SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 5-YEAR TOTAL: 1999–2003—Continued

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations act	
	Budget authority	Outlays	Budget authority	Outlays
Judiciary	25,025	23,765	1,155	1,160
Labor and Human Resources	46,608	43,850	6,926	6,926
Rules and Administration	455	422	0	0
Veterans' Affairs	5,381	7,028	119,335	119,073
Indian Affairs	2,486	2,418	0	0
Small Business	0	−989	0	0

Mr. LAUTENBERG. Mr. President, I support this resolution, which is essentially a technical change that will facilitate enforcement of the Budget Act in the Senate.

This resolution would update the following figures for purposes of enforcing points of order in the Senate only. First, aggregates for revenues, budget authority, outlays, and Social Security revenues and outlays. Second, Section 302(a) allocations for Senate committees.

The resolution does not include functional totals or reconciliation instructions. It would not endorse the spending priorities included in the Senate-passed resolution, or any other spending priorities, for that matter. Also, it would not apply to the House of Representatives. It therefore it not a budget resolution in any sense.

The allocations and aggregates in this resolution are based on CBO's August baseline estimates, updated for enacted legislation and some technical corrections. The resolution is based on legislation enacted as of today. However, it includes a provision allowing the Chairman to revise the aggregates and allocations once more based only on legislation enacted through the end of the session. This means that each committee, and the Senate paygo ledger, will start the year with a clean slate.

Mr. President, since Congress has not adopted a budget resolution for FY99, the Senate is now operating under the budget resolution approved last year for FY98 and beyond. This has the effect of limiting the availability of points of order to enforce the basic rules of the Balanced Budget Agreement.

For example, when the Senate considers legislation proposing revenue reductions or new mandatory spending, the Senate's ''pay-as-you-go'' rules require that all costs be offset in the first, the first five, and the second five years of the budget resolution in effect at the time. Since we are now operating under last year's resolution, there is now no point of order available based on the failure of such legislation, for example, to offset all costs in the first year after enactment. This resolution would address this problem.

So, Mr. President, I support this resolution. It is not a budget resolution. It does not propose a set of spending priorities. It is simply a technical change that will help us enforce the basic structure of the Budget Enforcement Act.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 312) was agreed to, as follows:

S. RES. 312

Resolved, That Senate Resolution 209, agreed to April 2, 1999 (105th Congress), is amended by striking all after the resolving clause and inserting the following:

SECTION 1. SENATE BUDGET LEVELS.

(a) IN GENERAL.—For the purpose of enforcing the Congressional Budget Act of 1974 and section 202 of House Concurrent Resolution 67 (104th Congress), the following levels, amounts, and allocations shall apply in the Senate in the same manner as a concurrent resolution on the budget for fiscal year 1999 and including the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003:

(1) FEDERAL REVENUES.—The recommended levels of Federal revenues are as follows:

Fiscal year 1999: $1,358,919,000,000.
Fiscal year 2000: $1,388,039,000,000.
Fiscal year 2001: $1,424,774,000,000.
Fiscal year 2002: $1,480,891,000,000.
Fiscal year 2003: $1,534,362,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of new budget authority are as follows:

Fiscal year 1999: $1,417,136,000,000.
Fiscal year 2000: $1,453,654,000,000.
Fiscal year 2001: $1,489,637,000,000.
Fiscal year 2002: $1,517,259,000,000.
Fiscal year 2003: $1,577,949,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1999: $1,402,185,000,000.
Fiscal year 2000: $1,438,029,000,000.
Fiscal year 2001: $1,473,660,000,000.
Fiscal year 2002: $1,484,272,000,000.
Fiscal year 2003: $1,548,914,000,000.

(4) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $441,749,000,000.
Fiscal year 2000: $460,115,000,000.
Fiscal year 2001: $477,722,000,000.
Fiscal year 2002: $497,290,000,000.
Fiscal year 2003: $518,752,000,000.

(5) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $321,261,000,000.
Fiscal year 2000: $330,916,000,000.
Fiscal year 2001: $344,041,000,000.
Fiscal year 2002: $355,614,000,000.
Fiscal year 2003: $368,890,000,000.

(b) REVISIONS.—

(1) IN GENERAL.—The Chairman of the Senate Committee on the Budget may file 1 set of revisions to the levels, amounts, and allocations provided by this resolution and those revisions shall only reflect legislation enacted in the 105th Congress and not assumed in this resolution.

(2) CONGRESSIONAL PAY-GO SCORECARD.—Upon making revisions pursuant to paragraph (1) and for the purpose of enforcing section 202 of House Concurrent Resolution 67 (104th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and receipts for any fiscal year to zero.

