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

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

Mr. BYRD. Mr. President, I was not in the Chamber when the agreement was entered into. My friend knew of my interest in speaking on the amendment, and I wish I had been protected.

Mr. DURBIN. May I ask the Chair, it was my understanding that at about quarter of 7 we agreed we would debate this until 8 o'clock equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. That is correct. That is how time was calculated. 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 a matter of 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 aggrandizement on the part of this administration and most recent administration when it comes to the war powers.

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

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

Mr. DURBIN. Mr. President, before the Senator from West Virginia leaves the floor, I have just contacted the majority in an effort to postpone the vote so we can extend this 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 Senators coming back to vote, 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 make his statement. He knows we will accommodate him with such time as he needs. But let's not change the time agreement yet.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Pursuant to the order of July 16, 1998, the Senate having received H.R. 4194, 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, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, is received from the House of Representatives, the Senate proceed 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 with 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. Burns, Mr. Stevens, Mr. Shelby, Mr. Campbell, 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 vitiated and the bill be indefinitely postponed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

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

The provisions of the unanimous consent agreement are as follows:

That when the Senate receives the House companion bill, the Senate immediately proceed to its consideration; that all after the enacting clause be stricken and the text of S. 2307, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for a third time and passed; that the motion to reconsider the vote be laid upon the table; that the Senate insist on its amendment, request a conference with 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. 2307 be vitiated 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. This is purely 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 to relevant amendments to the provisions of this bill that regard spending of money for our defense in the fiscal year 1999.

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 us before. 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. Four-and-a-half minutes.

Mr. STEVENS. It is my understanding Senator BYRD, to my great regret, is not going to make his statement. Under the circumstances, I yield back the remainder of our 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 notice to Senators that after presentation of that second managers' amendment, I shall move to go to third reading, unless Senators who have amendments on this list come forth to debate them.

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

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

I will not indicate the name of the Senator who we think 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 along that line. 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. 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.

AMENDMENT NO. 3465

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

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

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

The PRESIDING OFFICER. The Senator is recognized.

Mr. BIDEN. Thank you very much.

Mr. President, I am going to support the Durbin amendment, and I admire what he is attempting 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 original framework of the war power clause envisioned by the Founding Fathers, I think, has been greatly undermined over the last several decades.

On the question of war power, I believe the Constitution is as clear as it is plain. Article I, section 8, provides that the Congress has the power ''to declare War, [and] grant Letters of Marque and Reprisal . . . .'' Article II, section 2, provides, ''The President shall be Commander in Chief of the Army and Navy of the United States.''

To be sure, the Commander in Chief ensures that the President has the sole power to direct U.S. military forces in combat. But that power—except in very few limited instances—derives totally from congressional authority. It is not the power to move from a state of peace to a state of war. It is a power, once the state of war is in play, to command the forces, but not to change the state.

Until that authority is granted, the President has no inherent power to send forces to war—except, as I said, in certain very limited circumstances, such as to repel sudden attacks or to protect the safety and security of Americans abroad.

On this point, the writings of Alexander Hamilton, a very strong defender, as the Presiding Officer knows, of Presidential power, is very instructive. In Federalist No. 69, Hamilton emphasized that the President's power as Commander in Chief would be ''much inferior'' to that of the British King, amounting to ''nothing more than the supreme command and direction of the military and naval forces.''

During the cold war, and during the nuclear age, the thesis arose that, at a time when the fate of the planet itself appeared to rest on two men thousands of miles apart, Congress had little choice, or so it was claimed, but to cede tremendous authority to the Executive.

Unfortunately, despite the end of the cold war, the view that the President had this authority has continued to survive—and flourish—under Presidents of both political parties.

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

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

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

The Durbin amendment is far shorter and more direct in its approach. And although I support it, as I said, I am skeptical that it will achieve its total desired effect. The Durbin amendment would bar the use of appropriated funds for ''offensive military operations'' by

Armed Forces ''except in accordance with Article I, section 8 of the Constitution.''

I believe the Constitution already says that, that we need not redeclare that. But I think it is valuable to do it if it sends a message that we are going to be looking a whole lot closer.

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

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, I acknowledge, 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, reassert its rightful role in the conduct of the use of force, and, now that the world has changed, the old saw about the need for this emergency power—the Congress being less relevant in that regard—should be put to bed once and for all.

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

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

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

AMENDMENT NO. 3466

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

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

The PRESIDING OFFICER. The clerk will report.

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 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).

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. ____ For an additional amount for ''Overseas Contingency Operations Transfer Fund,'' $1,858,600,000: Provided, That the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, the defense health program appropriations and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority 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 ever 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. But when he crosses that line and no longer is defending us, but rather is pushing forward in an offensive capacity, saying that we are now going to invade a nation, we are now going to try to secure a certain objective or target, beyond a defensive objective, then the Constitution is clear: That is not his decision to make; it is our decision to make. Better yet, it is your decision to make—to speak to your elected Representatives in the House and Senate and to express your heartfelt feelings.

I can recall the debate over the Persian Gulf war. There was quite a division within the military, and even

within Congress. But I don't think there was a finer moment in the 16 years I have served on Capitol Hill than that period of time when each Member of the U.S. Senate and the House came to the floor and took all the time necessary to speak their hearts about whether or not we should put our children in harm's way to stop this aggression by Saddam Hussein.

