determining how to improve our fisheries.

I commend these scientists as well as Dr. Phillips for the good work they have done. We are proud of them, and proud to have them as Government employees.

#### REPUBLICANS OFFER THE NATION'S CHILDREN HOPE AND OPPORTUNITY IN EDUCATION

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, I am very disappointed with my friends across the aisle. They support the status quo for our Nation's education.

Why do they consistently oppose efforts to improve the lives and learning of our Nation's children? The Republican education agenda is simple: We want to give kids a chance. We want them to be able to leave inferior schools that cannot even teach them to read and write. We want parents involved in the children's education and to trust the schools they send their kids to every day.

I do not care if these schools are charter schools, public schools, private schools, or a school on Mars, but it is not fair to force our kids to go to schools where they sit in constant fear for their lives, where the roofs leak and the heat does not work. Why force kids to go to schools that do not teach? Let them attend a school where they can have a real educational experience and a real long-term potential.

It is simple: The Republicans offer the Nation's children hope and opportunity, while across the aisle all they can offer is status quo.

#### SAY NO TO EXPLOITING CHEAP LABOR AND THE ENVIRONMENT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, I noticed yesterday that the President gave a speech and he said that those who oppose his fast track authority have an ignorance of the new world international economy.

I saw the face of the new world economy last weekend, and I would like the President to hear about it. He should go to Juarez, Mexico: a 77-percent increase in maquiladora jobs since fast track passed.

Two-earner families living in hovels without water, heat, or even walls. They are made of pallets and packing crates. Working 45 hours a week for U.S. corporations, jobs that were here before NAFTA, for \$40 a week. No environmental controls, no labor protections, no right to organize. That is the face of the new world economy, Mr. President.

There is one place we are running a surplus today, that is in Latin and South America. And now the President wants fast track authority to go down there and see if he can screw that up too, and take more of our jobs south of the border so our corporations can exploit cheap labor and the environment. No.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE CLERK,  
Washington, DC, October 27, 1997.

Hon. NEWT GINGRICH,  
Speaker, U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Monday, October 27, 1997 at 11:42 a.m.: That the Senate passed without amendment H.R. 2013.

With warm regards,

ROBIN H. CARLE,  
Clerk, U.S. House of Representatives.

□ 1215

#### COMMUNICATION FROM DEPUTY GENERAL COUNSEL OF CONGRESSIONAL BUDGET OFFICE

The SPEAKER pro tempore (Mr. SNOWBARGER) laid before the House the following communication from Jennifer L. Smith, Deputy General Counsel, Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, October 27, 1997.

Hon. NEWT GINGRICH,  
Speaker, U.S. House of Representatives,  
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L of the Rules of the House of Representatives, that the Congressional Budget Office has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel of the House of Representatives, I will make the determinations concerning the subpoena as required under the Rule.

Sincerely yours,

JENNIFER L. SMITH,  
Deputy General Counsel,  
Congressional Budget Office.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

#### SENSE OF THE HOUSE REGARDING DOLLARS TO THE CLASSROOM

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 139) expressing the sense of the House of Representatives that the Department of Education, States, and local education agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms, as amended.

The Clerk read as follows:

H. RES. 139

Whereas we know that effective teaching takes place when we begin (1) helping children master basic academics, (2) engaging

and involving parents, (3) creating safe and orderly classrooms, and (4) getting dollars to the classroom;

Whereas our Nation's children deserve an educational system which will provide opportunities to excel;

Whereas States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars;

Whereas several States have reported that although they receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars;

Whereas while it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom. Further, it is thought that only 85 percent of funds administered by the United States Department of Education for elementary and secondary education reach the school district level. Even if 65 percent of Federal education funds presently reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom;

Whereas American students are not performing up to their full academic potential, despite significant Federal education initiatives, which span multiple Federal agencies;

Whereas, according to the Digest of Education Statistics, in 1993 only \$141,598,786,000 out of \$265,285,370,000 spent on elementary and secondary education was spent on "instruction";

Whereas, according to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers;

Whereas too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth;

Whereas getting 90 percent of Department of Education elementary and secondary education funds to the classroom could provide substantial additional funding per classroom across the United States;

Whereas more education funding should be put in the hands of someone in a child's classroom who knows the child's name;

Whereas burdensome regulations and mandates should be removed so that school districts can devote more resources to children in classrooms;

Whereas President Clinton has stated: "We cannot ask the American people to spend more on education until we do a better job with the money we've got now.";

Whereas President and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across America and that we must ask fundamental questions about how our public school systems' dollars are spent; and

Whereas President Clinton and Vice President Gore agree that in an age of tight budgets, we should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy: Now, therefore, be it

*Resolved*, That the House of Representatives urges the Congress, the Department of Education, States, and local educational agencies to—

(1) determine the extent to which Federal elementary and secondary education dollars are currently reaching the classroom;

(2) work together to remove barriers that currently prevent a greater percentage of funds from reaching the classroom; and

(3) work toward the goal that at least 90 percent of the United States Department of Education elementary and secondary edu-

cation program funds will ultimately reach classrooms, when feasible and consistent with applicable law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MARTINEZ] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. PITTS], the author of the resolution.

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

Mr. PITTS. Mr. Speaker, it is an honor for me today to stand before the House to support the Dollars to the Classroom resolution, an initiative I have been working on since early this year. As a former high school math and science teacher in public schools and because my own children have been educated in public schools, I know of the importance of America's public schools. With this background, I rise today in strong support of America's public schools and the students that attend them each day.

Today the House will have a chance to strongly support public education when we vote on the Dollars to the Classroom resolution. The Dollars to the Classroom resolution urges that we get at least 90 percent of Federal education tax dollars to the classroom, to the individual who knows the name of each child. This could mean an additional \$1,800 in public classrooms across America.

Do my House colleagues realize that currently we are wasting billions of education tax dollars each year? Let me give Members an example of this waste. The Department of Education funds tens of thousands of publications, 21,922 to be exact, that are available for each of us to purchase, for a fee I might add.

There are 140 studies on checklists that are listed. There are 13 studies on welding. There are 260 studies on surveys. There are 26 studies on camping. There are close to 100 studies on education researchers researching their research techniques. There are three studies entitled "Cement: The Concrete Experience." I would rather empower teachers to buy books for classrooms than to fund studies on cement.

In short, the question is, do we fund bureaucrats or books? A vote against the Dollars to the Classroom resolution is really a vote for the bureaucracy. We do not want to become so entrenched in the beltway mindset that we have forgotten why we are here.

Let me take a minute to remind my colleagues. We are here for kids like Melissa who writes, and I quote, "My social studies book was new in 1988. Hey, it's 1997. We need to get new books." And Glenisha who says, and I quote, "I support this bill because it seems as if people are taking our parents for granted, because they're pay-

ing taxes which they assume are to schools, but most of the money doesn't make it to the classroom where it should be. We should have had this bill a long time ago."

Mr. Speaker, if Members will not take my word for it, at least listen to the children who attend public schools across America each day, or listen to the teachers.

Helen Martin, a teacher in the Unionville-Chadds Ford School District in Pennsylvania stated this: "It is very frustrating to see so much tax money go to Washington for education and not to see funds in the classroom that have been appropriated for education. Please return more education tax dollars directly to the students of our Nation who will become the scientists, business people and lawmakers of the 21st century."

Mr. Speaker, I beg Members to not turn a deaf ear to the children and the teachers of our Nation. Let us get America's hard earned tax dollars away from beltway bureaucrats and into the classroom. Let us use the money for books, computers, maps, microscopes, and teachers.

It is our choice. We have a vote today that will impact America's kids. We have a moral responsibility to drastically improve our current education system for our children. If we are really serious about supporting public schools, the choice is clear. Vote for the Dollars to the Classroom resolution. Vote for the kids in the public education system.

Mr. Speaker, I include the following material for the RECORD:

#### MOVING DOLLARS TO THE CLASSROOM

(By Representative Joseph Pitts)

"People are taking our parents for granted, because they're paying taxes which they assume are to schools, but most of the money doesn't make it to the classroom where it should be"—5th Grader Glenisha Danyelle McLellan

Glenisha's statement is undeniable—a significant portion of federal education dollars do not make it into classrooms. In the midst of rapidly growing federal education budget, the actual amount of funds making it into classrooms—where the fundamental basics of reading, writing, and arithmetic are taught—is being siphoned off by an increasingly large Washington-based education bureaucracy.

As a former high school math and science teacher, I have seen and experienced firsthand the funding shortfalls many schools face each year. Some have tartered textbooks dating back more than a decade. In many urban areas, teachers lack the funds to buy basic necessities such as new crayons, pencils and paper for their students. Year after year, thousands of teachers nationwide—in affluent and poor districts alike—are not given the proper resources to conduct the necessary classroom experiments that facilitate the learning process.

After one studies this "resource gap" in our nation's classrooms, it becomes abundantly clear that the answer to these problems does not lie in increased education funding. Indeed, the problem in education is not how much we spend, but how we spend it. By propping up bureaucracies instead of providing local schools, teachers and parents with the resources they need, we have failed our nation's children.

In his most recent State of the Union address, President Clinton declared that education would be his "number one priority for the next four years." Mr. Clinton should fulfill that commitment by working to ensure that a very high percentage of every federal dollar spent on education is channeled directly to a classroom, instead of remaining in the seemingly endless labyrinth of programs which originate in Washington, DC. This goal is one that has already been embraced by Republicans.

At present, it is unknown exactly what percentage of federal education dollars reach the classroom. What is known, however, is that the federal education bureaucracy is a multi-layered behemoth that saps up billions of dollars that are desperately needed in America's classrooms.

As part of the effort of the Republican majority to ensure that more dollars are directed into classrooms, the House Committee on Education and the Workforce has initiated a far-reaching project—"Education at a Crossroads: What Works? What Is Wasted?"—to evaluate the extent and quality of federal involvement in education. Led by Subcommittee on Oversight and Investigations Chairman Pete Hoekstra (R-MI), the Committee has unearthed a federal education bureaucracy consisting of 760 different programs in 40 separate departments and agencies, costing taxpayers more than \$100 billion a year (1997 figures).

Currently, the federal government spends approximately \$15.4 billion on elementary and secondary education programs. The best estimate suggests that about \$5.4 billion never reaches the classroom. Instead, this money is consumed by numerous layers of administration, paperwork, publications, studies, and an intensive grant application process.

This federal bureaucracy, coupled with the waste endemic in many state education bureaucracies, results in fewer and fewer dollars actually reaching the classroom. For instance, a recent audit of New York City public schools found that only 43 percent of the local education budget reached the classroom. The *Wall Street Journal* has reported (3/27/96) that 24.6% of U.S. public education spending (federal, state, and local) goes to non-teaching personnel.

The U.S. Department of Education (USDE) is chock full of examples of wasteful spending. In many cases, programs and policies can be eliminated, thus freeing up more resources to be utilized directly by those actually doing the teaching.

Two prime examples are the USDE's voluminous collection of "studies," and the time-consuming grant process. While there are certainly other problem areas that need a close examination, these two serve as effective "case studies."

#### CEMENT: THE CONCRETE EXPERIENCE

According to the USDE, it "publishes a wealth of information for teachers, administrators, policymakers, researchers, parents, students, and others with a stake in education." A recent search of the USDE's Home Page on the World Wide Web found that the database currently contains descriptions of 21,922 different studies published since 1980. The subjects covered in these reports span the horizon, ranging from Eskimos to cement.

A brief, and by no means comprehensive, examination of the list of studies reveals:

1767 studies on career planning;

140 studies on check lists;

Nearly 100 studies on education researchers researching their research techniques;

260 studies on surveys;

3 studies on "Cement: The Concrete Experience"; and

82 studies on calculators.

And that is just a small fraction of a small sampling of the publications available.

Additionally, these reports are not available for free; the USDE charges a fee for each report, so those wondering what "Cement: The Concrete Experience" is all about must pay to find out. This is a tragic waste of taxpayer dollars. Not only are the bureaucrats in Washington consuming money that could be directed to local schools to fund studies on all-too-often irrelevant topics, but the USDE then forces teachers to use limited classroom resources to purchase copies of the few studies that may prove useful.

This dizzying logic lends an insight into the USDE's funding priorities. As President Herbert Hoover once noted: "In all bureaucracies there are three implacable spirits—self-perpetuation, expansion, and incessant demand for more power." Indeed.

#### GRANT PROCESS: 21 WEEKS, 216 STEPS

Another frustrating example of waste in the federal education system is the extraordinarily long grant application process teachers across the country must endure. The USDE has made applying for a grant so complicated that many teachers never even bother, feeling the benefits (the money) don't outweigh the costs (countless lost hours).

Teachers who do choose to try to secure federal grants must waste hours upon hours on an application process that takes 21 weeks and churns through no less than 216 tedious steps of bureaucratic red tape. And that's just to apply for a grant. In the end, there is no guarantee of actually receiving the funds.

Interestingly enough, the aforementioned 21 week process involving 216 steps was recently highlighted by the USDE as a significant accomplishment. Previously, the grant process involved more than 400 steps and took an additional 5 weeks. While the new "shortened" process should certainly be applauded, it is a long, long way from satisfactory.

The USDE also recently highlighted additional steps it has taken to make the Department more efficient and more effective. One achievement so noted was a reduction in the paperwork burden imposed by the federal education establishment by 10 percent or 5.4 million hours. However, even with this improvement, 48.6 million hours of paperwork is still required by USDE policies. That amounts to the equivalent of 24,300 employees, working 40 hours per week, for an entire year. Again, the recent improvements are welcomed, but there is a long, long way to go.

The USDE "studies" and grant process are just two examples of areas where we must demand a better return on our education dollar. Furthermore, I have no doubt that Chairman Hoekstra and other members of the subcommittee will uncover additional areas ripe for reform as they continue working on the Education at a Crossroads project.

#### \$1,800 FOR EVERY CLASSROOM IN AMERICA

Considering the funding shortfalls many teachers experience, and having identified an enormously large and wasteful bureaucracy, it seems that an important policy initiative would be working to move more dollars directly into classrooms, while spending less on propping up the establishment in Washington. One proposal that would move policy in this direction is the "Dollars to the Classroom" resolution, which calls on the USDE to send 90 percent of the money it earmarks for elementary and secondary education directly into classrooms.

While the federal government actually funds a relatively small portion of elementary and secondary education (federal spend-

ing represents about six percent of total education spending in this area), it is significant nonetheless. The \$5.4 billion currently wasted on bureaucracy could provide a windfall of funds for every classroom in America.

If the federal government sent approximately 90 percent of current federal education dollars directly to the classroom, it would translate into an additional \$1,800 for every classroom in America. The impact of such an infusion of resources would be felt immediately by every teacher and every student in every school across the country.

An additional \$1,800 for every teacher to use provides a number of possibilities for improving the quality of education:

\$200 purchases a microscope, and a child can see a double helix strand of DNA.

\$70 purchases a sling psychrometer, which students could use to measure the relative humidity and predict the weather.

A mere \$10 obtains flash cards, allowing students to practice time tables with a friend.

\$50 buys a globe or a set of maps, allowing children to improve their geography and their knowledge of nations across the seas.

And \$1,500 buys a computer with enough desktop space, RAM, and Internet access to allow every student in the classroom to experience the vast amount of educational information available at his or her fingertips.

In some cases, that new found money may be the difference between new textbooks and continuing to use those from the early 1970s. Without a doubt, placing \$1,800 at the disposal of a creative and hardworking teacher can and will make a substantial difference for our children, their education, and their futures.

Teachers and superintendents agree that the "resource gap" in the classroom must be narrowed. At a recent Education at the Crossroads hearing in Washington, Helen Martin, a high school science teacher from Unionville, Pennsylvania told legislators:

"It is very frustrating to see so much tax money go to Washington for education and not see funds in the classroom that have been appropriated for education. Please return more education tax dollars directly to the students of our nation who will become the scientists, business people and lawmakers of the 21st century."

Dr. Linda Schrenko, the state Superintendent of Schools in Georgia has noted:

"Administrators from Washington will never meet the needs of individual children. . . . I cast my vote for returning as many dollars directly to local schools as we are able. . . . Less bureaucracy on all levels will allow more dollars to directly reach the students in the classroom."

This debate is not about what we should do with the federal Department of Education. Instead, it is about bringing accountability to this federal agency in a way that ensures that children, not bureaucrats, are the final winners.

In 1996, while speaking to the nation's governors, the President stated: "We cannot ask the American people to spend more on education until we do a better job with what we've got now." That is something we can all agree on.

Our efforts to move "Dollars to the Classroom" will force the Washington bureaucracy to do a better job with the money we are already spending. And through the Education at a Crossroads project, Chairman Hoekstra is working to help identify the programs that are effective at accomplishing this goal, as well as those that are undermining it.

On still another occasion President Clinton added, "In an age of tightening budgets, we should be spending public funds on teachers and children, not on unnecessary overhead

and bloated bureaucracy." Now, if only the message could get through to the money handlers at USDE.

Raising the question "Where is the money spent?" is well worth the time it will take to bring this subject to the forefront of debate. For too long, liberals have claimed that increased federal funding is the ultimate problem-solver. Yet, ever-increasing education budgets have demonstrated otherwise, as test scores continue to decline.

House Education and the Workforce Chairman Bill Goodling (R-PA) has noted time and again that we know children are achieving when we invest in programs that help students master basic academics, engage and involve parents, and move dollars into classrooms. These are the activities of local schools, teachers, and parents, not pencil-pushers and bureaucrats in Washington.

Basic academics and more dollars to the classroom are a winning combination. Now, we must ensure the best education possible for the most number of students, and the best way to accomplish that goal is to see that our tax dollars make it right back into the classroom. When federal education dollars seep into the pools of Washington's 40-agency education bureaucracy, the exact opposite happens—millions of students lose out on available funding.

As H.G. Wells said in his famous Outline of History, "Human history becomes more and more a race between education and catastrophe." No one would disagree with that. And no one would deny that this is a race we must win.

Today, Republicans are launching a number of initiatives designed to help America win that race. The ongoing Education at a Crossroads project continues to illuminate problem areas and success stories in education. The "Dollars to the Classroom" resolution will help refocus our efforts on children, not bureaucracies. These Republican projects will help ensure a stronger education system, and a brighter future for every American student.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume. I think we can all agree on the importance of sending the majority of education dollars to the classroom, but in fact this resolution does not ask for that. This resolution asks that 95 percent of the program dollars go to the classroom, and in fact that is already what is happening. But having said that we all feel that the majority of education dollars should go to the classroom so that children can receive a quality education, I have to stipulate that I do not agree with the rationale and the myths outlined in this present resolution that is before us today. I wonder why we are consuming our precious floor debate time on this unnecessary rhetoric instead of considering measures which will truly improve the public education of our children.

I believe this body needs to act upon solutions, not resolutions, in our quest to respond to the educational needs of our children. Playing politics through the consideration of this resolution is not the proper nor justified response to our problems in the education system. Despite the obvious political goals of the majority on this resolution, which is to embarrass the Department of Education, I believe it is necessary to point out some of its obvious mistruths.

Among the many premises of this measure is the statement that 3 years

ago less than 60 percent of funds spent on elementary and secondary education was spent on instruction. I do not know how we can confirm the accuracy of that statement when, as we all know, the determination of whether an expense is classified as administrative or instructional varies from one school district to another. Some schools classify teacher aides and professional development as administrative costs while others classify that as instructional. In this instance and in many others throughout the resolution, the claims advocated by the majority clearly have absolutely no basis in fact.

Another misleading premise is that the Department of Education and the program it operates are gobbling up funds for wasteful administrative purposes rather than targeting dollars for the classroom. This conclusion is misleading and was never proven by the majority during the committee consideration of this legislation. Nearly all major education programs, and that is what we are really talking about, is the programs, include a 5 percent cap on funds that may be used by State and local educators for administrative purposes. The statutory limits contained in our federal election laws specifically ensure that the funds we provide are going to benefit our Nation's students, not the bureaucracies the majority claims. The limited administrative costs that do exist focus in large part on accountability and quality improvements, and that is something that we should all be concerned with. Additionally, nearly all States are presently taking advantage of a new provision in the Elementary and Secondary Education Act which permits a single consolidated application for many Federal grant programs.

Mr. Speaker, rather than wasting time debating a resolution designed to undermine public education, we should adopt instead a positive approach to educational progress, one that emphasizes how the Federal Government can assist local school reform or help prepare crumbling schools that they are now in desperate need of. These are the solutions, not resolutions, I was referring to earlier.

The Democratic caucus I believe has adopted an education agenda that will truly help ensure a quality education for our Nation's children and respond to the needs of our public education system. This agenda emphasizes early childhood development, well-trained teachers, relief for crumbling and overcrowded schools through the rebuilding of our Nation's educational infrastructure, support for local plans to renew neighborhood public schools and coordination of an efficient use of existing resources. The Democratic agenda will ensure that every child will be ready to learn to read by the time they enter kindergarten and bring down student-to-teacher ratios and provide quality instruction and assist schools to wire the classrooms to the Internet

plus support local schools' renewal plans that are developed by stakeholders in our communities' public school system, and encourage States to adopt rigorous standards of academic performance. These are actual solutions to the problems we encounter in our educational system. These are what we should be debating, not meaningless politically minded resolutions.

Finally, Mr. Speaker, I find it ironic that the one instance in which the majority decides to work together in a bipartisan manner is on a measure that does nothing to respond to the Nation's educational needs. I challenge my Republican colleagues to work together in a bipartisan fashion to address those tangible issues which I previously outlined that will truly help our Nation's children. Everyone in this body needs to remember, we need to provide solutions, not resolutions.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds just to say that after 35 years of Democrat control, their resolutions and their legislation was well-intended. Unfortunately, it struck out.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Speaker, I am proud to support House Resolution 139, the dollars to the classroom resolution. I commend the gentleman from Pennsylvania [Mr. PITTS], the sponsor; the gentleman from Pennsylvania [Mr. GOODLING] and the Committee on Education and the Workforce for their continual hard work to ensure that real reform occurs in our Nation's education system.

Mr. Speaker, this resolution would simply set a goal that at least 90 percent of Federal elementary and secondary education dollars reach the classroom. It is currently estimated that only 65 percent of all Federal funds actually reach our Nation's classrooms. This town is notorious for talking about reforming this education system, but this dismal statistic proves that nothing has been accomplished.

The dollars to the classroom resolution is a great way to send a message to the administration that we in Congress are prepared to invoke real reform at the Department of Education. Our goal should be an education system where every child can outscore, outperform and outcompete the students of every other Nation in the world. It is time to put our children before bureaucrats. The decision of how our education money is spent needs to be made by local teachers, local administrators and parents, not the Federal Government. It is time that we invest more wisely, and we must spend our education dollars where they can achieve the most, right in the classroom.

This resolution would mean as much as \$1,800 would be added to each classroom budget. At Houston Middle School in southern Missouri, where I taught a class last week, \$1,800 is the difference between having computers

and much newer books and other much needed learning resources in that classroom. They desperately need it. It is finally time for Congress to take a stand and do what is right for our Nation's children. I urge my colleagues to support the dollars to the classroom resolution.

□ 1230

Mr. MARTINEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in opposition to House Resolution 139, the dollars to the classroom resolution. The resolution, if you take a moment to read it, in its resolve clause, is perfectly admirable and legitimate. It says the House of Representatives urges the Congress and the U.S. Department of Education, the States and local agencies, to determine the extent to which Federal elementary secondary education dollars are currently reaching the classroom and then work toward a goal of at least 90 percent of the funding to be utilized in that way.

I do not believe there is a single Member of the Congress that will argue against such a resolution.

What troubles us and why the Democrats on the Committee on Education and the Workforce all voted against this resolution is because the whereas clauses contain in them absolutely unfounded, unsubstantiated conclusions.

If these conclusions were actually factual, why are they calling upon the Congress and the Federal Government and the States to study this matter? If they have all the facts, that should be it.

But the very fact that they are calling upon the Congress and the Federal Government and the States to look at this and to determine exactly what is reaching the classroom is discounted by the fact that more than half of the whereas clauses contain in them what I consider absolutely fallacious conclusions regarding the subject matter.

I believe that it is intentionally so stated, because it wishes to disparage the idea of Federal funds for education.

I think that we have to look very closely at the whereas clauses and not just be sucked into voting for the resolution because of the resolve clause. I stand here today and urge my colleagues on both sides of the aisle to read this resolution carefully and see if there is any reason to support the whereas clauses.

There is absolutely nothing to indicate in the testimony given to the subcommittee that all of the funding that is intended to go to the classrooms or the school districts are not so being funded. Yet this resolution makes general conclusions that the money is not getting to the schools.

The resolution states although the States receive less than 10 percent of their education funding from the Fed-

eral Government, more than 50 percent of their paperwork is associated with those Federal dollars.

That statement is absolutely unsubstantiated. There is no evidence that the States spend 50 percent of their paperwork on Federal programs. So I think that that is an outrageous statement that in itself calls for a negative vote on this resolution.

Furthermore, there is an assault statement on the New York City public school system. The resolution says "while it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom."

There is no evidence to that fact regarding this particular school system. In any event, it is not relevant to this resolution, because all that the resolution is attempting to discuss are Federal dollars, not local and State dollars. So that whereas clause simply is not relevant, as it deals with local funds.

The resolution also states even if 65 percent of the Federal education dollars presently reach the classroom, it still means that billions of dollars are not directly spent on the classroom.

This is absolutely a false statement. Whoever said only 65 percent of Federal education funds reach the classroom? There is already evidence in the record to indicate that between 95 and 98 percent of the funding from the Federal Government actually gets to the local school districts.

We have testimony in our record here, the gentleman from Missouri [Mr. BLUNT], in response to my question said in discussing this matter with others, he thinks "the average in the country is somewhere between 93 and 98 percent actually getting to the districts."

So I cannot imagine where there is any truth whatsoever in this statement about 65 percent of the Federal education dollars reaching the classroom.

So on with the rest of the resolution. It makes mention of the Digest of Education Statistics, regarding total money local and State that are spent in elementary secondary schools. This resolution is dealing with only talking about Federal dollars, so let us stick to the subject matter, and not mix apples with oranges.

I believe that there is ample evidence in all the statistics that are available that 93 percent of our Federal dollars are actually reaching the school districts.

The resolution states too much of our Federal education funding is spent on the bureaucracy and too little spent on our Nation's youth.

The U.S. Department of Education has come repeatedly before our committees and stated that only 2 percent of its budget is spent on administrative costs. So the rest of it goes down to the States.

If we mean to incriminate how the States handle their budgets, then that

is a matter entirely separate from this resolution. This resolution is only talking about the Federal money. We have been very careful in determining the way in which the funding is to be allocated in terms of all of the programs that we have implemented.

Programs for special education and for other matters are clear in their distinction as to how the funds are to be spent. I think one has to look at the newly developed Coopers & Lybrand accounting package, and the analysis of the Milwaukee school district which shows that 93 percent of all title I funds went to the classroom for instructional support and 90 percent of all title I funds were spent at the school level.

In the State of South Carolina, we had the opportunity to hear from the Superintendent of Education, Barbara Stock Nielsen, who testified on May 8 of this year that the vast majority of Federal dollars do reach the classroom and that it is probably easier to track the Federal dollars than it is the State and local dollars.

Mr. Speaker, given the facts that we know, that we have been presented in the subcommittee, it is clear that the Federal Government is doing an excellent job. Let us not pass a resolution that disparages Federal aid to education with facts stated in the whereas clause that are absolutely unfounded, unsubstantiated, and in many cases totally false.

So I urge my colleagues to vote down this resolution. It may feel good to say you want more money to get to the students and to the classrooms, but I ask you to look at the whereas clauses and see how inconsistent they are and vote down this House Resolution 139.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. PITTS] to discuss this.

Mr. PITTS. Mr. Speaker, in response to the gentlewoman who said there was no evidence or substantiation, let me quote from the testimony that she should have heard when the hearing was held before the committee. A quote from Lisa Graham Keegan, the Arizona State Superintendent, who said Federal funds account for 10 percent of the education funding, but 50 percent of their paperwork burden. Dr. Charles Garris, superintendent of Unionville-Chadds Ford School District, my own district, came and presented testimony, talking about Federal funds only.

He said that even at the local level, after the administrative overhead from the Federal, at the local level, 25 percent of the funds never reach the students that they were intended to serve, and he detailed the expenditure of those funds. Then he had a stack of papers, an application for a Federal grant. He put it down and he said, "This takes 5 months to apply, and still, after 5 months of applying, going through 216 steps, we don't know whether we will get any. I will not even apply."

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard that claim, and I wonder when that claim or statement was made, because, more recently, innovations at the Department of Education through programs like Ed-Flex and other waiver initiatives of the Education Department has allowed States and localities to waive statutory and regulatory requirements of several Federal education programs, such as Even-Start, migrant education, Eisenhower Provisional Development Safe and Drug-Free Schools, community programs, innovation education programs, emergency immigrant education, and the Perkins Vocational Education Programs.

Twelve States currently are Ed-Flex States. So if a State wants to apply for that, they have the option to do that. That is still not the problem or the major educational problem that our education system has in its system today, and I do not think this resolution, which has no standing in law, because it is just a resolution, is going to do anything to really alleviate any of those problems.

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

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Speaker, I rise in strong support of this resolution. Guaranteeing that 90 percent of Federal funds for elementary and secondary schools is spent directly in the classroom is just plain good sense. I cannot imagine why anybody could be against that.

While there is not complete certainty as to the actual percentage of Federal education dollars that reach the classroom, we do have available to us several studies which suggest that well over 30 percent of these funds are eaten up by the Federal and State bureaucracy.

I have been part of the hearings all around the country on the Crossroads to Education. Everywhere we go, we hear from local people that these funds are eaten up by the bureaucracy. I do not think this should be so, Mr. Speaker. I believe that too much of Federal education funding is spent on bureaucracy and not enough on teaching our children.

I believe that we should support this resolution in a bipartisan way, and even the Democrats on our committee may vote against it. I believe most Democrats in this Congress will support this in a bipartisan way, because they know that the people who actually know our children at home should be the people in charge.

I urge support of H.R. 139.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume to respond to that.

Look, here comes back the same story. We are comparing apples and oranges when you compare Federal programs and State programs.

The Federal Government has no way of dictating to States what they expend for administration or other paperwork requirements in their own State. The Federal Government does not control that.

The Federal Government does have caps in the Federal Government on how much can be spent on administration. So to say in one breath that the State and Federal governments are guilty of an excessive cost of administration and overhead regarding paperwork is a misstatement, and it is a misleading statement.

Nobody is against as many of the funds as possible going to the classroom. The Federal programs, as outlined by the gentlewoman from Hawaii [Mrs. MINK] have stated that up to 93 percent, and maybe more, in most cases, are going, of Federal dollars, are going to the classroom. The only thing we can control by this resolution is the Federal dollars going to the classroom.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, in our great State of South Dakota, we have a fine tradition of public education. My children participated in that process. We always believe as a matter of policy that the State and local governments are those where the function and responsibility primarily for education resides, but as a matter of conviction, that to the extent the Federal Government, the taxpayers, are asked for Federal dollars to support education, that those dollars ought to go into the classroom.

My two young girls attend public schools. They are only 2 of the 51 million students in America who may not have the resources and supplies necessary to prepare them for the 21st century, because we are not getting enough of the Federal funding into the classroom.

That is why I support this resolution. With this resolution, it is estimated that each classroom would receive an additional \$1,800. In my State of South Dakota we spend approximately \$3,500 per student. Another \$1,800 could help pay for additional computer software, hooking on to the Internet or books.

I believe in public education. I hope my colleagues in this body will show their support for public education by supporting a resolution which will ensure that we get the very best value for our tax dollar.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here again, I do not know how many times we are going to say this, but the fact is that the figures that they come up with do not take into account that 93 percent of the elementary and secondary education spending is done with local dollars, and it is locally controlled.

What we are talking about in the resolution is an effort to make sure that at least 95 percent of these funds get to the education classroom, and, in the

Federal programs, except the moneys they use for the publications that they are allowed to make in the budget that they get which is appropriated by this Congress for those specific purposes, is not used for the programs, and the program money, more than 95 percent, is actually ending up in the classroom.

□ 1245

That is the only thing this Federal Government cannot control. As an average, throughout the United States, only 6 percent of the money that local schools receive in assistance to their budgets is from the Federal Government. Of that, they are getting the majority in the classroom.

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

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington, Mrs. LINDA SMITH.

Mrs. LINDA SMITH of Washington. Mr. Speaker, today I rise in strong support of this resolution, and I want to thank the chairman for bringing it to the floor. I listened carefully to the debate. It is still confusing because we all say we want the money to go to the classroom, but I hear debates against that.

We have to have our No. 1 priority to be the classroom, the hands-on, where the teacher knows the child's name, and we have the teaching of the basics, reading, writing, arithmetic.

What I found when I got to Washington, DC, though, about 3 years ago, was a lot of apologists for the bureaucracy, fighting hard every day to keep the Federal buildings full of bureaucrats, when actually we need teachers in the classrooms at home.

This resolution just says 90 percent of our Federal dollars, the money we pay, and gets to the Federal level, goes into the classroom. How can Members argue with that, at a time when people are saying, go back to the basics, we want local control?

I urge a strong vote "yes" for this resolution.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we are talking about is a half-truth. The Education Department already sends at least 95 percent of the major education program money to the States. Only 2 percent is used by the Department for administration.

Mr. Speaker, I yield such time as she may consume to my colleague, the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I do not know how often we have said it in committee, and we are repeating it again on the floor: the U.S. Department of Education spends only 2 percent of the total funding for education on its administration. So I do not understand this accusation of this huge bureaucracy consuming the money that belongs to the classrooms and to the school districts. The statistics are there, the studies have been made, and CRS reports all indicate that the figures given by the U.S. Department of Education are correct, only 2 percent.

I also want to call to the attention of the House that in the various legislation that we have passed we have also stipulated not only limitation on Federal bureaucracy or Federal administrative costs, but we have put caps on the State administrative costs. I have a long list here. I do not know how much time there is.

Let us look at Goals 2000. The maximum percent that the States can spend on administration is 4 percent of their grant. Title I LEA grants, 1 percent of the grant is a cap on State and local educational administrative costs; Even Start, a 5-percent limit; title I migrant, a 1-percent limit; Eisenhower Professional Development, a 5-percent limit; title VI, a 3.75-percent limit; safe and drug-free schools, a 4-percent limit; the vocational basic grants, a 5-percent limit; adult education, a 5-percent limit; IDEA, a 5-percent limit.

So we have been careful in understanding the requirements for administration, but also the need to get the money to the places the legislation intended. In each of these major pieces of legislation, we have carefully not only limited the Federal costs of administration, but we have stipulated a limitation on the amount of moneys the State can spend.

If the States in other programs are spending more money than they should be, that is a State and local matter. So for those people who are arguing State and local control, that that is the best place to regulate education, then we ought not to be talking about how they spend their money for education. If we truly believe in local control, that is a matter which the local people, the local State officials, have to come to grips with. But insofar as the Congress, as far as Federal administration is concerned, I believe we have been absolutely attentive to the needs of the classroom, the school districts, and the children.

There are, of course, some areas where it is not possible for the moneys to go directly to the classroom; such as funds for professional development. This is not a direct classroom benefit; but we are benefiting a teacher who is going on for further education.

I believe that this resolution is simply an attempt to haunt the House and the U.S. Department of Education with all sorts of cobwebs and misguided conclusions, to try to cast an impression that the Federal Government has been a wastrel and has not been attentive to the needs of the students and the needs of our local school districts. This of course is false.

Again, I ask the House to vote down this resolution.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, only some groups that would want the power to reside in Washington, D.C., of wasteful spending would oppose this. Why? They want the power here in River City; the same people who vote

against balanced budgets, tax relief, because those are taxes given to spend more money for failed systems.

Let me tell the Members, the studies did not even take into account the time that principals and administrators put into working on the paperwork. We have heard States saying up to 50 percent, 50 percent of their costs, are dealing with Federal paperwork.

Let me give Members an idea. Goals 2000 that my colleagues mention, and say this was a George Bush-Ronald Reagan thing, Goals 2000, look at the number of "shalls" and "wills." I am not a lawyer, but I know a "will" in a line is more important; the States will do certain things. If they do not comply, it has to override the board. The board then sends the recommendations for Goals 2000.

Think about the group that has to look at that. Then it goes to Sacramento. Think about just all the schools in our districts sending all this in to the superintendent, then sending it to the State and the Governor, and then, guess what? There is a big bureaucracy back here in Washington, DC; we know there are problems with it, so they send paperwork back. That takes dollars away.

My wife is an elementary school principal. She had to attend a class for 1½ weeks just to learn how to write a grant to the Federal Government. That is not even included, the dollars get down there, then they have to look at that. Seven hundred and sixty Federal education programs.

Let us look at this. The President wanted \$3 billion for a literacy program. There are 14. What is wrong with saying, let us fund 1 or 2, and get rid of the other 13 or 12 of them? But no, my liberal friends will want to put more money for failed systems and keep the same system going.

Let us look at the results. We are 28th in math and science, last of the 15 industrialized nations in all core courses. Money is the issue, but the money to get down to the classroom, not to the Federal bureaucracy.

Mr. MARTINEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks and include extraneous material.)

Mrs. MINK of Hawaii. Mr. Speaker, I include for the RECORD the chart to which I made reference, and a letter from Mr. Riley:

U.S. DEPARTMENT OF EDUCATION,  
Washington, DC, July 14, 1997.  
Hon. WILLIAM F. GOODLING,  
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am responding on behalf of President Clinton to your letters dated May 8, 1997, and June 11, 1997, inviting the President to join in the review and evaluation of Federal education programs currently being conducted by the House Committee on Education and the Workforce. I am forwarding a copy of this letter to those who joined you in writing.

As you know, education is the President's highest priority as he works to help all Americans prepare for the challenges of the 21st century. The President also has a keen interest, dating back to the 1993 National Performance Review, in determining "what works and what is wasted" in Federal programs.

I came to Washington to make the changes needed to help improve teaching and learning in America's schools. I think you also know that I share your interest in local control of education, focusing on the basics, supporting parents, and getting the most out of Federal education dollars by making sure they have the most positive and cost-effective impact on American classrooms. These principles are at the core of every elementary and secondary education initiative proposed by the President Clinton, and we remain convinced that they are essential to effective education reform.

Over the last year, various Federal Departments, including the Department of Education, have provided a considerable volume of material to staff of your Committee relative to the list of more than 700 programs, which have been characterized in press events and public statements as "education" programs directly impacting elementary and secondary education.

A cursory examination of the Committee's list reveals that its size is primarily due to three factors. First, education, training and outreach are by definition a component of virtually every Federal program activity. For example, educational activities are critical to Department of Agriculture efforts to improve nutrition, Department of Health and Human Services programs to prevent the spread of disease, and Department of Transportation activities to encourage safety in the transportation sector. Second, the Federal government has a strong interest, determined and defined largely by the Congress, in supporting a wide variety of specialized career training and research activities. This includes training FBI agents and air traffic controllers as well as much of the research carried out at the National Institutes of Health. Third, for 130 years the Federal government has played a key role in expanding opportunity and quality at every level of education, a role primarily filled through programs administered by the Department of Education.

Programs in the first two categories were never designed, nor were ever claimed, before the Committee undertook its current review, to improve the quality and performance of our elementary and secondary schools. Programs in the third category include a significant number of activities that support postsecondary education, in addition to elementary and secondary education. According to our review of the Committee list, this leaves less than one quarter of the programs identified by the Committee that actually deliver dollars aimed at improving elementary and secondary education.

The Department's item-by-item review of the Committee's list is enclosed for your information. That review was conducted in consultation with other involved agencies. In short, this review shows that the Committee's tally of "Federal education programs" is significantly overstated. Out of the latest total of 788 programs:

- 183 are no longer authorized or funded;
- 139 are postsecondary or adult education programs;
- 71 funds specialized research;
- 68 provide employment or job-related training and technical assistance;
- 58 are for the education and training of health professionals;
- 47 provide public information or community outreach;

27 support the arts, museums, or historic preservation;

26 provide various services to individuals; 16 fund construction projects, community development, and community service; and 11 are nutrition programs.

The remaining 142 Federal programs that support elementary and secondary education, include noninstructional activities like the President's Council on Physical Fitness and Sports, as well as educational outreach activities related to specific agency missions, such as training science teachers through the Department of Energy and Aviation Education at the Department of Transportation.

Focusing just on the 305 programs identified as Department of Education programs, 122 are unauthorized, unfunded or simply not programs. That leaves 183 Department of Education programs covering pre-K through postgraduate education and training, of which 102 programs impact elementary and secondary education.

Despite these sharply reduced numbers of what can realistically be characterized as "elementary and secondary education programs," the entire list of 788 programs has been cited as proof of (1) wasteful and inefficient duplication in Federal programs, (2) an excessive and costly Federal bureaucracy, and (3) burdensome regulatory and paperwork requirements on schools and teachers. In reality, the Clinton Administration working with Congress has an impressive record on all three counts:

Beginning with the 1993 National Performance Review, the Clinton Administration has taken the lead in eliminating unnecessary or ineffective programs and consolidating duplicative activities. Through fiscal year 1997 the Department proposed the elimination, phase-out, or consolidation of more than 100 programs, while Congress has agreed to eliminate 64 programs totaling \$625 million. Even with the addition of new programs, the total administered by the Department fell from 240 in 1995 to under 200 in 1997. The recently signed reauthorization of the Individuals with Disabilities Education Act included program consolidations that will reduce that number even further. In addition, the President's 1998 budget request included 10 more program terminations, and his proposed reauthorization of the Carl D. Perkins Vocational and Applied Technology Education Act would reduce the number of authorized vocational education programs from 23 to 3.

The Clinton Administration has reduced the number of Federal employees to levels not seen since the Kennedy Administration. The Department of Education has actually seen its workforce fall by nearly 40 percent since 1980. In fact, the Department today employs over 3,000 fewer individuals than its predecessor agencies. Partly as a result of this decline, the Department administers more dollars per employee than any other Cabinet-level agency, and delivers 98 cents of every appropriated dollar to States, schools, and students.

No President has done more to reduce regulatory burden, cut paperwork, and enhance local control of our elementary and secondary schools. Under President Clinton's regulatory reinvention initiative, the Department has eliminated nearly 40 percent of its regulations. The Department also has greatly expanded waivers of statutory and regulatory requirements that stood in the way of better teaching and learning, including allowing State-level officials in 11 States broad authority to waive Federal requirements as part of the ED-FLEX demonstration. Consolidated applications and reduced reporting requirements have helped to reduce the paperwork burden on applicants for

Department programs by over 10 percent. We are also cutting paperwork by conducting more business over the Department's site on the World Wide Web, which is currently visited about 5 million times each month. Finally, no Federal program provides more flexible support for locally-based education reform efforts than the Goals 2000 program, for which no regulations were promulgated.

The President and I share your determination to eliminate unnecessary programs in order to devote the maximum Federal resources to those activities that make a real difference in improving teaching and learning in the classroom. The American people expect us to work together to help prepare their children for tomorrow's challenges. As we work on reauthorizations, including the upcoming Higher Education Reauthorization, the Department wants to continue to work on a bipartisan basis to remove obsolete programs from Federal statute as we have done in other legislation over the last several years.

Yours sincerely,  
 RICHARD W. RILEY,  
*Secretary.*

Enclosure.

STATE ADMINISTRATIVE COSTS FOR FORMULA GRANT PROGRAMS  
 (Dollars in millions)

Program	1997 Appro.	Max percent for admin.	Amount for admin.
Goals 2000 .....	\$476	4.00	\$19.0
Title I LEA Grants .....	7,194	1.00	71.9
Even Start .....	102	15.00	5.1
Title I Migrant .....	305	1.00	3.1
Title I N&D .....	39	1.00	0.4
Eisenhower Prof. Dev. ....	310	15.00	15.5
Title VI .....	310	3.75	11.6
Safe & Drug-Free/SEAs .....	415	4.00	16.6
Save & Drug-Free/Governors ..	104	5.00	5.2
Voc. Ed. (Basic Grants, Tech-Prep) ..	1,110	5.00	55.5
Adult Education .....	340	5.00	17.0
IDEA State Grants .....	3,108	5.00	165.4
IDEA Preschool .....	360	5.00	18.0
IDEA Infants & Families .....	318	(?)	(?)
Total (not including IDEA Infants) .....	14,173	2.70	382.7
Total, ESEA programs .....	9,255	1.40	129.6

<sup>1</sup> Authorization allows funds set aside at the State level to be used for technical assistance or other activities in addition to State administration.

<sup>2</sup> No limit.

<sup>3</sup> Unknown.

Note.—In all cases, the percentages shown are the maximum amounts that States can use for administration. Some States will use smaller amounts for some programs. On the other hand, the maximum amount for a few programs is actually slightly higher than what is shown because the statute allows States to reserve X% or Y%, whichever is greater; this will have only a minimal impact on the overall totals, but allows the smallest States to use, for administration, a portion significantly greater than the national averages.

Mr. MARTINEZ. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. HOEKSTRA], chairman of the Subcommittee on Oversight and Investigations.

Mr. HOEKSTRA. Mr. Speaker, I thank the chairman for yielding time to me, and congratulate him on all the fine work we have done on the Committee on Education and the Workforce, and also for really allowing our subcommittee to travel around the country over the last year and hear what is going on in education and the impact that the Federal Government is having.

Let us take a brief look at exactly what this resolution is calling for. Number one, it asks to determine the extent to which the Federal elementary and secondary education dollars are currently reaching the classroom.

It invites us to work together to remove the barriers that currently prevent a greater percentage of funds from reaching the classroom, from reaching our kids, and then work toward a goal of getting 90 cents of every Federal education dollar into the classroom. It simply states we should return a greater percentage of our Federal dollars back to the classroom, and that this is the most effective place and this is the place where we can have most of the leverage with our kids.

Mr. Speaker, I am glad that my colleague, the gentlewoman from Hawaii [Mrs. MINK] is confident that we are doing a good job here in Washington. I wish she could have been with us more often as we went around the country and have visited 14 different States, have had hearings here in Washington, and there is a consistent message, whether it is Milwaukee, New York, Chicago, California, Phoenix, Wilmington, Georgia, Cincinnati, Louisville, Little Rock, Cleveland, Muskegon, Michigan. All of these people are telling us one consistent thing: paperwork, bureaucracy, and mandates from Washington are smothering creativity and effectiveness at the local level. They are not saying everything is fine, they are saying, we are being smothered by the paperwork. People at the State legislature are saying, we are being smothered by mandates that we need to pass on to the local school districts.

No, when we take a look at it from a State level, when we take a look at it from a local level, no, everything is not fine with education and with Federal education dollars. We need more local parental control, we need a focus on more basic academics, and we need to get more dollars to the classroom.

Instead of looking at the local level, I am disappointed that my colleague, the gentlewoman from Hawaii [Mrs. MINK] does not agree with our President. Our President recognizes that everything is not fine. In 1996, as we were moving out and spending more money on education, what did our President say? "We cannot ask the American people to spend more on education until we do a better job with the money we've got now."

The President recognizes we need to get more dollars into the classroom, the people at the local level recognize we need to get more money to the classroom. It is only a few here in the House of Representatives that believe that everything is fine and we do not need to change anything. No, we have a lot of work to do. We need to move forward. When we are getting somewhere between 50 to 65 cents of Federal dollars into the classroom, we know we can do better.

What are people saying? Dr. Yvonne Chan, from a great charter school we visited in California, said "Don't swamp us with the paperwork and we can have a lot more money going to the kids." This is a woman who saved \$1 million out of her State budget and they are focusing it on the kids, and

they are doing wonderful things in that charter school in that State.

We have seen that around the country, States freeing up administrators, States freeing up teachers at the local level to focus on what needs to be done in the classroom. It is about time Washington decides that is the best place to go, that we start agreeing with the movements that are going on around the States to less mandates, more flexibility at the local level, and more dollars to the classroom.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

As quickly as I can, Mr. Speaker, at least 95 percent of the Federal dollars are reaching the classroom, Federal dollars I am talking about, for Federal programs. They reach the classroom. The paperwork from Washington is not what is inundating the local school districts. If we look at the State of Kansas, it has less than an inch of paperwork regulations. If we look at the State of California, it is about 17 inches of paper regulations. That is what these people are complaining about. But when we ask the question wrong, we are going to get the answer wrong.

This is not about power. My friend, the gentleman from California, Mr. DUKE CUNNINGHAM, says that we are hungry for power up here. I have never felt that power up here. It is not about power, it is about States' rights.

Mr. GOODLING. Mr. Speaker, I yield the remainder of my time to the gentleman from Missouri [Mr. BLUNT].

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

Mr. BLUNT. Mr. Speaker, the question today is, should we send more dollars to the classroom? This does not seem like it would be a tough question, but it is a question that we are struggling with on the House floor today.

□ 1300

Who knows your child's name better? A teacher who knows that child or a bureaucrat in the beltway in Washington or even in the State capital?

Our opponents on this issue say that we are already meeting the 90 percent standard. Well, if that is true, let us pass this resolution and ensure that we meet this standard in the future. But we have studies that suggest that we are meeting a 65 percent standard. The difference in the 65 percent standard and a 90 percent standard is about \$1,800 for every classroom in America. Every elementary school principal, every secondary school principal can count the number of rooms in their building, multiply that by \$1,800; that is the difference in what we are talking about here today.

Mr. Speaker, this is the difference in whether we buy microscopes or not; whether we buy computers or not; whether a classroom has an overhead projector or not; whether there are chemicals for the chemical lab or tools for the shop. And Dollars to the Class-

room can increase teachers' salaries, rather than create another form for teachers to fill out.

Dollars to the Classroom is more accountable to the taxpayer because it would ensure for the first time by passing this resolution that, in fact, 90 percent of all funds earmarked for elementary and secondary programs get to the classroom. By doing this, we start the process of setting a new standard, the standard that says that Federal dollars that are appropriated here for education programs really need to get to where kids and teachers are.

We have heard today about that study in the New York City school system that says that 43 percent of money in that district is spent on education; 43 percent is not good enough. Throwing dollars at education will not solve this problem. It is a worn out solution. We need to continue to work toward new solutions.

The new solution we are advancing today is to get the money in the hands of teachers, get the money to classrooms, short circuit any bureaucracy, whether it is bureaucracy in Washington, in State capitals, or even at the local administrative level.

School superintendents and administrators support this concept. Teachers support this concept. Today, Mr. Speaker, I urge my colleagues to join us in supporting this concept. This bill is different because it sends dollars directly to the classroom where solutions can be found. I urge my colleagues to support this new strategy that puts our children first.

Mr. RADANOVICH. Mr. Speaker, as a co-sponsor of House Resolution 139—the dollars to the classroom resolution—I want to express my strong support for this measure and ask my colleagues for their support as well.

With the passage of this measure, the Congress has a tremendous opportunity to send a strong message on how to improve our public education structure. The resolution states that at least 90 percent of Federal funds for elementary and secondary education should be spent in classrooms.

We all agree that the public education system is in disarray. We can improve our schools by providing them with the resources they need to make their classrooms better, safer places to learn. House Resolution 139 does just that. The best thing Washington can do to better educate our children is to send more responsibility and funding back to the local communities and schools who know the needs of these children best.

For too long, the Government has taken a view that bureaucrats in Washington, DC, know what is best for the children in my State of California. How can that be true if California's education needs vary significantly within our State, let alone compared to other States? Who would try to argue that schools in rural Mariposa County have the same needs as schools in inner-city Los Angeles? Probably someone at the Department of Education.

Mr. Speaker, we can no longer continue to build a one-size-fits-all education agenda. I was sent to this Congress to represent the people and the families of California's Central Valley. I believe part of this representation in-

cludes giving my constituents the resources they need to ensure that our children have the best education possible. House Resolution 139 sends that important message.

As we head into the 21st century, it is important that the Federal Government work with States and local communities by giving them more flexibility and decisionmaking power to shape the policies that are so crucial to our children's education. House Resolution 139 is an important step in that direction.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and agree to the resolution, House Resolution 139, as amended.

The question was taken.

Mr. PITTS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 AMENDMENTS

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1227) to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

The Clerk read as follows:

S. 1227

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. INVESTMENT MANAGERS UNDER ERISA TO INCLUDE FIDUCIARIES REGISTERED SOLELY UNDER STATE LAW ONLY IF FEDERAL REGISTRATION PROHIBITED UNDER RECENTLY ENACTED PROVISIONS.

(a) IN GENERAL.—Section 3(38)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(38)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by striking "who is" and all that follows through clause (i) and inserting the following: "who (i) is registered as an investment adviser under the Investment Advisers Act of 1940; (ii) is not registered as an investment adviser under such Act by reason of paragraph (1) of section 203A(a) of such Act, is registered as an investment adviser under the laws of the State (referred to in such paragraph (1)) in which it maintains its principal office and place of business, and, at the time the fiduciary last filed the registration form most recently filed by the fiduciary with such State in order to maintain the fiduciary's registration under the laws of such State, also filed a copy of such form with the Secretary;"

(b) AVAILABILITY OF DOCUMENTS VIA FILING DEPOSITORY.—A fiduciary shall be treated as meeting the requirements of section 3(38)(B)(ii) of the Employee Retirement Income Security Act of 1974 (as amended by subsection (a)) relating to provision to the Secretary of Labor of a copy of the form referred to therein, if a copy of such form (or substantially similar information) is available to the Secretary of Labor from a centralized electronic or other record-keeping database.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on

July 8, 1997, except that the requirement of section 3(38)(B)(ii) of the Employee Retirement Income Security Act of 1974 (as amended by this Act) for filing with the Secretary of Labor of a copy of a registration form which has been filed with a State before the date of the enactment of this Act, or is to be filed with a State during the 1-year period beginning with such date, shall be treated as satisfied upon the filing of such a copy with the Secretary at any time during such 1-year period. This section shall supersede section 308(b) of the National Securities Markets Improvement Act of 1996 (and the amendment made thereby).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FAWELL] and the gentleman from California [Mr. MARTINEZ] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker I am pleased today to rise to seek passage of Senate 1227, legislation which amends title I of the Employee Retirement Income Security Act, known as ERISA, to permit investment advisors registered with State securities regulators to continue to serve as investment managers to ERISA plans.

Mr. Speaker, Senate bill 1227 is identical to H.R. 2226, which I introduced on July 23, 1997, with the cosponsorship of the gentleman from New Jersey [Mr. PAYNE], ranking member of the Subcommittee on Employer-Employee Relations.

At the end of last Congress, landmark bipartisan legislation was enacted which adopted a new approach for regulating investment advisers, the Investment Advisors Supervision Coordination Act. Under the act, beginning July 8, 1997, States are assigned primary responsibility for regulating smaller investment advisors and the Securities and Exchange Commission is assigned primary responsibility for regulating larger investment advisors.

Mr. Speaker, under this framework, however, smaller investment advisors registered only by the States, and prohibited by the new law from registering with the SEC, would no longer meet the definition of investment manager under ERISA, since the current Federal law definition only recognizes advisers registered with the SEC.

As a temporary measure, a 2-year sunset provision was included in the securities reform law extending for 2 years the qualification of State registered investment advisers as investment managers under ERISA. This provision was intended to address the problem on an interim basis while congressional committees with jurisdiction over ERISA reviewed the issue. We have reviewed this issue and have developed Senate bill 1227 and H.R. 2226 to permanently correct this oversight.

Without this legislation, State-licensed investment advisers who, because of the securities reform law, no longer are permitted to register with the SEC would be unable to continue to

be qualified to serve as investment managers to pension and welfare plans covered by ERISA. Without this bill, the practice of thousands of small investment advisers and investment advisory firms would be seriously disrupted after October 10, 1998, as would the 401(k) and other pension plans of their clients.

It is necessary for an investment adviser seeking to advise and manage the assets of an employee benefit plan subject to ERISA to meet ERISA's definition of investment manager. It is also important for business reasons for small investment advisers to eliminate the uncertainty about their status as investment managers under ERISA. This uncertainty makes it difficult for such advisers to acquire new ERISA plan clients and could well cause the loss of existing clients.

Mr. Speaker, the bill will amend title I of ERISA to permit an investment adviser to serve as an investment manager to ERISA plans if it is registered with either the SEC or the State in which it maintains its principal office and place of business, if it could no longer register with the SEC as a result of the requirements of the 1996 securities reform law.

In addition, the bill requires that whatever filing is made by the investment adviser with the State be filed with the Secretary of Labor as well. The Department of Labor has asked for this dual filing with the Department and has assured the Congress that it needs no additional resources to process the forms.

This legislation has the support, therefore, of the Department of Labor. Arthur Levitt, Chairman of the Securities and Exchange Commission, has written to the Committee on Education and Workforce, expressing the need for this legislation and his support for this effort to correct this problem.

In addition, the bill is supported by the International Association of Financial Planning, the Institute of Certified Financial Planners, the National Association of Personal Financial Advisers, the American Institute of Certified Public Accountants, and the North American Securities Administrators Association, Inc.

By passing this legislation today we will correct this oversight in the securities reform law, thus protecting small advisers from unintended ruin and bringing stability to the capital management marketplace. I urge its passage.

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

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak on S. 1227, the ERISA rules for investment managers. Usually this legislation would be managed by the gentleman from New Jersey [Mr. PAYNE]. Unfortunately, he has been detained. I do, however, want to compliment him for his leadership on this issue.

Mr. Speaker, the 104th Congress passed the Investment Advisers Supervision Coordination Act, which made a change in the ERISA definition of investment manager. This change would have had unforeseen, potentially damaging effects on smaller investment firms. Because these investment advisers would not qualify as plan fiduciaries under ERISA, they would no longer be able to administer plan assets.

S. 1227 would require firm advisers that administer less than \$25 million in plan assets to register with the Department of Labor, and the idea that the Department of Labor would be the central database of investment advisers is a good one. Furthermore, this action will preserve the ability of these advisers to act as plan fiduciaries. This proposal that is before us now would restore current law and reestablish systemic uniformity.

Mr. Speaker, I commend the gentleman from Illinois [Mr. FAWELL], chairman of the Subcommittee on Employer-Employee Relations, and the gentleman from New Jersey [Mr. PAYNE], ranking member of the subcommittee, cosponsoring the House version of the bill, and I urge my colleagues to support S. 1227.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FAWELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. FAWELL] that the House suspend the rules and pass the Senate bill, S. 1227.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1227 and House Resolution 139.

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

There was no objection.

#### J. ROY ROWLAND FEDERAL COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1484) to redesignate the Dublin Federal Courthouse building located in Dublin, GA, as the "J. Roy Rowland Federal Courthouse," as amended.

The Clerk read as follows:

H.R. 1484

*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,*

**SECTION 1. REDESIGNATION.**

The United States courthouse located at 100 Franklin Street in Dublin, Georgia, and known as the Dublin Federal Courthouse, shall be known and designated as the "J. Roy Rowland United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "J. Roy Rowland United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1484 designates the U.S. Courthouse in Dublin, GA, as the J. Roy Rowland United States Courthouse.

Congressman Rowland was a dedicated public servant. He served in the U.S. Army during World War II as a surgeon in command of a machine gun crew, earning the Bronze Star for service in combat. Following the war, he returned to his home State of Georgia and earned his medical degree from the Medical College of Georgia. He then became a family practice physician, serving the people of Dublin, GA.

In 1976, Dr. Rowland was elected to the State legislature, where he served as State delegate until 1982. In 1983, Dr. Rowland was elected to the U.S. House of Representatives. While in Congress, he concentrated his efforts on legislative matters concerning health issues.

He was instrumental in stopping the illegal access and abuse of Quaaludes, which at the time was becoming the illegal drug widely used. At a later date, Congressman Rowland employed his medical expertise to providing leadership in Congress during formulation and consideration of legislative initiatives concerning AIDS. The naming of this building in honor of Congressman Rowland is a fitting tribute to his dedicated service to his country. I support this bill ask urge my colleagues to support this bill.

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

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

Mr. Speaker, I wholeheartedly join in support of this bill to designate the courthouse in Dublin, GA, as the J. Roy Rowland United States Courthouse.

Congressman Rowland was a World War II vet, during which he was awarded the Bronze Star, and after he left the Army he continued his educational pursuits and, in 1952, graduated from the Medical College of Georgia.

Doc Rowland was elected to the U.S. Congress in 1983, and he earned a well-deserved reputation for expertise in health and medical issues which naturally fit his professional discipline.

□ 1315

He was instrumental in passing legislation to stop the illegal use of Quaaludes which for many years had disrupted the lives of so many of our young adolescents attempting to adjust to adult life.

He also became, without a doubt, the reasoned, practical voice during heated debate on the issue of AIDS and AIDS funding and will be remembered for that historical achievement.

Dr. Rowland set a standard for bipartisan fairness and for bipartisan relations and he included everyone. He was not an exclusive type of Member. He never resorted to personal attacks or never was engaged in any damaging rhetoric.

I say that because he was a true gentleman, truly deserving of the designation being brought here today. Our former colleague provided the working model to ensure a bipartisan spirit that everybody talks about around here, but few Members really practice. For Dr. Rowland, that was a part of his professional makeup.

It is absolutely fitting that we honor him with this designation and to the sponsor, the gentleman from Georgia [Mr. NORWOOD], I say, right on. I am proud to play a part, with him, in naming this courthouse for Dr. Rowland.

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

Mr. KIM. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank my good friend, the gentleman from Ohio [Mr. TRAFICANT], for his kind words.

Mr. Speaker, it is a great pleasure and actually an honor for me to be here presenting this bill to the House of Representatives on behalf of one of my constituents, Dr. J. Roy Rowland.

Dr. Rowland was very instrumental, while in Washington, on health care issues and one of the most, I think, outstanding examples of bipartisanship that I know of in this Congress in recent years. In 1993 and 1994, in the 103d Congress, he put together a coalition of five Republicans and five Democrats to try to help solve some of the serious problems that we have in this country with health care. It was later known as the Rowland-Democrat-Bilirakis-Republican health care bill and it sort of set the stage for how we work together with our colleagues.

Dr. Rowland is a good man. Dr. Rowland is a great American, and I am so very pleased that we are today in the process of renaming the U.S. Federal courthouse in Dublin, GA, after him as a token of all of our esteem here and as a token of the esteem that his constituents back in Georgia still hold him. This is a great pleasure and I hope all Members, and I know they will, because he made friends readily on both sides of the aisle, I hope all of our friends will vote for him today.

Mr. BILIRAKIS. Mr. Speaker, I rise today to join my colleagues in supporting H.R. 1484,

legislation to rename the Federal courthouse in Dublin, GA, after former Congressman Roy Rowland.

Roy graduated from the Medical College of Georgia, and for many years, he was the only family physician in the entire Congress. He willingly shared his experience and medical knowledge with his colleagues on numerous occasions.

Many times, when health care legislation was debated by the then House Energy and Commerce Committee, Roy's opinions and suggestions were sought out. My colleagues on both sides of the aisle always found them invaluable.

I had the good fortune to work closely with Roy on health care reform. We both served on the House Energy and Commerce Committee and the Veterans Committee. In addition, we served as cochairman of the Congressional Sunbelt Caucus on infant mortality.

In my opinion, our greatest legislative accomplishment together was drafting two separate and completely bipartisan health care bills in the 103d Congress. H.R. 3955, the Health Reform Consensus Act, was the first comprehensive health bill introduced in the Congress that was truly bipartisan. I believe that Roy's medical background provided this bill with crucial credibility among our House colleagues.

As a leader in the House rural health care coalition, Roy assisted in drafting a wide range of bills to improve the delivery of rural health care that later became law. He also authored legislation creating the National AIDS Commission to establish better coordination among programs associated with this disease. Finally, while serving as the vice chairman of the National Commission to Prevent Infant Mortality, he cosponsored several measures to provide prenatal and child health care services to high-risk mothers.

Roy proved himself in other legislative areas as well. For instance, he was actively involved in environmental issues, and, in fact, he served on the joint conference committee that authored the 1990 Clean Air Act. He also played a key role in the 1987 Clean Water Act and served as a House conferee when the final version of this legislation was debated by a House-Senate conference committee. In addition, he served as one of the leaders in promoting the proposed balanced-budget amendment to the Constitution.

With regard to veterans, Roy served as the chairman of the then House Veterans' Hospitals and Health Care Subcommittee. He was a leader in fighting for improvements in the veterans' health care system and cosponsored several legislative measures to assist our veterans.

These are just some of the highlights that Roy accomplished as a Member of the House of Representatives. His talents and unique insights are missed, especially as Congress considers improving our health care system. I commend Roy for his tireless efforts and strongly urge my colleagues to support H.R. 1484.

Mr. TRAFICANT. Mr. Speaker, I am very supportive of this bill. I urge all for an "aye" vote.

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

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the

motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 1484, as amended.

The question was taken.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### DAVID W. DYER FEDERAL COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1479) to designate the Federal building and U.S. courthouse located at 300 Northeast First Avenue in Miami, FL, as the "David W. Dyer Federal Courthouse," as amended.

The Clerk read as follows:

H.R. 1479

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, shall be known and designated as the "David W. Dyer Federal Building and United States Courthouse".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "David W. Dyer Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT], each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 1479, as amended, designates the Federal building and U.S. courthouse in Miami, Florida as the David W. Dyer Federal Building and U.S. Courthouse. Judge Dyer served on the Federal bench for more than 30 years, establishing himself as one of the most revered jurists in the State of Florida.

Born in Ohio, Judge Dyer attended Ohio State University and received his law degree in 1933 from Stetson University. He served in the U.S. Army during World War II, rising to the rank of major. Following the war, Judge Dyer returned to Florida where he established a law firm in Florida.

In 1961, President Kennedy appointed Judge Dyer to the U.S. District Court for the Southern District of Florida. He served as chief judge from 1962 to 1966, when President Johnson elevated him to the U.S. Court of Appeals for the Fifth Judicial Circuit. At the time the

Fifth Circuit was primarily composed of the Southern States and quickly became a focal point for civil rights issues. Judge Dyer ruled judiciously on the challenges brought before the bench in the constitutional battle for racial equality.

The naming of this Federal complex is a fitting tribute to a dedicated public servant and distinguished jurist. I support the bill and urge my colleagues to support this bill.

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

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

Mr. Speaker, I join in support of H.R. 1479. I want to commend the sponsor of the bill, the gentleman from Florida [Mr. HASTINGS], for introducing this bill that will designate the Federal building and courthouse at 300 Northeast Avenue in Miami, FL, as the David W. Dyer United States Courthouse.

Judge Dyer is a native Ohioan. He was born in Columbus, OH, in 1910. We are proud of him, former Buckeye. After service in World War II, he began to practice law and, in 1961, was tapped by President Kennedy, who appointed him to the District Court for the Southern District of Florida.

In 1966, President Johnson appointed Judge Dyer to the U.S. Court of Appeals and, in 1977, Judge Dyer had assumed senior status. In Judge Dyer's 30 years of service to the people of Florida, he had participated in many notable cases.

In the early 1960's, he was on the three judge panel which reapportioned the entire State of Florida on the basis of the one-man, one-vote principle. That in itself will be a highlight of a career distinguished by so many great actions and commonsense decisions.

Judge Dyer is noted for his fairness, his diligence and personal commitment to equality under the law. I am very proud to support the bill offered by the gentleman from Florida [Mr. HASTINGS] and I am very proud to be a part of the designation and naming of this facility for Judge David W. Dyer, our beloved Buckeye.

Mr. SHAW. Mr. Speaker, I rise today in strong support of H.R. 1479, a bill designating the U.S. courthouse in Miami as the "David W. Dyer Federal Building and United States Courthouse."

Mr. Speaker, Judge David Dyer was a distinguished jurist in Florida for over 30 years. Judge Dyer was born in Ohio in 1910, and moved to Florida in the early 1930's to complete his third year of law school at Stetson University, my law school alma mater.

Judge Dyer was a Florida lawyer in private practice from 1933 until 1961, except for the time he served in the Army during World War II. In 1961, he was appointed to the Federal bench by President John F. Kennedy. Five years later, President Lyndon Johnson elevated Judge Dyer to the court of appeals. After a decade serving as an appellate court judge, Judge Dyer assumed senior status.

Mr. Speaker, during his long career on the bench, Judge Dyer wrote important legal opin-

ions in a number of areas, but many legal scholars believe his greatest impact was in the arena of civil rights. When Judge Dyer was appointed to the Federal bench in 1961, Florida was still a State not fully desegregated. Thanks in part to Judge Dyer's foresight and courage to enforce the law and uphold the Constitution, racial discrimination sanctioned by the law was rooted out and eliminated in Florida.

It is fitting to honor Judge Dyer for his long and distinguished service by passage of this legislation. I urge all of my colleagues to support H.R. 1479.

Mr. KIM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I urge an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 1479, as amended.

The question was taken.

Mr. KIM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bills just considered.

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

There was no objection.

#### MOTION OFFERED BY MR. ENSIGN

The SPEAKER pro tempore. For what purpose does the gentleman from Nevada rise?

Mr. ENSIGN. Mr. Speaker, I have a motion at the desk.

#### RECESS

The SPEAKER pro tempore. Under clause 12 of rule I, the Chair declares the House in recess at this time subject to the call of the Chair, there being no business pending at this point.

Accordingly (at 1 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1701

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SNOWBARGER] at 5 o'clock and 2 minutes p.m.

MOTION TO ADJOURN

Mr. ENSIGN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the privileged motion.

The Clerk read as follows:

Mr. ENSIGN moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Nevada [Mr. ENSIGN].

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

Mr. ENSIGN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 52, nays 359, answered "present" 1, not voting 21, as follows:

[Roll No. 532]

YEAS—52

Allen	Hastings (FL)	Millender-
Carson	Hefner	McDonald
Conyers	Hinchee	Miller (CA)
Coyne	Hoyer	Mink
DeGette	Jackson (IL)	Obey
Dellums	Jefferson	Olver
Deutsch	Johnson (WI)	Owens
Doggett	Johnson, E. B.	Pallone
Ensign	Kaptur	Pastor
Eshoo	Kennedy (RI)	Pelosi
Fazio	LaFalce	Peterson (MN)
Filner	Lantos	Serrano
Ford	Lewis (GA)	Stark
Frank (MA)	Markey	Taylor (MS)
Frost	Martinez	Torres
Furse	McCarthy (NY)	Weygand
Gephardt	McDermott	Wise
Gibbons	McNulty	

NAYS—359

Abercrombie	Bryant	Deal
Ackerman	Bunning	Delahunt
Aderholt	Burr	DeLauro
Archer	Burton	DeLay
Army	Buyer	Diaz-Balart
Bachus	Callahan	Dickey
Baesler	Calvert	Dicks
Baker	Camp	Dingell
Baldacci	Campbell	Dixon
Ballenger	Canady	Dooley
Barcia	Cannon	Doolittle
Barr	Cardin	Doyle
Barrett (NE)	Castle	Dreier
Barrett (WI)	Chabot	Duncan
Bartlett	Chambliss	Dunn
Barton	Chenoweth	Edwards
Bass	Christensen	Ehlers
Bateman	Clay	Ehrlich
Becerra	Clayton	Emerson
Bentsen	Clement	Engel
Bereuter	Clyburn	English
Berman	Coble	Etheridge
Berry	Coburn	Evans
Bilbray	Collins	Everett
Bilirakis	Combest	Ewing
Bishop	Condit	Farr
Blagojevich	Cook	Fattah
Bliley	Cooksey	Fawell
Blumenauer	Costello	Flake
Blunt	Cox	Foley
Boehlert	Cramer	Forbes
Boehner	Crane	Fowler
Bonilla	Crapo	Fox
Boswell	Cummings	Franks (NJ)
Boucher	Cunningham	Frelinghuysen
Boyd	Danner	Gallegly
Brady	Davis (FL)	Ganske
Brown (FL)	Davis (IL)	Gejdenson
Brown (OH)	Davis (VA)	Gekas

Gilcrest	Manzullo	Sanchez
Gillmor	Mascara	Sanders
Gilman	Matsui	Sandlin
Goode	McCarthy (MO)	Sanford
Goodlatte	McCollum	Sawyer
Goodling	McCrery	Saxton
Gordon	McDade	Scarborough
Goss	McGovern	Schaefer, Dan
Graham	McHale	Schaffer, Bob
Green	McHugh	Scott
Greenwood	McInnis	Sensenbrenner
Gutiérrez	McIntyre	Sessions
Gutknecht	McKeon	Shadegg
Hall (OH)	McKinney	Shaw
Hall (TX)	Meehan	Shays
Hamilton	Meeke	Sherman
Hansen	Menendez	Shimkus
Harman	Metcalf	Shuster
Hastert	Mica	Sisisky
Hastings (WA)	Miller (FL)	Skaggs
Hayworth	Minge	Skeen
Hefley	Moakley	Skelton
Hill	Moran (KS)	Slaughter
Hilleary	Moran (VA)	Smith (MI)
Hilliard	Morella	Smith (NJ)
Hinojosa	Murtha	Smith (OR)
Hobson	Myrick	Smith (TX)
Hoekstra	Nadler	Smith, Adam
Holden	Neal	Smith, Linda
Hooley	Nethercutt	Snowbarger
Horn	Neumann	Snyder
Hostettler	Ney	Solomon
Houghton	Northup	Souder
Hulshof	Norwood	Spence
Hutchinson	Nussle	Spratt
Hyde	Oberstar	Stabenow
Inglis	Ortiz	Stearns
Istook	Oxley	Stenholm
Jackson-Lee	Packard	Stokes
(TX)	Pappas	Strickland
Jenkins	Parker	Stump
John	Pascrell	Stupak
Johnson (CT)	Paul	Sununu
Johnson, Sam	Paxon	Talent
Jones	Pease	Tanner
Kasich	Peterson (PA)	Tauscher
Kelly	Petri	Tauzin
Kennelly	Pickering	Taylor (NC)
Kildee	Pitts	Thomas
Kilpatrick	Pombo	Thompson
Kim	Pomeroy	Thornberry
Kind (WI)	Porter	Thune
King (NY)	Portman	Thurman
Kingston	Poshard	Tiahrt
Kleccka	Price (NC)	Tierney
Klink	Pryce (OH)	Towns
Klug	Quinn	Trafigant
Knollenberg	Radanovich	Turner
Kolbe	Rahall	Upton
Kucinich	Ramstad	Velazquez
LaHood	Rangel	Vento
Lampson	Redmond	Visclosky
Largent	Regula	Walsh
Latham	Reyes	Wamp
LaTourette	Riggs	Waters
Lazio	Riley	Watkins
Leach	Rivers	Watt (NC)
Levin	Rodriguez	Watts (OK)
Lewis (CA)	Roemer	Waxman
Lewis (KY)	Rogan	Weldon (FL)
Linder	Rogers	Weller
Lipinski	Rohrabacher	Wexler
Livingston	Ros-Lehtinen	White
LoBiondo	Rothman	Whitfield
Lofgren	Roukema	Wicker
Lowey	Roybal-Allard	Wolf
Lucas	Royce	Woolsey
Luther	Rush	Wynn
Clay	Ryun	Yates
Maloney (CT)	Sabo	Young (AK)
Maloney (NY)	Salmon	Young (FL)
Manton		

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—21

Andrews	Foglietta	McIntosh
Bonior	Gonzalez	Mollohan
Bono	Granger	Payne
Borski	Herger	Pickett
Brown (CA)	Hunter	Schiff
Capps	Kanjorski	Schumer
Cubin	Kennedy (MA)	Weldon (PA)

□ 1739

Messrs. SMITH of Oregon, BATEMAN, CHAMBLISS, ADAM SMITH of Washington, BARRETT of Nebraska, BARRETT of

Wisconsin and Ms. WOOLSEY changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 278 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 278

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for debate purposes only.

MOTION TO ADJOURN

Mr. ENSIGN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ENSIGN moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Nevada [Mr. ENSIGN].

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

Mr. ENSIGN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were refused.

So the motion to adjourn was rejected.

□ 1745

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. FROST. Mr. Speaker, I ask unanimous consent that time yielded to the following Members: The gentleman

from New Jersey [Mr. MENENDEZ], the gentleman from California [Mr. BECERRA], the gentlewoman from California [Ms. WATERS], the gentleman from California [Mr. CONDIT], the gentlewoman from Oregon [Ms. HOOLEY], the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from California [Mr. DOOLEY] and the gentlewoman from California [Ms. ROYBAL-ALLARD] for the purpose of noticing a question of privilege not count against the one-half hour yielded to me by the gentleman from New York [Mr. SOLOMON].

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ROHRBACHER].

(Mr. ROHRBACHER asked and was given permission to proceed out of order.)

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ROHRBACHER. Mr. Speaker, pursuant to clause 1(c) of rule XXVIII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 2267. The form of the motion is as follows:

Mr. ROHRBACHER moved that the managers on the part of the House at the conference on the disagreeing of votes of the House and the Senate on H.R. 2267, Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act for fiscal year 1998, be instructed to insist on the House's disagreement with section 111 of the Senate amendment which provides for a permanent extension of section 245(i) of the Immigration and Nationalities Act.

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, House Resolution 278 waives all points of order against the conference report accompanying H.R. 1119 and that is the fiscal 1998 defense authorization bill, the most important bill to come before this body in any given year. The rule also provides that the conference report be considered as read. This is, of course, the traditional type of rule for consideration of conference reports and will allow expedited consideration of this very vital piece of legislation.

Mr. Speaker, the annual defense authorization bill is without question the most important bill we will consider this year. In doing our business, that sometimes seems routine, we should never lose sight of the fact that the number one duty of the Federal Government is the protection of national security, and that is exactly what this conference report is all about.

Mr. Speaker, as usual, the gentleman from South Carolina [Mr. SPENCE] and the ranking member, the gentleman from California [Mr. DELLUMS] and their staffs have done outstanding work. I commend them and urge support for the rule so that they can get on with the business of the day.

Mr. Speaker, it is absolutely imperative that this bill contain adequate funding for the young men and women in uniform who are right now out in the field standing vigilant on behalf of all Americans in Bosnia, in South Korea and other parts of the world. Mr. Speaker, it is imperative that this bill set out policies which are consistent with and seek to maintain the unique warrior culture of the military. For without that, we cannot win wars and that is what militaries are for. No matter whether some Members like that or not. Some Members seem to have forgotten about that in recent years.

Mr. Speaker, to the best extent possible, this bill does all of that. At \$268 billion plus, the bill adds nearly 3 billion to President's Clinton's wholly inadequate request. The bill adds 3.6 billion to the President's request for procurement alone, and \$570 million for research and development over and above the President's request, and that is so very, very important because if we are going to put young men and women in uniform in harm's way, we had better put them there with the best that money can buy and research and development can obtain. These accounts contain adequate funding for the weapons systems of tomorrow such as the F-22 stealth fighter, the Marine Corps V-22 troop carrier, which is vital to the kind of rapid deployment war that we will fight in the future, and the next generation of aircraft carriers and submarines as well.

These accounts also contain funding to bring us one step closer to developing and deploying defenses against ballistic missiles, something for which Members will be grateful some day.

This conference report also contains a 2.8 percent pay raise for our military and it adds significant funding increases for barracks, for family housing, for child care centers. And, Mr. Speaker, Members should remember that years ago, when I served in the military in the United States Marine Corps, 80 percent of us were single. Today the vast majority of military personnel are married. They have families. It is absolutely imperative that they have barracks, they have family housing, and that they have child care centers so that we can expect to attract the best cross-section of America that we can.

Despite all these excellent provisions in this bill, Mr. Speaker, let me again go on record, we continue to provide inadequate, yes, inadequate funds for this Nation's defenses. This bill will represent the 13th straight year of inflation-adjusted cuts in the budget. No other large account in the Federal budget has been cut so much as the defense budget.

Our military is vastly smaller and older than just 6 years ago when we had to deploy troops in a place called the Persian Gulf. Most experts agree today that such a mission would simply be impossible if we tried to undertake it.

Of course, this is not the fault of the Committee on National Security. They have operated under severe constraints. It is also not the fault of the House Committee on National Security that this Congress, and I want everybody to listen to this, this Congress has failed to stop Communist China from securing a beachhead in this country in Long Beach, California. Members all better wake up and pay attention to that.

The House version of this bill contained a provision that would have barred the lease of the Long Beach Naval Base to Communist China's intelligence-gathering shipping company named COSCO.

But at the intense insistence of a Democrat Member of the other body, the provision has been watered down with a Presidential waiver, and we all know that President Clinton will use that waiver.

Mr. Speaker, this is a scandal of huge proportions. This Communist Government which tried to buy the 1996 election in this country may now be handed an intelligence-gathering facility on American shores. I never heard of such a thing and never believed it could happen in this Congress. What have we come to?

A bitterly ironic part of this story, Mr. Speaker, is that private groups in California may yet succeed in denying COSCO this lease through a court injunction. According to press reports, the City of Long Beach is now looking for other tenants. Is it not something that the city of Long Beach may bail us out, we, the Congress? Think about it.

Private citizens can block Communist China from securing a beachhead on American soil on environmental and historical grounds, but this United States Congress cannot stop China on national security grounds. It is truly a disgrace.

Mr. Speaker, because of one or perhaps a few Members of the other body, this Congress has been disgraced. I resent it.

Despite all this, I nonetheless urge support of the rule and this conference report today. It is vital legislation, and it is simply the best we can do at this juncture. And once again, I would commend the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] and the Committee on National Security and their staffs for their excellent work on this bill.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule and the conference report on the

Department of Defense authorization for fiscal year 1998. This conference report provides funds essential to sustain force readiness, for the critical weapons systems and equipment that will ensure the continued superiority of the U.S. military, and for increases in pay and allowances and for other necessary quality of life improvements our men and women in uniform and for their families.

In short, Mr. Speaker, this conference report authorizes the programs that make up our military strength today and which will ensure that our forces remain second to none in the 21st Century.

Mr. Speaker, the conference agreement does take a forward look on the needs of our military in the new century. First and foremost, the conference agreement contains a 2.8 percent pay increase for the military and provides for funding for construction and improvement of troop and family housing. The agreement also contains a consolidation of housing allowances, stabilizes service members' pay for those times when service members participate in training exercises or are on deployment, and provides increases in the family separation allowance and hazardous duty incentive pay. These are all important matters that increase moral and will hopefully help retain the valuable services of men and women who serve this country in uniform.

The agreement provides funding for the acquisition of seven V-22 Osprey tiltrotor aircraft. The V-22 is designed to replace the Marine Corps' aging fleets of CH-46 helicopters and will transport Marines and their equipment into combat. The conference report provides \$2.1 billion for continued research and development and \$74.9 million for advanced procurement for the F-22 Raptor. The F-22 is the next generation air superiority fighter which is yet another system in the overall arsenal of the U.S. military which will take us into the new century in a position of power.

Mr. Speaker, the conferees have authorized \$331 million for long lead time related to the procurement of additional B-2's, or for modification and repair of the existing B-2 fleet, should the President certify Congress that additional aircraft are not needed by the Air Force. An important part of the conference agreement relating to the B-2 fleet is the requirement that the Secretary of Defense ensure that all necessary actions are taken to preserve the option to build more B-2 bombers until the panel on long-range air power, established by the fiscal year 1998 Defense Appropriations Act submits its report to Congress. I am gratified that this language will ensure that all of our options remain open while the issue of our long-range air power needs is studied.

In sum, Mr. Speaker, this is a good conference report that deserves the support of every Member of the House.

I commend this rule providing for its consideration and urge its adoption in order that the House may proceed to the consideration of the conference report.

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

Mr. Speaker, pursuant to the order of the House, I defer to the Members named in the unanimous consent agreement to give notice to the House.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to proceed out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the allegations made by Mr. Robert Dornan have been found to be largely without merit, including his charges of improper voting from a business, rather than a residential address; underage voting; double voting; and charges of unusually large numbers of individuals voting from the same address. It was found that those accused of voting from the same address included a Marines barracks and the domicile of nuns; that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana Zoo; that duplicate voting was by different individuals; and that those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the privacy rights of United States citizens have been violated by the Committee's improper use of those INS records;

Whereas the INS itself has questioned the validity and accuracy of the Committee's use of INS documents;

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and have all the information they need regarding who voted in the 46th District and all the information they need to make a judgment concerning those votes; and

Whereas the Committee on House Oversight has after over 9 months of review and investigation failed to produce or present any credible evidence sufficient to change the outcome of the election of Congresswoman Sanchez and is now, in place of producing such credible evidence, pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has after nearly 1 year not shown or provided any credible evidence sufficient to demonstrate that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

□ 1800

The SPEAKER pro tempore (Mr. SNOWBARGER). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from New Jersey [Mr. MENENDEZ] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MENENDEZ. Am I to understand the Speaker to say that by Thursday of this week that this resolution would be brought to the floor?

The SPEAKER pro tempore. The Speaker will inform the gentleman of the scheduling within that time.

Mr. MENENDEZ. Further parliamentary inquiry, is it my understanding that it can be no later than Thursday of this week, Mr. Speaker?

The SPEAKER pro tempore. That is correct.

Mr. MENENDEZ. And further parliamentary inquiry. What notice will the Member receive that the resolution will be forthcoming?

The SPEAKER pro tempore. The leadership will give timely notice to the gentleman.

(Mr. BECERRA asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. BECERRA. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

*Resolved*, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is

dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. BECERRA] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(Ms. NORTON asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. NORTON. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez has been duly elected to represent the 46th District of California; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that going from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

*Resolved*, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will be inserted in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from the District of Columbia [Ms. NORTON] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(Mr. CONDIT asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. CONDIT. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26th, 1997 in Washington, D.C. on April 19th, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the Committee on the House Oversight has issued unprecedented

subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, the Committee on the House Oversight should complete its review of this matter and bring the matter forward for the House of Representatives to vote upon: Now, therefore, be it

*Resolved*, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. CONDIT] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(Ms. ROYBAL-ALLARD asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. ROYBAL-ALLARD. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be

without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, there, be it

*Resolved*, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California [Ms. ROYBAL-ALLARD] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1815

(By unanimous consent, Ms. HOOLEY of Oregon was allowed to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. HOOLEY of Oregon. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as a duly elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C., on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C., and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over 5 months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Oregon [Ms. HOOLEY] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(By unanimous consent, Ms. WATERS was allowed to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. WATERS. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, a contested election contest has been pending between Congresswoman Loretta Sanchez and Mr. Robert Dornan since December 26, 1997; and

Whereas the Task Force on the Contested Election in the 46th District of California has only met on February 26, 1997 and October 24, 1997 in Washington, D.C., and on April 19, 1997 in Orange County, California; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business rather than a residence address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over 5 months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over 9 months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California [Ms. WATERS] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(By unanimous consent, Mr. DOOLEY of California was allowed to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. DOOLEY of California. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only three times; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was

found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were the legal residences of the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over 5 months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgment concerning those votes; and

Whereas the Committee on House Oversight has after over 9 months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. DOOLEY] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. SOLOMON. Mr. Speaker, I yield 6 minutes to the gentleman from Westerville, Ohio [Mr. KASICH], who a number of years ago came to this body. He has since proven himself to be one

of the most respected and distinguished Members. As a matter of fact, I can only recall disagreeing with him one time. It was on a little airplane, but beyond that, he has always been right.

Mr. KASICH. A little airplane that cost \$2 billion apiece, but nevertheless.

Mr. Speaker, I am very disappointed the conferees did not reflect the clear will of the House in the conference report's provision dealing with Bosnia. The mission of the U.S. Armed Forces in Bosnia has been characterized by a failure to define achievable objectives, a unilateral shifting of deadlines and a refusal on the part of the administration to clearly explain its goals either to Congress or to the public at large. If the American people are to have any confidence in our national security policy, that policy must be honestly and forthrightly presented to them.

I am troubled by the unclear focus of the mission and the apparent lack of an exit strategy. The underlying premise of the original mission was to separate the warring parties, then turn the peacekeeping role over to our European allies within one year.

In November of 1995, in his address to the Nation regarding our proposed commitment of forces to Bosnia, President Clinton said that our participation should last about one year. However, in November of 1996, the President announced that our military presence in Bosnia would be extended for another 18 months, until June 30 of 1998.

Secretary of Defense Cohen has emphatically stated his understanding that U.S. forces would be withdrawn by the end of June of 1998. However, on September 23 of this year, National Security Adviser Berger cast serious doubt on this second deadline.

It was against this background on June 24, 1997, that the House voted in overwhelming numbers to prohibit funding for U.S. ground forces in Bosnia after June of 1998. This strong show of support for setting a date certain for withdrawal came just after the House rejected an amendment to withdraw our forces by December 31, 1997. Together, these votes demonstrated the consensus in the House that we should wrap up our Bosnia deployment.

The conferees' decision to abandon a firm withdrawal date in favor of language merely requiring presidential certifications for the Bosnia mission to be extended for an indefinite period of time after June 30, 1998; in other words, there is no limit, we have accepted a much weaker position, not only weakens the House position but it offers further scope for yet another extension of the Bosnia mission.

It is a generally accepted premise that the President is the sole organ of the Federal Government in the field of international relations and that Congress generally accepts a broad scope for independent executive action in international affairs.

□ 1830

But Congress has long been concerned about U.S. military commit-

ments and security arrangements that have been made by the President unilaterally, without the consent or full knowledge of Congress.

Throughout our Nation's history, prior Presidents have sought Congressional consent for extended deployments of the United States Armed Forces overseas, either through declarations of war or by acts of Congress authorizing specific deployment.

Article I of the Constitution grants Congress the sole authority to declare war. These powers were explicitly given to Congress in order to prevent the President, in his role as Commander in Chief, from using the Armed Forces for purposes that have not been approved of by Congress on behalf of the national security interests of the American people.

Nowhere in the Constitution is the President empowered to deploy U.S. Armed Forces for war or beyond our borders without the consent of Congress. It is generally agreed, however, that situations of imminent or immediate danger to American life or property may arise that would give the President the power to act without previous Congressional consent. But the extended deployment to Bosnia hardly qualifies for such unilateral action.

President Clinton, by ordering the deployment of our military into Bosnia without the consent of Congress, has assumed that the making of war is the prerogative of the executive branch. But the raising, maintenance, governance and regulation of the deployment and use of the Armed Forces of the United States is the prerogative of Congress.

Not only does the conferees' weakening of the House position undercut Congress' legitimate authority to work its will on a vital foreign policy matter that involves the commitment of substantial U.S. military forces, it comes precisely at a time when the international organization, the international force, is clearly drifting deeper into the quagmire in the Balkans, rather than preparing to disengage from it.

During the last three months, that force has become more and more entangled in efforts at nation building, a flawed objective as well as an inappropriate use of combat forces. For example, those troops are increasingly becoming involved in Serbian interparty politics, the takeover of police stations and the censorship of television broadcasts. These recent actions compromise our status as neutral peacekeepers and jeopardize the primary mission of separating the former belligerents. More important, they endanger American lives in much the same way as our poorly-thought-out policies in Somalia and Lebanon.

The administration has compounded the difficulty of a confused, evolving mission in Bosnia by the lack of a clear exit strategy. When Henry Shelton testified in the Senate during his confirmation hearing, General Shelton ad-

mitted he had not been informed about the exit strategy for Bosnia. It is likely that to the extent an exit strategy exists, it is so firmly tied to hazily defined future political events that there is always sufficient reason to leave U.S. troops in place.

Finally, our mission in Bosnia raises troubling questions about allied burden sharing. The bottom line on the burden sharing is this is in the vital interests of Europe, but is not really the vital direct interests of the United States, and it does not follow that U.S. ground troops must be tied up there for years. If the Europeans truly have the will to maintain peace in Bosnia, they will find a way, and the administration should press the Europeans to begin planning now.

Ladies and gentlemen of the House, if the President of the United States attempts to extend the mission in Bosnia beyond June of 1998, I will come to the House floor and do everything I can to work with the chairman of the Committee on Rules to end that deployment. This is a mission with no clear objective, no exit strategy, and no reasonable goal of accomplishing a mission. Frankly, it is difficult to know what the mission is because the administration has never defined it. This is a prescription for failure and a risking of the lives of U.S. men and women in Bosnia. The President should get us out.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume for the purposes of agreeing with the gentleman from Ohio [Mr. KASICH] and commending him for his statement.

Mr. Speaker, I am the vice president of the North Atlantic Assembly, the parliamentary arm of NATO. At a NATO meeting just 2 weeks ago, I informed our 15 other NATO allies that by June 1998, we will have been in Bosnia for 2½ years; that this was not going to turn into another Vietnam; that we were not going to continue to leave our troops there indefinitely at great expense to our military budget; and that the NATO allies had better begin to make plans to solve a European problem, a European problem being a civil strife within sovereign boundaries of a country, and that NATO should not be there trying to solve civil matters, trying to be peace-makers.

So I just wanted to commend the gentleman from Ohio [Mr. KASICH] for his statement. We will speak to this further. We have spoken to it twice already on the floor of this Congress, and we will speak to it again in the months to come, that those troops must come out of there no later than June 1998.

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

Mr. MOAKLEY. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. DELLUMS], the ranking member on the Committee on National Security.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, first, this is a very straightforward rule, one hour of debate on the conference report. I have no problem with the rule. Secondly, I would like to say to my distinguished colleague, the gentleman from Ohio [Mr. KASICH] that there is a different perspective and point of view on Bosnia. This obviously is not the time nor the place for us to engage in substantive debate on that matter.

With the balance of the time, Mr. Speaker, I would like to, for the purposes of colloquy, engage the distinguished gentleman from Colorado [Mr. HEFLEY].

There is considerable concern, I would like to say to my distinguished colleague from Colorado, at both the local level and the Federal level, that the environmental cleanup proposed by the Department of the Army for the Presidio in San Francisco will not meet the environmental health and safety criteria appropriate for a national park.

The Presidio, as you know, Mr. Speaker, is the only base closure to convert to national park use, and it is important for the Army to meet the cleanup levels set by the National Park Service.

I would encourage the committee to work with the gentlewoman from California [Ms. PELOSI] in urging the Department of the Army to expedite its environmental remediation efforts at the Presidio. This is a clear case where there should be an accelerated cleanup that meets the requirements of the national park to ensure the public health and safety of the millions of visitors there.

Mr. HEFLEY. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Speaker, I share the concerns that my colleague has raised and will work with the committee, and with him, and with the gentlewoman from California [Ms. PELOSI] to ensure an appropriate cleanup for the Presidio.

We have this problem with a number of bases around the country, but I think this one has a unique factor connected with it. I think the gentleman from California [Mr. DELLUMS] has pointed out what that factor is, and that is that this is a national park. We want to move forward in creating this, and, if we are going to do this, we want it to be a good national park. We cannot do that without the cleanup.

I share the gentleman's concerns and will do everything I can to work with him and solve this problem.

Mr. DELLUMS. Mr. Speaker, reclaiming my time, I thank the gentleman for his thoughtful remarks and response. I would just like to further for the record make the following comment.

Significant philanthropic efforts are under way at the Presidio where sizeable pledges have been made to the National Park Service. In addition to the

potential threat to philanthropic interests, it would be difficult for the Presidio Trust to meet its self-sufficiency requirements without a timely and thorough cleanup of the Presidio. Securing the leases necessary to generate revenues is essential to the success of the trust, and can only be accomplished if the cleanup is timely and thorough.

I would like to yield to the gentleman from Colorado for his final remarks.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for yielding further.

Mr. Speaker, the gentleman has raised very important concerns, ones which have also been voiced by the Committee on Appropriations in two of its measures. We will work together to resolve these questions to ensure the success of the Presidio.

Mr. DELLUMS. Mr. Speaker, reclaiming my time, I think this has been an important colloquy.

Mr. MOAKLEY. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. RODRIGUEZ], a member of the committee.

Mr. RODRIGUEZ. Mr. Speaker, I want to indicate that this is no compromise. It is like someone stealing your wallet and then offering only to return a few dollars. The bottom line is, this is not an appropriate agreement we can deal with.

The language in this bill prevents fair competition for Defense Department maintenance work. This means higher costs for U.S. taxpayers. I repeat, the depot language in this bill will cost the taxpayers money.

We just completed a competition for work done at Kelly Air Force Base. Warner-Robins Air Force Base in Georgia won the contract, at a savings of \$190 million. The language in this bill would prevent us from seeing such savings in the future.

Without the ability to conduct a fair public-private competition, the Air Force and Defense Department will not be able to fund the modernization program needed for our military to remain superior. Whether one thinks we should be spending additional money or not for national defense, everyone should agree that we should use every dollar most effectively.

The language in this bill is to the contrary. It makes public-private competition next to impossible. Supporters of the language freely and proudly admit that it will make it too expensive and too restrictive for the private contractors to bid on depot work at San Antonio and Sacramento. The deck is stacked against free competition and against the U.S. taxpayer and military modernization.

It should come as no surprise that the most punitive restrictions fall on the competition workload at the closing depots in San Antonio and Sacramento. Private bidders must comply with arcane rules not imposed on the public bidders, so we do not have a level playing field.

The Depot Caucus believes this work should go to the depots, regardless of cost and regardless of what the Defense Department needs. They are protecting their home turf, and I respect that, but it is also bad policy, and this is not what we should be supporting. It puts our troops at a disadvantage.

The Secretary of Defense and his military commanders need the flexibility on the current law to modernize. To do so, they need to have the ability to take the best and most appropriate public or private bid.

Let us not tie the Pentagon's hands with a requirement on design, because, at the end, it is only to protect the existing bases that are there now. It will be at the expense of modernization and at the expense of readiness. A vote against the defense authorization bill is a vote for competition and for the future of our military readiness.

Mr. Speaker, there is also evidence in the newspapers by some individuals indicating that on the contracts that are out there, "Contractors will have to include in their bids millions of dollars of costs that were previously required." I think this will make it unlikely that the contractor will even bid.

Mr. SOLOMON. Mr. Speaker, let me interrupt this debate to yield such time as he may consume to the gentleman from Sanibel, FL [Mr. GOSS] chairman of the Permanent Select Committee on Intelligence.

#### CONFERENCE REPORT ON S. 858, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS submitted the following conference report and statement on the Senate bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

##### CONFERENCE REPORT (H. REPT. 105-350)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S.858), to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

##### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—INTELLIGENCE ACTIVITIES**

- Sec. 101. Authorization of appropriations.  
 Sec. 102. Classified schedule of authorizations.  
 Sec. 103. Personnel ceiling adjustments.  
 Sec. 104. Community Management Account.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

- Sec. 201. Authorization of appropriations.
- TITLE III—GENERAL PROVISIONS**
- Sec. 301. Increase in employee compensation and benefits authorized by law.  
 Sec. 302. Restriction on conduct of intelligence activities.  
 Sec. 303. Detail of intelligence community personnel.  
 Sec. 304. Extension of application of sanctions laws to intelligence activities.  
 Sec. 305. Sense of Congress on intelligence community contracting.  
 Sec. 306. Sense of Congress on receipt of classified information.  
 Sec. 307. Provision of information on certain violent crimes abroad to victims and victims' families.  
 Sec. 308. Annual reports on intelligence activities of the People's Republic of China.  
 Sec. 309. Standards for spelling of foreign names and places and for use of geographic coordinates.  
 Sec. 310. Review of studies on chemical weapons in the Persian Gulf during the Persian Gulf War.  
 Sec. 311. Amendments to Fair Credit Reporting Act.

**TITLE IV—CENTRAL INTELLIGENCE AGENCY**

- Sec. 401. Multiyear leasing authority.  
 Sec. 402. Subpoena authority for the Inspector General of the Central Intelligence Agency.  
 Sec. 403. CIA central services program.  
 Sec. 404. Protection of CIA facilities.  
 Sec. 405. Administrative location of the Office of the Director of Central Intelligence.

**TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

- Sec. 501. Authority to award academic degree of Bachelor of Science in Intelligence.  
 Sec. 502. Funding for infrastructure and quality of life improvements at Menwith Hill and Bad Aibling stations.  
 Sec. 503. Unauthorized use of name, initials, or seal of National Reconnaissance Office.

**TITLE I—INTELLIGENCE ACTIVITIES****SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.
- (11) The National Reconnaissance Office.
- (12) The National Imagery and Mapping Agency.

**SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

(a) **SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.**—The amounts authorized to be

appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill S. 858 of the One Hundred Fifth Congress.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

**SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

(a) **AUTHORITY FOR ADJUSTMENTS.**—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) **NOTICE TO INTELLIGENCE COMMITTEES.**—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

**SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **AUTHORIZATION.**—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of \$121,580,000.

(2) **AVAILABILITY OF CERTAIN FUNDS.**—Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 283 full-time personnel as of September 30, 1998. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 1998 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 1998, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) **REIMBURSEMENT.**—Except as provided in section 113 of the National Security Act of 1947 (as added by section 303 of this Act), during fiscal year 1998, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except

that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) **NATIONAL DRUG INTELLIGENCE CENTER.**—

(1) **IN GENERAL.**—Of the amount authorized to be appropriated in subsection (a), the amount of \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 1999, and funds provided for procurement purposes shall remain available until September 30, 2000.

(2) **TRANSFER OF FUNDS.**—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the Center.

(3) **LIMITATION.**—Amounts available for the Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) **AUTHORITY.**—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the Center.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM****SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1998 the sum of \$196,900,000.

**TITLE III—GENERAL PROVISIONS****SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

**SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

**SEC. 303. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL.**

(a) **IN GENERAL.**—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM

"SEC. 113. (a) **DETAIL.**—(1) Notwithstanding any other provision of law, the head of a department with an element in the intelligence community or the head of an intelligence community agency or element may detail any employee within that department, agency, or element to serve in any position in the Intelligence Community Assignment Program on a reimbursable or a nonreimbursable basis.

"(2) Nonreimbursable details may be for such periods as are agreed to between the heads of the parent and host agencies, up to a maximum of three years, except that such details may be extended for a period not to exceed one year when the heads of the parent and host agencies determine that such extension is in the public interest.

"(b) **BENEFITS, ALLOWANCES, TRAVEL, INCENTIVES.**—An employee detailed under subsection (a) may be authorized any benefit, allowance, travel, or incentive otherwise provided to enhance staffing by the organization from which the employee is detailed.

“(c) ANNUAL REPORT.—Not later than March 1, 1999, and annually thereafter, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the detail of intelligence community personnel pursuant to subsection (a) during the 12-month period ending on the date of the report. The report shall set forth the number of personnel detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the details.”.

(b) TECHNICAL AMENDMENT.—Sections 120, 121, and 110 of the National Security Act of 1947 are hereby redesignated as sections 110, 111, and 112, respectively.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by striking out the items relating to sections 120, 121, and 110 and inserting in lieu thereof the following:

“Sec. 110. National mission of National Imagery and Mapping Agency.

“Sec. 111. Collection tasking authority.

“Sec. 112. Restrictions on intelligence sharing with the United Nations.

“Sec. 113. Detail of intelligence community personnel—intelligence community assignment program.”.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to an employee on detail on or after January 1, 1997.

**SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.**

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out “January 6, 1998” and inserting in lieu thereof “January 6, 1999”.

**SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.**

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

**SEC. 306. SENSE OF CONGRESS ON RECEIPT OF CLASSIFIED INFORMATION.**

It is the sense of Congress that Members of Congress have equal standing with officials of the Executive Branch to receive classified information so that Congress may carry out its oversight responsibilities under the Constitution.

**SEC. 307. PROVISION OF INFORMATION ON CERTAIN VIOLENT CRIMES ABROAD TO VICTIMS AND VICTIMS' FAMILIES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national interests of the United States to provide information regarding the killing, abduction, torture, or other serious mistreatment of United States citizens abroad to the victims of such crimes, or the families of victims of such crimes if they are United States citizens; and

(2) the provision of such information is sufficiently important that the discharge of the responsibility for identifying and disseminating such information should be vested in a cabinet-level officer of the United States Government.

(b) RESPONSIBILITY.—The Secretary of State shall take appropriate actions to ensure that the United States Government takes all appropriate actions to—

(1) identify promptly information (including classified information) in the possession of the departments and agencies of the United States Government regarding the killing, abduction, torture, or other serious mistreatment of United States citizens abroad; and

(2) subject to subsection (c), promptly make such information available to—

(A) the victims of such crimes; or

(B) when appropriate, the family members of the victims of such crimes if such family members are United States citizens.

(c) LIMITATIONS.—The Secretary shall work with the heads of appropriate departments and agencies of the United States Government in order to ensure that information relevant to a crime covered by subsection (b) is promptly reviewed and, to the maximum extent practicable, without jeopardizing sensitive sources and methods or other vital national security interests, or without jeopardizing an on-going criminal investigation or proceeding, made available under that subsection unless such disclosure is specifically prohibited by law.

**SEC. 308. ANNUAL REPORTS ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.**

(a) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly and in consultation with the heads of other appropriate Federal agencies, including the National Security Agency and the Departments of Defense, Justice, Treasury, and State, shall prepare and transmit to Congress a report on intelligence activities of the People's Republic of China directed against or affecting the interests of the United States.

(b) DELIVERY OF REPORT.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation shall jointly transmit classified and unclassified versions of the report to the Speaker and Minority leader of the House of Representatives, the Majority and Minority leaders of the Senate, the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, and the Chairman and Vice-Chairman of the Select Committee on Intelligence of the Senate.