(c) EFFECTIVE DATE AND EXPIRATION.—This resolution shall—

(1) take effect on the date that the Congress adjourns sine die or the date the 105th Congress expires, whichever date is earlier; and

(2) expire on the effective date of a concurrent resolution on the budget for fiscal year 1999 agreed to pursuant to section 301 of the Congressional Budget Act of 1974.

SEC. 2. COMMITTEE ALLOCATIONS.

Upon the adoption of this resolution, the Chairman of the Committee on the Budget shall file allocations consistent with this resolution pursuant to section 302(a) of the Congressional Budget Act of 1974.

AWARDING THE MEDAL OF HONOR POSTHUMOUSLY TO THEODORE ROOSEVELT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2263, which is at the desk.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2263) to authorize and request the President to award the congressional Medal of Honor posthumously to Theodore Roosevelt for his gallant and heroic actions in the attack on San Juan Heights, Cuba, during the Spanish-American War.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. THURMOND. Mr. President, as the Senate considers H.R. 2263, a bill to authorize the President to award the Medal of Honor to Theodore Roosevelt for his actions on San Juan Heights in cuba during the Spanish-American War, I want to clarify what we are doing. This bill does not award the Medal of Honor to Theodore Roosevelt. It does authorize the President to award the Medal of Honor to then Colonel Roosevelt.

Colonel Roosevelt's actions on San Juan Heights may well merit the award of the Medal of Honor. However, in order to make such a determination, one must carefully review the historical record, including any eyewitness

accounts that may be available, and evaluate the record against the criteria for award of the Medal of Honor that was applied to other members of the Armed forces who were recommended for the Medal of Honor during the Spanish-American War. In my opinion, this is a task that can only be performed by the military services.

In fact, in the National Defense Authorization Act for Fiscal Year 1996, we established a procedure in which the military services would evaluate recommendations for awards for past actions and notify the Committee on Armed Services of those found to be meritorious. Each year, in the National Defense Authorization Act, we waive the time limits for those awards recommended by the Secretaries of the Military Departments so that the award may be made.

Mr. President, Senator LEVIN and myself, as well as Congressmen SPENCE, SKELTON, and MCHALE have agreed to and signed a letter to the President regarding this issue. This letter makes it clear that we believe the President should consult with the Secretary of the Army, who is reviewing the accounts of Colonel Roosevelt's actions before deciding to award the Medal of Honor to Theodore Roosevelt. I ask unanimous consent that this letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, this bill should not be seen as a precedent for Congressional decisions on military awards. Our legislation in 1996 established a procedure designed to ensure that heroic and meritorious actions do not go unrecognized solely due to the passage of time. However, the procedure also preserves the integrity of the military award system which is important to our military services and the American people.

Mr. President, in closing, I want to commend Congressman MCHALE for his determined efforts in bringing this matter to our attention. It is my fervent hope that Colonel Roosevelt's action will be appropriately recognized while preserving the time honored processes and traditions within our military services for awarding our Nation's most hallowed award for valor, the Medal of Honor.

EXHIBIT 1

COMMITTEE ON ARMED SERVICES,
Washington, DC, October 20, 1998.

THE PRESIDENT,
The White House, Washington, DC 20500

DEAR MR. PRESIDENT: We want to share our views with you on H.R. 2263, a bill that authorizes and requests you to award the Medal of Honor posthumously to Theodore Roosevelt for his actions in the attack on San Juan Heights, Cuba during the Spanish American War.

We supported this legislation with the intent and understanding that: (a) prior to reaching a decision on awarding the Medal of Honor posthumously to Theodore Roosevelt pursuant to this legislation, you will seek the advice of the Secretary of the Army; (b) Theodore Roosevelt will be considered for eligibility for the Medal of Honor based on the same standard of merit that was applied to other members of the armed forces who received this medal during the Spanish American War; and (c) the Secretary of the Army will prepare a full and formal record of Theodore Roosevelt's valor, inviting public submissions, with emphasis on the eyewitness and contemporaneous accounts of Roosevelt's battlefield courage.

If an injustice was done to Theodore Roosevelt in withholding the Medal of Honor, we believe it should be corrected.

Sincerely,

CARL LEVIN,
Ranking Minority Member, Committee on Armed Services, United States Senate.

STROM THURMOND,
Chairman, Committee on Armed Services, United States Senate.

IKE SKELTON,
Ranking Minority Member, Committee on National Security, United States House of Representatives.

FLOYD SPENCE,
Chairman, Committee on National Security, United States House of Representatives.

PAUL MCHALE,
Member, Committee on National Security, United States House of Representatives.

