Mr. BYRD. Mr. President, will the Senator yield me some time?

Mr. DURBIN. Mr. President, I would be happy to yield to the Senator from West Virginia.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. BYRD. Mr. President, I can’t get started in 9 minutes on this subject.

Mr. DURBIN. Of wonder if the Senator from West Virginia might be able to secure some time from the other side. I would be happy to ask, if there is anyone in the Chamber. They might be called for that purpose.

Mr. BYRD. Mr. President, I was not in the Chamber when the agreement was entered into. My friend knew of my interest in speaking on the amendment, and I wish I had been protected. Mr. DURBIN. May I ask the Chair, it was my understanding that at about quarter of 7 we agreed we would debate this until 8 o’clock equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. That is correct. That is how it was agreed. I am sorry; I apologize to the Senator from West Virginia, whom I asked to come to the floor, and I would be glad to give him every minute remaining. I am sorry that I had gone as long as I did, because I am anxious to hear his remarks.

Mr. BYRD. Mr. President, I don’t know how much time the opponents of this amendment will require.

Mr. President, I think I will just ask for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. I wish to thank the opponents for offering 10 minutes to me, but I feel that I will just ask that my speech be printed in the RECORD.

On this gravity, I am disappointed that the Senate has entered an agreement to speak for what amount would be to have 1 hour and 15 minutes for both opponents and proponents. Of course, the distinguished Senator from West Virginia is preeminently correct in what he has said about the Constitution and what he has said about the efforts toward grandstanding on the part of this administration and most recent administration when my understanding was at about quarter of 7 we agreed to debate this until 8 o’clock equally divided?

We have in the Senate particularly, may I say, additional responsibilities over those of the House in this area of war powers because of the Constitution and provisions therein, and it seems to me that we ought to take a little more time when it comes to debating an amendment of this importance. This is an amendment that is calculated to protect the prerogatives of the Senate when it comes to our constitutional powers and duties, and here we are limited to 1 hour and 15 minutes.

In saying this, of course, I am complaining, but I also want to thank Mr. DURBIN and I want to thank Mr. STEVENS for their consideration and kindness in offering to give me some additional time.

Mr. DURBIN. Mr. President, before the Senator from West Virginia leaves the floor, I have just contacted the majority in an effort to postpone the vote so we could have a debate. I certainly would like the Senator from West Virginia to have an opportunity to state his position clearly. I believe it will be a valuable addition to this debate. I will be happy to afford an equal amount of time to the other side, so there is no disadvantage created.

Before I make that unanimous consent request, I have asked the majority side if there is objection.

Mr. STEVENS. What? I object. Just a second.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. If I might ask the Senator from Alaska, Senator BYRD has come to the floor to speak to this issue. I was wondering if it might be allowed by unanimous consent to extend—postpone the vote for a sufficient time so that each side could have an equal amount of time, to give the Senator from West Virginia his opportunity.

Mr. STEVENS. I say to the Senator, I have talked with Senator BYRD. We are perfectly prepared to have him continue to take time.

Under a unanimous consent agreement at 8 o’clock we gave Senator BYRD 9 minutes coming back to me, and hopefully we can vote at approximately that time. I don’t know how long my good friend is going to speak, but I will limit the amount of time spent in opposition. We will just make the motion to table when the time comes. We do not want to extend it now. We are going to have to be here until 3 o’clock in the morning as it is, so object to any further change in this time agreement, and I urge my good friend from West Virginia to cooperate with his statement. He knows we will accommodate him with such time as he needs. But let’s not change the time agreement yet.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Pursuant to the order of July 23, 1998, having received H.R. 4328, the provisions of the unanimous consent agreement are executed.

The provisions of the unanimous consent agreement are as follows:

That when the Senate receives the House companion measure, as amended, the passage of S. 2168 be vitiated and the bill be indefinitely postponed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Pursuant to the order of July 30, 1998, having received H.R. 4328, the provisions of the unanimous consent agreement are executed.

The provisions of the unanimous consent agreement are as follows:

That when the Senate receives the House companion measure, as amended, the passage of S. 2168 be vitiated and the bill be indefinitely postponed.

The Department of Defense Appropriations bill.

The Department of Transportation and Related Agencies Appropriations bill.

The Department of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations bill.

The Department of Veterans Affairs Appropriations bill.
This a provision that is ongoing for years. It is not related to this bill. It is not a matter that was before the Senate Appropriations Committee in any way, and it should be part of the Armed Services' consideration. There was an Armed Services bill brought before the Senate. It would have been perfectly proper to have that brought up at that time in connection with the Armed Services' bill. But I do not think it is proper to bring it up in this bill.

For that reason, as I said before, when the time for Senator Byrd has expired, I intend to move to table the amendment. But, as I indicated to him, I offer him the full amount of time that was allocated to this side to present his statement, plus what is left to the Senator from Illinois.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Could I ask for clarification of the time remaining to both sides?

The PRESIDING OFFICER. The Senator from Illinois has 4 1/2 minutes. The Senator from Alaska, 32 minutes.

Mr. DURBIN, Mr. President, I reserve the remainder of my time.

Mr. STEVENS. I suggest the absence of a quorum, the time to be charged to our side.

The PRESIDING OFFICER. The Clerk will call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the remaining members of the Senate be notified.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. STEVENS. It is my understanding that the Senator from Illinois will use the remainder of his time. I understand it is 4 and some odd minutes.

The PRESIDING OFFICER. For a period of four and a half minutes.

Mr. STEVENS. It is my understanding Senator Byrd, to my great regret, is not going to make his statement. Under the circumstances, I yield back the remainder of my time and ask that the time of the Senator from Illinois start at 4 1/2 minutes before 8 o'clock, and we will vote at 8 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I just conferred with Mr. Cortese, the staff director. I am told that we have but one other Senator who has indicated an intention to debate an amendment tonight. We are working now on the remainder of the second managers' package which we should be able to present to the Senate in about 10 to 15 minutes. I ask the cloakrooms to send out notices to Senators that after presentation of the second managers' amendment, I shall move to go to third reading, unless Senators who have amendments on this list come forth to debate them.

We have a very serious situation tomorrow morning. Many Senators told me they want to go to the second funeral of our deceased friend, the officer who was killed in the line of duty. That means we cannot commence voting until 1 o'clock.

We have accepted a great many of these amendments and are prepared to accept them. If Senators want to know whether that is the case, I urge them to come and review the managers' package.

I will not indicate the name of the Senator who we want to debate the amendment, because he may not want to debate it. If no one comes after the motion to table the Durbin amendment to present an amendment, I shall move to go to third reading. It is a debatable motion, and we may have some debate on that. I recall my good friend from West Virginia taught me how to do that. Mr. President, So we are going to proceed with the Durbin amendment. I ask my friend from Hawaii if he knows of any amendments or any matter to take up at this time.

Mr. INOUYE. No, we are prepared to go to the second managers' amendment.

Mr. STEVENS. The managers of the bill are prepared to go to third reading, unless a Senator appears to debate an amendment. I suggest the absence of a quorum and ask that it extend only until 5 minutes of the hour of 8 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 385.

Mr. BIDEN. Mr. President, I ask unanimous consent, since there is no one seeking to speak, to speak for 7 minutes in support of the Durbin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. Under the previous order, debate will end at 5 of the hour.

Mr. BIDEN. Mr. President, I am asking only to go until 10 of the hour.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BIDEN. Thank you very much.

Mr. President, I am going to support the Durbin amendment to send force to Haiti and to begin offensive military action against Iraq.

On the eve of the Gulf war, President Bush insisted that he did not need congressional authorization to send half a million men and women into combat with Iraq. I insisted at that time we hold hearings on that subject and there be a resolution concluding whether or not he had that power.

More recently, President Clinton asserted sweeping theories about his prerogatives to deploy forces to Haiti and to begin offensive military action against Iraq.

I believe we need to remedy this constitutional imbalance. Accordingly, I have offered in the past, and I have drafted comprehensive legislation called the Use of Force Act, which is designed to replace the War Powers Resolution.

The Durbin amendment is far shorter and more direct in its approach. And a Republican President, as I said, I am skeptical that it will have the desired effect. The Durbin amendment would bar the use of appropriated funds for "offensive military operations" by...
Armed Forces “except in accordance with Article I, section 8 of the Constitution.” I believe the Constitution already says that, that we need not redeclare that. But I think it is valuable to do it if it is true that we are going to be looking a whole lot closer to—

In my view, the President may not use force, except in certain limited circumstances, without the authorization of the Congress, period. The war power is not limited to the formal declaration of war—of which we have had only five in our history. The Founding Fathers had little interest, it seems, in the ceremonial aspects of war. The real issue was congressional authorization of war.

As Hamilton noted in Federalist 25, the “ceremony of a formal denunciation of war has of late fallen into disuse.” Obviously, the founders were not talking about a circumstance where the only circumstance that the Congress could impact on whether we use force or not is with a formal declaration of war. Even in 1789—to quote Hamilton—ceremonial declarations of war had fallen into disuse, so obviously that is not what they were talking about in 1789.

The conclusion that Congress has the power to authorize all uses of force is buttressed by the inclusion in the war clause of the power to grant letters of marque and reprisal. An anachronism today, letters of marque and reprisal were, though, in the 18th century, their version of limited war. Even back then, for a President to engage in limited war, he needed the authorization of the U.S. Congress. The vehicle was issuing letters of marque and reprisal.

I understand that the administration has expressed its strong opposition to this provision and is threatening to veto it. I have called the administration and indeed they are being foolish in even making that threat, with all due respect. It is merely an institutional instinct that does not surprise me, but I am somewhat surprised by the volume of the objection.

The Durbin amendment, if enacted, may have one salutary effect: It could force the President and his advisors to pause before continuing to make broad assertions of Presidential war power.

If even that result is achieved, the enactment of the Durbin amendment will be a positive development in restoring the constitutional imbalance.

Mr. President, I will not take the time now, but I will, at the appropriate time, reintroduce the Use of Force Act that I have in previously attempted to have passed, working with a number of constitutional scholars who have written extensively in this area.

Let me conclude in the 30 seconds that I have left to again compliment the Senator from Illinois. It is time the Congress, with the changed world, fulfill its rightful role in the conduct of the use of force, and, now that the world has changed, the old saw about the need for this emergency power—the Congress being less relevant in that regard—should be put to bed once and for all.

I thank him for his effort and I yield the floor.

Mr. STEVENS. Mr. President, I know that the Senator from Illinois still has 5 and a half minutes. But I ask unanimous consent that it be in order for me to put down the first of the series of the second managers’ package.

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

AMENDMENT NO. 3466

(Purpose: To require the Air National Guard to provide support for Coast Guard seasonal search and rescue operations at Francis S. Gabreski Airport, Hampton, New York.)

Mr. STEVENS. So I send to the desk an amendment I offer on behalf of the Senator from New York, Mr. D’AMATO.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the following:

On page 99, between lines 17 and 18, insert the following:

S 2014: The Air National Guard shall, during the period beginning on April 15, 1999, and ending on October 13, 1999, provide support for the Francis S. Gabreski AirPort, Hampton, New York, for seasonal search and rescue mission requirements of the Coast Guard in the vicinity of Hampton, New York.