I can speak for myself—and I am sure for many colleagues, Republicans and Democrats alike—there were sleepless nights when you knew that a vote to go forward 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, the Senator 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 authorizing language and much more expansive language easily adopted on the floor of the Senate and in the House time and time again. So I hope that those who vote on the amendment will vote on it on all fours, straightforward, up or down; do you agree or disagree? Do you agree with our Constitution, which says this is our responsibility in Congress to declare war? Or are you prepared to accept the drift that has gone on for half a century now, which says we will continue to give more and more power to the President to make this decision?

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

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

I hope my colleagues in the U.S. Senate will support this amendment. I believe this is straightforward and honest in its approach. I believe that as you consider the possibilities just in the weeks ahead—perhaps even while we are gone over the August recess—that there may be an effort in the Bosnian region, in Kosovo or some other place, to assert and take offensive military action. Those who have voted against this amendment tonight will not be able to say the President should have called on us first, because that is what this amendment says. This amendment says anywhere in the world where the President wants to take offensive 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 sufficient 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 result was announced—yeas 84, nays 15, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—84

Abraham	Craig	Hatch
Akaka	D'Amato	Hutchinson
Allard	Daschle	Inhofe
Ashcroft	DeWine	Inouye
Baucus	Dodd	Jeffords
Bennett	Domenici	Kempthorne
Bond	Dorgan	Kerrey
Breaux	Enzi	Kerry
Brownback	Faircloth	Kohl
Bryan	Feinstein	Kyl
Bumpers	Ford	Landrieu
Burns	Frist	Lautenberg
Campbell	Glenn	Leahy
Chafee	Gorton	Levin
Cleland	Graham	Lieberman
Coats	Gramm	Lott
Cochran	Grams	Lugar
Collins	Grassley	Mack
Conrad	Gregg	McCain
Coverdell	Hagel	McConnell
Mikulski	Roberts	Snowe
Moynihan	Rockefeller	Stevens
Murkowski	Roth	Thomas
Murray	Santorum	Thompson
Nickles	Sessions	Thurmond
Reed	Shelby	Torricelli
Reid	Smith (NH)	Warner
Robb	Smith (OR)	Wyden

NAYS—15

Biden	Feingold	Kennedy
Bingaman	Harkin	Moseley-Braun
Boxer	Hollings	Sarbanes
Byrd	Hutchison	Specter
Durbin	Johnson	Wellstone

NOT VOTING—1

Helms

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

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

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

The motion to lay on the table was agreed to.

CHANGE OF VOTE

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

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

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 3398, WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent that I may withdraw the Kyl amendment No. 3398, with the consent of the sponsor.

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

The amendment (No. 3398) was withdrawn.

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 furnishing of 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 enclosures; the Dorgan 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 objection?

Mr. CHAFEE. Mr. President, I am curious what the Dorgan amendment is—environmental. Would you briefly describe that?

Mr. STEVENS. It is $1.4 million for a site in North Dakota as a permissive amendment for cleanup. It has been cleared on both sides, I might say to the Senator.

Mr. CHAFEE. Not totally.

Mr. STEVENS. What?

Mr. CHAFEE. Not totally cleared on both sides.

Mr. STEVENS. It is a permissive amendment. It does not mandate. It authorizes. It provides the money if they want to do it. We thought on that basis it is up to the administration to do it or not do it.

I inquire of the Senator from Florida——

The PRESIDING OFFICER. The clerk will report the amendments by number.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], on behalf of others, proposes en bloc amendments 3466 through 3475.

The PRESIDING OFFICER. If there is no objection——

Mr. STEVENS. May we have order, Mr. President.

The PRESIDING OFFICER. May we have order.

If there is no objection, the amendments are considered and agreed to en bloc.

Mr. STEVENS. And the motion to reconsider is laid on the table.

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

The amendments (Nos. 3466 through 3475) were agreed to, as follows:

AMENDMENT NO. 3466

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

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

SEC. 8014. (a) The Air National Guard shall, during the period beginning on April 15, 1999, and ending on October 15, 1999, provide support at the Francis S. Gabreski Airport, Hampton, New York, for seasonal search and rescue mission requirements of the Coast Guard in the vicinity of Hampton, New York.

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

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

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

AMENDMENT NO. 3467

(Purpose: To require the Secretary of Defense to carry out a program to donate surplus dental equipment of the Department of Defense to Indian Health Service facilities and Federally-qualified health centers that serve rural and medically underserved populations)

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

SEC. 8104. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to DoD Indian Health Service facilities and to Federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(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 pertaining to the 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, by December 31, 1998, the backlog of unpaid retired pay for members and former members of the Army (including members and former members of the Army Reserve and the Army National Guard).

(c) Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on 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 Armed Forces for replacement medals and replacements for other decorations that such personnel have earned in the military service of the United States.

(b)(1) The actions taken under subsection (a) may include, except as provided in paragraph (2), allocations of additional resources to improve relevant staffing levels at the Army Reserve Personnel Command, the Bureau of Naval Personnel, and the Air Force Personnel Center, allocations of Department of Defense resources to the National Archives and Records Administration, and any additional allocations of resources that the Secretary considers necessary to carry out subsection (a).