Mr. LEVIN. Mr. President, I support this legislation that authorizes and requests the President to award the Medal of Honor posthumously to Theodore Roosevelt for his actions in the attack on San Juan Heights, Cuba during the Spanish American War. I support this legislation because the letter to the President that Senator THURMOND has put in the RECORD makes clear the congressional intent in passing this legislation.

I want to briefly summarize the key points of this letter. It is our intent and understanding that: prior to reaching a decision on awarding the Medal of Honor posthumously to Theodore Roosevelt pursuant to this legislation, the President will seek the advice of the Secretary of the Army; Theodore Roosevelt will be considered for eligibility for the Medal of Honor based on the same standard of merit that was applied to other members of the armed forces who received this medal during the Spanish American War; and the Secretary of the Army will prepare a full and formal record of Theodore Roosevelt's valor, inviting public submissions, with emphasis on the eyewitness and contemporaneous accounts of Roosevelt's battlefield courage.

Mr. President, military awards and decorations—particularly decorations for valor—are a hallowed part of the military services' core values and traditions, and are critical to the morale and esprit of the men and women who serve in our armed forces. In my view, the decision to award a medal of valor is the prerogative of the military service, not the Congress. That is why Congress recently enacted section 1130 of Title 10 United States Code. This section allows Members of Congress to request a Service Secretary to review proposals for military decorations that were not previously submitted in a timely fashion, but leaves the final determination as to the merits of approving the decoration to the Service Secretary.

There are many people who believe that Theodore Roosevelt's actions in the attack on San Juan Heights are deserving of this high honor, and that this honor was withheld from him at the time despite the recommendation of his military chain of command. I believe that a complete record should be assembled and the entire issue should be carefully reviewed by the Army. Secretary of the Army Louis Caldera recently pledged to Congress that the Army is conducting this review, and he has agreed to review personally all of the material in this case.

Mr. President, if an injustice was done to Theodore Roosevelt in withholding the Medal of Honor, it should be corrected. But the legislation we are passing today is advisory and not directive. Before the President reaches a final decision on whether to award the Medal of Honor to Theodore Roosevelt, our letter to the President makes clear the congressional intent that he should consult with the Secretary of the Army.

Mr. CONRAD. Mr. President, I am pleased to rise in support of H.R. 2263, legislation that encourages the posthumous award of the Medal of Honor to Theodore Roosevelt.

The courage demonstrated by Col. Theodore Roosevelt as he led the First US Volunteer Cavalry in an attack on San Juan Heights, Cuba, has rightly become a part of American folklore. That day, on July 1, 1898, in one of the most famous military actions in our nation's history, Roosevelt showed why he is rightly regarded as an American hero.

Roosevelt had every reason to expect to be awarded the Medal of Honor. Award of this most prestigious medal to ''TR'' was recommended by his commanding general.

Unfortunately, political considerations at the time stood in the way. As Roosevelt's great grandson, Tweed Roosevelt, testified before Congress last month, however, TR did not take the occasion of his assumption of the presidency to retaliate against those who had denied him an award he clearly deserved. The same character he showed in battle during the Spanish-American War continued to be evident once Roosevelt reached the pinnacle of power in the United States.

Fortunately, today the Senate is taking legislative action that will allow this injustice to be corrected. One century after TR and his Roughriders

charged up San Juan Heights, the Senate stands ready to pass legislation that would authorize and request that the Medal of Honor be awarded posthumously to Theodore Roosevelt. I was pleased to work with the distinguished leadership of the Senate Armed Services Committee on this matter, and thank them for their good work.

As those of my colleagues who have studied Roosevelt's life are aware, my state has a special connection with Theodore Roosevelt. TR liked to say that the years he spent in the Badlands of North Dakota were the best of his life. Today, Theodore Roosevelt National Park stands as an enduring reminder of TR's love for North Dakota and the profound impact that my state had on this remarkable American.

As a North Dakotan and an American, I am pleased that the life and ideas of Theodore Roosevelt are receiving renewed attention. TR's ruggedness, patriotism, optimism, and spirit reflect what is best about our country. He also articulated a vision of America that remains compelling today, and merits a new look. Teddy Roosevelt called for maintaining a strong national defense, protecting our environmental treasures, encouraging entrepreneurship, and, by broadening access to education and health care, ensuring that every American has a viable shot at realizing their dreams. This is a vision we all would do well to pursue.

Again, Mr. President, I want to thank my colleagues for their support of the legislation before us today, and congratulate the Armed Services Committee for its leadership in seeing that an historical wrong can be righted before the end of this session of Congress. Theodore Roosevelt was a great American who displayed remarkable courage in battle. It is good to know that the bill we will pass today will help get him the recognition he deserves.