(b) The support provided under subsection (a) shall include access to and use of appropriate facilities at Francis S. Gabreski Airport, including runways, hangars, the operations center, and aircraft berthing and maintenance spaces.

(c)(1) The adjutant general of the National Guard of the State of New York and the Commandant of the Coast Guard shall enter into a memorandum of understanding regarding the support to be provided under subsection (a).

(2) Not later than December 1, 1998, the adjutant general and the Commandant shall jointly submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a copy of the memorandum of understanding entered into under paragraph (1).

Mr. STEVENS. Mr. President, I ask unanimous consent that this amendment be set aside to be considered along with the other managers’ package at the conclusion of the vote. And I ask unanimous consent that that shall be at 8 o’clock.

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

AMENDMENT NO. 3465, AS MODIFIED

Mr. STEVENS. Mr. President, there is a technical correction to amendment No. 3392. It was earlier adopted. Its citation needs to be corrected. I ask unanimous consent that it be corrected.

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

The amendment (No. 3392), as modified, is as follows:

On page 99, between lines 17 and 18, insert the following:

S 2014: For an additional amount for “Overseas Contingency Operations Transfer Fund,” $1,858,600,000: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, the defense health program appropriations and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. STEVENS. Mr. President, at this time the Senator from Illinois is left. I say to my good friend, be my guest for the extra 1½ minutes.

AMENDMENT NO. 3465

Mr. DURBIN. Mr. President, I thank the Senator from Alaska for his generosity. I will conclude at 8 o’clock, as we promised, and ask for a vote on this. Allow me to try to describe what is at stake, because for everybody in the gallery and those listening to the debate, this could hit home some day.

It is a question about when or if the United States should go to war, who will make the decision. If you were called on, or one of your children was, who will decide whether or not that person will stand in harm’s way, risk their lives for their country?

I have the deepest respect and admiration for those who serve in the armed services. They have given up their lives to protect this Nation and we owe them a great debt of gratitude. What we are talking about is how this decision is made. The men who wrote this Constitution understood very clearly that if they were going to have a voice in the process, they would have to rely on the Senators and Members of Congress to make that decision on the declaration of war. This amendment is very brief. By Senate standards, it is amazingly brief—just a few lines. But it states very clearly what I think is an important constitutional concept. First, the President of the United States as Commander in Chief of all of our Armed Forces still retains all of his power and authority to defend the United States and its citizens. He does not have to come to Congress on bended knee and beg for that authority. It is his; he is Commander in Chief. He can choose when he crosses that line and no longer is defending us, but rather is pushing forward in an offensive capacity, saying that we are now going to invade a nation, we are now going to try to secure a certain objective or target, beyond a defensive objective, then the Constitution is clear: That is not his decision to make; it is our decision to make. Better yet, it is your decision to make—to speak to your elected Representatives in the House and Senate and to express your heartfelt feelings.

I can recall the debate over the Persian Gulf war. There was quite a division within the military, and even...
within Congress. But I don’t think
there was a finer moment in the 16
years I have served on Capitol Hill
than that period of time when each
Member of the U.S. Senate and the
House came to the floor and took all
the time necessary to speak their
hearts out or not, and where we should
put our children in harm’s way to stop
this aggression by Saddam Hussein.

I can speak for myself—and I am sure
for many colleagues, Republicans and
Democrats alike—there were sleepless
nights when you knew that a vote was
to go forward and commit our troops in an
offensive capacity was going to lead to the
loss of life. It was a painful deci-
sion, but it is one that I accepted, and
everybody as a Member of the House
and Senate accepted as well.

I say to my colleagues in the U.S.
Senate, who I hope are following this
debate, that this is about whether or
not the oath of office that we took is
meaningful. When we swore to uphold the
Constitution of the United States, I
think we did not believe they asked us to turn to
Article I, section 8 and make an
amendment to take it out. No, it was
included. It was part of that responsi-
ability—an awesome responsibility.

My colleague from Alaska, has raised a procedural point. He says
that this is beyond the scope of an
appropriation or a spending bill. I
disagree with his conclusion on that. I
have seen what is considered author-
izing language easily adopted on the
floor of the Senate and in the House
time and time again. So I hope that
those who vote on the amendment will
vote on it on all fours, straightforward,
up or down; do you agree or disagree?
Do you agree with our Constitution,
which says this is our responsibility in
Congress to declare war? Or are you
prepared to accept the drift that has
gone on for half a century now, which
says to all intents and purposes to give more
and more power to the President to make
this decision?

If you should decide this is the Presi-
dent’s province and we are going to
cede all of our constitutional author-
ity, mark my words, you should think
twice before you come to the floor of the
Senate—or our colleagues in the
House—and question when the Presi-
dent uses this authority, because if you
are not prepared to say that we accept
our responsibility under the Constitu-
tion, that we will stand up and decide
and vote when it comes to putting our
troops in harm’s way, then I think you
may have forsworn any opportunity to
come to this floor and second-guess the
President—a President who uses the
power that we have handed to him.

As I have said in previous moments
in this debate, there is no sadder mo-
ment than going home to your State
or district and facing a casket, draped
with a flag, of a fallen soldier, sailor,
airman or marine, and then facing that
family. I believe that it is our constitu-
tional responsibility to be part of the
decisionmaking that leads to military
action. It will not be an easy task. It
will be a tough burden, but it is exactly
why we have stood for office and why
we have asked to represent our States.

I hope my colleagues in the U.S. Sen-
ate will support this amendment. I be-
lieve this is straightforward and honest
in its approach. I believe that as you
consider the possibilities just in the
weeks ahead—perhaps even while we
are gone over the August recess—that
there may be an effort in the Bosnian
region, in Kosovo or some other place,
to assert and take offensive military
action. Those who have voted against
this amendment tonight will not be able
to say the President should have called on us first, because that is what
this amendment says. This amendment
says anywhere in the world where the
President wants to take offensive mili-
tary action—not to defend the property
and the persons of America, but offen-
sive military action—he is bound by
the Constitution of the United States.

Mr. President, I believe my time has
expired. I yield the remainder of my
time.

Mr. STEVENS. Mr. President, I ask
that the text of the amendment be placed
before both parties on the ap-
propriate table.

I move to table the amendment of the
Senator from Illinois and ask for
the yeas and nays.

The PRESIDING OFFICER. Is there a
second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion
of the Senator from Alaska to lay on the
table the amendment of the Sen-
ator from Illinois. On this question, the
yeas and nays have been ordered, and
the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the
Senator from North Carolina (Mr.
HELMS) is absent because of illness.

I further announce that, if present
and voting, the Senator from North
Carolina (Mr. HELMS) would vote
"aye".

The PRESIDING OFFICER. (Mr.
FRIST). Are there any other Senators in
the Chamber who desire to vote?

The result was announced—yeas 84,
nays 15, as follows:

[Rollcall Vote No. 251 Leg.]

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<th>84 YEAS</th>
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NAYS—15

Biden | Feingold |
|——|——|
| Bingaman | Kennedy |
| Bunning | Specter |
| Byrd | Snowe |
| Durbin | Specter |

NOT VOTING—1

Bjorn

The motion to lay on the table the
amendment (No. 3465) was agreed to.

Mr. STEVENS. Mr. President, I move
to reconsider the vote.

Mr. ROBB. I move to lay that motion on
the table.

The motion to lay on the table was
agreed to.

CHANGE OF VOTE

Mr. ROCKEFELLER. Mr. President, I
ask unanimous consent to change a
vote. On the last vote, I voted "nay." I
mean to vote "yea." The vote will not
affect the outcome. I did not realize it
was a tabling motion. I ask unanimous
consent to change my vote.

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

(Deferred to reissue)

Mr. STEVENS. Mr. President, I ask
unanimous consent that I may with-
draw the Kyl amendment No. 3398, with
the consent of the sponsors.

The PRESIDING OFFICER. Is there
objection? The Chair hears none, and it
is so ordered.

The amendment (No. 3398) was with-
drawn.

AMENDMENTS NOS. 3466 THROUGH 3475, EN BLOCK

Mr. STEVENS. Mr. President, I want
to announce that we have left out-
standing one amendment of Senator
GRAHAM which I understand may be
deployed by separate—two amend-
ments of Senator HARKIN, and we have
two outstanding amendments on this
side which I hope will be cleared soon.

We have a package here ready to
present. We have before the Senate—
the pending amendment I believe is
Senator D’AMATO’s amendment on
search and rescue. I add to that amend-
ment the following amendments: the
Bingaman amendment on donation of
surplus dental equipment; the Binga-
man amendment on furnishing of den-
tal care to dependents; the Dodd
amendment on retired pay backlog; the
Harkin amendment on backlog of med-
ials; the Harkin amendment on smoking
cessation; the Frist amendment on Ma-
rine Corp lightweight maintenance en-
closures; the Dorsey amendment on en-
vironmental cleanup; the DeWine
amendment on drug interdiction; the
Wellstone amendment on family vio-
ence.

I ask unanimous consent that it be in-
order to consider the managers’ amend-
ment en bloc and that the amendments
be adopted en bloc and the motion to
reconsider be laid on the table.
The PRESIDING OFFICER. Is there objection?  
Mr. CHAFEE. Mr. President, I am curious what the Dorgan amendment is—environmental. Would you briefly describe that?  
Mr. STEVENS. It is $1.4 million for a site in North Dakota as a permissive amendment for cleanup. It has been cleared on both sides, I might say to the Senator.  
Mr. CHAFEE. Not totally.  
Mr. STEVENS. What?  
Mr. CHAFEE. Not totally cleared on both sides.  
Mr. STEVENS. It is a permissive amendment. It does not mandate. It authorizes. It provides the money if they want to do it. We thought on that basis it is up to the administration to do it or not do it.  
I inquire of the Senator from Florida—  
The PRESIDING OFFICER. The clerk will report the amendments by number.  
The assistant legislative clerk read as follows:  
The Senator from Alaska [Mr. STEVENS], on behalf of others, proposes en bloc amendments 3466 through 3475.  
The PRESIDING OFFICER. If there is no objection—  
Mr. STEVENS. May we have order, Mr. President?  
The PRESIDING OFFICER. May we have order.  
If there is no objection, the amendments are considered and agreed to en bloc.  
Mr. STEVENS. And the motion to reconsider is laid on the table.  
The PRESIDING OFFICER. Without objection, it is so ordered.  
The amendments (Nos. 3466 through 3475) were agreed to, as follows:  
AMENDMENT NO. 3466  
(Purpose: To require the Air National Guard to provide support for Coast Guard personal search and rescue operations at Francis S. Gabreski Airport, Hampton, New York)  
On page 99, between lines 17 and 18, insert the following:  
SEC. 8014. (a) The Air National Guard shall, during the period beginning on April 15, 1999, and ending on October 15, 1999, provide support at the Francis S. Gabreski Airport, Hampton, New York, for seasonal search and rescue mission requirements of the Coast Guard in the vicinity of Hampton, New York.  
(b) The support provided under subsection (a) shall include access to and use of appropriate facilities at Francis S. Gabreski Airport, including runways, hangars, the operations center, and aircraft berthing and maintenance spaces.  
(c)(1) The adjutant general of the National Guard of the State of New York and the Commandant of the Coast Guard shall enter into a memorandum of understanding regarding the support to be provided under subsection (a).  
(2) Not later than December 1, 1998, the adjutant general and the Commandant shall jointly submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a copy of the memorandum of understanding entered into under paragraph (1).  