(2) An allocation of resources may be made under paragraph (1) only if and to the extent that the allocation does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

AMENDMENT NO. 3471

(Purpose: To provide tobacco cessation therapy)

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

SEC. 8104. Beginning no later than 60 days after enactment, effective tobacco cessation products and counseling may be provided for members of the Armed Forces (including retired members), former members of the Armed Forces entitled to retired or retainer 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 lightweight 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 having the opportunity to offer this amendment which I hope will be accepted by both floor managers on this important Defense bill.

Mr. President, the amendment that I am offering today would provide $5,000,000 for the Marine Corps within the Operation and Maintenance, Marine Corps account, and $2,000,000 within the Other Procurement, Army ac-

count for the Army to allow both Service branches to obtain lightweight maintenance enclosures or LMEs for deployment in forward maintenance operations in the field. More specifically, these funds will provide our soldiers and Marines the capability to forward-deploy lightweight, low cost shelter systems that are easy to operate, provide protection for field maintenance operations in difficult environments, and at a cost that is one-quarter the cost of the older model units previously utilized by the Army and Marine Corps.

The House of Representatives recognized the requirement for these Lightweight Maintenance Enclosures by authorizing the identical level of funding that I am recommending in my amendment, in the House version of the National Defense Authorization bill for fiscal year 1999 (H.R. 3616). In the House Committee report (H. Rept. 105–532), 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 approved a $5,000,000 authorization for the Marine Corps to meet their requirements for LMEs as well.

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

Unfortunately, despite the authorization in place in the House-passed Defense authorization bill, no appropriations have been provided in either the House or Senate versions of the Defense appropriations bills. Therefore, it is my hope that the distinguished Senator from Alaska, Senator STEVENS, and his outstanding Ranking Member, Senator INOUYE, would 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, and 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. 3473

(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: '': *Provided further*, that out of the funds available under this heading, $300,000 may be available for the abatement of hazardous substances in housing at the Finely Air Force Station, Finely, North Dakota''.

AMENDMENT NO. 3474

(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:

SEC. 8104: Of the funds available for Drug Interdiction, up to $8,500,000 may be made available to support restoration of enhanced counter-narcotics operations around the island of Hispaniola, for operation and maintenance for establishment of ground-based radar coverage at Guantanamo Bay Naval Base, Cuba, for procurement of 2 Schweizer observation/spray aircraft, and for upgrades for 3 UH–IH helicopter for Colombia.

AMENDMENT NO. 3475

(Purpose: To provide for enhanced protections of the confidentiality of records of family advocacy services and other professional support services relating to incidents of sexual harassment, sexual abuse, and intrafamily abuse)

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

SEC. 8104. (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 regulations 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 relate in order to provide for continuity in the furnishing of professional services.

(D) Adoption of standards of confidentiality and ethical standards 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 facilitates such a disclosure without the consent of the victim.

(C) The eligibility for care and treatment in medical facilities of the uniformed services for any person having a uniformed 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 treatment 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.

(4) 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 the 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 comprehensive discussion 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 please 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. 3476

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 this point, 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. ROBB] proposes an amendment numbered 3476.

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

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

The amendment is as follows:

Findings:

On the third of February a United States Marine Corps jet aircraft, flying a low-level training mission out of Aviano, Italy, flew below its prescribed altitude and severed the cables supporting a gondola at the Italian ski resort near Cavalese, resulting in the death of twenty civilians;

the crew of the aircraft, facing criminal charges, is entitled to a speedy trial and is being provided that and all the other protections and advantages of the U.S. system of justice;

the United States, to maintain its credibility and honor amongst its allies and all nations of the world, should make prompt reparations for an accident clearly caused by a United States military aircraft;

a high-level delegation, 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 Italy in the context of our Status of Force Agreement (SOFA), civil claims arising from the accident at Cavalese must be brought against the Government of Italy, in accordance with the laws and regulations of Italy, as if the armed forces of Italy had been responsible for the accident;

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 all damages awarded 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 Corps 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. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3477

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 3477.

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

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

The amendment is as follows:

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

SEC. . TRAINING AND OTHER PROGRAMS.

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

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

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

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

Mr. STEVENS. Mr. President, I ask the Senator's indulgence. We have to finally clear this amendment. There is some confusion, I might say to my friend from Vermont, because our indication was that there was a position from the Department which opposed the amendment. The Senator's information is the Department supports the amendment. We intend to take it to conference and confer with the Department and then confer with the Senator with regard to the final disposition of it.

Mr. LEAHY. The Senator from Alaska is correct. This is a Xerox copy, but I do have the actual signoff from DOD on the amendment, which I will give to the distinguished chairman.

Mr. President, I note this was primarily a clarification so the Department of Defense and 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 between now and conference. I will 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.

The amendment (No. 3477) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

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 CBO estimates of the outlays needed to execute the programs in the budget request. CBO's estimate was $3.7 billion higher than OMB and DoD's estimate.

Because the President's proposed defense spending was right up to the discretionary spending caps adopted in the Bipartisan Budget Agreement, compensating for CBO scoring would require large reductions in manpower, procurement, or readiness, or all three. Cuts like that are simply not acceptable.

