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

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

Mr. DURBIN. 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. DURBIN. 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 varying 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 stated. 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 into an agreement to speak for what would amount to about 1 hour and 15 minutes for both opponents and proponents. Of course, the distinguished Senator from Illinois is preeminently correct in what he has said about the Constitution and what he has said about the efforts toward aggrandize onment on the part of this administration and most recent administration when my understanding that at about quarter of 7 we agreed we would debate this until 8 o'clock equally divided?

The PRESIDING OFFICER. The Senate has 9 minutes remaining.

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 might 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 have Senator BYRD coming back to the floor, 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 or 4 o'clock in the morning as it is, so I object to any further change in this time agreement, and I urge my good friend from West Virginia to do the same. He knows we will accommodate him with such time as he needs. But let's not change the time agreement yet.

Mr. BYRD. Mr. President, it is my understanding when the Senator returns to the floor, Senator BYRD will speak. I state to the Senate, there is substantial opposition to this amendment. I am one who voted against the War Powers Act, but I think this goes too far. It is an amendment that should be considered by the Armed Services Committee and not debated at the last minute on an appropriations bill.

In the old days, we had a point of order against legislation on an appropriations bill. That point of order is not available to us now, but the concept is still there, and that is what we are trying to establish once again—the concept that we limit this debate to its immediate consideration; that all after the enacting clause of the House bill be stricken and the text of S. 2168, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendment, request a conference in the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the following conferees on the part of the Senate: Mr. Bond, Mr. Byrd, Mr. Domenici, Mr. Craig, Ms. Mikulski, Mr. Leahy, Mr. Lautenberg, Mr. Harkin, and Mr. Byrd; and that the foregoing occur without any intervening action or debate.

Ordered further, that upon passage of the House companion measure, as amended, the passage of S. 2168 be vittiated and the bill be indefinitely postponed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES 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 companion measure to S. 2168, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendment, request a conference in the House on the disagreeing votes of the two Houses, and that the Chair appoint the following conferees on the part of the Senate: Senators Shelby, Domenici, Specter, Bond, Gorton, Bennett, Faircloth, Stevens, Lautenberg, Byrd, Mikulski, Reid, Kohl, Murray, and Inouye; and that the foregoing occur without any intervening action or debate.

Ordered further, that when the Senate passes the House companion measure, as amended, the passage of S. 2168 be vittiated and the bill be indefinitely postponed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding when the Senator returns to the floor, Senator BYRD will speak. I state to the Senate, there is substantial opposition to this amendment. I am one who voted against the War Powers Act, but I think this goes too far. It is an amendment that should be considered by the Armed Services Committee and not debated at the last minute on an appropriations bill.

In the old days, we had a point of order against legislation on an appropriations bill. That point of order is not available to us now, but the concept is still there, and that is what we are trying to establish once again—the concept that we limit this debate to its immediate consideration; that all after the enacting clause of the House bill be stricken and the text of S. 2168, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the Senate insist on its amendment, request a conference in the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the following conferees on the part of the Senate: Mr. Bond, Mr. Byrd, Mr. Domenici, Mr. Craig, Ms. Mikulski, Mr. Leahy, Mr. Lautenberg, Mr. Harkin, and Mr. Byrd; and that the foregoing occur without any intervening action or debate.

Ordered further, that upon passage of the House companion measure, as amended, the passage of S. 2168 be vittiated and the bill be indefinitely postponed.
This is 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 4½ 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.

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. The Senator from Alaska is recognized.

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

The PRESIDING OFFICER. The Senator may continue.

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 4½ 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 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 wants 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. 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 third reading.

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. 365

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. The Senator from Alaska is recognized.

Mr. BIDEN. 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. BIDEN. Mr. President, I support the Durbin amendment, and I admire what is being attempted to do and respect his effort. I am not, quite frankly, certain it will have its intended effect.

I strongly agree with the views expressed by my friend from Illinois, that what I call the “monarchist” view of the war power has become the prevalent view at the other end of Pennsylvania Avenue, and it does not matter whether it is a Democratic President or a Republican President. And the Durbin amendment, that it was 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 although I support it, as I said, I am not sure that it will achieve the desired effect. The Durbin amendment would bar the use of appropriated funds for “offensive military operations” by
Armies of the United States 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 needed that we are going to be looking a whole lot closer.

In my view, the President does not have to use force, except in certain limited circumstances, without the authorization of the Congress, period. The war power is not limited to a 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.