AMENDMENT NO. 3467  
(Purpose: To require the Secretary of Defense to carry out a program to donate surplus dental equipment of the Department of Defense to Indian Health Service facilities and Federally-qualified health centers that serve rural and medically underserved populations)  
On page 99, between lines 17 and 18, insert the following:  
SEC. 8104. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to DoD Indian Health Service facilities and to Federally-qualified health centers (within the United States) (as defined in section 1907(h) of the Social Security Act (42 U.S.C. 1396d(s)(2)(B))).  
(b) Not later than March 15, 1999, the Secretary of Defense shall submit to Congress a report on the program, including the actions taken under the program.  

AMENDMENT NO. 3468  
(Purpose: To require a report on uniformed services dental care policies, practices, and experience with furnishing of dental services to dependents of members of the uniformed services on active duty)  
On page 99, between lines 17 and 18, insert the following:  
SEC. 8104. (a) Not later than March 15, 1999, the Secretary of Defense shall submit to the Committees on Appropriations and on Armed Services of the Senate and the Committees on Appropriations and on National Security of the House of Representatives a report on the policies, practices, and experience of the uniformed services pertaining to the furnishing of dental care to dependents of members of the uniformed services on active duty who are 18 years of age and younger.  
(b) The report shall include—  
(1) the rates of usage of various types of dental services by the dependents, set forth in categories defined by the age and the gender of the dependents and by the rank of the members of the uniformed services who are the sponsors for those dependents,  
(2) an assessment of the feasibility and potential effects of offering general anesthesia as a dental health care benefit available under TRICARE to the dependents.  

AMENDMENT NO. 3469  
(Purpose: To make appropriations available for actions necessary to eliminate the backlog of unpaid retired pay relating to Army service and to report to Congress)  
On page 99, between lines 17 and 18, insert the following:  
SEC. 8104. (a) Of the total amount appropriated for the Army, the Army Reserve, and the Army National Guard under title I, $1,700,000 may be available for taking the actions required under this section to eliminate the backlog of unpaid retired pay and to submit a report.  
(b) The Secretary of the Army may take such actions as are necessary to eliminate the backlog of incomplete action requests for retirement benefits and for replacement medals and replacements for other decorations that such personnel have earned in the military service of the United States.  

AMENDMENT NO. 3470  
(Purpose: To require the Secretary of Defense to take action to ensure the elimination of the backlog of incomplete actions on requests for replacement medals and replacement of other decorations)  
On page 99, between lines 17 and 18, insert the following:  
SEC. 8104. (a) The Secretary of Defense may take such actions as are necessary to ensure the elimination of the backlog of incomplete actions on requests of former members of the Armed Forces for replacement medals and replacements for other decorations that such personnel have earned in the military service of the United States.  
(b)(1) The actions taken under subsection (a) may include, except as provided in paragraph (2), allocations of additional resources to improve relevant staffing levels at the Army Reserve Personnel Command, the Bureau of Naval Personnel, and the Air Force Personnel Center, allocations of Department of Defense resources to the National Archives and Records Administration, and any additional allocations of resources that the Secretary considers necessary to carry out subsection (a).  
(2) An allocation of resources may be made under paragraph (1) only if and to the extent that the allocation does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.  

AMENDMENT NO. 3471  
(Purpose: To provide tobacco cessation therapy)  
On page 99, between lines 17 and 18, insert the following:  
SEC. 8104. Beginning no later than 60 days after enactment, effective tobacco cessation products and counseling may be provided for members of the Armed Forces (including retired members), former members of the Armed Forces entitled to retired or retired pay, and dependents of such members and former members, who are identified as likely to benefit from such assistance in a manner that does not impose costs upon the individual.  

AMENDMENT NO. 3472  
(Purpose: To make available funds for procurement of light-weight maintenance enclosures (LME) for the Army and the Marine Corps)  
On page 99, between lines 17 and 18, insert the following:  
SEC. 8104. (a) Of the amounts appropriated by title II of this Act under the heading “Operation and Maintenance, Marine Corps”, $5,000,000 may be available for procurement of light-weight maintenance enclosures (LME).  
(b) Of the amounts appropriated by title III of this Act under the heading “Other Procurement, Army”, $2,000,000 may be available for procurement of light-weight maintenance enclosures (LME).  

LIGHTWEIGHT MAINTENANCE ENCLOSURES  
Mr. Frist. Mr. President, I appreciate the opportunity to offer this amendment which I hope will be accepted by both floor managers on this important Defense bill.  
Mr. President, the amendment that I am offering today would provide $5,000,000 for the Marine Corps within the Operation and Maintenance, Marine Corps account, and $2,000,000 within the Other Procurement, Army ac-
count for the Army to allow both Service branches to obtain lightweight maintenance enclosures or LMEs for deployment in forward maintenance operations in the field. More specifically, these funds will provide our soldiers and Marines the capability to forward-deploy lightweight, low-cost shelter systems that are easy to operate, provide protection for field maintenance operations in difficult environments, and at a cost that is one-quarter the cost of the older model units previously utilized by the Army and Marine Corps.

The House of Representatives recognized the requirement for these Lightweight Maintenance Enclosures by authorizing the identical level of funding that I am recommending in my amendment, in the House version of the National Defense Authorization bill for fiscal year 1999 (H.R. 3616). In the House Committee report (H. Rept. 105-352), the House National Security Committee stated that the Army identified its requirement for the LMEs after the President’s budget request was submitted to the Congress, and therefore authorized funding for LMEs in the House authorization bill. The House also approved a $5,000,000 authorization for the Marine Corps to meet their requirements for LMEs as well.

Furthermore, Mr. President, the Chief of Staff of the Army, General Dennis Reimer, identified “Soldier Life Support” as including LMEs, as being among the Army’s top 10 highest unfunded priorities.

Unfortunately, despite the authorization in place in the House-passed Defense authorization bill, no appropriations have been provided in either the House or Senate versions of the Defense appropriations bills. Therefore, it is my hope that the distinguished Senator from Alaska, Senator Stevens, and his outstanding Ranking Member, Senator Bouché, will be willing to accept this small amendment and take it to conference with the House. Let me quickly say that I would be pleased to work with the two managers of the bill to find appropriate offsets to accommodate this small but important amendment as we head toward conference following final disposition of this bill.

Finally, we are working vigorously with our counterparts in the House, including Representative Van Hollen, and Members of the Virginia delegation, including Representative Boucher, to hold the LME authorization levels in conference with the Senate and to, hopefully, pave the way for acceptance of this pending amendment in conference on the Defense appropriations bill.

Therefore, Mr. President, I would hope that the Senate would approve this amendment today. The funding that I am seeking meets a real soldier life support requirement for both the Army and the Marines. It will allow our soldiers and Marines to have a cost-effective, lightweight, forward-deployed maintenance shelter system that is easy to operate, durable and significantly less expensive than the current, older, less effective shelters and tents that we currently use in the field. For these reasons, I would ask that the Senate approve this modest amendment today.

AMENDMENT NO. 3723

(Purpose: To provide additional resources for enhanced drug interdiction efforts in the Caribbean and South America.)

On page 99, between lines 17 and 18, insert the following:

S. 8104: Of the funds available for Drug Interdiction, the Secretary of Defense may authorize $5,000,000 to support restoration of enhanced counter-narcotics operations around the island of Hispaniola, for operation and maintenance of ground-based early warning/spray aircraft, and for upgrades for 3 UH-1H helicopters in the Caribbean and South America.

AMENDMENT NO. 3724

(Purpose: To provide for enhanced protections of the confidentiality of records of family advocacy services and other professional support services relating to incidents of sexual harassment, sexual abuse, and intrafamily abuse)
would pick up the 25 percent normally assigned to the host nation. We were going to try to present an arrangement where this could be worked out more expeditiously. At this point it is simply a sense of the Senate. Instead, it ought to be resolved as quickly and fairly as possible.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senate from Virginia [Mr. Ross] proposes an amendment numbered 3476.

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

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

The amendment is as follows:

Findings:

On the third of February a United States Marine Corps jet aircraft, flying a low-level training mission out of Aviano, Italy, flew below its prescribed altitude and severed the cables supporting a gondola at the Italian ski resort near Cavalese, resulting in the death of twenty civilians; the crew of the aircraft, facing criminal charges, is entitled to a speedy trial and is being provided that and all the other protections and advantages of the U.S. system of justice; the United States, to maintain its credibility and honor amongst its allies and all nations of the world, should make prompt reparations for an accident clearly caused by a United States military aircraft; a lawsuit, including the U.S. Ambassador to Italy, recently visited Cavalese and, as a result, 20 million dollars was promised to the people in Cavalese for their property damage and business losses; without our prompt action, these families continue to suffer financial agonies, our credibility in the European community continues to suffer, and our own citizens remain puzzled and angered by our lack of accountability; under the current arrangement we have with the host nation, none of our security forces of a foreign country if the Secretary of Defense has received credible information to the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken; we ask that this amendment be made.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senate from Vermont [Mr. Leahy] proposes an amendment numbered 3477.

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

Amendment No. 3477

Mr. STEVENS. Senator LEAHY's amendment on JSAT, has he sent the amendment to the desk?

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

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3477

Mr. STEVENS. Senator LEAHY's amendment on JSAT, has he sent the amendment to the desk?

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senate from Vermont [Mr. Leahy] proposes an amendment numbered 3477.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1. TRAINING AND OTHER PROGRAMS.

(a) PROHIBITION.—None of the funds made available by this Act or any other Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that any training program referred to in paragraph (a), full consideration is given to all information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in paragraph (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the enactment of this Act, the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

Mr. STEVENS. Mr. President, I ask the Senator's indulgence. We have to finally clear this amendment. There is some confusion. I might say to my friend from Vermont, because our individual sentences came in, and everywhere he moved, he said, “Let’s meet the budget right on the money.” And he did. I commend him for that.

Mr. President, I strongly support S. 2132, the Defense Appropriations bill for FY 1999. The pending bill provides $250.5 billion in total budget authority and $168.2 billion in new outlays for the Department of Defense and related activities. When outlays from prior years and other adjustments are taken into account, outlays total $245.2 billion.

There are some major elements to this bill that are important for the Senate to review.

The bill is consistent with the Bipartisan Balanced Budget Agreement.

This year the defense budget is once again confronted with a serious mismatch between the DoD/OMB and the CBO estimates of the outlays needed to execute the programs in the budget request. CBO's estimate was $3.7 billion higher than OMB and DoD's estimate.
Because the President’s proposed defense spending was right up to the discretionary spending caps adopted in the Bipartisan Budget Agreement, compensating for CBO scoring would require large reductions in manpower, procurement, or readiness, or all three. Cuts like that are simply not acceptable.

During the Senate’s consideration of the congressional budget resolution in March, the Senate received an excellent suggestion from the Chairman of the Appropriations Committee. We adopted a Stevens Amendment that called on OMB to resolve those differences. Several meetings occurred as a result, and under the auspices of the budget Committee, we devised a solution. The solution has three parts: First, Congress would legislate policies recommended by the Administration to better manage cash in DoD’s Working Capital Funds. This would lower fiscal year 1999 outlays by $1.3 billion. Second, Congress would agree to changes proposed by the Administration in two classified accounts in the Air Force budget that would lower 1999 outlays by $700 million. Third, Congress would enact asset sales amounting to $730 million. The Chairman of the Appropriations Committee assured me that taken together these actions help reduce the 1999 outlay shortage to manageable dimensions and help avoid the negative effect on readiness or modernization that was feared.

I strongly support this bill, and urge its adoption. I want to compliment the Chairman of the Appropriations Committee on his very skillful handling of this important legislation and for his statesmanlike approach to some serious and troubling issues in this year’s defense budget.

Mr. President, I ask unanimous consent that a Senate Budget Committee table displaying the budget impact of this bill be printed in the RECORD. There being no objection the table was ordered to be printed in the RECORD, as follows:

S. 2132, DEFENSE APPROPRIATIONS, 1999: SPENDING COMPARISONS—SENATE-REPORTED BILL

<table>
<thead>
<tr>
<th>Fiscal year 1999, in millions of dollars</th>
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<tr>
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<tr>
<td>Defense</td>
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<tr>
<td>Senate-reported bill</td>
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<tr>
<td>Outlays</td>
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<td>Senate 30(b) allocation:</td>
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<td>Budget authority</td>
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<td>Outlays</td>
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<td>President’s request:</td>
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<td>Budget authority</td>
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<tr>
<td>Outlays</td>
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<td>House-passed bill:</td>
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<td>Budget authority</td>
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<td>Outlays</td>
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<tr>
<td>House-passed bill compared to:</td>
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<tr>
<td>Senate 30(b) allocation:</td>
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<td>Budget authority</td>
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<td>Outlays</td>
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<tr>
<td>Senate-reported bill</td>
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</tbody>
</table>

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current accounting conventions.

Mr. STEVENS. Mr. President, the Budget Committee chairman is too kind. We do appreciate his constant watch over the budget and our spending of the money from the Treasury.

Mr. DOMENICI. I yield the floor.

AMENDMENT NO. 3409

Mr. STEVENS. Mr. President, there still is pending the Hutchison amendment, the sense of the Senate on Bosnia. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. May I make a parliamnetary inquiry? It is my understanding that is the only other amendment that is pending?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. We still have four more than that to deal with. So I suggest the absence of a quorum until we find out what is going to happen with these three amendments.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STEVENS. Mr. President, I have a number of problems with the amendment offered by the Senator from Texas that contains a series of findings, expresses the sense of Congress, and requires the President to submit a report relating to the readiness of the United States Armed Forces to execute the National Security Strategy.

I realize that the managers of the Defense Appropriations bill are up against a tight deadline to finish their bill and I want to cooperate with them. But, I do want to note for the record a few points.

I believe a number of statements in the amendment are overdrawn and I believe that the sense of Congress section of the amendment, particularly subparagraph (B), improperly singles out the Bosnia operation and badly overstates its impact on the units participating in and supporting that operation.

Nevertheless, I believe that it would be useful to the Congress to receive a report from the President on the military readiness of the Armed Forces of the United States. Accordingly and despite the problems I have noted, I will not object to this amendment.

Mr. STEVENS. The Senator has indicated he is prepared to not object to this amendment. There being no objection to the sense-of-the-Senate amendment on Bosnia of the Senator from Texas, I ask it be laid before the Senate for action. Is it the pending business?

The PRESIDING OFFICER. It is the pending question.

Mr. STEVENS. I ask for the adoption of the sense-of-the-Senate amendment of the Senator from Texas.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3409) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator CAMPBELL be included as a cosponsor of amendment No. 3431 previously been adopted.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that Stewart Holmes, a fellow on Senator COCHRAN’s staff, be granted the privilege of the floor during consideration of this defense appropriations bill.

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

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator HUTCHISON of Texas be added as a cosponsor to the Gramm amendment No. 3463 on military voting rights.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3394
(Purpose: To add $8,200,000 for procurement of non-recoilless, high-explosive ammunition for the Marine Corps, and to offset the increase by reducing the amount for Air Force war reserve materials (PE 13950) by $8,200,000.)

Mr. STEVENS. Mr. President, I call up amendment No. 3394 offered by Senator SANTORUM.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. SANTORUM, proposes an amendment numbered 3394.

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

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

The amendment (No. 3394) is as follows:

On page 26, line 6, increase the amount by $8,200,000.

On page 10, line 6, reduce the first amount by $8,200,000.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment.

Mr. INOUYE. No objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3394) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I seek recognition for the purpose of engaging the manager of the bill in a colloquy.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Thank you Mr. President. I rise to update the distinguished Chairman of the Appropriations Defense Subcommittee on the status of the CH-47 engine upgrade program, which the committee reduced by $27.3 million in its reported bill. The basis for the reduction was program delays.

The committee’s action has called Army leadership attention to the delays in getting the FY 1997 and 1998 funds on contract. This delay was due in part to disruptions from relocating the contracting office from St. Louis to Huntsville and in part to unsuccessful, costly efforts to use commercial pricing practices on the contract.

I understand that the strong support from the CINC’s combined with the Committee’s recommendations made completion of these contracts a high priority. I am pleased to report that the FY97 kit production contract was signed July 1 and that the FY97 engine conversion contract and the FY 1998 kit production contract was signed as of July 29. Further, the full rate produc-
tion contracts are scheduled to be signed early in fiscal year 1999.

Fortunately, production of the en-
gine conversion kits has been under-
way on a letter contract since Decem-
ber 1997 with actual engine upgrades now underway and on schedule at the Greer, South Carolina plant to meet the initial delivery of upgraded engines in October 1998.

Mr. STEVENS. I thank my good friend from South Carolina for the update on action since the committee markup. The committee recommenda-
tions were not meant to be pejorative but reflective of what was likely to be a fact of life delay in the program.

Mr. STEVENS. I thank the chairman for that assurance. I hasten to add my support for the upgrade program, which is done in part at two separate facilities in Greer, South Carolina.

While I will yield to the sub-
committee and full committee, I strongly urge the chairman to give careful consideration to restoring full program funding in conference based on this new information. The upgrade program is just phasing out of its low rate initial production phase with the FY 99 funds. Maintaining the produc-
tion schedule is critical to controlling costs and achieving efficiencies. The FY 1999 funding in question starts full rate production for which all the neces-
sary Army approvals have been given.

Mr. STEVENS. I accept the Senator’s point on timing of the committee mark up. I point out that the House has reduced the program by $12.7 million for other reasons. I urge the Sen-
ator that we will do our best in con-
ference if the contracts are signed in accordance with the schedule given to you.

Mr. HOLLINGS. I thank my good friend, the distinguished Senator from Alaska. Mr. President, I yield the floor.

FIRST PROGRAM

Mr. DEWINE. Mr. President, as the Senate continues consideration of the Fiscal Year (FY) 1999 Defense appro-
priations bill, I take a moment to express my concerns regarding the funding and administration of the Air Force’s Financial Information Resources System (FIRST) program. This is a controversial program for a number of reasons. First, legiti-
mate questions have been raised about the necessity of this program. It is my understanding that even though all the military departments and agencies were to move toward a single system for program, budgeting and accounting (PBAS), the Air Force has not moved in that direction.

The Air Force intends for the FIRST program to perform the functions in-
tended for PBAS, which would make the program duplicative. This issue was raised by the house National Security Committee, which zeroed out fund-
ing for the FIRST program in its version of the Fiscal Year 1999 Defense Authorization Bill.

The House National Security Com-
mittee also noted in its Committee re-
port that the Air Force has chosen to utilize the Global Combat Supply Sys-
tem-Air Force (GCSS–AF) contract for the program, rather than competitively bid the program. This deci-
sion raises both fiscal and policy con-
cerns because this would be work out-
side the scope of the GCSS–AF contract.

Mr. STEVENS. The GCSS–AF contract was ad-
vertised and awarded for “base-level systems modernization.” In contrast, the FIRST program involves a budget system modernization plan that would impact all Air Force functional levels: base level, wholesale level, major air command, and headquarters. Clearly, the FIRST program is beyond the scope of the GCSS–AF contract.

I should also point out that the Air Force’s decision to utilize GCSS–AF for the FIRST program was made after the Air Force announced an open competi-
tion and after companies acted in good faith and submitted qual-
ification applications for evaluation and screening. This course reversal, and the rational behind it has not been made clear to me or others that are concerned about the way the FIRST program is being administered is a symptom of a much larger organizational issue that deserves review by Congress and the Air Force.

Finally, the entire process raises policy concerns with respect to organiza-
tional planning within the Air Force. Currently, the development and execu-
tion of corporate management systems for combat support is, in my view, not conducted in a coor-
dinated and integrated fashion. In other words, the way the FIRST program is being administered is a symptom of a much larger organizational issue that deserves review by Congress and the Air Force.

In short, given all the issues that I have briefly described, I believe we should withhold going forward with the chairman and the ranking member to find other ways to help our drug interdiction strategy.

Mr. President, we cannot understate the importance of information techn-
ology programs to the future of our armed services. Thousands of people at Wright-Patterson Air Force Base and in the surrounding Miami Valley area play a leading role in the development...
of these programs. However, these programs have to be pursued with an eye toward fiscal soundness and effective coordination with similar systems defense-wide. I see the distinguished chairman of the Appropriations Committee on the floor and I hope that he will take such isolation into consideration as he proceeds to conference with the House of Representatives.

Mr. STEVENS. Mr. President, I thank my friend from Ohio for raising these issues with respect to the first program. I have listened closely to his remarks, and he certainly has offered food for thought. I will take his comments into consideration as we move to conference, and look forward to working with him and others interested in this issue to find an appropriate solution.

Mr. DEWINE. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his remarks and look forward to working with him as well.

PULSED FAST NEUTRON ANALYSIS (PFNA) CARGO INSPECTION SYSTEMS (CIS) OPERATIONAL FIELD DEMONSTRATION

Mr. FAIRCLOTH. Mr. President, I would like to engage the distinguished chairman of the Senate Appropriations Committee in a colloquy regarding the Senate's action on the Pulsed Fast Neutron Analysis (PFNA) program. On behalf of the many Senators on both sides of the aisle who support this initiative, I wish to thank you for agreeing to include an amendment to the FY 1998 DoD Appropriations bill that directs the Department of Defense (DoD) to immediately obligate all of the funds appropriated to complete the activities planned under the FY 98 program.