During the Senate's consideration of the congressional budget resolution in March, the Senate received an excellent suggestion from the Chairman of the Appropriations Committee. We adopted a Stevens Amendment that called on 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 has 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]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	250,289	27		202	250,518
Outlays	244,942	27		202	245,171
Senate 302(b) allocation:					
Budget authority	250,290	27		202	250,519
Outlays	244,942	27		202	245,171
President's request:					
Budget authority	250,763	27		202	250,992
Outlays	242,863	27		202	243,092
House-passed bill:					
Budget authority					
Outlays					
Senate-reported bill compared to:					
Senate 302(b) allocation:					
Budget authority	−1				−1
Outlays					
President's request:					
Budget authority	−474				−474
Outlays	2,079				2,079
House-passed bill:					
Budget authority	250,289	27		202	250,518
Outlays	244,942	27		202	245,171

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. 3409

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

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. We still have four more 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 military readiness of the Armed Forces of the United States. Accordingly and despite the problems I have noted, I will not object to this amendment.

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

The PRESIDING OFFICER. It is the pending question.

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

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

The amendment (No. 3409) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

PRIVILEGE OF THE FLOOR

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. 3394

(Purpose: To add $8,200,000 for procurement of M888, 60-millimeter, high-explosive ammunition for the Marine Corps, and to offset the increase by reducing the amount for Air force war reserve materials (PE 13950) by $8,200,000)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SANTORUM, proposes an amendment numbered 3394.

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

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

The amendment 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 production contracts are scheduled to be signed early in fiscal year 1999.

Fortunately, production of the engine conversion kits has been underway on a letter 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 recommendations were not meant to be pejorative but reflective of what was likely to be a fact of life delay in the program.

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

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

Mr. STEVENS. I accept the Senator's point on timing of the committee mark. I point out that the House has reduced the program by $12.7 million for other reasons. I can assure the Senator that we will do our best in conference if the contracts are signed in accordance with the schedule given to you.

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

FIRST PROGRAM

Mr. DEWINE. Mr. President, as the Senate continues consideration of the Fiscal Year (FY) 1999 Defense appropriations bill, I would like to take a moment to express my concerns regarding the funding and administration of the Air Force's Financial Information Resources System (FIRST) program. This is a controversial program for a number of reasons. First, 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 intended for PBAS, which would make the program duplicative. This issue was raised by the house National Security Committee, which zeroed out funding 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 report that the Air Force has chosen to utilize the Global Combat Supply System-Air Force (GCSS–AF) contract for the program, rather than competitively bid for the program. This decision raises both fiscal and policy concerns because this would be work outside the scope of the GCSS–AF contract. The GCSS–AF contract was advertised 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 would exceed 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 competition, and after eighteen companies acted in good faith and submitted qualification 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 this decision.

Mr. President, I also believe the Air Force's decision merits close review because it's not clear to me that it would be wise for the Air Force to place a disproportionate amount of its systems modernization work all in one contract.

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

In short, given all the issues that I have briefly described, I believe we should withhold going forward with the FIRST program until we can sort these and any other related issues that others may have. In fact, I had intended to offer an amendment that would allow for the Defense Department to use these funds for drug interdiction programs, but I have worked with the chairman and the ranking member to find other ways to help our drug interdiction strategy.

Mr. President, we cannot understate the importance of information technology programs to the future of our armed services. Thousands of people at Wright-Patterson Air Force Base and in the surrounding Miami Valley area play a leading role in the development

of these programs. However, these programs have to be pursued with an eye toward fiscal soundness and effective coordination with similar systems defense-wide. I see the distinguished chairman of the Appropriations Committee on the floor and I hope that he will take the issues and concerns I have raised into consideration as he proceeds to conference with the House of Representatives.

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

Mr. DEWINE. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his remarks, and I 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 as a 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 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 obligation 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 tests, consistently detecting the presence of contraband in sealed containers well over 90 percent of the time and with false alarm rate 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 strategy to guide 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 creating this pilot program.

I 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 chairman 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 $35 million in the FY99 Defense Authorization bill for this important program.

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

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 families of the men and women who proudly serve our country, and the families who live near an installation, to provide adequate resources to offset the military presence.

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

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

Mr. KEMPTHORNE. Mr. President, I thank my friend from Alaska, the distinguished chairman of the Appropriations Committee, for his consideration of this important 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.

REPORT 105–200

Mr. GREGG. 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 consortia referred to is the New Hampshire Network for Science, Technology and Communication, and further, that the funds should be provided to that organization to create a state wide higher education network among small independent colleges to improve and expand research and training opportunities in science, technology, and communication for undergraduate 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.

ADVANCED MATERIALS INTELLIGENT PROCESSING CENTER

Ms. MOSELEY-BRAUN. 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 a state-of-the-art resin transfer molding 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. 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. MOSELEY-BRAUN. 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.

ANTI-CORROSION RESEARCH AT NORTH DAKOTA STATE UNIVERSITY

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 coatings problems in maintenance of its aging aircraft fleet. To protect the country's investment in these aircraft, it is important that the committee provide for increased research on anti-corrosive coatings. I agree with the Senator that NDSU would be a solid candidate for these anti-corrosion research funds.

ELECTRONIC COMBAT TESTING

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 might encounter if deployed 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 mandated the relocation 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 colleague is correct. We cannot let ambiguity about words hinder the training and readiness of our forces. These emitters should be supported at Eglin until we can resolve these issues. 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 support the need for adequate training. And I believe that training can best be conducted in varying environments, including the terrain and surrounds 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 of the 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 pleased to discuss this matter with our colleagues from South Dakota.

