

trucks." So the Congress says, "We're going to order more trucks for you. It is true you did not ask for them, but you need to be driving more trucks. You did not ask for more B-2 bombers. We're going to order up some B-2 bombers for you. You didn't ask for amphibious ships." And the major debate is which of the ships shall we buy? There is a \$900 million one or a \$1.2 billion one, so the Congress says, "You didn't order either of them, so we insist you buy both of them. That's our priority. You didn't order enough F-15's. We're going to order some for you. You didn't order enough F-16's. We're going to order some of those for you. You didn't order enough Warrior helicopters, Longbow helicopters, Black Hawk helicopters. We insist you get some of those as well."

This is from people who say they are conservatives. Probably some of the pork busters are some of these people, I do not know. But if they are looking for pork to bust, boy, I tell you this is a slaughterhouse that will keep them busy for a year. I can give you chapter and verse on planes, ships, submarines, tanks, helicopters that were ordered that the Secretary of Defense said he did not want.

So, you know, I say, look, if this is a question of priorities—and I think it is—how do you balance the budget? What are the priorities? How do you strengthen our priorities and reach from zero? There was \$7 billion added to the defense bill this year, \$7 billion that the Secretary of Defense said he did not want. I have said before and I am going to state again, because I think it is descriptive of the priority problem, a little program called star schools is cut 40 percent and a big program called star wars is increased in funding by 100 percent. It is, I think, the script of the fundamental problem of priorities.

The priorities are wrong. That is why the President is going to veto that today. The priorities in terms of what the bill, the reconciliation bill, says to the public, are these: In the same town, going to two different addresses with two different messages. The first letter to describe how this balanced budget plan affects you, we will go to the top floor of the best office building in town. And on the 18th floor they will knock on the CEO's door of a major corporation and say, "Well, we just passed this bill, this budget balancing bill, and here is how it affects you. Your company gets some relief from what is called the 'alternative minimum tax,' so you get \$7 million in tax cuts because of a little provision called the AMT in this bill. So we want you to smile here on the 18th floor with this big desk and big office, with a \$7 million tax cut we give you."

And then you get back in the taxi and go to the other side of town to a little one-room apartment occupied by a low-income person in their late 70's with heart trouble and trying to struggle along and figure out how she

stretches a very low income to eat and pay for more medicine and pay for rent. We say to that person, "Well, we just dropped off a \$7 million tax cut downtown to the CEO of a big company, but our message for you is not quite so good. We're going to tell you that you are going to have to pay a little more for your health care and probably get a little less health care to boot. You are going to pay more and get less. You have to tighten your belt more. You understand the message. You have to tighten your belt. Yes, you are in your late seventies; I know you cannot compensate by getting a second job or first job, but you have to tighten your belt."

See the different messages? One to the biggest office in town saying, "You get a big tax cut." The other to the person struggling out there barely making it saying, "By the way, we're going to add to your burden." That priority does not make any sense.

There is another little piece in here—I hope the chairman of the Senate Finance Committee will come and we can have a discussion about this someday—a little piece in this tax cut bill, by the way, on the issue of deferral. It says, we are going to make it more generous for you than under current law. If you move your plant overseas and close your plant here we are going to make it more generous. We are going to increase the little tax loophole that says to companies, "Leave America, put your jobs elsewhere, close your plant here."

Boy, you talk about an insidious tax perversion that says we will give you a tax break if you only leave our country. That is in this bill. It is not a big thing; it is a tiny, little thing. I bet there are not two or three Senators know it is there or why it is there or who it is going to benefit. But that is the kind of thing that represents a fundamentally wrongheaded priority. And it is what the Senator from South Carolina talked about.

There is not any question, you will not get a debate in this Congress about whether you should balance the budget. We ought to do it. The question is how, how do you balance the budget and at the same time have a fair sense of priorities about what strengthens our country and what is important in our country.

I am one of those who will negotiate, a team of people sitting around a table, Republicans and Democrats on a negotiating team. I very much want this to succeed, very much want it to work. I believe the end stage of the President and the Democrats and the Republicans in Congress can agree on a goal of balancing the budget and agree on a goal of preserving priorities that make sense for this country in health care, education, the environment, agriculture and a couple of other areas, that we can get this job done. The American people expect us to get it done, and we should.

