

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. STE-

VENS 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.