

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill (H.R. 4278) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? 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 Colorado [Mr. CAMPBELL] is absent due to illness.

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

[Rollcall Vote No. 302 Leg.]

YEAS—84

Abraham	Frist	McConnell
Akaka	Glenn	Mikulski
Baucus	Gorton	Moseley-Braun
Bennett	Graham	Moynihan
Biden	Grassley	Murkowski
Bingaman	Harkin	Murray
Bond	Hatch	Nickles
Boxer	Hatfield	Nunn
Bradley	Heflin	Pell
Breaux	Helms	Pressler
Bryan	Hollings	Pryor
Bumpers	Hutchison	Reid
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Santorum
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simon
D'Amato	Kerry	Simpson
Daschle	Kohl	Smith
DeWine	Lautenberg	Snowe
Dodd	Leahy	Stevens
Domenici	Levin	Thompson
Dorgan	Lieberman	Thurmond
Exon	Lott	Warner
Feinstein	Lugar	Wellstone
Ford	Mack	Wyden

NAYS—15

Ashcroft	Feingold	Inhofe
Brown	Frahm	Kyl
Burns	Gramm	McCain
Coats	Grams	Specter
Faircloth	Gregg	Thomas

NOT VOTING—1

Campbell

The bill (H.R. 4278) was passed.

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

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

The motion to lay on the table was agreed to.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the conference report to accompany H.R. 3610.

The report will be stated.

The clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to

the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 1996.)

Mr. INOUE. Mr. President, I want to take this opportunity to discuss the conference agreement for the Department of Defense appropriations bill. This is a very good agreement, one that I believe all Members should support.

The conference agreement provides \$243.9 billion, an increase of \$9.3 billion from the amount requested, and \$500 million more than appropriated last year. The amount is nearly \$1 billion less than provided by the Senate. While the total bill is lower than that passed by the Senate, the conference agreement protects the priorities of the Senate.

I believe as my colleagues review the bill they will see that the conferees, under the leadership of Senator STEVENS, forged a compromise which fulfills our constitutional requirement to provide for the common defense.

This bill in many ways improves the administration's budget request. First, the bill increases funding for operations and maintenance by \$700 million to protect readiness. This includes: \$600 million for facilities renovation and repair; \$150 million for ship depot maintenance, to fund 95 percent of the Navy's identified requirement; \$148 million for identified contingency costs for overseas operations, such as Bosnia; and \$165 million for the President's counterdrug initiatives.

Second, the bill adds \$590 million to fully fund health care costs identified by the surgeons general and DOD health affairs. This will allow our men and women in uniform access to the health care that they deserve.

Third, it recommends \$137.5 million for breast cancer research, \$45 million for prostate cancer research, and \$15 million for AIDS research.

Fourth, the bill has fully provided for the pay and allowances of our military personnel, including a 3-percent pay raise and a 4 percent increase in quarters allowances.

Clearly, these few examples demonstrate that the conferees have responded to the needs of our men and women in uniform.

The bill also provides \$43.8 billion for procurement of equipment, an increase of \$5.6 billion above the request. This increase will provide for many of the high priority needs identified by our commanders in the field.

The administration identified several issues in the House bill that it opposes. The conferees have responded to nearly all of its concerns, rejecting restrictive legislative provisions, and funding administration priorities.

Chairman STEVENS and the managers on the part of the House have done a masterful job in keeping this bill clean. It safeguards our national defense, the priorities of the Senate, and rejects controversial riders.

In summary, Mr. President, this is a very good bill. I am strongly in favor of its recommendations and I sincerely believe it should have the bipartisan support of the Senate.

Mr. President, I signed the conference report—with reservation. I want my colleagues to understand that I have no reservations regarding the agreement on defense matters.

I do have reservations on the process by which several extraneous matters have been added to the DOD conference report. I understand that this was done in the interest of time. However, I must say that I do not think it is appropriate for entire appropriation bills—which have never been brought before the Senate—to be incorporated into a conference report.

I intend to vote for this measure because of the many worthy programs funded. I do so with some regret for certain measures which have been incorporated. And I hope that the next Congress will not follow this approach.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I am glad we have that vote behind us. I know Senators are very interested in how we will proceed and what will be the next subject we will take up.

Before I get to a unanimous consent request, I would like to inform all Senators, I know a lot are interested in what is happening with regard to the parks bill. We are still working on that. As most of you know, the House did pass a different parks bill from the omnibus bill that had been pending here. The conference report on the omnibus parks bill had been pending here, I guess, for 3 or 4 days. They moved another bill with a fewer number of parks in it, I think somewhere around 104 park projects, and then they added some heritage trails, 9 or 10 of those. So we have a bill pending here.

Still, some very important parks were not included in that list that came back from the House. Some of those are in Colorado, which is really hard to understand why they were not left in, some in Alaska, but several that really have a lot of support.

We have been working with the Senator from California and the Senator from Alaska to see if we can find a way to come to agreement of how we can get that legislation passed and address the concerns that are still out there.