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, but in the 1700s, 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 indicated 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 I have left to again compliment the Senator from Illinois. It is time the Congress, with the changed world, bring back 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 he 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 as follows:

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 13, 1999, provide support to 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 copies of a summary of an 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. 3392, 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:

Sec. 3. 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.

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.

The modification provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: 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 cross 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 support for this. 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 and 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 forthcoming and commit our troops in an offensive capacity was going to lead to the loss of life. It was a painful decision, 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 don’t 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 responsibility—an awesome responsibility.

My friend 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 authoritative language and much more expansive language and much more expansive military action—not to defend the property and the persons of America, but offensive 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 appropriate 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 Senator 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 roll was announced—yeas 84, nays 15, as follows:

[Rollcall Vote No. 251 Leg.]

AMENDMENTS NOS. 3466 THROUGH 3475, EN BLOC

Mr. STEVENS. Mr. President, I want to announce that we have left outstanding one amendment of Senator GRAHAM which I understand may be disposed of by separate—two amendments 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 amendment the following amendments: the Bingaman amendment on donation of surplus dental equipment; the Bingaman amendment on furniture and dental care to dependents; the Dodd amendment on retired pay backlog; the Harkin amendment on backlog of medals; the Harkin amendment on smoking cessation; the Frist amendment on Marine Corps lightweight maintenance envelopes; the Doran amendment on environmental cleanup; the DeWine amendment on drug interdiction; the Wellstone amendment on family violence.

I ask unanimous consent that it be in order to consider the managers’ amendment 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 an 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 on 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 to 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 donate 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) (and the meaning of such terms are as defined by the Social Security Act (42 U.S.C. 1396d(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 under the health care system of the uniformed 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 of providing the dependents with dental benefits (including initial dental visits for children) that conform with the guidelines of the American Academy of Pediatric Dentistry regarding infant oral health care, and (3) an evaluation 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 unpaid retired pay by December 1, 1998, and shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the actions required under this section to eliminate the backlog of unpaid retired pay. The report shall include the following:

(1) The actions taken under subsection (b).

(2) The extent of the remaining backlog.

(3) A discussion of any additional actions that are necessary to ensure that retired pay is paid in a timely manner.

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 uniformed services for replacements 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 giving the other side an 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 authorized 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. 105–532), 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 provided $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 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 Boucher, 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 Hilleary of Tennessee, Members of the Virginia delegation, including Representative Rick 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. 373

(Purpose: To require the abatement of hazardous substances at Finley Air Force Station, Finley, North Dakota)

On page 10, line 15, before the period, insert the following:

S 3014: Of the funds available for Drug Interdiction, may be available to support restoration of enhanced counter-narcotics operations around the island of Hispaniola, for operation and maintenance for ground-based air surveillance radar coverage at Guantanamo Bay Naval Base, Cuba, for procurement of 2 Schweizer observation/spray aircraft, and for upgrades for 3 UH-III helicopters at the policiabia.

AMENDMENT NO. 374

(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:

Sc 3014: Of the funds available for Drug Interdiction, may be available to support restoration of enhanced counter-narcotics operations around the island of Hispaniola, for operation and maintenance for ground-based air surveillance radar coverage at Guantanamo Bay Naval Base, Cuba, for procurement of 2 Schweizer observation/spray aircraft, and for upgrades for 3 UH-III helicopters at the policiabia.

AMENDMENT NO. 375

(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 assault, sexual abuse, and intrafamily abuse)

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

Sec. 3014. (a) The Secretary of Defense shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(1) a dependent of a member of the Armed Forces who—

(A) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(B) has engaged in such misconduct; and

(2) a therapist, counselor, advocate, or other professional from whom the victim seeks professional services in connection with effects of such misconduct.

(b)(1) The Secretary of Defense shall prescribe in regulation the policies and procedures that the Secretary considers necessary to provide the maximum possible protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection.

(2) The regulations shall provide the following:

(A) Complete confidentiality of the records of the communications of dependents of members of the Armed Forces.

(B) Characterization of the records under family advocacy programs of the Department of Defense as primary medical records for purposes of the protections from disclosure that are associated with primary medical records.

(C) Facilitated transfer of records under family advocacy programs in conjunction with changes of duty stations of persons to whom the records are released for purposes of providing for continuity in the furnishing of professional services.

(D) Adoption of standards of confidentiality and ethics that are consistent with standards issued by relevant professional associations.

(3) In prescribing the regulations, the Secretary shall consider the following:

(A) Any risk that the goals of advocacy and counseling programs for helping victims recover from adverse effects of misconduct will not be attained if there is no assurance that the records of the communications (including records of counseling sessions) will be kept confidential.