Mr. DASCHLE. Mr. President, I thank the Chairman and the Ranking Member for their indulgence. As both of you know, the Hunt Building Corporation (HBC) constructed an 828-unit military family housing complex, known as the Centennial Housing Project, at Ellsworth Air Force Base in 1990 and 1991. Unfortunately, within a year of the completion of construction, serious and often dangerous defects were found in many of the units. It is my understanding that over half of the units in the Centennial Housing Project constructed by HBC are currently uninhabitable.

Mr. JOHNSON. Mr. President, Senator DASCHLE is correct. In fact, the extensive damage in these units includes: severe racking due to the unit's design not holding up to wind; unlevel floors, sticking windows and doors, and cracking due to badly designed and constructed rim joists; collapse of interior ceilings caused by defective garage eaves, which allow heavy snow and rain to enter some attics; sewer gas back up due to improperly vented plumbing; deck and porch supports and stairs that have separated from the units and become unlevel because caissons supporting these structures were not placed below the frost line; and other problems both with the work done and problems resulting from work required by the contract but never completed by the Corporation. Despite these serious problems, the Air Force continues to pay rent on these units.

Mr. STEVENS. Mr. President, Senator INOUYE and I are aware of these severe problems.

Mr. DASCHLE. 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 Senator is correct. The two parties have met with a mediator appointed by the Justice Department and have had several subsequent meetings to continue negotiating an agreement. 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 the negotiations between the Air Force and HBC result in a timely, 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 has been looking into this matter for some time and is considering litigation against HBC if no resolution can be found through the mediation process, I am hopeful that action by the Department of Justice can be avoided.

Mr. DASCHLE. Mr. President, I agree with the comments made by Senator JOHNSON. I, too, am hopeful that the mediation process will soon yield an agreement. Necessary repairs to these homes 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.

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

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

Mr. INOUYE. Mr. President, I thank Senator DASCHLE. I share the concern expressed by the two Senators from South Dakota that taxpayers are not getting their money's worth out of the Centennial Housing Project. You can be assured that I will assist you in your efforts to find a timely solution to this matter that will result in the repair of 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, I rise today to offer my support for the many distance learning initiatives contained in the Defense Appropriations Act for Fiscal Year 1999. Senators INOUYE and STEVENS have done an outstanding job in encouraging the Department of Defense to take full advantage of the opportunities provided by great advances in telecommunications technology, particularly with respect to distance learning.

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

Mr. STEVENS. I thank the Senator from Georgia for his comments. The Subcommittee on Defense indeed 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 under way 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 recently awarded a contract by the Navy to provide two graduate courses aboard the USS Carl Vinson which is deployed in the Pacific Ocean. The courses use two-way video and audio which links educators at the school with students on board the Carl Vinson. We all knew that aircraft carriers were small cities, but this Senator was pleasantly surprised to see that sailors could take graduate level courses while at sea.

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

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

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

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

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

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

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

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

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

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 an 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 $436 hammers to $640 toilet seats 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 that works and is worthwhile, but the lobby 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 margins of nearly 300 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 helicopters; $30.0 million for JAVELIN anti-tank missiles; $208.3 million for Marine Corps procurement priorities; $50 million for advance procurement of the LHD–8 amphibious ship, which is a program DoD didn't even want to fund next year; $65.7 million for Humvee vehicles; $90 million for C–135 aircraft; and $40 million for F–15 Eagles.

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

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

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

I thank the Chair and I yield the floor.

PROSTATE CANCER RESEARCH

Ms. MIKULSKI. Mr. President, I rise today to support the Department of Defense's 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. Nationwide, the number soars to over 200,000. Even more frightening, 42,000 American men lose their lives to this ruthless killer annually. This means that every 15 minutes, 1 man somewhere in our country dies from prostate cancer, and during the same time span, 5 more men are newly diagnosed with the disease.

I am very pleased that the frequency of prostate cancer screening has increased over the past five years. These efforts have led to an overall decrease in the prostate cancer death rate. The importance of early detection through regular screening cannot be overstated. When prostate cancer is detected early, survival rates are over 90%. But, when detected late, prostate cancer kills 70% of its victims. The increased emphasis on the use of current screening techniques has certainly been a step 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 fight to find new and better prevention methods must continue. I think it is time we started fighting prostate cancer with the same tenacity.

In this year's Defense Appropriations bill we have provided $40 million for prostate cancer research. In addition to funds for peer review 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 to better, faster, and more reliable screening and diagnosis.

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

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

We are blessed with great medical scientists who are scattered across our country at universities, medical schools, and 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 Senate's Department of Defense Appropriations bill for fiscal year 1999 for schools that have been heavily impacted by their proximity to military installations.

Fortunately, the House bill does include $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 aid—school 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 2982 would have allowed the transfer of $329 million from the defense budget to support the VA medical budget. The amendment would have transferred funds so as to avoid harming the readiness 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 at this time. Along with Senator WELLSTONE of Minnesota, Senator BINGAMAN of New Mexico, also a longtime 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 WELLSTONE. I also appreciate the support of the 35 other Senators who voted in favor of increasing VA medical funding.

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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 knows, we have 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 property that would promote the reuse of Adak and improve the Aleutian refuge through incorporation of Aleut Corporation inholdings. This legislation is designed to ratify an agreement that will very shortly be executed by the Aleut Corporation and the Departments 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 visited 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 from deteriorating 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, it is also my 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 senior Senator from Alaska.