But we have a circumstance where the budget reconciliation bill or the

balanced budget provisions were essentially written without any assistance from our side of the aisle. There was not a budget meeting. The Senate Finance Committee met drafting this with the majority party, which is fine, but it does not make for a process in which you get the best of what both parties have to offer. That is what I think the end stage of this process ought to be.

So, I echo many of the things said by the Senator from South Carolina. I believe the goal is very worthwhile. We ought to do it, we ought to do it the right way, the real way, and when we get it done working cooperatively with both sides of the aisle, I think the American people would have reason to rejoice that we put this country on sound footing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

#### FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I hope we might be able to move ahead here. I understood maybe by 1 o'clock we would be able to proceed to the constitutional amendment on flag desecration. I do not know what the problem is. I hope I am not part of it. I have been trying every day to get ambassadors confirmed, particularly our friend Senator Sasser. I am still working on it.

But I must say, this does not encourage me very much to waste the whole morning and part of the afternoon, at a time when we are trying not only to do this but cooperate with the President on an item or two.

I hope the Senator from New Mexico will let us proceed. I can only say to him, it is my intention before we leave here this year to have the Executive Calendar cleared, START II completed, and I do not know what else may have been mentioned here this morning.

I also understand that they are very near an agreement that would permit us to do all this in 4 hours. It seems to me that is worth pursuing. That is what I have been doing on a daily basis, and as recently as yesterday, I spoke to the Democratic leader about it.

So I hope the Senator from New Mexico, with those assurances, will let us proceed to Senate Joint Resolution 31, so we might complete action on it tomorrow and that we might complete action also tomorrow on the partial-birth abortion bill and also perhaps a conference report on State, Justice, Commerce. And that might be all we can accomplish this week. But I hope we can proceed.

I do not disagree with the Senator at all. My view is every one of these nominees have families. I have made this plea on the floor many times, regardless of who was holding up ambassadorships. I think in this case it has been an effort on both sides—Senator KERRY

on one side and Senator HELMS on the other—to come together with agreement, and I was told, as recently as 10 minutes ago, that they are just that far apart, which will certainly resolve all the questions that have been raised, I think, by the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, if I can respond to the majority leader's suggestion.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I certainly have no question about the majority leader's good intentions with regard to these matters. I think he has been trying to move ahead on them. But unfortunately, in order to get anything done around here, you need unanimous consent. We do not have that as yet.

In fact, the ambassadorial nominations we have been discussing are still not out of committee, and the START II treaty is still not out of committee. They are not on the Senate Calendar.

I feel if we could get a unanimous-consent agreement which provided for a vote prior to adjournment this fall of this session on the Ambassadors and also provide for a time and some limited amount of debate to get START II dealt with, I certainly would be willing to go with that. I think what we do need is an agreement that Senator HELMS and all the others who are involved in this will agree to.

I do not have any involvement in the negotiations that are taking place with the State Department reorganization or any of that. I do not have a dog in that fight, as the saying goes. I do want to see us deal with these particular matters I have identified here. I would like agreement among all Senators to do that. If we can get that unanimous-consent agreement, with Senator HELMS agreeing to it, then obviously that would resolve my concerns.

Mr. DOLE. I have the agreement in my hand. I have been trying to get it for several weeks. We have come very close, I must say. This is not just Senator HELMS. It involves the Senator on the other side. I do think we are that close.

In this agreement, it also says we will take up the START II treaty. START II is part of it, along with all the nominations. I think it takes care of those that might be pending in the committee, too, or discharged. Even though they have not been reported out, they would be covered, too, by our agreement.

We thought we might get this agreement yesterday. That is how close we are. I have not given up on getting it yet today. I asked Senator HELMS, the Senator from North Carolina—I thought it might take several days on START II. He said he did not think so. He thought there would be one or two amendments.