Mr. President, I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I rise to indicate my strong support for this bill. It is my sincere conviction that we are today making right a historic wrong. One hundred years ago, Theodore Roosevelt was denied the Congressional Medal of Honor simply because he attempted to force the War Department to return sick veterans of the Spanish-American War to their homes in the United States. In so doing, he embarrassed a political rival, who it just so happened was also the Secretary of War. As a result, despite the unanimous recommendation of his uniformed superiors, his political superior denied him the nation's highest military honor.

On July 1, 1898, Colonel Theodore Roosevelt, commander of the 1st U.S. Volunteer Cavalry Regiment—the famed ''Rough Riders''—was just 39 years of age. He had resigned his position as Assistant Secretary of the Navy so that he could help organize the regiment. American forces, battling both the Spanish and the Cuban jungle, prepared to storm San Juan Hill and the heights surrounding the strategic port city of Santiago, Cuba. within the protected walls surrounding the port of Santiago sat the Spanish fleet, which had to be neutralized if the United States was to win the war.

The American attack against Kettle Hill and San Juan Hill was pinned down immediately by the merciless fire of the Spanish forces entrenched on the heights above. According to one participant, ''the situation was desperate. Our troops could not retreat as the trail for two miles behind them was wedged with men. They could not remain where they were for they were being shot to pieces. . .'' U.S. forces still hunkered down at the foot of the hill were unable to return fire.

After long delay, Roosevelt received orders to advance. With Roosevelt at their lead, the Rough Riders advanced to the front of the American line. Determined to rally the American forces to victory, Roosevelt shouted: ''If you don't want to go forward, let my men pass.'' Roosevelt dared and goaded men in the rear forward until they crowded the ones in front of them. The whole line, tired of waiting and eager to close with the enemy, was straining to go forward.

Leading the charge up the hill, Roosevelt waved his hat and went up the hill with a rush. With Roosevelt in the lead, thee American forces reached the summit of Kettle Hill and swept aside the last of the Spanish defenders. Without hesitating, Roosevelt directed his men to fire against the Spanish defenders on nearby San Juan Hill, where another American force was advancing in the face of heavy fire. Rallying his forces, Roosevelt leapt forward advancing into the valley between Kettle Hill and San Juan Hill. In his excitement to charge the Spanish position, Roosevelt soon realized instead of the entire regiment following him, only five other men had joined him in the charge.

Roosevelt then proceeded to run back to Kettle Hill, where he angrily yelled at the regiment to follow him. The Rough Riders responded by shouting: ''We didn't see you go! Lead on and we will follow!'' Lead he did. Once again, Roosevelt, this time with the Rough Riders behind, rushed up San Juan Hill for a second time. Once again, Roosevelt led his men into the Spanish line on the top of the height. Roosevelt then succeeded in organizing and leading the defense of the heights throughout the night. Out of four hundred men in the regiment, 86 had been killed or wounded, six were missing and another 40 were struck with heat exhaustion.

Military experts, historians, and everyone who had witnessed both the charge up Kettle Hill and San Juan Hill agreed that they had occurred and succeeded because of the man who had led them. For his actions, Colonel Leonard Wood, 1st U.S. volunteer Cavalry, recommended Roosevelt for the Congressional Medal of Honor. The recommendation received endorsement throughout the chain of command.

After the cessation of hostilities, the American forces remaining on Cuba, including the rough riders, were ravaged by malaria and fever. The commanders on Cuba, including Roosevelt and Leonard Wood, pleaded with the War Department, to bring the men home. But Secretary of War Alger, who believed the troops were infected with yellow fever, wished to delay their return until the disease had run its course. Fearing that the continued stay of the troops on the island would result in the death of thousands, Roosevelt, with the support of the other commanders on the island, drafted a letter demanding that the troops be brought back home lest thousands die in Cuba.

The letter was published in the press, and was a great embarrassment to President McKinley and Secretary of War Alger. Although subsequently Roosevelt received credit for bringing the troops home, Alger rejected the recommendation of Roosevelt's superiors that he be awarded the Medal of Honor for his actions. Roosevelt's wife would later write that Alger's rejection of Roosevelt's recommendation for the Medal of Honor ''was one of the bitterest disappointments of his life.''

I will admit that I approached the prospect of legislating the nation's highest military award for valor with some concern. However, my review of the facts of this case have convinced me that Teddy Roosevelt earned the Medal of Honor on the battlefield, only to see it denied for political reasons. I am pleased, one hundred years later, to be a part of correcting this injustice today.

Mr. LOTT. Mr. President, I commend Congressman MCHALE and a number of House Members that took the time and stayed committed to this until we did get it accomplished. From what I have learned about it, it is the right thing to do.

Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 2263) was considered read the third time, and passed.

VETERANS BENEFITS IMPROVEMENT ACT OF 1998

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 4110) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives: