Mr. Speaker, first, this is a very straightforward rule, one hour of debate on the conference report. I have no problem with the rule. Secondly, I would like to say to my distinguished colleague, the gentleman from Ohio [Mr. KASICH] that there is a different perspective and point of view on Bosnia. This obviously is not the time nor the place for us to engage in substantive debate on that matter.

With the balance of the time, Mr. Speaker, I would like to, for the purposes of colloquy, engage the distinguished gentleman from Colorado [Mr. HEFLEY].

There is considerable concern, I would like to say to my distinguished colleague from Colorado, at both the local level and the Federal level, that the environmental cleanup proposed by the Department of the Army for the Presidio in San Francisco will not meet the environmental health and safety criteria appropriate for a national park.

The Presidio, as you know, Mr. Speaker, is the only base closure to convert to national park use, and it is important for the Army to meet the cleanup levels set by the National Park Service.

I would encourage the committee to work with the gentlewoman from California [Ms. PELOSI] in urging the Department of the Army to expedite its environmental remediation efforts at the Presidio. This is a clear case where there should be an accelerated cleanup that meets the requirements of the national park to ensure the public health and safety of the millions of visitors there.

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

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

Mr. HEFLEY. Mr. Speaker, I share the concerns that my colleague has raised and will work with the committee, and with him, and with the gentlewoman from California [Ms. PELOSI] to ensure an appropriate cleanup for the Presidio.

We have this problem with a number of bases around the country, but I think this one has a unique factor connected with it. I think the gentleman from California [Mr. DELLUMS] has pointed out what that factor is, and that is that this is a national park. We want to move forward in creating this, and, if we are going to do this, we want it to be a good national park. We cannot do that without the cleanup.

I share the gentleman's concerns and will do everything I can to work with him and solve this problem.

Mr. DELLUMS. Mr. Speaker, reclaiming my time, I thank the gentleman for his thoughtful remarks and response. I would just like to further for the record make the following comment.

Significant philanthropic efforts are under way at the Presidio where sizeable pledges have been made to the National Park Service. In addition to the potential threat to philanthropic interests, it would be difficult for the Presidio Trust to meet its self-sufficiency requirements without a timely and thorough cleanup of the Presidio. Securing the leases necessary to generate revenues is essential to the success of the trust, and can only be accomplished if the cleanup is timely and thorough.

I would like to yield to the gentleman from Colorado for his final remarks.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for yielding further.

Mr. Speaker, the gentleman has raised very important concerns, ones which have also been voiced by the Committee on Appropriations in two of its measures. We will work together to resolve these questions to ensure the success of the Presidio.

Mr. DELLUMS. Mr. Speaker, reclaiming my time, I think this has been an important colloquy.

Mr. MOAKLEY. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. RODRIGUEZ], a member of the committee.

Mr. RODRIGUEZ. Mr. Speaker, I want to indicate that this is no compromise. It is like someone stealing your wallet and then offering only to return a few dollars. The bottom line is, this is not an appropriate agreement we can deal with.

The language in this bill prevents fair competition for Defense Department maintenance work. This means higher costs for U.S. taxpayers. I repeat, the depot language in this bill will cost the taxpayers money.

We just completed a competition for work done at Kelly Air Force Base. Warner–Robins Air Force Base in Georgia won the contract, at a savings of $190 million. The language in this bill would prevent us from seeing such savings in the future.

Without the ability to conduct a fair public-private competition, the Air Force and Defense Department will not be able to fund the modernization program needed for our military to remain superior. Whether one thinks we should be spending additional money or not for national defense, everyone should agree that we should use every dollar most effectively.

The language in this bill is to the contrary. It makes public-private competition next to impossible. Supporters of the language freely and proudly admit that it will make it too expensive and too restrictive for the private contractors to bid on depot work at San Antonio and Sacramento. The deck is stacked against free competition and against the U.S. taxpayer and military modernization.

It should come as no surprise that the most punitive restrictions fall on the competition workload at the closing depots in San Antonio and Sacramento. Private bidders must comply with arcane rules not imposed on the public bidders, so we do not have a level playing field.

The Depot Caucus believes this work should go to the depots, regardless of cost and regardless of what the Defense Department needs. They are protecting their home turf, and I respect that, but it is also bad policy, and this is not what we should be supporting. It puts our troops at a disadvantage.

The Secretary of Defense and his military commanders need the flexibility on the current law to modernize. To do so, they need to have the ability to take the best and most appropriate public or private bid.

Let us not tie the Pentagon's hands with a requirement on design, because, at the end, it is only to protect the existing bases that are there now. It will be at the expense of modernization and at the expense of readiness. A vote against the defense authorization bill is a vote for competition and for the future of our military readiness.

Mr. Speaker, there is also evidence in the newspapers by some individuals indicating that on the contracts that are out there, ''Contractors will have to include in their bids millions of dollars of costs that were previously required.'' I think this will make it unlikely that the contractor will even bid.

Mr. SOLOMON. Mr. Speaker, let me interrupt this debate to yield such time as he may consume to the gentleman from Sanibel, FL [Mr. GOSS] chairman of the Permanent Select Committee on Intelligence.

CONFERENCE REPORT ON S. 858, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS submitted the following conference report and statement on the Senate bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–350)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S.858), to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 1998''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.
(11) The National Reconnaissance Office.
(12) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill S.858 of the One Hundred Fifth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of $121,580,000.

(2) AVAILABILITY OF CERTAIN FUNDS.—Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 283 full-time personnel as of September 30, 1998. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 1998 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 1998, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (as added by section 303 of this Act), during fiscal year 1998, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), the amount of $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 1999, and funds provided for procurement purposes shall remain available until September 30, 2000.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the Center.

(3) LIMITATION.—Amounts available for the Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1998 the sum of $196,900,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM

''SEC. 113. (a) DETAIL.—(1) Notwithstanding any other provision of law, the head of a department with an element in the intelligence community or the head of an intelligence community agency or element may detail any employee within that department, agency, or element to serve in any position in the Intelligence Community Assignment Program on a reimbursable or a nonreimbursable basis.

''(2) Nonreimbursable details may be for such periods as are agreed to between the heads of the parent and host agencies, up to a maximum of three years, except that such details may be extended for a period not to exceed one year when the heads of the parent and host agencies determine that such extension is in the public interest.

''(b) BENEFITS, ALLOWANCES, TRAVEL, INCENTIVES.—An employee detailed under subsection (a) may be authorized any benefit, allowance, travel, or incentive otherwise provided to enhance staffing by the organization from which the employee is detailed.

''(c) ANNUAL REPORT.—Not later than March 1, 1999, and annually thereafter, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the detail of intelligence community personnel pursuant to subsection (a) during the 12-month period ending on the date of the report. The report shall set forth the number of personnel detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the details.''.

(b) TECHNICAL AMENDMENT.—Sections 120, 121, and 110 of the National Security Act of 1947 are hereby redesignated as sections 110, 111, and 112, respectively.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by striking out the items relating to sections 120, 121, and 110 and inserting in lieu thereof the following:

''Sec. 110. National mission of National Imagery and Mapping Agency.
''Sec. 111. Collection tasking authority.
''Sec. 112. Restrictions on intelligence sharing with the United Nations.
''Sec. 113. Detail of intelligence community personnel—intelligence community assignment program.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to an employee on detail on or after January 1, 1997.

SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out ''January 6, 1998'' and inserting in lieu thereof ''January 6, 1999''.

SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 306. SENSE OF CONGRESS ON RECEIPT OF CLASSIFIED INFORMATION.

It is the sense of Congress that Members of Congress have equal standing with officials of the Executive Branch to receive classified information so that Congress may carry out its oversight responsibilities under the Constitution.

SEC. 307. PROVISION OF INFORMATION ON CERTAIN VIOLENT CRIMES ABROAD TO VICTIMS AND VICTIMS' FAMILIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national interests of the United States to provide information regarding the killing, abduction, torture, or other serious mistreatment of United States citizens abroad to the victims of such crimes, or the families of victims of such crimes if they are United States citizens; and

(2) the provision of such information is sufficiently important that the discharge of the responsibility for identifying and disseminating such information should be vested in a cabinet-level officer of the United States Government.

(b) RESPONSIBILITY.—The Secretary of State shall take appropriate actions to ensure that the United States Government takes all appropriate actions to—

(1) identify promptly information (including classified information) in the possession of the departments and agencies of the United States Government regarding the killing, abduction, torture, or other serious mistreatment of United States citizens abroad; and

(2) subject to subsection (c), promptly make such information available to—

(A) the victims of such crimes; or

(B) when appropriate, the family members of the victims of such crimes if such family members are United States citizens.

(c) LIMITATIONS.—The Secretary shall work with the heads of appropriate departments and agencies of the United States Government in order to ensure that information relevant to a crime covered by subsection (b) is promptly reviewed and, to the maximum extent practicable, without jeopardizing sensitive sources and methods or other vital national security interests, or without jeopardizing an on-going criminal investigation or proceeding, made available under that subsection unless such disclosure is specifically prohibited by law.

SEC. 308. ANNUAL REPORTS ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly and in consultation with the heads of other appropriate Federal agencies, including the National Security Agency and the Departments of Defense, Justice, Treasury, and State, shall prepare and transmit to Congress a report on intelligence activities of the People's Republic of China directed against or affecting the interests of the United States.

(b) DELIVERY OF REPORT.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation shall jointly transmit classified and unclassified versions of the report to the Speaker and Minority leader of the House of Representatives, the Majority and Minority leaders of the Senate, the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, and the Chairman and Vice-Chairman of the Select Committee on Intelligence of the Senate.

SEC. 309. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES.

(a) SURVEY OF CURRENT STANDARDS.—

(1) SURVEY.—The Director of Central Intelligence shall carry out a survey of current standards for the spelling of foreign names and places, and the use of geographic coordinates for such places, among the elements of the intelligence community.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Director shall submit to the congressional intelligence committees a report on the survey carried out under paragraph (1). The report shall be submitted in unclassified form, but may include a classified annex.

(b) GUIDELINES.—

(1) ISSUANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidelines to ensure the use of uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places. The guidelines shall apply to all intelligence reports, intelligence products, and intelligence databases prepared and utilized by the elements of the intelligence community.

(2) BASIS.—The guidelines under paragraph (1) shall, to the maximum extent practicable, be based on current United States Government standards for the transliteration of foreign names, standards for foreign place names developed by the Board on Geographic Names, and a standard set of geographic coordinates.

(3) SUBMITTAL TO CONGRESS.—The Director shall submit a copy of the guidelines to the congressional intelligence committees.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 310. REVIEW OF STUDIES ON CHEMICAL WEAPONS IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR.

(a) REVIEW.—

(1) IN GENERAL.—Not later than May 31, 1998, the Inspector General of the Central Intelligence Agency shall complete a review of the studies conducted by the Federal Government regarding the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations during the Persian Gulf War.

(2) PURPOSE.—The purpose of the review is to identify any additional investigation or research that may be necessary—

(A) to determine fully and completely the extent of Central Intelligence Agency knowledge of the presence, use, or destruction of such weapons in that theater of operations during that war; and

(B) with respect to any other issue relating to the presence, use, or destruction of such weapons in that theater of operations during that war that the Inspector General considers appropriate.

(b) REPORT ON REVIEW.—

(1) REQUIREMENT.—Upon the completion of the review, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the results of the review. The report shall include such recommendations for additional investigations or research as the Inspector General considers appropriate.

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 311. AMENDMENTS TO FAIR CREDIT REPORTING ACT.

(a) EXCEPTION TO CONSUMER DISCLOSURE REQUIREMENT.—Section 604(b) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)) (as amended by chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996) is amended by adding at the end the following new paragraph:

''(4) EXCEPTION FOR NATIONAL SECURITY INVESTIGATIONS.—

''(A) IN GENERAL.—In the case of an agency or department of the United States Government which seeks to obtain and use a consumer report for employment purposes, paragraph (3) shall not apply to any adverse action by such agency or department which is based in part on such consumer report, if the head of such agency or department makes a written finding that—

''(i) the consumer report is relevant to a national security investigation of such agency or department;

''(ii) the investigation is within the jurisdiction of such agency or department;

''(iii) there is reason to believe that compliance with paragraph (3) will—

''(I) endanger the life or physical safety of any person;

''(II) result in flight from prosecution;

''(III) result in the destruction of, or tampering with, evidence relevant to the investigation;

''(IV) result in the intimidation of a potential witness relevant to the investigation;

''(V) result in the compromise of classified information; or

''(VI) otherwise seriously jeopardize or unduly delay the investigation or another official proceeding.

''(B) NOTIFICATION OF CONSUMER UPON CONCLUSION OF INVESTIGATION.—Upon the conclusion of a national security investigation described in subparagraph (A), or upon the determination that the exception under subparagraph (A) is no longer required for the reasons set forth in such subparagraph, the official exercising the authority in such subparagraph shall provide to the consumer who is the subject of the consumer report with regard to which such finding was made—

''(i) a copy of such consumer report with any classified information redacted as necessary;

''(ii) notice of any adverse action which is based, in part, on the consumer report; and

''(iii) the identification with reasonable specificity of the nature of the investigation for which the consumer report was sought.

''(C) DELEGATION BY HEAD OF AGENCY OR DEPARTMENT.—For purposes of subparagraphs (A) and (B), the head of any agency or department of the United States Government may delegate his or her authorities under this paragraph to an official of such agency or department who has personnel security responsibilities and is a member of the Senior Executive Service or equivalent civilian or military rank.

''(D) REPORT TO THE CONGRESS.—Not later than January 31 of each year, the head of each agency and department of the United States Government that exercised authority under this paragraph during the preceding year shall submit a report to the Congress on the number of times the department or agency exercised such authority during the year.

''(E) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

''(i) CLASSIFIED INFORMATION.—The term 'classified information' means information that is protected from unauthorized disclosure under Executive Order No. 12958 or successor orders.

''(ii) NATIONAL SECURITY INVESTIGATION.—The term 'national security investigation' means any official inquiry by an agency or department of the United States Government to determine the eligibility of a consumer to receive access or continued access to classified information or to determine whether classified information has been lost or compromised.''.

(b) RESALE OF CONSUMER REPORT TO A FEDERAL AGENCY OR DEPARTMENT.—Section 607(e) of the Fair Credit Reporting Act (12 U.S.C. 1681e(e)) (as amended by chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996) is amended by adding at the end the following new paragraph:

''(3) RESALE OF CONSUMER REPORT TO A FEDERAL AGENCY OR DEPARTMENT.—Notwithstanding paragraph (1) or (2), a person who procures a consumer report for purposes of reselling the report (or any information in the report) shall not disclose the identity of the end-user of the report under paragraph (1) or (2) if—

''(A) the end user is an agency or department of the United States Government which procures the report from the person for purposes of determining the eligibility of the consumer concerned to receive access or continued access to classified information (as defined in section 604(b)(4)(E)(i)); and

''(B) the agency or department certifies in writing to the person reselling the report that nondisclosure is necessary to protect classified information or the safety of persons employed by or contracting with, or undergoing investigation for work or contracting with the agency or department.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if such amendments had been included in chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 as of the date of the enactment of such Act.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY.

(a) IN GENERAL.—Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended—

(1) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6), respectively;

(2) by inserting ''(a)'' after ''SEC. 5.'';

(3) in paragraph (5), as so redesignated, by striking out ''without regard'' and all that follows through ''; and'' and inserting in lieu thereof a semicolon;

(4) by striking out the period at the end of paragraph (6), as so redesignated, and inserting in lieu thereof ''; and'';

(5) by inserting after paragraph (6) the following new paragraph:

''(7) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for up to 15 years.''; and

(6) by inserting at the end the following new subsection:

''(b)(1) The authority to enter into a multiyear lease under subsection (a)(7) shall be subject to appropriations provided in advance for—

''(A) the entire lease; or

''(B) the first 12 months of the lease and the Government's estimated termination liability.

''(2) In the case of any such lease entered into under subparagraph (B) of paragraph (1)—

''(A) such lease shall include a clause that provides that the contract shall be terminated if budget authority (as defined by section 3(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(2))) is not provided specifically for that project in an appropriations Act in advance of an obligation of funds in respect thereto;

''(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying termination costs with respect to such lease shall remain available until the costs associated with termination of such lease are paid;

''(C) funds available for termination liability shall remain available to satisfy rental obligations with respect to such lease in subsequent fiscal years in the event such lease is not terminated early, but only to the extent those funds are in excess of the amount of termination liability at the time of their use to satisfy such rental obligations; and

''(D) funds appropriated for a fiscal year may be used to make payments on such lease, for a maximum of 12 months, beginning any time during such fiscal year.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to multiyear leases entered into under section 5 of the Central Intelligence Agency Act of 1949, as so amended, on or after October 1, 1997.

SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) AUTHORITY.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(E) Not later than January 31 and July 31 of each year, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report of the Inspector General's exercise of authority under this paragraph during the preceding six months.''.

(b) LIMITATION ON AUTHORITY FOR PROTECTION OF NATIONAL SECURITY.—Subsection (b)(3) of that section is amended by inserting '', or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena,'' after ''or investigation''.

SEC. 403. CIA CENTRAL SERVICES PROGRAM.

(a) AUTHORITY FOR PROGRAM.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''CENTRAL SERVICES PROGRAM

''SEC. 21. (a) IN GENERAL.—The Director may carry out a program under which elements of the Agency provide items and services on a reimbursable basis to other elements of the Agency and to other Government agencies. The Director shall carry out the program in accordance with the provisions of this section.

''(b) PARTICIPATION OF AGENCY ELEMENTS.—(1) In order to carry out the program, the Director shall—

''(A) designate the elements of the Agency that are to provide items or services under the program (in this section referred to as 'central service providers');

''(B) specify the items or services to be provided under the program by such providers; and

''(C) assign to such providers for purposes of the program such inventories, equipment, and other assets (including equipment on order) as the Director determines necessary to permit such providers to provide items or services under the program.

''(2) The designation of elements and the specification of items and services under paragraph (1) shall be subject to the approval of the Director of the Office of Management and Budget.

''(c) CENTRAL SERVICES WORKING CAPITAL FUND.—(1) There is established a fund to be known as the Central Services Working Capital Fund (in this section referred to as the 'Fund'). The purpose of the Fund is to provide sums for activities under the program.

''(2) There shall be deposited in the Fund the following:

''(A) Amounts appropriated to the Fund.

''(B) Amounts credited to the Fund from payments received by central service providers under subsection (e).

''(C) Fees imposed and collected under subsection (f)(1).

''(D) Amounts collected in payment for loss or damage to equipment or other property of a central service provider as a result of activities under the program.

''(E) Such other amounts as the Director is authorized to deposit in or transfer to the Fund.

''(3) Amounts in the Fund shall be available, without fiscal year limitation, for the following purposes:

''(A) To pay the costs of providing items or services under the program.

''(B) To pay the costs of carrying out activities under subsection (f)(2).

''(d) LIMITATION ON AMOUNT OF ORDERS.—The total value of all orders for items or services to be provided under the program in any fiscal year may not exceed an amount specified in advance by the Director of the Office of Management and Budget.