(B) The extent, if any, to which a victim’s safety and privacy should be factors in determinations regarding—

(i) disclosure of the victim’s identity to the public or the chain of command of a member of the Armed Forces alleged to have engaged in the misconduct toward the victim; or

(ii) any other action that would result in such a disclosure without the consent of the victim.

(C) The eligibility for care and treatment in medical facilities of the uniformed services and for continuity in the furnishing of professional services identification card (including a card indicating the status of a person as a dependent of a member of the uniformed services) that is valid for that person.

(D) The appropriateness of requiring that so-called Privacy Act statements be presented as a condition for proceeding with the furnishing of treatments or other services by professionals referred to in subsection (a).

(E) The appropriateness of adopting the same standards of confidentiality and ethical standards that have been issued by such professional associations as the American Psychiatric Association and the National Association of Social Workers.

The regulations may not prohibit the disclosure of information to a Federal or State agency for a law enforcement or other governmental purpose.

(c) The Secretary of Defense shall consult with the Attorney General in carrying out this section.

(d) Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the actions taken under this section. The report shall include a discussion of the results of the study under subsection (a) and the effectiveness of the regulations prescribed under subsection (b).

Mr. STEVENS, Mr. President, may I inquire of the Senator from Florida, Mr. GRAHAM—is he here?

The PRESIDING OFFICER. May we have order in the Chamber.

Mr. STEVENS. Is Mr. HARKIN here?

Mr. President, I am in error on the Leahy amendment on JSAT. That is still on the list. It has not been removed.

AMENDMENT NO. 376

Mr. STEVENS, Mr. President, Senator ROBB now has a sense of the Senate with regard to the Italy incident, which we are prepared to take. I yield to the Senator to present and explain his amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, this amendment has been converted to a sense of the Senate. It simply recognizes an obligation of the United States to compensate the victims of the Marine Corps jet incident involving a jet aircraft flying out of Aviano. At the time, the Ambassador of the United States to Italy has already agreed that, under the Status of Forces Agreement, that the United States...
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 Senator 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 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 hearing, 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, a “special” unit of our military in Aviano, Italy, and not the United States, is responsible for the accident at 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 Italian law, every claimant for property damage, personal injury or wrongful death must file initially an administrative claim for damages with the Ministry of Defense in Rome which is expected to take 12–18 months, and, if the Ministry’s offer in settlement is not acceptable, which it is not likely to be, the claimant must thereafter resort to the Italian court system, where civil cases for wrongful death are reported to take up to ten years to resolve; while under the SOFA process, the United States—as the “sending state”—will be responsible for 75 percent of any damages awarded, and the Government of Italy—as the “receiving state”—will be responsible for 25 percent, the United States has agreed to pay a sum of 25 million dollars in this case.

It is the Sense of the Congress that the United States should resolve the claims of the victims of the February 8, 1998 U.S. Marine aircraft incident in Cavalese, Italy as quickly and fairly as possible.

Mr. STEVENS. Mr. President, we have agreed to take this amendment. It is now a sense-of-the-Senate amendment and requires a report concerning the Italy incident. I ask for its immediate consideration.

THE PRESIDING OFFICER. If there be no further debate, without objection, the amendment is agreed to.

The amendment (No. 3476) was agreed to.

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

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

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:

Mr. STEVENS. Senator LEAHY’s amendment on JSAT, has he sent the amendment from the Department of State could be saying the same thing in this area. I understand the Senator from Alaska and the Senator from Hawaii may want to discuss it further because now and could be a conferee on that, and will be happy to do so.

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

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

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

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

Mr. DOMENICI. I wonder if the chairman will yield 2 minutes to the Senator from New Mexico.

Mr. STEVENS. Reluctantly, Mr. President.

Mr. DOMENICI. When you hear my remarks, you will be pleased that you did.

Mr. President, let me suggest the Appropriations Committee has come in right on the number, in terms of the budget. They have no directed spending or anything else that would seek to gimmick this budget. Some were asking, “Will you turn the other way and let us have some directed spending that breaks the caps?” I haven’t been able to do that for anyone, and I am very grateful we do not have to do it on this bill. The chairman of this committee 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 Congress. The 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 CBO and OMB to resolve their 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 I 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

(Fiscal year 1999, in millions of dollars)

