

we are all anxious to complete our work to make our departures for our August recess work period.

At this time I can only advise Members, to the best of my knowledge, we should expect additional votes this evening within the hour. At any point during the evening, when I find information by which I can advise otherwise, I will ask for time to do so. But my best advice at this point is we must be prepared to stay for additional votes tonight, and I will keep Members informed.

I want to also express my appreciation to the Members on both sides of the aisle for your patience with these times being as they are.

#### PERMISSION TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, SEPTEMBER 4, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that notwithstanding clause 1 of rule XXVII, the Speaker may entertain motions to suspend the rules on Wednesday, September 4, 1996.

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

Mr. FROST. Mr. Speaker, reserving the right to object, I do not intend to object. I would, however, like to clarify with the distinguished majority leader our understanding of what the procedure will be on Wednesday, September 4, with regard to suspensions.

It is our understanding that his office will supply us with the final list of suspensions he intends to consider on September 4 by noon on August 21st. We have requested this information from him in order to notify our Members in advance just what bill will be under consideration so that our Members who are interested in debating the bills could arrange to be here. It is our understanding that no additional bills will be added to this list without the unanimous consent of the minority.

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

Mr. FROST. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, the gentleman is absolutely correct in the way he has stated it. We will supply that list by the 21st of August noon, and that indeed no other suspension would be brought up except by additional unanimous consent. And I would, again, like to express my appreciation for the leadership on the minority side of the aisle for their cooperation in working with us on this.

Mr. FROST. Mr. Speaker, I thank the majority leader, and I withdraw my reservation of objection.

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

There was no objection.

#### ORDER OF BUSINESS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, as I understand it, the next item of business will be the rule on the defense authorization conference report. It is my intention to only use 2 or 3 minutes and then, when the manager on the Democrat side has done the same, we would then yield back our time and expedite this rule without a vote.

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

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, I cannot assure the gentleman that it will only be 2 or 3 minutes. It will not be the full time. We do have a request by the gentleman from New Mexico for a colloquy. We also have a request by the ranking member on the Committee on Commerce for the opportunity to speak. But we will move along as quickly as we can.

Mr. SOLOMON. Mr. Speaker, a minimum amount of time on both sides.

#### CONFERENCE REPORT ON H.R. 3230, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 498 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 498

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3230) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1997, 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. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] is recognized for one hour.

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

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 might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 498 provides for the consideration of the conference report to accompany H.R. 3230, the National Defense Authorization Act for fiscal year 1997.

The rule waives all points of order against the conference report and against its consideration. It further provides that the conference report shall be considered as read.

The waiver includes a waiver of the 3-day layout rule, as the report was filed only Tuesday. This was necessary so that the House could complete consideration of this measure before the Au-

gust recess tomorrow. Further, the report has been available in committee offices so Members and staff have had ample time to review it.

Mr. Speaker, this is a fair rule that provides for expeditious consideration of this critically important legislation. I urge support of the rule. I will not bother to get into the details of the bill. It has been debated at considerable length. We all know the contents.

Mr. Speaker, I urge prompt action on the rule, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico [Mr. RICHARDSON], our ambassador at large, for the purposes of engaging in a colloquy.

Mr. RICHARDSON. Mr. Speaker, I rise for the purpose of entering into a colloquy with the gentleman from Colorado [Mr. SCHAEFER], the chairman of the Subcommittee on Energy and Power.

As the gentleman knows, the Waste Isolation Pilot Plant in New Mexico will have a direct impact on many of our constituents in that State. While I support amending the land withdrawal act, I would like to clarify some aspects of this amending language.

First, I have concerns about designating November 1997 as the opening date for the facility. If new health and safety problems arise prior to start-up, I want to be assured that resolving these concerns will take precedence over the opening date.

Secondly, the issue of proper oversight is an important one. I want to ensure that the EPA will have a full capability to provide for the safe operation and regulation of WIPP.

Finally, I am concerned about the exemption from RCRA no-migration standards. As the gentleman knows, I have advocated for the implementation of an independent review of EPA's decision to strike the RCRA no-migration rules, possibly by the National Academy of Sciences. I want to be assured that the deletion of RCRA no-migration standards will not result in a degradation of environmental standards at WIPP.

Let me say that I appreciate the work of the gentleman. The work of the gentleman from New Mexico [Mr. SKEEN] in responsibly moving this language forward. I do support the provisions affecting WIPP, but would appreciate any comment he has on these matters.

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

Mr. RICHARDSON. I yield to the gentleman from Colorado.

Mr. SCHAEFER. Mr. Speaker, I truly thank the gentleman from New Mexico, and it has been a great pleasure working with him on this particular situation. I do appreciate his concerns. A timely opening of WIPP is very important. It is equally critical that the facility opens and operates in a very safe manner.

First, the 1997 opening date is not a hard, statutory requirement, but is

contained in a sense of Congress statement. Both EPA and DOE feel that this date is achievable. Obviously the health and safety issues are very, very important, and language has been included to reflect that the site should meet all applicable health and safety standards before disposal operations commence.

This subtitle closely mirrors legislation already approved by the full Committee on Commerce and preserves a strong regulatory role for EPA at WIPP. The facility is also regulated by several other entities, including the State of New Mexico. The combination of these different regulators provides for a broad oversight and regulatory base.

Finally, I can understand the gentleman's concerns about the no-migration standard. As he knows, I have always felt that the Federal Government should be held to the same environmental standards accepted by any other entity in America. This legislation does meet that test. There will be no loss of environmental protection, no impact on human health and safety, and no reduction of the overall safety standards under this language.

The EPA is confident that this regulatory regime will provide and protect human health and the environment. I would like to enter into the RECORD correspondence from EPA which does express this view.

I do so much appreciate the gentleman's concern for his constituents, as I would, and his cooperative work on the subtitle. I also want to recognize the very valiant efforts of the gentleman from New Mexico [Mr. SKEEN], without whose help we would not be here today. Again, I appreciate the gentleman's support and his allowing me to clarify these matters.

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

ENVIRONMENTAL PROTECTION AGENCY,  
Washington, DC, May 15, 1996.

Hon. TOM UDALL,  
Attorney General of New Mexico,  
Santa Fe, NM.

DEAR MR. UDALL: The purpose of this letter is to follow-up on our telephone conversation of April 1, 1996, and respond to your letter of April 4, 1996, regarding the Environmental Protection Agency's (EPA) role in the regulation of the Waste Isolation Pilot Plant (WIPP).

The Administration is presently formulating its position on H.R. 1663, the "Skeen-Schaefer Bill" amending the WIPP Land Withdrawal Act (Pub. L. 102-579). I appreciated hearing your views about the legislation and am pleased we had the opportunity to discuss these important issues. The Agency believes that the amended H.R. 1663 is a sound bill and makes critical improvements over its antecedent. As you are aware, the Skeen Bill, as originally proposed, severely limited EPA's regulatory oversight of WIPP and, we believe, did not provide adequate protection of human health and the environment. Mr. Schaefer's amendments retain EPA as the independent regulator of the WIPP, eliminates extraneous requirements, and leaves intact the provisions of the 1992 WIPP Land Withdrawal Act (LWA) that require EPA to certify whether the WIPP facil-

ity will comply with the disposal regulations in accordance with public rule-making procedures.

You specifically expressed concern about the impact of the proposed legislation on the WIPP certification process. In particular, that review of individual chapters of the Department of Energy's (DOE) compliance application by EPA would require the Agency to commit to a position on the sufficiency of each chapter without public input. While it is true that EPA will review individual chapters prior to receipt of the full application, the Agency will make no determination on the adequacy of any part of the application until: 1) EPA has received the full application from the department; and 2) public comments have been considered. In fact, the Agency has received the first of these chapters and placed it in the certification docket (No. A-93-02) on May 1, 1996. We will be providing written comments to DOE on these chapters. The written comments will also be placed in the public dockets.

You also raised concerns about the effect of the proposed legislation on the public's opportunity to provide comment on DOE's application. As in the past, EPA will continue to foster an open public process. As you will note in the final compliance criteria (40 CFR Part 194), EPA will hold two 120-day public comment periods after it receives DOE's full compliance application. The proposed legislation will not affect the process established in the compliance criteria. Furthermore, EPA never planned for or created any process for formal public comment on the completeness of the application. Therefore, since DOE is providing the Agency with individual chapters prior to submission of the full application, the public will have an additional opportunity to comment on, and additional time to review, the individual chapters, via EPA's public docket.

Additionally, you were concerned that the proposed H.R. 1663 removes the ability of the Administrator to enforce compliance of the WIPP with any law, regulation or permit requirement described in §9(a)(1) of the LWA. We feel that EPA's ability to ensure compliance with these environmental laws is not compromised by removal of this provision since: 1) the environmental laws described in the LWA contain their own enforcement provisions; and 2) 40 CFR Part 194 imposes requirements that DOE perform remedial actions if the administrator determines WIPP to be in non-compliance with the transuranic waste disposal standards.

Further, with regard to H.R. 1663, you expressed concern about the WIPP being used as a repository for transuranic wastes that did not result from a defense activity. The proposed legislation does not alter the definition of exposure or capacity limits of either remote- or contact-handled wastes set forth in the LWA. If EPA were to certify the WIPP, this provision would allow for disposal of a relatively small amount of waste from a site in West Valley, NY. If WIPP were capable of accepting this waste within the capacity limits of the LWA, it would be imprudent to needlessly spend taxpayer money for a site similar to WIPP for such a small amount of transuranic waste simply because the process which generated the waste was not defense related.

Lastly, I am disappointed that you have elected to bring a legal challenge against EPA's WIPP compliance criteria published on February 9, 1996. The EPA considered the views of all interested parties, including the comments and suggestions made by your office, in deciding the contents of the final criteria. As you know, EPA held two public comment periods totaling 135 days, and conducted a series of public hearings in New Mexico. Ultimately, the Administrator of

EPA, exercising her independent judgment, determined the contents of the final criteria. We believe EPA's criteria are sound and will effectively protect public health and the environment.

I want to assure you that EPA will keep communication lines open as it undertakes the public rulemaking proceeding to certify whether the WIPP facility will comply with the final disposal regulations. We recognize the importance of this matter to you and all of the residents of New Mexico.

If you have questions regarding this letter or any other concerns, please contact Frank Marcinowski of my staff at (202) 233-9310.

Sincerely,

MARY D. NICHOLS,  
Assistant Administrator for Air and  
Radiation.

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman. I support the provisions affecting WIPP.

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

Mr. Speaker, I rise in support of this rule and this conference report, which authorizes the programs which provide for our Nation's defense which is our common defense. In these uncertain times, which, as we all know, grow more dangerous every day, it is of vital importance that this component of our country's protection continues to be strong. Our foreign enemies—those who seek to disrupt and ultimately destroy our democratic way of life—must know of our commitment to a strong and capable military able to protect this great Nation. This conference report is a positive step in insuring that our military capability remains strong and vigilant and I urge its adoption.