''(e) PAYMENT FOR ITEMS AND SERVICES.—(1) A Government agency provided items or services under the program shall pay the central service provider concerned for such items or services an amount equal to the costs incurred by the provider in providing such items or services plus any fee imposed under subsection (f). In calculating such costs, the Director shall take into account personnel costs (including costs associated with salaries, annual leave, and workers' compensation), plant and equipment costs (including depreciation of plant and equipment), operation and maintenance expenses, amortized costs, and other expenses.

''(2) Payment for items or services under paragraph (1) may take the form of an advanced

payment by an agency from appropriations available to such agency for the procurement of such items or services.

''(f) FEES.—(1) The Director may permit a central service provider to impose and collect a fee with respect to the provision of an item or service under the program. The amount of the fee may not exceed an amount equal to four percent of the payment received by the provider for the item or service.

''(2)(A) Subject to subparagraph (B), the Director may obligate and expend amounts in the Fund that are attributable to the fees imposed and collected under paragraph (1) to acquire equipment or systems for, or to improve the equipment or systems of, elements of the Agency that are not designated for participation in the program in order to facilitate the designation of such elements for future participation in the program.

''(B) The Director may not expend amounts in the Fund for purposes specified in subparagraph (A) in fiscal year 1998, 1999, or 2000 unless the Director—

''(i) secures the prior approval of the Director of the Office of Management and Budget; and

''(ii) submits notice of the proposed expenditure to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(g) AUDIT.—(1) Not later than December 31 each year, the Inspector General of the Central Intelligence Agency shall conduct an audit of the activities under the program during the preceding fiscal year.

''(2) The Director of the Office of Management and Budget shall determine the form and content of annual audits under paragraph (1). Such audits shall include an itemized accounting of the items or services provided, the costs associated with the items or services provided, the payments and any fees received for the items or services provided, and the agencies provided items or services.

''(3) Not later than 30 days after the completion of an audit under paragraph (1), the Inspector General shall submit a copy of the audit to the following:

''(A) The Director of the Office of Management and Budget.

''(B) The Director of Central Intelligence.

''(C) The Permanent Select Committee on Intelligence of the House of Representatives.

''(D) The Select Committee on Intelligence of the Senate.

''(h) TERMINATION.—(1) The authority of the Director to carry out the program under this section shall terminate on March 31, 2000.

''(2) Subject to paragraph (3), the Director of Central Intelligence and the Director of the Office of Management and Budget, acting jointly—

''(A) may terminate the program under this section and the Fund at any time; and

''(B) upon such termination, shall provide for the disposition of the personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the program or the Fund.

''(3) The Director of Central Intelligence and the Director of the Office of Management and Budget may not undertake any action under paragraph (2) until 60 days after the date on which the Directors jointly submit notice of such action to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.''.

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations in section 101, $2,000,000 shall be available for deposit in the Central Services Working Capital Fund established by section 21(c) of the Central Intelligence Agency Act of 1949, as added by subsection (a).

SEC. 404. PROTECTION OF CIA FACILITIES.

Subsection (a) of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking out ''powers only within Agency installations,'' and all that follows through the end and inserting in lieu thereof the following: ''powers—

''(A) within the Agency Headquarters Compound and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such Compound;

''(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such Compound and property and extending outward 500 feet;

''(C) within any other Agency installation and protected property; and

''(D) in the streets, sidewalks, and open areas within the zone beginning at the outside boundary of any installation or property referred to in subparagraph (C) and extending outward 500 feet.''; and

(3) by adding at the end the following new paragraphs:

''(2) The performance of functions and exercise of powers under subparagraph (B) or (D) of paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to Agency installations, property, or employees.

''(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

''(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A) or (C) of paragraph (1).

''(5) Not later than December 1, 1998, and annually thereafter, the Director shall submit a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that describes in detail the exercise of the authority granted by this subsection, and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make such report available to the Inspector General of the Central Intelligence Agency.''.

SEC. 405. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102(e) of the National Security Act of 1947 (50 U.S.C. 403(e)) is amended by adding at the end the following:

''(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.''.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF BACHELOR OF SCIENCE IN INTELLIGENCE.

(a) AUTHORITY FOR NEW BACHELOR'S DEGREE.—Section 2161 of title 10, United States Code, is amended to read as follows:

''§2161. Joint Military Intelligence College: academic degrees

''Under regulations prescribed by the Secretary of Defense, the president of the Joint Military Intelligence College may, upon recommendation by the faculty of the college, confer upon a graduate of the college who has fulfilled the requirements for the degree the following:

''(1) The degree of Master of Science of Strategic Intelligence (MSSI).

''(2) The degree of Bachelor of Science in Intelligence (BSI).''.

(b) CLERICAL AMENDMENT.—The item relating to that section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2161. Joint Military Intelligence College: academic degrees.''.

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) is amended by striking out ''for fiscal years 1996 and 1997'' and inserting in lieu thereof ''for fiscal years 1998 and 1999''.

SEC. 503. UNAUTHORIZED USE OF NAME, INITIALS, OR SEAL OF NATIONAL RECONNAISSANCE OFFICE.

(a) EXTENSION, REORGANIZATION, AND CONSOLIDATION OF AUTHORITIES.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

''§425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies

''(a) PROHIBITION.—Except with the written permission of both the Secretary of Defense and the Director of Central Intelligence, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary and the Director, any of the following (or any colorable imitation thereof):

''(1) The words 'Defense Intelligence Agency', the initials 'DIA', or the seal of the Defense Intelligence Agency.

''(2) The words 'National Reconnaissance Office', the initials 'NRO', or the seal of the National Reconnaissance Office.

''(3) The words 'National Imagery and Mapping Agency', the initials 'NIMA', or the seal of the National Imagery and Mapping Agency.

''(4) The words 'Defense Mapping Agency', the initials 'DMA', or the seal of the Defense Mapping Agency.''.

(b) TRANSFER OF ENFORCEMENT AUTHORITY.—Subsection (b) of section 202 of title 10, United States Code, is transferred to the end of section 425 of such title, as added by subsection (a), and is amended by inserting ''AUTHORITY TO ENJOIN VIOLATIONS.—'' after ''(b)''.

(c) REPEAL OF REORGANIZED PROVISIONS.—Sections 202 and 445 of title 10, United States Code, are repealed.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of subchapter II of chapter 8 of title 10, United States Code, is amended by striking out the item relating to section 202.

(2) The table of sections at the beginning of subchapter I of chapter 21 of title 10, United States Code, is amended by striking out the items relating to sections 424 and 425 and inserting in lieu thereof the following:

''424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency, National Reconnaissance Office, and National Imagery and Mapping Agency.

''425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies.''.

(3) The table of sections at the beginning of subchapter I of chapter 22 of title 10, United States Code, is amended by striking out the item relating to section 445.

And the House agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

PORTER GOSS,
BILL YOUNG,
JERRY LEWIS,
BUD SHUSTER,
BILL MCCOLLUM,
MICHAEL N. CASTLE,
SHERWOOD BOEHLERT,
CHARLES F. BASS,
JIM GIBBONS,
NORM DICKS,
JULIAN C. DIXON,
DAVID E. SKAGGS,
NANCY PELOSI,
JANE HARMAN,
IKE SKELTON,
SANFORD D. BISHOP,

From the Committee on National Security, for consideration of defense tactical intelligence and related activities:

FLOYD SPENCE,
BOB STUMP,

Managers on the Part of the House.

From the Select Committee on Intelligence:

RICHARD SHELBY,
JOHN H. CHAFEE,
DICK LUGAR,
MIKE DEWINE,
JON KYL,
JAMES INHOFE,
ORRIN HATCH,
PAT ROBERTS,
WAYNE ALLARD,
DANIEL COATS,
BOB KERREY,
JOHN GLENN,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
CHUCK ROBB,
FRANK LAUTENBERG,
CARL LEVIN,

From the Committee on Armed Services:

STROM THURMAN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and the intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the Senate and the House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION FOR APPROPRIATIONS

Section 101 of the conference report lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 1998. Section 101 is identical to section 101 of the Senate bill and section 101 of the House amendment.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Section 102 of the conference report makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and applicable personnel ceilings covered under this title for fiscal year 1998 are contained in a classified Schedule of Authorizations. The classified Schedule of Authorizations is incorporated into the Act by this section. The details of the Schedule are explained in the classified annex to this report. Section 102 is identical to section 102 of the Senate bill and section 102 of the House amendment.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS

Section 103 of the conference report authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 1998 to authorize employment of civilian personnel in excess of the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not to exceed two percent of the total of the ceilings applicable under section 102. The Director of Central Intelligence may exercise this authority only when doing so is necessary to the performance of important intelligence functions. Any exercise of this authority must be reported to the two intelligence committees of the Congress.

The managers emphasize that the authority conferred by section 103 is not intended to permit the wholesale raising of personnel strength in any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees. The managers do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this bill. Section 103 is identical to section 103 of the Senate bill and section 103 of the House amendment.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT

Section 104 of the conference report authorizes appropriations for the Community Management Account of the Director of Central Intelligence and sets the personnel end-strength for the Intelligence Community Management Staff for fiscal year 1998.

Subsection (a) authorizes appropriations of $121,580,000 for fiscal year 1998 for the activities of the Community Management Account (CMA) of the Director of Central Intelligence. This amount includes funds identified for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program, which shall remain available until September 30, 1999.

Subsection (b) authorizes 283 full-time personnel for the Community Management Staff for fiscal year 1998 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States Government.

Subsection (c) authorizes additional appropriations and personnel for the Community Management Account as specified in the classified Schedule of Authorizations.

Subsection (d) requires, except as provided in Section 303 of this Act, or for temporary situations of less than one year, that personnel from another element of the United States Government be detailed to an element of the Community Management Account on a reimbursable basis.

Subsection (e) authorizes $27,000,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). This subsection is identical to subsection (e) in the House amendment. The Senate bill had no similar provision. The Senate recedes. The managers agree that continued funding of the NDIC from the NFIP deserves considerable study, and many remain concerned that the balance between law enforcement and national security equities in the NDIC's operations is skewed in favor of the law enforcement community. This is due, in part, to placement of the NDIC within the Department of Justice.

The managers urge the President to carefully examine this problem and report to the Committees before April 1, 1998. This examination should be undertaken and reported as a part of the National Counter-Narcotics Architecture Review currently being prepared by the Office of National Drug Control Policy. The report should describe current and proposed efforts to structure the NDIC to effectively coordinate and consolidate strategic drug intelligence from national security and law enforcement agencies. It should also describe what steps have been taken to ensure that the relevant national security and law enforcement agencies are providing the NDIC with access to data needed to accomplish this task. The managers agree that upon receipt of this report the intelligence committees will reconsider whether it is appropriate to continue funding the NDIC as a part of the National Foreign Intelligence Program.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Section 201 is identical to section 201 of the House amendment and section 201 of the Senate bill.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW

Section 301 is identical to section 301 of the House amendment and section 301 of the Senate bill.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

Section 302 is identical to section 302 of the House amendment and section 302 of the Senate bill.

SEC 303. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL

The managers strongly support the inauguration of the Intelligence Community Assignment Program (ICAP). This type of initiative is critical if the Intelligence Community is to prepare itself for future challenges that will require an ever increasing level of coordination and cooperation between the various elements of the community. Section 303 is similar to section 304 of the House amendment and section 303 of the Senate bill. The managers agreed to a provision that is nearly identical to that found in the House amendment. Section 303 of the conference report does not, however, terminate this authority on September 30, 2002.

SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES

Section 304 of the conference report extends until January 6, 1999 the authority granted by section 303 of the Intelligence Authorization Act of Fiscal Year 1996 for the President to stay the imposition of an economic, cultural, diplomatic, or other sanction or related action when the President determines and reports to Congress that to proceed without delay would seriously risk the compromise of an intelligence source or method, or an ongoing criminal investigation. Section 304 is similar to section 305 of

the House amendment and section 304 of the Senate bill. The Senate bill extended the deferral authority until January 6, 2001, whereas the House amendment extended the authority until January 6, 1999. The managers agreed to adopt the House amendment with minor technical changes.

SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING

Section 305 expresses the sense of the Congress that the Director of Central Intelligence should continue to direct elements of the Intelligence Community to award contracts in a manner that would maximize the procurement of products produced in the United States, when such action is compatible with the national security interests of the United States, consistent with operational and security concerns, and fiscally sound. A provision similar to section 305 has been included in previous intelligence authorization acts. Section 305 is similar in intent to sections 306 through 308 of the House amendment. The Senate bill had no similar provision.

SEC. 306. SENSE OF CONGRESS ON RECEIPT OF CLASSIFIED INFORMATION

Section 306 expresses the sense of the Congress that Members of Congress have equal standing with officials of the executive branch to receive classified information so that Congress may carry out its oversight responsibilities. The Senate bill contained a provision that directed the President to inform all employees of the executive branch, and employees of contractors carrying out duties under classified contracts, that the disclosure of classified information reasonably believed by the person to be evidence of a violation of law, regulation, or rule; false statement to Congress; gross mismanagement, waste of funds, abuse of authority; or a substantial and specific danger to public safety, is not contrary to law, executive order, regulation, or is otherwise not contrary to public policy. The Senate provision would have allowed disclosure of such information to any Member or staff member of a committee of Congress having oversight responsibility for the department, agency, or element of the Federal Government to which such information relates. The Senate bill would also have allowed disclosure of such classified information to the employee's own Representative. The House amendment had no similar provision.

The managers decided not to include section 306 of the Senate bill in the conference report. Such action should not, however, be interpreted as agreement with the Administration's position on whether it is constitutional for Congress to legislate on this subject matter. The managers' action also should not be further interpreted as agreement with the opinion of the Justice Department's Office of Legal Counsel, which explicitly stated that only the President may determine when executive branch employees may disclose classified information to Members of Congress. The managers assert that members of congressional committees have a need to know information, classified or otherwise, that directly relates to their responsibility to conduct vigorous and thorough oversight of the activities of the executive departments and agencies within their committees' jurisdiction.

While the managers recognize the Chief Executive's inherent constitutional authority to protect sensitive national security information, they do not agree that this authority may be asserted against Congress to withhold evidence of wrongdoing and thereby impede Congress in exercising its legislative oversight authority. Therefore, the managers committed to hold hearings on this issue and develop appropriate legislative solutions.

SEC. 307. PROVISION OF INFORMATION ON CERTAIN VIOLENT CRIMES ABROAD TO VICTIMS AND VICTIMS' FAMILIES

Section 307 directs the Secretary of State to ensure that the United States Government takes all appropriate actions to identify promptly all unclassified and classified information in the possession of the United States Government regarding the killing, abduction, torture, or other serious mistreatment of a U.S. citizen abroad. The provision further requires the Secretary of State to ensure that all information is promptly reviewed and, to the maximum extent practicable, without jeopardizing sensitive sources and methods or other vital national security interests, or without jeopardizing an on-going criminal investigation or proceeding, made available to the victim or victim's family if they are United States citizens, unless such a disclosure is specifically prohibited by law.

Section 307 is similar to section 307 of the Senate bill. The House amendment had no similar provision. The managers agreed to a provision that limits the release of information to U.S. citizens. The managers also exempted from disclosure information that may jeopardize an on-going criminal investigation or proceeding. Additionally, the managers acknowledged that there are certain statutes that specifically prohibit disclosure of certain types or categories of information and, therefore, added language that defers to those statutory prohibitions.

The managers recognized that the term ''information'' is very broad and may be interpreted to include all forms of information in the possession of the United States Government. The managers also recognized that the various agencies and departments of the United States Government may have in their possession non-official information that is readily available to the public via other means, e.g. press clippings. Therefore, the managers intend the term ''information'' to be construed to mean information that is not available to the victims or families unless provided to them by the United States Government.

SEC. 308. REPORT ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA

Section 308 directs the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, in consultation with the heads of other appropriate Federal agencies, to prepare and transmit to Congress a report on the intelligence activities of the People's Republic of China directed against or affecting the interests of the United States. Section 308 is similar to section 309 of the House amendment. The Senate bill had no similar provision.

SEC. 309. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES

Section 309 directs the Director of Central Intelligence to carry out a survey of current standards for the spelling of foreign names and places, and the geographic coordinates for such places. This provision further directs the Director of Central Intelligence to submit the results of the survey to the congressional intelligence committees and issue guidelines to ensure uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places.

Section 309 is nearly identical to section 308 of the Senate bill. The House amendment had no similar provision.

SEC. 310. REVIEW OF STUDIES ON CHEMICAL WEAPONS IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR

Section 310 directs the Inspector General (IG) of the Central Intelligence Agency to complete a review of the studies conducted by the Federal Government regarding the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations during the Persian Gulf War. This review is required to be completed not later than May 31, 1998. Section 310 is similar to section 310 of the House amendment. The Senate bill had no similar provision.

The managers were aware of at lest ten investigations or studies that were in various states of completion. The managers noted that the CIA IG is already in the final stages of two major projects related to chemical weapons and the Persian Gulf War. At the request of former Director of Central Intelligence Deutch, the IG is assessing allegations made by two former Agency employees regarding the CIA's handling of information concerning the possible exposure of United States personnel to chemical weapons. Additionally, in support of the Presidential Advisory Committee on Gulf War Veterans' Illnesses, the CIA IG is conducting a special assessment of the Agency's handling of information related to the Iraqi ammunition storage depot at Khamisiyah. Both of these studies are expected to be completed in October 1997. The remaining studies that relate to the possible exposure of United States forces to chemical weapons during the Persian Gulf War include the following:

1. The CIA's Persian Gulf War Illness Task Force published an unclassified report on Khamisiyah, ''An Historical Perspective on Related Intelligence,'' in April 1997. The Agency's Directorate of Intelligence published an unclassified ''Report on Intelligence Related to Gulf War Illnesses,'' in August 1996.

2. The Assistant to the Secretary of Defense for Intelligence Oversight is preparing a report on what information was available to the Department of Defense concerning Iraqi chemical weapons before and during the Gulf War, and what the Department did with that information.

3. The Inspector General to the Department of Defense has been tasked to investigate the disappearance of military logs related to chemical weapons alerts during the war.

4. The Inspector General of the Army is conducting a series of investigations relating to the possible exposure of U.S. troops to chemical weapons.

5. The augmented Persian Gulf Investigation Team, under the direction of the Office of the Special Assistant to the Secretary of Defense for Gulf War Illnesses, is continuing a broad inquiry into the Gulf War illness issue, including the role of chemical exposures.

6. The Presidential Advisory Committee on Gulf War Veterans' Illnesses is completing its work on answering questions from the President related to the Khamisiyah ammunition storage depot.

7. The Senate Veterans' Affairs Committee has hired a special investigator to look into Gulf War issues, and the House Veterans' Affairs Committee remains active on the issue.

8. The General Accounting Office published a report entitled ''Gulf War Illnesses: Improved Monitoring of Clinical Progress and Reexamination of Research Emphasis are Needed,'' in June 1997. The GAO is also preparing answers to questions posed by the House Veterans' Affairs Committee concerning DoD logs and possible chemical weapons exposure incidents.

