

Mr. STEVENS. I thank the leader. I can assure the leader that we will find an agreement on the Coast Guard bill. It is a very essential bill. I also state that there is no question about it, it has some very new initiatives, good new initiatives.

DEPARTMENT OF DEFENSE
APPROPRIATIONS FOR 1997

Mr. STEVENS. Mr. President, I want to try once again on the defense bill.

As I understand it, Mr. President, under the situation we have now, if we are going to be in session tomorrow, the amendments in first degree on the defense bill must be filed by tomorrow. If we are in session on Monday, the second-degree amendments have to be filed Monday.

I certainly hope that I will not see the day when the Senate will vote against cloture on a defense bill, particularly one that has total bipartisan support; voted out of our committee without objection.

I can state to my good friend and partner from Hawaii that I am certain that we have personally reviewed every request made by each Senator and have discussed with each Senator every request made and have accommodated every Senator, or explained why it could not be accommodated. We have had no objection raised, to my knowledge, to any decision that has been made so far.

What I am concerned about is that means we are going into cloture on Tuesday, which means we are not going to get through our bill until at least this time next week.

I would like once again to see if there is not some way we can work out that question to come in tomorrow and handle amendments that are in agreement, come in Monday afternoon and handle amendments in agreement, and take up the amendments that are in contention on Monday and vote, and vote finally on our bill Tuesday afternoon.

That is the essence of what the request was in the unanimous consent proposal of the leader which we wrote.

Is there any way that any Senator would tell us what we could do to accommodate the concept of trying to move this bill forward?

Mr. LOTT. Mr. President, I might say to the Senator from Alaska and to the Senator from Nevada that their situation is in the mill. They are protected. I do not see why we cannot get an agreement to take up the Department of Defense appropriations bill and deal with it, recognizing your rights are still fully protected. Why can we not do that? I do not quite understand that.

Mr. BRYAN. Mr. President, if I might respond to the majority leader, the Senators on the floor currently have an understanding of the rules, as does the Senator from Alaska, and obviously the majority leader.

The Senators from Nevada are fighting for their lives. The legislation that is being proposed with respect to in-

terim nuclear waste dumps is without precedent in the history of the country and the history of the Senate. Therefore, to ask the Senators from Nevada to surrender any of the parliamentary rights which this body confers upon us is to ask us to abandon the constituents that we represent.

I have not been here as long as my senior colleague, but I know that each of the Senators on the floor are advocates and tenacious supporters of their constituents. We can be no less with our own.

So the issue that is all important for us is the interim storage of nuclear waste, and there is no reason why that needs to go forward. The technical review people and scientists tell us there is no reason. It is only the nuclear utility lobby that puts us in this position.

Mr. LOTT. Mr. President, does either Senator from Alaska wish to say anything at this point or try anything else?

I thought I might propound another unanimous consent request.

I ask unanimous consent that the cloture vote with respect to nuclear waste occur at 10 a.m. on Tuesday, July 16, and it be in order to consider S. 1894 prior to the cloture vote regarding nuclear waste.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, will the leader allow me to respond to my friend?

Mr. LOTT. I yield to the Senator from Nevada.

Mr. REID. Mr. President, I state to my friend and colleague from Nevada that I serve on the Appropriations Committee. I would like this bill to move on. But for reasons that have been explained, we cannot do that. The Senator from Alaska knows that if we agree that the Defense bill go on before the two cloture votes on Monday or Tuesday, we give up certain rights, important rights that we have. And so I respectfully say that I think we cannot give those rights up.

I would only say in addition to what my friend from Nevada said, we, we believe, are not only protecting the rights of the people of the State of Nevada, but there are going to be tens of thousands of tons of nuclear waste transported on railroads and trucks all over the United States that is unnecessary. The nuclear review board has said leave it where it is—the technical review board.

So we understand the importance of moving legislation. We want to move legislation. But we cannot do it with this nuclear cloud hanging over our head.

Mr. LOTT addressed the Chair.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I yield. In fact, Mr. President—

Mr. STEVENS. I will be brief. I would only say, if I might, Mr. President, I have been here a long time, and I have

seen a lot of filibusters. I have seen a lot of delaying of the Senate. I have never seen any Senator—and I would challenge anyone to show me—that any Senator filibustering has ever held up a bill that is in the interest of national security. This Senator never has. I know Jim Allen never did. I do not remember any such parliamentary tactic being used against a Defense bill.

As a matter of fact, I think this is the first time I can remember we have had to file cloture to get the Defense appropriations bill passed. This is not just a run-of-the-mill bill. This is the most important bill we pass every Congress to maintain the defenses of this country. This is our second duty when we take the oath. We swear under the Constitution that we will maintain the defenses of this country.

I admire my friends from Nevada for standing up for their State. I take no back seat to anyone in standing up for my State. And I have taken every right that I have had on the floor to protect my State, but I have never held up a bill that is in the interest of national security.

I do not believe the Senators from Nevada are correct in asserting that somehow they would lose any rights by allowing us to proceed with this bill. Their rights are protected under the rules in terms of handling the issue that affects their State. Their rights are protected, of course, in handling whatever they want to do with regard to the bill that I have the privilege to manage, but they would lose none of their rights, and I would not be a party to taking rights away from them, by proceeding with the Defense bill.

Blocking the Defense bill has nothing to do with the national security as far as this country is concerned. My bill, our bill does. And it means now we will probably not get finished with this bill until about a week from now, and that means we will probably not be able to get back here, before we recess in August, with a conference report. We will not be able to know whether the President agrees. And we will be behind this bill that the Senators from Nevada are talking about all the way. If we are delayed now, we will be delayed later when it comes up again. It is going to come up again in terms of the conference report, in terms of appointing conferees. I say it is in the best interests of this country to get this bill out of the way.

I challenge the Senators from Nevada to demonstrate what they have said. Proceeding on this bill of ours now will not harm their rights with regard to the issue that affects their State in any single way.

Mr. REID. I would accept the challenge, if I could, through the majority leader.

Mr. STEVENS. I would be happy to have it.

Mr. LOTT. Mr. President, I believe I will yield the floor and let Senators get recognition in their own right.

Mr. STEVENS and Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. If I could be more explicit, I will try. The rules do not provide any protection for the Senators from Nevada with regard to delay of the defense bill. I would challenge them to so state, and I do challenge them to so state. What they are doing today is just merely delaying getting to the bill that they object to with regard to Nevada. It is a timing question, until the cloture motion was filed. When the cloture motion was filed, we all know when we will vote on the issue pertaining to Nevada. But to say that it must wait, the decision on that must wait before we proceed on the bill—it is the pending business. It was the pending business this morning. We tried to raise it yesterday. And now we have spent the day today. I will be back tomorrow. I will be back Monday. I will be back Tuesday. I am going to be out on the floor every day. And I want to say to my good friends from Nevada, I am going to tell the world they are holding up the defense of the United States.

Mr. CRAIG. Will the Senator yield?

Mr. REID addressed the Chair.

Mr. STEVENS. I do yield to my friend from Nevada.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. BRYAN addressed the Chair.

Mr. STEVENS. I yield for a question.

Mr. CRAIG. The Senator from Idaho, in working with the Senators from Nevada, assured them the protection that they now ask that they have and is granted under the rules of the Senate. There was no way to change their protection. The process we used to bring this bill to the floor is the process of the Senate.

So the Senator from Alaska is absolutely right. The Senators from Nevada, their full rights are protected. Now they use the defense bill, tragically enough, because I agree with the Senator from Alaska, while it is clearly within their rights to do what they do, and I do not dispute that now and I do not think the Senator from Alaska does, I believe their action is unprecedented.