<table>
<thead>
<tr>
<th></th>
<th>Defense</th>
<th>Nondefense</th>
<th>Crime</th>
<th>Mandatory</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Senate-reported bill</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget authority</td>
<td>250,289</td>
<td>27</td>
<td>202</td>
<td>250,518</td>
<td></td>
</tr>
<tr>
<td>Outlays</td>
<td>244,942</td>
<td>27</td>
<td>202</td>
<td>245,171</td>
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<tr>
<td>Senate 302(b) allocation</td>
<td></td>
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<tr>
<td>Budget authority</td>
<td>250,290</td>
<td>27</td>
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<td>250,519</td>
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<tr>
<td>Outlays</td>
<td>244,942</td>
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<tr>
<td>President’s request</td>
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<tr>
<td>Budget authority</td>
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<td>202</td>
<td>250,992</td>
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<tr>
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<td>243,092</td>
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<tr>
<td>House-passed bill</td>
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<tr>
<td>Budget authority</td>
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<tr>
<td>Outlays</td>
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<td></td>
<td>2,079</td>
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<td>Senate-reported bill compared to:</td>
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<td>Senate 302(b) allocation</td>
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<tr>
<td>Outlays</td>
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<td>President’s request</td>
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<tr>
<td>Outlays</td>
<td>244,942</td>
<td>27</td>
<td>202</td>
<td>245,171</td>
<td></td>
</tr>
</tbody>
</table>

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping 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. 3499

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 parliamentary inquiry? Is it my understanding that is the only other amendment that is pending?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. We still have four more beyond 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. LEVIN. 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 miliary 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, 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. 3499) 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.

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. 198

(Purpose: To add $8,200,000 for procurement of M252 81 mm, high-explosive ammunition for the Marine Corps, and to offset the increase by reducing the amount for Air Force war reserve materials (PE 1995) 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 is as follows:

On page 26, line 8, 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, protracted 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 engine conversion kits has been underway on a limited contract since December 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. 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 chairman of the Legislation 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 FIRST program until we can sort these technical issues.

Mr. HOLLINGS. Without objection, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. HOLLINGS. The amendment is as follows:

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

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 competition 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 theFIRST program as a model for the Air Force.

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 appropriation bill, the committee has taken 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, legitimate 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 voted out fund- ing for the FIRST program in its version of the Fiscal Year 1999 Defense Authorization Bill.

The House National Security Committee 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 competi- tively bid for 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. 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 outside 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 qualific- ation 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 FIRST program as a model for the Air Force.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. I thank my good friend Mr. President, the ranking member to the Armed Services Committee.

While I would like to applaud the Air Force’s decision, I am concerned about the First program as a model for other systems.

I ask unanimous consent that the order for the roll call be rescinded.

The House National Security Com-
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 a lead in this matter. I have raised into consideration as he proceeds to conference with the House of Representatives.

Mr. STEVENS. Mr. President, I thank my colleague 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 1999 DoD Appropriations bill that directs the Department of Defense (DoD) to immediately obligate all of the funds which Congress has mandated be used for a fair, and rigorous operational field demonstration of the PFNA system at a major U.S. border crossing or at a major U.S. port of entry.

Mr. STEVENS. The committee has previously supported the PFNA project by adding funds to permit this new technology to be developed and tested. Like you, I am dismayed that the Department has failed to make available to PFNA the $3 million appropriated by Congress in FY 1998 and so far has demonstrated an unwillingness to carry out the PFNA test program according to congressional intent. It is the clear expectation of this Senator, and the Committee, and indeed the whole, that the Department will place no further obstacles in the path of a meaningful PFNA field test program.

Mr. FAIRCLOTH. I thank the Senator from Alaska. Furthermore, I believe that the Defense Department should take whatever steps are necessary to transfer full administrative and operational responsibility for the PFNA program to the Office of National Drug Control Policy (ONDCP). It is my understanding that General Barry R. McCaffrey, Director of ONDCP, is willing to serve as the Executive Agent for the program next year and then assume full management control as long as the funds already appropriated by Congress are used to complete the activities planned under the FY 98 program. I expect that the Secretary of Defense and the Director of ONDCP will work together to ensure this transfer of authority and funding is carried out as expeditiously as possible.

Mr. STEVENS. I thank my colleague. I agree with his understanding of the situation and the Committee expects DoD to proceed with fulfillment of the fiscal year 1998 funds and with the transfer of future program responsibility to ONDCP.

Mr. FAIRCLOTH. In the light of the recent terrorist attacks on U.S. soil, our Nation’s growing problem with drug smuggling and even the proliferation for weapons of mass destruction, it would be a tragedy if we did not take full advantage of the best technologies available to meet these threats. PFNA has enjoyed extraordinary success in laboratory-based detection of the presence of contraband in sealed containers well over 90 percent of the time and with false alarm rates near zero. No other technology, including X-ray, can come close to this level of detection.