Therefore, instead of requiring the IG to undertake another investigation that would essentially mirror ongoing efforts, the managers agreed to direct the IG to conduct a review that will identify whether any additional investigation or research is necessary to determine the extent of the Central Intelligence Agency's knowledge of the presence,

use, or destruction of chemical weapons and any other issue relating to the presence, use, or destruction of such weapons. The results of this review will allow the congressional intelligence committees to direct the appropriate authorities to conduct additional specific investigations without duplicating past efforts. The managers are very concerned about the handling of information relating to the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations; they remain committed to ensuring a thorough understanding of these matters.

SEC. 311 EXCEPTIONS TO CERTAIN FAIR CREDIT REPORTING REQUIREMENTS RELATING TO NATIONAL SECURITY INVESTIGATIONS

Section 311 amends the Fair Credit Reporting Act (FCRA) to allow for a limited exception to particular consumer disclosure requirements and exempts a reseller of a consumer report, under certain conditions, from disclosing the identity of an end-user of a consumer report as required by P.L. 104–208, Division A, Title II, Subtitle D, Chapter 1, §2403(b) and §2407(c), respectively. These provisions became effective on September 30, 1997. There was no similar provision to section 311 in the Senate bill or the House amendment. The managers received a letter from the Chairman of the House Committee on Banking and Financial Services supporting this provision. The content of the letter is as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND FINANCIAL SERVICES

Washington, DC, September 16, 1997.

Hon. Porter J. Goss,

Chairman, Permanent Select Committee on Intelligence, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to the proposed Fair Credit Reporting Act (FCRA) amendments to the Intelligence Authorization Act for Fiscal Year 1998. I appreciate your staff apprising the Banking Committee of these proposed provisions.

Amendments to the FCRA that were enacted in the 104th Congress and effective September 30, 1997, will require employers to give advance notice to employees prior to taking an adverse action based on an employee's consumer report. In addition, the laws requires sellers of consumer reports to disclose to consumers the end users of the reports. It is my understanding that the Central Intelligence Agency (CIA) and other intelligence representatives are concerned that these provisions could adversely impact the ability of U.S. government agencies involved in national security matters to conduct investigations of employees suspected of posing a security risk or counterintelligence risk. As a result, the intelligence community has proposed two changes to the FCRA which it would like included in the legislation during conference consideration of the bill. Enclosed is legislative language implementing these changes which has been vetted with the intelligence community and which I can support.

The first proposed change to the FCRA would provide a waiver for agencies engaged in national security matters from the requirement that an employee be notified prior to his/her employer taking an adverse action based on the employee's consumer report. The waiver would apply when a senior department head makes a written finding that credit information regarding an employee is relevant to a legitimate national security investigation and that advance notice would jeopardize the investigation and endanger personnel and classified information. The second proposed change to the FCRA would provide that resellers of consumer reports are not required to disclose the identity of the end user if the end user is a U.S. government agency which has requested the consumer report as part of a top secret security clearance process.

The FCRA falls under the jurisdiction of the Committee on Banking and Financial Services. In the interest of time, and based on Banking Committee staff discussions with Intelligence Committee staff and officials representing the intelligence community, the Banking Committee will not exercise its jurisdiction at this time over the proposed FCRA amendments. The Banking Committee does maintain, however, its jurisdiction over the FCRA and reserves the right to referral of all provisions related to the FCRA in the future.

Again, I appreciate your staff and officials from the intelligence community bringing these proposed FCRA changes to the attention of the Banking Committee. I believe that the attached changes to the FCRA, are reasonable and should be included in the Intelligence Authorization Act.

Sincerely,

JAMES A. LEACH,
Chairman.

CIA employees and most CIA contractors with staff-like access are required to have a Top Secret (TS) clearance with Sensitive Compartmented Information (SCI) access. National Security Directive 63 (NSD 63), requires all executive branch agencies to verify the financial status and credit habits of individuals considered for access to TS and SCI material. Consequently, the agencies obtain a consumer report for all applicants, employees, and contractors. Such applicants, employees, and contractors sign a written consent to release this information as a part of their application process or routine reinvestigation. This consent is attached to the Standard Form (SF) 86 (Questionnaire for National Security Positions).

In addition to the SF 86, Title 50, United States Code, section 435(a)(3) requires all individuals with access to classified information to consent to the release of financial background information during the period of such access. A section 435 release authorizes investigative agencies to obtain a wide variety of financial information. The release may only be used, however, when an individual is suspected of disclosing classified information to a foreign power, has excessive indebtedness or unexplained wealth, or, by virtue of his access to compromised classified information, is suspected of disclosing such information to a foreign power. Additionally, under Title 50, United States Code, section 436(b), the fact that a section 435 release has been executed by an investigative agency to obtain a consumer report may not be legally disclosed to the consumer or anyone other than representatives of the requesting agency. Therefore, the FCRA, as amended, would not require notification of the consumer when the consumer report is obtained under section 435.

The managers understand, however, that an agency or department may need to examine an employee's consumer report to make an early assessment of the employee's consumer spending habits. The need for early access to a consumer report arises in cases where there are indications that an employee presents security or counterintelligence concerns, but the threshold to execute a section 435 release has not been met. Under current law, a consumer report may be obtained in such cases without notifying the employee.

As of September 30, 1997, however, the Fair Credit Reporting Act (15 U.S.C. §1681 et seq.), as amended by the ''Consumer Credit Reporting Reform Act of 1996,'' among other things, requires employers to notify individuals before an ''adverse action'' is taken based in whole or in part on a consumer report and provide the consumer with a copy of the report. ''Adverse action'' is defined very broadly by the FCRA, as amended. This presents a problem to agencies or departments conducting legitimate national security investigations because they may take ''adverse action'' based on information in a consumer report obtained outside of a section 435 release and will have to notify an employee in the earliest stages of an investigation that they have taken such action. Once alerted, the subject of the investigation who is in actual contact with a foreign intelligence service may cease, or more carefully conceal, contacts with foreign agents making it more difficult to detect actual espionage activity.

Section 311(a) provides a limited exception to the consumer notification requirement for legitimate national security investigations when certain factors are present. The managers are aware, however, of the abuses that prompted the enactment of the ''Consumer Credit Reporting Reform Act of 1996'' and are sensitive to the need for the consumer protections contained therein. Therefore, section 311(a) requires the head of the department or agency to make a written finding, to be maintained in the employee's personnel security file, as to such factors before an exception may be made. Further, an exception may be made only when adverse action is based in part on information obtained from a consumer report. An exception is not available for adverse action which is based in whole on such information. Also, upon the conclusion of an investigation or when the factors are no longer present, the head of the department or agency is required to provide a copy of the credit report and notice of any adverse action which is based in part on such report. The head of the department or agency will also have to identify the nature of the investigation to the consumer concerned. Additionally, the managers note that protections such as notice and opportunity to respond and correct information are already provided by the CIA to individuals for whom a security clearance has been denied or revoked. The managers also understand that all information obtained from a consumer report will be shared with an appellant contesting an adverse security decision. The CIA also provides the identity of the reporting agency so that an appellant may challenge the accuracy of the report directly with the reporting agency. The managers support these policies and urge their continuation.

The FCRA, as amended, will also require a reseller of a consumer report to disclose to the consumer reporting agency that originally furnishes the report the identity of the end-user of the report. Hence, the CIA will have to be identified as the end-user in the records of the source consumer reporting agency. Therefore, this new requirement will create significant security and safety concerns for CIA applicants, employees, and activities involving classified contracts because the data bases of consumer reporting agencies are not secure and are vulnerable to foreign intelligence services.

Section 311(b) provides an exemption to the end-user identification requirements of the FCRA, as amended. A department or agency that seeks an exemption under this provision must certify to the reseller that nondisclosure is necessary to protect classified information or the life or physical safety of an applicant, employee, or contractor with the agency or department.

The amendments is subsections (a) and (b) shall take effect as if such amendments had been included in chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996. The managers believe section 311 strikes a reasonable balance between the needs of the consumer and

the need to protect national security information.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY

Section 401 amends section 5 of the Central intelligence Agency Act of 1949 to provide clear statutory authority for the CIA to enter into multi-year leases of terms not to exceed 15 years. Section 401 is similar to section 401 of the Senate bill and nearly identical to section 401 of the House amendment.

The managers adopted this provision specifically without any reference to section 8 of the CIA Act of 1949. It is the CIA's position that section 8 authorizes the CIA to enter into covert multi-year leases. The managers agreed that if the reference to section 8 remained in section 401 of the conference report it would be tantamount to a statutory endorsement of the CIA's interpretation. The managers left that question open and agreed that the issue requires further analysis. Therefore, section 401 is not intended to modify or supersede any multi-year leasing authority granted to the Director of Central Intelligence under section 8, as presently construed. The managers also concurred with the reporting requirement contained in the Senate report for covert leases and request that the report be provided to both committees.

SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY

Section 402 amends section 17(e) of the CIA Act of 1949 to provide the CIA Inspector General (IG) with authority to subpoena records and other documentary information necessary in the performance of functions assigned to the IG. Section 402 is identical to section 402 in the Senate bill. The House amendment had no similar provision.

The Inspectors General throughout the Federal Government are responsible for identifying corruption, waste, and fraud in their respective agencies or departments. All other statutory Inspectors General have subpoena authority to compel the production of records and documents during the course of their investigations. The CIA IG's enabling statute did not provide subpoena authority. The managers agreed that the CIA IG needed the same authority as other executive branch Inspectors General to adequately fulfill the CIA IG's statutory obligations.

SEC. 403. CENTRAL SERVICES PROGRAM

Section 403 establishes a ''Central Services Program'' and its necessary working capital fund at the CIA. Section 403 is similar to section 402 of the House amendment. The Senate bill had no similar provision. The managers welcome this initiative to make the administrative support services provided by the CIA more efficient and competitive.

SEC. 404. PROTECTION OF CIA FACILITIES

Section 404 authorizes the CIA security protective officers to exercise their law enforcement functions 500 feet beyond the confines of CIA facilities and also onto the Federal Highway Administration (FHWA) property immediately adjacent to the CIA Headquarters compound, subject to certain limitations. Section 404 is similar to section 403 of the House amendment. The Senate bill had no similar provision.

The managers recognized the growing threat of terrorist attacks and the particular attraction of CIA facilities as potential targets of such attacks. The managers were also sensitive, however, to the public's reaction to an unlimited grant of jurisdiction, considering that the 500 foot zone extends onto residential property in some areas. Therefore, the exercise of this new authority is expressly limited to only those circumstances where the CIA security protective officers can identify specific and articulable facts giving them reason to believe that the exercise of this authority is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to CIA installations, property, or employees. This provision also expressly states that the rules and regulations prescribed by the Director of Central Intelligence for agency property and installations do not extend into the 500 foot area established by this provision. Thus, there will be no restrictions, for example, on the taking of photographs within the 500 foot zone.

The managers do not envision a general grant of police authority in the 500 foot zone, but do envision the CIA security protective officers functioning as federal police, for limited purposes, within the 500 foot zone with all attendant authorities, capabilities, immunities, and liabilities. The managers expect the Director of Central Intelligence to coordinate and establish Memoranda of Understanding with all federal, state, or local law enforcement agencies with which the CIA will exercise concurrent jurisdiction in the 500 foot zones. The Director of Central Intelligence shall submit such Memoranda of Understanding to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. The Director of Central Intelligence is also expected to develop a training plan to familiarize the Agency's security protective officers with their new authorities and responsibilities. The Director of Central Intelligence shall submit such plan to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives not later than 30 days after the enactment of this provision.

Section 404 also includes a reporting requirement so that the intelligence committees may closely scrutinize the exercise of this new authority.

SEC. 405. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE

Section 405 is identical to section 303 of the House amendment and section 305 of the senate bill.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF BACHELOR OF SCIENCE IN INTELLIGENCE

Section 501 is identical to section 501 of the House amendment and similar to section 501 of the Senate bill.

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS

Section 502 is identical to section 502 of the Senate bill and section 503 of the House amendment.

SEC. 503. UNAUTHORIZED USE OF THE NAME, INITIALS, OR SEAL OF THE NATIONAL RECONNAISSANCE OFFICE

Section 503 prohibits the unauthorized use of the name, initials, or seal of the National Reconnaissance Office and consolidates all preexisting unauthorized use prohibitions for the Intelligence Community under one in section in subchapter I of chapter 21 of title 10, United States Code. Section 503 is similar to section 503 of the Senate bill and section 502 of the House amendment. The managers agreed to require the permission of both the Secretary of Defense and the Director of Central Intelligence before any person may use the name, initial, or seal of the National Reconnaissance Office, Defense Intelligence Agency, the National Imagery and Mapping Agency, or the Defense Mapping Agency in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

Sense of the Senate

Section 309 of the Senate bill expressed a sense of the Senate that any tax legislation enacted by Congress this year should meet a standard of fairness in its distributional impact on upper, middle, and lower income taxpayers. The House amendment has no similar provision. The Senate recedes.

Title VI—Miscellaneous Community Program Adjustments

Title VI of the House amendment contained eight sections. Sections 601 through 604, and 606 through 608 addressed various defense tactical intelligence and related activities. The managers are aware that the conference committee negotiating the National Defense Authorization Act for Fiscal Year 1998 is considering these same issues, and note that several of these provisions will likely be included in that conference report. Without waiving jurisdiction, the managers agreed not to include these provisions in the conference report.

Section 605 established new requirements relating to the Congressional Budget Justification Books (CBJBs). The managers understand that the Community Management Staff is currently revising the structure of the CBJBs and the material contained therein in an effort to make these documents more informative and responsive to congressional needs. The managers urge the Community Management Staff to continue to work with those committees that use the CBJBs to address the concerns raised by those committees regarding the content and structure of the CBJBs. In light of this on-going review, the managers agreed to defer legislative action pending the outcome of those discussions.

From the Permanent Select Committee on Intelligence, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

PORTER GOSS,
BILL YOUNG,
JERRY LEWIS,
BUD SHUSTER,
BILL MCCOLLUM,
MICHAEL N. CASTLE,
SHERWOOD BOEHLERT,
CHARLES F. BASS,
JIM GIBBONS,
NORM DICKS,
JULIAN C. DIXON,
DAVID E. SKAGGS,
NANCY PELOSI,
JANE HARMAN,
IKE SKELTON,
SANFORD D. BISHOP,

From the Committee on National Security, for consideration of defense tactical intelligence and related activities:

FLOYD SPENCE,
BOB STUMP,

Managers on the Part of the House.

From the Select Committee on Intelligence:

RICHARD SHELBY,
JOHN H. CHAFEE,
DICK LUGAR,
MIKE DEWINE,
JON KYL,
JAMES INHOFE,
ORRIN HATCH,
PAT ROBERTS,
WAYNE ALLARD,
DANIEL COATS,
BOB KERREY,
JOHN GLENN,
RICHARD H. BRYAN,

BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
CHUCK ROBB,
FRANK LAUTENBERG,
CARL LEVIN,
From the Committee on Armed Services:
STROM THURMAN,
Managers on the Part of the Senate.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. FAZIO], the chairman of the Democratic Caucus.

Mr. FAZIO of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong opposition to the Defense Department authorization bill and the accompanying conference report. I implore my colleagues to join me in voting against that report.

Mr. Speaker, there are several reasons that this conference report is bad for the Nation. First and foremost, this bill severely restricts the public-private competitions that are to take place at McClellan Air Force Base in Sacramento and Kelly Air Force Base in San Antonio as mandated by the 1995 BRACC law.

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McClellan and Kelly Air Force Base are closing and will be closed. But as McClellan closes, 15,000 jobs and the infrastructure that supports them will disappear from Sacramento's economy. This, by the way, is the third base closure we have had in four BRACC rounds.

I am here to implore Members to support the BRAC Commission, however, and its recommendation, and give DOD the flexibility to use competitions as a means to achieve lower costs and greater efficiencies. It has been shown that competitions save money for the American taxpayer.

Without, for example, the recent competition for the C–5 work load done at Kelly in the past, Warner-Robbins Air Logistic Center in Georgia would have used over $100 million in new military construction to build new buildings to handle the work load.

Instead, the contract was awarded on the basis of a public-private competition and Warner-Robbins won by coming up with a creative solution so their bid would be competitive. That public-private competition for the C–5 work load saved taxpayers hundreds of millions of dollars.

With the Federal budget being severely constrained for the next several years, it is critical we spend every defense dollar prudently. I am not asking DOD to just give the Sacramento work load to a private contractor. I am merely asking that the private contractors be given the opportunity to bid for the work on a level playing field, just as they did in the instance of that C–5 work.

The depot maintenance language currently in the DOD authorization report does not provide that level playing field. Instead, the language was crafted to give the public depots an overwhelming advantage. Sure, it lets the competitions go forward, but it puts so many restrictions on the competitions that it will be impossible for the private contractors to win.

In fact, recently the Sacramento Bee quoted an industry representative who said, in response to the language in this report we are voting on tonight, ''I can't conceive of a company that would bid for McClellan and Kelly under these circumstances.''

Not only is this so-called compromise language not a compromise, it was also negotiated in secret without the knowledge or input of several members of the authorization committee, including my good friend and colleague, the gentleman from Texas, Mr. CIRO RODRIGUEZ who just spoke. This was done in the dark of night by people who had an agenda. That was to make this floor think that it had compromised, when in fact they had wired the competition for an outcome.

The President has said over and over again that he would veto a defense authorization bill that would restrict the competitions at McClellan and Kelly. He has sent his advisers to talk to members of the committees about his commitment to vetoing this bill. In fact, I received a letter from Secretary Cohen just a month ago that reiterated that veto threat. It is obvious that the current language would severely restrict the competitions, and on that basis alone I believe the President will veto this bill. In fact, there is a letter this evening from the Director of the Office of Management and Budget which says the following: ''We need to ensure more competition from private industry, not less. Billions of dollars in potential savings are at issue. These resources should be used to maintain the U.S. fighting edge, not to preserve excess infrastructure. The impact on the Department's costs and our Nation's military capacity would be profound if this report were adopted.''

He says parenthetically, ''The President's senior advisers would recommend that he veto the bill.'' There is no question, that will be the result if we continue down this path that we are on tonight. But in addition, the conference report includes new restrictions on supercomputer exports that will have a profound impact on the Nation's high-technology economy. Computer technology advances at such a rapid rate that the computers on many desks were once considered supercomputers. The U.S. computer industry leads the world in production and sales of high-powered computers, and that leading role will be harmed by the language in this report.

Please join me in opposing the defense authorization conference report, because it is bad for our national defense and bad for American taxpayers.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Farmington, Utah [Mr. HANSEN], who without question is one of the most respected Members of this House.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, let me point out in regard to what has happened that we all know how BRACC went about it, the anguish we all felt as BRACC closed many bases, how tough it was, but we all went along with it. We knew the President had a few days in which he could look at it. He had two choices, yes or no. He could not change it.

No disrespect to our President, but he came up with a statement in this one, and said, I will get around this, and in effect tried to do that by privatization inplace.

Now, we have heard many things flying around here. Let me point out, we have only compromised this thing time after time after time. Seven times it has been voted on over here; seven times we won. It has been voted on in the Senate and it won there. Now the conference report is before us.

