

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

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

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 267 Leg.]

#### YEAS—60

Akaka	Frahm	Mack
Bennett	Frist	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Gramm	Murray
Breaux	Grams	Nickles
Burns	Grassley	Pell
Campbell	Gregg	Pressler
Coats	Hatch	Reid
Cochran	Heflin	Robb
Coverdell	Hutchison	Rockefeller
Craig	Inhofe	Roth
D'Amato	Inouye	Sarbanes
Daschle	Johnston	Shelby
DeWine	Kassebaum	Simpson
Dodd	Kempthorne	Smith
Domenici	Kyl	Stevens
Feinstein	Lieberman	Thompson
Ford	Lott	Thurmond

#### NAYS—37

Abraham	Faircloth	Lugar
Ashcroft	Feingold	Moynihan
Baucus	Harkin	Nunn
Bradley	Helms	Pryor
Brown	Hollings	Simon
Bryan	Jeffords	Snowe
Bumpers	Kennedy	Specter
Byrd	Kerrey	Thomas
Chafee	Kerry	Warner
Cohen	Kohl	Wellstone
Conrad	Lautenberg	Wyden
Dorgan	Leahy	
Exon	Levin	

#### NOT VOTING—3

Hatfield	Murkowski	Santorum
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The motion to lay on the table the amendment (No. 5178) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 5177, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 5177), as modified, is as follows:

On page 104, below line 24, add the following:

SEC. 421. (a) PLAN.—The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care networks of the Department so as to ensure that veterans who have similar economic status and eligibility priority and who are eligible for medical care have similar access to such care regardless of the region of the United States in which such veterans reside.

(2) The plan shall—

(1) reflect, to the maximum extent possible, the Veterans Integrated Service Network developed by the Department to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care; and

(2) include—

(A) procedures to identify reasons for variations in operating costs among similar facilities where network allocations are based on similar unit costs for similar services and workload; and

(B) ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(C) adjustments to unit costs in subsection (a) to reflect factors which directly influence the cost of health care delivery within each Network and where such factors are not under the control of Network or Department management; and

(D) include forecasts in expected workload and consideration of the demand for VA health care that may not be reflected in current workload projections.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under section (a) shall set forth—

(1) milestones for achieving the goal referred to in paragraph (1) of that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goal.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) not later than 60 days after submitting the plan to Congress under subsection (c), unless within that time the Secretary notifies Congress that the plan will not be implemented in that time and includes with the notification an explanation why the plan will not be implemented in that time.

Mr. MCCAIN. Mr. President, I thank my colleague from Florida, Senator GRAHAM, for all of his efforts on behalf of this amendment. It has been modified. We have worked with the administration.

Mr. President, since this amendment was accepted in the three previous years and then dropped in conference, the Senator from Florida and I felt that we should have a rollcall vote on this although I think that vote will be nearly unanimous since it is basically the same. It was accepted 3 years before.

So, Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona, as modified. 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 Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SANTORUM] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 268 Leg.]

#### YEAS—79

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Ashcroft	Frahm	McConnell
Bennett	Frist	Mikulski
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Nickles
Boxer	Graham	Nunn
Breaux	Gramm	Pell
Brown	Grams	Pressler
Bryan	Grassley	Pryor
Bumpers	Gregg	Reid
Burns	Hatch	Robb
Campbell	Heflin	Roth
Chafee	Helms	Sarbanes
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Conrad	Inouye	Snowe
Coverdell	Jeffords	Specter
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
Daschle	Kempthorne	Thompson
DeWine	Kerrey	Thurmond
Domenici	Kyl	Warner
Dorgan	Levin	Wyden
Exon	Lott	
Faircloth	Lugar	

#### NAYS—18

Baucus	Harkin	Lieberman
Biden	Kennedy	Moynihan
Bradley	Kerry	Murray
Byrd	Kohl	Rockefeller
Dodd	Lautenberg	Simon
Feingold	Leahy	Wellstone

#### NOT VOTING—3

Hatfield	Murkowski	Santorum
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The amendment (No. 5177), as modified, was agreed to.

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

The PRESIDING OFFICER. Without objection, a motion to table the motion to reconsider is agreed to.

The majority leader.

#### UNANIMOUS-CONSENT

AGREEMENT—H.R. 3517 and H.R. 3845

Mr. LOTT. Mr. President, I ask unanimous consent that, at 9:30 a.m., on Thursday, September 5, the Senate proceed to the consideration of the conference report to accompany H.R. 3517, the military construction appropriations bill; further that, there be 20 minutes for debate only, equally divided in the usual form, and that following the expiration of debate the conference report be temporarily set aside and the Senate proceed to the conference report to accompany H.R. 3845, the D.C. appropriations bill, there be 10 minutes of debate only equally divided in the usual form, and that following debate the Senate proceed to a vote on the adoption of the military construction conference report, to be followed immediately by a vote on the adoption of the D.C. appropriations conference report.

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

#### ORDER OF PROCEDURE

Mr. LOTT. So Senators should be aware, this agreement will allow for two consecutive rollcall votes in the morning, Thursday, at 10 a.m. We will

come in session at 9:30, and then we will have the votes, two consecutive votes, at 10 o'clock.

The two votes we just had will be the last votes of tonight, provided we can get agreement on a list of amendments that will be brought up tomorrow. I have the commitment of cooperation of the Democratic leader to work with us to identify the amendments, get a finite list of amendments, so we will have that list we can proceed on tomorrow. If we cannot, you know, get this list of amendments worked out, we will have to consider other options, but I am assuming we are going to have good-faith cooperation, we are going to get these amendments, get them identified so we can complete action on the VA-HUD appropriations bill tomorrow. We had hoped to have more votes tonight and get it completed tonight, but there has been a good-faith effort made, certainly by the chairman and ranking Senator. And there have been other circumstances that have intervened that caused us to see if we could get the amendments agreed to and get the votes in the morning at 10 o'clock, back to back, and be prepared to complete the VA-HUD appropriations bill.