Mr. Speaker, the conferees have wisely dropped contentious social issues from this agreement, and in doing so, have taken the proper course of action in ensuring that this authorization can be signed into law by the President. While the funding levels are still significantly higher than those requested, I feel confident that this is a bill that can be signed. The increases in funding levels are not for frivolous projects, rather they provide for faster acquisition of important weapons systems which had been planned for purchase in later years.

The agreement does not contain provisions from last year's vetoed bill which had required the deployment of a national missile defense system by the year 2003, nor does it contain language which might have been a violation of the 1972 Anti-Ballistic Missile Treaty. As Members know, these issues, among others, provoked a veto in 1993, and their exclusion this year certainly enhances the chance that this agreement will become law.

This agreement contains provisions which will require that the U.S. Government live up to its obligations. The bill contains a 3-percent pay raise for military personnel and increases housing allowances. The agreement addresses a long and shamefully overlooked matter by authorizing the award of the Medal of Honor to African-Americans who served in World War II and who distinguished themselves by performing with gallantry above and beyond

the call of duty. The agreement also contains language which will finally recognize the sacrifice and heroism of those Vietnamese nationals who participated in special operations in North Vietnam or Laos on behalf of the United States Government and who were subsequently captured and imprisoned by the Communist Vietnamese.

I am particularly pleased that the conference agreement contains \$1.5 billion for continued development and acquisition of six V-22 Osprey tiltrotor aircraft, as well as funds for the acquisition of six additional F-16 fighters. The conference agreement includes \$2 billion in funding for research and development for the next-generation tactical fighter, the F-22. Also provided is \$2.4 billion for the acquisition of nine C-17 transport aircraft. All these aircraft are important components in our national defense system and the conference is to be commended for funding them in this agreement.

Mr. Speaker, this is a fair rule and a good bill and I urge their adoption.

□ 2115

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Speaker, I rise in opposition to the rule and to the conference report. I do so mainly because this bill could let the Nation's largest polluter, the Federal Government, more specifically the Department of Defense, the Department of the Interior, GSA, and the Department of Energy off the hook. Under this provision, section 334 would directly amend CERCLA, otherwise known as Superfund, a law that is squarely within the jurisdiction of the Committee on Commerce.

If my colleagues have defense or other Federal establishments within their district, they better be very careful before they vote for this legislation. The legislation will change current law to allow the Federal Government to transfer contaminated property that it owns prior to the completion of the required cleanup of the property.

Remember, this is contamination with high-level hazardous wastes, high-level nuclear wastes and other terribly dangerous substances. This provision may actually delay the cleanup of contaminated Federal properties. This provision will impose upon citizens of this country the possibility or even the probability that there are no adequate or enforceable assurances that the cleanup will be completed by the party who buys the property in a timely manner and in a way which is protective of the human health and environment. The provision should be of particular concern to all of my colleagues who have Federal properties in their district.

This is a defense authorization bill, and, if they vote for it, my colleagues

should be aware that this provision applies not only to defense facilities but also properties owned by the Department of Energy, the Department of the Interior and any property under the controls of the General Services Administration. Unfortunately, this provision has not been subject to hearings or examination by the authorizing committees, and no one knows exactly the level of peril which is imposed upon the people of this country.

Equally important is the fact that it has no discernible support except amongst the Federal polluters, and it is interesting to note that people who address the question of pollution of our environment, and who are concerned about protecting the citizens of this country from dangerously contaminated and environmentally degraded areas have expressed particular concern.

The Department of Defense has provided no examples of the need for the sweeping provisions in section 334, but the attorneys general of the States of Michigan, Washington, New Mexico, Texas, Minnesota, and Colorado have written to express their strong opposition to this provision. On behalf of its quarter-million members, the Natural Resources Defense Council has also opposed this provision. Amongst other concerns, these writers question the glaring absence of criteria for determining the suitability of contaminated Federal lands for transfer and the enforceability of cleanup requirements. Indeed the level of cleanup required is in question, insofar as whether the cleanup would be adequate to protect the health and the environment of people who would be affected and who live in the neighborhood.

I urge a rejection of the rule, and I urge a rejection of the conference report.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

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

Mr. BORSKI. Mr. Speaker, I rise in strong opposition to the rule and the conference report on the Defense Authorization Act.

Mr. Speaker, I rise in strong opposition to the rule and conference report on the Defense Authorization Act for fiscal year 1997. I do so principally because it could allow Federal agencies to abdicate their responsibility to clean up hazardous waste sites and address other toxic conditions that they created. It could dump onto States, local governments, and the public the burden of cleaning up federally created toxic waste sites. This includes some of the Nation's most contaminated hazardous waste sites created by the Department of Defense and Department of Energy.

Section 334 of the conference report would fundamentally change current law by allowing the Federal Government to transfer contaminated federally owned Superfund sites before completing cleanup necessary to protect human health and the environment.

Supporters of the provision may claim that it contains safeguards to ensure that the Federal Government will perform cleanups after transferring its contaminated property to other persons. However, serious questions have been raised by State Attorneys General and other stakeholders as to the adequacy and enforceability of the supposed safeguards to ensure that timely and protective cleanups will occur after the Federal Government no longer owns the property it contaminated.

I am particularly concerned that this far-reaching and significant amendment to the Superfund law is being made without any consideration of its ramifications by the two committees of jurisdiction, the Transportation and the Commerce Committees, and without consideration of the views of States, communities, and the public. Letters of opposition from the Attorneys General of the States of Michigan, Minnesota, Colorado, California, Texas and Washington, and from the National Association of Attorneys General and the Natural Resources Defense Council, evidence the public's grave concerns with this provision. Moreover, there has been no demonstration of any need for the provision.

If this provision becomes law, Congress will have eliminated any certainty that federally created toxic waste sites in our communities will be cleaned up in a timely and protective manner. This provision goes in the wrong direction. The Federal Government should be leading the way in cleaning up toxic waste sites. Instead, we are making it easier for the Federal Government to avoid the cleanup responsibilities that we expect of private interests.

This provision should be removed from the conference report and considered by the committees of jurisdiction with the appropriate hearings and markups.

Mr. Speaker, I also am very troubled by an amendment made in conference to another provision in the report. The House bill required the Navy to develop and implement a program to monitor the ecological effects of organotin, a highly toxic ingredient in paints used on Navy vessels. I agree that it is appropriate for the Navy to study the environmental impacts of toxic materials it uses on its vessels. However, section 333 of the conference report adds a provision shifting to the Environmental Protection Agency the obligation to pay such sums as are necessary for the Navy to develop and implement its program. This raid on EPA's budget to supplement the astronomical budget of the Department of Defense is entirely unacceptable.

Finally, Mr. Speaker, I would like to note my understanding that section 324 of the conference report, which amends the Act to Prevent Pollution from Ships, is not intended to limit the Navy's efforts in continuing to develop and implement more efficient and environmentally beneficial garbage disposal technologies.

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

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, I yield back the balance of our time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 498, I call up the conference report on the bill (H.R. 3230), to authorize appropriations for fiscal year 1997 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. HAYWORTH). Pursuant to House Resolution 498, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, July 30, 1996, at page H 8985).

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

Mr. SPENCE. Mr. Speaker, in an effort to expedite these proceedings, it will be my intention to limit my remarks and also those of the other members of our committee who are going to speak. I know everyone is anxious to get to a vote in a hurry, and so we will do our best to get there. There will be about two speakers we have to her from to carry on a colloquy and some important things to be said, but aside from that we are going to try to limit our remarks.

Mr. Speaker, we have a good conference report. As a matter of fact, there is \$1.1 billion less in spending in that bill that passed the House. Like all conference reports, there were concessions on both sides in order to arrive at a conclusion.

The Department of Defense, I have been in touch with them. Secretary Perry supports this report.

I want to thank all of the members of the committee and the panel, panel chairmen for all they have done to bring this report to us and especially the staff who have worked hard and long into the wee hours of the morning to enable us to get to this point this soon. We have set a record, I think, for bringing this report back in the period of time, and so I am going to also thank the ranking minority member, the gentleman from California [Mr. DELLUMS] for his cooperation. We could not have been here otherwise without that.

Like the House-passed bill, the conference report takes a balanced approach toward addressing the numerous quality of life, readiness, and modernization problems our military is facing today. The bill provides for military personnel and their families who represent the heart of the all-volunteer force. It enhances core military readiness by increasing funding for a number of underfunded key readiness and training programs. And like last year's bill, it once again makes great strides in address-

ing many of the serious problems plaguing the administration's inadequate modernization program to ensure that our troops of tomorrow maintain the technological edge they enjoy on the battlefield today.

The conference report itself is consistent with the Fiscal Year 1997 Budget Resolution and provides \$265.6 billion in budget authority for Department of Defense and Department of Energy programs. It authorizes approximately \$1.1 billion less in defense spending than the House-passed bill, and represents a real decline in spending of approximately 2.1 percent over current levels. The fact that this bill authorizes defense spending at a level that is \$11.2 billion greater than the President's request yet still reflects spending decline, speaks volumes about the extent to which the President's defense budget is underfunded.

On the major issues the conference has to address—issues such as abortion, depots, gays in the military, theater missile defense demarcation, ABM Treaty multilateralization among others—this conference report clearly represents a compromise among many interested parties, including the administration. On balance, this conference report strikes a good balance between many competing and conflicting interests and deserves the support of all members.

I will leave discussion of the many important initiatives in the conference report to my colleagues on the National Security Committee who have worked very hard over the past several weeks—and really since this process started back in February—to get this conference report to the floor this week. In particular, I would like to recognize the diligence, dedication and cooperation of the subcommittee and panel chairmen and ranking members.

As always, I would also like to thank the gentleman from California, the committee's ranking member, for his cooperation. While we may disagree on the substance, my colleague's support of the committee institutionally and his support for the process improves the work we all do.

Finally, Mr. Speaker, let me thank the staffs of the National Security Committee and the Senate Armed Services Committee. They have worked tirelessly all year so that we could have this conference report before the House and Senate prior to the August recess. They have done an outstanding job on a large and complex piece of legislation—and in record time.

Mr. Speaker, raising and maintaining the military is one of Congress's most fundamental responsibilities. This conference report reflects the seriousness with which the National Security Committee takes its responsibility. As a result, it has strong bipartisan backing in both the House and the Senate as well as the support of the Secretary of Defense so I urge all of my colleagues to vote "yes."

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

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

Mr. Speaker, we too will attempt to expedite the process although I do have a few Members who choose to speak and exercise that option to do so.

Mr. Speaker, I rise in opposition to the conference report on the National Defense Authorization Bill for fiscal year 1997.

First, let me say that the process by which this bill was shaped this year

was much improved over last year. My colleagues will remember that the president warned that if certain actions were not taken on the fiscal year 1996 bill, that he would have to veto it, and that is indeed what happened.