One of these charges is, the President will veto this. I think the Members should ask the gentleman from South Carolina, Chairman SPENCE if a veto message has been issued. I know of no veto message that has been issued; also, that the Pentagon was not part of it. Let me tell the Members, I can give them personal knowledge that the Pentagon was part of many of these compromises, and it has been watered down, and the idea that one of the Senators did not like the 60–40 rule, it went to 50–50. I think almost all of these charges we have just heard have been answered.

The charge that this is not fair competition, the House has overwhelmingly supported restoring integrity to the BRAC process by opposing subsidized privatization inplace. The compromise bill requires full and open competition on all noncore work loads. Anyone who reads this bill will see that it is free and fair competition.

Another charge on this floor, private bidders should not have to pay for Government assets. Closed bases represent hundreds of millions of dollars of Government assets owned by the American taxpayers. If a private sector company wants to bid on Government contracts, they need to account for this cost to the taxpayers.

Another charge: Depot maintenance provisions are more restrictive and require private work to be involved in-house. That is absolutely false. The bill changes the 60–40 to 50–50, even including a full accounting. I urge people to support this rule and support this conference report. It is fair, and if it does anything, it upholds flaw. It amazes me that any of my colleagues would argue to violate the law of the land.

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland [Mr. HOYER], former Speaker of the House of Representatives in the State of Maryland, and the present chairman of the steering committee.

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

Mr. HOYER. President of the Senate.

Mr. Speaker, I thank the distinguished chairman in exile of the Committee on Rules for recognizing my former status in which I had some authority. I have since lost that.

Mr. Speaker, this bill, in my opinion, recognizes the enormous contributions of our military personnel. It acknowledges the sacrifice and commitment required of those who choose to follow a career in our military services. This bill seeks to encourage their continued dedication and retention in several very important ways. Military pay and quality of life is protected by a 2.8-percent pay increase and emphasizes the importance of military housing, construction, and improvements. It provides for child development centers for our troops and their families. It provides $35 million to continue impact aid, important in my area and around the country.

Furthermore, Mr. Speaker, it provides our war fighters with the best possible equipment, $293.9 million in particular for R&D for the Navy's Super Hornet. This is an investment, Mr. Speaker, which keeps this critical program on track, reaching the fleet by 2001. The Super Hornet is proving to be one of DOD's most successful accusation programs.

Also, Mr. Speaker, the committee increased funding for the joint strike fighter. This will accelerate the program to meet Navy requirements and ensure our continued air superiority and pilot survivability.

In addition, Mr. Speaker, this bill addresses our national security interests. It emphasizes our concerns for the most appropriate use of our military forces in Bosnia. Unlike the House bill as it left here, this bill does not completely tie the hands of our President and the Joint Chiefs, in my opinion, inappropriately.

As we learned so painfully during the 4-year-long conflict in Bosnia, the aggressors are bullies and worse. Mr. Speaker, if we and our NATO allies are not willing to confront the bullies in Bosnia, the aggressors, and who I call bullies. In fact, in many respects many of them are war criminals. If we and our NATO allies are not willing to confront these criminals in Bosnia and lay the groundwork for long-term peace in that region, we will encourage the transgressions that have appeared in the past to reoccur and ensure that we will act again sometime, somewhere. That, Mr. Speaker, is the lesson of history. We must not forget.

I congratulate the conferees for including in this bill compromise language which will not hamstring the President or compromise our commitment.

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

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. BUYER. Just on the point on Bosnia, Mr. Speaker, part of the purpose I brought that legislation to the House floor is that I did not make up that day, that was the President's day. We sought to extend the time for him to fulfill that commitment.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I appreciate the gentleman's observation. Whoever's date it was, I did not agree with it. I tell my friend, I think it is a very significant tactical error to tell your enemy, and in this case not our enemy but the aggressing parties and the parties in question, when you are going to take specific action. I think that is tactically a mistake. I did not agree with it, whether the President said it or we said it.

Mr. SOLOMON. Mr. Speaker I proudly yield such time as he may consume to the gentleman from Lincoln, Nebraska [Mr. BEREUTER], one of the most outstanding and respected Members of this body, sent to us 19 years ago next month by the people of Lincoln, Nebraska, and surrounding environs. He is still with us.

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

Mr. BEREUTER. Mr. Speaker, I thank the chairman of the committee for yielding time to me.

I rise in support of the rule, but I wish to speak now tonight as an outside conferee on the House Committee on International Relations assigned to this legislation on the issue of supercomputer exports and the regulations thereof.

This Member rises to express his serious concerns about the conference committee's proposed statute changes to our current supercomputer licensing process. Unfortunately, the jurisdiction of the Committee on International Relations on this subject was almost totally ignored.

The proposed statute changes have at least two fundamental flaws. First, they do not adequately recognize or take into account how quickly computer processing speeds become outdated. They, therefore, ensure that our regulatory framework for licensing supercomputers will always be chronically outdated relative to technological change.

Second and perhaps more importantly, these proposed changes force the U.S. Government and our export control enforcement personnel to focus too many resources and personnel on monitoring the export of not so super, relatively slow computers that are no longer either controllable or, for that matter, sufficiently threatening to our national security interests.

By requiring our export enforcement personnel to complete post-shipment verification on any 2000 MTOPS level of computer export, this legislation diverts precious resources away from monitoring high technology exports that are a serious threat to our national security. Requiring such a shotgun approach to export control makes it more likely that we could easily let serious technology diversion slip through our fingers that are real threats to our national security interest.

For these two critical reasons, this Member cannot support this aspect of the conference report. However, this Member would like to note that several changes to the proposed language in the conference report could make it acceptable. For example, simply linking the post-shipment verification requirements to administration-proposed changes in the MTOPS level of control would answer this Member's major concern that we could ultimately be wasting tremendous enforcement resources on monitoring computer exports that are no longer a threat to national security.

Such a change, if coupled with more reasonable short periods for approval of administration-requested changes in MTOPS control levels, would ensure that our export control regime would keep up with advances in computer technology.

Mr. Speaker, this Member certainly believes we must be very cautious to ensure that our high-technology exports are not available to those who threaten our national security interests. But we must be careful in a time of limited resources to recognize our limitations on our ability to control all potentially dangerous items. One of the best ways we can protect our national security is to first monitor and disclose those entities in foreign countries that represent a threat to our interests.

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Then we can demand that U.S. exporters simply not export to those entities and, if necessary, initiate criminal proceedings against U.S. exporters if they fail to comply.

Mr. Speaker, I invite my colleagues to read the rest of my remarks in the RECORD.

This Member has insisted on such an approach to officials of the Bureau for Export Administration in the Department of Commerce. In part, because of this Member's insistence and that of the Chairman GILMAN that the Administration must be more proactive on this issue, the Administration has now identified end-users of concern in these countries and has agreed to update that list on a periodic basis.

In conclusion on this subject, Mr. Speaker, this Member is convinced that the House International Relations Committee was moving in the proper direction to remedy the unlawful sale of supercomputers to bad or dangerous end-users. Building on the Senate study initiative to determine exactly what level of computer technology should be controlled, we had expressed our intentions to compel the Administration to develop a comprehensive and efficient policy that places the appropriate high priority on protecting U.S. national security. Such a policy, however, cannot—without substantial costs—attempt to reimpose a ''one-size-fits-all'' licensing policy on computer technology that nearly all exports recognize is simply not permanently and completely controllable. Instead, such a policy should focus on identifying bad end-users and making certain

that such entities do not acquire any technology that is damaging our national security interests.

And lastly, on another subject, Mr. Speaker, this Member gratefully acknowledges and commends the support of Chairman SPENCE and the ranking member, Mr. DELLUMS, as well as the conferees for their support of this Member's language supporting the commitment to retain 100,000 U.S. military personnel in the Asia-Pacific region. This is an important symbolic message, reiterated at the initiative of Chairman SPENCE and this Member that the United States will remain militarily engaged in the Asia-Pacific region for the long term—specifically that we should not reduce our military and naval presence in the region.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON], the ranking member in waiting of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I would like to join the gentleman from Nebraska [Mr. BEREUTER], my friend, to say that this particular language on the computers not only will squander America's security resources on a product that is rapidly generally available, and is even today generally available, but it will be the attempt to control our laptop and desktop computers within a year or two. The computers that we will have on our desks by the year 2000, 2002, will be traveling at 1 or 2 MTOPS.

Beyond that, if my colleagues watch the news, what just happened? Two developments in computer technology, going to copper and having multiple levels of recognition in each cell, is going to change the speed at which new generations occur.

This is an industry where 18 months was a lifetime. If Members want us to stay out in front for our defense and economic needs, then we have to be able to market products as soon as they come up, if they do not threaten American national security.

Mr. Speaker, these products do not threaten our national security. We are soon going to have a shelf life of less than a year. If we put the process in this kind of manner, we are going to end up with computers that are outdated operating the American system. It is the same thing that was done in machine tools. My colleagues did it to machine tools. They stopped American companies from exporting them because they said it was national security. Now we buy our machine tools from Japan.

Mr. Speaker, I urge my colleagues, ''Do not do to the machine computer industry what you did to the machine tool industry.''

This is a very bad time to try to slow down the process of exports. The speed at which new generations and faster computers develop is going to be cut in half from 18 months to as little as 9 months. If we tie up the sale of these computers, we will only cripple America's future and thereby endanger its defense.

Mr. Speaker, I know the gentleman is well-intentioned, but the gentleman is causing mischief here that will hurt American national security.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Santa Clarita, CA [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I rise in support of the rule for the conference report to H.R. 1119, the National Defense Authorization Act.

Although it has taken a long time to get to this point, I want to encourage my colleagues to support this conference report.

Mr. Speaker, the Department of Defense needs this bill to be enacted so that it can implement reforms and manage its vast resources as effectively as possible.

This conference report funds important modernization and research initiatives that are vital to our Nation as our military continues to downsize. While I cannot say that I totally agree with all of the provisions contained in the report, I am supporting it because it reflects the hard work of our chairman and embodies the strong commitment for the defense of our Nation, given the parameters with which we had to work with the budget agreement with the President.

Mr. Speaker, I urge my colleagues to vote ''yes'' on the rule and the conference report.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, approximately 4,206 Army Reserve and National Guard members were deployed to Europe as a part of our second rotation for Operation Joint Guard. These brave men and women were caught in the middle of an administrative policy change concerning the payment of the shipment of their personal property. We thought this inequity would be taken care of in the conference report. It was not, because it was determined to be out of scope of the bill.

However, it received wide bipartisan support. I plan, therefore, to introduce a freestanding bill to facilitate reimbursing the 4,206 soldiers as quickly as possible.

Mr. Speaker, I urge all of my colleagues to join me in supporting this so that the families can have equity and we can support our National Guard and Reserve troops by sponsoring this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I listened carefully to the debate so far and I listened to the gentleman from New York [Mr. SOLOMON] talk about the fact that China has an opportunity to establish a beachhead on our shores. I knew, because the Democrats had told me in advance, that they would knock my provision out of the Defense authorization bill to provide more military troops to the border.

Mr. Speaker, I want the Democrats to listen to this. For 12 years they would not hold a hearing on the burden of proof in a civil tax case. The Republicans have just added it to the IRS reform bill. For 12 years they would not hold a hearing on military troops on our border. Here is what I would like to say to my Democrat colleagues. We will probably stay the minority the way we are doing business around here.

Mr. Speaker, young students aged 12 to 17 years old, the use of heroin is, quote-unquote, ''at historic levels.'' Experts tell us that the major point source for heroin and cocaine is coming across the Mexican border.

Our troops are guarding the borders in Bosnia and the Middle East. They were, in fact, administering rabies vaccinations to dogs in Haiti. There has been a recent earthquake in Italy, and our troops are literally building homes in Italy. And while the staff is laughing about it, we are saying we cannot bring it down by having our troops help to secure our borders.

Mr. Speaker, I am going to resubmit that bill with a couple of concerns the Republican Party has, and I am going to ask for some chairmen to sit down and look at the common sense. Our Nation is going to hell in a hand basket. Other than China, the biggest national security threat facing America is narcotics, and they are coming across the border and we have no program.

It is a joke. And, yes, I am admitting as a Democrat, the Democrats killed it. I am going to ask the Republicans to take a look at a national security initiative that this Nation needs. Maybe the majority party will once again realize what the Nation is looking for and needs.

The military does not want it. That is true. The military wants appropriations. I think it is time that the civilian government straightens out our borders and straightens out our Nation.

Mr. Speaker, let me tell my colleagues one last thing. The Drug Enforcement Administrator said that these new sophisticated organized criminal groups in Mexico make the Colombia group look like Boy Scouts.

So, yes, my Democrat colleagues killed it this time; we will resubmit it and maybe we will get some hearings on the Republican side so the Republicans could continue to stay in the majority. Beam me up. How dumb we are as a party.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Monticello, IN [Mr. BUYER], a veteran of the gulf war. The gentleman is doing an outstanding job as the chairman of our Subcommittee on Personnel for the Committee on Armed Services

Mr. BUYER. Mr. Speaker, I would ask everyone to support this rule. My concerns have been addressed not only in this bill, but I also appreciate the leadership of Chairman SOLOMON.

Mr. Speaker, many in this body know that I took on the issue of sexual misconduct in the U.S. military. This bill addresses a lot of those issues. In this bill it addresses a range of these issues that emerged during the Subcommittee

on Personnel's examination of sexual misconduct in the military.

The conference report provides for a review of the ability of the military criminal investigative services to investigate crimes of sexual misconduct and mandates a series of reforms to drill sergeant selection and training.

The bill also addresses my concerns with the loss of rigor and warrior spirit that is occurring in our basic training. This bill requires an independent congressional panel to assess reforms to military basic training, including a determination of the merits of gender-integrated and gender-segregated basic training as well as the method to attain the training objectives established by each of the services.

Mr. Speaker, we also have taken on the issues of military pay, increased housing allowances in high cost areas, retained the statutory floors on end strength and many other areas.

Mr. Speaker, this is a very good bill and I encourage all Members to support it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, I want to address the issue that the gentleman from Ohio [Mr. KASICH] brought up with regard to Bosnia. The reason that we are in Bosnia, there are two reasons. One is to save lives, and the second is American leadership.

Mr. Speaker, the fact that we did not get involved in Bosnia when we could, and I think we should have, trying to defer to Europe, ultimately resulted in the loss of a quarter of a million lives. We are in Bosnia to save lives. I think when we have the capability to do that, I think we have some moral responsibility to do so.

The second issue is one of American leadership. We have the capacity, the military capability, and I think the moral resolve to do the right thing throughout the world where we are needed. That is what this bill is all about. It is about sustaining America's global military leadership. That is why I support this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN].

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

Ms. LOFGREN. Mr. Speaker, I rise in opposition to the rule and the conference report due to the inclusion in the bill of unnecessarily restrictive export controls on computer products.

Two years ago, the administration determined in an uncontested study that computers of at least 5,000 MTOPS, that is millions of theoretical operations per second, were currently widely available worldwide and that computers up to 7,000 MTOPS would be available the next year; that is, this year.

Based on that study, the current policy allows exports of computers between 2,000 and 7,000 MTOPS without a license for civilian end-use. The U.S. Government made this policy after the Department of Defense, the State Department, and the Commerce Department concluded it would not jeopardize national security.

However, Mr. Speaker, the conference report would repeal this sensible policy and try to limit exports of technology that has already been widely available for purchase abroad for over 3 years. Since competitive products are already available from our foreign competitors, such a policy would hurt U.S. computer companies without improving our national security in any way.

This year, U.S. sales of these computers to Tier III countries will total about $500 million. By 2000, this number is expected to grow to between $1.5 billion and $3 billion in a total worldwide market of $7 billion to $12 billion. That is why I believe that the U.S. Export Administration in their fax to me on Friday indicated, quote,

> The waiting periods in the bill are an affront to normal decisionmaking processes, are unnecessary, and make no technological sense,

Furthermore, the U.S. Export Administration fax to me, said:

> The requirement to conduct postshipment checks will become an extraordinary resource burden, is unadministrable, and is unnecessary.

Mr. Speaker, supporters of this amendment will invariably bring up anecdotal stories about inappropriate computer sales. Certainly we must prevent powerful computers from ending up in the wrong hands. Current U.S. law restricts such sales. We should absolutely discuss ways to improve communications between exporters and the agencies that track dummy civilian end-users.

However, restrictions on domestic exporters will not stop anyone from getting 7,000, or even greater, MTOPS computers because they are already available across the globe. Moreover, current law includes strong penalties for companies that sell to military users or sell restricted technologies. Several companies are currently under investigation under these laws. We do not need new legislation to maintain national security.

Violations of current laws can result in a 20-year prohibition on all exports, prison terms of up to 10 years, and fines of up to $50,000 per violation.

The Spence-Dellums amendment included in the conference report will add layers of bureaucratic impediments, and I would urge my colleagues to vote against the rule.

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

Many C–SPAN viewers will remember the movie ''Top Gun.'' The next speaker's military life was patterned after that movie. He is a fighter pilot from the Vietnam war.

Mr. CUNNINGHAM. Mr. Speaker, I feel like bottom gun tonight because I am upset with this bill.

First of all, in the light of Communist China trying to influence the White House and the DNC, the President gives $50 million to a coal-burning plant in China. Then he shuts down Idaho coal burning in the district of the gentleman from Utah [Mr. HANSEN]. Then he gives sweetheart deals to Lippo Bank with Trie, Riady, Huang and billions of dollars for Lippo Bank.

It is okay for China to take over a national security base now at Long Beach Naval Shipyard. One person shut down Kelly. One person shut down McClellan and Long Beach Naval Shipyard. That is the President of the United States in the BRACC process. Then he entered into a political deal during the political election to try and privatize those two bases.

COSCO, right after Hutchinson took over both ends of the Panama Canal, the President said, it is okay for a Communist-Chinese-run organization to take over a national security base at Long Beach. I do not mind if they are a tenant like they have been. But intel says that COSCO has currently, and in the past, been involved in espionage, in intelligence work for both the military and industry. They will ship in and ship out those issues.

COSCO, this is the same COSCO that rolled out the pier, knocked out the pier in New Orleans. This is the same COSCO shipping yard that took two boat loads of illegals off the shore of California. This is the same shipping company that shipped in chemical and biological weapons to Iran, Iraq, and Libya. This is the same COSCO that shipped in nuclear components to Libya, the same COSCO that shipped in AK–47s. This is the same group that the Chinese had said, when Taiwan was being shelled by China, do you prefer Los Angeles or do you want Taiwan?

Now, the President is going to allow them to take over a national security base in California, just south of Los Angeles? No. We cannot allow this to happen. The House gave in to the Senate position, Mr. Speaker. That is wrong. We ought to fight this. We should not let Communist Chinese take over our bases in this country. We ought to fight tooth, hook and nail to stop it. I fought, and they are going to take it over my dead body.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from San Diego, CA [Mr. HUNTER]. Back in 1980, a man I deeply admire came to this Capital. His name was Ronald Reagan. He was accompanied by the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank my great friend on national security, the gentleman from New York [Mr. SOLOMON] for yielding me this time. Let me say a couple things about this bill.

First, we are on a downswing with respect to defense spending. The force structure that we have now has gone

down from 18 Army divisions that we had during Desert Storm to 10. We have gone down from 24 fighter airwings to only 13, roughly half the air power that we had. We have gone down from 546 naval vessels to 346. We are at what I would call the bottom of a dangerous downswing.