Mr. STEVENS. 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 space 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 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 colleague 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.

Mr. STEVENS. I thank my colleague from North Carolina for his thorough and careful review of this matter.

SHIPBREAKING PROVISION

Ms. MIKULSKI. Mr. President, 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 carrying out this pilot and then 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 of 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 to cost and price-related factors? 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 chairmen and ranking member for their courtesy and assistance in this important matter.

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 $36 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

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the Department of Education for all federally impacted schools. The $35 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 children of the military women and families who live near an installation, to provide adequate resources to offset the military presence.

Originally, it was my intention to offer the 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, Chairman STEVENS has assured me this matter will be addressed in the conference report. 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 366th Composite Wing.

Mr. MOSELEY-BRAUN. 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 $8,000,000 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 consortium referred to is the New Hampshire Network for Science, Technology, and Communication, and further, that the funds would be utilized by 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 to educate 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. KEMPTHORNE. Mr. President, I rise today to engage in a short colloquy with the distinguished Chairman of the Appropriations Committee, the senior Senator from Alaska, Senator STEVENS.

As I understand it, the committee included $5 million in the Research, development, Test, and Evaluation Navy account of your Fiscal Year 1999 Department of Defense Appropriations bill for continued funding of the Advanced Materials Intelligent Processing Center in Evanston, Illinois. I want to confirm that the intent of the committee was to provide this additional $5 million to continue the activities of the Center in affiliation with the Naval Air Warfare Center in Lexington Park, Maryland, as well as other industrial and governmental partners. This continuation funding will allow the Center first to complete its Structural, Acoustic, and Corrosion Snuffling system with all required equipment functionality, monitoring, and intelligent supervisory control, and then to transfer it to the Center's industrial and governmental partners for prove out in a production environment.

Mr. STEVENS. Mr. President, I thank the senior Senator from Illinois for her interest in this matter. I would like to confirm that the intent of our committee's action was as she stated.

Mr. MORGAN. Mr. President, I thank the Senator from Alaska for his clarification on this important matter, and for his leadership with Senator INOUYE of the Committee. I would also like to say to my colleagues that I am confident the work of the Center can help reduce the cost of our defense systems through the use of faster, cheaper, and better means of processing composite materials for military hardware. These improvements will provide substantial dividends to the American people.

Mr. DORGAN. Mr. President, I would like to take a moment to thank the Managers of this bill, Senator STEVENS and Senator INOUYE, for the fine job they have done on this important legislation. It has been my great pleasure to work with the Managers as a member of the Defense Subcommittee, and they do a masterful job of balancing many competing needs and interests in this bill.

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 and nationally 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 coating 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 aircraft would need 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 would enable the degradation of these emitters. However, the BRAC also insisted that training requirements must be met. I believe these...
emitters should remain at Eglin to meet the warfighters training requirements until we can resolve this dispute. I believe this would be consistent with the BRAC direction.

Mr. MACK. Mr. President, my colleagues and I are pleased to discuss this matter with our colleagues from South Dakota. I would ask the distinguished Chairman of the Senate Appropriations Committee if he can assist us by working on this issue in the appropriations conference if we can find a solution. We will work with the Department of Defense as well as the defense authorizing committees to find a solution which can be accommodated in the defense appropriations conference.

Mr. STEVENS. I agree with my colleague from Florida. I have followed this difficult issue for some time. I firmly believe there is a need for adequate training. And I believe that training can best be conducted in varying environments, including the terrain and surroundings of Eglin Air Force Base. I assure my colleagues from Florida that I will do my best to work this issue with my House counterparts during conference.

PROJECT AT ELLSWORTH AIR FORCE BASE

Mr. JOHNSON. Mr. President, my colleague from South Dakota, Senator Daschle, and I would like to engage the distinguished Chairman and the Ranking Member of the Senate Appropriations Committee, Senator Stevens, and the distinguished Ranking Member of the Subcommittee on Defense, Senator Inouye, in a colloquy regarding a housing project at Ellsworth Air Force Base.

Mr. STEVENS. Mr. President, Senator Inouye and I are aware of these severe problems. Mr. DAVIDSON. Mr. President, it is my understanding that the Air Force and HBC agreed to enter into an alternative dispute resolution in an attempt to resolve the construction and liability issues associated with the defective housing in the Centennial Housing Project at Ellsworth.