I think it is important the RECORD show the Senator from Idaho has worked very hard to bring this national nuclear waste bill to the floor so that we can deal with a national problem. I dealt with the Senators from Nevada in a very forthright way to assure them that all of their rights would be protected and that I or any other Senator interested in this legislation was not in any way going to attempt to step on their rights, because in the Senate we do not do that. So they were protected in an adequate way.

I yield back to the Senator from Alaska.

Mr. STEVENS. Mr. President, does the Senator from Nevada wish to—

Mr. BRYAN. Mr. President, could I be recognized?

The PRESIDING OFFICER. The Senator from Alaska has the floor. The Senators from Nevada are seeking the floor.

Mr. STEVENS. I have no desire to end up today having the Senators from Nevada start filibustering my bill at this late hour. I will be happy to yield to the Senators for a question, but I hope that we either go ahead with my bill or decide when we will go ahead with my bill without regard to a filibuster on the nuclear issues. I will be glad—

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

Mr. STEVENS. To have the Senators ask a question.

The PRESIDING OFFICER. The junior Senator from Nevada is recognized for a question.

Mr. BRYAN. I am sure the Senator from Alaska is aware that the Senators from Nevada are not trying to do anything that would compromise or jeopardize national defense. The Senators from Nevada, like the Senator from Alaska, have a strong conviction—come from a State in which national defense interests are of paramount consideration, as they are in the State which the Senator so ably represents.

We are talking about an appropriations bill that will go into effect October 1 of this year for the next fiscal year, so there is no imminent crisis that we face at the moment.

If I might indirectly respond to a question in the statement made by the Senator from Idaho, the Senators from Nevada have tried throughout this afternoon to offer a series of proposals that would allow us to move immediately not only to the defense appropriations bill but to other pieces of legislation that are pending as well. And we would be prepared to do that.

I think it is fair to say that some on the other side of the aisle were prepared to accept the proposals the Senators from Nevada were offering, but the Senator from Idaho and others indicated that they would be unprepared to accept the proposal which would move us immediately to the consideration of this bill only if the Senators from Nevada surrendered their parliamentary rights conferred under the rules with respect to a process which might occur if the nuclear waste bill ever went to conference, something at this point we do not know for sure.

So I do not believe it is fair to characterize that the Senators from Nevada are unwilling to try to deal with this bill, the Department of Defense bill. We have offered several proposals, and they have been rejected. I regret that because I think that would be the appropriate course of action for us to follow this evening.

Mr. REID. Will the Senator from Alaska yield for a question?

Mr. STEVENS. Mr. President, let me respond to this first now. I want to make it clear—and we stand out here and say these are our friends in the Chamber. The Senators from Nevada

come from a small State like I do in terms of population. We are friends. But I disagree. We currently have an order we will vote on the cloture motion on the nuclear waste disposal bill on Tuesday.

There is absolutely nothing that can be lost, in terms of rights of the two Senators from Nevada with regard to that bill by letting our bill go forward. As a matter of fact, letting it be voted on before, we could have it finished before that cloture vote.

I understand the idea of trying to delay getting to a bill in terms of trying to delay the bill ahead of it. But that is past, as I said. Once the cloture motion was filed, the time runs under the rule from then, and there is nothing that can be done to harm the position of the Senators from Nevada with regard to that bill by proceeding with the pending business.

I respectfully say again, we have a strange situation this year with regard to this bill. We know we are presenting a bill that is beyond the request of the President. We are working on a strategy to present the President a bill we think he will sign. That will take time. In any event, we need to know if the bill is to be signed. If it is not to be signed, then—if he wants to veto it—then we have to go back and finish that process. But we have to do it all within the period of September in order to finish, and this year is an election year. This is the second year of a Congress. We will go out of session in October.