For the information of all Senators, there are two other things they need to be aware of. We are working on a bipartisan basis to see if we can come up with a resolution with regard to the situation in Iraq. There is going to be a meeting at 10 o'clock in the morning, bipartisan meeting, to see if some language can be agreed to.

In addition to that, with regard to the Defense of Marriage Act, you will recall there was a unanimous consent agreement entered into before we left for the August recess that provided a procedure to get that issue up for consideration beginning at 10 o'clock on Thursday. It provided that by 5 o'clock on Tuesday, up to four amendments could be offered on each side that would be voted on before we would get to final passage on the Defense of Marriage Act. But, also, after those four amendments on each side were filed as of 5 o'clock on Wednesday, the agreement could be vitiated and we would move on to other issues and decide on another way to handle the Defense of Marriage Act.

That has happened. After the amendments were filed there was a feeling, I presume on both sides, that the amendments were going to be a distraction. They were going to contribute to an atmosphere that would not be helpful in our trying to get agreements and passage on appropriations bills that we simply must get done during this month. So the minority leader and I talked about it and we understand each other. We are not going to go with that unanimous consent agreement.

I do want to emphasize we are going to have this issue brought up at some point. Unless we reach some other agreement, it would be my intent to bring it up and lay down the cloture motion on the motion to proceed. I

have not made a decision exactly how we will do that or when we will do that. Part of it will depend on the cooperation we get on other issues, and whether or not we are making progress. But we would expect a vote or votes will occur on that issue sometime, probably next week, but without any final decision having been made as yet. Certainly I will consult with the Democratic leader before we take any action in that regard.

There is a lot more that could be said, a lot more accusations, charges or countercharges. Can we dispense with that and just get on with the business? I would like to proceed that way. I hope that is the way we will approach this appropriations bill and other appropriations bills.

I do have some additional unanimous consent requests here. I see the leader is on his feet. Would you like to comment at this point? I yield the floor at this time.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me just confirm the agreement that was anticipated, I think, by the majority leader's comments. He and I have been talking throughout the day in attempts to find some resolution to the problems we are facing with regard to finalizing the list on amendments to the HUD-VA bill. I have committed to the majority leader that it would be our hope that we could come up with a finite list tonight. I think we are pretty close to having that finite list available. I will share that with the majority leader later on.

It is my expectation the majority leader, as he has indicated, will work with us to finalize the language on the resolution relating to Iraq. The meeting, as he indicated, will be in his office tomorrow at 10. It will be my hope we could have the vote tomorrow on that resolution, and find a way in which to resolve the outstanding issues on the HUD-VA bill.

It is not our desire to preclude a vote, or to hold up a vote on the Defense of Marriage Act. Obviously, we had hoped we could come up with an agreement that would allow us a couple of amendments. As the majority leader indicated, there was concern on both sides and that was not possible. We want to work with the majority leader in finding a way to schedule that legislation and I am sure we can work through that as well.

So we hope we can get everyone's cooperation. As it relates to the pending bill, I have committed our best effort to see if we can come to closure on it. I know there are a number of amendments that will be offered. Hopefully, if we have the list, at least we can confine ourselves to that list and I pledge our best efforts to make that happen.

I yield the floor.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I do have a unanimous consent request that would list the amendments that have been identified on both sides at this point. I assume there is a little padding going on, on both sides. But at least, if we could get this list agreed to, we would have then a finite list we could work from. I believe, as the night proceeds and the day proceeds tomorrow, we will not have to do all these amendments, but I would like to go ahead, if I could, and get agreement on it.

I ask unanimous consent during the remaining consideration of H.R. 3666, the VA-HUD appropriations bill, the following be the only remaining first-degree amendments in order and they be subject to relevant second-degree amendments, and no motions to refer be in order, and following the disposition of the listed amendments, the bill be advanced to third reading. The amendments are as follows:

An amendment by Senator BOND regarding multifamily housing; a Faircloth amendment on HUD fair housing; Senator BENNETT, GAO review; another one by Senator BENNETT, reimburse State housing finance agencies; Senator SHELBY, land transfer; Senator THOMAS, antilobbying general provision; Senator THOMAS, decrease funding for Council on Environmental Quality; Senator HELMS, law enforcement in housing; Senator MCCAIN, two amendments, one on FHA mortgages, one on FEMA disaster relief; one by Senator BOND regarding HUD grant and loan programs; a technical amendment by Senator BOND; two amendments by Senator NICKLES, one on union dues, one on runaway plants; Senator BOND, a managers' amendment; Senator HATFIELD, relevant; Senator COVERDELL, relevant; Senator LOTT, two relevant amendments; Senator LOTT, one on Iraq; Senator NICKLES, an amendment on 48-hour hospital stay.

Democratic amendments identified: Senator BINGAMAN on United States-Japan commission; Senator BRADLEY, one amendment regarding hospital stay for newborns; Senator BYRD, two relevant amendments; Senator DASCHLE, or his designee, one on runaway plants and one on Iraq; Senator FEINGOLD, one on NASA; one by Senator FEINSTEIN dealing with Downy land transfer, one on biotech, one identified as relevant; Senator GRAHAM, veterans resource allocation; Senator HARKIN, funding vets health care; Senator KENNEDY, an amendment on employment discrimination; Senator MIKULSKI, four relevant amendments; Senator MOSELEY-BRAUN, an amendment on mortgage registration; Senator SARBANES, an amendment on