NATIONAL ADVANCED TELECOMMUNICATIONS AND APPLICATIONS CENTER

Mr. FAIRCLOTH. Mr. President, I would like to enter into a colloquy

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

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

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

Mr. STEVENS. The Senator is correct.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3478

(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 3478.

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 the wages and self-employment income of each American, with 12.4 percent of the payroll tax used to pay social security benefits to current beneficiaries and 2.9 percent used to pay 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 $68,400. 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 10 years, the Federal Government will generate a budget surplus of $1,550,000,000,000, and all but $32,000,000,000 of that surplus will be generated by excess payroll taxes.

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

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

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

Mr. 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's families, we ought to look first at the payroll tax burden. After all, of the over $1.5 trillon 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 in this country, it ought to be 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 onerous levy. . ..''

Even excluding interest income, the Social Security Trust Funds will generate $698 billion of surpluses over the next 10 years. That is just about enough to finance the 2 percentage point reduction in the payroll tax that 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.

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 the Sense of the Senate offered by Senator KERREY and accepted tonight by unanimous consent regarding payroll tax relief.

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

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

And we should be discussing it along with the reforms necessary to fix Social Security for all Americans for all time. I know there are many Senators

here who share my sentiments. I served with Senator GREGG on a bipartisan commission that thorougly studied this issue and we have recommended a comprehensive reform package. Senator KERREY and Senator MOYNIHAN have been working on a bill. Others in this bodies 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 lists 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, it is my understanding the Senator from Iowa will speak in a minute. And no Senator has raised any amendment to be considered; so, therefore, I ask unanimous consent that no more amendments be in order to this bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. I further ask unanimous consent that following the statement of the Senator from Iowa, we shall immediately go to third reading.

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.

Mr. STEVENS. I ask unanimous consent that the Senator from New Jersey also be recognized for 10 minutes prior to the vote.

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. HARKIN. 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. 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 dated April 27, 1998, to the 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 outlays scorekeeping 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 use the administration's policy initiatives—read that to be OMB—to 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 the 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,
Washington, DC, April 27, 1998.

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

DEAR MR. CHAIRMAN: I am reporting to you on your amendment to S. Con. Res. 86, the Senate-passed Budget Resolution, concerning defense and non-defense outlay scoring. Over the recent recess, representatives of the Department of Defense (DoD), the Office of Management and the Budget (OMB), and the Congressional Budget Office (CBO) have met and discussed these issues. As a result, we have identified from $2.6 billion to $2.9 billion in outlay reductions based on asset sales and proposed policy changes in the President's 1999 DoD budget request, including: (1) management initiatives for the Defense Working Capital Funds (DWCF) and, (2) alterations in classified activities in two Air Force accounts.

These identified outlay scoring adjustments for policies enumerated here do not prejudge other technical adjustments that might be considered with this year's reported defense authorizations or appropriations bills.

If legislation provides for defense asset sales subject to appropriations, appropriate savings will be scored. I understand the assets currently being considered would generate between $0.6 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 scorekeeping 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 asserted by the Department of Defense and that the legislation reported to the Senate would not reverse or materially alter this impact, and will, therefore, score the outlays for reported legislation appropriately.

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

1. Prompt submission of the annual joint report to Congress required by 10 U.S.C. 226 concerning CBO and OMB scoring of outlays on December 15 of each year;

2. The routine and timely transmission by CBO of its scoring of defense budget requests and relevant legislation to the appropriate representatives of DoD's Office of the Comptroller and OMB;

3. An analysis by CBO and the Administration, submitted as a part of their fiscal year 2000 Presidential budget presentations, of the actual outlays and rates that occurred for fiscal year 1998 for the Department of Defense with: (a) the outlays and outlay rates originally estimated by CBO and the Administration, respectively, for the fiscal year 1998 Department of Defense budget when that budget was originally presented to Congress, and (b) any revised outlays and outlay rates estimated for the final appropriations legislation, pursuant to Section 251 of the Balanced Budget Enforcement and Deficit

Control Act, for the Department of Defense for fiscal year 1998, including supplementals, 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 currently estimated to be appropriate for fiscal year 1999 for the Department of Defense with: (a) 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 final appropriations legislation, pursuant to Section 251 of the Balanced Budget Enforcement and Deficit Control Act, to date, for the Department of Defense for fiscal year 1999, including supplementals, transfers, rescissions, and any other adjustments;

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 proposed 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 when we come back, the chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, the largest of the nondefense appropriations subcommittees—and that is my colleague and my friend, Senator SPECTER from Pennsylvania—will be calling us together to mark up the nondefense portion of the appropriations bill.

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

The House, using those figures, marked up a bill, and the only way they marked it up was by completely eliminating all of the funding for the summer jobs program and all of the funding for the heating assistance for the elderly and poor—the LIHEAP program. They just eliminated all of that, and then they came in with the allocations that they had.

What my amendment basically says is that the chairman of the Budget Committee ought to apply the same rationale, the same decision, on using OMB estimates for nondefense as he did for defense. We need the outlays that this amendment will give us to fund programs important to Members on both sides of the aisle. This is not a Democrat amendment.

Now, we have heard many calls on the other side of the aisle to get more funding for IDEA, the Individuals with Disabilities Education Act. We have had more calls from the other side of the aisle to fund more programs for the National Institutes of Health. We have heard calls on this side of the aisle for more funding for Head Start, for low-income heating energy assistance programs for the elderly and the working poor. This cuts across both sides of this aisle. Those are just a few of the programs that will be drastically cut if we don't have the figures that could be given to us by the chairman of the Budget Committee.