**SEC. 309. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES.**

(a) SURVEY OF CURRENT STANDARDS.—

(1) SURVEY.—The Director of Central Intelligence shall carry out a survey of current standards for the spelling of foreign names and places, and the use of geographic coordinates for such places, among the elements of the intelligence community.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Director shall submit to the congressional intelligence committees a report on the survey carried out under paragraph (1). The report shall be submitted in unclassified form, but may include a classified annex.

(b) GUIDELINES.—

(1) ISSUANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidelines to ensure the use of uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places. The guidelines shall apply to all intelligence reports, intelligence products, and intelligence databases prepared and utilized by the elements of the intelligence community.

(2) BASIS.—The guidelines under paragraph (1) shall, to the maximum extent practicable, be based on current United States Government standards for the transliteration of foreign names, standards for foreign place names developed by the Board on Geographic Names, and a standard set of geographic coordinates.

(3) SUBMITTAL TO CONGRESS.—The Director shall submit a copy of the guidelines to the congressional intelligence committees.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” means the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 310. REVIEW OF STUDIES ON CHEMICAL WEAPONS IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR.**

(a) REVIEW.—

(1) IN GENERAL.—Not later than May 31, 1998, the Inspector General of the Central Intelligence Agency shall complete a review of the studies conducted by the Federal Government regarding the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations during the Persian Gulf War.

(2) PURPOSE.—The purpose of the review is to identify any additional investigation or research that may be necessary—

(A) to determine fully and completely the extent of Central Intelligence Agency knowledge of the presence, use, or destruction of such weapons in that theater of operations during that war; and

(B) with respect to any other issue relating to the presence, use, or destruction of such weapons in that theater of operations during that war that the Inspector General considers appropriate.

(b) REPORT ON REVIEW.—

(1) REQUIREMENT.—Upon the completion of the review, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the results of the review. The report shall include such recommendations for additional investigations or research as the Inspector General considers appropriate.

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

**SEC. 311. AMENDMENTS TO FAIR CREDIT REPORTING ACT.**

(a) EXCEPTION TO CONSUMER DISCLOSURE REQUIREMENT.—Section 604(b) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)) (as amended by chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996) is amended by adding at the end the following new paragraph:

“(4) EXCEPTION FOR NATIONAL SECURITY INVESTIGATIONS.—

“(A) IN GENERAL.—In the case of an agency or department of the United States Government which seeks to obtain and use a consumer report for employment purposes, paragraph (3) shall not apply to any adverse action by such agency or department which is based in part on such consumer report, if the head of such agency or department makes a written finding that—

“(i) the consumer report is relevant to a national security investigation of such agency or department;

“(ii) the investigation is within the jurisdiction of such agency or department;

“(iii) there is reason to believe that compliance with paragraph (3) will—

“(I) endanger the life or physical safety of any person;

“(II) result in flight from prosecution;

“(III) result in the destruction of, or tampering with, evidence relevant to the investigation;

“(IV) result in the intimidation of a potential witness relevant to the investigation;

“(V) result in the compromise of classified information; or

“(VI) otherwise seriously jeopardize or unduly delay the investigation or another official proceeding.

“(B) NOTIFICATION OF CONSUMER UPON CONCLUSION OF INVESTIGATION.—Upon the conclusion of a national security investigation described in subparagraph (A), or upon the determination that the exception under subparagraph (A) is no longer required for the reasons set forth in such subparagraph, the official exercising the authority in such subparagraph shall provide to the consumer who is the subject of the consumer report with regard to which such finding was made—

“(i) a copy of such consumer report with any classified information redacted as necessary;

“(ii) notice of any adverse action which is based, in part, on the consumer report; and

“(iii) the identification with reasonable specificity of the nature of the investigation for which the consumer report was sought.

“(C) DELEGATION BY HEAD OF AGENCY OR DEPARTMENT.—For purposes of subparagraphs (A) and (B), the head of any agency or department of the United States Government may delegate his or her authorities under this paragraph to an official of such agency or department who has personnel security responsibilities and is a member of the Senior Executive Service or equivalent civilian or military rank.

“(D) REPORT TO THE CONGRESS.—Not later than January 31 of each year, the head of each agency and department of the United States Government that exercised authority under this paragraph during the preceding year shall submit a report to the Congress on the number of times the department or agency exercised such authority during the year.

“(E) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

“(i) CLASSIFIED INFORMATION.—The term ‘classified information’ means information that is protected from unauthorized disclosure under Executive Order No. 12958 or successor orders.

“(ii) NATIONAL SECURITY INVESTIGATION.—The term ‘national security investigation’ means any official inquiry by an agency or department of the United States Government to determine the eligibility of a consumer to receive access or continued access to classified information or to determine whether classified information has been lost or compromised.”

(b) RESALE OF CONSUMER REPORT TO A FEDERAL AGENCY OR DEPARTMENT.—Section 607(e) of the Fair Credit Reporting Act (12 U.S.C. 1681e(e)) (as amended by chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996) is amended by adding at the end the following new paragraph:

“(3) RESALE OF CONSUMER REPORT TO A FEDERAL AGENCY OR DEPARTMENT.—Notwithstanding paragraph (1) or (2), a person who procures a consumer report for purposes of reselling the report (or any information in the report) shall not disclose the identity of the end-user of the report under paragraph (1) or (2) if—

“(A) the end user is an agency or department of the United States Government which procures the report from the person for purposes of determining the eligibility of the consumer concerned to receive access or continued access to classified information (as defined in section 604(b)(4)(E)(i)); and

“(B) the agency or department certifies in writing to the person reselling the report that nondisclosure is necessary to protect classified information or the safety of persons employed by or contracting with, or undergoing investigation for work or contracting with the agency or department.”

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if such amendments had been included in chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 as of the date of the enactment of such Act.

#### TITLE IV—CENTRAL INTELLIGENCE AGENCY

##### SEC. 401. MULTIYEAR LEASING AUTHORITY.

(a) IN GENERAL.—Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended—

(1) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6), respectively;

(2) by inserting “(a)” after “SEC. 5.”;

(3) in paragraph (5), as so redesignated, by striking out “without regard” and all that follows through “; and” and inserting in lieu thereof a semicolon;

(4) by striking out the period at the end of paragraph (6), as so redesignated, and inserting in lieu thereof “; and”;

(5) by inserting after paragraph (6) the following new paragraph:

“(7) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for up to 15 years.”; and

(6) by inserting at the end the following new subsection:

“(b)(1) The authority to enter into a multiyear lease under subsection (a)(7) shall be subject to appropriations provided in advance for—

“(A) the entire lease; or

“(B) the first 12 months of the lease and the Government’s estimated termination liability.

“(2) In the case of any such lease entered into under subparagraph (B) of paragraph (1)—

“(A) such lease shall include a clause that provides that the contract shall be terminated if budget authority (as defined by section 3(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(2))) is not provided specifically for that project in an appropriations Act in advance of an obligation of funds in respect thereto;

“(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying termination costs with respect to such lease shall remain available until the costs associated with termination of such lease are paid;

“(C) funds available for termination liability shall remain available to satisfy rental obligations with respect to such lease in subsequent fiscal years in the event such lease is not terminated early, but only to the extent those funds are in excess of the amount of termination liability at the time of their use to satisfy such rental obligations; and

“(D) funds appropriated for a fiscal year may be used to make payments on such lease, for a maximum of 12 months, beginning any time during such fiscal year.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to multiyear leases entered into under section 5 of the Central Intelligence Agency Act of 1949, as so amended, on or after October 1, 1997.

##### SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) AUTHORITY.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

“(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

“(E) Not later than January 31 and July 31 of each year, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report of the Inspector General’s exercise of authority under this paragraph during the preceding six months.”

(b) LIMITATION ON AUTHORITY FOR PROTECTION OF NATIONAL SECURITY.—Subsection (b)(3)

of that section is amended by inserting “, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena,” after “or investigation”.

##### SEC. 403. CIA CENTRAL SERVICES PROGRAM.

(a) AUTHORITY FOR PROGRAM.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

###### “CENTRAL SERVICES PROGRAM

“SEC. 21. (a) IN GENERAL.—The Director may carry out a program under which elements of the Agency provide items and services on a reimbursable basis to other elements of the Agency and to other Government agencies. The Director shall carry out the program in accordance with the provisions of this section.

“(b) PARTICIPATION OF AGENCY ELEMENTS.—(1) In order to carry out the program, the Director shall—

“(A) designate the elements of the Agency that are to provide items or services under the program (in this section referred to as ‘central service providers’);

“(B) specify the items or services to be provided under the program by such providers; and

“(C) assign to such providers for purposes of the program such inventories, equipment, and other assets (including equipment on order) as the Director determines necessary to permit such providers to provide items or services under the program.

“(2) The designation of elements and the specification of items and services under paragraph (1) shall be subject to the approval of the Director of the Office of Management and Budget.

“(c) CENTRAL SERVICES WORKING CAPITAL FUND.—(1) There is established a fund to be known as the Central Services Working Capital Fund (in this section referred to as the ‘Fund’). The purpose of the Fund is to provide sums for activities under the program.

“(2) There shall be deposited in the Fund the following:

“(A) Amounts appropriated to the Fund.

“(B) Amounts credited to the Fund from payments received by central service providers under subsection (e).

“(C) Fees imposed and collected under subsection (f)(1).

“(D) Amounts collected in payment for loss or damage to equipment or other property of a central service provider as a result of activities under the program.

“(E) Such other amounts as the Director is authorized to deposit in or transfer to the Fund.

“(3) Amounts in the Fund shall be available, without fiscal year limitation, for the following purposes:

“(A) To pay the costs of providing items or services under the program.

“(B) To pay the costs of carrying out activities under subsection (f)(2).

“(d) LIMITATION ON AMOUNT OF ORDERS.—The total value of all orders for items or services to be provided under the program in any fiscal year may not exceed an amount specified in advance by the Director of the Office of Management and Budget.

“(e) PAYMENT FOR ITEMS AND SERVICES.—(1) A Government agency provided items or services under the program shall pay the central service provider concerned for such items or services an amount equal to the costs incurred by the provider in providing such items or services plus any fee imposed under subsection (f). In calculating such costs, the Director shall take into account personnel costs (including costs associated with salaries, annual leave, and workers’ compensation), plant and equipment costs (including depreciation of plant and equipment), operation and maintenance expenses, amortized costs, and other expenses.

“(2) Payment for items or services under paragraph (1) may take the form of an advanced

payment by an agency from appropriations available to such agency for the procurement of such items or services.

"(f) FEES.—(1) The Director may permit a central service provider to impose and collect a fee with respect to the provision of an item or service under the program. The amount of the fee may not exceed an amount equal to four percent of the payment received by the provider for the item or service.

"(2)(A) Subject to subparagraph (B), the Director may obligate and expend amounts in the Fund that are attributable to the fees imposed and collected under paragraph (1) to acquire equipment or systems for, or to improve the equipment or systems of, elements of the Agency that are not designated for participation in the program in order to facilitate the designation of such elements for future participation in the program.

"(B) The Director may not expend amounts in the Fund for purposes specified in subparagraph (A) in fiscal year 1998, 1999, or 2000 unless the Director—

"(i) secures the prior approval of the Director of the Office of Management and Budget; and

"(ii) submits notice of the proposed expenditure to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(g) AUDIT.—(1) Not later than December 31 each year, the Inspector General of the Central Intelligence Agency shall conduct an audit of the activities under the program during the preceding fiscal year.

"(2) The Director of the Office of Management and Budget shall determine the form and content of annual audits under paragraph (1). Such audits shall include an itemized accounting of the items or services provided, the costs associated with the items or services provided, the payments and any fees received for the items or services provided, and the agencies provided items or services.

"(3) Not later than 30 days after the completion of an audit under paragraph (1), the Inspector General shall submit a copy of the audit to the following:

"(A) The Director of the Office of Management and Budget.

"(B) The Director of Central Intelligence.

"(C) The Permanent Select Committee on Intelligence of the House of Representatives.

"(D) The Select Committee on Intelligence of the Senate.

"(h) TERMINATION.—(1) The authority of the Director to carry out the program under this section shall terminate on March 31, 2000.

"(2) Subject to paragraph (3), the Director of Central Intelligence and the Director of the Office of Management and Budget, acting jointly—

"(A) may terminate the program under this section and the Fund at any time; and

"(B) upon such termination, shall provide for the disposition of the personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the program or the Fund.

"(3) The Director of Central Intelligence and the Director of the Office of Management and Budget may not undertake any action under paragraph (2) until 60 days after the date on which the Directors jointly submit notice of such action to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations in section 101, \$2,000,000 shall be available for deposit in the Central Services Working Capital Fund established by section 21(c) of the Central Intelligence Agency Act of 1949, as added by subsection (a).

#### SEC. 404. PROTECTION OF CIA FACILITIES.

Subsection (a) of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking out "powers only within Agency installations," and all that follows through the end and inserting in lieu thereof the following: "powers—

"(A) within the Agency Headquarters Compound and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such Compound;

"(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such Compound and property and extending outward 500 feet;

"(C) within any other Agency installation and protected property; and

"(D) in the streets, sidewalks, and open areas within the zone beginning at the outside boundary of any installation or property referred to in subparagraph (C) and extending outward 500 feet."; and

(3) by adding at the end the following new paragraphs:

"(2) The performance of functions and exercise of powers under subparagraph (B) or (D) of paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to Agency installations, property, or employees.

"(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

"(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A) or (C) of paragraph (1).

"(5) Not later than December 1, 1998, and annually thereafter, the Director shall submit a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that describes in detail the exercise of the authority granted by this subsection, and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make such report available to the Inspector General of the Central Intelligence Agency."

#### SEC. 405. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102(e) of the National Security Act of 1947 (50 U.S.C. 403(e)) is amended by adding at the end the following:

"(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency."

#### TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

##### SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF BACHELOR OF SCIENCE IN INTELLIGENCE.

(a) AUTHORITY FOR NEW BACHELOR'S DEGREE.—Section 2161 of title 10, United States Code, is amended to read as follows:

"§2161. Joint Military Intelligence College: academic degrees

"Under regulations prescribed by the Secretary of Defense, the president of the Joint Military Intelligence College may, upon recommendation by the faculty of the college, confer upon a graduate of the college who has fulfilled the requirements for the degree the following:

"(1) The degree of Master of Science of Strategic Intelligence (MSSI).

"(2) The degree of Bachelor of Science in Intelligence (BSI)."

(b) CLERICAL AMENDMENT.—The item relating to that section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

"2161. Joint Military Intelligence College: academic degrees."

##### SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974) is amended by striking out "for fiscal years 1996 and 1997" and inserting in lieu thereof "for fiscal years 1998 and 1999".

##### SEC. 503. UNAUTHORIZED USE OF NAME, INITIALS, OR SEAL OF NATIONAL RECONNAISSANCE OFFICE.

(a) EXTENSION, REORGANIZATION, AND CONSOLIDATION OF AUTHORITIES.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

"§425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies

"(a) PROHIBITION.—Except with the written permission of both the Secretary of Defense and the Director of Central Intelligence, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary and the Director, any of the following (or any colorable imitation thereof):

"(1) The words 'Defense Intelligence Agency', the initials 'DIA', or the seal of the Defense Intelligence Agency.

"(2) The words 'National Reconnaissance Office', the initials 'NRO', or the seal of the National Reconnaissance Office.

"(3) The words 'National Imagery and Mapping Agency', the initials 'NIMA', or the seal of the National Imagery and Mapping Agency.

"(4) The words 'Defense Mapping Agency', the initials 'DMA', or the seal of the Defense Mapping Agency."

(b) TRANSFER OF ENFORCEMENT AUTHORITY.—Subsection (b) of section 202 of title 10, United States Code, is transferred to the end of section 425 of such title, as added by subsection (a), and is amended by inserting "AUTHORITY TO ENJOIN VIOLATIONS.—" after "(b)".

(c) REPEAL OF REORGANIZED PROVISIONS.—Sections 202 and 445 of title 10, United States Code, are repealed.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of subchapter II of chapter 8 of title 10, United States Code, is amended by striking out the item relating to section 202.

(2) The table of sections at the beginning of subchapter I of chapter 21 of title 10, United States Code, is amended by striking out the items relating to sections 424 and 425 and inserting in lieu thereof the following:

"424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency, National Reconnaissance Office, and National Imagery and Mapping Agency.

"425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies."

(3) The table of sections at the beginning of subchapter I of chapter 22 of title 10, United States Code, is amended by striking out the item relating to section 445.

And the House agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

PORTER GOSS,  
BILL YOUNG,  
JERRY LEWIS,  
BUD SHUSTER,  
BILL MCCOLLUM,  
MICHAEL N. CASTLE,  
SHERWOOD BOEHLERT,  
CHARLES F. BASS,  
JIM GIBBONS,  
NORM DICKS,  
JULIAN C. DIXON,  
DAVID E. SKAGGS,  
NANCY PELOSI,  
JANE HARMAN,  
IKE SKELTON,  
SANFORD D. BISHOP,

From the Committee on National Security,  
for consideration of defense tactical intel-  
ligence and related activities:

FLOYD SPENCE,  
BOB STUMP,

*Managers on the Part of the House.*

From the Select Committee on Intelligence:

RICHARD SHELBY,  
JOHN H. CHAFEE,  
DICK LUGAR,  
MIKE DEWINE,  
JON KYL,  
JAMES INHOFE,  
ORRIN HATCH,  
PAT ROBERTS,  
WAYNE ALLARD,  
DANIEL COATS,  
BOB KERREY,  
JOHN GLENN,  
RICHARD H. BRYAN,  
BOB GRAHAM,  
JOHN F. KERRY,  
MAX BAUCUS,  
CHUCK ROBB,  
FRANK LAUTENBERG,  
CARL LEVIN,

From the Committee on Armed Services:

STROM THURMAN,

*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF  
THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and the intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the Senate and the House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION FOR APPROPRIATIONS

Section 101 of the conference report lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 1998. Section 101 is identical to section 101 of the Senate bill and section 101 of the House amendment.

SEC. 102. CLASSIFIED SCHEDULE OF  
AUTHORIZATIONS

Section 102 of the conference report makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and applicable personnel ceilings covered under this title for fiscal year 1998 are contained in a classified Schedule of Authorizations. The classified Schedule of Authorizations is incorporated into the Act by this section. The details of the Schedule are explained in the classified annex to this report. Section 102 is identical to section 102 of the Senate bill and section 102 of the House amendment.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS

Section 103 of the conference report authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 1998 to authorize employment of civilian personnel in excess of the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not to exceed two percent of the total of the ceilings applicable under section 102. The Director of Central Intelligence may exercise this authority only when doing so is necessary to the performance of important intelligence functions. Any exercise of this authority must be reported to the two intelligence committees of the Congress.

The managers emphasize that the authority conferred by section 103 is not intended to permit the wholesale raising of personnel strength in any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees. The managers do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this bill. Section 103 is identical to section 103 of the Senate bill and section 103 of the House amendment.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT

Section 104 of the conference report authorizes appropriations for the Community Management Account of the Director of Central Intelligence and sets the personnel end-strength for the Intelligence Community Management Staff for fiscal year 1998.

Subsection (a) authorizes appropriations of \$121,580,000 for fiscal year 1998 for the activities of the Community Management Account (CMA) of the Director of Central Intelligence. This amount includes funds identified for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program, which shall remain available until September 30, 1999.

Subsection (b) authorizes 283 full-time personnel for the Community Management Staff for fiscal year 1998 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States Government.

Subsection (c) authorizes additional appropriations and personnel for the Community Management Account as specified in the classified Schedule of Authorizations.

Subsection (d) requires, except as provided in Section 303 of this Act, or for temporary situations of less than one year, that personnel from another element of the United States Government be detailed to an element of the Community Management Account on a reimbursable basis.

Subsection (e) authorizes \$27,000,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). This subsection is identical to subsection (e) in the House amendment. The Senate bill had no similar provision. The Senate recedes. The managers agree that continued funding of the NDIC from the NFIP deserves considerable study, and many remain concerned that the balance between law enforcement and national security equities in the NDIC's operations is skewed in favor of the law enforcement community. This is due, in part, to placement of the NDIC within the Department of Justice.

The managers urge the President to carefully examine this problem and report to the Committees before April 1, 1998. This examination should be undertaken and reported as a part of the National Counter-Narcotics Architecture Review currently being prepared by the Office of National Drug Control Policy. The report should describe current and proposed efforts to structure the NDIC to effectively coordinate and consolidate strategic drug intelligence from national security and law enforcement agencies. It should also describe what steps have been taken to ensure that the relevant national security and law enforcement agencies are providing the NDIC with access to data needed to accomplish this task. The managers agree that upon receipt of this report the intelligence committees will reconsider whether it is appropriate to continue funding the NDIC as a part of the National Foreign Intelligence Program.

TITLE II—CENTRAL INTELLIGENCE AGENCY  
RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Section 201 is identical to section 201 of the House amendment and section 201 of the Senate bill.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION  
AND BENEFITS AUTHORIZED BY LAW

Section 301 is identical to section 301 of the House amendment and section 301 of the Senate bill.

SEC. 302. RESTRICTION ON CONDUCT OF  
INTELLIGENCE ACTIVITIES

Section 302 is identical to section 302 of the House amendment and section 302 of the Senate bill.

SEC. 303. DETAIL OF INTELLIGENCE COMMUNITY  
PERSONNEL

The managers strongly support the inauguration of the Intelligence Community Assignment Program (ICAP). This type of initiative is critical if the Intelligence Community is to prepare itself for future challenges that will require an ever increasing level of coordination and cooperation between the various elements of the community. Section 303 is similar to section 304 of the House amendment and section 303 of the Senate bill. The managers agreed to a provision that is nearly identical to that found in the House amendment. Section 303 of the conference report does not, however, terminate this authority on September 30, 2002.

SEC. 304. EXTENSION OF APPLICATION OF  
SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES

Section 304 of the conference report extends until January 6, 1999 the authority granted by section 303 of the Intelligence Authorization Act of Fiscal Year 1996 for the President to stay the imposition of an economic, cultural, diplomatic, or other sanction or related action when the President determines and reports to Congress that to proceed without delay would seriously risk the compromise of an intelligence source or method, or an ongoing criminal investigation. Section 304 is similar to section 305 of

the House amendment and section 304 of the Senate bill. The Senate bill extended the deferral authority until January 6, 2001, whereas the House amendment extended the authority until January 6, 1999. The managers agreed to adopt the House amendment with minor technical changes.

SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING

Section 305 expresses the sense of the Congress that the Director of Central Intelligence should continue to direct elements of the Intelligence Community to award contracts in a manner that would maximize the procurement of products produced in the United States, when such action is compatible with the national security interests of the United States, consistent with operational and security concerns, and fiscally sound. A provision similar to section 305 has been included in previous intelligence authorization acts. Section 305 is similar in intent to sections 306 through 308 of the House amendment. The Senate bill had no similar provision.

SEC. 306. SENSE OF CONGRESS ON RECEIPT OF CLASSIFIED INFORMATION

Section 306 expresses the sense of the Congress that Members of Congress have equal standing with officials of the executive branch to receive classified information so that Congress may carry out its oversight responsibilities. The Senate bill contained a provision that directed the President to inform all employees of the executive branch, and employees of contractors carrying out duties under classified contracts, that the disclosure of classified information reasonably believed by the person to be evidence of a violation of law, regulation, or rule; false statement to Congress; gross mismanagement, waste of funds, abuse of authority; or a substantial and specific danger to public safety, is not contrary to law, executive order, regulation, or is otherwise not contrary to public policy. The Senate provision would have allowed disclosure of such information to any Member or staff member of a committee of Congress having oversight responsibility for the department, agency, or element of the Federal Government to which such information relates. The Senate bill would also have allowed disclosure of such classified information to the employee's own Representative. The House amendment had no similar provision.

The managers decided not to include section 306 of the Senate bill in the conference report. Such action should not, however, be interpreted as agreement with the Administration's position on whether it is constitutional for Congress to legislate on this subject matter. The managers' action also should not be further interpreted as agreement with the opinion of the Justice Department's Office of Legal Counsel, which explicitly stated that only the President may determine when executive branch employees may disclose classified information to Members of Congress. The managers assert that members of congressional committees have a need to know information, classified or otherwise, that directly relates to their responsibility to conduct vigorous and thorough oversight of the activities of the executive departments and agencies within their committees' jurisdiction.

While the managers recognize the Chief Executive's inherent constitutional authority to protect sensitive national security information, they do not agree that this authority may be asserted against Congress to withhold evidence of wrongdoing and thereby impede Congress in exercising its legislative oversight authority. Therefore, the managers committed to hold hearings on this issue and develop appropriate legislative solutions.

SEC. 307. PROVISION OF INFORMATION ON CERTAIN VIOLENT CRIMES ABROAD TO VICTIMS AND VICTIMS' FAMILIES

Section 307 directs the Secretary of State to ensure that the United States Government takes all appropriate actions to identify promptly all unclassified and classified information in the possession of the United States Government regarding the killing, abduction, torture, or other serious mistreatment of a U.S. citizen abroad. The provision further requires the Secretary of State to ensure that all information is promptly reviewed and, to the maximum extent practicable, without jeopardizing sensitive sources and methods or other vital national security interests, or without jeopardizing an on-going criminal investigation or proceeding, made available to the victim or victim's family if they are United States citizens, unless such a disclosure is specifically prohibited by law.

Section 307 is similar to section 307 of the Senate bill. The House amendment had no similar provision. The managers agreed to a provision that limits the release of information to U.S. citizens. The managers also exempted from disclosure information that may jeopardize an on-going criminal investigation or proceeding. Additionally, the managers acknowledged that there are certain statutes that specifically prohibit disclosure of certain types or categories of information and, therefore, added language that defers to those statutory prohibitions.

The managers recognized that the term "information" is very broad and may be interpreted to include all forms of information in the possession of the United States Government. The managers also recognized that the various agencies and departments of the United States Government may have in their possession non-official information that is readily available to the public via other means, e.g. press clippings. Therefore, the managers intend the term "information" to be construed to mean information that is not available to the victims or families unless provided to them by the United States Government.

SEC. 308. REPORT ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA

Section 308 directs the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, in consultation with the heads of other appropriate Federal agencies, to prepare and transmit to Congress a report on the intelligence activities of the People's Republic of China directed against or affecting the interests of the United States. Section 308 is similar to section 309 of the House amendment. The Senate bill had no similar provision.

SEC. 309. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES

Section 309 directs the Director of Central Intelligence to carry out a survey of current standards for the spelling of foreign names and places, and the geographic coordinates for such places. This provision further directs the Director of Central Intelligence to submit the results of the survey to the congressional intelligence committees and issue guidelines to ensure uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places.

Section 309 is nearly identical to section 308 of the Senate bill. The House amendment had no similar provision.

SEC. 310. REVIEW OF STUDIES ON CHEMICAL WEAPONS IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR

Section 310 directs the Inspector General (IG) of the Central Intelligence Agency to complete a review of the studies conducted

by the Federal Government regarding the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations during the Persian Gulf War. This review is required to be completed not later than May 31, 1998. Section 310 is similar to section 310 of the House amendment. The Senate bill had no similar provision.

The managers were aware of at least ten investigations or studies that were in various states of completion. The managers noted that the CIA IG is already in the final stages of two major projects related to chemical weapons and the Persian Gulf War. At the request of former Director of Central Intelligence Deutch, the IG is assessing allegations made by two former Agency employees regarding the CIA's handling of information concerning the possible exposure of United States personnel to chemical weapons. Additionally, in support of the Presidential Advisory Committee on Gulf War Veterans' Illnesses, the CIA IG is conducting a special assessment of the Agency's handling of information related to the Iraqi ammunition storage depot at Khamisiyah. Both of these studies are expected to be completed in October 1997. The remaining studies that relate to the possible exposure of United States forces to chemical weapons during the Persian Gulf War include the following:

1. The CIA's Persian Gulf War Illness Task Force published an unclassified report on Khamisiyah, "An Historical Perspective on Related Intelligence," in April 1997. The Agency's Directorate of Intelligence published an unclassified "Report on Intelligence Related to Gulf War Illnesses," in August 1996.

2. The Assistant to the Secretary of Defense for Intelligence Oversight is preparing a report on what information was available to the Department of Defense concerning Iraqi chemical weapons before and during the Gulf War, and what the Department did with that information.

3. The Inspector General to the Department of Defense has been tasked to investigate the disappearance of military logs related to chemical weapons alerts during the war.

4. The Inspector General of the Army is conducting a series of investigations relating to the possible exposure of U.S. troops to chemical weapons.

5. The augmented Persian Gulf Investigation Team, under the direction of the Office of the Special Assistant to the Secretary of Defense for Gulf War Illnesses, is continuing a broad inquiry into the Gulf War illness issue, including the role of chemical exposures.

6. The Presidential Advisory Committee on Gulf War Veterans' Illnesses is completing its work on answering questions from the President related to the Khamisiyah ammunition storage depot.

7. The Senate Veterans' Affairs Committee has hired a special investigator to look into Gulf War issues, and the House Veterans' Affairs Committee remains active on the issue.

8. The General Accounting Office published a report entitled "Gulf War Illnesses: Improved Monitoring of Clinical Progress and Reexamination of Research Emphasis are Needed," in June 1997. The GAO is also preparing answers to questions posed by the House Veterans' Affairs Committee concerning DoD logs and possible chemical weapons exposure incidents.

Therefore, instead of requiring the IG to undertake another investigation that would essentially mirror ongoing efforts, the managers agreed to direct the IG to conduct a review that will identify whether any additional investigation or research is necessary to determine the extent of the Central Intelligence Agency's knowledge of the presence,

use, or destruction of chemical weapons and any other issue relating to the presence, use, or destruction of such weapons. The results of this review will allow the congressional intelligence committees to direct the appropriate authorities to conduct additional specific investigations without duplicating past efforts. The managers are very concerned about the handling of information relating to the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations; they remain committed to ensuring a thorough understanding of these matters.

SEC. 311 EXCEPTIONS TO CERTAIN FAIR CREDIT REPORTING REQUIREMENTS RELATING TO NATIONAL SECURITY INVESTIGATIONS

Section 311 amends the Fair Credit Reporting Act (FCRA) to allow for a limited exception to particular consumer disclosure requirements and exempts a reseller of a consumer report, under certain conditions, from disclosing the identity of an end-user of a consumer report as required by P.L. 104-208, Division A, Title II, Subtitle D, Chapter 1, §2403(b) and §2407(c), respectively. These provisions became effective on September 30, 1997. There was no similar provision to section 311 in the Senate bill or the House amendment. The managers received a letter from the Chairman of the House Committee on Banking and Financial Services supporting this provision. The content of the letter is as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND FINANCIAL SERVICES

Washington, DC, September 16, 1997.

Hon. Porter J. Goss,  
Chairman, Permanent Select Committee on Intelligence, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to the proposed Fair Credit Reporting Act (FCRA) amendments to the Intelligence Authorization Act for Fiscal Year 1998. I appreciate your staff apprising the Banking Committee of these proposed provisions.

Amendments to the FCRA that were enacted in the 104th Congress and effective September 30, 1997, will require employers to give advance notice to employees prior to taking an adverse action based on an employee's consumer report. In addition, the laws requires sellers of consumer reports to disclose to consumers the end users of the reports. It is my understanding that the Central Intelligence Agency (CIA) and other intelligence representatives are concerned that these provisions could adversely impact the ability of U.S. government agencies involved in national security matters to conduct investigations of employees suspected of posing a security risk or counterintelligence risk. As a result, the intelligence community has proposed two changes to the FCRA which it would like included in the legislation during conference consideration of the bill. Enclosed is legislative language implementing these changes which has been vetted with the intelligence community and which I can support.

The first proposed change to the FCRA would provide a waiver for agencies engaged in national security matters from the requirement that an employee be notified prior to his/her employer taking an adverse action based on the employee's consumer report. The waiver would apply when a senior department head makes a written finding that credit information regarding an employee is relevant to a legitimate national security investigation and that advance notice would jeopardize the investigation and endanger personnel and classified information. The second proposed change to the FCRA would provide that resellers of consumer reports are not required to disclose the identity of

the end user if the end user is a U.S. government agency which has requested the consumer report as part of a top secret security clearance process.

The FCRA falls under the jurisdiction of the Committee on Banking and Financial Services. In the interest of time, and based on Banking Committee staff discussions with Intelligence Committee staff and officials representing the intelligence community, the Banking Committee will not exercise its jurisdiction at this time over the proposed FCRA amendments. The Banking Committee does maintain, however, its jurisdiction over the FCRA and reserves the right to referral of all provisions related to the FCRA in the future.

Again, I appreciate your staff and officials from the intelligence community bringing these proposed FCRA changes to the attention of the Banking Committee. I believe that the attached changes to the FCRA, are reasonable and should be included in the Intelligence Authorization Act.

Sincerely,

JAMES A. LEACH,  
Chairman.

CIA employees and most CIA contractors with staff-like access are required to have a Top Secret (TS) clearance with Sensitive Compartmented Information (SCI) access. National Security Directive 63 (NSD 63), requires all executive branch agencies to verify the financial status and credit habits of individuals considered for access to TS and SCI material. Consequently, the agencies obtain a consumer report for all applicants, employees, and contractors. Such applicants, employees, and contractors sign a written consent to release this information as a part of their application process or routine re-investigation. This consent is attached to the Standard Form (SF) 86 (Questionnaire for National Security Positions).

In addition to the SF 86, Title 50, United States Code, section 435(a)(3) requires all individuals with access to classified information to consent to the release of financial background information during the period of such access. A section 435 release authorizes investigative agencies to obtain a wide variety of financial information. The release may only be used, however, when an individual is suspected of disclosing classified information to a foreign power, has excessive indebtedness or unexplained wealth, or, by virtue of his access to compromised classified information, is suspected of disclosing such information to a foreign power. Additionally, under Title 50, United States Code, section 436(b), the fact that a section 435 release has been executed by an investigative agency to obtain a consumer report may not be legally disclosed to the consumer or anyone other than representatives of the requesting agency. Therefore, the FCRA, as amended, would not require notification of the consumer when the consumer report is obtained under section 435.

The managers understand, however, that an agency or department may need to examine an employee's consumer report to make an early assessment of the employee's consumer spending habits. The need for early access to a consumer report arises in cases where there are indications that an employee presents security or counterintelligence concerns, but the threshold to execute a section 435 release has not been met. Under current law, a consumer report may be obtained in such cases without notifying the employee.

As of September 30, 1997, however, the Fair Credit Reporting Act (15 U.S.C. §1681 et seq.), as amended by the "Consumer Credit Reporting Reform Act of 1996," among other things, requires employers to notify individuals be-

fore an "adverse action" is taken based in whole or in part on a consumer report and provide the consumer with a copy of the report. "Adverse action" is defined very broadly by the FCRA, as amended. This presents a problem to agencies or departments conducting legitimate national security investigations because they may take "adverse action" based on information in a consumer report obtained outside of a section 435 release and will have to notify an employee in the earliest stages of an investigation that they have taken such action. Once alerted, the subject of the investigation who is in actual contact with a foreign intelligence service may cease, or more carefully conceal, contacts with foreign agents making it more difficult to detect actual espionage activity.