In this bill, we have tried to pull up the modernization levels a little bit and we have done that. We have not done it as much as we would like to. I think we have been too constrained by the budget. I think we are going to pay for that in later conflicts. But this bill is better than what we had before.

With respect to supercomputers, the gentleman from Connecticut [Mr. GEJDENSON] talked about this saying it was just totally off base. We have had about 80 supercomputer transactions in which the Chinese and the Russians have received American high performance supercomputers over the last couple of years. Right now we allow American companies to engage in a fiction. If they are told that the supercomputer is going to go to the Agriculture Department in China, they can ship it. If they are told it is going to go to the People's Liberation Army, the military complex, nuclear weapons complex, they cannot ship it. So the bad guys have caught on. They simply stamp ''agriculture'' on the invoices and our people ship it off to them.

All we did, this was a well-reasoned provision that the gentleman from California [Mr. DELLUMS], and the gentleman from South Carolina [Mr. SPENCE] put in this thing, almost unanimously supported by the committee. It simply says if you trust the Secretary of Defense and you want to make a supercomputer sale, show it to him. Let the Secretary of Defense look at your supercomputer sale and review it and make sure it is going to a benign use. It is not going to a nuclear weapons complex. It is not going to military use, and it is not going to accrue later to the detriment of our men and women in uniform. This is a well-thought-out provision. I would hope that Members would support this bill and nobody would vote against this bill because of the supercomputer provisions that are in it.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DELLUMS], the ranking member.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DELLUMS].

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from California [Mr. DELLUMS] is recognized for 3½ minutes.

Mr. DELLUMS. Mr. Speaker, I thank the gentlemen for their generosity.

Mr. Speaker, as far as this gentleman is concerned, there has been a great deal of hyperbole around the issue of high performance computer export policy. Let us state, first of all, the facts. What is the current policy?

All computers of performance above 2,000 million theoretical operations per second, known as MTOPS, that are exported to so-called Tier III countries must have a license. All transactions must have a license unless the sale is to a so-called civilian end user for civilian end use and the performance level is below 7,000 MTOPS.

Now, what is the legislative change that we propose? That the U.S. Government must review civilian end users, civilian end use exports between 2,000 and 7,000 MTOPS in Tier III countries.

The review by the Secretary of Defense, Commerce, Energy, State and the Director of the Arms Control and Disarmament Agency must be conducted within 10 days.

Mr. Speaker, 10 days is reasonable. So people who want to sell computers cannot stop for 10 days to allow the government to look at the efficacy of the transaction. Ten days. We are the government. We have some responsibility here.

I have spent 27 years of my life as an arms control person here. I will not be rolled by hyperbole that does not address the reality of what it is we are trying to do here.

Lack of any objection authorizes export. So if you look for 10 days, there is nothing there, the export goes. Objection by any of the five requires a license review. That protects us as a government for a variety of reasons.

Now, let me tell my colleagues the second significant piece. One argument is, this is an industry that moves fast and 7,000 MTOPS may be obsolete tomorrow, whatever. This bill allows the President to change the performance threshold and that change will go into effect after a 10-day period of congressional review, allowing us to do our job.

Mr. Speaker, I argued during the context of the debate that whatever level Members want to raise the MTOPS, raise them. If we want to make them 7, 10, 20,000, whatever we raised them to, we give the President the flexibility to do it, but we as a government ought to be able to control export. Otherwise why are we here. So all this hyperbole that talks about allowing the industry to go forward selling, the reason why we set policy is because our foreign policy should not be driven solely by commercial interests.

We have a fiduciary responsibility to our people in this country for a variety of different reasons. For those reasons I would argue strenuously that the provisions in this bill dealing with high performance computer export policy is reasonable and it makes sense.

For those who think that it does not, we are simply talking about commercial interests. I think that our arms control interests, that our governmental interests ought to balance out some kind of way. That is our responsibility. For those reasons, I urge my colleagues, whether they support the conference report or not, support this particular policy. It does make sense. It is reasonable.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Now you know why I have such great respect for the gentleman from California [Mr. DELLUMS].

Let me finish on a high note, just to call attention to the fact that this conference report does contain my amendment on the Bosnia troop medal. My provision was approved in the conference that awards all U.S. troops who have served in Operation Joint Endeavor and Operation Joint Guard in Bosnia with the Armed Forces Expeditionary Medal.

The significance of that medal is that it is a campaign level badge unlike the service award that was going to be awarded by the DOD. Even better, the campaign level badge makes these American troops that have served in Bosnia eligible for veterans preference and Federal employment. That is the way to follow through on rewarding those who devote themselves to service in our all-voluntary military.

I want to thank the gentleman from South Carolina [Mr. SPENCE], and the gentleman from California [Mr. DELLUMS], and the House negotiators for sticking with it and to the Senate for accepting this proposal. It is very important to our men and women who serve in the military in Bosnia.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 353, nays 59, not voting 21, as follows:

[Roll No. 533]

YEAS—353

Abercrombie	Blunt	Chenoweth
Aderholt	Boehlert	Christensen
Allen	Boehner	Clayton
Archer	Bonilla	Clement
Armey	Bonior	Coburn
Bachus	Bono	Collins
Baesler	Boswell	Combest
Baker	Boyd	Condit
Baldacci	Brady	Cook
Ballenger	Brown (FL)	Cooksey
Barcia	Bryant	Costello
Barr	Bunning	Cox
Barrett (NE)	Burr	Coyne
Bartlett	Burton	Cramer
Barton	Buyer	Crane
Bass	Callahan	Crapo
Bateman	Calvert	Danner
Bereuter	Camp	Davis (FL)
Berry	Campbell	Davis (VA)
Bilbray	Canady	Deal
Bilirakis	Cannon	DeLauro
Bishop	Carson	DeLay
Blagojevich	Castle	Dellums
Bliley	Chabot	Diaz-Balart
Blumenauer	Chambliss	Dickey

Dicks	Kingston	Regula
Dixon	Kleczka	Reyes
Dooley	Klink	Riggs
Doolittle	Klug	Riley
Doyle	Knollenberg	Roemer
Dreier	Kolbe	Rogan
Duncan	LaHood	Rogers
Dunn	Lampson	Rohrabacher
Edwards	Largent	Ros-Lehtinen
Ehlers	Latham	Rothman
Ehrlich	LaTourette	Roybal-Allard
Emerson	Lazio	Royce
Engel	Leach	Ryun
English	Levin	Sabo
Etheridge	Lewis (CA)	Salmon
Evans	Lewis (GA)	Sanchez
Ewing	Lewis (KY)	Sandlin
Farr	Linder	Sanford
Fattah	Lipinski	Sawyer
Fawell	Livingston	Saxton
Foglietta	LoBiondo	Scarborough
Foley	Lucas	Schaefer, Dan
Forbes	Maloney (CT)	Schaffer, Bob
Ford	Maloney (NY)	Scott
Fowler	Manton	Sensenbrenner
Fox	Manzullo	Sessions
Franks (NJ)	Mascara	Shadegg
Frelinghuysen	McCarthy (MO)	Shaw
Frost	McCollum	Shays
Gallegly	McCrery	Sherman
Ganske	McDade	Shimkus
Gejdenson	McGovern	Shuster
Gekas	McHale	Sisisky
Gephardt	McHugh	Skaggs
Gibbons	McInnis	Skeen
Gilchrest	McIntyre	Skelton
Gillmor	McKeon	Slaughter
Gilman	McNulty	Smith (MI)
Goode	Meehan	Smith (NJ)
Goodlatte	Meek	Smith (OR)
Goodling	Menendez	Smith (TX)
Goss	Metcalf	Smith, Adam
Graham	Mica	Smith, Linda
Granger	Millender-McDonald	Snowbarger
Green	Miller (CA)	Snyder
Greenwood	Miller (FL)	Solomon
Gutierrez	Minge	Souder
Gutknecht	Mink	Spence
Hall (OH)	Moakley	Spratt
Hall (TX)	Moran (KS)	Stabenow
Hamilton	Moran (VA)	Stearns
Hansen	Morella	Stenholm
Harman	Murtha	Stokes
Hastert	Myrick	Strickland
Hastings (FL)	Nadler	Stump
Hastings (WA)	Neal	Stupak
Hayworth	Nethercutt	Sununu
Hefley	Neumann	Talent
Hefner	Ney	Tanner
Herger	Northup	Tauzin
Hill	Norwood	Taylor (MS)
Hilleary	Nussle	Taylor (NC)
Hinojosa	Oberstar	Thomas
Hobson	Ortiz	Thornberry
Hoekstra	Oxley	Thune
Holden	Packard	Thurman
Hooley	Pallone	Tiahrt
Horn	Pappas	Tierney
Hostettler	Parker	Torres
Hoyer	Pascrell	Towns
Hunter	Pastor	Traficant
Hutchinson	Paul	Turner
Hyde	Paxon	Upton
Inglis	Pease	Velazquez
Istook	Pelosi	Vento
Jackson-Lee (TX)	Peterson (MN)	Visclosky
Jefferson	Peterson (PA)	Walsh
Jenkins	Petri	Wamp
John	Pickering	Watkins
Johnson (CT)	Pickett	Watt (NC)
Johnson, E. B.	Pitts	Watts (OK)
Johnson, Sam	Pombo	Weldon (PA)
Jones	Pomeroy	Weller
Kanjorski	Porter	Weygand
Kaptur	Portman	White
Kelly	Poshard	Whitfield
Kennedy (MA)	Price (NC)	Wicker
Kennedy (RI)	Pryce (OH)	Wise
Kennelly	Quinn	Wolf
Kildee	Radanovich	Wynn
Kilpatrick	Rahall	Young (AK)
Kim	Ramstad	Young (FL)
King (NY)	Redmond	

NAYS—59

Ackerman	Bentsen	Cardin
Barrett (WI)	Berman	Clay
Becerra	Brown (OH)	Clyburn
Cummings	Hilliard	McKinney
Cunningham	Hinchey	Obey
Davis (IL)	Jackson (IL)	Olver
DeFazio	Johnson (WI)	Owens
DeGette	Kasich	Rangel
Delahunt	Kind (WI)	Rivers
Deutsch	Kucinich	Rodriguez
Dingell	LaFalce	Rush
Doggett	Lantos	Sanders
Ensign	Lofgren	Serrano
Eshoo	Lowey	Tauscher
Everett	Luther	Thompson
Fazio	Markey	Waters
Filner	Martinez	Waxman
Frank (MA)	Matsui	Wexler
Furse	McCarthy (NY)	Woolsey
Gordon	McDermott	

NOT VOTING—21

Andrews	Cubin	Payne
Borski	Flake	Roukema
Boucher	Gonzalez	Schiff
Brown (CA)	Houghton	Schumer
Capps	Hulshof	Stark
Coble	McIntosh	Weldon (FL)
Conyers	Mollohan	Yates

□ 1948

Mr. RUSH changed his vote from ''yea'' to ''nay.''

Mr. ABERCROMBIE changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 278, I call up the conference report on the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore [Mr. SNOWBARGER]. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 23, 1997, at page H9076.)

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

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

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

Mr. SPENCE. Mr. Speaker, the fiscal year 1998 defense authorization bill emerged from committee earlier this year with strong bipartisan support, and I am glad to be able to say the same thing about the conference report. Despite weeks of give and take and often difficult compromise, 33 of the 36 National Security Committee conferees signed the conference report, as did all Republican and Democrat conferees from the other body.

Like the House-passed bill, the conference report takes a balanced approach to addressing a number of quality of life, readiness and modernization problems confronting our military. Although we had to compromise on a number of significant Pentagon reform provisions adopted on the House floor earlier this year due to strong administration opposition, this conference report nonetheless compels further reforms in how the Department of Defense is structured and how it conducts much of its business.

On the major issues the conferees had to address, issues such as the B–2 bomber, the funding cutoff for Bosnia, depots and more, this conference report clearly represents a compromise among many interested parties. I would simply refer anyone who doubts this back to the bipartisan conference report signature sheets. On balance, this conference report strikes a fair balance between numerous competing and conflicting interests, and it deserves the support of all Members.

Mr. Speaker, I am able to present this conference report to the House today due only to the tireless efforts of all the House and Senate conferees as well as the staff. It is the product of teamwork, which is the only way a bill of this size and complexity gets done. In particular, I want to recognize the diligence, dedication and cooperation of the subcommittee and panel chairmen and ranking members, the gentleman from California [Mr. HUNTER], the gentleman from Missouri [Mr. SKELTON], the gentleman from Pennsylvania [Mr. WELDON], the gentleman from Virginia [Mr. PICKETT], the gentleman from Virginia [Mr. BATEMAN], the gentleman from Virginia [Mr. SISISKY], the gentleman from Colorado [Mr. HEFLEY], the gentleman from Texas [Mr. ORTIZ], the gentleman from Indiana [Mr. BUYER], the gentleman from Mississippi [Mr. TAYLOR], the gentleman from New York [Mr. MCHUGH] and the gentleman from Massachusetts [Mr. MEEHAN]. Had it not been for their efforts, this conference report would not have been completed.

I would also like to thank the gentleman from California [Mr. DELLUMS], the committee's ranking member, for his cooperation and support. As always, his diligence and involvement made the process work better and is a central factor underlying the bipartisan support this conference report enjoys.

Finally, Mr. Speaker, I want to thank the staff of the National Security Committee. They have once again demonstrated their professionalism and have done an outstanding job putting together this legislation.

Mr. Speaker, this is an important piece of legislation that enjoys strong bipartisan support. I urge each and every one of my colleagues to support the conference report.

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

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume. First, I would like to thank the distinguished gentleman from South Carolina [Mr. SPENCE] for engaging in a

process which did indeed include the minority. It was both bipartisan and congenial. That notwithstanding, Mr. Speaker, I personally will not be supporting this conference report for the following reasons:

One, the spending levels do not coincide with the national security requirements of this country in this gentleman's opinion. Two, it ignores the near-term and mid-range geopolitical realities of the post Cold War world. And, three, it represents a missed opportunity to right-size our military forces and tailor our weapons to these realities.

Spending on wrong systems is a reality in this conference report. For example, Mr. Speaker, this conference report pushes us toward the weaponization of space by authorizing the now line-item vetoed projects for KE-ASAT programs and Clementine II, another potential ASAT program, which have the possibilities of stimulating an entire new arms race, as well as adding millions for a space-based laser program. This is all being done in advance of appropriate underlying policy formulation, interagency review and appropriate coordination with our friends and allies. These activities are destabilizing and threaten to ignite, as I said, a new arms race to weaponize as opposed to militarize space. In fact, the direction in the statement of managers language for space-based lasers may indeed violate the ABM Treaty, again in this gentleman's opinion.

I could go into numerous other examples, but with the limited time, I believe this gives Members who were not on the conference a better idea of what this gentleman finds objectionable and why I cannot support this conference report.

Finally, Mr. Speaker, I might also advise my colleagues that as of today it has been communicated to me that the President has indicated he will indeed veto this conference report for one of several different reasons.

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

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY], the chairman of our Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of the conference report on H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998. This is a good bill. It is not a perfect bill, but it is a good bill. From my perspective as chairman of the Subcommittee on Military Installations and Facilities, it continues the commitment of the House in addressing the serious shortfalls in basic infrastructure, military housing and other facilities that affect the readiness of the Armed Forces and the quality of life for military personnel and their families.

The conference report, if adopted, would be a forceful expression of the continuing bipartisan concern in Congress over the inadequate budget plans put forward by the administration.

□ 2000

For example, in constant dollars, the administration requested 25 percent less in funding for military construction for the coming fiscal year than it sought just 2 years before. While the bill does not buy back all of the cuts proposed by the President, it goes a long ways toward doing so.

The recommendations of the conferees would authorize an additional $800 million for military construction and military family housing, over $440 million in additional funding will go directly toward housing and quality of life programs. I urge support of this bill.

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

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

Mr. Speaker, I rise to encourage support for this conference report. Not long ago, there were nine men from the 305th Air Mobility Wing recently reported missing and last seen in the skies over the south Atlantic. For reasons unknown, these crew members aboard the Air Force C–141, in route from Windhoek Airfield, Namibia, to Ascension Island, never fully completed their assigned mission of providing de-mining assistance to the Namibian people.

After delivering Army personnel and mine-clearing equipment, their arrival at Ascension never materialized. Evidence indicates a mid-air collision. People from five nations spent several weeks looking for them.

I ask all of the Members to look at this bill in light of those who wear the uniform, who are committed, who are courageous, and, sadly, from time to time, lose their lives.

I ask all Members to look at this bill, because it does help those personnel and their families. It increases the personnel pay, it raises military construction levels for housing and barracks and command centers. It augments health and child care and other family oriented benefits to improve the quality of life. It adds nearly $3.6 billion for important procurement programs such as air traffic collision avoidance systems.

Mr. Speaker, we must do our very best for the young men and young women in uniform, day in and day out, wherever they are, whether it be at Fort Hood, Fort Leavenworth, Fort Leonard Wood, Whiteman Air Force Base, Norfolk, VA, or whether it be in Namibia, Bosnia, Europe or Japan, they are performing their duties, defending our interests and defending our liberty.

I urge the Members of this House to support this bill, because it does so much for the young men and young women in uniform.

Mr. SPENCE. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I do so for the purpose of telling this body that I neglected to mention the fact that the gentleman from Hawaii [Mr. ABERCROMBIE], the ranking member on the maritime panel, has also done yeoman's work in putting together this conference report.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

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

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

Mr. Speaker, I remain troubled by the high performance computer provisions in the conference report that penalize Israel, imposes unadministerable burdens on the administration, fails to protect business proprietary information, and requires a one-size-fits-all approach to post-shipment verifications that the authors of the legislation acknowledge cannot be fully implemented.

Mr. Speaker, this is an important issue that deserves more oversight and research by the GAO before we take legislative action with significant foreign policy implications.

The Senate approach remains a much preferable alternative to this mandatory and inflexible set of provisions which will clog the export control process with little prospect of advancing our long-range interests. As presently drafted, countries such as Israel, Russia and China cannot be removed from the Tier III list of affected countries even if they take every action we request of them in monitoring the use of these high performance computers.

Clearly, this is an unwise and self-defeating policy. In the case of Israel, let's not penalize an ally when it has done nothing wrong. In the case of Russia, it goes without saying it should immediately comply with all of our existing export control laws and regulations and return to the manufacturer any illegally obtained high performance computers. But a more permanent government solution on this issue must be set aside until we can ensure full Russian cooperation in putting an immediate end to the ongoing role of Russian companies and other entities in providing Iran with medium and long-range missile capability.

While I will not oppose this conference report, I intend to bring the Iran Missile Proliferation Sanctions Act to the House floor within the next week. As important as the supercomputer issues, we need to give first priority to ending this growing threat to our allies and American troops in the Middle East and Persian Gulf.

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

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

Mr. ORTIZ. Mr. Speaker, I rise today in support of the fiscal year 1998 defense authorization bill. As always,

there were a host of issues before the conference, and I am proud of the way we worked through each one of these issues. Most importantly, this bill represents an overview of our defense needs in the post-cold war period, and it prepares us for this next century.