That effort is still underway. We are working with the administration. Senator MURKOWSKI has been talking with White House officials in the last couple of hours. That effort is still underway. We don't know how we are going to be able to get it done or when. We are still working on it. As soon as we can get an agreement, we will make that announcement. I hope it can be done in

such a way that a recorded vote is not necessary, but we are not to that point yet.

The business at hand is the FAA reauthorization bill. We cannot leave without getting that reauthorization done.

On Saturday, I had a unanimous consent request that we were prepared to propound, which we thought was going to be accepted, that the Senate turn to the consideration of the conference report to accompany the FAA reauthorization bill and that we would have a cloture vote on Monday, today, at 5 o'clock.

Because of the desire to notify the Members that we would not have further recorded votes on Saturday, I made that announcement so everybody would know, and that made it possible for this cloture effort to be blocked, in effect. The indications were that, "Well, we're going to have a scorched Earth effort and we might require all kinds of procedural votes," and we couldn't get to forcing this to a head after that particular move over the weekend.

So we are finding ourselves where we are now.

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION—CONFERENCE REPORT

MOTION TO PROCEED

Mr. LOTT. Mr. President, I am going to move to proceed to the FAA conference report, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to the conference report to accompany H.R. 3539, the F.A.A. bill:

Larry Pressler, Fritz Hollings, John McCain, Kay Bailey Hutchison, John Ashcroft, Ted Stevens, Slade Gorton, Bill Frist, Trent Lott, Fred Thompson, Al Simpson, Craig Thomas, Conrad Burns, Frank H. Murkowski, Olympia Snowe, Wendell Ford.

Mr. LOTT. Mr. President, I ask unanimous consent to read or present a statement as to what I am doing so everybody will understand exactly what is going on.

The PRESIDING OFFICER. The Senate will please be in order. Without objection, it is so ordered.

Mr. LOTT. Mr. President, there is broad bipartisan support for this legislation in its present form. So the purpose of this action just taken is to produce a cloture vote with respect to the FAA conference report.

Since Senator KENNEDY and others have blocked consideration of that conference report and are insisting on the report being read by the clerk, this cloture vote is only on the motion to proceed to the conference report. As all Senators know, the motion to proceed to a conference report is not debatable. Therefore, under the Senate rules, a cloture vote to limit debate is not necessary.

However, this vote, if invoked, would represent to the Senate that the votes are, in fact, there to adopt the conference report, and I believe it would be an overwhelming vote, probably well over 65, maybe 70 votes. I hope that the objectors will see their way clear to allow this vote to occur yet tonight.

That was one important point I wanted to make so that everybody would be on notice we could have a vote tonight, and if the prerequisite 60 votes are obtained, they realize this bill is going to go forward, the Senate intends to adopt the conference report immediately following the cloture vote or after a brief period of debate.

So I urge all colleagues to consider this request, and I will be visiting with the Democratic leader, who has been working with me trying to find a way to move this legislation through to conclusion.

I remind our colleagues that if we did change it, even, and send it back to the House, there is no guarantee that it would get through the House. In fact, I have been led to believe the House will not accept it if there is a change, putting us basically in the same position we are in.

What we need to do is to pass this legislation in the form that it presently exists, and it is my intent to move it forward one way or the other until we can get an agreement as to how we can come to a conclusion, where there is an overwhelming majority, a supermajority of the Senate who wants to do this.

I thank the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the comments of the majority leader. For those of us who have observed that there was an inclusion in the FAA legislation that was targeted to one special interest, one special company that would have affected their labor relations, and added, and has virtually nothing to do with the FAA—

Mr. MCCAIN. Mr. President, this is not a debatable motion.

Mr. KENNEDY. Mr. President, I believe I have the floor. Mr. President, I believe I have the floor. I asked for recognition.

The PRESIDING OFFICER. The motion to proceed to a conference report is not a debatable motion.

Mr. KENNEDY. I asked for recognition. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, I believe it is not debatable, but I rise just to say we have not been able to work out anything. The opponents of this legislation are insisting on going forward with procedural votes, and I think maybe that is the best way to go. So if the Senator from Massachusetts wants to make a motion now on a procedural vote which goes to the substance of the issue, we should go ahead and have that vote, and it could be followed by other votes.

MOTION TO POSTPONE THE MOTION TO PROCEED

Mr. KENNEDY. Mr. President, I send a motion to postpone 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 Massachusetts [Mr. KENNEDY] moves to postpone the motion to proceed to the consideration of the conference report to accompany H.R. 3539 to October 3, 1996.

Mr. KENNEDY. I 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.

Mr. LOTT. I move to table.

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 to lay on the table the motion to postpone the motion to proceed.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado [Mr. CAMPBELL] is absent due to illness.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—97

Abraham	Burns	Dorgan
Akaka	Byrd	Exon
Ashcroft	Chafee	Faircloth
Baucus	Coats	Feingold
Bennett	Cochran	Feinstein
Biden	Cohen	Ford
Bingaman	Conrad	Frahm
Bond	Coverdell	Frist
Boxer	Craig	Glenn
Bradley	D'Amato	Gorton
Breaux	Daschle	Graham
Brown	DeWine	Gramm
Bryan	Dodd	Grams
Bumpers	Domenici	Grassley