Section 311(a) provides a limited exception to the consumer notification requirement for legitimate national security investigations when certain factors are present. The managers are aware, however, of the abuses that prompted the enactment of the "Consumer Credit Reporting Reform Act of 1996" and are sensitive to the need for the consumer protections contained therein. Therefore, section 311(a) requires the head of the department or agency to make a written finding, to be maintained in the employee's personnel security file, as to such factors before an exception may be made. Further, an exception may be made only when adverse action is based in part on information obtained from a consumer report. An exception is not available for adverse action which is based in whole on such information. Also, upon the conclusion of an investigation or when the factors are no longer present, the head of the department or agency is required to provide a copy of the credit report and notice of any adverse action which is based in part on such report. The head of the department or agency will also have to identify the nature of the investigation to the consumer concerned. Additionally, the managers note that protections such as notice and opportunity to respond and correct information are already provided by the CIA to individuals for whom a security clearance has been denied or revoked. The managers also understand that all information obtained from a consumer report will be shared with an appellant contesting an adverse security decision. The CIA also provides the identity of the reporting agency so that an appellant may challenge the accuracy of the report directly with the reporting agency. The managers support these policies and urge their continuation.

The FCRA, as amended, will also require a reseller of a consumer report to disclose to the consumer reporting agency that originally furnishes the report the identity of the end-user of the report. Hence, the CIA will have to be identified as the end-user in the records of the source consumer reporting agency. Therefore, this new requirement will create significant security and safety concerns for CIA applicants, employees, and activities involving classified contracts because the data bases of consumer reporting agencies are not secure and are vulnerable to foreign intelligence services.

Section 311(b) provides an exemption to the end-user identification requirements of the FCRA, as amended. A department or agency that seeks an exemption under this provision must certify to the reseller that nondisclosure is necessary to protect classified information or the life or physical safety of an applicant, employee, or contractor with the agency or department.

The amendments are subsections (a) and (b) shall take effect as if such amendments had been included in chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996. The managers believe section 311 strikes a reasonable balance between the needs of the consumer and

the need to protect national security information.

TITLE IV—CENTRAL INTELLIGENCE AGENCY  
SEC. 401. MULTIYEAR LEASING AUTHORITY

Section 401 amends section 5 of the Central Intelligence Agency Act of 1949 to provide clear statutory authority for the CIA to enter into multi-year leases of terms not to exceed 15 years. Section 401 is similar to section 401 of the Senate bill and nearly identical to section 401 of the House amendment.

The managers adopted this provision specifically without any reference to section 8 of the CIA Act of 1949. It is the CIA's position that section 8 authorizes the CIA to enter into covert multi-year leases. The managers agreed that if the reference to section 8 remained in section 401 of the conference report it would be tantamount to a statutory endorsement of the CIA's interpretation. The managers left that question open and agreed that the issue requires further analysis. Therefore, section 401 is not intended to modify or supersede any multi-year leasing authority granted to the Director of Central Intelligence under section 8, as presently construed. The managers also concurred with the reporting requirement contained in the Senate report for covert leases and request that the report be provided to both committees.

SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY

Section 402 amends section 17(e) of the CIA Act of 1949 to provide the CIA Inspector General (IG) with authority to subpoena records and other documentary information necessary in the performance of functions assigned to the IG. Section 402 is identical to section 402 in the Senate bill. The House amendment had no similar provision.

The Inspectors General throughout the Federal Government are responsible for identifying corruption, waste, and fraud in their respective agencies or departments. All other statutory Inspectors General have subpoena authority to compel the production of records and documents during the course of their investigations. The CIA IG's enabling statute did not provide subpoena authority. The managers agreed that the CIA IG needed the same authority as other executive branch Inspectors General to adequately fulfill the CIA IG's statutory obligations.

SEC. 403. CENTRAL SERVICES PROGRAM

Section 403 establishes a "Central Services Program" and its necessary working capital fund at the CIA. Section 403 is similar to section 402 of the House amendment. The Senate bill had no similar provision. The managers welcome this initiative to make the administrative support services provided by the CIA more efficient and competitive.

SEC. 404. PROTECTION OF CIA FACILITIES

Section 404 authorizes the CIA security protective officers to exercise their law enforcement functions 500 feet beyond the confines of CIA facilities and also onto the Federal Highway Administration (FHWA) property immediately adjacent to the CIA Headquarters compound, subject to certain limitations. Section 404 is similar to section 403 of the House amendment. The Senate bill had no similar provision.

The managers recognized the growing threat of terrorist attacks and the particular attraction of CIA facilities as potential targets of such attacks. The managers were also sensitive, however, to the public's reaction to an unlimited grant of jurisdiction, considering that the 500 foot zone extends onto residential property in some areas. Therefore, the exercise of this new authority is expressly limited to only those circumstances

where the CIA security protective officers can identify specific and articulable facts giving them reason to believe that the exercise of this authority is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to CIA installations, property, or employees. This provision also expressly states that the rules and regulations prescribed by the Director of Central Intelligence for agency property and installations do not extend into the 500 foot area established by this provision. Thus, there will be no restrictions, for example, on the taking of photographs within the 500 foot zone.

The managers do not envision a general grant of police authority in the 500 foot zone, but do envision the CIA security protective officers functioning as federal police, for limited purposes, within the 500 foot zone with all attendant authorities, capabilities, immunities, and liabilities. The managers expect the Director of Central Intelligence to coordinate and establish Memoranda of Understanding with all federal, state, or local law enforcement agencies with which the CIA will exercise concurrent jurisdiction in the 500 foot zones. The Director of Central Intelligence shall submit such Memoranda of Understanding to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. The Director of Central Intelligence is also expected to develop a training plan to familiarize the Agency's security protective officers with their new authorities and responsibilities. The Director of Central Intelligence shall submit such plan to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives not later than 30 days after the enactment of this provision.

Section 404 also includes a reporting requirement so that the intelligence committees may closely scrutinize the exercise of this new authority.

SEC. 405. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE

Section 405 is identical to section 303 of the House amendment and section 305 of the Senate bill.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF BACHELOR OF SCIENCE IN INTELLIGENCE

Section 501 is identical to section 501 of the House amendment and similar to section 501 of the Senate bill.

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS

Section 502 is identical to section 502 of the Senate bill and section 503 of the House amendment.

SEC. 503. UNAUTHORIZED USE OF THE NAME, INITIALS, OR SEAL OF THE NATIONAL RECONNAISSANCE OFFICE

Section 503 prohibits the unauthorized use of the name, initials, or seal of the National Reconnaissance Office and consolidates all preexisting unauthorized use prohibitions for the Intelligence Community under one in section in subchapter I of chapter 21 of title 10, United States Code. Section 503 is similar to section 503 of the Senate bill and section 502 of the House amendment. The managers agreed to require the permission of both the Secretary of Defense and the Director of Central Intelligence before any person may use the name, initial, or seal of the National Reconnaissance Office, Defense Intelligence Agency, the National Imagery and Mapping

Agency, or the Defense Mapping Agency in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

*Sense of the Senate*

Section 309 of the Senate bill expressed a sense of the Senate that any tax legislation enacted by Congress this year should meet a standard of fairness in its distributional impact on upper, middle, and lower income taxpayers. The House amendment has no similar provision. The Senate recedes.

*Title VI—Miscellaneous Community Program Adjustments*

Title VI of the House amendment contained eight sections. Sections 601 through 604, and 606 through 608 addressed various defense tactical intelligence and related activities. The managers are aware that the conference committee negotiating the National Defense Authorization Act for Fiscal Year 1998 is considering these same issues, and note that several of these provisions will likely be included in that conference report. Without waiving jurisdiction, the managers agreed not to include these provisions in the conference report.

Section 605 established new requirements relating to the Congressional Budget Justification Books (CJBs). The managers understand that the Community Management Staff is currently revising the structure of the CJBs and the material contained therein in an effort to make these documents more informative and responsive to congressional needs. The managers urge the Community Management Staff to continue to work with those committees that use the CJBs to address the concerns raised by those committees regarding the content and structure of the CJBs. In light of this on-going review, the managers agreed to defer legislative action pending the outcome of those discussions.

From the Permanent Select Committee on Intelligence, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

PORTER GOSS,  
BILL YOUNG,  
JERRY LEWIS,  
BUD SHUSTER,  
BILL MCCOLLUM,  
MICHAEL N. CASTLE,  
SHERWOOD BOEHLERT,  
CHARLES F. BASS,  
JIM GIBBONS,  
NORM DICKS,  
JULIAN C. DIXON,  
DAVID E. SKAGGS,  
NANCY PELOSI,  
JANE HARMAN,  
IKE SKELTON,  
SANFORD D. BISHOP,

From the Committee on National Security, for consideration of defense tactical intelligence and related activities:

FLOYD SPENCE,  
BOB STUMP,

*Managers on the Part of the House.*

From the Select Committee on Intelligence:

RICHARD SHELBY,  
JOHN H. CHAFEE,  
DICK LUGAR,  
MIKE DEWINE,  
JON KYL,  
JAMES INHOFE,  
ORRIN HATCH,  
PAT ROBERTS,  
WAYNE ALLARD,  
DANIEL COATS,  
BOB KERREY,  
JOHN GLENN,  
RICHARD H. BRYAN,

BOB GRAHAM,  
JOHN F. KERRY,  
MAX BAUCUS,  
CHUCK ROBB,  
FRANK LAUTENBERG,  
CARL LEVIN,

From the Committee on Armed Services:  
STROM THURMAN,

*Managers on the Part of the Senate.*

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. FAZIO], the chairman of the Democratic Caucus.

Mr. FAZIO of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong opposition to the Defense Department authorization bill and the accompanying conference report. I implore my colleagues to join me in voting against that report.

Mr. Speaker, there are several reasons that this conference report is bad for the Nation. First and foremost, this bill severely restricts the public-private competitions that are to take place at McClellan Air Force Base in Sacramento and Kelly Air Force Base in San Antonio as mandated by the 1995 BRACC law.

□ 1845

McClellan and Kelly Air Force Base are closing and will be closed. But as McClellan closes, 15,000 jobs and the infrastructure that supports them will disappear from Sacramento's economy. This, by the way, is the third base closure we have had in four BRACC rounds.

I am here to implore Members to support the BRAC Commission, however, and its recommendation, and give DOD the flexibility to use competitions as a means to achieve lower costs and greater efficiencies. It has been shown that competitions save money for the American taxpayer.

Without, for example, the recent competition for the C-5 work load done at Kelly in the past, Warner-Robbins Air Logistic Center in Georgia would have used over \$100 million in new military construction to build new buildings to handle the work load.

Instead, the contract was awarded on the basis of a public-private competition and Warner-Robbins won by coming up with a creative solution so their bid would be competitive. That public-private competition for the C-5 work load saved taxpayers hundreds of millions of dollars.

With the Federal budget being severely constrained for the next several years, it is critical we spend every defense dollar prudently. I am not asking DOD to just give the Sacramento work load to a private contractor. I am merely asking that the private contractors be given the opportunity to bid for the work on a level playing field, just as they did in the instance of that C-5 work.

The depot maintenance language currently in the DOD authorization report does not provide that level playing field. Instead, the language was crafted

to give the public depots an overwhelming advantage. Sure, it lets the competitions go forward, but it puts so many restrictions on the competitions that it will be impossible for the private contractors to win.

In fact, recently the Sacramento Bee quoted an industry representative who said, in response to the language in this report we are voting on tonight, "I can't conceive of a company that would bid for McClellan and Kelly under these circumstances."

Not only is this so-called compromise language not a compromise, it was also negotiated in secret without the knowledge or input of several members of the authorization committee, including my good friend and colleague, the gentleman from Texas, Mr. CIRO RODRIGUEZ who just spoke. This was done in the dark of night by people who had an agenda. That was to make this floor think that it had compromised, when in fact they had wired the competition for an outcome.

The President has said over and over again that he would veto a defense authorization bill that would restrict the competitions at McClellan and Kelly. He has sent his advisers to talk to members of the committees about his commitment to vetoing this bill. In fact, I received a letter from Secretary Cohen just a month ago that reiterated that veto threat. It is obvious that the current language would severely restrict the competitions, and on that basis alone I believe the President will veto this bill. In fact, there is a letter this evening from the Director of the Office of Management and Budget which says the following: "We need to ensure more competition from private industry, not less. Billions of dollars in potential savings are at issue. These resources should be used to maintain the U.S. fighting edge, not to preserve excess infrastructure. The impact on the Department's costs and our Nation's military capacity would be profound if this report were adopted."

He says parenthetically, "The President's senior advisers would recommend that he veto the bill." There is no question, that will be the result if we continue down this path that we are on tonight. But in addition, the conference report includes new restrictions on supercomputer exports that will have a profound impact on the Nation's high-technology economy. Computer technology advances at such a rapid rate that the computers on many desks were once considered supercomputers. The U.S. computer industry leads the world in production and sales of high-powered computers, and that leading role will be harmed by the language in this report.

Please join me in opposing the defense authorization conference report, because it is bad for our national defense and bad for American taxpayers.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Farmington, Utah [Mr. HANSEN], who without question is one of the most respected Members of this House.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, let me point out in regard to what has happened that we all know how BRACC went about it, the anguish we all felt as BRACC closed many bases, how tough it was, but we all went along with it. We knew the President had a few days in which he could look at it. He had two choices, yes or no. He could not change it.

No disrespect to our President, but he came up with a statement in this one, and said, I will get around this, and in effect tried to do that by privatization in place.

Now, we have heard many things flying around here. Let me point out, we have only compromised this thing time after time after time. Seven times it has been voted on over here; seven times we won. It has been voted on in the Senate and it won there. Now the conference report is before us.

One of these charges is, the President will veto this. I think the Members should ask the gentleman from South Carolina, Chairman SPENCE if a veto message has been issued. I know of no veto message that has been issued; also, that the Pentagon was not part of it. Let me tell the Members, I can give them personal knowledge that the Pentagon was part of many of these compromises, and it has been watered down, and the idea that one of the Senators did not like the 60-40 rule, it went to 50-50. I think almost all of these charges we have just heard have been answered.

The charge that this is not fair competition, the House has overwhelmingly supported restoring integrity to the BRAC process by opposing subsidized privatization in place. The compromise bill requires full and open competition on all noncore work loads. Anyone who reads this bill will see that it is free and fair competition.

Another charge on this floor, private bidders should not have to pay for Government assets. Closed bases represent hundreds of millions of dollars of Government assets owned by the American taxpayers. If a private sector company wants to bid on Government contracts, they need to account for this cost to the taxpayers.

Another charge: Depot maintenance provisions are more restrictive and require private work to be involved in-house. That is absolutely false. The bill changes the 60-40 to 50-50, even including a full accounting. I urge people to support this rule and support this conference report. It is fair, and if it does anything, it upholds law. It amazes me that any of my colleagues would argue to violate the law of the land.

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland [Mr. HOYER], former Speaker of the House of Representatives in the State of Maryland, and the present chairman of the steering committee.

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

Mr. HOYER. President of the Senate.

Mr. Speaker, I thank the distinguished chairman in exile of the Committee on Rules for recognizing my former status in which I had some authority. I have since lost that.

Mr. Speaker, this bill, in my opinion, recognizes the enormous contributions of our military personnel. It acknowledges the sacrifice and commitment required of those who choose to follow a career in our military services. This bill seeks to encourage their continued dedication and retention in several very important ways. Military pay and quality of life is protected by a 2.8-percent pay increase and emphasizes the importance of military housing, construction, and improvements. It provides for child development centers for our troops and their families. It provides \$35 million to continue impact aid, important in my area and around the country.

Furthermore, Mr. Speaker, it provides our war fighters with the best possible equipment, \$293.9 million in particular for R&D for the Navy's Super Hornet. This is an investment, Mr. Speaker, which keeps this critical program on track, reaching the fleet by 2001. The Super Hornet is proving to be one of DOD's most successful accusation programs.

Also, Mr. Speaker, the committee increased funding for the joint strike fighter. This will accelerate the program to meet Navy requirements and ensure our continued air superiority and pilot survivability.

In addition, Mr. Speaker, this bill addresses our national security interests. It emphasizes our concerns for the most appropriate use of our military forces in Bosnia. Unlike the House bill as it left here, this bill does not completely tie the hands of our President and the Joint Chiefs, in my opinion, inappropriately.

As we learned so painfully during the 4-year-long conflict in Bosnia, the aggressors are bullies and worse. Mr. Speaker, if we and our NATO allies are not willing to confront the bullies in Bosnia, the aggressors, and who I call bullies. In fact, in many respects many of them are war criminals. If we and our NATO allies are not willing to confront these criminals in Bosnia and lay the groundwork for long-term peace in that region, we will encourage the transgressions that have appeared in the past to reoccur and ensure that we will act again sometime, somewhere. That, Mr. Speaker, is the lesson of history. We must not forget.

I congratulate the conferees for including in this bill compromise language which will not hamstring the President or compromise our commitment.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. BUYER. Just on the point on Bosnia, Mr. Speaker, part of the purpose I brought that legislation to the

House floor is that I did not make up that day, that was the President's day. We sought to extend the time for him to fulfill that commitment.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I appreciate the gentleman's observation. Whoever's date it was, I did not agree with it. I tell my friend, I think it is a very significant tactical error to tell your enemy, and in this case not our enemy but the aggressing parties and the parties in question, when you are going to take specific action. I think that is tactically a mistake. I did not agree with it, whether the President said it or we said it.

Mr. SOLOMON. Mr. Speaker I proudly yield such time as he may consume to the gentleman from Lincoln, Nebraska [Mr. BEREUTER], one of the most outstanding and respected Members of this body, sent to us 19 years ago next month by the people of Lincoln, Nebraska, and surrounding environs. He is still with us.

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

Mr. BEREUTER. Mr. Speaker, I thank the chairman of the committee for yielding time to me.

I rise in support of the rule, but I wish to speak now tonight as an outside conferee on the House Committee on International Relations assigned to this legislation on the issue of supercomputer exports and the regulations thereof.

This Member rises to express his serious concerns about the conference committee's proposed statute changes to our current supercomputer licensing process. Unfortunately, the jurisdiction of the Committee on International Relations on this subject was almost totally ignored.

The proposed statute changes have at least two fundamental flaws. First, they do not adequately recognize or take into account how quickly computer processing speeds become outdated. They, therefore, ensure that our regulatory framework for licensing supercomputers will always be chronically outdated relative to technological change.

Second and perhaps more importantly, these proposed changes force the U.S. Government and our export control enforcement personnel to focus too many resources and personnel on monitoring the export of not so super, relatively slow computers that are no longer either controllable or, for that matter, sufficiently threatening to our national security interests.

By requiring our export enforcement personnel to complete post-shipment verification on any 2000 MTOPS level of computer export, this legislation diverts precious resources away from monitoring high technology exports that are a serious threat to our national security. Requiring such a shotgun approach to export control makes it more likely that we could easily let serious technology diversion slip

through our fingers that are real threats to our national security interest.

For these two critical reasons, this Member cannot support this aspect of the conference report. However, this Member would like to note that several changes to the proposed language in the conference report could make it acceptable. For example, simply linking the post-shipment verification requirements to administration-proposed changes in the MTOPS level of control would answer this Member's major concern that we could ultimately be wasting tremendous enforcement resources on monitoring computer exports that are no longer a threat to national security.

Such a change, if coupled with more reasonable short periods for approval of administration-requested changes in MTOPS control levels, would ensure that our export control regime would keep up with advances in computer technology.

Mr. Speaker, this Member certainly believes we must be very cautious to ensure that our high-technology exports are not available to those who threaten our national security interests. But we must be careful in a time of limited resources to recognize our limitations on our ability to control all potentially dangerous items. One of the best ways we can protect our national security is to first monitor and disclose those entities in foreign countries that represent a threat to our interests.

□ 1900

Then we can demand that U.S. exporters simply not export to those entities and, if necessary, initiate criminal proceedings against U.S. exporters if they fail to comply.

Mr. Speaker, I invite my colleagues to read the rest of my remarks in the RECORD.

This Member has insisted on such an approach to officials of the Bureau for Export Administration in the Department of Commerce. In part, because of this Member's insistence and that of the Chairman GILMAN that the Administration must be more proactive on this issue, the Administration has now identified end-users of concern in these countries and has agreed to update that list on a periodic basis.

In conclusion on this subject, Mr. Speaker, this Member is convinced that the House International Relations Committee was moving in the proper direction to remedy the unlawful sale of supercomputers to bad or dangerous end-users. Building on the Senate study initiative to determine exactly what level of computer technology should be controlled, we had expressed our intentions to compel the Administration to develop a comprehensive and efficient policy that places the appropriate high priority on protecting U.S. national security. Such a policy, however, cannot—without substantial costs—attempt to reimpose a "one-size-fits-all" licensing policy on computer technology that nearly all exports recognize is simply not permanently and completely controllable. Instead, such a policy should focus on identifying bad end-users and making certain

that such entities do not acquire any technology that is damaging our national security interests.

And lastly, on another subject, Mr. Speaker, this Member gratefully acknowledges and commends the support of Chairman SPENCE and the ranking member, Mr. DELLUMS, as well as the conferees for their support of this Member's language supporting the commitment to retain 100,000 U.S. military personnel in the Asia-Pacific region. This is an important symbolic message, reiterated at the initiative of Chairman SPENCE and this Member that the United States will remain militarily engaged in the Asia-Pacific region for the long term—specifically that we should not reduce our military and naval presence in the region.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON], the ranking member in waiting of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I would like to join the gentleman from Nebraska [Mr. BERUTER], my friend, to say that this particular language on the computers not only will squander America's security resources on a product that is rapidly generally available, and is even today generally available, but it will be the attempt to control our laptop and desktop computers within a year or two. The computers that we will have on our desks by the year 2000, 2002, will be traveling at 1 or 2 MTOPS.

Beyond that, if my colleagues watch the news, what just happened? Two developments in computer technology, going to copper and having multiple levels of recognition in each cell, is going to change the speed at which new generations occur.

This is an industry where 18 months was a lifetime. If Members want us to stay out in front for our defense and economic needs, then we have to be able to market products as soon as they come up, if they do not threaten American national security.

Mr. Speaker, these products do not threaten our national security. We are soon going to have a shelf life of less than a year. If we put the process in this kind of manner, we are going to end up with computers that are outdated operating the American system. It is the same thing that was done in machine tools. My colleagues did it to machine tools. They stopped American companies from exporting them because they said it was national security. Now we buy our machine tools from Japan.

Mr. Speaker, I urge my colleagues, "Do not do to the machine computer industry what you did to the machine tool industry."

This is a very bad time to try to slow down the process of exports. The speed at which new generations and faster computers develop is going to be cut in half from 18 months to as little as 9 months. If we tie up the sale of these computers, we will only cripple America's future and thereby endanger its defense.

Mr. Speaker, I know the gentleman is well-intentioned, but the gentleman is

causing mischief here that will hurt American national security.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Santa Clarita, CA [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I rise in support of the rule for the conference report to H.R. 1119, the National Defense Authorization Act.

Although it has taken a long time to get to this point, I want to encourage my colleagues to support this conference report.

Mr. Speaker, the Department of Defense needs this bill to be enacted so that it can implement reforms and manage its vast resources as effectively as possible.

This conference report funds important modernization and research initiatives that are vital to our Nation as our military continues to downsize. While I cannot say that I totally agree with all of the provisions contained in the report, I am supporting it because it reflects the hard work of our chairman and embodies the strong commitment for the defense of our Nation, given the parameters with which we had to work with the budget agreement with the President.

Mr. Speaker, I urge my colleagues to vote "yes" on the rule and the conference report.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, approximately 4,206 Army Reserve and National Guard members were deployed to Europe as a part of our second rotation for Operation Joint Guard. These brave men and women were caught in the middle of an administrative policy change concerning the payment of the shipment of their personal property. We thought this inequity would be taken care of in the conference report. It was not, because it was determined to be out of scope of the bill.

However, it received wide bipartisan support. I plan, therefore, to introduce a freestanding bill to facilitate reimbursing the 4,206 soldiers as quickly as possible.

Mr. Speaker, I urge all of my colleagues to join me in supporting this so that the families can have equity and we can support our National Guard and Reserve troops by sponsoring this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I listened carefully to the debate so far and I listened to the gentleman from New York [Mr. SOLOMON] talk about the fact that China has an opportunity to establish a beachhead on our shores. I knew, because the Democrats had told me in advance, that they would knock my provision out of the Defense authorization bill to provide more military troops to the border.

Mr. Speaker, I want the Democrats to listen to this. For 12 years they would not hold a hearing on the burden

of proof in a civil tax case. The Republicans have just added it to the IRS reform bill. For 12 years they would not hold a hearing on military troops on our border. Here is what I would like to say to my Democrat colleagues. We will probably stay the minority the way we are doing business around here.

Mr. Speaker, young students aged 12 to 17 years old, the use of heroin is, quote-unquote, "at historic levels." Experts tell us that the major port source for heroin and cocaine is coming across the Mexican border.

Our troops are guarding the borders in Bosnia and the Middle East. They were, in fact, administering rabies vaccinations to dogs in Haiti. There has been a recent earthquake in Italy, and our troops are literally building homes in Italy. And while the staff is laughing about it, we are saying we cannot bring it down by having our troops help to secure our borders.

Mr. Speaker, I am going to resubmit that bill with a couple of concerns the Republican Party has, and I am going to ask for some chairmen to sit down and look at the common sense. Our Nation is going to hell in a hand basket. Other than China, the biggest national security threat facing America is narcotics, and they are coming across the border and we have no program.

It is a joke. And, yes, I am admitting as a Democrat, the Democrats killed it. I am going to ask the Republicans to take a look at a national security initiative that this Nation needs. Maybe the majority party will once again realize what the Nation is looking for and needs.

The military does not want it. That is true. The military wants appropriations. I think it is time that the civilian government straightens out our borders and straightens out our Nation.

Mr. Speaker, let me tell my colleagues one last thing. The Drug Enforcement Administrator said that these new sophisticated organized criminal groups in Mexico make the Colombia group look like Boy Scouts.

So, yes, my Democrat colleagues killed it this time; we will resubmit it and maybe we will get some hearings on the Republican side so the Republicans could continue to stay in the majority. Beam me up. How dumb we are as a party.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Monticello, IN [Mr. BUYER], a veteran of the gulf war. The gentleman is doing an outstanding job as the chairman of our Subcommittee on Personnel for the Committee on Armed Services.

Mr. BUYER. Mr. Speaker, I would ask everyone to support this rule. My concerns have been addressed not only in this bill, but I also appreciate the leadership of Chairman SOLOMON.

Mr. Speaker, many in this body know that I took on the issue of sexual misconduct in the U.S. military. This bill addresses a lot of those issues. In this bill it addresses a range of these issues that emerged during the Subcommittee

on Personnel's examination of sexual misconduct in the military.

The conference report provides for a review of the ability of the military criminal investigative services to investigate crimes of sexual misconduct and mandates a series of reforms to drill sergeant selection and training.

The bill also addresses my concerns with the loss of rigor and warrior spirit that is occurring in our basic training. This bill requires an independent congressional panel to assess reforms to military basic training, including a determination of the merits of gender-integrated and gender-segregated basic training as well as the method to attain the training objectives established by each of the services.

Mr. Speaker, we also have taken on the issues of military pay, increased housing allowances in high cost areas, retained the statutory floors on end strength and many other areas.

Mr. Speaker, this is a very good bill and I encourage all Members to support it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, I want to address the issue that the gentleman from Ohio [Mr. KASICH] brought up with regard to Bosnia. The reason that we are in Bosnia, there are two reasons. One is to save lives, and the second is American leadership.

Mr. Speaker, the fact that we did not get involved in Bosnia when we could, and I think we should have, trying to defer to Europe, ultimately resulted in the loss of a quarter of a million lives. We are in Bosnia to save lives. I think when we have the capability to do that, I think we have some moral responsibility to do so.

The second issue is one of American leadership. We have the capacity, the military capability, and I think the moral resolve to do the right thing throughout the world where we are needed. That is what this bill is all about. It is about sustaining America's global military leadership. That is why I support this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN].

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, I rise in opposition to the rule and the conference report due to the inclusion in the bill of unnecessarily restrictive export controls on computer products.

Two years ago, the administration determined in an uncontested study that computers of at least 5,000 MTOPS, that is millions of theoretical operations per second, were currently widely available worldwide and that computers up to 7,000 MTOPS would be available the next year; that is, this year.

Based on that study, the current policy allows exports of computers between 2,000 and 7,000 MTOPS without a

license for civilian end-use. The U.S. Government made this policy after the Department of Defense, the State Department, and the Commerce Department concluded it would not jeopardize national security.

However, Mr. Speaker, the conference report would repeal this sensible policy and try to limit exports of technology that has already been widely available for purchase abroad for over 3 years. Since competitive products are already available from our foreign competitors, such a policy would hurt U.S. computer companies without improving our national security in any way.

This year, U.S. sales of these computers to Tier III countries will total about \$500 million. By 2000, this number is expected to grow to between \$1.5 billion and \$3 billion in a total worldwide market of \$7 billion to \$12 billion. That is why I believe that the U.S. Export Administration in their fax to me on Friday indicated, quote,

The waiting periods in the bill are an affront to normal decisionmaking processes, are unnecessary, and make no technological sense,

Furthermore, the U.S. Export Administration fax to me, said:

The requirement to conduct postshipment checks will become an extraordinary resource burden, is unadministrable, and is unnecessary.

Mr. Speaker, supporters of this amendment will invariably bring up anecdotal stories about inappropriate computer sales. Certainly we must prevent powerful computers from ending up in the wrong hands. Current U.S. law restricts such sales. We should absolutely discuss ways to improve communications between exporters and the agencies that track dummy civilian end-users.

However, restrictions on domestic exporters will not stop anyone from getting 7,000, or even greater, MTOPS computers because they are already available across the globe. Moreover, current law includes strong penalties for companies that sell to military users or sell restricted technologies. Several companies are currently under investigation under these laws. We do not need new legislation to maintain national security.

Violations of current laws can result in a 20-year prohibition on all exports, prison terms of up to 10 years, and fines of up to \$50,000 per violation.

The Spence-Dellums amendment included in the conference report will add layers of bureaucratic impediments, and I would urge my colleagues to vote against the rule.

□ 1915

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Del Mar, California [Mr. CUNNINGHAM].

Many C-SPAN viewers will remember the movie "Top Gun." The next speaker's military life was patterned after that movie. He is a fighter pilot from the Vietnam war.

Mr. CUNNINGHAM. Mr. Speaker, I feel like bottom gun tonight because I am upset with this bill.

First of all, in the light of Communist China trying to influence the White House and the DNC, the President gives \$50 million to a coal-burning plant in China. Then he shuts down Idaho coal burning in the district of the gentleman from Utah [Mr. HANSEN]. Then he gives sweetheart deals to Lippo Bank with Trie, Riady, Huang and billions of dollars for Lippo Bank.

It is okay for China to take over a national security base now at Long Beach Naval Shipyard. One person shut down Kelly. One person shut down McClellan and Long Beach Naval Shipyard. That is the President of the United States in the BRACC process. Then he entered into a political deal during the political election to try and privatize those two bases.

COSCO, right after Hutchinson took over both ends of the Panama Canal, the President said, it is okay for a Communist-Chinese-run organization to take over a national security base at Long Beach. I do not mind if they are a tenant like they have been. But intel says that COSCO has currently, and in the past, been involved in espionage, in intelligence work for both the military and industry. They will ship in and ship out those issues.

COSCO, this is the same COSCO that rolled out the pier, knocked out the pier in New Orleans. This is the same COSCO shipping yard that took two boat loads of illegals off the shore of California. This is the same shipping company that shipped in chemical and biological weapons to Iran, Iraq, and Libya. This is the same COSCO that shipped in nuclear components to Libya, the same COSCO that shipped in AK-47s. This is the same group that the Chinese had said, when Taiwan was being shelled by China, do you prefer Los Angeles or do you want Taiwan?

Now, the President is going to allow them to take over a national security base in California, just south of Los Angeles? No. We cannot allow this to happen. The House gave in to the Senate position, Mr. Speaker. That is wrong. We ought to fight this. We should not let Communist Chinese take over our bases in this country. We ought to fight tooth, hook and nail to stop it. I fought, and they are going to take it over my dead body.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from San Diego, CA [Mr. HUNTER]. Back in 1980, a man I deeply admire came to this Capital. His name was Ronald Reagan. He was accompanied by the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank my great friend on national security, the gentleman from New York [Mr. SOLOMON] for yielding me this time. Let me say a couple things about this bill.

First, we are on a downswing with respect to defense spending. The force structure that we have now has gone

down from 18 Army divisions that we had during Desert Storm to 10. We have gone down from 24 fighter airwings to only 13, roughly half the air power that we had. We have gone down from 546 naval vessels to 346. We are at what I would call the bottom of a dangerous downswing.

In this bill, we have tried to pull up the modernization levels a little bit and we have done that. We have not done it as much as we would like to. I think we have been too constrained by the budget. I think we are going to pay for that in later conflicts. But this bill is better than what we had before.

With respect to supercomputers, the gentleman from Connecticut [Mr. GEJDENSON] talked about this saying it was just totally off base. We have had about 80 supercomputer transactions in which the Chinese and the Russians have received American high performance supercomputers over the last couple of years. Right now we allow American companies to engage in a fiction. If they are told that the supercomputer is going to go to the Agriculture Department in China, they can ship it. If they are told it is going to go to the People's Liberation Army, the military complex, nuclear weapons complex, they cannot ship it. So the bad guys have caught on. They simply stamp "agriculture" on the invoices and our people ship it off to them.

All we did, this was a well-reasoned provision that the gentleman from California [Mr. DELLUMS], and the gentleman from South Carolina [Mr. SPENCE] put in this thing, almost unanimously supported by the committee. It simply says if you trust the Secretary of Defense and you want to make a supercomputer sale, show it to him. Let the Secretary of Defense look at your supercomputer sale and review it and make sure it is going to a benign use. It is not going to a nuclear weapons complex. It is not going to military use, and it is not going to accrue later to the detriment of our men and women in uniform. This is a well-thought-out provision. I would hope that Members would support this bill and nobody would vote against this bill because of the supercomputer provisions that are in it.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DELLUMS], the ranking member.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DELLUMS].

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from California [Mr. DELLUMS] is recognized for 3½ minutes.

Mr. DELLUMS. Mr. Speaker, I thank the gentlemen for their generosity.

Mr. Speaker, as far as this gentleman is concerned, there has been a great deal of hyperbole around the issue of high performance computer export policy. Let us state, first of all, the facts. What is the current policy?

All computers of performance above 2,000 million theoretical operations per

second, known as MTOPS, that are exported to so-called Tier III countries must have a license. All transactions must have a license unless the sale is to a so-called civilian end user for civilian end use and the performance level is below 7,000 MTOPS.

Now, what is the legislative change that we propose? That the U.S. Government must review civilian end users, civilian end use exports between 2,000 and 7,000 MTOPS in Tier III countries.

The review by the Secretary of Defense, Commerce, Energy, State and the Director of the Arms Control and Disarmament Agency must be conducted within 10 days.

Mr. Speaker, 10 days is reasonable. So people who want to sell computers cannot stop for 10 days to allow the government to look at the efficacy of the transaction. Ten days. We are the government. We have some responsibility here.