Mr. STEVENS. Mr. President, I am aware of these results and believe that the U.S. Customs Service is one government agency which should seriously consider deploying PFNA should the field test program yield positive results. The committee hopes that Customs Service will work closely with ONDCP to provide whatever assistance is necessary to ensure a complete and honest evaluation of the technology.

Mr. FAIRCLOTH. This would include place at a port of entry or border crossing where a test might be conducted. Once this is done, I hope that ONDCP and the Customs Service will work together to provide the committee with a recommendation on the possible future acquisition, deployment, and support of neutron interrogation systems, including PFNA, at land border crossings and ports of entry around the nation. I believe a useful assessment would provide: (1) a range of deployment options for the PFNA system; (2) a cost comparison between PFNA deployment options; and (3) an evaluation of how the employment of new and existing contraband detection technologies might be optimized to meet changing threats to U.S. security.

I will consult with my colleagues from Alaska and with the chairman of the Senate Treasury, Postal Appropriations Subcommittee, on what resources might be available through that subcommittee to support a continuation of the PFNA test program and the possible procurement of multiple systems in future years.

Ms. MIKULSKI. I thank the Senator. In addition, do you agree that in making a best value determination in granting contracts, the Secretary should give a greater weight to technical qualifications and past performance of the contractor in complying with federal, state and local laws and regulations for environmental and worker protection?

Mr. INOUYE. I agree that the Navy must give more consideration to ensuring worker and environmental safety to prevent the problems we have had in the past.

Ms. MIKULSKI. I thank the Senator. In addition, does the distinguished chairman agree with me that this pilot program will help the Navy to develop safer, more efficient methods of disposing of unneeded vessels and that this pilot program should not be delayed?

Mr. STEVENS. I agree that this pilot program is in the best interest of the Navy and is not contingent on any other legislative action.

Ms. MIKULSKI. I thank the chair and ranking member for their courtesy and assistance in this important matter.

Defense's Supplemental Impact Aid Program

Mr. KEMPThorne. Mr. President, I rise today to discuss the Department of Defense's Supplemental Impact Aid Program. As chairman of the Military Personnel subcommittee of the authorization committee, I included $35 million in the FY99 Defense Authorization bill for this important program.

As many of my colleagues already know, supplemental Impact Aid funding is focused specifically on school districts that are heavily impacted by large numbers of military connected students or the effects of base realignment and closures. The DoD funds are in addition to funds appropriated to

shipbreaking provision

Ms. MIKULSKI. I would like to engage the chairman and ranking member of the Defense Appropriations Subcommittee in a colloquy. The Department of Defense appropriations bill provides funds for a Navy ship disposal pilot program. I would like to clarify the Senate's intent in creating this pilot program—and the support the Navy's goal of disposing of these ships efficiently. However, by considering only short-term costs, the Navy has ignored the long term costs on worker death and injury and environmental degradation.

For example, during the scrapping of the Coral Sea in Baltimore, there were many worker injuries and fires. We don't yet know the environmental damage caused by the improper disposal of asbestos. The ship is still in the Baltimore harbor, and it will now cost millions of dollars for the Navy to dispose of the ship properly. American taxpayers would have saved a lot if we had disposed of the ship correctly the first time.

To prevent these problems, does the distinguished ranking member agree that it is the Senate's intent to encourage the Secretary of the Navy to give significant weight to the technical qualifications and past performance of the contractor in complying with federal, state and local laws and regulations for environmental and worker protection?

In addition, do you agree that in making a best value determination in granting contracts, the Secretary should give a greater weight to technical and performance-related factors than cost and past performance?

Mr. INOUYE. I agree. I thank the Senator.
the Department of Education for all federally impacted schools. The $5 million included in the FY99 Defense Authorization bill will be used to ensure that military impacted schools can maintain the same standards as other, non-impacted, school districts. Without these funds, these districts, quite frankly, would be hard pressed to provide adequate educational opportunities.

Mr. President, I know many of my colleagues believe that education is, and should remain, a local and state issue. I wholeheartedly agree. If there is any role for the Federal Government in funding education, however, impact aid is it. Without a Federal presence, these impacted districts would be able to provide for a quality education for their students. Because of the military presence in the districts we are discussing today, however, educational resources are severely strained. We owe it to the men and women who proudly serve our country, and the families who live near an installation, to provide adequate resources to offset the military presence.

Originally, it was my intention to offer an amendment today that, if passed, would have set aside $35 million in this appropriation bill for DoD supplemental impact aid. After consultation with Chairman STEVENS, I will not offer the amendment. Instead, Chairmen STEVENS has assured me this matter will be addressed in conference. I would like to ask the distinguished Chairman, if it is still his intention to do so?

Mr. STEVENS. Mr. President, the House passed FY99 Defense Appropriations bill contains $35 million for impact aid for school districts impacted by excessive students from nearby defense installations. I would like to assure my friend, the Senator from Idaho, that it is my intention to give fair consideration to the House position regarding funding for impact aid during the conference to see if we can include these funds in the final conference report without negatively impacting the important operations and maintenance accounts of the Department of Defense.

Mr. KEMPThORNE. Mr. President, I thank my friend from Alaska, the distinguished chairman of the Appropriations Committee, for his consideration of this program, which is important to the good citizens of Alaska. In addition, this program is equally important to the people of Mountain Home, Idaho, home of the 386th Composite Wing.

Mr. KEMPThORNE. Mr. President, I thank my friend from Alaska, the distinguished chairman of the Appropriations Committee, for his consideration of this program, which is important to the good citizens of Alaska. In addition, this program is equally important to the people of Mountain Home, Idaho, home of the 386th Composite Wing.

Mr. MACK. Mr. President, I would like to direct a question to the majority manager of the Defense Appropriations bill, the distinguished Senator from Alaska. I note that the Committee on Appropriations directs the Department of Defense to make available, from existing funds, up to $80,000,000 for a community retraining, reinvestment, and manufacturing initiative to be conducted by an academic consortia with existing programs in manufacturing and retraining. It is my understanding that the consortia referred to is the New Hampshire Network for Science, Technology and Communication, and further, that the funds be provided to that organization to create a state wide higher education network among small independent colleges to improve and expand research and training opportunities in science, technology, and communication for students, and for community, business, and K-12 schools. Am I correct, is that not the intent of the committee?

Mr. STEVENS. The distinguished Senator from New Hampshire is correct. The committee intends that the funds be provided to the New Hampshire Network for Science, Technology and Communication to conduct the effort described.

Mr. DORGAN. Mr. President, I would like to call the Chairman’s attention to one key provision in the committee report. In the Defense-Wide Research, Development, Test, and Evaluation section, the committee has included report language regarding the importance of anti-corrosion technologies to the Department of Defense. As the report says “New anti-corrosion technologies are needed to prevent corrosion, reduce corrosion-related costs, and extend the life of aircraft in a manner compatible with environmental concerns.”

North Dakota State University has a long history of excellence in nation-ally recognized expertise in polymers and coatings, and has received significant competitively-awarded funding to investigate new methods of fighting corrosion. Last year DoD awarded a $2 million competitive grant to NDSU for this purpose. Mr. President, given NDSU’s expertise in this area and DoD’s experience working with NDSU, does the Chairman believe NDSU would be well-qualified to compete for this work?

Mr. STEVENS. Mr. President, I appreciate Senator DORGAN’s comments. The Air Force in particular is confronted with severe coatings problems in maintenance of its aging aircraft fleet. To protect the country’s investment in these aircraft, it is important that the committee provide for increased research on anti-corrosive coatings. I agree with the Senator that NDSU would be a solid candidate for these anti-corrosion research funds.

Mr. MACK. Mr. President, I would like to engage the distinguished chairman of the Senate Appropriations Committee in a colloquy regarding threat emitters used to support electronic combat training by the Air Force Special Operations Command as well as testing by the Air Force and other services. These emitters replicate the surface-to-air missile threats and jammers which our combat aircrews must emulate to execute a real mission—a mission which would take them into harm’s way. It is essential that these systems be available to train our first to fight, the special operations forces.

Mr. GRAHAM. Mr. President, I would like to agree and emphasize the remarks of my colleague. Unfortunately, there has been a debate over the status of these emitters which are presently at Eglin Air Force Base. Some believe the Base Closure and Realignment process may lead to the relocation of these emitters. However, the BRAC also insisted that training requirements must be met. I believe these...
Mr. DASCHLE. Mr. President, I share the concern expressed by the two Senators from South Dakota that taxpayers are not getting their money's worth out of the Centennial Housing Project. You can be assured that I will assist you in your efforts to find a timely solution to this matter that will result in the repair of these housing units and the return of military personnel to the homes.

ENCOURAGING GREATER USE OF DISTANCE LEARNING BY THE DEPARTMENT OF DEFENSE

Mr. CLELAND. Mr. President, I rise today to offer my support for the many distance learning programs contained in the Defense Appropriations Act for Fiscal Year 1999. Senators INOUYE and STEVENS have done an outstanding job in encouraging the Department of Defense to take full advantage of the opportunities provided by great advances in telecommunications technology, particularly with respect to distance learning.

This bill contains funding for distance learning programs for the Marine Corps and a new initiative for the Army National Guard. In particular, the National Guard initiative would create a distance learning network to reduce the cost of training soldiers, enhance readiness and furthering communication. The Subcommittee on Defense has a demonstrated its support for these and a number of other initiatives underway.

Mr. STEVENS. I thank the Senator from Georgia for his comments. The Senate Appropriations Committee supports these initiatives. Would the Senator from Hawaii agree?

Mr. INOUYE. That is correct. We have attempted to encourage such initiatives wherever we could, and wherever such initiatives made sense.

Mr. CLELAND. As the Ranking Member of the Personnel Subcommittee of the Senate Armed Services Committee, I believe I can report that our Subcommittee is also very supportive of distance learning initiatives. We are keenly aware of the advantages of distance learning. As you know, Mr. President, many of our military personnel are expected to available for deployment at a moments notice. Ofts are deployed around the world where they do not have ready access to educational opportunities. Rapid developments in technology have enabled them to continue in their educational development, even while deployed.

LEARNING BY THE DEPARTMENT OF DEFENSE

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Mr. DASCHLE. Mr. President, I agree with the comments made by Senator JOHNSON. I, too, am hopeful that the mediation process will soon yield an agreement. Necessary repairs to these homes cannot be delayed any longer. I would also like to inform the Chairman and Ranking Member that I brought this situation to the attention of the Senate Armed Services Committee earlier this year. I thank Senator JOHNSON and Senator INOUYE for their assistance in this matter. As both of you know, the Hunt Building Corporation (HBC) constructed an 828-unit military family housing complex, known as the Centennial Housing Project, at Ellsworth Air Force Base in 1990 and 1991. Unfortunately, within a year of the completion of construction, serious and often dangerous defects were found in many of the units. It is my understanding that over half of the units of the Centennial Housing Project constructed by HBC are currently uninhabitable.