Mr. JOHNSON. Mr. President, the Senate is correct. The two parties have met with a mediator appointed by the Justice Department and have had several subsequent meetings to consider solutions. I have been told that the next meeting between the Air Force and HBC will be next week. Although some progress has been made, it is critically important that negotiations between the Air Force and the developer be timely, and a workable resolution that guarantees the expeditious repair of the housing units and the return of military personnel to the homes. While it is my understanding that the Department of Justice can be held as a hostage to the negotiations between the Air Force and HBC result in a timely, permanent agreement. Necessary repairs to these homes simply cannot be delayed any longer. I would also like to inform the Chairman and Ranking Member that we brought this situation to the attention of the Senate Armed Services Committee earlier this year.

Mr. STEVENS. Mr. President, I appreciate this update on the situation at Ellsworth Air Force Base regarding 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 the 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, today I rise to express my support for the many distance learning initiatives contained in the Defense Appropriations Bill 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 community support for the National Guard. The Appropriations Committee on Defense has demonstrated its support for these and a number of other initiatives underway.

Mr. STEVENS. I thank the Senator from Georgia for his comments. The Ranking Member of the Subcommittee on Defense 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. Others 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.

The ability to continue in one's educational pursuits is a quality of life issue that is not necessarily always at the top of a soldier's list. However, many military personnel are only able to pursue higher education by leaving the military. I believe the maintenance of a viable distance learning program for higher education could be a useful retention mechanism to keep highly motivated individuals in the service.

Mr. STEVENS. If the Senator would yield, the Senator raises an interesting point. I would be interested in learning of some of the types of initiatives that are underway that may prove useful in retaining personnel in the military.
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 recent recipients under the DoD’s program 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 personnel serving 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. 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 scrutiny.

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 soldier 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 complicit Congress have never been known as a frugal or practical when it comes to defense spending. From $456 million to $60 billion dollars to $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 in the long run, but, only for the wasteful and unnecessary Super Hornet prevailed.

Speaking of which, 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 margin of nearly 200 members, voted to procure 27 Super Hornets in fiscal year 1999.

The House correctly notes that the Navy asks for an inexplicable procurement 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 rationality 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 Black hawk helicopters; $90.0 million for JAVELIN anti-tank missiles; $50 million for F-15 Eagles.

Further, there is $1.8 billion in additional funding for the Fiscal 1998 Supplemental 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 in the 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 research in prostate cancer. 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. Nationally, 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 most certainly in the right direction. However, we can, and must, do better for the men of our country. How? Through improvement...
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 flight 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 our own, we also support prostate cancer 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 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, government research 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 fiscal year 1999 for schools that have been heavily impacted by their proximity to military installations.

Frankly, the House bill does include $35 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—of the extra resources. 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 2962 would have allowed the transfer of $329 million from the defense budget to support the VA medical budget. The amendment would have transferred funds as so as to avoid the harming of the service members 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 with Sensor WELLSSTONE of Minnesota, Senator BINGAMAN 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 BINGAMAN and Senator WELLSSTONE. 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 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 are 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 this 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.

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

**ADAK NAVAL FACILITY AT ADAK, ALASKA**

Mr. MURKOWSKI. Mr. President, as the chairman of the Appropriations Committee, we know that has been working for some time with the Natives of the Aleut Corporation, the Navy and the Department of the Interior on an effective plan for the reuse of Adak Naval Base, and I thank the Chairman for the inclusion of funding to help resolve remaining environmental problems with the facilities at Adak.

The Aleut Corporation, one of Alaska’s 12 Native regional corporations, is the only entity that has expressed an interest in assuming the closed base, and has proposed a land exchange involving the Navy and the Department of the Interior. The Senate Energy committee, as you know, is considering and has held a hearing on S. 1488, which would authorize an exchange of properties that would promote the reuse of Adak and improve the Aleutian refuge through incorporation of Aleut Corporation holdings. This legislation is designed to ratify an agreement that will very shortly be executed by the Aleut Corporation and the Department of the Navy and the Interior.

Mr. STEVENS. I am familiar with that legislation and fully support its adoption. In closing out its operations and responsibilities on Adak I understand the Navy wishes to transfer from Navy ownership as much as the base as possible. This includes both facilities that have foreseeable reuse and those that do not. Many of the moth-balled buildings on Adak were constructed before restrictions were imposed on the use of asbestos and lead paint. The environmental conditions at Adak, to which anyone who has been there can attest, take a hard and quick toll on buildings and other facilities, especially those that are unused and not maintained. The Committee has included $15 million to resolve potential environmental hazards at degrading facilities. This funding will help to protect those who move to Adak to participate in its economic revitalization.