Now, I will point out one thing. Recently, the Senators here voted on a sense-of-the-Senate resolution. It passed 99–0—I don't know who was missing, but it passed 99–0— a sense-of-the-Senate resolution that would raise NIH funding by $2 billion next year. That increase alone would require over $600 million in outlays. And I just said that our allocation puts us $300 million below a freeze.

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

Mr. HARKIN. I am delighted to yield to my friend and chairman.

Mr. SPECTER. I thank my colleague. When the distinguished Senator from Iowa points out that the vote was 99–0, is the Senator aware that when we sought the transfer, that it was turned down 57–41?

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

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

Mr. HARKIN. I proudly did so.

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

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

Mr. HARKIN. I thank my chairman for his kind words. We have worked collaboratively. I could not ask for a better chairman than Senator SPECTER. We have worked closely together. We have talked privately about this and, quite frankly, I believe we are going to be able to work this out. That is why I will, at the appropriate time, withdraw my amendment, 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 so many Members support here. I wanted to raise this issue because I think it is vitally important that we use the same set of scoring for both defense and nondefense.

So, Mr. President, with the assurances of my chairman that we will be able to get this thing worked out, I just wanted to refer to one thing on the chart. With the reallocation, with the amount of money we would get from the rescoring, we would have $770 million. That would get us the money that we need for NIH. That would get us the money that we need for LIHEAP and for the other programs—Head Start 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 would be willing to yield the floor at this time for any other Senators who might want to speak on the issue.

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

Mr. LAUTENBERG. Mr. President, first, I want to hear the response of the Senator from New Mexico, because in a private conversation we just had here there was an assurance that I would like to hear publicly made and then I will be able to respond.

Mr. DOMENICI. I wonder if the Senator will give me 3 minutes.

Mr. LAUTENBERG. Mr. President, I yield 3 minutes of the time I have to the Senator from New Mexico.

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

Mr. DOMENICI. Mr. President, I believe one of the most difficult bills to appropriate and stay within the caps and the allocations under the Balanced Budget Act is the bill that the distinguished Senator, Senator HARKIN, is referring to. It is difficult every single year. It will be difficult this year; he knows it and I know it.

I want to make sure that everybody understands that the Senator from New Mexico did not adopt OMB numbers in arriving at the corrections that

were made in the amounts of money available for the Defense appropriations bill. We will be very glad to show Senators precisely what we did. In fact, I am going to insert a statement into the RECORD—I won't give it—showing that we actually made policy adjustments that permitted the changes in the expectation of expenditures, and then on top of that we allowed for the sale of assets that were a certainty, and we counted those sales in terms of receipts that could be spent in this bill.

What I am going to say to Senator SPECTER, chairman of the committee—and I told him this already—is that the staff and I are going to work with them, and we intend to do everything in our power to adjust the numbers so that they get the benefit of any policy changes that are justifiably on the side of OMB's different numbers. If that yields more money to spend, we are going to do that, and we are going to try our best. Let me repeat that we did not use OMB's numbers; we used OMB policy adjustments in a very confused procurement account, and they convinced us that in the policy that they were going to adopt, there would be more expenditures than we had expected—or less, whichever the case may be that yields more money to spend.

I also want to say to the distinguished chairman and ranking member of the Subcommittee on Labor, Health and Human Services, and Education that they chose last year to forward-fund a lot of their accounts. I am not critical. What they did is, they said, on a number of big accounts, we will not fund them for the whole year. We will fund them at the end of the year, thus, getting charged for only a small amount of money. Now, I can't help it that the chickens have come home to roost. The money is now being spent in this year, and we don't even have to appropriate; we already spent it. I can't fix that on every bill.

So, Mr. President, let me just say to the Senate, the bill, which Senator SPECTER will chair and Senator HARKIN is ranking member on, is the most difficult bill we have. And this Senator, in my responsibility to the Senate, will do everything I can to see that the numbers are accurate and that we maximize the amount of outlays. It is outlays they need; they don't need any budget authority. I will do that as soon as practicable, and our staff and theirs will start working as soon as they want us to.

The amendment and its author do not accurately characterize what has been done respecting outlays for the National Defense budget function.

There has been no arbitrary adjustment of CBO's scoring of defense outlays as some characterize.

Instead, the following actions have been taken:

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

Mr. STEVENS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

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

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

The PRESIDING OFFICER. Yes.

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

When he gives us an assurance that there will be no distinction, 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 was not called up.

Mr. HARKIN. That 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, as 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 my 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 H–

1B, the Nonmigrant Immigrant Program.

CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. LOTT. Mr. President, I send an adjournment resolution to the desk calling for a conditional adjournment for the August recess, and ask that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 114) was agreed to, as follows:

S. CON. RES. 114

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 Friday, August 7, 1998, it stand adjourned until noon on Wednesday, September 9, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, 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 whenever, in their opinion, the public interest shall warrant it.

N O T I C E

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

NOMINATIONS

Executive nominations received by the Senate July 30, 1998:

THE JUDICIARY

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

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

FARM CREDIT ADMINISTRATION

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF THE INTERIOR

CHARLES G. GROAT, OF TEXAS, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY, VICE GORDON P. EATON, RESIGNED.