Mr. JOHNSON. Mr. President, I want to thank both the distinguished Rank- ing Member, Senator INOUYE, and the distinguished Senator STEVENS, for your willingness to help Senator DASCHLE and me monitor this situation, which is of critical importance to the quality of life at Ellsworth Air Force Base. We will keep you apprised of progress made through the negotiating process.

Mr. DASCHLE. Mr. President, I also would like to thank Senator STEVENS and Senator INOUYE for their assistance. This matter is extremely important to Senator JOHNSON and everyone at Ellsworth Air Force Base.

Mr. INOUYE. Mr. President, I thank Senator DASCHLE. I share the concern
Mr. CLELAND. I thank the Senator. I am particularly proud of one such program which is managed by the Georgia College and State University. The Distance Education Unit and the Department of Government there were recently contracted by the Navy to provide two graduate courses aboard the USS Carl Vinson which is deployed in the Pacific Ocean. The courses use two-way video and audio which links educators at the school with those aboard the Carl Vinson. We all knew that aircraft carriers were small cities, but this Senator was pleasantly surprised to see that sailors could take graduate level courses while at sea.

Mr. INOUYE. I am aware of the Carl Vinson project. It is certainly a promising concept, but are we providing any educational opportunities for service personnel nearing retirement or leaving the military due to the draw down of the military?

Mr. CLELAND. That is a very good question. I am told that more than 50 percent of military personnel reentering civilian life either change or lose their jobs in the first year after leaving the military. Given this, I believe we should consider providing opportunities for job training and placement for active-duty service members nearing separation or retirement from service without regard to their duty locations.

Clayton College and State University has developed a program that could serve as a worthwhile demonstration project to demonstrate how technology can be utilized to provide pre-separation training for civilian jobs to military personnel. The program would provide training via the Internet and other technology to active-duty personnel at their duty locations for specific, existing job opportunities which would be available upon their separation from the military. The program would then link these personnel to these specific jobs ensuring that when the leave the military, employment is available.

I am not immediately aware of any initiatives underway that would offer similar opportunities. It is my view that we should encourage the Department of Defense to explore such initiatives, perhaps in conjunction with the Department of Veterans Affairs.

Mr. INOUYE. I agree with the Senator from Georgia. He makes a good point, and I hope the Department of Defense will take a look at such initiatives in the future.

Mr. STEVENS. I thank Senator CLELAND for his remarks. He is a good friend of America’s men and women in uniform.

Mr. CLELAND. I thank my colleagues for their leadership and for allowing me to speak on this matter.

Mr. FEINGOLD. Mr. President, I rise to voice my opposition to the fiscal year 1999 Department of Defense appropriations bill.

Once again, we have loaded up this bill with unnecessary, extravagant, and flat-out wasteful items. In a time when we are cutting programs and fighting for a true balanced budget, we cannot afford to insulate any department from scrutiny as we seek to reduce the Federal debt. Unfortunately, the DoD budget remains immune to any and all attempts at congressional oversight.

Mr. President, I offered an amendment to this bill that aimed to invest fully in the best bargain in the Defense Department. According to a National Guard study, the average cost to train and equip a new active-duty solider is $73,000 per year, while it costs $17,000 per year to train and equip a National Guard soldier. The cost of maintaining Army National Guard units is just 23 percent of the cost of maintaining Active Army units.

It failed, however, but that should not come as a surprise. DoD and a complict Congress have never been known as a frugal or practical when it comes to defense spending. From $436 million to $40 billion for two $2 billion bombers that don’t work and the Department doesn’t seem to want to use, we have a storied history of wasting our tax dollars. I presented an opportunity to spend defense dollars on something worthwhile, not just marginally not worthwhile, but the lobby for the wasteful and unnecessary Super Hornet prevailed.

Speaking of which, Mr. President, the bill appropriates $2.9 billion for the procurement of 30 Navy F/A-18E/F Super Hornets. The current Hornet program has been proven reliable and cost-effective. Why do we want to replace the Hornet with a bloated, cost-prohibitive aircraft that offers marginal benefits over a reliable fighter?

This bill also contradicts the House’s overwhelming recommendation on Super Hornet procurement. Twice, once in their authorization bill and again in their appropriations bill, the House, by margins of nearly 800 members, voted to procure 27 Super Hornets in fiscal year 1999.

The House correctly notes that the Navy’s low rate initial production increase from fiscal year 1998; that the Navy’s low rate initial production schedule is not consistent with its procurement objective of 548 aircraft; and that the wing drop problem has not been resolved.

Mr. President, it seems we have thrown reality out the window when it comes to this plane. Judging by the Super Hornet’s past performance, I’m sure we’ll be hearing more about it soon.

Finally, Mr. President, authors of the bill have again loaded it up with projects and hundreds of millions of dollars the Pentagon didn’t even ask for. Just to give my colleagues a taste of these extravagant morsels, the bill adds: $78.5 million for 8 additional UH-60 Blackhawk helicopters; $90.0 million for JAVELIN missiles; $32.3 million for Marine Corps procurement priorities; $50 million for advance procurement of the LHD-8 amphibious ship, which is a program DoD didn’t even want to fund next year; $65.7 million for Humvee vehicles; $90 million for C-135 aircraft; and $40 million for F-15 Eagles.

Furthermore, there is $1.8 billion in addition to funds for U.S. troops in Bosnia that are designated as “emergency” funds. The Bosnia mission is no longer an emergency. It is a long-term commitment for the United States military, and we should pay for it on budget.

Mr. President, this is shameful. We have a duty to act responsibly with our constituents' tax dollars. Instead of looking after our constituents, we continue to pick their pockets.

We have to make smart choices, Mr. President. A truly balanced federal budget is in sight for the first time in three decades. But we are not going to be able to maintain a balanced budget, let alone start bringing down the federal debt, so long as we continue to commit to programs and force structures that are so blatantly unaffordable. We must continue to fight for further spending reductions until we achieve the most effective and cost efficient military which serves our national security interests.

I thank the Chair and I yield the floor.

PROSTATE CANCER RESEARCH

Ms. MIKULSKI. Mr. President, I rise today to support the Department of Defense’s prostate research effort. I know that this program has no greater champion than the distinguished Chairman of the Appropriations Committee, Senator STEVENS.

Throughout my time in Congress, I have fought for women’s health initiatives. Women’s health is one of my highest priorities and it always will be. However, I also strongly support efforts to improve the health of men. One such effort that I believe deserves our attention is prostate cancer research.

In my home state of Maryland alone, 3,500 men receive the ominous diagnosis of prostate cancer each year. Nationwide, the number soars to over 200,000. Even more frightening, 42,000 American men lose their lives to this ruthless killer annually. This means that every 15 minutes, 1 man somewhere in our country dies from prostate cancer, and during the same time span, 5 more men are newly diagnosed with the disease.

I am very pleased that the frequency of prostate cancer screening has increased over the past five years. These efforts have led to an overall decrease in the prostate cancer death rate. The importance of early detection through regular screening cannot be overstated. When prostate cancer is detected early, survival rates are over 90%. But, when detected late, prostate cancer kills 70% of its victims. The increased emphasis on the use of current screening techniques is critical.

I want to thank the Senator for his remarks.
of diagnostic screening and imaging technology, we can make detection of prostate cancer easier and more efficient. We’ve done it before—mammograms have made screening for breast cancer a much more reliable process. We must do the same for prostate cancer.

Last year, Congress provided $40 million to the Department of Defense for prostate cancer research. Overall, $130 million in government-funded prostate cancer research was performed, compared with $650 million for breast cancer. Of course, we all recognize the importance of fighting breast cancer. It is a major threat to the women of our nation and the fight to find new and better prevention methods must continue.

I think it is time we started fighting prostate cancer with the same tenacity.

In this year’s Defense Appropriations bill we have provided $40 million for prostate cancer research. In addition to funding the Department of Defense prostate research, we have provided funding to the Walter Reed Army Medical Center for research on prostate cancer diagnostic imaging. This research is extremely important, as it could pave the way for better, faster, and more reliable screening and diagnosis.

One in every ten American men will develop prostate cancer at some point during his life. We need to target sufficient resources for research into the causes, treatment and cure of prostate cancer.

I hope that when the Defense Appropriations bill is in Conference, we will increase funding for prostate cancer research. Increased funding is necessary to give our scientists and researchers the tools they need to combat this deadly disease.

We are blessed with great medical scientists who are scattered across our country at universities, medical schools, department of defense agencies. They are an incredible resource. I believe that we owe it to ourselves, to our children, and to the American people to ensure that these great men and women have the support they need to continue their efforts to bring the people of our nation a better, healthier tomorrow.

DOD IMPACT AID

Mr. DORGAN. Mr. President, I would like to take a moment to express my concern about the lack of funding within the Department of Defense for the Appropriations bill for fiscal year 1999 for schools that have been heavily impacted by their proximity to military installations.

Fortunately, the House bill does include $15 million for this purpose, and I want to put my colleagues on notice that I will be working through my position on the House-Senate conference committee to see that this funding is preserved.

This extra assistance is needed by schools on or near our military bases because their tax base is eroded by the large amount of federal land taken off the tax rolls. In addition, military personnel often are not required to pay local taxes, which support the schools, even if they have children enrolled in those schools. The DOD funding would be aimed at those schools most in need of the extra funding. The student population in those districts whose student population is made up of at least 20 percent military children.

This funding is sufficiently important to the quality of life of military personnel and their families that both the House and Senate fiscal year 1999 Defense Authorization bills authorize $35 million for this purpose. It is my strong hope that the Congress will see fit to include this funding in the final version of the Defense Appropriations bill.

Mr. HARKIN. Mr. President, during the deliberations over the fiscal year 1999 Defense Authorization bill, I offered an amendment to increase spending for our nation’s veterans medical needs. The amendment, offered on June 25th and numbered as S982 would have allowed the transfer of $329 million from the defense budget to support the VA medical budget. The amendment would have transferred funds so as to avoid the harmfulness of the forces of the Armed Forces and the quality of life of military personnel and their families.

The amendment’s description was incomplete as to the listing of cosponsors and I would like to correct the record this time. Along with Senator WELSTON of Minnesota, Senator BINGMAN of New Mexico, also a long-time champion of veterans, should have been included as a cosponsor.

Although the amendment did not receive the support of a majority of my colleagues, I appreciate the cosponsorship by Senator BINGMAN and Senator WELSTON. I also appreciate the support of the 35 other Senators who voted in favor of increasing VA medical funding.

Mr. STEVENS. Mr. President, I tell the Senate, there are now three amendments that are not disposed of, to my knowledge: the Graham amendment on space and two Harkin amendments. I call on those Senators to ask what they intend to do.

Mr. HARKIN. One amendment; I have one amendment.

Mr. STEVENS. I will be happy to eliminate one of the two.

Mr. President, again, I call on the Senators involved to inform us if they going to proceed with the amendment.

Mr. President, it is my understanding that the Senator from Iowa is going to make a motion concerning the space amendment. I ask someone to inquire about that amendment.

May I inquire of the Senator from Iowa, does he intend to proceed with his amendment?