This year, several of the major concerns of the administration were attended to as this bill was worked out in conference. For instance:

The section that would require unilateral enactment of the "demonstrated capability" standard for U.S. compliance with the ABM treaty, along with the prohibition on the use of funds to apply any other standard was dropped.

The section that would require Senate approval of any succession agreement adding new parties to the ABM treaty was dropped.

The section that would again, Mr. Speaker, require the discharge of servicemembers who are HIV-positive was dropped.

The section that would reinstate the total ban on gay men and lesbians in the military was dropped.

However, Mr. Speaker, the President has also warned that there are other problems with the bill—foremost among them a spending level authorized by this bill which in this gentleman's opinion is too high.

Also:

The section that would repeal the provision in law that prevents servicewomen from obtaining safe abortions at military treatment facilities overseas was dropped from the bill in conference.

The section that prevents the sale of constitutionally protected literature on military bases was retained in the bill.

As onerous as these and some other provisions in the bill are, and a number of my colleagues in the context of the discussion and debate on the rule alluded to many of them, I believe that the President will in the end sign this bill.

Mr. Speaker, as I said, I oppose this conference report. I do so primarily because the funding level that is authorized by this bill is a substantial and unnecessary increase over what was requested by the administration for defense spending in the coming fiscal year. I believe that this authorization bill in its entirety takes this country's military spending, trends and policy initiatives in the wrong direction. The overall budget represents increased military spending on items not requested by either the administration or the service chiefs.

This is not only unwarranted, Mr. Speaker, it is shortsighted. It will only lead to large cuts in defense in the out-years as the funding tails associated with these programs come due. As a consequence, we are insuring that we will soon be faced with the decisions that will result in either cuts in the quality of life programs combined with reductions in force structure or cuts in planned modernization programs which

will have to be done in midstream re-sulting in more cost to the taxpayers.

Ironically, Mr. Speaker, and I would reemphasize ironically, this will be causing the very situation we all agreed that we meant to prevent; that is, the work that Members thought had been accomplished over the last 2 years will eventually be negated because of this spending binge.

With these remarks, Mr. Speaker, I respectfully reserve the balance of my time.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

□ 2130

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my friend and chairman of the committee for yielding time to me.

Mr. Speaker, I thank both the chairman and the ranking member for their cooperation in bringing forth what I think is an excellent bill that we all should get behind and support. It is an excellent bill because it deals with the quality-of-life issues, issues involving pay raise, cost of living, housing, child care, and all those things that are important for our military personnel around the world.

It also deals with our readiness problem to make sure our troops are properly prepared.

Mr. Speaker, I rise today, however, to ask for the support of our colleagues because it deals in a real way with the two major threats that I think we face over the next several years: that caused from terrorism, and that caused from the proliferation of missiles and weapons of mass destruction.

Mr. Speaker, we fully fund increases in the area of terrorism, far above what the administration requested. Long before incidents were occurring in this country, as we have seen this year, it was this Congress, led by this chairman, who had the foresight to put additional funds into chemical and biological technology, into efforts to allow us to better train those civilian personnel around the country who have to respond and better prepare our military. We deal with terrorism in this bill, and it is a very important priority for us.

Secondarily, we fully fund missile defense technologies, national, theater, cruise, and space-based sensors. In addition, Mr. Speaker, we fund the Nautilus Program for Israel; even though the administration never requested dollars for that program, we fully fund it to make sure that Israel is secure. Unlike the past requests of the administration where they tried to zero out funds for the high-energy laser program, we continue the funding.

In the R&D area, we maintain our technology base with a robust funding profile. We put money in for dual-use technology and capabilities. We fund the new ocean partnerships initiative, with the Navy in the lead.

But I am disappointed in two instances, Mr. Speaker. We should have had the ABM provisions in here dealing with multilateralization and with the demarcation issue. But all is not lost, because in the compromise with the Senate we remained silent. We took out our language and they took out their language.

What does that mean, Mr. Speaker? That means prevailing law is the case. When this administration attempts to amend the ABM Treaty, they must bring back those changes to the appropriate bodies of this institution, the Congress, to achieve support and ratification.

So when this administration tries to dumb down our capabilities through demarcation negotiations in Geneva or through the multilateralization of the ABM Treaty, the Senate will have a rightful role to play in approving those changes before they in fact become law. So all is not lost.

I applaud once again my chairman for the outstanding job he has done for our subcommittee chairman. I think we have a good bill here that everyone should get behind. It may not be perfect, but it certainly deals with the needs of those men and women who are serving our country today.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY].

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

Mr. MONTGOMERY. Mr. Speaker, I rise in support of this conference report. I do hope the President of the United States will sign the bill. There are parts of this legislation that he did not like, and they were taken out. In the conference with the Senate, there were areas that I had a particular interest in. They were dropped in the conference. So I accept, Mr. Speaker, that you never get all you want in these massive bills. I think it is still good legislation.

Mr. Speaker, I have only served on two committees most of the time that I have been in the Congress, which is the Committee on Veterans' Affairs and the Committee on National Security. I have enjoyed working on both of these committees and am very proud of the excellent veterans programs we have, better than any other Nation, for our veterans. With the defense bill today, we still have the strongest defense force in the world.

Mr. Speaker, this will be the last time I will be involved in the defense bill. I want to thank the gentleman from California [Mr. DELLUMS] on my side of the aisle, for his courtesies over the many, many years. I say the same for the gentleman from South Carolina, FLOYD SPENCE, our chairman, for his fairness; and to my colleagues and staffers on our committee, I thank them for the help and understanding they have shown to me.

Mr. Speaker, it has been a wonderful ride for me over the last 28 years. I support this legislation.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY].

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

Mr. HEFLEY. Mr. Speaker, I rise in strong support of the conference agreement on H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997.

This bipartisan legislation will make significant improvements in our military installations and facilities.

The conference agreement would add \$850 million above the President's request for military construction and military family housing programs. When the bill left the House, it strongly emphasized needed enhancements of the quality of life for military personnel and their families. The conference agreement on military construction reflects the philosophy of the House position.

Sixty percent of the added funding above the line will be dedicated to military housing and other quality of life improvements. Earlier this week, the Subcommittee on Military Installations and Facilities which I chair, held a hearing on the quality of life issue. The senior enlisted officers of the military services testified about the link between the quality of life for military personnel, retention, and readiness.

We also heard from a very articulate group of dedicated military spouses who spoke about the practical problems they face in military life. No one who heard their stories could ever suggest that the additional housing, child care centers, and other improvements contained in this bill are not a wise use of our resources.

With this bill, we will commit an additional \$201 million to the President's request of \$562 million for troop housing. For just over 3,000 military families, we will provide an additional \$266 million to construct new quarters or improve existing units—a 39 percent increase to the request. For child development centers, the bill would add \$30 million for nine needed centers in addition to funding the \$6 million construction cost for the two centers requested by the Administration.

This bill also funds important facilities improvements to enhance the operational and training requirements of the active forces as well as the reserve components.

I am grateful for the strong bipartisan support for the military construction portion of this authorization conference report, led by the ranking member of the subcommittee, SOLOMON ORTIZ. I am also particularly pleased that Chairman VUCANOVICH and Mr. HEFNER with the Appropriations Committee have successfully brought back an appropriations conference report that supports this bill.

I urge my colleagues to support H.R. 3230.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana, [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I rise in strong support of this conference report. I want to recognize that while there are many good things in this bill, I am disappointed by two items contained in the bill, one of which I know

many of us have had discussions here with regard to and we will take up in separate legislation regarding the missing persons, the MIA issue, Missing Personnel Act.

The other issue is concerned with the provision contained in the cooperative threat reduction portion of the bill. While I agree with measures that reduce the threat posed by weapons of mass destruction, I am concerned about the language in the bill that provides emergency powers to the military. I believe this additional exception to the Posse Comitatus Act represents a further drift toward increased military involvement in domestic law enforcement activities.

Mr. BARR of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. Mr. Speaker, I appreciate the distinguished gentleman from Indiana, a member of the conference, yielding for a colloquy.

Mr. Speaker, I understand that the gentleman worked to remove very disturbing legislative language from the conference report that weakens posse comitatus protections. The language constitutes a serious erosion of the historic and firmly held belief in our country that our military should not become involved in domestic law enforcement.

This principle is enshrined in posse comitatus provisions in our criminal code. However, in the conference report, the military is, in certain situations, given the power to make civilian arrests, conduct searches and seizures, and gather domestic intelligence. While these powers are limited to situations involving weapons of mass destruction, they are extremely troublesome because they are unnecessary and directly involve the military in domestic law enforcement.

I fought hard to have these provisions removed, and I know that the gentleman from Indiana did the same. I regret that the conference report retains the Senate language, which was never presented to this House for proper consideration. It is my understanding, however, we will be working together at the earliest opportunity to have these ill-conceived provisions removed.

Mr. BUYER. Reclaiming my time, Mr. Speaker, I want to assure the gentleman from Georgia that in subtitle A under "Domestic Preparedness," section 1313, military assistance to civilian law enforcement officials in emergency situations involving biological and chemical weapons, there is an exception that is granted to the military that they are not authorized to participate in the following actions: Number one, arrest; number two, any direct participation in conducting a search or seizure of evidence to a violation of this section, or direct participation in the collection of intelligence for law enforcement.

But this goes beyond that, Mr. Speaker. Subsection 382(2)(b) is the sec-

tion on which I want to work with the gentleman in the next military defense bill to remove that provision from this bill, and I want to salute the gentleman from Georgia's leadership to strike the proper balance between individual civil liberties and the protection of an American citizen's rights, along with the Posse Comitatus Act and its restraints upon the U.S. military's involvement in domestic law enforcement.

I encourage Members to vote for this bill. We will work toward that end.

Mr. BARR of Georgia. I appreciate the gentleman's support.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

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

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, for American uniformed personnel currently deployed overseas in contingencies such as Bosnia, Korea, the Sinai, and Saudi Arabia, I rise in support of this conference agreement, and urge my colleagues to work towards this passage.

This agreement addresses my personal concern about the way in which military personnel may be employed in the future. It contains necessary funding for today's readiness and quality-of-life matters and, no less importantly, accelerates critical military programs of tomorrow, allowing for purchases of new equipment sooner rather than later.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER], the chairman of our Subcommittee on Procurement.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding time to me. Let me start out by thanking the gentleman for all the great work that he has done on this bill, the great leadership he has given us, and the fairness and decency with which he has conducted the entire oversight process. Let me also give kudos to my friend, the gentleman from California, Mr. DELLUMS, for being an outstanding minority Member in this process, and ranking member, and really sowing the seeds for the bipartisanship that we have had in this year.

I want to thank all of the subcommittee chairmen who worked this bill, because they are all great people; the gentleman from California, BOB DORNAN, the gentleman from New York, Mr. MCHUGH, the gentleman from Pennsylvania, Mr. WELDON, the gentleman from Colorado, Mr. HEFLEY, the gentleman from Virginia, Mr. BATEMAN, and all of their counterparts on the Democrat side, and my old friend and compadre, the gentleman from Missouri, IKE SKELTON, for the great bipartisanship that he displayed. I remember the meetings we had, some in his office, some in my office, working military issues.