Mr. MURKOWSKI. With the expectation that all the parties to the Adak exchange will sign an agreement within the next few weeks, I may hope that the Conference Committee on S. 2312 would consider the inclusion of the language ratifying the agreement.

Mr. STEVENS. If all parties to the exchange are supportive, I would be open to the possibility of having the Conference consider that language.

Mr. MURKOWSKI. I thank the chairman, the distinguished Senator from Alaska.
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 Research 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 in the bill.

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 NACTAC Center.

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 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. 378
(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 KERREY 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. KERREY, for himself, Mr. MOYNIHAN and Mr. BREAUX, proposes an amendment numbered 378.

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 Contributions 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 for the 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 $88,400. 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 $5,430 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 decade, 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 consider providing 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. KERREY. 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 $5,430 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 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, 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 KERREY, 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 regressive 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 included in 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.

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. BREAUX. Mr. President, I am pleased to be an original co-sponsor of this Sense of the Senate. It is urged by Senator KERREY 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.
here who share my sentiments. I served with Senator GREGG on a bipartisan commission that thoroughly studied comprehensive reform package. Senator KERREY and Senator M. OYNIHAN have been working on a bill. Others in this body are also 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 bills we considered today is the amendment that Senator HARKIN is about ready to discuss.

Does any Senator have another amendment?

Mr. President—I repeat the request—does any Senator have another amendment?

Mr. FORD. Mr. President, 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. Mr. President, I am ready to discuss.

Mr. HARKIN. Mr. President, I have an amendment at the desk that basically would equalize the treatment that the Budget Committee gave to the defense side of the ledger, would equalize that with the nondefense side of the ledger.

Now, let me try to explain it as best I can. A couple of years ago in a situation involving Social Security, here on the Senate floor, the Parliamentarian of the Senate ruled in a way that gave the chairman of the Budget Committee the authority to decide whether or not scoring would be done under the CBO estimates and rules or under OMB.

This year, using that authority, the chairman of the Budget Committee sent a letter to the Senate appropriations chairman of the Appropriations Committee, Senator STEVENS. This letter, among other things, basically said—and I will quote from the letter:

Staff have also identified $2.0 billion in potential policy outlay adjustments. If the Administration's own policy initiatives are legislated for the DWCF, I will exercise my authority to score the legislation recognizing the administration's outlay estimates.

What that means, in "bureaucratese," is that the chairman of the Budget Committee decided to use his authority to score the administration's policy initiatives—and that will be OMB's—adjust the outlay figures for the Defense Appropriations Subcommittee.

What did that add up to? We looked at it and those adjustments added up to $2.2 billion—$2.2 billion under OMB. Then the Budget Committee identified another $737 million in asset sales to come up with $2.9 billion additional for the Defense Appropriations Subcommittee.

But I am looking at the $2.2 billion. Forget about the other. The $2.2 billion came about because the chairman of the Budget Committee decided to use the administration's own policy initiatives and use the administration's outlay estimates from OMB. Mr. President, what that means is that the Budget Committee chairman has the authority because of a ruling by the Parliamentarian of this body that he can decide whether to use OMB or CBO estimates for outlay purposes.

I think it is appropriate to ask unanimous consent to have printed in the RECORD a copy of a letter from the chairman of the Senate Budget Committee, Senator DOMENICI, to Senator STEVENS, dated April 27, 1998.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,

Hon. TED STEVENS,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am reporting to you on my amendment to S. Con. Res. 86, the Senate-passed Budget Resolution, concerning defense and non-defense outlay scoring.

Over the recent recess, representatives from the Office of Management and Budget (OMB), and the Congressional Budget Office (CBO) have met and discussed these issues. As a result, we have identified $2.4 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. This year's reported defense authorizations or appropriations bills.

If legislation provides for defense asset sales subject to appropriations, appropriated savings will be scored. I understand the assets currently being considered would generate between $0.5 billion and $0.9 billion in negative outlays. The precise amount would, of course, depend on the text provisions reported to the Senate.

Staff have also identified $2.0 billion in potential policy outlay scoring adjustments. If the Administration's own policy initiatives are legislated for the DWCF, I will exercise my authority to score the legislation recognizing 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 will, therefore, score the outlays for reported legislation appropriately.

The disagreements between CBO, OMB and DoD 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:

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.