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
with the distinguished chairman of the Defense Appropriations Subcommittee.

I was disappointed that the Defense Appropriations Subcommittee did not include funding for the National Advanced Telecommunications and Applications Center in the Research Triangle Park in North Carolina. I ask the chairman whether this is an indication that the subcommittee disapproves spending for this project or if it is merely because sufficient funds were unavailable.

Mr. STEVENS. The Senator from North Carolina will be pleased to know that the subcommittee believes that this project is very worthy, but we did not directly provide funding in FY 1999.

Mr. FAIRCLOTH. Therefore, may I assume that the chairman would support a reprogramming request from any branch of the Department of Defense if that branch found that unavoidable delays in its other programs made funding available for the NATAAC?

Mr. STEVENS. The Senator is correct.

Mr. FAIRCLOTH. I thank the chairman. Mr. President, I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STEVENS. I understand the Senator from Iowa will ask to be recognized, and I urge Members of the Senate to stay around. In my opinion, we are very close to final passage. We are very close to final passage. I expect final passage within 20 minutes. I might not get my expectations, right? I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 376

(Purpose: Express sense of Senate regarding payroll tax relief)

Mr. STEVENS. Mr. President, I send to the desk a sense-of-the-Senate resolution on behalf of Senator KERRY and Senator MOYNIHAN and Senator BREAUX, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Alaska [Mr. STEVENS], for Mr. KERRY, for himself, Mr. MOYNIHAN and Mr. BREAUX, proposes an amendment numbered 376.

Mr. STEVENS. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows: At the appropriate place, insert:

SECTION 1. SENSE OF THE SENATE REGARDING PAYROLL TAX RELIEF

(a) FINDINGS.—The Senate finds the following:

(1) The payroll tax under the Federal Insurance Contribution Act (FICA) is the biggest, most regressive tax paid by working families.

(2) The payroll tax constitutes a 15.3 percent tax burden on self-employment income of each American, with 12.4 percent of the payroll tax used to pay social security benefits to current beneficiaries and 2.9 percent used to pay medicare benefits of current beneficiaries.

(3) The amount of wages and self-employment income subject to the social security portion of the payroll tax is capped at $84,000. Therefore, the lower a family’s income, the more they pay in payroll tax as a percentage of income. The Congressional Budget Office has estimated that for those families who pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes.

(4) In 1996, the median household income was $35,492, and a family earning that amount and taking standard deductions and exemptions paid $2,719 in Federal income tax, but lost $4,430 in income to the payroll tax.

(5) Ownership of wealth is essential for everyone to have a shot at the American dream, but the payroll tax is the principal burden to savings and wealth creation for working families.

(6) Since 1983, the payroll tax has been higher than necessary to pay current benefits.

(7) Since most of the payroll tax receipts are deposited in the social security trust funds, which masks the real amount of government borrowing, those whom the payroll tax hits hardest, working families, have shouldered a disproportionate share of the Federal budget deficit reduction and, therefore, a disproportionate share of the creation of the Federal budget surplus.

(8) Over the next 10 years, the Federal Government will generate a budget surplus of $1,550,000,000,000, and all but $32,000,000,000 of that surplus will be generated by excess payroll taxes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should decide to provide tax relief, reducing the burden of payroll taxes should be a top priority; and

(2) Congress and the President should work to reduce this payroll tax burden on American families.

Mr. KERRY. I am delighted to be joined by Senators MOYNIHAN and BREAUX in offering this important Sense of the Senate on reducing the payroll tax burden. This Sense of the Senate is simple: the payroll tax is the biggest, most regressive tax that working families in this country face. According to the CBO, 80 percent of American families pay more in payroll taxes than they do in income taxes.

Here’s what that means. The average household income in 1996 was $35,492. That family, taking the standard deductions and exemptions, paid $2,719 in Federal income tax. But they paid a whopping $4,430 in payroll taxes—double what they paid in income taxes! What this Sense of the Senate says is that if we talk about relieving the tax burden on American’s families, we ought to look first at the payroll tax burden. After all, of the over $1.5 trillion surplus we expect to generate over the next ten years, all but $32 billion is being generated through payroll taxes. If anyone is going to get tax relief this Congress, it is the working people responsible for that surplus. I urge my colleagues to support this Sense of the Senate.

Mr. MOYNIHAN. Mr. President, my colleague Senator KERRY, with whom I am pleased to cosponsor this Sense of the Senate resolution, has it exactly right. The payroll tax is regressive. The statistic he quoted bears repeating. Among families that pay payroll taxes 80 percent pay more in payroll taxes than in income taxes.

If—and I say if—we are going to have a tax cut look no further than the payroll tax. Albert Hunt, writing in today’s Wall Street Journal, agrees, noting that for most families it is “the most onerous levy.”

Even excluding interest income, the Social Security Trust Funds will generate $698 billion of surpluses over the next 10 years. That is just about enough to finance the 2 percentage point reduction in payroll taxes that Senator KERRY and I have proposed in our comprehensive Social Security rescue plan.

In contrast, the operating budget will only have a $32 billion surplus over the next 10 years—and no significant surplus until 2006.

Finally, maybe we shouldn’t be considering any tax cuts. Those surpluses can easily evaporate, even in the absence of a recession. Growth of one percent for the next two or three years—rather than the 2 percent projected by CBO—just about wipes out surpluses for the next several years.

Mr. BREAUXX. Mr. President, I am pleased to be an original co-sponsor of this Sense of the Senate offered by Senator KERRY and accepted tonight by unanimous consent regarding payroll tax relief.

We keep hearing the good news about surpluses but of the $1.55 trillion surplus over the next decade, all but $32 billion comes from the social security trust fund—from payroll taxes paid by working Americans on their wages—taxes that American workers paid to insure the viability of their Social Security benefits.

Of families who pay payroll taxes, 80 percent pay more in payroll taxes than in income taxes. The payroll tax is the most regressive tax in America, disproportionately burdening low income families. Remember that almost 50 percent of households in this country earn under $35,000 per year and most of this income is from wages which are subject to the payroll tax. Given these facts, the payroll tax cut is clearly the tax cut this Congress should be discussing.

And we should be discussing it along with the reforms necessary to fix Social Security for all Americans for all time. I know there are many Senators...
here who share my sentiments. I served with Senator Gregg on a bipartisan commission that thoroughly studied this issue and we have recommended a comprehensive reform package. Senator Kerrey and Senator Mynhann have been working on a bill. Others in this body are so working on social security reforms. I look forward to working with all of my colleagues in a bipartisan effort to not only reduce taxes but to shore up social security and create wealth for working Americans.

Mr. STEVENS. I ask for the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3478) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I state for the record, according to my understanding, the only amendment we have not disposed of that was listed on the two charts is one in amendment to S. Con. Res. 86, the Senate-passed Budget Resolution, concerning defense and non-defense outlay scoring. Over the recent recess, representatives of the Department of Defense, the Office of Management and the Budget (OMB), and the Congressional Budget Office (CBO) have met and discussed these issues. As a result, we have identified a $2.4 billion variation between $2.9 billion in outlay reductions based on asset sales and proposed policy changes in the President’s 1999 DoD budget request, including: (1) management initiatives for the Defense Working Capital Funds (DWCF) and (2) alterations in classified activities in two Air Force accounts.

These identified outlay scoring adjustments for policies enumerated here do not preclude other technical adjustments that might be considered. The President’s 1999 budget request, therefore, will put forward a budget scoring that recognizes the Administration’s outlay estimates. For the classified policy initiatives in intelligence community activities, I will respect your judgment that the proposed policy initiatives will have the downward impact on outlays reported by the Department of Defense and that the legislation reported to the Senate would not reverse or materially alter the impact, and, therefore, score the outlays for reported legislation appropriately.

The disagreements between CBO, OMB and DWCF outlay estimates for the President’s defense budget are not new. I believe Congress must insist on the most accurate projects from both the executive branch and our own estimators. Accordingly, I believe we should work together to achieve the following results:

1. Prompt submission of the annual joint report to Congress required by 10 U.S.C. §226 concerning CBO and OMB scoring of outlays on December 15 of each year.
2. The routine and timely transmission by CBO of its scoring of defense budget requests and relevant legislation to the appropriate representatives of DoD’s Office of the Comptroller and OMB.
3. An analysis by CBO and the Administration, submitted as a part of their fiscal year 2000 Presidential budget presentations, of the outlays and rates that occurred for fiscal year 1998 for the Department of Defense with: (a) the outlays and outlay rates originally estimated by CBO and the Administration, respectively, for the fiscal year 1998 Department of Defense budget when that budget was originally presented to Congress, and (b) any revised outlays and outlay rates estimated for appropriations legislation, pursuant to Section 251 of the Balanced Budget Enforcement and Deficit Reduction Act of 1997.
Mr. HARKIN. Now, why am I taking the time here late at night to talk about this? Because we are about to go out on a break. We are going to go out for the month of August. In the first week of September when we come back the chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, the largest of the nondefense appropriations subcommittees—and that is my colleague and my friend, Senator SPECTER from Pennsylvania—will be calling us together to mark up the nondefense portion of the appropriations bill.

Right now, the allocation that was given to our subcommittee with respect to outlays is almost $300 million below a freeze from last year—$300 million below a freeze from last year.

The House, using those figures, marked up a bill, and the only way they marked it up was by completely eliminating all of the funding for the elderly and the working poor. This cuts across both sides of this aisle. Those are just a few of the programs that were eliminated. And I just said that our allocation puts us $300 million below a freeze.

Mr. SPECTER. Will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield to my friend from Pennsylvania. Mr. SPECTER. I thank my colleague.

Mr. HARKIN. I am aware that the Senator from Iowa points out that the vote was 99–0, is the Senator aware that when we sought the transfer, that it was turned down 57–41?

Mr. HARKIN. I am aware that the Senator from Pennsylvania, I think, within a week after that, offered an amendment—

Mr. SPECTER. An amendment on which the Senator from Iowa joined this Senator from Pennsylvania.

Mr. HARKIN. I am aware that the Senator from Iowa raises a valid point on having the same scoring for the Subcommittee on Labor, Health and Human Services, and Education as for the Department of Defense. If I am listening correctly, do you believe that our allocation puts us $300 million below a freeze?

Mr. SPECTER. Yes, Senator. I believe the Senator from Iowa raises a valid point on having the same scoring for the Subcommittee on Labor, Health and Human Services, and Education as for the Department of Defense. I am optimistic that in working with the distinguished chairman of the Budget Committee there are ways that we can resolve these differences on policy grounds. The Senator from Iowa and I have worked very closely for many years, and when the Senator from Iowa was chairman and I was ranking—in reverse. We will move ahead with our marked-up committee on September 1, the day after we get back. The chairman has agreed to have the markup on September 3 to bring this complex bill to the floor at an early date. I have taken the preliminary step in a very small meeting with Secretary Matala of Health and Human Services and Secretary Riley of Education and Secretary Herman of Labor, to try to ascertain their real priorities so that we can try to move this bill ahead and get it passed.