Mr. Speaker, we undertook to do a few things in this bill that were impor-

tant for the American people. We had hearings on the safety of our fighter aircraft that were crashed in a series of crashes beginning in January of this year. Both F-14s and AV-8Bs went down in high numbers. We had good oversight hearings and we came up with fixes and recommendations by the Navy and the Marines that we followed. We put those fixes into this bill. We spent a lot of time on ammunition. We came up with extra ammunition for the Marine Corps and Army. The gentleman from Missouri [Mr. SKELTON] and I want to see more ammunition for the Marine Corps and Army, but we will get that in the next session.

We armed the bombers. We thought it was important in this enormous investment in long-range strike capability to put the precision-guided munitions that served us so well in Desert Storm on those bombers. We did that.

We continued through with our reform of the submarine program to widen that qualitative edge that we have over other nations of the world. We did a lot of things to give the right kind of equipment to the men and women who wear America's uniforms.

The gentleman from South Carolina, FLOYD SPENCE, did a wonderful job putting this package together. There were some things we would rather have seen on the House side, some things that dropped out, but it was a compromise between the Senate and the House. We are going to work those other issues next year. I would urge a yes vote on this package.

Mr. DELLUMS. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from Virginia [Mr. SISISKY].

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

Mr. SISISKY. Mr. Speaker, I will add to what my colleague, the gentleman from California, said. This has been a great conference in a bipartisan way, for which I want to thank the chairman, the gentleman from South Carolina [Mr. SPENCE], and the ranking member, the gentleman from California [Mr. DELLUMS]. They did a wonderful job on a very complicated thing.

Tonight, Mr. Speaker, I am extremely concerned about section 1616 of the conference report. I am putting down my marker now, and the committee's marker, I think. This section would initiate a pilot program at unspecified DOD facilities, privatized-in-place by BRAC 1995. It places no limit on how many pilot programs there will be.

It allows Federal employees who work for the contractor to continue to accrue credit for years of Federal service in order to determine civil service retirement eligibility. I repeat again, working for the private contractor this would happen.

Although the conference report specifies that these calculations will not be used to determine the amount of their retirement, I worry about what this



may cost in the years to come. I know why this happened. It was not because of the House, the representatives. It was not our bill, and to a degree we were almost forced to accept this provision.

Although everyone assumes it applies to Louisville, which was the Naval Surface Warfare Center, my concern is that it will be a very costly provision that will not stop with Louisville or Indianapolis. GAO says this pilot program could cost over \$511 million, which is over a half a billion dollars, in 11 years. That is with only several hundred employees.

What will happen when Texas and California want the same thing for employees at Kelly and McClellan? How can we say no? What will it cost when we include tens of thousands of employees? I see nothing in the legislation to limit this to Louisville. The way I see it, it would apply to every facility privatized in BRAC 1995.

The whole point of BRAC was to reduce excess infrastructure and overhead by privatizing in place and establishing portable benefits. We do precisely the opposite. We sustain excess infrastructure and keep the overhead. I am really disappointed that the Department of Defense did not take exception to this. Where are the savings? We would make a far greater contribution to national security by maintaining the status quo, protecting our Federal employees, and calling off wholesale privatization. By allowing the so-called pilot program to go forward, we ensure we will never attain the savings we were supposed to get from BRAC.

□ 2145

All of us worry about underfunded modernization in O&M accounts. But the conference report states, "The military department concerns shall be liable for the portion of any estimated increase in unfunded liability of civil service retirement."

We do not know where this is going. We do not know where it will stop, and we do not know what it will cost.

The conference report includes the GAO study. But directing GAO to do a study after the fact will not be enough to put the brakes on this policy. Once it gets going, the cost will not matter. Politically, it will be impossible to go back.

My other worry is that this is a backdoor way to push privatization by making it more palatable to Federal workers. I can safely say that I stand second to none in my concern about Federal employees, but this is a divide-and-conquer strategy if there ever was one.

In closing, the most unfortunate thing is that this bill is so good, has many other constructive features, and does so many other things we need to do for our military. I will support the conference report.

But section 1616 plants a seed that would threaten to overwhelm our ability to pay for national security in the years ahead. I ask Members to support

the conference report, but be aware, section 1616 could create a long-term problem that could come back to haunt us in years to come.

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 1997 Defense authorization conference report.

This bill builds on the actions this House strongly endorsed last year: Improving the quality of life for our military personnel and their dependents; enhancing the readiness of our military forces; ensuring that our combat equipment is appropriately modernized; and providing for additional structural reform at the Pentagon.

The bill provides \$10.8 billion more than the President requested for fiscal 1997. However, this is not even enough to keep pace with inflation. Given the many threats to America's interests overseas and the number of operations other than war to which this administration has committed our forces, the funding levels in this bill are not only appropriate, but necessary.

I am especially pleased that H.R. 3230 keeps faith with our military personnel and families, in July I visited Bosnia, where our troops are doing an outstanding job under trying conditions. Like so many military members today, though, they are being called upon to leave their families behind more frequently, and for longer periods, than ever before. This bill increases military pay and other benefits and provides additional funds for family housing—improvements that are sorely needed if we hope to retain our best people over the long term.

I also want to note my appreciation that the conference chose to retain current law regarding depot maintenance and repair issues. I hope the Pentagon will take heed of this action and conclude at last that it ought not proceed with ill-conceived plans to privatize closing installations. The base closure process was designed to eliminate excess capacity. Efforts to evade this requirement for political gain are incompatible with National Security interests.

Finally, I want to thank our very able chairman, FLOYD SPENCE, his leadership in securing an excellent bill. I also want to thank the committee staff for the very hard work and dedication they contribute to this process.

Mr. Speaker, I urge my colleagues' support for this conference report.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. ORTIZ].

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

Mr. ORTIZ. Mr. Speaker, I rise in support of this conference report and would like to particularly lend my strong support and endorsement of the

military construction title of the bill. I greatly appreciate the leadership of both sides of the aisle and in both Chambers for their commitment to compiling what I believe to be a truly bipartisan legislative package to address our Nation's military construction backlog.

The military construction portion of the bill places a very strong emphasis on quality of life initiatives and addresses our military's need for modernization. I am extremely pleased that we have been successful in protecting the priorities of the House by allocating the quality of life programs the bulk of additional funds which have been made available for military construction this year.

I think that it is important to point out to my good friends and colleagues that during the entire deliberation process, we were careful to fund those projects that were identified by the military services as a top priority.

Furthermore, this conference report continues our commitment to stretching housing dollars and increases the funds available for public-private partnership initiatives.

I think that this portion of the Defense authorization bill makes a strong statement of this Congress' bipartisan concern for our military and commitment to maintaining readiness and modernization.

The conference report is certainly not perfect, but on balance I believe that this is a good bill that emphasizes readiness and quality of life projects, and I congratulate the gentleman from Colorado, Chairman HEFLEY, the gentleman from South Carolina, Chairman SPENCE, and the gentleman from California, Mr. RON DELLUMS, our ranking minority member, for a job well done. I encourage my friends and colleagues to vote for this conference report.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, I want to highlight one part of this bill that deals with nuclear weapons. As far as the eye can see, our country will continue to rely on nuclear weapons for our security, and yet we face some very daunting challenges.

Our weapons and facilities are getting older, and we have decided not to engage in nuclear testing. We are going to have to have first-rate facilities, first-rate people and an efficient management structure to get through this time. This bill advances all three.

It is particularly important that we have clear lines of authority and clear lines of responsibility between each facility in the nuclear weapons complex and the headquarters in Washington without a lot of mid-level management getting in the way. There have been a number of outside organizations and internal reviews that have called for exactly this kind of reform, and yet this bill is the first time that it has actually taken place.

Each facility will report directly to Washington and will be a part of a

management council. This is a safety issue for the country, it is a good and efficient Government issue, and it is also a preparedness issue, and it is just one of the many ways that this bill helps make the country safer.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. PICKETT].

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

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of the conference report.

Mr. Speaker, the military personnel title provisions in the conference report to H.R. 3230 solidly support quality of life and readiness efforts. These provisions reflect Congress' continued support of our military service members through significant enhancements in these areas.

The bill includes a 3-percent military pay raise, as proposed in the President's budget, as well as a 4.6-percent increase in the basic allowance for quarters that will reduce out-of-pocket housing costs to service members by 1 full percent. To ensure our junior military members can afford safe and adequate housing in high-cost areas, a minimum variable housing allowance is provided, as well as other reimbursements so that military members are not forced to use their personal savings to offset the cost of a Government-directed move.

This conference report is another step toward providing active duty and retired service members and their families with accessible and quality health care. For example, it restores \$475 million to the Defense Health program, a shortfall that, if not remedied, would have had serious adverse consequences for active-duty family members and retirees who have a difficult enough time already trying to obtain medical care in military facilities.

Additionally, it takes a significant step forward with regard to the issue of Medicare subvention by directing the Secretary of Defense and the Secretary of Health and Human Services to submit a plan for testing Medicare subvention to Congress and the President by September 6, 1996. The plan would establish a demonstration program enabling the Department of Health and Human Services to reimburse the Department of Defense for care provided to Medicare-eligible military retirees.

Other key initiatives of the military personnel provisions of the conference report to H.R. 3230 include: adding \$20 million to the New Parent Support program to help new military families and parents deal with new stresses associated with the high military operating tempo. Challenging hate group activity in the armed services by directing the services to conduct human relations training designed to promote a sensitivity to hate group activity. Adding nearly \$50 million more than the President's budget for the Army military

personnel account to minimize the readiness impact of continued shortfalls in that account.

In addition to the personnel titles, the conference report to H.R. 3230, taken as a whole, represents a strong balance between people, readiness, and modernization. It will result in the continuation of a ready, able, and quality military force. I urge my colleagues to support the conference report.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. CHAMBLISS].

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

Mr. CHAMBLISS. Mr. Speaker, I rise in support of this bill. Let me say to my friend, the gentleman from Mississippi, Mr. SONNY MONTGOMERY, we will miss you and may God bless you.

I commend the chairman and the ranking member for working in a true spirit of cooperation throughout the process leading up to this bill, being passed in committee and through its conference.

I would also commend the work done by the bipartisan depot caucus which focused on the very difficult issue of defining the work to be done at the various service depots. The members of this caucus and the respective staff worked tireless hours and achieved a result that will be very beneficial to the men and women serving in our armed services.

Mr. Speaker, this bill, among other things, provides for a pay raise for the members of each branch of our military and also provides a significant benefit for members of the dental profession serving in the military, benefits like this will allow our armed services to continue to compete with the private sector for the very finest young men and women our country has to offer.

This is a good bill and I urge my colleagues to support it.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. WATTS].