I have spent 27 years of my life as an arms control person here. I will not be rolled by hyperbole that does not address the reality of what it is we are trying to do here.

Lack of any objection authorizes export. So if you look for 10 days, there is nothing there, the export goes. Objection by any of the five requires a license review. That protects us as a government for a variety of reasons.

Now, let me tell my colleagues the second significant piece. One argument is, this is an industry that moves fast and 7,000 MTOPS may be obsolete tomorrow, whatever. This bill allows the President to change the performance threshold and that change will go into effect after a 10-day period of congressional review, allowing us to do our job.

Mr. Speaker, I argued during the context of the debate that whatever level Members want to raise the MTOPS, raise them. If we want to make them 7, 10, 20,000, whatever we raised them to, we give the President the flexibility to do it, but we as a government ought to be able to control export. Otherwise why are we here. So all this hyperbole that talks about allowing the industry to go forward selling, the reason why we set policy is because our foreign policy should not be driven solely by commercial interests.

We have a fiduciary responsibility to our people in this country for a variety of different reasons. For those reasons I would argue strenuously that the provisions in this bill dealing with high performance computer export policy is reasonable and it makes sense.

For those who think that it does not, we are simply talking about commercial interests. I think that our arms control interests, that our governmental interests ought to balance out some kind of way. That is our responsibility. For those reasons, I urge my colleagues, whether they support the conference report or not, support this particular policy. It does make sense. It is reasonable.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Now you know why I have such great respect for the gentleman from California [Mr. DELLUMS].

Let me finish on a high note, just to call attention to the fact that this conference report does contain my amendment on the Bosnia troop medal. My provision was approved in the conference that awards all U.S. troops who have served in Operation Joint Endeavor and Operation Joint Guard in Bosnia with the Armed Forces Expeditionary Medal.

The significance of that medal is that it is a campaign level badge unlike the service award that was going to be awarded by the DOD. Even better, the campaign level badge makes these American troops that have served in Bosnia eligible for veterans preference and Federal employment. That is the way to follow through on rewarding those who devote themselves to service in our all-voluntary military.

I want to thank the gentleman from South Carolina [Mr. SPENCE], and the gentleman from California [Mr. DELLUMS], and the House negotiators for sticking with it and to the Senate for accepting this proposal. It is very important to our men and women who serve in the military in Bosnia.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 353, nays 59, not voting 21, as follows:

[Roll No. 533]

YEAS—353

Abercrombie	Blunt	Chenoweth
Aderholt	Boehlert	Christensen
Allen	Boehner	Clayton
Archer	Bonilla	Clement
Armey	Bonior	Coburn
Bachus	Bono	Collins
Baesler	Boswell	Combest
Baker	Boyd	Condit
Baldacci	Brady	Cook
Ballenger	Brown (FL)	Cooksey
Barcia	Bryant	Costello
Barr	Bunning	Cox
Barrett (NE)	Burr	Coyne
Bartlett	Burton	Cramer
Barton	Buyer	Crane
Bass	Callahan	Crapo
Bateman	Calvert	Danner
Bereuter	Camp	Davis (FL)
Berry	Campbell	Davis (VA)
Bilbray	Canady	Deal
Bilirakis	Cannon	DeLauro
Bishop	Carson	DeLay
Blagojevich	Castle	Dellums
Bliley	Chabot	Diaz-Balart
Blumenuer	Chambliss	Dickey

Dicks  
Dixon  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Etheridge  
Evans  
Ewing  
Farr  
Fattah  
Fawell  
Foglietta  
Foley  
Forbes  
Ford  
Fowler  
Fox  
Franks (NJ)  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goodling  
Goss  
Graham  
Granger  
Green  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hansen  
Harman  
Hastert  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Herger  
Hill  
Hilleary  
Hinojosa  
Hobson  
Hoekstra  
Holden  
Hooley  
Horn  
Hostettler  
Hoyer  
Hunter  
Hutchinson  
Hyde  
Inglis  
Istook  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kanjorski  
Kaptur  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kilpatrick  
Kim  
King (NY)

Kingston  
Klecza  
Klink  
Klug  
Knollenberg  
Kolbe  
LaHood  
Lampson  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
Livingston  
LoBiondo  
Lucas  
Maloney (CT)  
Maloney (NY)  
Manton  
Manzullo  
Mascara  
McCarthy (MO)  
McCollum  
McCrery  
McDade  
McGovern  
McHale  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meehan  
Meek  
Menendez  
Metcalf  
Mica  
Millender-  
McDonald  
Miller (CA)  
Miller (FL)  
Minge  
Mink  
Moakley  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Neal  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Ortiz  
Oxley  
Packard  
Pallone  
Pappas  
Parker  
Pascrell  
Pastor  
Paul  
Paxon  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Redmond

Regula  
Reyes  
Riggs  
Riley  
Roemer  
Rogan  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rothman  
Roybal-Allard  
Royce  
Ryun  
Sabo  
Salmon  
Sanchez  
Sandlin  
Sanford  
Sawyer  
Saxton  
Scarborough  
Schaefer, Dan  
Schaffer, Bob  
Scott  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Shimkus  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Smith, Adam  
Smith, Linda  
Snowbarger  
Snyder  
Solomon  
Souder  
Spence  
Spratt  
Stabenow  
Stearns  
Stenholm  
Stokes  
Strickland  
Stump  
Stupak  
Sununu  
Talent  
Tanner  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tierney  
Torres  
Towns  
Trafigant  
Turner  
Upton  
Velazquez  
Vento  
Visclosky  
Walsh  
Wamp  
Watkins  
Watt (NC)  
Watts (OK)  
Weldon (PA)  
Weller  
Weygand  
White  
Whitfield  
Wickert  
Wicker  
Wise  
Wolf  
Wynn  
Young (AK)  
Young (FL)

Cummings  
Cunningham  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
Deutsch  
Dingell  
Doggett  
Ensign  
Eshoo  
Everett  
Fazio  
Filner  
Frank (MA)  
Furse  
Gordon

Andrews  
Borski  
Boucher  
Brown (CA)  
Capps  
Coble  
Conyers

Hilliard  
Hinchev  
Jackson (IL)  
Johnson (WI)  
Kasich  
Kind (WI)  
Kucinich  
LaFalce  
Lantos  
Lofgren  
Lowey  
Luther  
Markey  
Martinez  
Matsui  
McCarthy (NY)  
McDermott

## NOT VOTING—21

Cubin  
Flake  
Gonzalez  
Houghton  
Hulshof  
McIntosh  
Mollohan  
Payne  
Roukema  
Schiff  
Schumer  
Stark  
Weldon (FL)  
Yates

## □ 1948

Mr. RUSH changed his vote from "yea" to "nay."

Mr. ABERCROMBIE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 278, I call up the conference report on the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore [Mr. SNOWBARGER]. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 23, 1997, at page H9076.)

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. SPENCE. Mr. Speaker, the fiscal year 1998 defense authorization bill emerged from committee earlier this year with strong bipartisan support, and I am glad to be able to say the same thing about the conference report. Despite weeks of give and take and often difficult compromise, 33 of the 36 National Security Committee conferees signed the conference report, as did all Republican and Democrat conferees from the other body.

Like the House-passed bill, the conference report takes a balanced approach to addressing a number of quality of life, readiness and modernization

problems confronting our military. Although we had to compromise on a number of significant Pentagon reform provisions adopted on the House floor earlier this year due to strong administration opposition, this conference report nonetheless compels further reforms in how the Department of Defense is structured and how it conducts much of its business.

On the major issues the conferees had to address, issues such as the B-2 bomber, the funding cutoff for Bosnia, depots and more, this conference report clearly represents a compromise among many interested parties. I would simply refer anyone who doubts this back to the bipartisan conference report signature sheets. On balance, this conference report strikes a fair balance between numerous competing and conflicting interests, and it deserves the support of all Members.

Mr. Speaker, I am able to present this conference report to the House today due only to the tireless efforts of all the House and Senate conferees as well as the staff. It is the product of teamwork, which is the only way a bill of this size and complexity gets done. In particular, I want to recognize the diligence, dedication and cooperation of the subcommittee and panel chairmen and ranking members, the gentleman from California [Mr. HUNTER], the gentleman from Missouri [Mr. SKELTON], the gentleman from Pennsylvania [Mr. WELDON], the gentleman from Virginia [Mr. PICKETT], the gentleman from Virginia [Mr. BATEMAN], the gentleman from Virginia [Mr. SISISKY], the gentleman from Colorado [Mr. HEFLEY], the gentleman from Texas [Mr. ORTIZ], the gentleman from Indiana [Mr. BUYER], the gentleman from Mississippi [Mr. TAYLOR], the gentleman from New York [Mr. MCHUGH] and the gentleman from Massachusetts [Mr. MEEHAN]. Had it not been for their efforts, this conference report would not have been completed.

I would also like to thank the gentleman from California [Mr. DELLUMS], the committee's ranking member, for his cooperation and support. As always, his diligence and involvement made the process work better and is a central factor underlying the bipartisan support this conference report enjoys.

Finally, Mr. Speaker, I want to thank the staff of the National Security Committee. They have once again demonstrated their professionalism and have done an outstanding job putting together this legislation.

Mr. Speaker, this is an important piece of legislation that enjoys strong bipartisan support. I urge each and every one of my colleagues to support the conference report.

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

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume. First, I would like to thank the distinguished gentleman from South Carolina [Mr. SPENCE] for engaging in a

## NAYS—59

Ackerman  
Barrett (WI)  
Becerra  
Bentsen  
Berman  
Brown (OH)  
Cardin  
Clay  
Clyburn

process which did indeed include the minority. It was both bipartisan and congenial. That notwithstanding, Mr. Speaker, I personally will not be supporting this conference report for the following reasons:

One, the spending levels do not coincide with the national security requirements of this country in this gentleman's opinion. Two, it ignores the near-term and mid-range geopolitical realities of the post Cold War world. And, three, it represents a missed opportunity to right-size our military forces and tailor our weapons to these realities.

Spending on wrong systems is a reality in this conference report. For example, Mr. Speaker, this conference report pushes us toward the weaponization of space by authorizing the now line-item vetoed projects for KE-ASAT programs and Clementine II, another potential ASAT program, which have the possibilities of stimulating an entire new arms race, as well as adding millions for a space-based laser program. This is all being done in advance of appropriate underlying policy formulation, interagency review and appropriate coordination with our friends and allies. These activities are destabilizing and threaten to ignite, as I said, a new arms race to weaponize as opposed to militarize space. In fact, the direction in the statement of managers language for space-based lasers may indeed violate the ABM Treaty, again in this gentleman's opinion.

I could go into numerous other examples, but with the limited time, I believe this gives Members who were not on the conference a better idea of what this gentleman finds objectionable and why I cannot support this conference report.

Finally, Mr. Speaker, I might also advise my colleagues that as of today it has been communicated to me that the President has indicated he will indeed veto this conference report for one of several different reasons.

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

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY], the chairman of our Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of the conference report on H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998. This is a good bill. It is not a perfect bill, but it is a good bill. From my perspective as chairman of the Subcommittee on Military Installations and Facilities, it continues the commitment of the House in addressing the serious shortfalls in basic infrastructure, military housing and other facilities that affect the readiness of the Armed Forces and the quality of life for military personnel and their families.

The conference report, if adopted, would be a forceful expression of the continuing bipartisan concern in Con-

gress over the inadequate budget plans put forward by the administration.

□ 2000

For example, in constant dollars, the administration requested 25 percent less in funding for military construction for the coming fiscal year than it sought just 2 years before. While the bill does not buy back all of the cuts proposed by the President, it goes a long ways toward doing so.

The recommendations of the conferees would authorize an additional \$800 million for military construction and military family housing, over \$440 million in additional funding will go directly toward housing and quality of life programs. I urge support of this bill.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to encourage support for this conference report. Not long ago, there were nine men from the 305th Air Mobility Wing recently reported missing and last seen in the skies over the south Atlantic. For reasons unknown, these crew members aboard the Air Force C-141, in route from Windhoek Airfield, Namibia, to Ascension Island, never fully completed their assigned mission of providing de-mining assistance to the Namibian people.

After delivering Army personnel and mine-clearing equipment, their arrival at Ascension never materialized. Evidence indicates a mid-air collision. People from five nations spent several weeks looking for them.

I ask all of the Members to look at this bill in light of those who wear the uniform, who are committed, who are courageous, and, sadly, from time to time, lose their lives.

I ask all Members to look at this bill, because it does help those personnel and their families. It increases the personnel pay, it raises military construction levels for housing and barracks and command centers. It augments health and child care and other family oriented benefits to improve the quality of life. It adds nearly \$3.6 billion for important procurement programs such as air traffic collision avoidance systems.

Mr. Speaker, we must do our very best for the young men and young women in uniform, day in and day out, wherever they are, whether it be at Fort Hood, Fort Leavenworth, Fort Leonard Wood, Whiteman Air Force Base, Norfolk, VA, or whether it be in Namibia, Bosnia, Europe or Japan, they are performing their duties, defending our interests and defending our liberty.

I urge the Members of this House to support this bill, because it does so much for the young men and young women in uniform.

Mr. SPENCE. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I do so for the purpose of telling this body that I neglected to mention the fact that the gentleman from Hawaii [Mr. ABERCROMBIE], the ranking member on the maritime panel, has also done yeoman's work in putting together this conference report.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I remain troubled by the high performance computer provisions in the conference report that penalize Israel, imposes unadministerable burdens on the administration, fails to protect business proprietary information, and requires a one-size-fits-all approach to post-shipment verifications that the authors of the legislation acknowledge cannot be fully implemented.

Mr. Speaker, this is an important issue that deserves more oversight and research by the GAO before we take legislative action with significant foreign policy implications.

The Senate approach remains a much preferable alternative to this mandatory and inflexible set of provisions which will clog the export control process with little prospect of advancing our long-range interests. As presently drafted, countries such as Israel, Russia and China cannot be removed from the Tier III list of affected countries even if they take every action we request of them in monitoring the use of these high performance computers.

Clearly, this is an unwise and self-defeating policy. In the case of Israel, let's not penalize an ally when it has done nothing wrong. In the case of Russia, it goes without saying it should immediately comply with all of our existing export control laws and regulations and return to the manufacturer any illegally obtained high performance computers. But a more permanent government solution on this issue must be set aside until we can ensure full Russian cooperation in putting an immediate end to the ongoing role of Russian companies and other entities in providing Iran with medium and long-range missile capability.

While I will not oppose this conference report, I intend to bring the Iran Missile Proliferation Sanctions Act to the House floor within the next week. As important as the supercomputer issues, we need to give first priority to ending this growing threat to our allies and American troops in the Middle East and Persian Gulf.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Texas [Mr. ORTIZ].

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

Mr. ORTIZ. Mr. Speaker, I rise today in support of the fiscal year 1998 defense authorization bill. As always,

there were a host of issues before the conference, and I am proud of the way we worked through each one of these issues. Most importantly, this bill represents an overview of our defense needs in the post-cold war period, and it prepares us for this next century.

As the ranking member of the Subcommittee on Military Installations and Facilities, and a member of the Subcommittee on Military Readiness, I am delighted that the bill strongly addresses many of the quality-of-life issues that speak directly to how we provide for those who wear our Nation's uniform.

Housing for our military personnel has been falling apart for the last several years. This bill recognizes that fact and funds housing and barracks, child care centers, health care, and provides a well-deserved pay raise for our service members. The national readiness of our military has long been a prominent concern of mine, and this bill addresses some of the fundamental problems that could weaken our readiness.

One of those readiness issues with which I have been involved is the issue of depot maintenance. The depot provisions in this bill remove politics from BRAC and ensure that no bidder on maintenance work on closing bases will be given preferential treatment. This is a good agreement which represents an honest compromise of ideas, without compromising the national defense of the United States.

Mr. Speaker, remember, this conference report includes a pay raise.

Mr. SPENCE. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Speaker, I rise in strong support of this defense conference report. It is a responsible approach to our defense needs that lives within the budget that we all agree must be balanced.

Mr. Speaker, this bill contains critical quality of life initiatives and continues to address modernization shortfalls. It implements real defense reform and it restores the integrity of the BRAC process.

In sum, this bill provides our Soldiers, Sailors, Airmen and Marines with the technological edge to dominate on the new world battlefield. Support our troops; vote for H.R. 1119.

Mr. DELLUMS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to respond to the comment made by my distinguished colleague, the gentleman from New York [Mr. GILMAN], the Chair of the Committee on International Relations, regarding Tier III countries and whether they could get off the list.

First of all, let us establish the facts. Mr. Speaker, there are five countries on the Tier III list. They are India, Pakistan, Israel, Russia and China. As a matter of fact, Israel, Pakistan and India can get off the Tier III list by signing the Nonproliferation Treaty, so the gentleman from New York is not

correct in his observation. With respect to China and Russia, these two countries are in another category and have to be dealt with in a very different way.

As I said earlier in my remarks, if one is going to oppose the high end computer part of this bill, oppose it, but do it on factual grounds, not on grounds that are illusory.

Mr. Speaker, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would just hope that by the time we come to vote on the authorization bill, that we take into account that this bill, particularly this year, is the result of the efforts of numerous people, giving their best effort to come to a conclusion, come to a resolution.

Not everybody is happy with the contents of the defense authorization bill. Very few people are happy in any given year with the bill because it covers such a wide range of items. In this particular instance, I cannot think of a time when more people devoted not just hours or days, but months, trying to come to a fair resolution.

Mr. Speaker, I have indicated before, this is not theology, this is legislation; this is not a cathedral, this is the House of Representatives. That means that we are not coming to final conclusions and ultimate resolutions here. We are trying to act in concert on the basis of 435 agendas as to what is best for the people of this country.

I ask everyone's support for the Department of Defense authorization bill.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Speaker, I wish to take a moment to compliment the gentleman from South Carolina, Chairman SPENCE, on the expertise that he has shown and the leadership he has shown in bringing a very complex and complicated bill to the floor.

This bill deals with issues ranging from procurement of sophisticated weapons systems all the way to the quality of life issues that are so important to our men and women in our armed services. We deal with everything from the purchase of F-22s and FA-18s to a 2.8 percent pay raise for our military men and women. Without that 2.8 percent pay raise, the 11,000 members of our armed services who today are on food stamps will not get off of food stamps.

Mr. Speaker, we need this bill enacted into law. We need it passed today, and we need it signed by the President. It is a good bill for the men and women of our Armed Forces, and it is a good bill for America.

Mr. Speaker, I commend the gentleman for bringing this bill to the floor in its current form.

Mr. DELLUMS. Mr. Speaker, I yield one minute to the distinguished gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Speaker, as a member of the Committee on National Security, I would like to take a minute to pay tribute to both the chairman and the ranking member of the committee for the remarkable job that they did in bringing this conference agreement to the floor today.

By any measure, this was a marathon run by two of our most skilled negotiators on national security, and I am deeply grateful to both the gentleman from South Carolina, Chairman SPENCE, and the ranking member, the gentleman from California [Mr. DELLUMS] for retaining a House-passed provision which is of particular importance to this Member of the committee.

Specifically, the conference agreement retains a House-passed provision to allow the Army's Construction, Engineering and Research Laboratory to collaborate with the Texas Regional Institute for Environmental Studies at Sam Houston State University in Huntsville, TX, on a critically important computer-based land management initiative. This project will enable the Army to address environmental problems on our military installations.

This authorization of \$4 million, coupled with an identical appropriation in Public Law 105-56, will allow CERL and TRIES to carry out this important Army national resources/conservation project beginning this year.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER], the chairman of our Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I learned a lot in this particular conference. I want to thank the chairman for his great leadership in trying to get these things through this conference, which is often like pushing a wheelbarrow full of frogs. Your issues continue to jump out or get pulled out by the other side, and you do the best you can to keep as many of the issues that you think are important for national security in that particular wheelbarrow.

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Let me say to the fine gentleman from South Carolina, Chairman SPENCE, he did a great job of protecting our interests. We did not get a full loaf on everything, but that is what happens when you go into conference.

But we have emerged in the modernization area with more modern equipment, with more money for modernization, both in fixed-wing and rotary aircraft. Also, with respect to our shipbuilding budget, we got a few extra dollars in that shipbuilding budget. With respect to ammunition and other items that reflect on readiness, we did increase that budget to some degree. It was largely because of his efforts.

I also want to thank the gentleman from Missouri [Mr. SKELTON], my ranking member, the ranking member of

the Subcommittee on Military Procurement. He and I worked together. We put a lot of hearings on. We are going to put more hearings on before this session adjourns. I want to thank him for his great work and the ranking member of the full committee, the gentleman from California [Mr. DELLUMS], who did a particularly excellent job working with the chairman and others on a very important aspect of security, which is, do not let the bad guys have high technology when it might come back to bite you.

That is manifested in the provisions on the supercomputer bill. That was one of the most important things we did was put in the supercomputer provision that says, if you are going to sell high-tech to countries that might use it against you at some point on the battlefield, run it by the Secretary of Defense before you do that, run it by the administration, let them see what you are doing, and when necessary, hold up that particular sale.

So my commendations to all of our colleagues. Everybody worked hard. We did a lot of hearings on this bill, and I would recommend passage of the bill.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Texas [Mr. RODRIGUEZ].

Mr. RODRIGUEZ. Mr. Speaker, I want to take this opportunity to read a letter that was sent by the Executive Office of the President. It is signed by Franklin Raines. It talks about the existing legislation that is before us. I am going to read some aspects of it:

The bill includes provisions which intended to protect public depots by limiting private industry's ability to compete for the depot-level maintenance of military systems and components. If enacted, these provisions would run counter to the ongoing efforts by Congress and the administration to use competition to improve the Department of Defense's business practices and it would severely limit the Department's flexibility to increase efficiency and save the taxpayers' dollars.

It also adds that the bill could reduce opportunities to allow the industry to participate in future weapons systems. In addition, it also dictates how the Department of Defense should treat certain competitive factors, and I quote, that the bill seeks to skew its competition in favor of public depots.

One of the things that I want to read in the back, I think this is very critical, it says, If the numerous problems cited above cannot be overcome, the impact on the Department's costs and our national military capacity would be profound; the President's senior advisers would recommend that the bill be vetoed.

The opportunity that we have now before us is to be able to hopefully clear this area so we will not have a veto. Unfortunately, we do. I have received word that the bill is going to be filibustered both by Senator HUTCHISON and Senator GRAMM as well as some of

the Senators from California, because of the fact that it does not allow for the opportunity to compete in an appropriate manner.

I want to go back to the letter and emphasize the fact that these are words that are also coming from the Department of Defense, which says: "We need to encourage more competition from private industry, not less. Billions of dollars in potential savings are at issue. These resources should be used to maintain the U.S. fighting edge," and not to hinder it.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Jacksonville, FL [Mrs. FOWLER].

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, I rise in strong support of the fiscal 1998 defense authorization conference report. Provisions contained in this bill are essential to our national defense and the quality of life of our young men and women in uniform, including a military pay raise of 2.8 percent, greatly needed by the 11,000 active duty military who are currently on food stamps; authorization of additional funds for procurement and research and development, to help assure our continued U.S. military modernization and superiority; increased continuation bonuses for military aviators, to help the services retain their pilots; restoration of integrity to the BRAC process, through fair and open competitions for noncore depot work at closed facilities; and authorization of \$883 million for the construction of military family housing, when over 60 percent has been deemed substandard.

We must pass this DOD authorization bill in order to pursue these and other vital national security initiatives. I urge all of my colleagues to support it.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the extremely able ranking minority member of this committee for his leadership in this and in other ways.

I hope the House will vote this down. First, we are dealing with a budget which we adopted recently which Members know will severely constrain our ability to spend on a variety of purposes a few years from now. Passing this authorization guarantees if we follow through with it that 2 and 3 years from now we will not have the money to continue to put police on the streets with Federal help, we will not have the money to provide health care to people who need it, we will not have the money to deal with environmental situations, every domestic purpose now hurting.

Transportation, we are in a terrible dilemma right now because we cannot afford to go forward with our transportation needs. Pass this authorization and we greatly exacerbate that di-

lemma, because we take some of the money we have available for other purposes, and the logic of this authorization, if we mean it honestly, will be to eat into that.

In particular, the conference committee backed away from this House's clear statement that we should put a limitation on the amount of money we spend for NATO by totally dismissing the overwhelming vote of this House to put some limit on what the American taxpayer is expected to spend for the expansion of NATO. We once again guarantee that there will be an increase in funding.

Members who vote for this conference report now will be estopped later on from complaining when billions of American tax dollars beyond what we have been told earlier are asked for NATO, because this is a blank check for NATO expansion. One need not be opposed to NATO expansion to be opposed to a blank check for it.

Passing this authorization is a disregard of the fiscal discipline we said we would be adopting, and we will live to regret it.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. J.C. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I want to commend the ranking member and also Chairman SPENCE for their long suffering and getting us to this point, to where we can vote on this authorization conference report.

Mr. Speaker, I would like to just highlight some things in this legislation that I think the American people need to know about. It provides a 2.8 percent military pay raise, as has been talked about. What that does, for 11,000 men and women that are on food stamps, that should be unconscionable to anybody in this House to allow that to happen.

This adds more than \$300 million for construction and renovation of family and troop housing, it adds more than \$600 million to key readiness accounts, badly needed; it adds \$3.6 billion to modernization accounts, consistent with the unfunded priorities of the military service chiefs, and it compels further business practice reforms that are much, much needed.

On this legislation, I am encouraging a "yes" vote on the DOD authorization conference report. Again, I commend the ranking member and the chairman for getting us to this point.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I urge defeat of the conference report. It is defective for many reasons, as has been described by my colleagues. But I want to point out the error in the provision relating to exports of computers.

I think it is important to outline that no one is saying that there is not a level of sophisticated computers that should not be controlled. In fact, there

should be. The problem is, from concept to concrete, we run into an error and problem in this bill. The 2000 MTOPS is not a computer that needs to be controlled. In fact, by next year the Pentium II 450 megahertz version will be, in all likelihood, 2000 MTOPS on one chip.

To change the 2000 MTOPS, because obviously a Pentium II should not be controlled, it is readily available, there is a very lengthy process in the bill that involves multiagency review, and then a 180-day period for Congress to review. I would note that this is an industry where it used to be a law, that it was 18 months. We are down to 9-month product cycles. So by the time the review provision has occurred, the market will have moved further and we will never catch up.

That is why I think that this is, although I am sure it is well-intentioned, I think it is out of kilter with the technology that we face, and therefore, seriously flawed. I believe that is why the Commerce Department, and I quote, said, "The waiting periods make no technological sense."

I believe that those who have proposed this mean and intend to do a sensible thing to protect our country. I honor those intentions and those well meanings, but I must point out that between good intentions and sensible results there has been a glitch, in this case. I believe we ought to defeat this conference report, we ought to relook at this, and make sure that we actually take those steps that will actually protect our country, rather than this flawed result.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama [Mr. RILEY].

Mr. RILEY. Mr. Speaker, I rise today in strong support of H.R. 1119. First, I want to commend the gentleman from South Carolina, Chairman SPENCE, and the ranking member, the gentleman from California, Mr. DELLUMS, for all their hard work on this bill.

Mr. Speaker, this conference report includes a much deserved 2.8-percent raise for our servicemen and women, over \$1.5 billion for family and troop housing, and finally and most importantly, Mr. Speaker, it restores the full faith and integrity to the base closure process. Therefore, Mr. Speaker, I urge all of my colleagues to support this bill.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the conference report on the defense authorization bill for fiscal year 1998. The conference agreement strikes a reasonable balance among the needs for modernization, strategic forces, readiness, and quality-of-life programs for our military people.

As a member of the research and technology panel of the committee of

conference, I was very concerned about whether we are making adequate provision to ensure that our forces have the technological edge on the battlefield of the future. I am satisfied that this conference report moves us in the right direction.

Today we are witnessing steady aging of equipment. Many weapons systems and platforms that were purchased in the 1970's and 1980's will reach the end of their useful lives over the next decade or so. Congress must make certain that tomorrow's forces are every bit as modern and capable as today's. Consistent, adequate spending on the modernization of U.S. forces is required to ensure that tomorrow's forces are equipped and ready to dominate the battlefield across the full spectrum of military operations.

The conference agreement follows the House lead to increase funding for missile defense programs. This is true both for the theater missile defense and national missile defense. The agreement also does a commendable job of straightening out the tactical aviation program that will ensure air superiority into the future.

People continue to be the most important component of our military. Quality people are the key to a successful military. Downsizing and deployments have created a high level of turbulence among our military people. They have increasing cause to be concerned about health care, about housing, about retirement, and about other benefits such as the military resale system.

This conference agreement goes a long way toward making certain that our military people and their families are taken care of. More must be done, but this is a major step in the right direction. Mr. Speaker, this conference agreement provides a reasonable and balanced program for our military. I urge its adoption.

□ 2030

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. RYUN].

Mr. RYUN. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPENCE] for his hard work and the gentleman from California [Mr. DELLUMS], the ranking member, for all of his work on H.R. 1119. I rise in support of H.R. 1119, the 1998 National Defense Authorization conference report.

Mr. Speaker, once again the President submitted a budget request that does not match our national security goals. Whether it is weapons modernization, health care for military families, military construction, or end-strength levels, the President's request falls woefully short, an inadequate effort.

Mr. Speaker, I support the House's efforts to increase the defense spending above the President's request and ensure that the United States remains the world's premier fighting force.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, when is a compromise not a compromise? Well, this conference report is a classic example of one.

The language in this report, negotiated behind closed doors, does not move an inch in the right direction toward what the Department of Defense's interests are, what is best for the American military forces, and what is best for the taxpayers' dollar. That is competition to determine the best place to overhaul and repair military workload.

This conference report moves in the wrong direction. This so-called compromise language, written without the knowledge or input of several members of the authorizing committee itself, restricts competition. Instead of creating a level playing field, it tilts it even further in favor of public depots, which may not be as cost-effective as the private sector in all cases. But rather than let competition determine the winner, this report, I think, skews the outcome in favor of one type of competitor without concern for the impact on the taxpayer.

If that is not enough, there is a new wrinkle in this report that ought to raise the eyebrows of some other Members. That is the restriction on supercomputer exports, which will have a chilling effect on our Nation's high-tech industry, threatening America's status as the world's leading exporter of technology.

Mr. Speaker, I urge my colleagues to oppose this conference report because it is "veto bait." I emphasize that. It will not become law unless it is further modified to accommodate a level playing field on competition. This is a bad deal for America's taxpayers. I think it is not a good deal for our high-tech industry, and I know in my own district it is doomsday for thousands of Americans who have worked for the Defense Department, and I think it is true also in San Antonio where we only hope to save a few jobs, if we can win the competition to do the public's business.

Mr. Speaker, I urge my colleagues to please join me in voting "no" on this report. The President will veto it. We can get a better one with our colleagues' help.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, despite some of the shortcomings that some people may see in this bill, overall it makes us stronger and it deserves to be supported.

In the key area of our own nuclear arsenal, it makes sure that our nuclear weapons are safe and reliable in the future, despite a number of shortcomings and deficiencies that are increasingly getting attention. I would commend to my colleagues' attention a CRS report which was just released last week that discusses some of these key deficiencies that this bill begins to address.

In the very important area of our cooperation with the nations of the

former Soviet Union to take apart delivery systems that were once aimed at us and to prevent nuclear terrorism and smuggling, this bill is a much better bill than the bill that originally left the House.

I would also add, Mr. Speaker, in the most important asset of all, and that is our people, this bill makes some needed corrections to improve that area so that we can get and keep the very best people throughout our military and that will serve us well in the future.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Speaker I thank the gentleman from South Carolina [Mr. SPENCE], chairman of the committee, and, of course, the gentleman from California [Mr. DELLUMS], ranking member, for a job well done.

Mr. Speaker, we have been at this conference, and this was no easy conference, something like over three months. Did we get everything we liked? No. I can tell my colleagues that on the depot issue I am not very fond of it. But we never get everything we want when we compromise.

Mr. Speaker, I was startled to hear, believe it or not, that we dropped the cap on NATO participation. I think we can correct that next year. I know I will try as best I can to do that.

But all in all, the bill is the right bill. It is not satisfying to everyone. I would really ask my colleagues to be sure to vote "aye" on the bill. The readiness of our troops, and we have spent a great deal of time on the readiness of our people with OPTEMPO and PERSTEMPO. I visited particularly Fort Campbell, Kentucky, in August and I was extremely impressed with our young soldiers and warriors there that belong to the 101st Airborne Division whose morale was extremely high getting ready to go overseas and trusting in the Congress to supply them with the materials that they want.

Mr. Speaker, I implore my colleagues to vote "aye" on this bill.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I rise in support of this conference report, but wish to express my limited concerns.

Mr. Speaker, this conference report reduces the Army National Guard end-strength by 5,000 soldiers. This reduction is made to reflect end-strength reductions determined by the Quadrennial Defense Review and agreed upon at an Army offsite meeting on force structure. But in this same agreement the Army was also supposed to take a cut of 5,000 soldiers in fiscal year 1998. However, I am disappointed that this bill only reduces the National Guard end-strength and does not reduce the end-strength of any other component.

Mr. Speaker, this type of policy hurts future efforts to modernize our military, penalizing all our forces at the direct expense of the Army National Guard.

With those concerns, Mr. Speaker, I urge all of my colleagues to support this conference report.

Mr. DELLUMS. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I would like to ask the gentleman from South Carolina [Mr. SPENCE] if he would engage in a colloquy.

Mr. Speaker, I would ask the gentleman if I am correct in understanding that the conference report provides \$40.2 million for upgrades and modifications to the Army's M-113 armored personnel carrier? And is there any amount of funding authorized for reactive armor tiles for the M-113 vehicle?

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. TANNER. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, the gentleman is correct. Although the conference report specifically directs \$35.2 million of the \$40.2 million for vehicle upgrades and modifications, it does allow the Army to procure either reactive armor tiles or driver thermal viewers or both with the remaining \$5 million.

Mr. TANNER. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise to engage the gentleman from South Carolina [Mr. SPENCE], my good friend, the chairman of the Committee on National Security, in a brief colloquy on employee stock ownership plans in Section 844 of the conference report.

With respect to the ESOP provision, Section 844 which reflects a Senate amendment to the original House provision, I ask for assurance that the conference outcome is consistent with existing law as set forth in Public Law 94-455, establishing that Congress wants to encourage ESOPs, not choke them to death with unreasonable rules and regulations.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. BALLENGER. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I assure the gentleman that there is nothing in the conference report that alters the existing law that the intent of Congress is to encourage ESOP creation and operation, as clearly spelled out in Public Law 94-455. In fact, Section 844 would further that intent.

Mr. BALLENGER. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. DELLUMS. Mr. Speaker, I reserve the balance of my time.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I compliment the chairman on a job well done. I rise in support of this measure. It includes a very well-deserved pay

raise for those that protect us. It makes us stronger.

A very important aspect of this that sometimes does not get the attention that it deserves, but it provides for additional funds for modernization and that is very important as we prepare for the 21st century.

Mr. Speaker, again, I thank the gentleman from South Carolina for a very well done job.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have come to the end of the debate and discussion on the conference report. I would simply like to first thank the distinguished gentleman from South Carolina [Mr. SPENCE] for his efforts. As I said earlier in my remarks, he has been congenial; this has been a bipartisan effort.

Second, the fact that I cannot support this conference report, that notwithstanding, I think that it is important that this committee bring this conference report to the floor. We do not choose to end up a debating society. It is terribly important that Members of Congress know that when we pass a bill, go to conference, that eventually we will bring back a significant work product.

There are a number of factors in this bill that some Members like. There are other factors that some Members do not. That is the nature of the legislative process. But I am pleased that we are bringing back a report, a conference report to the floor of this body so that my colleagues may work their will.

Finally, I would simply say, Mr. Speaker, that for the reasons that I enunciated earlier in this bill I will not personally be supporting the report. I have my substantive reasons why that is the case. For any Member who is interested, they can peruse my remarks that were made earlier and with those summarizing remarks.

Mr. Speaker, in the interest of comity and brevity, I yield back the balance of my time.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a conference report. As is the case with all conference reports, we do not ever get all we want. As I said the other day, we win some, lose some, and in some cases end up in ties. No one is completely 100 percent happy with the product of this conference report or any other produced by this body.

That is the nature of a conference report. Give and take. We have to compromise to get a bill back before this body for us to vote on. The same thing is happening in the other body. They have the same problems we have.

Mr. Speaker, if I had my personal opinion to express at this time, I would say in summation that the conference report does not provide enough for the defense of our country. Most people do not realize the condition we find ourselves in today. The cold war is over and most people think that the threat of war has been removed.

But I am here to tell my colleagues that it is not a matter of "if" there will be another war, it is just "when" it is going to be and "where" it is going to be. And at this point in time, I am afraid we are not prepared sufficiently to defend against the threat this country faces.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, before I we yield all time back, I would just like to make a comment. I would like to finally thank all the members of the staff on both sides of the aisle. For many of my colleagues who are not aware, many of these young people spent numerous weekends away from their relatives, family, and friends, in order to make sure that this extraordinarily complicated bill came together.

□ 2045

With great personal sacrifice and, in this gentleman's humble opinion, the financial remuneration that goes to these staff people does not offset the intrusion into their private lives, I think we are very fortunate to have a competent and capable staff who are able to work many of these issues late into the night and day in and day out for weeks and weeks. I would feel that I was derelict in my responsibilities, Mr. Speaker, if I did not express my sincere gratitude and thanks for all the staff people who helped put this bill together.

I appreciate the gentleman's generosity.

Mr. SPENCE. Mr. Speaker, I, again, would like to thank the gentleman for what he has done to make this conference report possible to bring it before the body at this time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to express support for one provision of H.R. 1119, Section 2826. Although this provision prohibits conveyance of the property at Long Beach Naval Station to the China Ocean Shipping Company [COSCO], it includes elements of a recommendation I made to this House that allows the President to waive this restriction if it is determined that the transfer would not adversely impact our national security.

Mr. Speaker, I still have reservations about the language in the Conference report, however, because I do not believe it goes far enough to protect the national security of the United States. The language I recommended to the House addressed this issue. The restrictions limit the provisions of this section to Long Beach and to the China Ocean Shipping Company [COSCO]. The language fails to address the impact of transfers of property at other bases to state owned shipping companies which may pose a risk to national security or significantly increase the counter intelligence burden on the U.S. intelligence community.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today in opposition to the conference report on the FY 98 National Defense Authorization bill. This bill goes \$2.6 billion

over the President's request and \$1.7 billion over last year's spending. During a time of fiscal restraint and balanced budgets, there is no room for this kind of unrequested expenditure in our federal ledger. If this Congress continues to treat itself to massive defense spending increases, we will starve our health, education, and elderly programs. This conference report does not reflect our budgetary constraints, nor does it reflect the realities of today's world. In this bill, we are continuing to authorize cold war weapons, such as B-2 bombers and nuclear attack subs, instead of taking this important opportunity to tailor our military capabilities to respond to the new challenges that we will face in the 21st century. Further, this legislation threatens to start an arms race in space. And to pay for this new hardware, we are cutting funds for readiness.

I am pleased that Congress has agreed to expand the Cooperative Threat Reduction program, that we can agree to help our National Guard, and that we have worked to boost funding for research on Gulf war syndrome. We must maintain the superiority of our Armed Forces and ensure that we provide for the brave individuals and families in military service. But this bill takes us only half way there—as it has been crafted, it threatens to bankrupt our entire budget. This bill shows that we have not thought about the kind of military and the kind of weaponry we will need to defend this nation and her allies in the next century. Members of Congress should take the time to sit down again to craft a bill that takes care of our personnel and better matches our future needs.

Mr. MATSUI. Mr. Speaker, I rise today in strong opposition to this bill.

The recommendations of the Defense Base Closure and Realignment [BRAC] Commission regarding McClellan and Kelly Air Force Bases are absolutely clear. When the Commission recommended the closure of these facilities, it directed DOD to either "consolidate the workloads to other DOD depots or to private sector commercial activities . . .". Unfortunately, the negotiators of this bill were unwilling to compromise with the President and DOD, insisting on the insertion of language that would prevent this mandate from going forth in an equitable manner.

Let no one in this chamber be misled. McClellan and Kelly Air Force Bases will close. As of July, 2001, they will no longer be Air Force facilities and nothing in this bill will change that in any way.

What this legislation will do, however, is burden the private sector competitors with new requirements without placing any corresponding new requirements on the public depots. This language severely undermines the depot maintenance outsourcing process, turning it into a mockery of fair play and open competition.

Without the ability to judge the public depots and private firms on a level playing field, the Air Force will be unable to determine which of its options under the 1995 BRAC law makes the most sense for our national security. Without fair competition, DOD will be unable to determine which option clearly proves to be the best value for the American taxpayer.

If the goal of privatization, as the BRAC Commission reported, is to ". . . reduce operating costs, eliminate excess infrastructure, and allow uniformed personnel to focus on skills and activities directly related to their mili-

tary missions," then Congress should not interfere and prejudice this process with biased language. I urge my colleagues to vote in favor of fair and open competition and vote against this bill.

Mr. BUYER. Mr. Speaker, I rise in support of the conference report for H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998, for its recommitment to the fate of American POW's and MIA's.

H.R. 1119 includes most of the House provision which sought to strengthen the process by which our past, present and future POW-MIA's are accounted for. The National Defense Authorization Act for FY 1997 repealed several provisions of law that provided due process for the families of missing service members seeking information about their loved ones' fates, and that encouraged prompt investigations into missing personnel. The conference report restores many of the provisions stricken by the 1997 authorization bill, and makes additional changes to the law to improve the process for accounting for missing persons. These new provisions apply not only to our military, but to different civilian support personnel who may be serving alongside our armed forces far from home. In reaching an agreement in the conference report, I had very constructive negotiations with Senator JOHN McCAIN, whose history with this issue is well known. Senator McCAIN was a good-listener, and fair-minded in his approach, allowing us to reach an agreeable compromise between the two Houses' positions. As a result, the conference report on H.R. 1119 contains a reasonable outcome that substantially advances the interests of those who seek to ensure the fullest possible accounting of our POW-MIA's.

Mr. Speaker, the conference report for H.R. 1119 keeps the faith, not only with our people in uniform, but with other equally dedicated citizens who voluntarily venture into harm's way in support of the nation's vital interest. It reiterates the theme that should constantly play on the hearts of the American people—that our POW-MIA's are, indeed, not forgotten. For that reason, I urge my colleagues to support the Defense Authorization Act.

Mr. DICKS. Mr. Speaker, as a conferee representing the Intelligence Committee on this legislation, I want to note particularly the resolution of an issue affecting the Defense Airborne Reconnaissance Office, or DARO. The Intelligence Committee originally voted to terminate this office and transfer some of its functions to the Director of the Defense Intelligence Agency. This recommendation was controversial in the Committee—I for one did not support it—but it was endorsed by the House National Security Committee and was likewise reflected in the House defense appropriations bill. The Senate took no action against DARO.

I am pleased that this conference report does not include the DARO termination recommended by the House. The conference agreement compels no change in DARO nor will it require that DARO cease the exercise of its critical responsibilities for strong oversight of airborne reconnaissance. The conference report does clarify that DARO's role does not include program management or budget execution. It should be understood clearly that this provision does not alter DARO's current role or responsibilities since, Department of Defense officials have stressed, DARO has not, does not, and will not manage programs. Instead, all airborne reconnaissance programs

are executed by the military services or by the Defense Advanced Research Projects Agency.

The conference report provides for a review of DARO by the ongoing Defense Reform Task Force, which I support. This task force could well make a recommendation, and the Secretary of Defense could decide, to place the airborne reconnaissance oversight function in another organizational structure or to alter the manner in which the office reports to senior DoD officials. I have every expectation, however, that the Task Force and the Secretary will strongly support continuation of a centralized and powerful oversight function at a senior level within the Department.

During a colloquy when the House considered the conference report on the Defense Appropriations Act, Chairman Young assured me that the reduction to DARO's operating budget reflected in the Act was made without prejudice and that the Committee would consider a reprogramming request from the Secretary to restore all or part of the funding requested for supporting the airborne reconnaissance oversight function for fiscal year 1998. The defense authorization conference report followed the budgetary allocations of the Appropriations conference in this as in most other matters. I hope that the leadership of the other committees which would have to consider a reprogramming for DARO will likewise defer to the judgment of the Secretary of Defense on funding for this activity in the coming year.

Mr. BLILEY. Mr. Speaker, I rise in support of the conference report and wish to note the hard work of all members of the conference committee to deliver legislation that will ensure the security of our country and adequately provide for the members of our Armed Forces.

As a conferee on various provisions of this legislation which impacted the jurisdiction of the Commerce Committee, I am generally satisfied with the work which has been accomplished over the past several weeks. We have been able to reach agreement on a number of issues, and I appreciate the effort of Chairman SPENCE and other conferees to remain sensitive to the concerns of my Committee regarding a number of provisions on which the Commerce Committee was not represented by conferees.

However, although I signed the conference report and support the overall bill, I continue to have serious reservations concerning several parts of the final work product. Specifically, I do not believe that section 351 of Title III of Division A of H.R. 1119 should be part of this legislation.

This section was not included in the House version of H.R. 1119. Instead, this measure was added by the other body without thorough review and without specific comment by the Executive Branch. Thus, simply on procedural grounds alone, I do not believe that section 351 should be part of the final conference report.

But my concerns regarding this provision are far more than procedural. In this regard, I am attaching a letter signed by myself, Health and Environment Subcommittee Chairman MICHAEL BILIRAKIS, full committee Ranking Member JOHN D. DINGELL, and subcommittee Ranking Member SHERROD BROWN. This letter outlines the Commerce Committee's serious concerns regarding section 351 and the reasons why this section should not have been adopted in conference.

In brief, section 351 establishes a policy for the sale of Clean Air Act emission reduction credits by military facilities. This policy is only applicable to defense facilities and is not applicable to other facilities or emission sources operated by the federal government. Thus, the provision risks creating a patchwork of policies within the federal government which could be at variance with the most efficient implementation of emission trading programs.

Emission trading programs will become increasingly important as this nation strives to meet Clean Air Act standards. Such programs hold the promise to achieve needed reductions at the least cost and to increase flexibility in the implementation of Clean Air Act programs. Thus, what is needed in lieu of section 351 is a comprehensive review of the participation of all federal facilities and operations within new emission trading programs.

The question of how federal facilities participate and what economic incentives may be available to individual facilities is an important question which should not be determined without informed analysis of the available alternatives. In this regard, during the coming months, the Commerce Committee will be actively reviewing this matter and may consider and evaluate policies at variance with those specified in section 351. In brief, the full committee and subcommittee leadership of the Commerce Committee have not endorsed section 351 or the pilot program it will establish and the Committee specifically reserves its rights and prerogatives under the Rules of the House to amend or terminate the pilot program established by this section.

On another provision included in the conference report, I would like to clarify our understanding that the language in section 3404, Transfer of Jurisdiction, Naval Oil Shale Reserves Numbered 1 and 3, transfers only "administrative jurisdiction" over the Naval Oil Shale Reserves, and does not impact the jurisdiction of the Commerce Committee. The Commerce Committee has long shared jurisdiction over the Naval Oil Shale Reserves with the National Security and Resources Committees. In order to assure that Americans get the best value for their investments we have agreed to these provisions which allow two of the Naval Oil Shale Reserves to be leased for oil and gas exploration and production. The Commerce Committee expects to be a part of any future legislative efforts to modify these provisions or make any other changes with respect to the operations or disposition of these national assets.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
Washington, DC, September 4, 1997.

Hon. FLOYD SPENCE,  
Chairman, House National Security Committee,  
Rayburn House Office Building,  
Washington, DC.

Hon. STROM THURMOND,  
Chairman, Committee on Armed Services,  
Russell Senate Office Building,  
Washington, DC.

DEAR CHAIRMAN SPENCE AND CHAIRMAN THURMOND: We are writing to express our opposition to Section 338 of H.R. 1119 and to ask for your assistance in deleting this provision during the conference committee consideration of this matter.

Section 338 seeks to establish a program, solely within the Department of Defense, to provide for the sale of emission reduction credits established under the Clean Air Act. The section additionally directs that pro-

ceeds from such sales will be available to the Department of Defense, not only for the costs attributable to the identification, quantification and valuation of such emission credits, but for allocation within the Department of Defense and to military facilities for activities that are "necessary for compliance with Federal environmental laws." This section was not part of H.R. 1119 as approved by the full House of Representatives.

The House Commerce Committee holds several strong objections to this provision. First, the provision seeks to establish federal policy, applicable to only one department of government, concerning several environmental trading programs which have different objectives. The provision specifically applies to "any transferable economic incentives" which would include, at a minimum, trading programs involving criteria pollutants regulated under Title I of the Clean Air Act, marketable permits established under Title I and Title V of the Clean Air Act, and other programs which seek to provide flexible, alternative implementation of the Act.

While the Commerce Committee would seek to encourage the full participation of the federal government in emission reduction and trading programs, it does not believe that this participation should occur on a segmented or department-by-department basis. Moreover, it is unclear whether the return of funds (over and above the amount of costs associated with identification, quantification and valuation of economic incentives sold) should necessarily be made available to the specific facilities which generated the economic incentives. Requiring that such funds be allocated "to the extent practicable" to specific facilities risks ignoring important Clean Air Act goals or other federal priorities.

Second, the provision seeks to establish a policy which may be at variance with present attempts to promote flexible implementation of new Clean Air Act standards. On July 16, 1997, the President directed the Administrator of the Environmental Protection Agency "in consultation with all affected agencies and parties, to undertake the steps appropriate under law to carry out the attached (implementation) plan" for the new ozone and particulate matter standards. Section 338 predates this policy, and thus precludes any consultation or coordination between the Environmental Protection Agency and the Department of Defense regarding implementation of new clean air act standards which contemplate broad and unprecedented utilization of emission trading programs.

Given the costs associated with full implementation of the new standards, it is clear that offsetting these costs through the sale of allowances and other incentives is essential. The corresponding distribution of the economic benefits resulting from the sale of allowances is thus a significant policy decision. Such a decision should not be made in the context of legislation unrelated to the goals of Clean Air Act programs and policies.

Finally, the Commerce Committee, which has jurisdiction over the law which served to create the economic incentives which are the subject of Section 338, has received no testimony, evidence, or other information from the Department of Defense or other departments or agencies of the federal government which specifically supports the final legislative language of section 338. Thus, the Commerce Committee has had no opportunity to evaluate the propriety of the policies advocated by section 338, the validity of the information and assumptions which underlie its incorporation into this law, or the ability to subject advocates of this provision to normal committee process and questioning. At a minimum, the Commerce Committee must

insist on its right to fully examine this provision within the normal oversight and legislative duties delegated to the Committee by the full House of Representatives.

Thank you for your assistance in striking this provision for the final conference report. Should you require any further information on this provision, please do not hesitate to contact us.

Sincerely,

TOM BLILEY,

*Chairman, House Commerce Committee.*

MICHAEL BILIRAKIS,

*Chairman, Health and Environment Subcommittee.*

JOHN D. DINGELL,

*Ranking Minority Member House Commerce Committee.*

SHERROD BROWN,

*Ranking Minority Member Health and Environment Subcommittee.*

Mr. KASICH. Mr. Speaker, I am very disappointed that the conferees did not reflect the clear will of the House in the Conference Report's provision dealing with Bosnia [sections 1201 through 1206].

The mission of the U.S. Armed Forces in Bosnia has been characterized by a failure to define achievable objectives, a unilateral shifting of deadlines, and a refusal on the part of the administration to clearly explain its goals either to Congress or to the public at large. If the American people are to have any confidence in our national security policy, that policy must be honestly and forthrightly presented to them.

I am troubled by the unclear focus of the mission and the apparent lack of an exit strategy. The underlying premise of the original mission was to separate the warring factions, then turn the peacekeeping role over to our European allies within one year. In November 1995, in his address to the Nation regarding our proposed commitment of our forces to Bosnia, President Clinton stated that, " \* \* \* our Joint Chief's of Staff have concluded that U.S. participation should and will last about one year."

However, in November, 1996, the President announced that our military presence in Bosnia would be extended for another eighteen months, until June 30, 1998. Although Secretary of Defense Cohen has emphatically stated his understanding that U.S. forces would be withdrawn by the end of June, 1998, more recent statements by administration officials, such as those of National Security Advisor Samuel Berger on September 23, 1997, have cast serious doubt on this second deadline.

These shifting deadlines have been accompanied by rhetorical sleights-of-hand, such as the assertion that by renaming the military force in Bosnia from the Implementation Force ("IFOR") to the Stabilization Force ("SFOR"), a new mission, and therefore a different deployment, was created. Somehow, this was believed to mitigate the fact that U.S. troops are still in Bosnia, nearly a year after the initial withdrawal deadline has passed.

It was against this background that on June 24, 1997, the House voted 278-148 to prohibit funding for U.S. ground forces in Bosnia after June 30, 1998. Moreover, this strong show of support for setting a date certain for withdrawal came just after the House narrowly rejected an amendment to end the U.S. ground force mission in Bosnia by December 31, 1997. Together, these votes demonstrate a consensus in the House to wrap up the

Bosnia deployment in the near future and bring the troops home.

The conferees' decision to abandon a firm withdrawal date in favor of language merely requiring Presidential certifications for the Bosnia mission to be extended for an indefinite period of time after June 30, 1998, not only weakens the firm position of the House, it offers further scope for yet another extension of the Bosnia mission. As everyone must surely realize, the President's certification to the terms of the provision is virtually a forgone conclusion. By permitting President Clinton to unilaterally extend the deployment of U.S. Armed Forces in the potentially hostile environment, Congress would be undercutting its obligation to the American people and to the young men and women the President has sent to Bosnia.

It is a generally accepted premise that the President is the "sole organ of the federal government in the field of international relations," and that Congress generally accepts a broad scope for independent executive action in international affairs. But Congress has long been concerned about U.S. military commitments and security arrangements that have been made by the President unilaterally without the consent or full knowledge of Congress.

Throughout our Nation's history, prior Presidents have sought Congressional consent for extended deployments of United States Forces overseas, either through declarations of war or by Acts of Congress authorizing the specific deployment. The latter category has ranged from authorizations to deploy forces overseas (such as the 1949 North Atlantic Treaty and the 1954 Mutual Defense Treaty with Korea) to the use of military force in specific situations (such as the Gulf of Tonkin Resolution in 1965, or the Persian Gulf Resolution of 1991).

Article I of the Constitution grants Congress the "Power to raise and support Armies \* \* \* to provide and maintain a Navy \* \* \* to make Rules for the Government and Regulations of the land and naval forces \* \* \*", and grants Congress the sole authority to declare war. These powers were explicitly given to Congress in order to prevent the President, in his role as Commander in Chief, from using the armed forces for purposes that have not been approved of by Congress on behalf of the national security interests of the American people.

Nowhere in the Constitution is the President empowered to deploy United States Armed Forces for war or beyond our borders without the consent of Congress. It is generally agreed, however, that situations of imminent or immediate danger to American life or property may arise that require the President to act without Congressional consent, but the extended deployment to Bosnia hardly qualifies for such unilateral action.

President Clinton, by ordering the deployment of our military into Bosnia without the consent of Congress, has assumed that the making of war is the prerogative of the Executive Branch. But the raising, maintenance, governance, and regulation of the deployment and use of the Armed Forces of the United States is the prerogative of Congress.

Not only does the conferees' weakening of the House position undercut Congress's legitimate authority to work its will on a vital foreign policy matter that involves the commitment of substantial U.S. military forces, it comes pre-

cisely at a time when SFOR is clearly drifting deeper into the quagmire in the Balkans, rather than preparing to disengage from it.

During the last three months, SFOR has become more and more entangled in efforts at nation building, a flawed objective as well as an inappropriate use of combat forces. For example, SFOR troops are increasingly becoming involved in Serbian interparty politics, the takeover of police stations, and the censorship of television broadcasts. These recent actions compromise our status as neutral peacekeepers and jeopardize the primary mission of separating the former belligerents. More important, they endanger American lives in much the same way as our poorly thought-out policies in Somalia and Lebanon.

Commenting on the administration's increased engagement in nation building, former secretary of State Henry Kissinger wrote the following: "America has no national interest for which to risk lives to produce a multiethnic state in Bosnia. The creation of a multiethnic state should be left to negotiations among the parties—welcomed by America if it happens but not pursued at the risk of American lives."

The administration has compounded the difficulty of a confused, evolving mission in Bosnia by the lack of a clear exit strategy. This problem became very evident during the Senate's hearing to confirm General Henry Shelton as Chairman of the Joint Chiefs of Staff on September 9, 1997, when General Shelton admitted that he had not been informed of the exit strategy for Bosnia. It is likely that to the extent an exit strategy exists, it is so firmly tied to hazily defined future political events that there is always sufficient reason to leave U.S. troops in place: there is always one more local election, always one more arbitration, always one more refugee transfer that would, in the administration's opinion, require the presence of U.S. troops. Making our departure a hostage to these events is a virtual guarantee that U.S. troops will be in Bosnia for a long time to come.

Finally, our mission in Bosnia raises troubling questions about allied burdensharing. I firmly believe that Bosnia is not a vital national interest. It is, at most, a peripheral interest of the United States to end a regional civil war in an area outside of NATO territory. It may be a vital interest to Europe, but it does not follow that U.S. ground troops must be tied up there for years. If the Europeans truly have the will to maintain peace in Bosnia, they will find a way; the administration should press the Europeans to begin planning now to assume full responsibility for the ground mission. If our allies have deficiencies, for example, in logistics capability or command and control, we must identify them and offer help to correct them.

The conference agreement on Bosnia, by permitting what is essentially an open-ended extension of the mission, effectively nullifies the consensus of a record vote in the House and opens the door to further mission creep. I am deeply disappointed that the conferees could not find a mechanism to reassert Congress's legitimate Constitutional authority when our men and women in uniform are deployed in harm's way. Instead, the conferees appear to have countersigned a blank check to continue deployment in the Balkans.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the conference report to H.R. 1119, the National Defense Authorization Act. This conference includes a very important provision on

an issue that I have been working on for over ten years.

Several programs have been enacted over the years to allow regular and reserve retired members to ensure that, upon their deaths, their survivors will continue to receive a percentage of their retired pay. However, two categories of "forgotten widows" have been created by omitting any benefits for survivors of members who died before they could participate in the new programs.

The Survivor Benefit Plan (SBP), enacted in 1972, replaced an earlier unsuccessful program. It offered an 18-month open enrollment period for members already retired. This SBP open enrollment period inadvertently created the first category of "forgotten widows." These individuals are widows of retirees who died before the SBP was enacted or during the open enrollment period before making a participation decision. There are 3,000 to 10,000 pre-1974 widows.

In 1978, the law was changed to allow Reservists the opportunity to elect survivor benefit coverage for their spouses and children when completing 20 years of qualifying service. However, it did not provide coverage for widows of Reserve retirees who died prior to its enactment. Thus the second category of "forgotten widows" evolved—the pre-1978 reserve widows. There may be 3,000 to 5,000 widows in this category.

In 1948, when the Civil Service Survivor Benefit Plan was enacted, it also created some civil service forgotten widows. In 1958, Congress authorized an annuity of up to \$750 per year for the widows of civil service employees who were married to the employee for at least five years before the retiree's death, were not remarried, and were not entitled to any other annuity based on the deceased employee's service.

Today, all military "forgotten widows" have to show for their husbands' careers are memories. The 1958 civil service benefit of \$750 equates to more than \$3,600 in 1994 dollars.

Military "forgotten widows" deserve at least the minimum SBP annuity allowed under current law. Therefore, I introduced legislation, H.R. 38, that would provide these widows with a monthly annuity of \$165 per month. H.R. 38, has received bipartisan support and has more than 50 cosponsors.

I was pleased that the Senate included a similar provision in its authorization act. The conference report that we are considering today retains this important provision from the Senate's legislation. The inclusion of forgotten widows in the Survivor Benefit Plan is long overdue.

I urge my colleagues to support the conference report for H.R. 1119.

Mr. SAXTON. Mr. Speaker, I want to thank the committee for adding language to the House-passed version of the Defense Authorization Act that would commission a study to help resolve outstanding U.S. commercial disputes against the Kingdom of Saudi Arabia. There remain, however, slight technical modifications to the directive report language I would like to clarify in this statement.

The purpose of the study is to re-open the claims process established under the FY93 Defense Appropriations Bill and to require the Department of Defense to conduct a broad and comprehensive search into any remaining claims not resolved under the Act. As many in

this body are aware, eighteen suits were filed against the Government of Saudi Arabia in the 1980's following their failure to pay for hundreds of millions of dollars worth of construction projects. To date, one important claim remains unresolved—the case of Gibbs and Hill, an engineering firm hired by the Saudi government to design a power and desalination plant in the late 1970's.

Following the completion of the facilities, the Saudi government refused to pay Gibbs and Hill the \$55.1 million owed for their services. Almost twenty years later, the claim is still being pursued by Hill International, Inc., a firm located in my district. Although substantial Congressional support has been organized to pressure the Saudi government to settle this final claim, there has been little action. I am confident, however, that the upcoming report of the Secretary of Defense will help move the process along by identifying the Gibbs and Hill claim, and any other outstanding claims, resulting in a public record of the Kingdom of Saudi Arabia's failure to pay its debts to American businesses.

With the support of the Senate Armed Services Committee for the House directive report language, I am hopeful the Secretary of Defense, in consultation with the Secretaries of State and Commerce, will issue this report in a timely matter.

Mr. SPENCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. DELLUMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, the Chair will reduce to not less than 5 minutes the time for a vote by the yeas and nays on the question of suspending the rules and agreeing to House Resolution 139, postponed earlier today, which will immediately follow this vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 286, nays 123, not voting 24, as follows:

[Roll No. 534]

YEAS—286

Abercrombie	Barton	Bonior
Aderholt	Bass	Bono
Allen	Bateman	Boswell
Archer	Bentsen	Boyd
Armey	Bereuter	Brady
Bachus	Berry	Brown (FL)
Baessler	Bilbray	Bryant
Baker	Bilirakis	Bunning
Baldacci	Bishop	Burton
Ballenger	Blagojevich	Buyer
Barcia	Bliley	Callahan
Barr	Blunt	Calvert
Barrett (NE)	Boehler	Camp
Bartlett	Boehner	Canady

Cannon	Hunter	Pitts
Carson	Hutchinson	Pomeroy
Castle	Hyde	Porter
Chabot	Inglis	Portman
Chambliss	Istook	Regula
Christensen	Jefferson	Pryce (OH)
Clayton	Jenkins	Quinn
Clement	John	Radanovich
Clyburn	Johnson (CT)	Redmond
Coble	Johnson, E. B.	Regula
Coburn	Johnson, Sam	Reyes
Collins	Jones	Riggs
Combest	Kanjorski	Riley
Cook	Kaptur	Roemer
Cooksey	Kasich	Rogan
Cox	Kennedy (RI)	Rogers
Cramer	Kennelly	Rohrabacher
Crane	Kildee	Ros-Lehtinen
Davis (FL)	Kim	Rothman
Davis (VA)	King (NY)	Ryun
Deal	Kingston	Salmon
DeLauro	Klink	Sanchez
DeLay	Knollenberg	Sandlin
Diaz-Balart	Kolbe	Sanford
Dickey	LaHood	Saxton
Dicks	Largent	Scarborough
Doyle	Latham	Schaefer, Dan
Dreier	LaTourette	Schaffer, Bob
Dunn	Lazio	Scott
Edwards	Leach	Shadegg
Ehlers	Levin	Shaw
Ehrlich	Lewis (CA)	Shimkus
Emerson	Lewis (GA)	Sisisky
English	Lewis (KY)	Skeen
Ensign	Linder	Skelton
Etheridge	Livingston	Smith (NJ)
Evans	Lucas	Smith (TX)
Ewing	Maloney (CT)	Smith, Adam
Fawell	Maloney (NY)	Smith, Linda
Foley	Manzullo	Snowbarger
Forbes	Mascara	Snyder
Fowler	McCarthy (NY)	Solomon
Fox	McCollum	Souder
Frelinghuysen	McCrery	Spence
Frost	McHale	Spratt
Galleghy	McHugh	Stabenow
Gejdenson	McInnis	Stearns
Gekas	McIntyre	Stenholm
Gephardt	McKeon	Strickland
Gibbons	McNulty	Stump
Gilchrest	Meehan	Sununu
Gillmor	Meek	Talent
Gilman	Menendez	Tanner
Goode	Metcalf	Tauzin
Goodlatte	Mica	Taylor (MS)
Goodling	Miller (FL)	Thomas
Goss	Mink	Thompson
Graham	Moran (KS)	Thornberry
Granger	Moran (VA)	Thune
Green	Murtha	Thurman
Greenwood	Myrick	Tiahrt
Gutknecht	Nethercutt	Tierney
Hall (OH)	Neumann	Turner
Hall (TX)	Ney	Upton
Hamilton	Northup	Visclosky
Hansen	Norwood	Walsh
Harman	Nussle	Wamp
Hastert	Ortiz	Waters
Hastings (WA)	Oxley	Watkins
Hayworth	Packard	Watts (OK)
Hefley	Pallone	Weldon (PA)
Hefner	Pappas	Weller
Hill	Parker	Weygand
Hilleary	Pascrell	White
Hinojosa	Pastor	Whitfield
Hobson	Paxon	Wicker
Hoekstra	Pease	Wolf
Holden	Peterson (MN)	Wynn
Horn	Peterson (PA)	Young (AK)
Hostettler	Petri	Young (FL)
Hoyer	Pickering	
Hulshof	Pickett	

NAYS—123

Ackerman	Crapo	Engel
Barrett (WI)	Cummings	Eshoo
Becerra	Cunningham	Everett
Berman	Danner	Farr
Blumenauer	Davis (IL)	Fattah
Bonilla	DeFazio	Fazio
Brown (OH)	DeGette	Filner
Campbell	Delahunt	Foglietta
Cardin	Dellums	Ford
Chenoweth	Deutsch	Frank (MA)
Clay	Dingell	Franks (NJ)
Condit	Dixon	Furse
Conyers	Doggett	Ganske
Costello	Dooley	Gordon
Coyne	Doolittle	Gutierrez

Hastings (FL)	McCarthy (MO)	Royce
Heger	McDermott	Rush
Hilliard	McGovern	Sabo
Hinchey	McKinney	Sanders
Hooley	Millender-	Sawyer
Jackson (IL)	McDonald	Sensenbrenner
Jackson-Lee	Miller (CA)	Serrano
(TX)	Minge	Sessions
Johnson (WI)	Moakley	Shays
Kennedy (MA)	Morella	Sherman
Kilpatrick	Nadler	Skaggs
Kind (WI)	Neal	Slaughter
Klecza	Oberstar	Smith (MI)
Klug	Obey	Stokes
Kucinich	Olver	Stupak
LaFalce	Owens	Tauscher
Lampson	Paul	Torres
Lantos	Pelosi	Towns
Lipinski	Pombo	Traficant
LoBiondo	Poshard	Velazquez
Lofgren	Rahall	Vento
Lowe	Ramstad	Watt (NC)
Luther	Rangel	Waxman
Manton	Rivers	Wexler
Markey	Rodriguez	Wise
Martinez	Roukema	Woolsey
Matsui	Roybal-Allard	

## NOT VOTING—24

Andrews	Flake	Schiff
Borski	Gonzalez	Schumer
Boucher	Houghton	Shuster
Brown (CA)	Kelly	Smith (OR)
Burr	McDade	Stark
Capps	McIntosh	Taylor (NC)
Cubin	Mollohan	Weldon (FL)
Duncan	Payne	Yates

□ 2109

Mr. SAWYER changed his vote from "yea" to "nay."

Messrs. CLYBURN, NORWOOD, BARR of Georgia, and NEY changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just adopted.

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

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1270, THE NUCLEAR WASTE POLICY ACT OF 1997

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105-354) on the resolution (H. Res. 283) providing for consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2493, FORAGE IMPROVEMENT ACT OF 1997

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a

privileged report (Rept. No. 105-355) on the resolution (H. Res. 284) providing for consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands, which was referred to the House Calendar and ordered to be printed.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceeding.

Pursuant to clause 1, rule I, the Journal stands approved.

## ABUSE OF SUBPOENA POWER

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MORAN of Virginia. Mr. Speaker, on Saturday, a constituent of mine by the name of Ted Hudson, received a subpoena for all of the telephone records of his wife from the U.S. House of Representatives, the Committee on Government Reform and Oversight, investigating campaign financing. This subpoena was issued only because his wife's name is LiPing Chen. His wife has a Chinese surname. Mr. Speaker, this is a 20-year civil servant who categorically denies any involvement by him or his wife in political fund-raising for any party in the 1996 campaign or any other campaign back to 1986 when the \$50 tax credit was repealed and at that time he was a Republican.

The only reason his wife's telephone records were subpoenaed is because she has a Chinese surname. This Congress has no business turning our Government into a police state. This is totally inappropriate and I will come to the floor every day until this subpoena is withdrawn and an apology is issued to this family.

Mr. Speaker, I submit for the RECORD a letter I received from Mr. Hudson and an attachment from his telephone company.

ALEXANDRIA, VA,  
October 26, 1997.

Hon. JAMES P. MORAN,  
*House of Representatives, Cannon House Office Building, Washington, DC.*

Re Committee on Government Reform and Oversight abuse of subpoena power.

DEAR MR. MORAN: My wife, LiPing Chen Hudson, received the attached letter on Saturday, October 25, from the telephone company stating: "We received a subpoena from the House of Representatives of the Congress of the United States of America, requesting toll billing records for your telephone number . . . for the period of January 1, 1994 through September 17, 1997."

My wife is a citizen of Taiwan, an alien with conditional permanent residency in this country (in 1995 your office was instrumental in getting the Immigration and Naturaliza-

tion Service to process our application), who spends most of her time caring for our 22-month-old daughter. As we are on the verge of applying to remove the conditional status, I am very concerned about how the INS may view a Congressional subpoena on her record.

We do not know why she is being investigated. The committee doing so is the one investigating alleged campaign fundraising abuses. Li had a Chinese surname. She once held a low level job (translating and staffing meetings with the FBI and Secret Service) in the security office of the Taiwan non-embassy here (a job that she resigned in 1995 in order to marry me, a one-time registered Republican (I was a callow youth at the time) and currently a 20-year mid-level Federal civil servant who hasn't given a penny to any politician or party since the \$50 tax credit was repealed in 1986). In her job, she had no contact with American political parties or politicians.

We categorically deny any involvement, by my wife or myself, in political fundraising for any party in the 1996 campaign or any other campaign since 1986.

I would like for you to intervene on our behalf. I would like this committee to withdraw this subpoena and expunge it from its records.

Thank you for your help in this matter.

Sincerely,

TED HUDSON.

BELL ATLANTIC CORP.,

Cockeysville, MD, October 17, 1997.

LIPING CHEN,  
Alexandria, VA.

DEAR CUSTOMER: It is this Company's policy to notify a subscriber when we receive a subpoena or summons for our toll billing records for a subscriber's account.

We received a subpoena from the House of Representatives of the Congress of the United States of America, requesting toll billing records for your telephone number 703-820-7768.

This subpoena demands billing records for the time period of January 1, 1994 through September 19, 1997. This Company, in response to this subpoena, will furnish the available toll billing records to the Committee on the Government Reform and Oversight on or before October 20, 1997.

Any questions, you may have about the subpoena, should be referred to the Committee on Government Reform and Oversight on 202-225-5074.

Sincerely,

DORIS COX.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF of New Mexico (at the request of Mr. ARMEY) through Friday, November 14, 1997, on account of medical reasons.

Mr. WELDON of Florida (at the request of Mr. ARMEY), for October 29 and October 30 on account of attending his father's funeral.

## GRANTING MEMBERS OF HOUSE PRIVILEGE TO EXTEND REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. FAZIO of California. Mr. Speaker, I ask unanimous consent that for today, all Members be permitted to extend their remarks and to include extraneous material in that section of

the RECORD entitled "Extensions of Remarks."

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

There was no objection.

#### ADJOURNMENT

Mr. FAZIO of California. Mr. Speaker, it is with great regret that I move that the House do now adjourn in memory of the late Honorable WALTER H. CAPPS, our dear departed colleague.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 29, 1997, at 10 a.m., in memory of the late Honorable WALTER H. CAPPS of California.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5599. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Assessment Rate and Establishment of Late Payment and Interest Charges on Delinquent Assessments [Docket No. FV97-930-1 IFR] received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5600. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Prune Crop Insurance Regulations; and Common Crop Insurance Regulations, Prune Crop Insurance Provisions [7 CFR Parts 450 and 457] received October 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5601. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Crop Insurance Regulations, Canning and Processing Bean Endorsement; and Common Crop Insurance Regulations, Processing Bean Crop Insurance Provisions [7 CFR Parts 401 and 457] received October 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5602. A communication from the President of the United States, transmitting a letter recommending the designation of the \$5 million to initiate construction of an emergency outlet for Devils Lake, North Dakota as an emergency funding requirement in accordance with section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105-160); to the Committee on Appropriations and ordered to be printed.

5603. A letter from the Acting Under Secretary (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5604. A letter from the Acting Under Secretary (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5605. A letter from the Acting Assistant Secretary, Department of Defense, transmit-

ting the report on evaluating DOD's certification regarding expansion of the CHAMPUS Reform Initiative for the states of Virginia (exclusive of the National Capital Area), North Carolina, Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Wisconsin, the Fort Campbell Catchment Area of Tennessee, and the Scott Air Force Base Catchment Area in Missouri, pursuant to Public Law 102-484, section 712(c) (106 Stat. 2435); to the Committee on National Security.

5606. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97-36, reporting that it is in the national interest for the Export-Import Bank to make a loan of approximately \$60 million to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(2)(D)(iv); to the Committee on Banking and Financial Services.

5607. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the determination on export-import bank support for the sale to the Commonwealth of The Bahamas of defense articles or services to be used primarily for counter-narcotics purposes; to the Committee on Banking and Financial Services.

5608. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of S. 871, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

5609. A letter from the Director, Office of Management and Budget, transmitting a report on appropriations legislation as required by the Balanced Budget and Emergency Deficit Control Act of 1985 (Section 251(a)(7)), as amended by the Budget Enforcement Act of 1997; to the Committee on the Budget.

5610. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Industries in American Samoa; Wage Order [29 CFR Part 697] received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5611. A letter from the Administrator, Environmental Protection Agency, transmitting the report on the Benefits and Costs of the Clean Air Act, 1970 to 1990, pursuant to Public Law 101-549, section 812(b) (104 Stat. 2693); to the Committee on Commerce.

5612. A letter from the Director, Office of Rulemaking Coordination, Department of Defense, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Test Procedure for Kitchen Ranges, Cooktops, Ovens, and Microwave Ovens [Docket No. EE-RM-94-230] (RIN: 1904-AA-52) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5613. A letter from the Chairman, Federal Communications Commission, transmitting a report on Spectrum Auctions, pursuant to section 309(j)(12) of the Communications Act; to the Committee on Commerce.

5614. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Administration of the North American Numbering Plan, Carrier Identification Codes (CICs) [CC Docket No. 92-237] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5615. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Amendment of Part 25 of the Commission's

Rules to Establish Rules and Policies Pertaining to the Second Processing Round of the Non-Voice, Non-Geostationary Mobile Satellite Service [IB Docket No. 96-220] received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5616. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on the privatization of EDGAR, pursuant to Public Law 104-290, section 107(b) (110 Stat. 3425); to the Committee on Commerce.

5617. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Netherlands for defense articles and services (Transmittal No. 98-04), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5618. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC-110-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5619. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Romania (Transmittal No. DTC-104-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5620. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Japan (Transmittal No. DTC-121-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5621. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Canada (Transmittal No. DTC-103-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5622. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC-93-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5623. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Singapore (Transmittal No. DTC-107-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5624. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC-71-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5625. A communication from the President of the United States, transmitting notification that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for one year beyond October 21, 1997—received in the U.S. House of Representatives October 17, 1997, pursuant to 50 U.S.C. 1622(d); to the Committee on International Relations.

5626. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective October 12, 1997, the danger pay rate for

Tajikistan was designated at the 15% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

5627. A letter from the Inspector General, Department of Commerce, transmitting a report entitled "Export Application Screening Process Could Benefit From Further Changes," pursuant to Public Law 104-106, section 1324(a) (110 Stat. 480); to the Committee on International Relations.

5628. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-172, "Public Assistance Fair Hearing Procedures Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

5629. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-171, "Paternity Acknowledgment Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

5630. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-170, "Supplemental Security Income Payment Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

5631. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-169, "Nuisance Repairs Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

5632. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-168, "Child Abuse and Neglect Prevention Children's Trust Fund Temporary Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

5633. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-164, "Small Purchase Authority Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

5634. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-163, "Fleet Traffic Adjudication Temporary Amendment Act of 1997" received October 23, 1997, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

5635. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in September 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

5636. A letter from the Acting Director, Office of Personnel Management, transmitting the annual report of the Civil Service Retirement and Disability Fund for Fiscal Year 1996, pursuant to 5 U.S.C. 1308(a); to the Committee on Government Reform and Oversight.

5637. A letter from the Executive Director, United States Arctic Research Commission, transmitting the strategic plan for the period from FY 1998 through 2003 and beyond, pursuant to Public Law 103-62; to the Committee on Government Reform and Oversight.

5638. A letter from the Chairman, United States Commission for the Preservation of America's Heritage Abroad, transmitting the consolidated report for FY 1997 covering both the annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act report,

pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5639. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York [Docket No. 961210346-7035-02; I.D. 102097C] received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5640. A letter from the National Commander, American Ex-Prisoners of War, transmitting a copy of the 1997 audit report as of August 31, 1997, pursuant to 36 U.S.C. 1101(57) and 1103; to the Committee on the Judiciary.

5641. A letter from the Chairman, United States Sentencing Commission, transmitting the 1996 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

5642. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-126-AD; Amdt. 39-10165; AD 97-21-12] (RIN: 2120-AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5643. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model Avro 146-RJ Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-05-AD; Amdt. 39-10168; AD 97-21-15] (RIN: 2120-AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5644. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model C-212 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-120-AD; Amdt. 39-10167; AD 97-21-14] (RIN: 2120-AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5645. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 382 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-08-AD; Amdt. 39-10166; AD 97-21-13] (RIN: 2120-AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5646. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CT58 Series Turboshaft Engines (Federal Aviation Administration) [Docket No. 97-ANE-18-AD; Amdt. 39-10161; AD 97-21-08] (RIN: 2120-AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5647. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN-235 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-137-AD; Amdt. 39-10159; AD 97-21-06] (RIN: 2120-AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5648. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Airworthiness Directives, Raytheon Model DH.125-400A; BH.125-400A and -600A; HS.125-600A and -700A; BAe 125-800A Series Airplanes; and Hawker 800 and Hawker 800 XP Series Airplanes Including Military Variants (Federal Aviation Administration) [Docket No. 96-NM-274-AD; Amdt. 39-10158; AD 97-21-05] (RIN: 2120-AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5649. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28968; Amdt. No. 1808] (RIN: 2120-AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5650. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29006; Amdt. No. 1818] (RIN: 2120-AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5651. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29005; Amdt. No. 1817] (RIN: 2120-AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5652. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29037; Amdt. No. 1828] (RIN: 2120-AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5653. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29007; Amdt. No. 1819] (RIN: 2120-AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5654. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28969; Amdt. No. 1809] (RIN: 2120-AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5655. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29035; Amdt. No. 1826] (RIN: 2120-AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5656. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Low-Stress Hazardous Liquid Pipelines Serving Plants and Terminals (Research and Special Programs Administration) [Docket No. PS-117;

Amdt. 195-57A] (RIN: 2137-AC87) received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5657. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Air Tour Operators in the State of Hawaii (Federal Aviation Administration) [Docket No. 27919; Special Federal Aviation Regulation (SFAR) No. 71] (RIN: 2120-AG44) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5658. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Alamosa, CO (Federal Aviation Administration) [Airspace Docket No. 97-ANM-02] (RIN: 2120-AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5659. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Flagstaff, AZ (Federal Aviation Administration) [Airspace Docket No. 97-AWP-23] (RIN: 2120-AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5660. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ketchikan, AK (Federal Aviation Administration) [Airspace Docket No. 97-AAL-8] (RIN: 2120-AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5661. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Lee's Summit, MO (Federal Aviation Administration) [Docket No. 97-ACE-11] (RIN: 2120-AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5662. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Huslia, AK (Federal Aviation Administration) [Airspace Docket No. 97-AAL-7] (RIN: 2120-AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5663. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. Models BN-2, BN-2A, BN-2B, BN-2T, and BN-2A MK. 111 Series Airplanes (Federal Aviation Administration) [Docket No. 84-CE-18-AD; Amdt. 39-10172; AD 84-23-06 R1] (RIN: 2120-AA64) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5664. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29036; Amdt. No. 1827] (RIN: 2120-AA65) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5665. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Topeka, Philip Billard Municipal Airport, KS (Federal Aviation Administration) [Docket No. 97-ACE-12] (RIN: 2120-AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5666. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace; Anchorage, Bryant AHP, AK, and Adak, AK; Revision of Class E Airspace; Adak, AK (Federal Aviation Administration) [Airspace Docket No. 97-AAL-9] (RIN: 2120-AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5667. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area Regulations; Mississippi River, LA (Coast Guard) [CCGD08-97-020] (RIN: 2115-AE84) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5668. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Delaware River Safety Zone and Anchorage Regulations (Coast Guard) [CGD 05-97-076] (RIN: 2115-AA98) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5669. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900-A190) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5670. A letter from the Executive Secretary, Foreign-Trade Zones Board, Department of Commerce, transmitting the Department's final rule—Technical Amendments to Regulations of the Foreign-Trade Zones Board [Docket No. 97092934-7234-7234-01] (RIN: 0625-AA49) received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5671. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 97-56] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5672. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Capital Gains Rates [Notice 97-59] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5673. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Education Tax Incentives [Notice 97-60] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5674. A letter from the Mayor, District of Columbia, transmitting the comprehensive annual financial report of the District of Columbia, including a report of the revenues of the District of Columbia for the fiscal year ended September 30, 1996, pursuant to Public Law 102-102, section 2(b) (105 Stat. 495); jointly to the Committees on Government Reform and Oversight and Appropriations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. House Resolution 139. Resolution expressing the sense of the House of Representatives that the Department of

Education, States, and local education agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms; with an amendment (Rept. 105-349). Referred to the House Calendar.

Mr. GOSS: Committee of Conference. Conference report on S. 858. An act to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 105-350). Order to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 948. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes (Rept. 105-351). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1604. A bill to provide for the division, use and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18-E, 58, 364, and 18-R before the Indians Claims Commission: with an amendment (Rept. 105-352). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2402. A bill to make technical and clarifying amendments to improve management of water-related facilities in the Western United States; with an amendment (Rept. 105-353). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 283. Resolution providing for consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982 (Rept. 105-354). Referred to the House Calendar.

Mr. MCINNIS: Committee on Rules. House Resolution 284. Resolution providing for consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands (Rept. 105-355). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RIGGS (for himself, Mr. WATTS of Oklahoma, Mr. FLAKE, Mr. TALENT, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Ms. DUNN of Washington, Ms. PRYCE of Ohio, Mr. SOLOMON, and Mr. HOEKSTRA):

H.R. 2746. A bill to amend title VI of the Elementary and Secondary Education Act of 1965 to give parents with low-incomes the opportunity to choose the appropriate school for their children; to the Committee on Education and the Workforce.

By Mr. CANADY of Florida:

H.R. 2747. A bill to provide for limited circumstances under which compliance with a subpoena issued in connection with certain civil actions in a court of the United States shall not be required; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. BLUNT, Mr. FOX of Pennsylvania, Mr. EWING, Mr. COOK, Mr. WALSH, Mr. QUINN, and Mr. MCGOVERN):

H.R. 2748. A bill to amend title 49, United States Code, to provide assistance and slots with respect to air carrier service between high density airports and airports not receiving sufficient air service, to improve jet aircraft service to underserved markets, and for

other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY of Massachusetts (for himself and Mr. MEEHAN):

H.R. 2749. A bill to establish doctoral fellowships designed to increase the pool of scientists and engineers trained specifically to address the global energy and environmental challenges of the 21st century; to the Committee on Science.

By Mr. BARCIA of Michigan (for himself and Mr. DOOLEY of California):

H.R. 2750. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIM (for himself and Mr. TRAFICANT):

H.R. 2751. A bill to amend the Public Buildings Act of 1959 to improve the management and operations of the General Services Administration; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of California:

H.R. 2752. A bill to present a gold medal to Len "Roy Rogers" Slye and Octavia "Dale Evans" SMITH; to the Committee on Banking and Financial Services.

By Ms. NORTON:

H.R. 2753. A bill to amend the charter of Southeastern University of the District of Columbia; to the Committee on Government Reform and Oversight.

By Mr. STARK (for himself, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Mr. MATSUI, Mr. McDERMOTT, Mr. MANTON, Mr. DELLUMS, Mr. FROST, Mr. MARTINEZ, Mr. LANTOS, Mr. NADLER, Ms. SLAUGHTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON, Ms. WOOLSEY, Mr. GUTIERREZ, Mr. FATTAH, Mr. KENNEDY of Rhode Island, Mrs. MCCARTHY of New York, Mr. SANDLIN, Ms. KILPATRICK, and Mr. LOBIONDO):

H.R. 2754. A bill to amend title XVIII of the Social Security Act and title 38, United States Code, to require hospitals to use only hollow-bore needle devices that minimize the risk of needlestick injury to health care workers; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. RAMSTAD):

H.R. 2755. A bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 2756. A bill to authorize an exchange of property between the Kake Tribal Corporation and the Sealaska Corporation and the United States; to the Committee on Resources.

By Mr. KING of New York (for himself, Mr. MANTON, Mr. GILMAN, Mr. NEAL of Massachusetts, and Mr. WALSH):

H.J. Res. 98. A joint resolution to recognize Commodore John Barry as the first flag officer of the United States Navy; to the Committee on National Security.

By Mr. DEUTSCH:

H. Con. Res. 178. Concurrent resolution expressing the sense of the Congress that the

transfer of Hong Kong to the People's Republic of China not alter the current or future status of the Republic of China on Taiwan; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. MARKEY, Mr. CARDIN, and Mr. SALMON):

H. Con. Res. 179. Concurrent resolution expressing the sense of Congress with respect to the human rights situation in the Republic of Turkey in light of that country's desire to host the next summit meeting of the heads of state or government of the Organization for Security and Cooperation in Europe (OSCE); to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. BE-REUTER, Mr. HAMILTON, Mr. FALEOMAVAEGA, and Mr. BERMAN):

H. Res. 282. A resolution congratulating the Association of South East Asian Nations (ASEAN) on the occasion of its 30th Anniversary; to the Committee on International Relations.

By Mr. MANTON (for himself and Mr. TRAFICANT):

H. Res. 285. A resolution requiring the Chief Administrative Officer of the House of Representatives to meet the requirements applicable to the head of a department or independent establishment under the Buy American Act in acquiring articles, materials, and supplies for the House of Representatives; to the Committee on House Oversight.

#### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

215. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 10-161 requesting that a public hearing be held in the Commonwealth on any bill affecting CNMI local self-government as granted by the Covenant; to the Committee on Resources.

216. Also, a memorial of the Legislature of the Territory of Guam, relative to Resolution No. 162 endorsing the passage of H.R. 2200, the Guam War Restitution Act, introduced by Congressman Robert A. Underwood in the 105th Congress, granting restitution for the people of Guam who endured the atrocities of the Japanese occupation of Guam in World War II; to the Committee on Resources.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. SNOWBARGER and Mr. LIVINGSTON.

H.R. 74: Mr. STARK, Mr. CLAY, Mr. MANTON, Mr. LANTOS, Mr. OLVER, Ms. WOOLSEY, Ms. RIVERS, Ms. KILPATRICK, and Ms. ROYBAL-AL-LARD

H.R. 76: Mr. HORN, Mr. RODRIGUEZ, Mr. FAZIO of California, Mr. BOEHLERT, Mr. JONES, Mr. PETERSON of Minnesota, Ms. STABENOW, and Mr. JOHN.

H.R. 164: Mr. GILMAN, Mr. McHUGH, Mr. McDERMOTT, and Mr. THOMPSON.

H.R. 165: Mr. TURNER.

H.R. 169: Mr. BILIRAKIS.

H.R. 192: Mr. McGOVERN.

H.R. 251: Mr. SANDERS, Mr. FOLEY, and Mr. HUTCHINSON.

H.R. 286: Mr. FRANK of Massachusetts.

H.R. 287: Mr. CAMPBELL and Mr. FRANK of Massachusetts.

H.R. 306: Mr. FORD, Mr. KIND of Wisconsin, and Mr. ORTIZ.

H.R. 349: Mr. PAUL.

H.R. 367: Mr. BARR of Georgia.

H.R. 387: Mr. CAMPBELL.

H.R. 502: Mr. CAMPBELL.

H.R. 536: Mr. JACKSON, Mr. CAMPBELL, and Mr. PAPPAS.

H.R. 594: Mr. GUTIERREZ, Mr. SAXTON, and Mr. McGOVERN.

H.R. 619: Ms. DELAURO, Mr. MALONEY of Connecticut, Ms. ESHOO, Mr. ANDREWS, and Mr. DICKS.

H.R. 692: Mr. MURTHA.

H.R. 715: Mr. ETHERIDGE and Mr. BARRETT of Wisconsin.

H.R. 718: Ms. ROS-LEHTINEN.

H.R. 738: Mr. KING of New York.

H.R. 777: Mr. DAVIS of Florida.

H.R. 816: Mr. BILIRAKIS.

H.R. 832: Ms. RIVERS.

H.R. 853: Mr. CHAMBLISS.

H.R. 979: Mr. SISISKY, Mr. GOODE, Mr. BOUCHER, and Mr. LEVIN.

H.R. 981: Mr. WEYGAND, Mr. ABERCROMBIE, Mr. DEFAZIO, Mr. HASTINGS of Florida, and Mr. ALLEN.

H.R. 983: Mr. SCOTT, Mr. KUCINICH, and Mrs. MCCARTHY of New York.

H.R. 1018: Mr. McGOVERN.

H.R. 1059: Mr. DAN SCHAEFER of Colorado, Mr. PETRI, Mr. GOODLING, Mr. BLILEY, and Mr. SPENCE.

H.R. 1061: Mr. OLVER, Mr. HAYWORTH, and Ms. WOOLSEY.

H.R. 1070: Ms. ESHOO, Mr. NADLER, Mr. EVANS, Mr. SAXTON, Mr. STUPAK, and Ms. WOOLSEY.

H.R. 1104: Mr. EVANS.

H.R. 1114: Mr. BURR of North Carolina.

H.R. 1126: Mr. MATSUI and Mr. MANTON.

H.R. 1134: Mr. CHAMBLISS.

H.R. 1147: Mr. SOUDER.

H.R. 1234: Ms. KILPATRICK.

H.R. 1373: Mr. OLVER.

H.R. 1376: Mr. VENTO and Mr. WEXLER.

H.R. 1428: Mr. EHRlich.

H.R. 1492: Mr. BILIRAKIS.

H.R. 1555: Ms. FURSE.

H.R. 1591: Mr. HEFLEY and Mr. SMITH of Michigan.

H.R. 1705: Mr. EHRlich.

H.R. 1737: Mr. BECERRA and Mr. BAKER.

H.R. 1749: Mr. PALLONE.

H.R. 1766: Mr. SCARBOROUGH, Mr. EHRlich, Mr. STUPAK, Mr. ENSIGN, Ms. DANNER, Mr. MATSUI, Mr. JOHN, Mr. SHAW, and Mr. TANNER.

H.R. 1776: Mr. RAMSTAD.

H.R. 1782: Mr. NADLER.

H.R. 1797: Mr. GIBBONS and Mr. SHADEGG.

H.R. 1870: Mr. McGOVERN.

H.R. 1873: Ms. SANCHEZ and Mr. OLVER.

H.R. 1874: Mr. BERMAN.

H.R. 1904: Mr. THOMPSON.

H.R. 1909: Mr. JENKINS.

H.R. 1987: Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. DEFAZIO, Mr. TOWNS, and Mr. CLEMENT.

H.R. 2009: Ms. DEGETTE, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRAHAM, Mr. EHLERS, Mr. GALLEGLY, Mr. RILEY, and Mr. FILNER.

H.R. 2023: Mrs. LOWEY, Ms. CARSON, and Ms. MCKINNEY.

H.R. 2029: Mr. CALVERT.

H.R. 2038: Mr. GRAHAM, Mr. HOEKSTRA, and Mr. GOODLATTE.

H.R. 2050: Mr. PICKETT.

H.R. 2053: Mr. THOMPSON and Mr. VENTO.

H.R. 2081: Mr. NETHERCUTT.

H.R. 2163: Mr. ROYCE.

H.R. 2191: Mr. GREENWOOD.

H.R. 2199: Mrs. MALONEY of New York, Ms. LOFGREN, Mr. DELLUMS, Ms. SLAUGHTER, Ms. WOOLSEY, Mr. DAVIS of Illinois, and Mr. WAXMAN.

H.R. 2221: Mr. BAKER, Mr. COOKSEY, Mr. LOBIONDO, and Mr. MCINTYRE.

H.R. 2275: Mr. NADLER, Mrs. MORELLA, and Ms. WOOLSEY.  
 H.R. 2292: Mr. TALENT and Mr. SHAYS.  
 H.R. 2327: Mr. BARTON of Texas and Mrs. CUBIN.  
 H.R. 2349: Mr. STARK, Mr. ROYCE, Mr. PACKARD, and Mr. DREIER.  
 H.R. 2404: Mr. VENTO.  
 H.R. 2421: Ms. FURSE, Mr. CONYERS, Ms. WOOLSEY, and Mr. PAUL.  
 H.R. 2422: Ms. WOOLSEY and Mr. RUSH.  
 H.R. 2451: Mr. SHERMAN.  
 H.R. 2454: Mr. FRANK of Massachusetts and Ms. JACKSON-LEE.  
 H.R. 2457: Mr. BARRETT of Wisconsin, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE, and Mr. CLEMENT.  
 H.R. 2468: Ms. BROWN of Florida, Mr. MARTINEZ, and Mr. HINCHEY.  
 H.R. 2503: Mr. MANTON, Mr. THOMPSON and Mr. CLEMENT.  
 H.R. 2543: Mr. THOMPSON.  
 H.R. 2549: Mr. YATES.  
 H.R. 2568: Mr. WYNN, Mrs. MINK of Hawaii, Mrs. CHENOWETH, Mr. LIPINSKI, Mr. FATTAH, Mr. BARLETT of Maryland, Mr. SNOWBARGER, and Mr. BLAGOJEVICH.  
 H.R. 2591: Mr. GUTIERREZ, Mr. JACKSON, Mr. YATES, Mr. FOX of Pennsylvania, Mr. MCNULTY, Mr. SAXTON, Mr. LAFALCE, Mrs. KELLY, Mr. BENTSEN, Mr. FROST, Mrs. MORELLA, and Mr. MCGOVERN.  
 H.R. 2599: Ms. JACKSON-LEE.  
 H.R. 2600: Mr. SAM JOHNSON, Mr. HILL, and Mr. MCINTYRE.  
 H.R. 2604: Mr. KIM, Mr. NEAL of Massachusetts, Mr. KLINK, Mr. MURTHA, Mr. HOLDEN, Ms. KAPTUR, Mr. KANJORSKI, Mr. SHAW, and Ms. JACKSON-LEE.  
 H.R. 2609: Mr. CALVERT, Mr. DOOLITTLE, Mr. BONILLA, Mr. MCINTOSH, Mr. GOODE, Mr. GILLMOR, and Mr. HALL of Texas.  
 H.R. 2625: Mr. SHADEGG, Mr. CALVERT, Mr. RYUN, Mr. TALENT, Mr. GIBBONS, Mr. THUNE, Mr. WICKER, Mr. MCKEON, and Mr. WELDON of Pennsylvania.  
 H.R. 2626: Mr. DEFAZIO and Mr. HILL.  
 H.R. 2627: Mr. MCHALE, Mr. HUTCHINSON, and Mr. COMBEST.  
 H.R. 2635: Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. BLAGOJEVICH, Mr. OLVER, Mr. YATES, Ms. SANCHEZ, Ms. WOOLSEY, Mr. DELLUMS, Mr. RANGEL, Mr. BONIOR, Mr. TORRES, Mr. DEFAZIO, and Mr. TALENT.  
 H.R. 2639: Mr. WELDON of Florida and Mr. SANDLIN.  
 H.R. 2652: Mr. HALL of Ohio.  
 H.R. 2657: Mr. COLLINS and Mr. SESSIONS.  
 H.R. 2709: Mr. MCINTYRE, Mr. ENGEL, Mr. LOBIONDO, Mr. WOLF, Mr. GEPHARDT, Mr. NEUMANN, Mr. BLUNT, Mr. HAYWORTH, Mr. LIVINGSTON, Mr. BROWN of Ohio, Mr. FOLEY, Mr. HILL, Mr. EHRLICH, Mr. BACHUS, Mr. BAKER, Mr. ROEMER, Mr. MCNULTY, Mr. ROTHMAN, Mr. MENENDEZ, Mr. VISCLOSKEY, Mr. FROST, Mr. LATHAM, and Mr. KENNEDY of Rhode Island.  
 H.R. 2713: Ms. KILPATRICK, Mr. RUSH, and Mr. KENNEDY of Rhode Island.  
 H.R. 2717: Mr. BARRETT of Wisconsin, Mr. MCINTYRE, Ms. FURSE, Mr. STUPAK, and Mr. WEYGAND.  
 H. Con. Res. 13: Ms. MILLENDER-MCDONALD and Mr. LIPINSKI.  
 H. Con. Res. 55: Mr. STUPAK.  
 H. Con. Res. 121: Ms. JACKSON-LEE, Mr. EWING, Mr. GREEN, Mr. NEUMANN, Mr. RODRIGUEZ, Mr. PALLONE, Mr. STUPAK, Mr. COOKSEY, Mr. BAKER, Mr. COBLE, Mr. HORN, Mr. HASTINGS of Florida, Mr. PETERSON of Pennsylvania, Mr. MCCREERY, Mr. BLILEY, Mr. MCDADE, and Mr. LIVINGSTON.  
 H. Con. Res. 150: Mr. PICKERING, Mr. OBERSTAR, and Mr. Crapo.  
 H. Con. Res. 156: Mr. SAXTON, Mr. HINCHEY, Mr. STARK, and Mr. Manton.  
 H. Con. Res. 160: Mr. TORRES, Mr. FATTAH, Mr. SANDERS, Ms. ESHOO, Mr. MILLER of California, Mr. ABERCROMBIE, and Mr. HINCHEY.

H. Con. Res. 162: Mr. BURTON of Indiana, Mr. MORAN of Virginia, and Mr. WELDON of Pennsylvania.  
 H. Con. Res. 170: Mr. BAKER and Mr. HASTINGS of Washington.  
 H. Res. 26: Mr. FAWELL, Ms. STABENOW, Ms. KILPATRICK, and Mr. MCGOVERN.  
 H. Res. 139: Mr. WELLER and Mr. PAPPAS.  
 H. Res. 279: Mr. STARK, Mr. WAXMAN, Mr. WEYGAND, and Mr. ACKERMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

25. The SPEAKER presented a petition of the Butler Township Board of Commissioners of Lyndora, Pennsylvania, relative to Resolution No. 97-16 expressing concerns regarding personal wireless communication service facilities; to the Committee on Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2616

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: Page 10, after line 19, insert the following:

SEC. 6. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 7. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the appropriate Chairman shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 8. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 1: Page 23, line 21, insert before the period the following: ", as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)".

Page 27, strike lines 3 through 7, and insert the following:

(1) ALLOTMENT.—The term "allotment" means the area where livestock are grazed under an appurtenant adjudicated or apportioned grazing preference.

Page 27, strike lines 14 through 19 relating to the definition of base property.

Page 27, beginning on line 20, strike paragraph (4) and insert the following:

(4) CONSULTATION, COOPERATION, AND COORDINATION.—The term "consultation, cooperation, and coordination" means to engage in careful and considered good faith efforts with lessees, permittees and land owners involved, district grazing advisory boards, and the State or States having lands within the affected area to—

- (A) discuss and exchange views;
- (B) act together toward a common end or purpose; and
- (C) document a mutual agreement.

Page 35, beginning on line 5, strike "an allotment management plan" and insert "a cooperative allotment management plan pursuant to subsection (a) and"

Page 35, beginning on line 24, strike section 107 and insert the following new section: **SEC. 107. FEES AND CHARGES.**

(a) GRAZING FEES CALCULATION.—The administrative fee rate for each animal unit month in a grazing fee year shall be equal to the previous year private grazing land lease rate for the sixteen contiguous western states as reported by the Economic Research Service of the Department of Agriculture on February 15 of the grazing fee year, divided by the 1997 base private grazing land lease rate (from the Economic Research Service report for 1996), times the 1996 base fee rate.

(b) BASE FEE RATE.—The base fee rate shall be equal to the 12-year average of the total gross value of production for beef cattle for the years 1986 through 1997, multiplied by the 10-year average of the United States Treasury Securities six-month bill "new issue" rate for the years 1988 through 1997, divided by 12.

(c) ROLE OF ECONOMIC RESEARCH SERVICE.—The Economic Research Service shall continue to compile and report the annual private grazing land lease rate as currently published in February of each year. Should the Economic Research Service develop new methods for estimating the private grazing land lease rate which yield different results, the base value used in this section shall be adjusted to reflect the difference obtained by the new method.

(d) CROSSING PERMITS, TRANSFERS, AND BILLING NOTICES.—A reasonable service charge shall be assessed for each crossing permit, transfer of grazing preference, and replacement of supplemental billing notice, except in a case in which the action is initiated by the authorized officer.

Page 39, beginning on line 9, strike section 108 relating to Resource Advisory Councils.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 2: Page 23, line 21, insert before the period the following: ", as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)".

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 3: Page 27, strike lines 3 through 7, and insert the following:

(1) ALLOTMENT.—The term "allotment" means the area where livestock are grazed under an appurtenant adjudicated or apportioned grazing preference.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 4: Page 27, strike lines 14 through 19 relating to the definition of base property.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 5: Page 27, beginning on line 20, strike paragraph (4) and insert the following:

(4) CONSULTATION, COOPERATION, AND COORDINATION.—The term "consultation, cooperation, and coordination" means to engage in careful and considered good faith efforts with lessees, permittees, and land owners involved, district grazing advisory boards, and the State or States having lands within the affected area to—

(A) discuss and exchange views;  
(B) act together toward a common end or purpose; and

(C) document a mutual agreement.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 6: Page 35, beginning on line 5, strike "an allotment management plan" and insert "a cooperative allotment management plan pursuant to subsection (a) and"

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 7: Page 35, beginning on line 24, strike section 107 and insert the following new section:

**SEC. 107. FEES AND CHARGES.**

(a) GRAZING FEES CALCULATION.—The administrative fee rate for each animal unit month in a grazing fee year shall be equal to the previous year private grazing land lease rate for the sixteen contiguous western states as reported by the Economic Research Service of the Department of Agriculture on February 15 of the grazing fee year, divided by the 1997 base private grazing land lease rate (from the Economic Research Service report for 1996), times the 1996 base fee rate.

(b) BASE FEE RATE.—The base fee rate shall be equal to the 12-year average of the

total gross value of production for beef cattle for the years 1986 through 1997, multiplied by the 10-year average of the United States Treasury Securities six-month bill "new issue" rate for the years 1988 through 1997, divided by 12.

(c) ROLE OF ECONOMIC RESEARCH SERVICE.—The Economic Research Service shall continue to compile and report the annual private grazing land lease rate as currently published in February of each year. Should the Economic Research Service develop new methods for estimating the private grazing land lease rate which yield different results, the base value used in this section shall be adjusted to reflect the difference obtained by the new method.

(d) CROSSING PERMITS, TRANSFERS AND BILLING NOTICES.—A reasonable service charge shall be assessed for each crossing permit, transfer of grazing preference, and replacement of supplemental billing notice, except in a case in which the action is initiated by the authorized officer.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 8: Page 39, beginning on line 9, strike section 108 relating to Resource Advisory Councils.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 9: Page 36, strike line 16 and all that follows through line 21 on page 37.

Page 38, beginning on line 19, strike subsection (e).

H.R. 2493

OFFERED BY: MR. VENTO

AMENDMENT NO. 10: In section 107(a), strike paragraph (2) (page 36, lines 16 through 20) and insert the following new paragraph:

(2) DETERMINATION OF FEE.—

(A) SMALL PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising less than 2,000 animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1).

(B) LARGE PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising 2,000 or more animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1) for the first 2,000 animal unit months. For animal unit months in excess of 2,000, the fee shall be the higher of the following:

(i) The average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in the State in which the lands covered by the grazing permit or lease are located.

(ii) The Federal grazing fee as calculated under paragraph (1), plus 25 percent of such fee.

H.R. 2493

OFFERED BY: MR. VENTO

AMENDMENT NO. 11: Page 37, line 2, strike "seven" both places it appears and insert "five".