As the ranking member of the Subcommittee on Military Installations and Facilities, and a member of the Subcommittee on Military Readiness, I am delighted that the bill strongly addresses many of the quality-of-life issues that speak directly to how we provide for those who wear our Nation's uniform.

Housing for our military personnel has been falling apart for the last several years. This bill recognizes that fact and funds housing and barracks, child care centers, health care, and provides a well-deserved pay raise for our service members. The national readiness of our military has long been a prominent concern of mine, and this bill addresses some of the fundamental problems that could weaken our readiness.

One of those readiness issues with which I have been involved is the issue of depot maintenance. The depot provisions in this bill remove politics from BRAC and ensure that no bidder on maintenance work on closing bases will be given preferential treatment. This is a good agreement which represents an honest compromise of ideas, without compromising the national defense of the United States.

Mr. Speaker, remember, this conference report includes a pay raise.

Mr. SPENCE. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Speaker, I rise in strong support of this defense conference report. It is a responsible approach to our defense needs that lives within the budget that we all agree must be balanced.

Mr. Speaker, this bill contains critical quality of life initiatives and continues to address modernization shortfalls. It implements real defense reform and it restores the integrity of the BRAC process.

In sum, this bill provides our Soldiers, Sailors, Airmen and Marines with the technological edge to dominate on the new world battlefield. Support our troops; vote for H.R. 1119.

Mr. DELLUMS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to respond to the comment made by my distinguished colleague, the gentleman from New York [Mr. GILMAN], the Chair of the Committee on International Relations, regarding Tier III countries and whether they could get off the list.

First of all, let us establish the facts. Mr. Speaker, there are five countries on the Tier III list. They are India, Pakistan, Israel, Russia and China. As a matter of fact, Israel, Pakistan and India can get off the Tier III list by signing the Nonproliferation Treaty, so the gentleman from New York is not correct in his observation. With respect to China and Russia, these two countries are in another category and have to be dealt with in a very different way.

As I said earlier in my remarks, if one is going to oppose the high end computer part of this bill, oppose it, but do it on factual grounds, not on grounds that are illusory.

Mr. Speaker, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

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

Mr. Speaker, I would just hope that by the time we come to vote on the authorization bill, that we take into account that this bill, particularly this year, is the result of the efforts of numerous people, giving their best effort to come to a conclusion, come to a resolution.

Not everybody is happy with the contents of the defense authorization bill. Very few people are happy in any given year with the bill because it covers such a wide range of items. In this particular instance, I cannot think of a time when more people devoted not just hours or days, but months, trying to come to a fair resolution.

Mr. Speaker, I have indicated before, this is not theology, this is legislation; this is not a cathedral, this is the House of Representatives. That means that we are not coming to final conclusions and ultimate resolutions here. We are trying to act in concert on the basis of 435 agendas as to what is best for the people of this country.

I ask everyone's support for the Department of Defense authorization bill.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Speaker, I wish to take a moment to compliment the gentleman from South Carolina, Chairman SPENCE, on the expertise that he has shown and the leadership he has shown in bringing a very complex and complicated bill to the floor.

This bill deals with issues ranging from procurement of sophisticated weapons systems all the way to the quality of life issues that are so important to our men and women in our armed services. We deal with everything from the purchase of F–22s and FA–18s to a 2.8 percent pay raise for our military men and women. Without that 2.8 percent pay raise, the 11,000 members of our armed services who today are on food stamps will not get off of food stamps.

Mr. Speaker, we need this bill enacted into law. We need it passed today, and we need it signed by the President. It is a good bill for the men and women of our Armed Forces, and it is a good bill for America.

Mr. Speaker, I commend the gentleman for bringing this bill to the floor in its current form.

Mr. DELLUMS. Mr. Speaker, I yield one minute to the distinguished gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Speaker, as a member of the Committee on National Security, I would like to take a minute to pay tribute to both the chairman and the ranking member of the committee for the remarkable job that they did in bringing this conference agreement to the floor today.

By any measure, this was a marathon run by two of our most skilled negotiators on national security, and I am deeply grateful to both the gentleman from South Carolina, Chairman SPENCE, and the ranking member, the gentleman from California [Mr. DELLUMS] for retaining a House-passed provision which is of particular importance to this Member of the committee.

Specifically, the conference agreement retains a House-passed provision to allow the Army's Construction, Engineering and Research Laboratory to collaborate with the Texas Regional Institute for Environmental Studies at Sam Houston State University in Huntsville, TX, on a critically important computer-based land management initiative. This project will enable the Army to address environmental problems on our military installations.

This authorization of $4 million, coupled with an identical appropriation in Public Law 105–56, will allow CERL and TRIES to carry out this important Army national resources/conservation project beginning this year.

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

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

Mr. Speaker, I learned a lot in this particular conference. I want to thank the chairman for his great leadership in trying to get these things through this conference, which is often like pushing a wheelbarrow full of frogs. Your issues continue to jump out or get pulled out by the other side, and you do the best you can to keep as many of the issues that you think are important for national security in that particular wheelbarrow.

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Let me say to the fine gentleman from South Carolina, Chairman SPENCE, he did a great job of protecting our interests. We did not get a full loaf on everything, but that is what happens when you go into conference.

But we have emerged in the modernization area with more modern equipment, with more money for modernization, both in fixed-wing and rotary aircraft. Also, with respect to our shipbuilding budget, we got a few extra dollars in that shipbuilding budget. With respect to ammunition and other items that reflect on readiness, we did increase that budget to some degree. It was largely because of his efforts.

I also want to thank the gentleman from Missouri [Mr. SKELTON], my ranking member, the ranking member of

the Subcommittee on Military Procurement. He and I worked together. We put a lot of hearings on. We are going to put more hearings on before this session adjourns. I want to thank him for his great work and the ranking member of the full committee, the gentleman from California [Mr. DELLUMS], who did a particularly excellent job working with the chairman and others on a very important aspect of security, which is, do not let the bad guys have high technology when it might come back to bite you.

That is manifested in the provisions on the supercomputer bill. That was one of the most important things we did was put in the supercomputer provision that says, if you are going to sell high-tech to countries that might use it against you at some point on the battlefield, run it by the Secretary of Defense before you do that, run it by the administration, let them see what you are doing, and when necessary, hold up that particular sale.

So my commendations to all of our colleagues. Everybody worked hard. We did a lot of hearings on this bill, and I would recommend passage of the bill.

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

Mr. RODRIGUEZ. Mr. Speaker, I want to take this opportunity to read a letter that was sent by the Executive Office of the President. It is signed by Franklin Raines. It talks about the existing legislation that is before us. I am going to read some aspects of it:

The bill includes provisions which intended to protect public depots by limiting private industry's ability to compete for the depot-level maintenance of military systems and components. If enacted, these provisions would run counter to the ongoing efforts by Congress and the administration to use competition to improve the Department of Defense's business practices and it would severely limit the Department's flexibility to increase efficiency and save the taxpayers' dollars.

It also adds that the bill could reduce opportunities to allow the industry to participate in future weapons systems. In addition, it also dictates how the Department of Defense should treat certain competitive factors, and I quote, that the bill seeks to skew its competition in favor of public depots.

One of the things that I want to read in the back, I think this is very critical, it says, If the numerous problems cited above cannot be overcome, the impact on the Department's costs and our national military capacity would be profound; the President's senior advisers would recommend that the bill be vetoed.

The opportunity that we have now before us is to be able to hopefully clear this area so we will not have a veto. Unfortunately, we do. I have received word that the bill is going to be filibustered both by Senator HUTCHISON and Senator GRAMM as well as some of the Senators from California, because of the fact that it does not allow for the opportunity to compete in an appropriate manner.

I want to go back to the letter and emphasize the fact that these are words that are also coming from the Department of Defense, which says: ''We need to encourage more competition from private industry, not less. Billions of dollars in potential savings are at issue. These resources should be used to maintain the U.S. fighting edge,'' and not to hinder it.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Jacksonville, FL [Mrs. FOWLER].

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, I rise in strong support of the fiscal 1998 defense authorization conference report. Provisions contained in this bill are essential to our national defense and the quality of life of our young men and women in uniform, including a military pay raise of 2.8 percent, greatly needed by the 11,000 active duty military who are currently on food stamps; authorization of additional funds for procurement and research and development, to help assure our continued U.S. military modernization and superiority; increased continuation bonuses for military aviators, to help the services retain their pilots; restoration of integrity to the BRAC process, through fair and open competitions for noncore depot work at closed facilities; and authorization of $883 million for the construction of military family housing, when over 60 percent has been deemed substandard.

We must pass this DOD authorization bill in order to pursue these and other vital national security initiatives. I urge all of my colleagues to support it.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the extremely able ranking minority member of this committee for his leadership in this and in other ways.

I hope the House will vote this down. First, we are dealing with a budget which we adopted recently which Members know will severely constrain our ability to spend on a variety of purposes a few years from now. Passing this authorization guarantees if we follow through with it that 2 and 3 years from now we will not have the money to continue to put police on the streets with Federal help, we will not have the money to provide health care to people who need it, we will not have the money to deal with environmental situations, every domestic purpose now hurting.

Transportation, we are in a terrible dilemma right now because we cannot afford to go forward with our transportation needs. Pass this authorization and we greatly exacerbate that dilemma, because we take some of the money we have available for other purposes, and the logic of this authorization, if we mean it honestly, will be to eat into that.

In particular, the conference committee backed away from this House's clear statement that we should put a limitation on the amount of money we spend for NATO by totally dismissing the overwhelming vote of this House to put some limit on what the American taxpayer is expected to spend for the expansion of NATO. We once again guarantee that there will be an increase in funding.

Members who vote for this conference report now will be estopped later on from complaining when billions of American tax dollars beyond what we have been told earlier are asked for NATO, because this is a blank check for NATO expansion. One need not be opposed to NATO expansion to be opposed to a blank check for it.

Passing this authorization is a disregard of the fiscal discipline we said we would be adopting, and we will live to regret it.

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

Mr. WATTS of Oklahoma. Mr. Speaker, I want to commend the ranking member and also Chairman SPENCE for their long suffering and getting us to this point, to where we can vote on this authorization conference report.

Mr. Speaker, I would like to just highlight some things in this legislation that I think the American people need to know about. It provides a 2.8 percent military pay raise, as has been talked about. What that does, for 11,000 men and women that are on food stamps, that should be unconscionable to anybody in this House to allow that to happen.

This adds more than $300 million for construction and renovation of family and troop housing, it adds more than $600 million to key readiness accounts, badly needed; it adds $3.6 billion to modernization accounts, consistent with the unfunded priorities of the military service chiefs, and it compels further business practice reforms that are much, much needed.

On this legislation, I am encouraging a ''yes'' vote on the DOD authorization conference report. Again, I commend the ranking member and the chairman for getting us to this point.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I urge defeat of the conference report. It is defective for many reasons, as has been described by my colleagues. But I want to point out the error in the provision relating to exports of computers.

I think it is important to outline that no one is saying that there is not a level of sophisticated computers that should not be controlled. In fact, there

should be. The problem is, from concept to concrete, we run into an error and problem in this bill. The 2000 MTOPS is not a computer that needs to be controlled. In fact, by next year the Pentium II 450 megahertz version will be, in all likelihood, 2000 MTOPS on one chip.

To change the 2000 MTOPS, because obviously a Pentium II should not be controlled, it is readily available, there is a very lengthy process in the bill that involves multiagency review, and then a 180-day period for Congress to review. I would note that this is an industry where it used to be a law, that it was 18 months. We are down to 9-month product cycles. So by the time the review provision has occurred, the market will have moved further and we will never catch up.

That is why I think that this is, although I am sure it is well-intentioned, I think it is out of kilter with the technology that we face, and therefore, seriously flawed. I believe that is why the Commerce Department, and I quote, said, ''The waiting periods make no technological sense.''

I believe that those who have proposed this mean and intend to do a sensible thing to protect our country. I honor those intentions and those well meanings, but I must point out that between good intentions and sensible results there has been a glitch, in this case. I believe we ought to defeat this conference report, we ought to relook at this, and make sure that we actually take those steps that will actually protect our country, rather than this flawed result.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama [Mr. RILEY].

Mr. RILEY. Mr. Speaker, I rise today in strong support of H.R. 1119. First, I want to commend the gentleman from South Carolina, Chairman SPENCE, and the ranking member, the gentleman from California, Mr. DELLUMS, for all their hard work on this bill.

Mr. Speaker, this conference report includes a much deserved 2.8-percent raise for our servicemen and women, over $1.5 billion for family and troop housing, and finally and most importantly, Mr. Speaker, it restores the full faith and integrity to the base closure process. Therefore, Mr. Speaker, I urge all of my colleagues to support this bill.

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

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

Mr. Speaker, I rise in support of the conference report on the defense authorization bill for fiscal year 1998. The conference agreement strikes a reasonable balance among the needs for modernization, strategic forces, readiness, and quality-of-life programs for our military people.

As a member of the research and technology panel of the committee of conference, I was very concerned about whether we are making adequate provision to ensure that our forces have the technological edge on the battlefield of the future. I am satisfied that this conference report moves us in the right direction.

Today we are witnessing steady aging of equipment. Many weapons systems and platforms that were purchased in the 1970's and 1980's will reach the end of their useful lives over the next decade or so. Congress must make certain that tomorrow's forces are every bit as modern and capable as today's. Consistent, adequate spending on the modernization of U.S. forces is required to ensure that tomorrow's forces are equipped and ready to dominate the battlefield across the full spectrum of military operations.

The conference agreement follows the House lead to increase funding for missile defense programs. This is true both for the theater missile defense and national missile defense. The agreement also does a commendable job of straightening out the tactical aviation program that will ensure air superiority into the future.

People continue to be the most important component of our military. Quality people are the key to a successful military. Downsizing and deployments have created a high level of turbulence among our military people. They have increasing cause to be concerned about health care, about housing, about retirement, and about other benefits such as the military resale system.

This conference agreement goes a long way toward making certain that our military people and their families are taken care of. More must be done, but this is a major step in the right direction. Mr. Speaker, this conference agreement provides a reasonable and balanced program for our military. I urge its adoption.

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Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. RYUN].

Mr. RYUN. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPENCE] for his hard work and the gentleman from California [Mr. DELLUMS], the ranking member, for all of his work on H.R. 1119. I rise in support of H.R. 1119, the 1998 National Defense Authorization conference report.

Mr. Speaker, once again the President submitted a budget request that does not match our national security goals. Whether it is weapons modernization, health care for military families, military construction, or end-strength levels, the President's request falls woefully short, an inadequate effort.

Mr. Speaker, I support the House's efforts to increase the defense spending above the President's request and ensure that the United States remains the world's premier fighting force.

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

Mr. FAZIO of California. Mr. Speaker, when is a compromise not a compromise? Well, this conference report is a classic example of one.

The language in this report, negotiated behind closed doors, does not move an inch in the right direction toward what the Department of Defense's interests are, what is best for the American military forces, and what is best for the taxpayers' dollar. That is competition to determine the best place to overhaul and repair military workload.

This conference report moves in the wrong direction. This so-called compromise language, written without the knowledge or input of several members of the authorizing committee itself, restricts competition. Instead of creating a level playing field, it tilts it even further in favor of public depots, which may not be as cost-effective as the private sector in all cases. But rather than let competition determine the winner, this report, I think, skews the outcome in favor of one type of competitor without concern for the impact on the taxpayer.

If that is not enough, there is a new wrinkle in this report that ought to raise the eyebrows of some other Members. That is the restriction on supercomputer exports, which will have a chilling effect on our Nation's high-tech industry, threatening America's status as the world's leading exporter of technology.

Mr. Speaker, I urge my colleagues to oppose this conference report because it is ''veto bait.'' I emphasize that. It will not become law unless it is further modified to accommodate a level playing field on competition. This is a bad deal for America's taxpayers. I think it is not a good deal for our high-tech industry, and I know in my own district it is doomsday for thousands of Americans who have worked for the Defense Department, and I think it is true also in San Antonio where we only hope to save a few jobs, if we can win the competition to do the public's business.

Mr. Speaker, I urge my colleagues to please join me in voting ''no'' on this report. The President will veto it. We can get a better one with our colleagues' help.

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

Mr. THORNBERRY. Mr. Speaker, despite some of the shortcomings that some people may see in this bill, overall it makes us stronger and it deserves to be supported.

In the key area of our own nuclear arsenal, it makes sure that our nuclear weapons are safe and reliable in the future, despite a number of shortcomings and deficiencies that are increasingly getting attention. I would commend to my colleagues' attention a CRS report which was just released last week that discusses some of these key deficiencies that this bill begins to address.

In the very important area of our cooperation with the nations of the

former Soviet Union to take apart delivery systems that were once aimed at us and to prevent nuclear terrorism and smuggling, this bill is a much better bill than the bill that originally left the House.

I would also add, Mr. Speaker, in the most important asset of all, and that is our people, this bill makes some needed corrections to improve that area so that we can get and keep the very best people throughout our military and that will serve us well in the future.

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

Mr. SISISKY. Mr. Speaker I thank the gentleman from South Carolina [Mr. SPENCE], chairman of the committee, and, of course, the gentleman from California [Mr. DELLUMS], ranking member, for a job well done.

Mr. Speaker, we have been at this conference, and this was no easy conference, something like over three months. Did we get everything we liked? No. I can tell my colleagues that on the depot issue I am not very fond of it. But we never get everything we want when we compromise.

Mr. Speaker, I was startled to hear, believe it or not, that we dropped the cap on NATO participation. I think we can correct that next year. I know I will try as best I can to do that.

But all in all, the bill is the right bill. It is not satisfying to everyone. I would really ask my colleagues to be sure to vote ''aye'' on the bill. The readiness of our troops, and we have spent a great deal of time on the readiness of our people with OPTEMPO and PERSTEMPO. I visited particularly Fort Campbell, Kentucky, in August and I was extremely impressed with our young soldiers and warriors there that belong to the 101st Airborne Division whose morale was extremely high getting ready to go overseas and trusting in the Congress to supply them with the materials that they want.

Mr. Speaker, I implore my colleagues to vote ''aye'' on this bill.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I rise in support of this conference report, but wish to express my limited concerns.

Mr. Speaker, this conference report reduces the Army National Guard end-strength by 5,000 soldiers. This reduction is made to reflect end-strength reductions determined by the Quadrennial Defense Review and agreed upon at an Army offsite meeting on force structure. But in this same agreement the Army was also supposed to take a cut of 5,000 soldiers in fiscal year 1998. However, I am disappointed that this bill only reduces the National Guard end-strength and does not reduce the end-strength of any other component.

Mr. Speaker, this type of policy hurts future efforts to modernize our military, penalizing all our forces at the direct expense of the Army National Guard.

With those concerns, Mr. Speaker, I urge all of my colleagues to support this conference report.

Mr. DELLUMS. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I would like to ask the gentleman from South Carolina [Mr. SPENCE] if he would engage in a colloquy.

Mr. Speaker, I would ask the gentleman if I am correct in understanding that the conference report provides $40.2 million for upgrades and modifications to the Army's M–113 armored personnel carrier? And is there any amount of funding authorized for reactive armor tiles for the M–113 vehicle?

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

Mr. TANNER. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, the gentleman is correct. Although the conference report specifically directs $35.2 million of the $40.2 million for vehicle upgrades and modifications, it does allow the Army to procure either reactive armor tiles or driver thermal viewers or both with the remaining $5 million.