(Mr. WATTS of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. WATTS of Oklahoma. Mr. Speaker, I am very pleased to rise in support of the National Defense Authorization Act for fiscal year 1997. This is a strong and substantive bill that bolsters and fortifies our national defense and greatly improves the quality of life for our Nation's servicemen and women. It also puts more money in veterans programs.

I want to especially congratulate the gentleman from South Carolina [Mr. SPENCE] who so ably crafted this legislation. Thanks to the chairman's leadership, we have the opportunity to vote for a very significant and strong bill today, or this evening. I also want to thank the gentleman from California, [Mr. DELLUMS], who in victory or defeat is always the consummate professional.

I am delighted with the quality of life improvements this bill makes. We must never forget the sacrifices that our service personnel make in our be-

half, even in peacetime. I am especially pleased to see we are increasing impact aid by \$35 million over the President's request for zero funding.

This bill strengthens America's state of readiness in a still dangerous world. I stand in favor of H.R. 3230, and I urge my colleagues to vote in support of this very important legislation.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I want to thank the gentleman from California [Mr. DELLUMS] for so many years of courtesy and professionalism. It is an honor to serve on the committee with him, and also say to everyone how much I will miss the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. Speaker, I rise in strong support of the Defense authorization conference report which, though hardly perfect, moves us in the right direction.

This House has made some tough votes in recent days—particularly on welfare reform. As the Wall Street Journal said yesterday, we are ending welfare as we know it and creating welfare as we don't know it.

That is true of our national security as well. The cold war threat we knew has ended and a world we don't know has begun.

This bill, nonetheless, takes some important steps. First, the bill makes critical investments in key weapons and technology programs that our Nation will need in order to meet the expected war-fighting requirements of the next century. The dangers posed by a new range of regional threats and technologies are growing.

As we reduce forward-basing, we need weapons with which we can project force quickly and decisively—weapons which can deter aggression before we are required to deploy personnel and equipment. This bill includes funds for such weapons, like the B-1 and B-2 upgrades, the F/A-18 and the C-17. It also includes research funds for a robust national and theater ballistic missile defense system as well as technologies aimed at counter-proliferation and antiterrorism.

Many of these investments will, in the long term, also save money by reducing the ever increasing operation and maintenance costs of weapons systems that have been in use well past their designed life span.

Second, the bill includes an initiative which I helped author to re-organize the function and fund the development of cost-shared dual use technology—thus protecting our industrial base and reducing costs by developing products, technology, and processes that meet both defense and commercial needs.

As my colleagues know, we can not afford maintaining an industrial base that only meets unique military requirements. We need to diversify that



base and not only apply defense technologies to commercial use but, more importantly, use commercial technologies and products to meet defense needs. The dual-use technology provision in the bill will help achieve this important goal.

There are also missed opportunities. I strongly supported changing the 60-40 rule relating to military depots, in order to permit more private sector work at competitive rates. That opportunity was lost and, as a result, we are burdened for another year by costs that could have been directed to more critical needs, whether military, domestic, or deficit reduction. Another opportunity will present itself next year and I hope my colleagues will seize it.

We also need to aggressively reduce administrative overhead at the Pentagon. This bill takes some steps in that direction, but last year's mandate that the defense workforce be reduced has not been implemented. The bill before us again directs the department to implement these cuts. The bill also begins the process of streamlining, consolidating, and downsizing the inefficient headquarters organizations of the military departments.

We must do more to cut costs. We must privatize more non-core defense activities, accelerate procurement reforms, and rely on more dual use technologies, products, and processes.

But cutting is not enough: rethinking our roles and missions for the digital battlefield of the 21st century is imperative. I anticipate that we will reduce forward positioning and manpower requirements while making increased investments in intelligence gathering, deep strike capability, and new systems and technologies that increase lethality, reduce response time, and protect and enhance the survivability of our forces.

But we need to review and reassess our defense assumptions in a place and time when partisanship and election sound-bites are absent. Hopefully, that work can begin soon after the election is over.

I urge support for this conference report. It is not perfect, but it makes an important contribution to the difficult national security choices we face in the years ahead.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Speaker, I want to salute both the chairman as well as the ranking member for their leadership during the past year. It has been superb. They have really set a standard.

I think that there is a lot that we can be proud of in this bill. I am certainly glad to see the retention of the depot language for the 60/40 split, but I am also proud that we have finally introduced the concept of multiyear procurement. We have expanded the concept from the C-17 program, which is going to see a procurement of 80 air-

craft over the next 7 years, but we are also not cutting the budget, we are not increasing it, we are maintaining stable funding. A good part of that stable funding is being used to add to a multiyear procurement plan for Aegis destroyers, the result of which is going to be that over the next 5 years, if the plan is fulfilled, we will produce one more destroyer at \$1 billion less in cost, or, if you will, 15 destroyers over 5 years for \$1 billion less than it would cost us to buy 14 through normal procurement methods.

Again with the threats we face in the world, now is not the time to cut defense but at the same time through more efficient management we can stabilize the funding and get more value for our dollars.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker I have a list:

Head Start; antiterrorism efforts at airports and elsewhere; NIH research; cops on the street; drug treatment programs; cleaning up hazardous waste sites; housing for the elderly; aid to college students, Pell grants, student loans; the Community Development Block Grant Program; child care; and earned income tax credit.

If we funded the Defense Department at what it asked, we could give each of these programs an additional \$1 billion. Every one of these programs is \$1 billion poorer because we decided to play Santa Claus to the Defense Department. We did not end welfare. We just transferred it. We transferred it to Western Europe and Japan. Our European allies spend an average of 2 percent of their gross domestic product on the military. We spend 4 percent. It is in this \$11 billion gift we gave.

The greatest gift any nation ever gave to another is the free military defense we provide to Japan so it can keep its military spending at such a minuscule level. Every Member here who votes for this bill who has ever told someone, "Gee, I would like to have given you more for child care in the welfare bill. I couldn't afford it." Or, "Gee, I wish we could have cleaned up that hazardous waste site. We couldn't afford it."

"Yes, Project Head Start is a good program, I wish we could do more."

"Oh, I'm sorry you didn't get your cops on the street application. If we could only have increased it, you would have gotten more."

"And elderly housing, boy, of course we could use more elderly housing."

Would you also tell them that you spent it here? Do not tell them that you wanted to do that if you vote for this bill without telling them that you took \$11 billion more than the Pentagon asked, which goes to help defend Western Europe against I do not know what, which goes to defend Japan against people they want to trade with, that is where this money went.

□ 2200

So the next time we tell people we are sorry NIH was not bigger, we are sorry we did not do more on the earned income tax credit or child care or Cops on the Street, please also tell them that we gave \$11 billion more to the Pentagon than they wanted. Please also tell them that programs like the Community Development Block Grant could have got another \$1 billion, one-eleventh of that, and that would have been 25 percent of what they got.

If we have cut anything else, please give them the full picture about the \$11 billion giveaway to Western Europe and East Asia.

Mr. SPENCE. Mr. Speaker, I yield 1½ minutes to the gentleman from New Mexico [Mr. SKEEN].

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

Mr. SKEEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of final passage of the 1997 national defense authorization bill because it is a step in the continuation of a national defense with which New Mexico plays a vital role.

Specifically, this bill is very important for remediation of our Nation's nuclear waste problem. The WIPP land withdrawal amendment contained in this bill is a long overdue piece of legislation which will cut through the bureaucratic red tape that has kept this vitally important project from opening. WIPP has been proven safe in every conceivable scientific fashion and is the beginning of the end of our Nation's nuclear waste problem.

We have worked long and hard to draft a piece of legislation which will address both the environmental and disposal concerns and this is it. Both the DOE and the EPA support this legislation.

It is time to quit wasting taxpayer dollars and time to permanently dispose of waste that is currently stored in aboveground containers on asphalt pads, and it is time to quit talking about what we cannot do and start going about what we can do.

We have complete confidence in the ability of DOE, EPA, and the State of New Mexico to open WIPP in a safe and timely manner.

I want to particularly thank the people of Carlsbad for their tireless work to make this project happen, and also a special thanks to the gentleman from New Mexico [Mr. RICHARDSON] for his support, and also to the gentleman from Colorado [Mr. SCHAEFER] for all the hard work and diligence, and to the chairman and his committee for presenting this thing and finally bringing this Gordian knot to the present, for slicing it open and getting on with the business of storing nuclear waste.

Mr. DELLUMS. Mr. Speaker, I reserve the balance of my time, until such time as the gentleman from South Carolina [Mr. SPENCE] reaches his last speaker.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like specifically to address section 334 of the defense authorization conference report, which my good friend, the gentleman from Michigan, [Mr. DINGELL] referred to earlier during the debate on the rule. This section amends the Superfund program with respect to the transfer to Federal facilities before contamination is remediated.

The general idea of section 334 is laudable: To assimilate polluted properties back into the community. However, without an ironclad assurance that States can enforce the ultimate cleanup of these sites, the good idea quickly becomes a curse to communities.

Attorneys General from Colorado, California, Texas, Washington, Minnesota, and New Mexico, to name a few, have warned about the possible implications of section 334. They are concerned that any cleanup assurances made by the Federal Government will be hollow and unenforceable.

Superfund does not contain an adequate waiver of sovereign immunity. Federal entities will initiate transfers and disappear and the liability will go back to private entities, and we cannot have this. I will introduce legislation next year to correct this.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I rise in strong support of this conference report and applaud the chairman and the ranking member for their leadership. The disagreements were of a substantive nature and not partisan.

The reason I support increasing the budget over what President Clinton asked for is because the need is very real. This report increases funding for the F-18 CD program, it increases funding for R&D on the next generation of Patriot missiles, and, importantly, it increases funding for the quality of life for our men and women in uniform.

People ask why do we need to increase funding over what President Clinton has asked for? Very simply, President Clinton has decided to send troops to Haiti and he has decided to send troops to Bosnia, and he has put them on heightened alert elsewhere around the world. Even though I did not support all of those actions, and perhaps others in the Chamber did not as well, it is imperative that we all support our troops with the training and equipment they need to complete their mission and to return them home safely.

That is why we have to add more money than President Clinton asked for. The Pentagon does not set its own

budget request. This is what President Clinton asked for. We are adding more money to that.

Just as President Clinton signed the budget last year, I think he will sign the defense budget this year. We need it to support our troops. I urge every Member to support this report.

Mr. SPENCE. Mr. Speaker, I have no further requests for time, and even though I have the right to close, I will yield back the balance of my time and let the gentleman close out.

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

Very quickly, Mr. Speaker, first, I would like to point out to my colleagues that this is the last conference report for five of the distinguished members of this committee, and all five of these Members happen to be Members on the Democratic side of the aisle.

I would like to refer to them in order of their seniority, the gentleman from Mississippi, SONNY MONTGOMERY; the gentlewoman from Colorado, PAT SCHROEDER; the gentleman from Alabama, GLEN BROWDER; the gentleman from Texas, PETE GEREN; and the gentleman from Florida, PETE PETERSON, and simply say to them that they will be missed, thank them very much for the dignity of their service to this country and to this Congress and wish them well in the next phase that they enter into in life's process.