I think the Senator from Iowa is performing a real service in highlighting the necessity for similar scoring so we can have additional funds. I think we will get there. I thank my colleague for his yielding and for his cooperation this year and through the years.

Mr. HARKIN. I thank my chairman for his kind words. We have worked collaboratively. I could not ask for a better chairman, because I do believe we are going to be able to work this out. That is why I will, at the appropriate time, withdraw my amendment, because I do believe we are going to be able to work this out with the chairman of the Budget Committee and with the chairman of the Labor-HHS appropriations subcommittee. I believe we will be able to work this out in a manner that will be, I hope, conducive to getting the money that we need immediately—just the basic requirements that we want for the National Institutes of Health, that we want for LIHEAP, and a lot of other programs. I hope that Members support here. I wanted to raise this issue because I think it is vitally important that we use the same set of scoring for both defense and nondefense.

So, Mr. President, with the assurances of my chairman that we will be able to get this thing worked out, I just wanted to refer to one thing on the chart. With the reallocation, with the rescoring, with the additional money we would get from the rescoring, we would have $770 million. That would get us the money that we need for NIH. That would get the money that we need for LIHEAP and for the other programs—Head Start among others—that we need, which Senators support here.

Mr. President, again, I raise this issue because it is vitally important. I don't know how many other Senators want to speak on this issue. But I would be willing to yield at this time for any other Senators who might want to speak on the issue.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, we have worked closely together. We have talked privately about this and, quite frankly, I believe we are going to be able to work this out. That is why I will, at the appropriate time, withdraw my amendment. I believe we are going to be able to work this out with the chairman of the Budget Committee and with the chairman of the Labor-HHS appropriations subcommittee. I believe we will be able to work this out in a manner that will be, I hope, conducive to getting the money that we need immediately—just the basic requirements that we want for the National Institutes of Health, that we want for LIHEAP, and a lot of other programs. I hope that Members support here. I wanted to raise this issue because I think it is vitally important that we use the same set of scoring for both defense and nondefense.

So, Mr. President, with the assurances of my chairman that we will be able to get this thing worked out, I just wanted to refer to one thing on the chart. With the reallocation, with the rescoring, with the additional money we would get from the rescoring, we would have $770 million. That would get us the money that we need for NIH. That would get us the money that we need for LIHEAP and for the other programs—Head Start among others—that we need, which Senators support here.

Mr. President, again, I raise this issue because it is vitally important. I don't know how many other Senators want to speak on this issue. But I would be willing to yield at this time for any other Senators who might want to speak on the issue.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I believe the Senator from New Mexico did not adopt OMB numbers in arriving at the corrections that
were made in the amounts of money available for the Defense appropriations bill. We will be very glad to show Senators precisely what we did. In fact, I am going to insert a statement into the Record—I won't give it—showing that we made policy adjustments that permitted the changes in the expectation of expenditures, and then on top of that we allowed for the sale of assets that were a certainty, and we counted those sales in terms of receipts that could be spent in this bill.

The DoD Appropriations bill we are debating today contains a new Pentagon Renovation Fund; there has been a scoring adjustment for this new fund to bring its outlays in line with typical construction outlay rates, rather than the higher overall rates that CBO would otherwise attribute to this spending. This adjustment amounts to about $190 million.

There's the totality of any outlay scoring adjustments in appropriations bill. There are no other adjustments to CBO scoring. I believe it is important to realize that for the adjustments that have been made, in each case there is a specific legislative and/or policy provision that is key to the adjustment, and each legislative provision should have a material impact on outlays.

Mr. STEVENS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. The remaining speaker is the Senator from New Jersey, is that correct?

Mr. LAUTENBERG. Mr. President, I say to the distinguished chairman that I am going to be very brief, in view of what has just been said. I trust the chairman of the Budget Committee. There is some time available, is there not, Mr. President?

The PRESIDING OFFICER. Yes.

Mr. LAUTENBERG. Very quickly, I am pleased to hear the assurances. First, I commend the Senator from Iowa for bringing this to our attention because we were both of the same mind. Even as I read the letter sent to Senator STEVENS and Senator THURMOND, to me, it looked like we were going to be put in a position where defense was going to be particularly well treated, and nondefense was going to be left out. But we have had an interesting colloquy here, a dialog, and I trust the chairman of the Budget Committee. I work with him all the time and have great respect for him.

When he gives us an assurance that there will be no distinction, no difference between the treatment given to defense and nondefense, I don't have to go a little further. We have heard it. We have heard it directly from the chairman. We have heard it in this public forum.

Mr. President, I yield the time I have in the interest of moving this along.

Mr. HARKIN. Mr. President, I have an amendment.

Mr. STEVENS. Mr. President, I say to the Senate, under the agreement the amendments, if they are not called up, just go away. We do not offer them all. But the Senator is at liberty to withdraw his amendment.

Mr. HARKIN. Was it called up?

Mr. STEVENS. It is not called up. Mr. HARKIN. That is fine.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.
NOMINATIONS

Executive nominations received by the Senate July 30, 1998:

THE JUDICIARY

FRANCIS M. ALLEGGRA, OF VIRGINIA, TO BE JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE LAWRENCE S. MARGOLIS, TERM EXPIRED.

LEGIONS D. DAVIS, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE EMMONO V. LUDWIG, RETIRED.

FARM CREDIT ADMINISTRATION

MICHAEL M. REYNA, OF CALIFORNIA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2004, VICE DOYLE COOK, TERM EXPIRED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CARDELL COOPER, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SAUL N. RAMIREZ, JR.

DEPARTMENT OF THE INTERIOR

CHARLES G. GROAT, OF TEXAS, TO BE DIRECTOR OF THE BIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY, VICE STEPHEN S. HONIGMAN.

DEPARTMENT OF THE NAVY

BENJAMIN W. YOUNG, JR., TO BE VICE SECRETARY OF DEFENSE, VICE GEORGE D. HALL.

DEPARTMENT OF THE TREASURY

DAVID W. ADAMS, OF PENNSYLVANIA VICE EDMUND V. LUDWIG, RETIRED.

DEPARTMENT OF VETERANS AFFAIRS

JOHN F. EXTON, TO BE DIRECTOR, VETERANS HEALTH ADMINISTRATION, VICE JAMES D. MORALES, TERM EXPIRED.

OFFICE OF PERSONNEL MANAGEMENT

JOHN U. SEIFULVAY, OF NEW YORK, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE LEE J. BROWN, TERM EXPIRED.

NATIONAL INDIAN GAMING COMMISSION

MONTY R. DEER, OF KANSAS, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS, VICE TAIGI JOHNSON.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION


IN THE AIR FORCE


To be colonel

JEFFREY P. ALLERTON, 0000
DARLE E. BROWN, 0000
MARK C. BRYANT, 0000
STUART D. DASTROW, 0000
KENNETH R. NEUHAUS, 0000
ROBERT R. SELLERS, 0000
JOHN H. SIMMONDS, 0000
MICHAEL J. SUTTON, 0000
DAVID R. TAYLOR, 0000
THOMAS K. WIGGS, 0000

To major

RICHARD B. DELSON, 0000
JOHN V. EASTON, 0000
STEPHEN K. KENNEDY, 0000
TERRY J. LEWIS, 0000
DAN J. SCHERMER, 0000
ANAY VALDEZSCALCO, 0000

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 331:

To be captain

NEAL A. THAGARD, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 1228:

To be colonel

DAVID W. BROOKS, 0000
ROBERT P. HALL, 0000
SHERYL R. PEARCY, 0000

DEPARTMENT OF DEFENSE

STEPHEN W. PIRSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL, OF THE DEPARTMENT OF THE NAVY, VICE STEPHEN S. HONIGMAN.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HAROLD LUCAS, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE KEVIN EMANUEL MARSHMAN.

IN THE NAVY


To be lieutenant colonel

JEFFREY P. ALBERTSON, 0000
DALE E. BROWN, 0000
MARK C. BRYANT, 0000
STUART D. DASTROW, 0000
KENNETH R. NEUHAUS, 0000
ROBERT R. SELLERS, 0000
FRANCIS R. SIMMONDS, 0000
MICHAEL J. SUTTON, 0000
DAVID R. TAYLOR, 0000
THOMAS K. WIGGS, 0000

To be ensign

DOUGLAS W. ABRENAH, 0000
JEREMY A. BISHEAR, 0000
WILLIAM M. FRIME, 0000
PATRICK L. LAHRF, 0000
SHAWN D. PENROSE, 0000
MICHAEL Y. SNELLING, 0000
RICHARD B. DELSON, 0000
JOHN V. EASTON, 0000
STEPHEN K. KENNEDY, 0000
TERRY J. LEWIS, 0000
DAN J. SCHERMER, 0000
ANAY VALDEZSCALCO, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMIES UNDER TITLE 10, U.S.C., SECTION 331:

To be commander

MARTHA R. SHADRICK, 0000

To be lieutenant

STEVEN L. BANKS, 0000
LAFAYETTE B. BELK, JR., 0000
FRANK A. DEVINS, 0000
ROBERT BUCKLEY, 0000
THOMAS R. CALVIT, 0000
THOMAS R. CALWIT, 0000
JAY W. COLLINS, 0000
JAMES F. GALLAGHER, 0000
JAMES W. HANER, 0000
JOHN R. BOLMAN, 0000
STEPHEN H. HOPPER, 0000
KIMBERLY M. HOFF, 0000
CHARLES JOHNSON, JR., 0000
JAMES P. JOYCE, 0000
LOUISE J. SCHAEFFER, 0000
MICHAEL J. SUTTON, 0000
PATRICK L. LAHRF, 0000
WILLIAM M. FRIME, 0000
MICHAEL Y. SNELLING, 0000

CONNECTED APPOINTMENTS

To be lieutenant

TERRY J. LEWIS, 0000
DAN J. SCHERMER, 0000
ANAY VALDEZSCALCO, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCES UNDER TITLE 10, U.S.C., SECTION 694:

To be colonel

DAVID W. ADAMS, 0000
KERRY M. BELLAMY, 0000
BYRON T. GIBBS, 0000
ROBERT M. HENDRICKSCHETZ, 0000
ROB B. JIMENEZ, 0000
THOMAS L. KENNEDY, 0000
JAMIS D. MOLIA, 0000
JOSEPH BOTZE, 0000

To be lieutenant (junior grade)

CHRISTOPHER E. ARCHER, 0000
DIDRA A. DRAHAN, 0000
JOHN S. DUCHAS, 0000
BRIAN M. GOEBEL, 0000
NICHOLAS A. GRIFFIN, 0000
DEVIN J. LASALLE, 0000
BRI T. LOWMAN, 0000
STEPHANIE E. MITCHELLESMITH, 0000
RICHARD R. RUBIN, 0000
JOHN C. RUDOLFS, 0000
THOMAS R. SCOTT, 0000
JAMES E. THOMAS, 0000
WILLIAM T. PELTR, 0000
ROBERT T. CAREY, 0000
DAVID J. CARRIDMO, 0000
JOHN R. CASEY, JR., 0000
GINA M. CAVALLI, 0000

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.