I am saying again to the Senators, the worst thing that could happen to the defense of the United States is to act under a continuing resolution. We must get a bill for this subject, on defense, or else we cannot enter into long-term contracts. We cannot enter into contracts that save the taxpayers' money. We pointed out here today, on three occasions, what we will save by virtue of this bill; \$1 billion in one acquisition alone, we will save. It is certified by the GAO. Everybody knows we are going to save money by changing the way we handle some of this acquisition for our defense forces. We cannot do that under a continuing resolution. The whole Government can act, perhaps, on a continuing resolution. The Department of Defense loses money, the taxpayers pay in excess for their defense every time we have to go through a continuing resolution.

I say to my friend, there is no way we are going to get back here and have another bill for defense if the President in fact vetoes the bill in September and we do not get the bill again to him in September. We cannot get through the defense bill in 2 weeks. We are going to be dealing with a continuing resolution. Every single portion of the Department of Defense loses and the taxpayers lose, if we try to operate the Department of Defense on a continuing resolution. I am pleading with my friend from Nevada to let go of our bill. They will not lose any of their rights. Again, I will be pleased to respond to any question the Senators have.

I do think I do know these rules. I challenge anyone to challenge what I have just said, because there is no right the Senator from Nevada will lose by letting us proceed with the pending business with regard to anything they have the right to. They do have the right to do what they are doing, I agree. But they do not lose any rights by letting us go ahead.

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

Mr. STEVENS. Yes.

Mr. NICKLES. The Senator from Alaska has been here a little bit longer than I have, and I compliment him for his years of service as well as the Senator from Hawaii, Senator INOUE, and I hope we can move forward with this legislation.

I cannot recall—I have been around when we had a few filibusters—but I cannot recall in my 16 years here that anybody has filibustered a bill, not the bill they were opposed to, but filibustering a bill that is coming up prior to the bill that they were opposed to.

Mr. STEVENS. I know Senators have objected to unanimous consent requests on legislation that was preceding an issue they were concerned with. I think that is done.

I do not know of any situation where, after a cloture motion has been filed on the subject of the Senator's interest, where a Senator has then tried to delay any other legislation in order to try to protect a right that he perceived. Because I can perceive no right in such delay after the cloture motion is filed. We either get cloture or we do not get cloture. The Senator's rights are protected either way, under cloture rule or postcloture—the handling of the bill if cloture fails. I do not remember any such circumstance.

Mr. SANTORUM. Will the Senator from Alaska yield for another question?

Mr. STEVENS. Yes.

Mr. SANTORUM. I am trying to understand the rights that might be given up. If the Senators from Nevada do not allow the Defense bill to come up, will there be a cloture vote on the nuclear waste bill at 10 o'clock on Tuesday?

Mr. STEVENS. Yes.

Mr. SANTORUM. If they allow the bill to come up, will there be a cloture vote at 10 on Tuesday on the nuclear waste bill?

Mr. STEVENS. Yes.

Mr. SANTORUM. What rights, then, do they lose if that occurs?

Mr. STEVENS. I perceive none once we get into the cloture motion and vote.

Mr. REID. Will the Senator from Alaska yield, with his retaining his right to the floor?

Mr. STEVENS. Yes, without losing my right to the floor.

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

Mr. REID. I say to my friend from Alaska, it appears to me that we are criticizing the wrong people here. If, in fact, there is such an urge to go for-

ward with this legislation, and much other legislation, it would seem to me it would be the right thing to do to move away from a bill that the President said he is going to veto. Why is all the burden placed on us?

Mr. STEVENS. Let me answer that, respectfully. When we tried yesterday to get to the defense bill, nuclear waste was not on the screen. We tried to get on it this morning, did get on to it, and immediately we have a filibuster because of nuclear waste. The leader did what he should do. He made the motion to call up nuclear waste, and filed the cloture motion so there will be a cloture vote on the motion to proceed to that bill.

The Senators from Nevada not only have the right to insist on a cloture motion on the motion to proceed, but they also have a subsequent right to a cloture motion on the final vote on the bill, they then have the right to cloture motion on appointment of conferees on that bill. I can tell the Senators, if I were the Senators I can guarantee the Senate would not vote on this bill you oppose this year.

But that has nothing to do with my bill. That has nothing to do with my bill. You have every right to protect your own interests with regard to your bill, but you are delaying the defense interests, the basic concern of the defense of the United States, in my opinion.

I am telling you, you lose no rights. I should not address the Senator directly. I apologize. The Senator from Nevada loses no rights, neither Senator, by allowing our bill to proceed. And by consenting to that unanimous-consent request, we would vote either before or after the cloture motion, the bill would go to conference, the defense bill, and we have a chance—a chance of finishing this year with a bill signed and approved by the President.

Mr. President, I cannot deal with this much longer without displaying some of what some people have called an unruly temper. It is not an unruly temper. I know how to use it.

So I would say to my friend from Nevada, I am sorry this is the case. It is my understanding the distinguished assistant minority leader has duties. Mr. President, under the circumstances, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

THE TAXPAYER BILL OF RIGHTS

Mr. NICKLES. Mr. President, I wish to compliment Senator PRYOR and others for passage of the taxpayer bill of rights. I also wish to recognize Senator GRASSLEY, because he worked very energetically in trying to see that the Taxpayer Bill Of Rights 2 would actually become law. I am delighted we were successful in passing that today.

MORNING BUSINESS

TRIBUTE TO LT. GEN. PAUL E. BLACKWELL

Mr. HOLLINGS. Mr. President, today I wish to congratulate Lt. Gen. Paul E. Blackwell, Deputy Chief of Staff for Operations and Plans of the U.S. Army, who will retire on 26 July 1996. Lieutenant General Blackwell's career spans 31 years in which he has given distinguished service as a soldier, leader, and visionary for our military. Let me briefly recount to you the career of this distinguished servant of our Nation.

A native of South Carolina, Lieutenant General Blackwell graduated from Clemson University where he earned both a bachelor and masters of science. He entered active duty as a second lieutenant in 1965 as an infantryman. Since then, he has commanded at platoon through division level.

Lieutenant General Blackwell has served in every type of U.S. Army division—light, airborne, mechanized, motorized, and armor. He has held an extraordinary variety of command and staff positions, including commanding general, 24th Infantry Division (mechanized) and his most recent assignment as deputy chief of staff for operations and plans. Other key assignments include commanding general, 2d Armored Division(-), Garlstedt, Federal Republic of Germany; commander, III Corps (Forward), Maastrich, The Netherlands; assistant division commander, 3d Armored Division and commander, Hanau Military Community, Federal Republic of Germany; deputy director for operations, National Military Command Center, Joint Staff, Washington, DC; commander, 1st Brigade, 9th Infantry Division, Fort Lewis, WA; chief of staff, 9th Infantry Division, Fort Lewis, WA; G3 (operations officer), 9th Infantry Division, Fort Lewis, WA; commander, 1st Battalion, 4th Infantry, 3d Infantry Division, Aschaffenburg; Brigade S3, 2d Brigade, 3d Infantry Division, Kitzingen; S3, 2d Battalion, 325th Infantry, 82d Airborne Division.

Lieutenant General Blackwell's combat experience includes two tours in the Republic of Vietnam and service in Saudi Arabia during Operation Desert Storm. During his tours in Vietnam, he served in various positions to include commander, Company D, 3d Battalion, 60th Infantry, 9th Infantry Division and platoon leader of an airfield security platoon. During Operation Desert Storm, Lieutenant General Blackwell served as the assistant division commander of 3d Armored Division.

Lieutenant General Blackwell's career spanned a period of enormous changes and great turmoil requiring vigilance coupled with decisiveness to ensure our Nation's security. He has adapted to new and diverse and integrated technologies to assist the Army to change both intellectually and organizationally to meet the challenges of the 21st century.