Second, Mr. Speaker, if Members will recall, last year we complained about the process, arguing that there was a lack of participation on the part of the minority members of this committee in the process. I would rise tonight to say that there was a quantum step forward and improvement in that area.

My colleagues did participate in the process, and though it was truncated, dictated by a very ambitious schedule, to the extent possible, I feel comfortable in saying, without fear of contradiction, that my colleagues participated in that process.

Third, I would like to say something that is not often spoken on the floor of this House, and that is that I believe very strongly that no Member of Congress could function adequately and capably without competent, capable and dedicated staff people.

It is not often known that many of these staff people work night and day, all night, over weekends to get this job done. When we leave here, after we have made agreements, someone has to sit down and reconcile the hundreds of pages, thousands of paragraphs, millions of words and billions of dollars. It is all done at the staff level. So I would like to take the opportunity to thank all of the staff members for their significant dedication and contribution to this process.

Finally, Mr. Speaker, on a substantive note, I note most of my colleagues here, with the exception of the distinguished gentleman from Massachusetts, [Mr. FRANK] and myself, rose in support of this conference report. I

rose in opposition to the report. That is not to say that I do not believe that there are some significant, important and constructive items in this bill and policy in this bill. But as we step back and look at the totality of it, I believe that this bill is going in the wrong direction.

When we find ourselves having communicated to millions of American people that virtually every segment of American society has had to make some sacrifice as we go about the business of "balancing the budget", where we have even included poor people and children and powerless people who have had to contribute to that process, whether it is in the form of welfare reform, reductions in education, reductions in environmental restoration funds or whatever, we find ourselves with a conference report here today that does not reduce but rather increases by \$11.3 billion money above and beyond what was requested by this administration in the context of a post-cold-war era.

I think that is a stark statement. I think it needs to be laid clearly and profoundly before this body in this auspicious moment when we find ourselves whacking away at programs designed to enhance the quality of life of millions of American people in this country.

The gentleman from Massachusetts [Mr. FRANK] said it eloquently and articulately, and I would not attempt to compete with that, but simply to remind my colleagues that this bill is \$11.3 billion above the President's request and \$1.3 billion above the appropriation request. At this time I see no rational reason why we should be increasing our military budget at this particular level in the context of the post-cold-war world.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this conference report and ask unanimous consent to revise and extend my remarks.

I oppose this conference report for many reasons, including the fact that it appropriates over \$11 billion more for defense programs than the Pentagon requested. But one of the main reasons why I oppose this conference report is that it fails to protect the rights and health of American servicewomen serving overseas. As you all know, the House version of the bill contained a ban on military women purchasing abortion services on military bases overseas with their own funds. This provision remained in the bill despite bipartisan efforts to remove it. The Senate rejected this provision outright.

This ban penalizes women who have volunteered to serve their country by prohibiting them from exercising their constitutionally protected right to choose. It also puts the health of our military women at risk by forcing those stationed in countries where there is no safe and legal abortion available to seek an abortion at local facilities or to travel to acquire safe abortion services.

It is unimaginable to me and to the American people that we would reward American servicewomen who have volunteered to serve this Nation by burdening them this way. I urge you to vote against this report.

Mr. McKEON. Mr. Speaker, I rise in support of the conference report for H.R. 3230, the National Defense Authorization Act. This legislation addresses several basic needs for our military including a 3 percent pay raise for military personnel and a cost of living adjustment and improved access to health care for military retirees. The bill also supports modernization initiatives and will improve the overall readiness of our Armed Forces. These points are increasingly significant as the threat of terrorism continues to rise.

We must not forget that the men and women of our military face this threat every day, and it is our responsibility to ensure that our troops are trained and equipped accordingly. I realize that some individual Members may have reservations about this conference report, but I would respond by asking that we take a moment to think about the men and women who have volunteered for the difficult task of defending our Nation. They deserve our support today. I urge a yes vote.

Mrs. SCHROEDER. Mr. Speaker, here are six reasons to vote against the fiscal year 1997 DOD authorization conference report:

First, the measure provides: \$11.3 billion more than the Pentagon requested overall, \$7 billion more than requested for procurement, \$3.8 billion more than requested for BMD, \$508 million more than requested for NMD, \$234 million more than requested for C-17 transport planes, \$281 million more than requested for tactical aircraft, \$203 million more than requested for helicopters, and \$701 million more than requested for submarines.

Second, overseas abortions are not permitted under the conference report. The Senate receded to the Dornan position.

Third, the conference report does not include Dornan provisions on HIV positive servicemembers and gays in the military.

Fourth, the conference report retains the Bartlett ban on selling pornography at the PX.

Fifth, the conference accepted CAROL MOSELEY-BRAUN'S amendment to prevent servicemembers from rolling their military retirement into their civil service retirement to avoid payment to former spouses with the provision that it is not retroactive, and that no one can sue a servicemember for taking advantage of the loophole.

Sixth, the report provides \$15.95 million for nonlethal weapons and technology development and an additional \$5 million for the services to procure nonlethal weapons.

Mr. FAZIO of California. Mr. Speaker, I rise in support of H.R. 3230, the fiscal year 1997 Defense authorization conference report.

While I am concerned that this bill provides more money than the Pentagon has requested, this legislation addresses many of the important needs expressed by the Department of Defense and the Joint Chiefs.

I disagree, however, with the Republican leadership that the current defense posture of this administration is weakening our core defense capabilities. One only needs to look to the Republican budget resolution passed in the spring to see that their out year projections for defense spending are roughly that of the administration. In fact, I would simply like to point out that the Democratic alternative, otherwise known as the coalition budget, keeps defense spending on a path that sustains U.S. national security throughout the next century. I am concerned that the current rationalization for spending more than the Pentagon has re-

quested in fiscal year 1997 will lead to unsustainable defense budgets in the years 2001 and 2002.

Nevertheless, I support this bill because the alternative is to not have an authorization bill. We have been down that road before. Last year the Defense appropriations bill, which is normally supposed to follow the authorization bill, was passed first and the fiscal year 1996 DOD authorization bill was not passed until this past spring.

I support this bill because it eliminates most of the contentious and unwarranted provisions that were contained in the House-passed bill and the bill that was vetoed last year by the President. Because these provisions were eliminated, we are able to move this bill in a more expeditious and bipartisan manner than last year's authorization bill.

I am pleased that the conferees eliminated the onerous provisions that would discharge HIV-positive service personnel and the earlier House provision that would have rescinded the "don't ask, don't tell" policy governing gays in the military.

I am also happy that the leadership did away with language that would have mandated early deployment of space based sensors or "star wars" as a central component of U.S. missile defense policy, thus violating the ABM treaty and endangering Russia's ratification of START II.

Additionally, this bill provides for a 3-percent pay raise for military personnel, equal to the President's request, and establishes January 1, 1998 as the fiscal year 1998 military retiree cost of living adjustment [COLA] date. Both of these important provisions maintain Congress' commitment to those who serve and those who have served our military. This bill also directs the Secretary of Defense and Secretary of Health and Human Services to submit a plan to Congress and the President outlining the details of a Medicare subvention demonstration program.

While I am generally pleased with the end product of this bill, I am deeply concerned that this bill fails to address the issue of depot maintenance and the so-called 60-40 rule. Ironically enough, it was the House last year that boldly called for the repeal of the so-called 60-40 rule in order to give DOD greater flexibility in outsourcing non-CORE workload to the private sector.

I understand that many of my colleagues are concerned that the Pentagon will engage in wholesale privatization of the Pentagon's defense industrial base and maintenance activities. That simply is not the case and flies in the face of the evidence. The elimination or modification of the 60-40 rule would have moved away from the arbitrary standard currently used for depot workload allocation to a more rational approach that will better serve the long term national interest. The Pentagon's report made clear that public depots have and will continue to play a major role in the important maintenance capabilities of the military.

Greater reliance on the private sector for appropriate types of depot maintenance, and determining where it makes sense, will enhance faster infusion of new technologies into existing DOD weapons platforms. Testimony offered by the service Chiefs this year supported removal of legal constraints on DOD's ability to efficiently manage its system support resources, including the arbitrary 60-40 rule

and the three million dollars threshold. If this Congress is serious about saving money, privatizing government functions other than the House mail room ought to be given serious consideration and not empty rhetoric. To that end, I am hopeful that we will be able to address this important issue next year and come to some sort of compromise that all members can agree to.

Mr. Speaker, this bill is not perfect, but it addresses many important issues that confront the military today.

Mr. BILIRAKIS. Mr. Speaker, although I intend to support the conference report for H.R. 3230, I do have concerns about several aspects of the bill.

Congress included H.R. 945, the Missing Service Personnel Act, in the FY96 Department of Defense Authorization Act. As a cosponsor of H.R. 945, I was pleased that this important legislation was finally enacted into law.

The Missing Service Personnel Act, as contained in Section 569 of P.L. 104-106, consists of a number of critical provisions that provide due process for the families of missing service members who are desperately seeking honest information about the fate of their loved ones. The conference report revokes key provisions contained in this law. As a result of these changes:

Civilian Defense Department employees stationed in hostile fire zones will no longer be covered by the Missing Service Personnel Act, meaning that DOD will not be required to account for civilian employees who might be captured by enemy forces or who disappear during combat.

Unit commanders will be permitted to wait 10 days—rather than 48 hours, as required by current law—before reporting that a service person is missing or unaccounted for.

Criminal penalties for someone who knowingly and willfully withholds information about the disappearance, whereabouts or status of a missing person will be repealed.

Missing service persons can be declared dead without credible proof. If a body is recovered and is not identifiable by visual means, forensic certification will no longer be required.

In addition, current law provides for automatic review every three years after an initial report of disappearance. The enactment of H.R. 3230 will repeal this requirement and provide that cases will be reviewed only when information is received.

We have a responsibility to determine to the fullest extent possible the fate of our missing personnel and to share that information with next of kin. What kind of message are we sending to the brave men and women in the Armed Forces if we repeal the Missing Service Personnel Act? A service member deserves to know that we will do everything in our power to account for their whereabouts if he or she is reported missing.

The POW/MIA issue is one in which I have been involved during my entire Congressional career. As a member of the House Veterans' Affairs Committee and as an Air Force veteran, I made a vow to myself long ago never to give up the search. I am disappointed that H.R. 3230 repeals the Missing Service Personnel Act which was only enacted into law earlier this year.

I am also disappointed that conferees did not include provisions from the Senate bill, S. 1745, which would have benefited certain widows of military retirees.

As my colleagues may know, several legislative changes have been enacted over the years to allow regular and reserve retired members to ensure that their survivors will continue to receive a percentage of their retired pay upon their death. However, these changes have created two categories of forgotten widows by omitting any benefits for survivors of members who died before they could participate in the new Survivor Benefit Plan.