DEPARTMENT OF THE TREASURY

DAVID C. WILLIAMS, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE VALERIE LAU, RESIGNED.

DEPARTMENT OF STATE

CLAIBORNE DEB. PELL, OF RHODE ISLAND, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ROD GRAMS, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOSEPH R. BIDEN, OF DELAWARE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-THIRD SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

OFFICE OF PERSONNEL MANAGEMENT

JOHN U. SEPULVEDA, OF NEW YORK, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE JANICE R. LACHANCE.

NATIONAL INDIAN GAMING COMMISSION

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

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

JOSEPH E. STEVENS, JR., OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2003. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 531:

To be colonel

JEFFREY C. MABRY, 0000

To be lieutenant colonel

JEFFREY P. ALLERTON, 0000
DALE R. BROWN, 0000
MARK C. BRYANT, 0000
STUART D. HARTFORD, 0000
KENNETH R. NEUHAUS, 0000
ROBERT R. SELLERS, 0000
JOHN F. SIMONETTI, 0000
MICHAEL J. SUTTON, 0000
DAVID R. TAYLOR, 0000
THOMAS K. WIGGS, 0000

To be major

* RICHARD B. DELEON, 0000
JOHN F. EASTON, 0000
STEPHEN H. KENNEDY, 0000
TERRY J. LEWIS, 0000
JOEL J. SCHUBBE, 0000
ANA Y. VALDEZSCALICE, 0000

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

NEAL A. THAGARD, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID W. BROOKS, 0000
RONALD M. PACKER, 0000
SHELBY R. PEARCY, 0000

DEPARTMENT OF DEFENSE

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

DAVID W. ADAMS, 0000
KEDRIC M. BELLAMY, 0000
EVELYN T. GIBBS, 0000
THOMAS M. HENDERSCHEDT, 0000
ROSE E. JIMENEZ, 0000
THOMAS L. KENNEDY, 0000
JAMES D. MORALES, 0000
JOSEPH ROTH, 0000

To be lieutenant (junior grade)

CHRISTOPHER E. ARCHER, 0000
DEBRA A. DRAHEIM, 0000
JOHN S. DUENAS, 0000
BRIAN M. GOEBEL, 0000
DEVIN T. LASALLE, 0000
ERIC T. LOWMAN, 0000
STEPHANIE E. MITCHELLSMITH, 0000
RICHARD R. RIKER, 0000
JOHN C. RUDOLFS, 0000
JOHN A. VELOTTA, 0000

To be ensign

DOUGLAS W. ABERNATHY, 0000
GREGORY A. BESHORE, 0000
WILLIAM M. FELMLEE, 0000
PATRICK L. LAHIFF, 0000
SHAWN D. PETRE, 0000
MICHAEL Y. SNELLING, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

MARILYN E. BRADDOCK, 0000

To be lieutenant commander

STEVEN L. BANKS, 0000
LAFAYETTE B. BELK, JR., 0000
FRANK A. BIVINS, 0000
ROBERT BUCKLEY, 0000
THOMAS B. CALVIT, 0000
GERARD S. CHRABOT, 0000
DWAYNE C. CLARK, 0000
LOUIS A. DAMIANO, 0000
JAMES F. GALLAGHER, 0000
JAMES W. HANSEN, 0000
JOHN R. HOLMAN, 0000
STEPHEN H. HOOPER, 0000
KIMBROUGH M. HORNSBY, 0000
CHARLES JOHNSON, II, 0000
STEPHAN F. JUN, 0000
DAVID A. LOWREY, 0000
MARK A. MALAKOOTI, 0000
ANTHONY J. MARCIANTE, 0000
PETER G. MAYER, 0000
DAVID B. MCLAREN, 0000
KIMBERLY M. MCNEIL, 0000
ANDREW A. NELSON, 0000
DAVID NORMAN, 0000
JOESPH D. PAULDING, 0000
BILLY J. PHILLIPS, 0000
LARRY D. REID, JR., 0000
GIACINTO F. RUBINO, 0000
JEFFREY A. RUTERBUSCH, 0000
JUDY R. SCHAUER, 0000
EDWARD D. SIMMER, 0000
DONNA J. STAFFORD, 0000
PHILIP M. STOLL, 0000
MARK D. TURNER, 0000
BENJAMIN W. YOUNG, JR., 0000

To be lieutenant

TIMOTHY A. ACKERMAN, 0000
BARRY D. ADAMS, 0000
RICHARD E. AGUILA, 0000
MICHAEL T. AKIN, 0000
YVONNE ANDERSON, 0000
ELIZABETH A. G. ASHBY, 0000
DIXIE L. AUNE, 0000
JENNIFER L. BAILY, 0000
DARRELL A. BAKER, 0000
JULIE H. BALL, 0000
SCOTT J. BEATTIE, 0000
JAMES S. BIGGS, 0000
WILLIAM R. BLAND, 0000
ANNE K. BOURNE, 0000
MATTHEW R. BOWMAN, 0000
SCOTT D. BOXBERGER, 0000
GERALD BOYLE, 0000
RICK M. BROGDON, 0000
GREGORY H. BUBB, 0000
DELL D. BULL, 0000
WILLIAM E. BURNS, JR., 0000
TIERNEY M. CARLOS, 0000
ROBERT T. CARRETTA, 0000
DAVID J. CARRILLO, 0000
JOE V. CASEY, JR., 0000
GINA M. CAVALLI, 0000