Mr. TANNER. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise to engage the gentleman from South Carolina [Mr. SPENCE], my good friend, the chairman of the Committee on National Security, in a brief colloquy on employee stock ownership plans in Section 844 of the conference report.

With respect to the ESOP provision, Section 844 which reflects a Senate amendment to the original House provision, I ask for assurance that the conference outcome is consistent with existing law as set forth in Public Law 94–455, establishing that Congress wants to encourage ESOPs, not choke them to death with unreasonable rules and regulations.

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

Mr. BALLENGER. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I assure the gentleman that there is nothing in the conference report that alters the existing law that the intent of Congress is to encourage ESOP creation and operation, as clearly spelled out in Public Law 94–455. In fact, Section 844 would further that intent.

Mr. BALLENGER. Mr. Speaker, reclaiming my time, I thank the gentleman.

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

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I compliment the chairman on a job well done. I rise in support of this measure. It includes a very well-deserved pay raise for those that protect us. It makes us stronger.

A very important aspect of this that sometimes does not get the attention that it deserves, but it provides for additional funds for modernization and that is very important as we prepare for the 21st century.

Mr. Speaker, again, I thank the gentleman from South Carolina for a very well done job.

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

Mr. Speaker, we have come to the end of the debate and discussion on the conference report. I would simply like to first thank the distinguished gentleman from South Carolina [Mr. SPENCE] for his efforts. As I said earlier in my remarks, he has been congenial; this has been a bipartisan effort.

Second, the fact that I cannot support this conference report, that notwithstanding, I think that it is important that this committee bring this conference report to the floor. We do not choose to end up a debating society. It is terribly important that Members of Congress know that when we pass a bill, go to conference, that eventually we will bring back a significant work product.

There are a number of factors in this bill that some Members like. There are other factors that some Members do not. That is the nature of the legislative process. But I am pleased that we are bringing back a report, a conference report to the floor of this body so that my colleagues may work their will.

Finally, I would simply say, Mr. Speaker, that for the reasons that I enunciated earlier in this bill I will not personally be supporting the report. I have my substantive reasons why that is the case. For any Member who is interested, they can peruse my remarks that were made earlier and with those summarizing remarks.

Mr. Speaker, in the interest of comity and brevity, I yield back the balance of my time.

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

Mr. Speaker, this is a conference report. As is the case with all conference reports, we do not ever get all we want. As I said the other day, we win some, lose some, and in some cases end up in ties. No one is completely 100 percent happy with the product of this conference report or any other produced by this body.

That is the nature of a conference report. Give and take. We have to compromise to get a bill back before this body for us to vote on. The same thing is happening in the other body. They have the same problems we have.

Mr. Speaker, if I had my personal opinion to express at this time, I would say in summation that the conference report does not provide enough for the defense of our country. Most people do not realize the condition we find ourselves in today. The cold war is over and most people think that the threat of war has been removed.

But I am here to tell my colleagues that it is not a matter of ''if'' there will be another war, it is just ''when'' it is going to be and ''where'' it is going to be. And at this point in time, I am afraid we are not prepared sufficiently to defend against the threat this country faces.

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

Mr. SPENCE. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, before I we yield all time back, I would just like to make a comment. I would like to finally thank all the members of the staff on both sides of the aisle. For many of my colleagues who are not aware, many of these young people spent numerous weekends away from their relatives, family, and friends, in order to make sure that this extraordinarily complicated bill came together.

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With great personal sacrifice and, in this gentleman's humble opinion, the financial remuneration that goes to these staff people does not offset the intrusion into their private lives, I think we are very fortunate to have a competent and capable staff who are able to work many of these issues late into the night and day in and day out for weeks and weeks. I would feel that I was derelict in my responsibilities, Mr. Speaker, if I did not express my sincere gratitude and thanks for all the staff people who helped put this bill together.

I appreciate the gentleman's generosity.

Mr. SPENCE. Mr. Speaker, I, again, would like to thank the gentleman for what he has done to make this conference report possible to bring it before the body at this time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to express support for one provision of H.R. 1119, Section 2826. Although this provision prohibits conveyance of the property at Long Beach Naval Station to the China Ocean Shipping Company [COSCO], it includes elements of a recommendation I made to this House that allows the President to waive this restriction if it is determined that the transfer would not adversely impact our national security.

Mr. Speaker, I still have reservations about the language in the Conference report, however, because I do not believe it goes far enough to protect the national security of the United States. The language I recommended to the House addressed this issue. The restrictions limit the provisions of this section to Long Beach and to the China Ocean Shipping Company [COSCO]. The language fails to address the impact of transfers of property at other bases to state owned shipping companies which may pose a risk to national security or significantly increase the counter intelligence burden on the U.S. intelligence community.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today in opposition to the conference report on the FY 98 National Defense Authorization bill. This bill goes $2.6 billion over the President's request and $1.7 billion over last year's spending. During a time of fiscal restraint and balanced budgets, there is no room for this kind of unrequested expenditure in our federal ledger. If this Congress continues to treat itself to massive defense spending increases, we will starve our health, education, and elderly programs. This conference report does not reflect our budgetary constraints, nor does it reflect the realities of today's world. In this bill, we are continuing to authorize cold war weapons, such as B–2 bombers and nuclear attack subs, instead of taking this important opportunity to tailor our military capabilities to respond to the new challenges that we will face in the 21st century. Further, this legislation threatens to start an arms race in space. And to pay for this new hardware, we are cutting funds for readiness.

I am pleased that Congress has agreed to expand the Cooperative Threat Reduction program, that we can agree to help our National Guard, and that we have worked to boost funding for research on Gulf war syndrome. We must maintain the superiority of our Armed Forces and ensure that we provide for the brave individuals and families in military service. But this bill takes us only half way there—as it has been crafted, it threatens to bankrupt our entire budget. This bill shows that we have not thought about the kind of military and the kind of weaponry we will need to defend this nation and her allies in the next century. Members of Congress should take the time to sit down again to craft a bill that takes care of our personnel and better matches our future needs.

Mr. MATSUI. Mr. Speaker, I rise today in strong opposition to this bill.

The recommendations of the Defense Base Closure and Realignment [BRAC] Commission regarding McClellan and Kelly Air Force Bases are absolutely clear. When the Commission recommended the closure of these facilities, it directed DOD to either ''consolidate the workloads to other DOD depots or to private sector commercial activities . . .''. Unfortunately, the negotiators of this bill were unwilling to compromise with the President and DOD, insisting on the insertion of language that would prevent this mandate from going forth in an equitable manner.

Let no one in this chamber be misled. McClellan and Kelly Air Force Bases will close. As of July, 2001, they will no longer be Air Force facilities and nothing in this bill will change that in any way.

What this legislation will do, however, is burden the private sector competitors with new requirements without placing any corresponding new requirements on the public depots. This language severely undermines the depot maintenance outsourcing process, turning it into a mockery of fair play and open competition.

Without the ability to judge the public depots and private firms on a level playing field, the Air Force will be unable to determine which of its options under the 1995 BRAC law makes the most sense for our national security. Without fair competition, DOD will be unable to determine which option clearly proves to be the best value for the American taxpayer.

If the goal of privatization, as the BRAC Commission reported, is to ''. . . reduce operating costs, eliminate excess infrastructure, and allow uniformed personnel to focus on skills and activities directly related to their military missions,'' then Congress should not interfere and prejudice this process with biased language. I urge my colleagues to vote in favor of fair and open competition and vote against this bill.

Mr. BUYER. Mr. Speaker, I rise in support of the conference report for H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998, for its recommitment to the fate of American POW's and MIA's.

H.R. 1119 includes most of the House provision which sought to strengthen the process by which our past, present and future POW–MIA's are accounted for. The National Defense Authorization Act for FY 1997 repealed several provisions of law that provided due process for the families of missing service members seeking information about their loved ones' fates, and that encouraged prompt investigations into missing personnel. The conference report restores many of the provisions stricken by the 1997 authorization bill, and makes additional changes to the law to improve the process for accounting for missing persons. These new provisions apply not only to our military, but to different civilian support personnel who may be serving alongside our armed forces far from home. In reaching an agreement in the conference report, I had very constructive negotiations with Senator JOHN MCCAIN, whose history with this issue is well known. Senator MCCAIN was a good-listener, and fair-minded in his approach, allowing us to reach an agreeable compromise between the two Houses' positions. As a result, the conference report on H.R. 1119 contains a reasonable outcome that substantially advances the interests of those who seek to ensure the fullest possible accounting of our POW–MIA's.

Mr. Speaker, the conference report for H.R. 1119 keeps the faith, not only with our people in uniform, but with other equally dedicated citizens who voluntarily venture into harm's way in support the nation's vital interest. It reiterates the theme that should constantly play on the hearts of the American people—that our POW–MIA's are, indeed, not forgotten. For that reason, I urge my colleagues to support the Defense Authorization Act.

Mr. DICKS. Mr. Speaker, as a conferee representing the Intelligence Committee on this legislation, I want to note particularly the resolution of an issue affecting the Defense Airborne Reconnaissance Office, or DARO. The Intelligence Committee originally voted to terminate this office and transfer some of its functions to the Director of the Defense Intelligence Agency. This recommendation was controversial in the Committee—I for one did not support it—but it was endorsed by the House National Security Committee and was likewise reflected in the House defense appropriations bill. The Senate took no action against DARO.

I am pleased that this conference report does not include the DARO termination recommended by the House. The conference agreement compels no change in DARO nor will it require that DARO cease the exercise of its critical responsibilities for strong oversight of airborne reconnaissance. The conference report does clarify that DARO's role does not include program management or budget execution. It should be understood clearly that this provision does not alter DARO's current role or responsibilities since, Department of Defense officials have stressed, DARO has not, does not, and will not manage programs. Instead, all airborne reconnaissance programs

are executed by the military services or by the Defense Advanced Research Projects Agency.

The conference report provides for a review of DARO by the ongoing Defense Reform Task Force, which I support. This task Force could well make a recommendation, and the Secretary of Defense could decide, to place the airborne reconnaissance oversight function in another organizational structure or to alter the manner in which the office reports to senior DoD officials. I have every expectation, however, that the Task Force and the Secretary will strongly support continuation of a centralized and powerful oversight function at a senior level within the Department.

During a colloquy when the House considered the conference report on the Defense Appropriations Act, Chairman Young assured me that the reduction to DARO's operating budget reflected in the Act was made without prejudice and that the Committee would consider a reprogramming request from the Secretary to restore all or part of the funding requested for supporting the airborne reconnaissance oversight function for fiscal year 1998. The defense authorization conference report followed the budgetary allocations of the Appropriations conference in this as in most other matters. I hope that the leadership of the other committees which would have to consider a reprogramming for DARO will likewise defer to the judgment of the Secretary of Defense on funding for this activity in the coming year.

Mr. BLILEY. Mr. Speaker, I rise in support of the conference report and wish to note the hard work of all members of the conference committee to deliver legislation that will ensure the security of our country and adequately provide for the members of our Armed Forces.

As a conferee on various provisions of this legislation which impacted the jurisdiction of the Commerce Committee, I am generally satisfied with the work which has been accomplished over the past several weeks. We have been able to reach agreement on a number of issues, and I appreciate the effort of Chairman SPENCE and other conferees to remain sensitive to the concerns of my Committee regarding a number of provisions on which the Commerce Committee was not represented by conferees.

However, although I signed the conference report and support the overall bill, I continue to have serious reservations concerning several parts of the final work product. Specifically, I do not believe that section 351 of Title III of Division A of H.R. 1119 should be part of this legislation.

This section was not included in the House version of H.R. 1119. Instead, this measure was added by the other body without thorough review and without specific comment by the Executive Branch. Thus, simply on procedural grounds alone, I do not believe that section 351 should be part of the final conference report.

But my concerns regarding this provision are far more than procedural. In this regard, I am attaching a letter signed by myself, Health and Environment Subcommittee Chairman MICHAEL BILIRAKIS, full committee Ranking Member JOHN D. DINGELL, and subcommittee Ranking Member SHERROD BROWN. This letter outlines the Commerce Committee's serious concerns regarding section 351 and the reasons why this section should not have been adopted in conference.

In brief, section 351 establishes a policy for the sale of Clean Air Act emission reduction credits by military facilities. This policy is only applicable to defense facilities and is not applicable to other facilities or emission sources operated by the federal government. Thus, the provision risks creating a patchwork of policies within the federal government which could be at variance with the most efficient implementation of emission trading programs.

Emission trading programs will become increasingly important as this nation strives to meet Clean Air Act standards. Such programs hold the promise to achieve needed reductions at the least cost and to increase flexibility in the implementation of Clean Air Act programs. Thus, what is needed in lieu of section 351 is a comprehensive review of the participation of all federal facilities and operations within new emission trading programs.

The question of how federal facilities participate and what economic incentives may be available to individual facilities is an important question which should not be determined without informed analysis of the available alternatives. In this regard, during the coming months, the Commerce Committee will be actively reviewing this matter and may consider and evaluate policies at variance with those specified in section 351. In brief, the full committee and subcommittee leadership of the Commerce Committee have not endorsed section 351 or the pilot program it will establish and the Committee specifically reserves its rights and prerogatives under the Rules of the House to amend or terminate the pilot program established by this section.

On another provision included in the conference report, I would like to clarify our understanding that the language in section 3404, Transfer of Jurisdiction, Naval Oil Shale Reserves Numbered 1 and 3, transfers only ''administrative jurisdiction'' over the Naval Oil Shale Reserves, and does not impact the jurisdiction of the Commerce Committee. The Commerce Committee has long shared jurisdiction over the Naval Oil Shale Reserves with the National Security and Resources Committees. In order to assure that Americans get the best value for their investments we have agreed to these provisions which allow two of the Naval Oil Shale Reserves to be leased for oil and gas exploration and production. The Commerce Committee expects to be a part of any future legislative efforts to modify these provisions or make any other changes with respect to the operations or disposition of these national assets.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 4, 1997.

Hon. FLOYD SPENCE,
Chairman, House National Security Committee,
Rayburn House Office Building,
Washington, DC.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN SPENCE AND CHAIRMAN THURMOND: We are writing to express our opposition to Section 338 of H.R. 1119 and to ask for your assistance in deleting this provision during the conference committee consideration of this matter.

Section 338 seeks to establish a program, solely within the Department of Defense, to provide for the sale of emission reduction credits established under the Clean Air Act. The section additionally directs that proceeds from such sales will be available to the Department of Defense, not only for the costs attributable to the identification, quantification and valuation of such emission credits, but for allocation within the Department of Defense and to military facilities for activities that are ''necessary for compliance with Federal environmental laws.'' This section was not part of H.R. 1119 as approved by the full House of Representatives.

The House Commerce Committee holds several strong objections to this provision. First, the provision seeks to establish federal policy, applicable ton only one department of government, concerning several environmental trading programs which have different objectives. The provision specifically applies to ''any transferable economic incentives'' which would include, at a minimum, trading programs involving criteria pollutants regulated under Title I of the Clean Air Act, marketable permits established under Title I and Title V of the Clean Air Act, and other programs which seek to provide flexible, alternative implementation of the Act.

While the Commerce Committee would seek to encourage the full participation of the federal government in emission reduction and trading programs, it does not believe that this participation should occur on a segmented or department-by-department basis. Moreover, it is unclear whether the return of funds (over and above the amount of costs associated with identification, quantification and valuation of economic incentives sold) should necessarily be made available to the specific facilities which generated the economic incentives. Requiring that such funds be allocated ''to the extent practicable'' to specific facilities risks ignoring important Clean Air Act goals or other federal priorities.

Second, the provision seeks to establish a policy which may be at variance with present attempts to promote flexible implementation of new Clean Air Act standards. On July 16, 1997, the President directed the Administrator of the Environmental Protection Agency ''in consultation with all affected agencies and parties, to undertake the steps appropriate under law to carry out the attached (implementation) plan'' for the new ozone and particulate matter standards. Section 338 predates this policy, and thus predates any consultation or coordination between the Environmental Protection Agency and the Department of Defense regarding implementation of new clean air act standards which contemplate broad and unprecedented utilization of emission trading programs.

Given the costs associated with full implementation of the new standards, it is clear that offsetting these costs through the sale of allowances and other incentives is essential. The corresponding distribution of the economic benefits resulting from the sale of allowances is thus a significant policy decision. Such a decision should not be made in the context of legislation unrelated to the goals of Clean Air Act programs and policies.

Finally, the Commerce Committee, which has jurisdiction over the law which served to create the economic incentives which are the subject of Section 338, has received no testimony, evidence, or other information from the Department of Defense or other departments or agencies of the federal government which specifically supports the final legislative language of section 338. Thus, the Commerce Committee has had no opportunity to evaluate the propriety of the policies advocated by section 338, the validity of the information and assumptions which underlie its incorporation into this law, or the ability to subject advocates of this provision to normal committee process and questioning. At a minimum, the Commerce Committee must

insist on its right to fully examine this provision within the normal oversight and legislative duties delegated to the Committee by the full House of Representatives.

Thank you for your assistance in striking this provision for the final conference report. Should you require any further information on this provision, please do not hesitate to contact us.

Sincerely,

TOM BLILEY,
Chairman, House Commerce Committee.
MICHAEL BILIRAKIS,
Chairman, Health and Environment Subcommittee.
JOHN D. DINGELL,
Ranking Minority Member House Commerce Committee.
SHERROD BROWN,
Ranking Minority Member Health and Environment Subcommittee.

Mr. KASICH. Mr. Speaker, I am very disappointed that the conferees did not reflect the clear will of the House in the Conference Report's provision dealing with Bosnia [sections 1201 through 1206].

The mission of the U.S. Armed Forces in Bosnia has been characterized by a failure to define achievable objectives, a unilateral shifting of deadlines, and a refusal on the part of the administration to clearly explain its goals either to Congress or to the public at large. If the American people are to have any confidence in our national security policy, that policy must be honestly and forthrightly presented to them.

I am troubled by the unclear focus of the mission and the apparent lack of an exit strategy. The underlying premise of the original mission was to separate the warring factions, then turn the peacekeeping role over to our European allies within one year. In November 1995, in his address to the Nation regarding our proposed commitment of our forces to Bosnia, President Clinton stated that, ''* * * our Joint Chief's of Staff have concluded that U.S. participation should and will last about one year.''

However, in November, 1996, the President announced that our military presence in Bosnia would be extended for another eighteen months, until June 30, 1998. Although Secretary of Defense Cohen has emphatically stated his understanding that U.S. forces would be withdrawn by the end of June, 1998, more recent statements by administration officials, such as those of National Security Advisor Samuel Berger on September 23, 1997, have cast serious doubt on this second deadline.

These shifting deadlines have been accompanied by rhetorical sleights-of-hand, such as the assertion that by renaming the military force in Bosnia from the Implementation Force (''IFOR'') to the Stabilization Force (''SFOR''), a new mission, and therefore a different deployment, was created. Somehow, this was believed to mitigate the fact that U.S. troops are still in Bosnia, nearly a year after the initial withdrawal deadline has passed.

It was against this background that on June 24, 1997, the House voted 278–148 to prohibit funding for U.S. ground forces in Bosnia after June 30, 1998. Moreover, this strong show of support for setting a date certain for withdrawal came just after the House narrowly rejected an amendment to end the U.S. ground force mission in Bosnia by December 31, 1997. Together, these votes demonstrate a consensus in the House to wrap up the Bosnia deployment in the near future and bring the troops home.

The conferees' decision to abandon a firm withdrawal date in favor of language merely requiring Presidential certifications for the Bosnia mission to be extended for an indefinite period of time after June 30, 1998, not only weakens the firm position of the House, it offers further scope for yet another extension of the Bosnia mission. As everyone must surely realize, the President's certification to the terms of the provision is virtually a forgone conclusion. By permitting President Clinton to unilaterally extend the deployment of U.S. Armed Forces in the potentially hostile environment, Congress would be undercutting its obligation to the American people and to the young men and women the President has sent to Bosnia.

It is a generally accepted premise that the President is the ''sole organ of the federal government in the field of international relations,'' and that Congress generally accepts a broad scope for independent executive action in international affairs. But Congress has long been concerned about U.S. military commitments and security arrangements that have been made by the President unilaterally without the consent or full knowledge of Congress.

Throughout our Nation's history, prior Presidents have sought Congressional consent for extended deployments of United States Forces overseas, either through declarations of war or by Acts of Congress authorizing the specific deployment. The latter category has ranged from authorizations to deploy forces overseas (such as the 1949 North Atlantic Treaty and the 1954 Mutual Defense Treaty with Korea) to the use of military force in specific situations (such as the Gulf of Tonkin Resolution in 1965, or the Persian Gulf Resolution of 1991).

Article I of the Constitution grants Congress the ''Power to raise and support Armies * * * to provide and maintain a Navy * * * to make Rules for the Government and Regulations of the land and naval forces * * *'', and grants Congress the sole authority to declare war. These powers were explicitly given to Congress in order to prevent the President, in his role as Commander in Chief, from using the armed forces for purposes that have not been approved of by Congress on behalf of the national security interests of the American people.

Nowhere in the Constitution is the President empowered to deploy United States Armed Forces for war or beyond our borders without the consent of Congress. It is generally agreed, however, that situations of imminent or immediate danger to American life or property may arise that require the President to act without Congressional consent, but the extended deployment to Bosnia hardly qualifies for such unilateral action.

President Clinton, by ordering the deployment of our military into Bosnia without the consent of Congress, has assumed that the making of war is the prerogative of the Executive Branch. But the raising, maintenance, governance, and regulation of the deployment and use of the Armed Forces of the United States is the prerogative of Congress.

Not only does the conferees' weakening of the House position undercut Congress's legitimate authority to work its will on a vital foreign policy matter that involves the commitment of substantial U.S. military forces, it comes precisely at a time when SFOR is clearly drifting deeper into the quagmire in the Balkans, rather than preparing to disengage from it.

During the last three months, SFOR has become more and more entangled in efforts at nation building, a flawed objective as well as an inappropriate use of combat forces. For example, SFOR troops are increasingly becoming involved in Serbian interparty politics, the takeover of police stations, and the censorship of television broadcasts. These recent actions compromise our status as neutral peacekeepers and jeopardize the primary mission of separating the former belligerents. More important, they endanger American lives in much the same way as our poorly thought-out policies in Somalia and Lebanon.

Commenting on the administration's increased engagement in nation building, former secretary of State Henry Kissinger wrote the following: ''America has no national interest for which to risk lives to produce a multiethnic state in Bosnia. The creation of a multiethnic state should be left to negotiations among the parties—welcomed by America if it happens but not pursued at the risk of American lives.''

The administration has compounded the difficulty of a confused, evolving mission in Bosnia by the lack of a clear exit strategy. This problem became very evident during the Senate's hearing to confirm General Henry Shelton as Chairman of the Joint Chiefs of Staff on September 9, 1997, when General Shelton admitted that he had not been informed of the exit strategy for Bosnia. It is likely that to the extent an exit strategy exists, it is so firmly tied to hazily defined future political events that there is always sufficient reason to leave U.S. troops in place: there is always one more local election, always one more arbitration, always one more refugee transfer that would, in the administration's opinion, require the presence of U.S. troops. Making our departure a hostage to these events is a virtual guarantee that U.S. troops will be in Bosnia for a long time to come.

Finally, our mission in Bosnia raises troubling questions about allied burdensharing. I firmly believe that Bosnia is not a vital national interest. It is, at most, a peripheral interest of the United States to end a regional civil war in an area outside of NATO territory. It may be a vital interest to Europe, but it does not follow that U.S. ground troops must be tied up there for years. If the Europeans truly have the will to maintain peace in Bosnia, they will find a way; the administration should press the Europeans to begin planning now to assume full responsibility for the ground mission. If our allies have deficiencies, for example, in logistics capability or command and control, we must identify them and offer help to correct them.

The conference agreement on Bosnia, by permitting what is essentially an open-ended extension of the mission, effectively nullifies the consensus of a record vote in the House and opens the door to further mission creep. I am deeply disappointed that the conferees could not find a mechanism to reassert Congress's legitimate Constitutional authority when our men and women in uniform are deployed in harm's way. Instead, the conferees appear to have countersigned a blank check to continue deployment in the Balkans.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the conference report to H.R. 1119, the National Defense Authorization Act. This conference includes a very important provision on

an issue that I have been working on for over ten years.

Several programs have been enacted over the years to allow regular and reserve retired members to ensure that, upon their deaths, their survivors will continue to receive a percentage of their retired pay. However, two categories of ''forgotten widows'' have been created by omitting any benefits for survivors of members who died before they could participate in the new programs.

The Survivor Benefit Plan (SBP), enacted in 1972, replaced an earlier unsuccessful program. It offered an 18-month open enrollment period for members already retired. This SBP open enrollment period inadvertently created the first category of ''forgotten widows.'' These individuals are widows of retirees who died before the SBP was enacted or during the open enrollment period before making a participation decision. There are 3,000 to 10,000 pre-1974 widows.

In 1978, the law was changed to allow Reservists the opportunity to elect survivor benefit coverage for their spouses and children when completing 20 years of qualifying service. However, it did not provide coverage for widows of Reserve retirees who died prior to its enactment. Thus the second category of ''forgotten widows'' evolved—the pre-1978 reserve widows. There may be 3,000 to 5,000 widows in this category.

In 1948, when the Civil Service Survivor Benefit Plan was enacted, it also created some civil service forgotten widows. In 1958, Congress authorized an annuity of up to $750 per year for the widows of civil service employees who were married to the employee for at least five years before the retiree's death, were not remarried, and were not entitled to any other annuity based on the deceased employee's service.

Today, all military ''forgotten widows'' have to show for their husbands' careers are memories. The 1958 civil service benefit of $750 equates to more than $3,600 in 1994 dollars.

Military ''forgotten widows'' deserve at least the minimum SBP annuity allowed under current law. Therefore, I introduced legislation, H.R. 38, that would provide these widows with a monthly annuity of $165 per month. H.R. 38, has received bipartisan support and has more than 50 cosponsors.

I was pleased that the Senate included a similar provision in its authorization act. The conference report that we are considering today retains this important provision from the Senate's legislation. The inclusion of forgotten widows in the Survivor Benefit Plan is long overdue.

I urge my colleagues to support the conference report for H.R. 1119.

Mr. SAXTON. Mr. Speaker, I want to thank the committee for adding language to the House-passed version of the Defense Authorization Act that would commission a study to help resolve outstanding U.S. commercial disputes against the Kingdom of Saudi Arabia. There remain, however, slight technical modifications to the directive report language I would like to clarify in this statement.

The purpose of the study is to re-open the claims process established under the FY93 Defense Appropriations Bill and to require the Department of Defense to conduct a broad and comprehensive search into any remaining claims not resolved under the Act. As many in this body are aware, eighteen suits were filed against the Government of Saudi Arabia in the 1980's following their failure to pay for hundreds of millions of dollars worth of construction projects. To date, one important claim remains unresolved—the case of Gibbs and Hill, an engineering firm hired by the Saudi government to design a power and desalinization plant in the late 1970's.

Following the completion of the facilities, the Saudi government refused to pay Gibbs and Hill the $55.1 million owed for their services. Almost twenty years later, the claim is still being pursued by Hill International, Inc., a firm located in my district. Although substantial Congressional support has been organized to pressure the Saudi government to settle this final claim, there has been little action. I am confident, however, that the upcoming report of the Secretary of Defense will help move the process along by identifying the Gibbs and Hill claim, and any other outstanding claims, resulting in a public record of the Kingdom of Saudi Arabia's failure to pay its debts to American businesses.

With the support of the Senate Armed Services Committee for the House directive report language, I am hopeful the Secretary of Defense, in consultation with the Secretaries of State and Commerce, will issue this report in a timely matter.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

Without objection, the Chair will reduce to not less than 5 minutes the time for a vote by the yeas and nays on the question of suspending the rules and agreeing to House Resolution 139, postponed earlier today, which will immediately follow this vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 286, nays 123, not voting 24, as follows:

[Roll No. 534]

YEAS—286

Abercrombie	Barton	Bonior
Aderholt	Bass	Bono
Allen	Bateman	Boswell
Archer	Bentsen	Boyd
Armey	Bereuter	Brady
Bachus	Berry	Brown (FL)
Baesler	Bilbray	Bryant
Baker	Bilirakis	Bunning
Baldacci	Bishop	Burton
Ballenger	Blagojevich	Buyer
Barcia	Bliley	Callahan
Barr	Blunt	Calvert
Barrett (NE)	Boehlert	Camp
Bartlett	Boehner	Canady
Cannon	Hunter	Pitts
Carson	Hutchinson	Pomeroy
Castle	Hyde	Porter
Chabot	Inglis	Portman
Chambliss	Istook	Price (NC)
Christensen	Jefferson	Pryce (OH)
Clayton	Jenkins	Quinn
Clement	John	Radanovich
Clyburn	Johnson (CT)	Redmond
Coble	Johnson, E. B.	Regula
Coburn	Johnson, Sam	Reyes
Collins	Jones	Riggs
Combest	Kanjorski	Riley
Cook	Kaptur	Roemer
Cooksey	Kasich	Rogan
Cox	Kennedy (RI)	Rogers
Cramer	Kennelly	Rohrabacher
Crane	Kildee	Ros-Lehtinen
Davis (FL)	Kim	Rothman
Davis (VA)	King (NY)	Ryun
Deal	Kingston	Salmon
DeLauro	Klink	Sanchez
DeLay	Knollenberg	Sandlin
Diaz-Balart	Kolbe	Sanford
Dickey	LaHood	Saxton
Dicks	Largent	Scarborough
Doyle	Latham	Schaefer, Dan
Dreier	LaTourette	Schaffer, Bob
Dunn	Lazio	Scott
Edwards	Leach	Shadegg
Ehlers	Levin	Shaw
Ehrlich	Lewis (CA)	Shimkus
Emerson	Lewis (GA)	Sisisky
English	Lewis (KY)	Skeen
Ensign	Linder	Skelton
Etheridge	Livingston	Smith (NJ)
Evans	Lucas	Smith (TX)
Ewing	Maloney (CT)	Smith, Adam
Fawell	Maloney (NY)	Smith, Linda
Foley	Manzullo	Snowbarger
Forbes	Mascara	Snyder
Fowler	McCarthy (NY)	Solomon
Fox	McCollum	Souder
Frelinghuysen	McCrery	Spence
Frost	McHale	Spratt
Gallegly	McHugh	Stabenow
Gejdenson	McInnis	Stearns
Gekas	McIntyre	Stenholm
Gephardt	McKeon	Strickland
Gibbons	McNulty	Stump
Gilchrest	Meehan	Sununu
Gillmor	Meek	Talent
Gilman	Menendez	Tanner
Goode	Metcalf	Tauzin
Goodlatte	Mica	Taylor (MS)
Goodling	Miller (FL)	Thomas
Goss	Mink	Thompson
Graham	Moran (KS)	Thornberry
Granger	Moran (VA)	Thune
Green	Murtha	Thurman
Greenwood	Myrick	Tiahrt
Gutknecht	Nethercutt	Tierney
Hall (OH)	Neumann	Turner
Hall (TX)	Ney	Upton
Hamilton	Northup	Visclosky
Hansen	Norwood	Walsh
Harman	Nussle	Wamp
Hastert	Ortiz	Waters
Hastings (WA)	Oxley	Watkins
Hayworth	Packard	Watts (OK)
Hefley	Pallone	Weldon (PA)
Hefner	Pappas	Weller
Hill	Parker	Weygand
Hilleary	Pascrell	White
Hinojosa	Pastor	Whitfield
Hobson	Paxon	Wicker
Hoekstra	Pease	Wolf
Holden	Peterson (MN)	Wynn
Horn	Peterson (PA)	Young (AK)
Hostettler	Petri	Young (FL)
Hoyer	Pickering	
Hulshof	Pickett	

NAYS—123

Ackerman	Crapo	Engel
Barrett (WI)	Cummings	Eshoo
Becerra	Cunningham	Everett
Berman	Danner	Farr
Blumenauer	Davis (IL)	Fattah
Bonilla	DeFazio	Fazio
Brown (OH)	DeGette	Filner
Campbell	Delahunt	Foglietta
Cardin	Dellums	Ford
Chenoweth	Deutsch	Frank (MA)
Clay	Dingell	Franks (NJ)
Condit	Dixon	Furse
Conyers	Doggett	Ganske
Costello	Dooley	Gordon
Coyne	Doolittle	Gutierrez

Hastings (FL)	McCarthy (MO)	Royce
Herger	McDermott	Rush
Hilliard	McGovern	Sabo
Hinchey	McKinney	Sanders
Hooley	Millender-McDonald	Sawyer
Jackson (IL)	Miller (CA)	Sensenbrenner
Jackson-Lee (TX)	Minge	Serrano
Johnson (WI)	Moakley	Sessions
Kennedy (MA)	Morella	Shays
Kilpatrick	Nadler	Sherman
Kind (WI)	Neal	Skaggs
Kleczka	Oberstar	Slaughter
Klug	Obey	Smith (MI)
Kucinich	Olver	Stokes
LaFalce	Owens	Stupak
Lampson	Paul	Tauscher
Lantos	Pelosi	Torres
Lipinski	Pombo	Towns
LoBiondo	Poshard	Traficant
Lofgren	Rahall	Velazquez
Lowey	Ramstad	Vento
Luther	Rangel	Watt (NC)
Manton	Rivers	Waxman
Markey	Rodriguez	Wexler
Martinez	Roukema	Wise
Matsui	Roybal-Allard	Woolsey

NOT VOTING—24

Andrews	Flake	Schiff
Borski	Gonzalez	Schumer
Boucher	Houghton	Shuster
Brown (CA)	Kelly	Smith (OR)
Burr	McDade	Stark
Capps	McIntosh	Taylor (NC)
Cubin	Mollohan	Weldon (FL)
Duncan	Payne	Yates

□ 2109

Mr. SAWYER changed his vote from ''yea'' to ''nay.''

Messrs. CLYBURN, NORWOOD, BARR of Georgia, and NEY changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1270, THE NUCLEAR WASTE POLICY ACT OF 1997

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–354) on the resolution (H. Res. 283) providing for consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2493, FORAGE IMPROVEMENT ACT OF 1997

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–355) on the resolution (H. Res. 284) providing for consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands, which was referred to the House Calendar and ordered to be printed.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceeding.

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

ABUSE OF SUBPOENA POWER

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MORAN of Virginia. Mr. Speaker, on Saturday, a constituent of mine by the name of Ted Hudson, received a subpoena for all of the telephone records of his wife from the U.S. House of Representatives, the Committee on Government Reform and Oversight, investigating campaign financing. This subpoena was issued only because his wife's name is LiPing Chen. His wife has a Chinese surname. Mr. Speaker, this is a 20-year civil servant who categorically denies any involvement by him or his wife in political fund-raising for any party in the 1996 campaign or any other campaign back to 1986 when the $50 tax credit was repealed and at that time he was a Republican.

The only reason his wife's telephone records were subpoenaed is because she has a Chinese surname. This Congress has no business turning our Government into a police state. This is totally inappropriate and I will come to the floor every day until this subpoena is withdrawn and an apology is issued to this family.

Mr. Speaker, I submit for the RECORD a letter I received from Mr. Hudson and an attachment from his telephone company.

ALEXANDRIA, VA,
October 26, 1997.

Hon. JAMES P. MORAN,
House of Representatives, Cannon House Office Building, Washington, DC.

Re Committee on Government Reform and Oversight abuse of subpoena power.

DEAR MR. MORAN: My wife, LiPing Chen Hudson, received the attached letter on Saturday, October 25, from the telephone company stating: ''We received a subpoena from the House of Representatives of the Congress of the United States of America, requesting toll billing records for your telephone number . . . for the period of January 1, 1994 through September 17, 1997.''

My wife is a citizen of Taiwan, an alien with conditional permanent residency in this country (in 1995 your office was instrumental in getting the Immigration and Naturalization Service to process our application), who spends most of her time caring for our 22-month-old daughter. As we are on the verge of applying to remove the conditional status, I am very concerned about how the INS may view a Congressional subpoena on her record.

We do not know why she is being investigated. The committee doing so is the one investigating alleged campaign fundraising abuses. Li had a Chinese surname. She once held a low level job (translating and staffing meetings with the FBI and Secret Service) in the security office of the Taiwan non-embassy here (a job that she resigned in 1995 in order to marry me, a one-time registered Republican (I was a callow youth at the time) and currently a 20-year mid-level Federal civil servant who hasn't given a penny to any politician or party since the $50 tax credit was repealed in 1986). In her job, she had no contact with American political parties or politicians.

We categorically deny any involvement, by my wife or myself, in political fundraising for any party in the 1996 campaign or any other campaign since 1986.

I would like for you to intervene on our behalf. I would like this committee to withdraw this subpoena and expunge it from its records.

Thank you for your help in this matter.

Sincerely,

TED HUDSON.

BELL ATLANTIC CORP.,
Cockeysville, MD, October 17, 1997.

LIPING CHEN,
Alexandria, VA.

DEAR CUSTOMER: It is this Company's policy to notify a subscriber when we receive a subpoena or summons for our toll billing records for a subscriber's account.

We received a subpoena from the House of Representatives of the Congress of the United States of America, requesting toll billing records for your telephone number [redacted].

This subpoena demands billing records for the time period of January 1, 1994 through September 19, 1997. This Company, in response to this subpoena, will furnish the available toll billing records to the Committee on the Government Reform and Oversight on or before October 20, 1997.

Any questions, you may have about the subpoena, should be referred to the Committee on Government Reform and Oversight on 202–225–5074.

Sincerely,

DORIS COX.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF of New Mexico (at the request of Mr. ARMEY) through Friday, November 14, 1997, on account of medical reasons.

Mr. WELDON of Florida (at the request of Mr. ARMEY), for October 29 and October 30 on account of attending his father's funeral.

GRANTING MEMBERS OF HOUSE PRIVILEGE TO EXTEND REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. FAZIO of California. Mr. Speaker, I ask unanimous consent that for today, all Members be permitted to extend their remarks and to include extraneous material in that section of