The Survivor Benefit Plan (SBP), enacted in 1972, replaced an earlier unsuccessful program. DOD offered an 18-month open enrollment period for members already retired. This SBP open enrollment period inadvertently created the first category of forgotten widows—widows of retirees who died before the SBP was enacted or during the open enrollment period before making a participation decision.

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.

Additionally, in 1948, when the Civil Service Survivor Benefit Plan was enacted, it also created some civil service forgotten widows. This was resolved 10 years later in 1958 by authorization of an annuity of up to \$750 per year for the widow of a civil service employee who was married to the employee for at least five years immediately before the retiree's death, had not remarried and was not entitled to any other annuity based on the deceased employee's service.

As a group, forgotten widows are older women 60 to 90 years of age whose husbands retired with 20 to 40 years of service to our country. Despite all of the efforts to bring in other groups of survivors into the SBP, widows, whose husbands died in retirement prior to 1972, have remained forgotten.

Today, all military forgotten widows have to show for their husbands' career service is memories, while the 1958 \$750 civil service benefits equates to more than \$3,600 in 1994 dollars. The military forgotten widows deserve at least the minimum SBP annuity allowed under current law.

Section 634 of the Senate Defense Authorization Act addressed this important issue and would have provided forgotten widows with a monthly annuity of \$165 per month. This provision of S. 1745 was similar to a bill which I introduced. My bill, H.R. 1090, has received bipartisan support and has over 40 cosponsors.

I was hopeful that the conferees would retain the language from the Senate bill in the final conference report for H.R. 3230. Unfortunately, it was excluded for budgetary reasons.

I will continue to work on this important issue in the 105th Congress. Military service does not take place in a vacuum and I hope that we will provide these elderly widows with the help they deserve.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this conference report.

I oppose this conference report for many reasons, including the fact that it appropriates over \$11 billion more for Defense programs than the Pentagon requested. But one of the main reasons why I oppose this conference report is that it fails to protect the rights and health of American servicewomen serving

overseas. As you all know, the House version of the bill contained a ban on military women purchasing abortion services on military bases overseas with their own funds. This provision remained in the bill despite bi-partisan efforts to remove it. The Senate rejected this provision outright.

This ban should have been removed at conference. Removing it would not obligate any State funds. It would merely allow military women and dependents to use their own money to pay for abortion services at military bases, just as they would use their own funds to pay for those services if they were in the United States.

The ban contained in the conference report penalizes women who have volunteered to serve their country by prohibiting them from exercising their constitutionally protected right to choose. The irony that this Congress will limit the constitutional rights of the very women who have sacrificed so much to protect our Constitution should not be lost on any of us.

This ban also puts the health of our military women at risk. Many of these women are stationed in countries where there is no access to safe and legal abortions outside of the military hospitals. A woman forced to seek an abortion at local facilities, or forced to wait to travel to acquire safe abortion services, faces tremendous health risks.

It is unimaginable to me and to the American people that we would reward American servicewomen who have volunteered to serve this nation by burdening them this way. I urge you to vote against this report. Thank you.

Mr. BLUMENAUER. Mr. Speaker, I strongly support providing our troops the basic equipment they rely on in the field. Adequate military housing and medical facilities are also wise uses of our scarce resources. In providing for the defense of our Nation, there is no substitute for having well-trained, well-equipped military personnel.

Besides providing for the needs of our troops, the bill before us today includes funding for exotic weapons systems and missile programs. Much of the high-tech gadgetry included in this bill was neither requested, nor is needed by the Department of Defense.

While I will continue to vote to improve the lives of those serving in our armed forces, I cannot support this bill. The real military needs of our country, as well as pressing domestic concerns prevent me from doing so.

Mr. LIVINGSTON. Mr. Speaker, I rise in support of the conference report to H.R. 3230, the fiscal year 1997 National Defense Authorization Act.

I do so because it provides the support for our troops and their families that this administration did not when they submitted their budget request earlier this year.

Yet, this bill still represents a decrease from 1996 when you take inflation into account.

Why do we need to pass a bill that keeps defense at level spending rather than cut almost \$11 billion as the President originally proposed?

Because it provides the funds to stem the continued deterioration in family housing, military health care, and our procurement programs.

This bill adds much needed funding for new barracks and improvements to family housing units that will benefit approximately 3,000 families.

This bill restores \$475 million to health care for our military and their families, a shortfall

that was glaring in the President's original request.

This bill funds the 3 percent military pay raise and a 4.6 percent increase in housing allowances for our military.

And, we funded O&M and other readiness accounts to stop the reductions in our military forces below the levels required by the administration for all of its overseas deployments.

This bill tries to slow down the continued decline in procurement which has suffered a 70 percent decline since 1985.

Most importantly, this bill maintains the commitment we made last in this Republican Congress' first defense bills to actually deploy effective missile defenses by 2003 or earlier.

It is this Congress that has added over \$900 million for theatre and national missile defense programs to keep us on track to deployment, not simply continue research as the President recommends.

It is this bill and the appropriations bills that have added \$246 million for the Navy Upper Tier program, the most promising and near term theatre missile defense program.

The Administration's budget request simply kept the Navy Upper program as technology development program with no certain date for deployment.

On the policy side this bill did drop bill language, because of veto threats, that required the administration to submit changes in the ABM Treaty to the Congress.

However, Republican and Democrat conferees clearly stated in the manager's report that any substantive change to the ABM Treaty be done in accordance with the Constitution and the treaty making powers of the Senate.

And, that this constitutional principle had been permanently codified with regard to the ABM Treaty in the 1995 Defense Authorization Bill, Public Law 103-337, and remains in effect.

Most importantly, the conferees, Democrat and Republican, stated in their conference report that the President's National Security Advisor, Mr. Lake, told House and Senate Members from both parties in a meeting within the last 2 weeks that the tentative agreements the U.S. has recently announced with various Russian republics regarding theatre missile defenses and their demarcation constitutes a substantive change to the ABM Treaty.

I refer all Members to Page H9250 of the July 30, Part II, Congressional Record. This page contains the conferees statement that I just referred to.

The conferees statement for this bill is clearly consistent with a provision this House adopted and I sponsored as part of the fiscal year 1997 Commerce, State, Justice appropriations bill.

That provision requires the President to certify that he will submit to the Senate for its advice and consent any amendments or changes to the ABM Treaty regarding the demarcation between theatre missile defense systems and antiballistic missile systems or any changes regarding the multilateralization of the ABM Treaty.

I commend Chairman SPENCE and his staff for all of their hard work and urge support of this important conference agreement.

Mrs. SCHROEDER. Mr. Speaker, last June I asked the Secretary of Defense to answer a few questions about growing numbers of military personnel on loan to Members of Congress under questionable circumstances. To

date, I have not received a reply. Now I know why. They are too embarrassed.

Pentagon officials have learned that the their haphazard and uncontrolled lending of military personnel to Hill offices violates Congressional ethics rules, not to mention DoD's own regulations.

The situation is so bad DoD has admitted it has no idea how many military officers are working on the Hill. The estimates range from dozens to more than one hundred.

Here are a few examples. The Joint Chiefs of Staff have magnanimously given the Speaker of the House four military officers to help him analyze votes. The training, salaries, and benefits for these officers cost the taxpayers hundreds of thousands of dollars. Yet they are now doing political chores for the Speaker. Another Member of Congress has had an Army nurse on his staff for years.

Some Members of Congress are actually calling the Pentagon and requesting specific officers by name. "Can you send Captain Midnight up to my office to help out for a year?"

Pentagon leaders believe that by detailing staff up here they can ingratiate themselves with Members of Congress. In other words, the goal is to keep Members happy and grease the wheels for Defense appropriations.

Those of us who have been around for more than a few years can recall the House Post Office scandal and the House Bank scandal.

My colleagues who are serving their first term can now look forward to the House DoD Staff Scandal.

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

The SPEAKER pro tempore (Mr. KINGSTON). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. DELLUMS. In its present form, yes, Mr. Speaker.

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

The Clerk read as follows:

Mr. DELLUMS moves to recommit the conference report on the bill H.R. 3230 to the committee of conference with instructions to the managers on the part of the House to insist on section 367 of the House bill (relating to impact aid assistance to local educational agencies for the benefit of dependents of members of the Armed Forces and civilian employees of the Department of Defense).

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes 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.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 181, nays 236, not voting 16, as follows:

[Roll No. 396]

YEAS—181

Abercrombie	Flake	Moran
Ackerman	Foglietta	Nadler
Andrews	Fox	Neal
Baesler	Frank (MA)	Oberstar
Baldacci	Frost	Olver
Barcia	Furse	Ortiz
Barrett (NE)	Gejdenson	Orton
Becerra	Gephardt	Owens
Beilenson	Geren	Pallone
Bentsen	Gonzalez	Pastor
Bereuter	Goodling	Payne (NJ)
Berman	Gordon	Payne (VA)
Bevill	Green (TX)	Pelosi
Bishop	Gutierrez	Peterson (FL)
Blumenauer	Hall (OH)	Peterson (MN)
Bonior	Hall (TX)	Pomeroy
Borski	Hamilton	Poshard
Boucher	Harman	Rahall
Browder	Hastings (FL)	Rangel
Brown (CA)	Hefner	Reed
Brown (FL)	Hilliard	Richardson
Brown (OH)	Hinchey	Riggs
Bryant (TX)	Hoyer	Rivers
Cardin	Jackson (IL)	Roemer
Castle	Jackson-Lee	Roybal-Allard
Chapman	(TX)	Rush
Christensen	Jefferson	Sabo
Clay	Johnson (SD)	Sanders
Clayton	Johnson, E. B.	Sawyer
Clement	Johnston	Schumer
Clyburn	Kaptur	Scott
Coleman	Kelly	Serrano
Collins (IL)	Kennedy (MA)	Sisisky
Collins (MI)	Kennedy (RI)	Skaggs
Condit	Kennelly	Skelton
Conyers	Kildee	Slaughter
Costello	LaFalce	Spratt
Coyne	Lantos	Stenholm
Cramer	Levin	Stokes
Cummings	Lewis (GA)	Stupak
Danner	Lofgren	Talent
de la Garza	Lowe	Tanner
DeFazio	Luther	Taylor (MS)
DeLauro	Maloney	Tejeda
Dellums	Markey	Thompson
Deutsch	Martinez	Thornton
Dicks	Matsui	Thurman
Dingell	McCarthy	Torres
Dixon	McDermott	Torricelli
Dooley	McKinney	Towns
Dornan	McNulty	Velazquez
Durbin	Meehan	Vento
Edwards	Meek	Volkmer
Engel	Menendez	Ward
Eshoo	Millender	Waters
Evans	McDonald	Watt (NC)
Farr	Miller (CA)	Waxman
Fattah	Minge	Weller
Fazio	Mink	Wise
Fields (LA)	Moakley	Woolsey
Filner	Montgomery	Wynn