So, as I understand, once the logjam breaks, within 4 hours we can complete

action on State Department reorganization and then all the nominees would be confirmed, and then START II—at least there would be an agreement to take up START II. I think we are getting very close to what the Senator from New Mexico would like to achieve. I just hope we can work out something so that while we are trying to achieve this, which is the agreement, that we can also proceed on Senate Joint Resolution 31.

I have just been advised that maybe one phone call away, we may be working something out on this.

Mr. BINGAMAN. Mr. President, I compliment the majority leader for the progress made. I am glad to hear all this. I was not aware of it. I do believe it is important we make that one additional phone call and get this nailed down. If I go ahead and say fine, proceed—quite frankly, I have been asking the Democratic leader, Senator DASCHLE, about these matters for about 3 weeks now, and he has consistently, and in good faith, said we are just about to agree. We are very close. I know he is in good faith; I know the majority leader is in good faith; I certainly feel I am in good faith. But I do want to see us get the agreement entered before we proceed to consider this constitutional amendment.

As I said, I have no objection to us voting on the constitutional amendment, but I would like to have that put off until we have agreement to vote on these other matters that are agreed to by all Senators.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Delaware.

#### OPERATIONAL TEST AND EVALUATION

Mr. ROTH. Mr. President, I rise today to express my strong opposition to what I believe is a very destructive provision in H.R. 1530, the Defense authorization bill.

That provision would repeal the public laws that created and gave authority to the Director of Operational Test and Evaluation in the Office of the Secretary of Defense.

What is at stake here are the lives of our men and women in uniform.

The OT&E was created by Congress over 10 years ago with strong bipartisan support. The purpose of this office is to ensure that our servicemen receive weapons that are tested in an independent manner and in an operationally realistic environment. This office was created to guarantee that the weapons our soldiers take into the battlefield are ready for combat.

In this important way, the OT&E saves lives.

Mr. President, the OT&E is also the conscience of the acquisition process. Its work has helped to prevent waste and fraud. It is the cornerstone to Congress' and the Pentagon's fly-before-you-buy approach to new weapons platforms and other military equipment.

In this important way, the OT&E saves the taxpayer money.

I understand that the provisions eliminating the Director of the OT&E originated out of an effort to streamline the already bloated Pentagon bureaucracy. I support that larger effort. Together with Congressman KASICH, I have sponsored legislation that would streamline the Pentagon's acquisition process.

However, eliminating an effective OT&E will not eliminate the need for testing under realistic battlefield conditions. It does raise the question as to what office will be responsible for approving tests and representing the troops through independent evaluations of new weapons.

Moreover, the OT&E has already been streamlined. Last year's Federal Acquisition Streamlining Act merged live-fire testing with the operational testing function. We should also recognize that the OT&E is already one of the smallest directorates in the Pentagon.

Mr. President, the OT&E is an office that has earned the respect of others in the Pentagon and in Congress. After Operation Desert Storm, former Secretary of Defense Dick Cheney stated that the vigorous, independent testing oversight put into place by Congress "saved more lives" than perhaps any other single initiative.

Just last year, the GAO testified before Congress stating that the priority we give to independent testing and evaluation should be increased and not decreased. In its examination of operational testing, the GAO concluded that any changes to legislation for the testing and evaluation of military equipment should preserve, if not strengthen, the fly-before-buy principle.

Yes, Mr. President, the provisions in this year's Defense authorization bill would weaken that legislation.

Let me also remind my colleagues that this body, the U.S. Senate, unanimously passed a resolution just this last August expressing our belief that the authorities and office of the OT&E must be preserved. It is, thus, surprising if not shocking, that the conferees appear to have overlooked this resolution.

Above all, Mr. President, the provisions that effectively decapitate the OT&E constitute an issue of priorities. Do we care more about reducing the size of the Office of the Secretary of Defense or the safety of our troops? I firmly believe that if this provision of the Defense Authorization Act is not removed, Congress will be putting countless lives at risk in the name of reducing a handful of billets.

To do just that as we are sending our troops to Bosnia seems to me to be all the more dangerous. Just yesterday, I read in the New York Times that our forces deploying in the Balkans will be equipped with an array of new technologies that have never been tested in combat. Could we imagine sending our