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 from applications legislation, pursuant to Section 251 of the Balanced Budget Enforcement and Deficit
Control Act, for the Department of Defense for fiscal year 1998, including supplemental, transfers, rescissions, and any other adjustments;
4. An analysis by CBO and the Administration, submitted as a part of their fiscal year 2000 Presidential budget presentations, of the outlays and outlay rates originally estimated by CBO and the Administration for the fiscal year 1999 Department of Defense budget when that budget was originally presented to Congress, and (b) any revised outlays and outlay rates estimated for the fiscal year 1999 Department of Defense budget that in DoD's judgement, CBO did not recognize in the latter's scoring of the fiscal year 2000 DoD budget, (d) DoD's analysis of how such policy initiatives will affect outlays in fiscal year 2000 and subsequent years, and (c) how DoD intends to implement the policy initiatives;
5. A timely explanation by DoD of (a) any policy initiatives in the fiscal year 2000 DoD budget that, in DoD's judgement, CBO did not recognize in the latter's scoring of the fiscal year 2000 DoD budget, (b) DoD's analysis of how such policy initiatives will affect outlays in fiscal year 2000 and subsequent years, and (c) how DoD intends to implement the policy initiatives.

Pursuant to your amendment we are also looking into the issue of non-defense outlays scoring and will report back to you shortly. I look forward to working with you on this year's DoD appropriation and on action to ensure we have the most accurate estimate possible for defense expenditures in future years.

With best regards,
Pete V. Domenici,
Chairman.

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 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 we can have additional funds is if we have more calls from the other side of the aisle. 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 the other programs 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.

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 $500 million outlays we would get from the rescoring, we would have $770 million. That would be 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 and 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 was willing to yield at this time for any other Senator who might want to speak on the issue.

Mr. HARKIN. I thank my chairman.
The DoD Authorization bill contains legislation to reduce outlays in DoD's Working Capital funds by $1.3 billion.

The DoD Authorization bill also implements policies that would reduce outlays in two Air Force accounts in classified programs by $700 million.

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 military construction outlay rates, rather than the higher overall rates that CBO would otherwise attribute to this spending. This adjustment amounts to about $190 million.

That's the totality of any outlay scoring adjustments in the 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 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.

Mr. STEVENS, The President will state it.

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

Mr. LATHENBERG. 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?

Mr. LATHENBERG. Yes.

Mr. LATHENBERG. 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. So we 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, or no difference between the treatment given to defense and nondefense, I don't have to go a lot 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 Senator, 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. Then it is fine.

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

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to H.R. 4103, all after the enacting clause is stricken, the text of S. 2132 amended, is inserted in lieu thereof.

The House bill is considered read a third time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask that we stop there for just one moment for leaders to have a chance to talk about this bill just briefly.

I want to make a statement to the Senate. I often make mistakes. I have not made one as great as the one I made tonight when I interrupted the Senator from West Virginia. I had no intention of interrupting him. I know he intended to make his speech. I assured him that he would have the time to make the speech that he wished. We had entered into an agreement concerning a time limit on the amendment of the Senator from Illinois.

I deeply regret the misunderstanding that occurred. I know a good friend from West Virginia has a long and serious speech to make about the war powers and the amendment that was offered by the Senator from Illinois concerning the power of Congress to declare war.

I admire and respect him greatly, and I sincerely regret that incident.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will momentarily proceed to passage of the Department of Defense appropriations bill.

But I can't let this moment escape without first commending the chairman, Senator STEVENS, and his ranking member, Senator INOUYE, for the unbelievable speed in which they have been able to handle this appropriations bill and bring it to a close.

They are absolutely the best when it comes to knowing this legislation, and perhaps all legislation. I think they probably have set a record. But I think they did it in a way that was sensitive to all Senators' needs. And it took a lot of cooperation on both sides of the aisle.

So I thank Senator STEVENS. He set an example for all of us to follow. And the better part of wisdom was for me to get out of the way and let him do his job. He did a great job. I thank him, and I know that all Senators extend their thanks to him, and congratulations.

Having said that, the Senate still must consider two additional items before I can announce the voting situation for the rest of the evening.

Those items are the Emergency Farm Financial Relief Act, and legislation coming from the House relative to—
The concurrent resolution (S. Con. Res. 114) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Friday, July 31, 1998, Saturday, August 1, 1998, or Sunday, August 2, 1998, pursuant to a motion made by the Majority Leader or his designee in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, August 31 or Tuesday, September 1, 1998, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of whichever occurs first; and that when the House adjourns on the legislative day of whichever occurs first; and that when the House adjourns on the legislative day of whichever occurs first; and that when the House adjourns on the legislative day of whichever occurs first; and that when the House adjourns on the legislative day of whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.