NAYS—236

Allard	Blute	Canady
Archer	Boehlert	Chabot
Armey	Boehner	Chambliss
Bachus	Bonilla	Chenoweth
Baker (CA)	Bono	Chrysler
Baker (LA)	Brewster	Clinger
Ballenger	Bryant (TN)	Coble
Barr	Bunn	Coburn
Barrett (WI)	Bunning	Collins (GA)
Bartlett	Burr	Combest
Barton	Burton	Cooley
Bass	Buyer	Cox
Bateman	Callahan	Crane
Bilbray	Calvert	Crapo
Bilirakis	Camp	Cremeans
Bliley	Campbell	Cubin

Cunningham	Jacobs	Pombo
Davis	Johnson (CT)	Porter
Deal	Johnson, Sam	Portman
DeLay	Jones	Pryce
Diaz-Balart	Kanjorski	Quillen
Doggett	Kasich	Quinn
Doolittle	Kim	Radanovich
Doyle	King	Ramstad
Dreier	Kingston	Regula
Duncan	Klecza	Roberts
Dunn	Klink	Rogers
Ehlers	Klug	Rohrabacher
Ehrlich	Knollenberg	Ros-Lehtinen
English	Kolbe	Roth
Ensign	LaHood	Roukema
Everett	Largent	Royce
Ewing	Latham	Salmon
Fawell	LaTourette	Sanford
Fields (TX)	Laughlin	Saxton
Flanagan	Lazio	Schaefer
Foley	Leach	Schiff
Forbes	Lewis (CA)	Seastrand
Fowler	Lewis (KY)	Sensenbrenner
Franks (CT)	Lightfoot	Shadegg
Franks (NJ)	Linder	Shaw
Frelinghuysen	Lipinski	Shays
Frisa	Livingston	Shuster
Funderburk	LoBiondo	Skeen
Gallely	Longley	Smith (MI)
Ganske	Lucas	Smith (NJ)
Gekas	Manzullo	Smith (TX)
Gilchrest	Martini	Smith (WA)
Gillmor	Mascara	Solomon
Gilman	McCollum	Souder
Goodlatte	McCrery	Spence
Goss	McHale	Stearns
Graham	McHugh	Stockman
Greene (UT)	McInnis	Stump
Greenwood	McIntosh	Tate
Gunderson	McKeon	Tauzin
Gutknecht	Metcalfe	Taylor (NC)
Hancock	Meyers	Thomas
Hansen	Mica	Thornberry
Hastert	Miller (FL)	Tiahrt
Hastings (WA)	Molinar	Torkildsen
Hayes	Mollohan	Trafficant
Hayworth	Moorhead	Upton
Hefley	Morella	Visclosky
Heineman	Murtha	Vucanovich
Herger	Myers	Walker
Hilleary	Myrick	Walsh
Hobson	Nethercutt	Wamp
Hoekstra	Neumann	Watts (OK)
Hoke	Ney	Weldon (FL)
Holden	Norwood	Weldon (PA)
Horn	Nussle	White
Hostettler	Obey	Whitfield
Houghton	Oxley	Wicker
Hunter	Packard	Wolf
Hutchinson	Parker	Young (AK)
Hyde	Paxon	Zeliff
Inglis	Petri	Zimmer
Istook	Pickett	

NOT VOTING—16

Brownback	McDade	Williams
Dickey	Rose	Wilson
Ford	Scarborough	Yates
Gibbons	Schroeder	Young (FL)
Lincoln	Stark	
Manton	Studds	

□ 2229

Mr. CUNNINGHAM and Mr. SHADEGG changed their vote from "yea" to "nay."

Mr. CRAMER, Mrs. KELLY, Mr. MARTINEZ, and Mr. BARRETT of Nebraska changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the conference report.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 285, nays 132, answered not voting 16, as follows:

[Roll No. 397]

YEAS—285

Abercrombie	Fowler	McKeon
Allard	Fox	McNulty
Archer	Franks (CT)	Meek
Army	Frelinghuysen	Metcalf
Bachus	Frisa	Meyers
Baker (CA)	Frost	Mica
Baker (LA)	Funderburk	Millender-
Baldacci	Gallegly	McDonald
Ballenger	Gejdenson	Miller (FL)
Barcia	Gekas	Mink
Barr	Gephardt	Molinari
Barrett (NE)	Geren	Mollohan
Bartlett	Gilchrest	Montgomery
Barton	Gillmor	Moorhead
Bass	Gilman	Moran
Bateman	Gonzalez	Murtha
Bentsen	Goodlatte	Myers
Bereuter	Goodling	Myrick
Bevill	Gordon	Nethercutt
Bilbray	Goss	Ney
Billirakis	Graham	Norwood
Bishop	Green (TX)	Nussle
Bliley	Greene (UT)	Ortiz
Boehlert	Greenwood	Orton
Boehner	Gunderson	Oxley
Bonilla	Hall (OH)	Packard
Bono	Hamilton	Parker
Boucher	Hancock	Pastor
Brewster	Hansen	Paxon
Browder	Harman	Payne (VA)
Brown (CA)	Hastert	Peterson (FL)
Brown (FL)	Hastings (FL)	Petri
Bryant (TN)	Hastings (WA)	Pickett
Bunning	Hayes	Pombo
Burr	Hayworth	Pomeroy
Buyer	Hefley	Porter
Callahan	Hefner	Portman
Calvert	Heineman	Poshard
Canady	Herger	Pryce
Castle	Hilleary	Quillen
Chambliss	Hobson	Quinn
Chapman	Hoke	Radanovich
Chenoweth	Holden	Reed
Christensen	Horn	Regula
Chrysler	Hostettler	Richardson
Clay	Houghton	Roberts
Clayton	Hoyer	Rogers
Clement	Hunter	Rohrabacher
Clinger	Hyde	Ros-Lehtinen
Clyburn	Inglis	Royce
Coble	Istook	Salmon
Coburn	Jackson-Lee	Sanford
Coleman	(TX)	Saxton
Collins (GA)	Jefferson	Scarborough
Combest	Johnson (SD)	Schaefer
Condit	Johnson, E. B.	Schiff
Cooley	Jones	Scott
Costello	Kanjorski	Seastrand
Cox	Kasich	Shadegg
Cramer	Kelly	Shaw
Crane	Kennedy (RI)	Shuster
Crapo	Kennelly	Sisisky
Cremeans	Kildee	Skeen
Cubin	Kim	Skelton
Cunningham	King	Slaughter
Davis	Kingston	Smith (NJ)
de la Garza	Klink	Smith (TX)
Deal	Knollenberg	Smith (WA)
DeLauro	Kolbe	Solomon
DeLay	LaHood	Souder
Diaz-Balart	Largent	Spence
Dicks	Latham	Spratt
Dixon	LaTourette	Stearns
Dooley	Laughlin	Stenholm
Doolittle	Lazio	Stump
Dreier	Levin	Tanner
Duncan	Lewis (CA)	Tate
Dunn	Lewis (KY)	Tauzin
Edwards	Lightfoot	Taylor (MS)
Ehrlich	Linder	Taylor (NC)
Ensign	Lipinski	Tejeda
Everett	Livingston	Thomas
Ewing	Longley	Thompson
Fawell	Lucas	Thornberry
Fazio	Manzullo	Thornton
Fields (LA)	McCollum	Thurman
Fields (TX)	McCrery	Torkildsen
Flake	McHale	Torres
Flanagan	McHugh	Torricelli
Forbes	McInnis	Traficant

Visclosky  
Vucanovich  
Walker  
Walsh  
Wamp  
Ward

Waters  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
White

Whitfield  
Wicker  
Wolf  
Young (AK)  
Zeliff

NAYS—132

Ackerman	Franks (NJ)	Neumann
Andrews	Furse	Oberstar
Baesler	Ganske	Obey
Barrett (WI)	Gutierrez	Olver
Becerra	Gutknecht	Owens
Beilenson	Hall (TX)	Pallone
Berman	Hilliard	Payne (NJ)
Blumenauer	Hinchee	Pelosi
Blute	Hoekstra	Peterson (MN)
Bonior	Hutchinson	Rahall
Borski	Jackson (IL)	Ramstad
Brown (OH)	Jacobs	Rangel
Bryant (TX)	Johnson, Sam	Riggs
Bunn	Johnston	Rivers
Burton	Kaptur	Roemer
Camp	Kennedy (MA)	Roth
Campbell	Klecza	Roukema
Cardin	Klug	Roybal-Allard
Chabot	LaFalce	Rush
Collins (IL)	Lantos	Sabo
Collins (MI)	Leach	Sanders
Conyers	Lewis (GA)	Sawyer
Coyne	LoBiondo	Schumer
Cummings	Loftgren	Sensenbrenner
Danner	Lowey	Serrano
DeFazio	Luther	Shays
Dellums	Maloney	Skaggs
Deutsch	Markey	Smith (MI)
Dingell	Martinez	Stockman
Doggett	Martini	Stokes
Dornan	Masara	Stupak
Doyle	Matsui	Talent
Durbin	McCarthy	Tiahrt
Ehlers	McDermott	Towns
Engel	McIntosh	Upton
English	McKinney	Velazquez
Eshoo	Meehan	Vento
Evans	Menendez	Volkmer
Farr	Miller (CA)	Watt (NC)
Fattah	Minge	Waxman
Filner	Moakley	Wise
Foglietta	Morella	Woolsey
Foley	Nadler	Wynn
Frank (MA)	Neal	Zimmer

NOT VOTING—16

Brownback	Manton	Williams
Dickey	McDade	Wilson
Ford	Rose	Yates
Gibbons	Schroeder	Young (FL)
Johnson (CT)	Stark	
Lincoln	Studds	

□ 2237

Ms. ROYBAL-ALLARD changed her vote from "yea" to "nay."

Mr. HANCOCK changed his 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.

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 397, I was unavoidably detained. Had I been present, I would have voted "yes."

#### GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just adopted.

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

There was no objection.

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1316, SAFE DRINKING WATER ACT AMENDMENTS OF 1996

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 104-743) on the resolution (H. Res. 507) waiving points of order against the conference report to accompany the bill (S. 1316) to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### APPOINTMENT OF MEMBER TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 127 of Public Law 97-377, the Chair announces the Speaker's appointment of the following Member of the House to fill a vacancy on the House of Representatives Page Board: Mrs. FOWLER of Florida.

There was no objection.

#### COMMUNICATION FROM THE HON. JOHN TANNER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN TANNER, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 31, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that Doug Thompson, Legislative Director in my Washington, D.C. office, has been served with a subpoena issued by the Superior Court of the District of Columbia in the matter of Johnson, et al. v. Public Housing Authorities Directors Association, et al.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOHN TANNER,  
Member of Congress.

#### REQUEST TO CONCUR IN SENATE AMENDMENT TO H.R. 2739, HOUSE OF REPRESENTATIVES ADMINISTRATIVE REFORM TECHNICAL CORRECTIONS ACT

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2739) to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes,