In doing so, we not only save lives, we also save the billions of dollars that these accidents cost the economy each year in terms of property damage and lost productivity, as well as the health care costs—and they are often long-term—associated with these tragedies.

I believe it is necessary to point out, Mr. President, that it will require a two-step process for us to get increased highway construction funding, as well as highway safety funding to our States. This appropriations bill is the first step, but it will be equally essential for us to pass the surface transportation authorization bill in the very near future. Our major Federal highway construction, highway safety, and mass transit programs are set to expire in less than 10 weeks' time. As has been the usual convention, the annual appropriations bill sets an obligation limitation on these highway construction, highway safety, and mass transit programs.

But it is the responsibility of the authorizing committees—the Committees on Environment and Public Works and Commerce and Banking—to provide the necessary contract authority so that these programs will continue beyond September 30. I know it has been the stated desire of the majority leader to bring such an authorization bill before the Senate as soon as possible. And I am one of many Senators who anxiously await an opportunity to debate a new surface transportation authorization bill on the Senate floor.

Mr. President, I commend Senator SHELBY for his excellent work in his first year as chairman of the Transportation Subcommittee. He held a thorough and informative set of hearings at the beginning of the year. I was pleased to have had the opportunity to participate in some of them. And I also commend Senator LAUTENBERG, the ranking member of the Transportation Subcommittee, who, as ranking member of the Budget Committee, toiled diligently to ensure that the budget resolution treated transportation as an important budget priority for the coming year.

Senator SHELBY and Senator LAUTENBERG have continued to act in the cooperative bipartisan fashion that has always characterized the workings of the Transportation Subcommittee.

Mr. President, these Senators, who act as managers of a bill as important as this is, put an immense amount of time into their work. They conduct thorough hearings. They work with able staff. They conduct markups on the bill at the subcommittee level, and the bill is generally approved by the Appropriations Committee. The bill has usually emanated from the subcommittee, and seldom does the full committee make changes in those subcommittee actions that go into the formulation of the bill.

I know that Senator SHELBY has worked hard, and he has done a good job, as did Senator LAUTENBERG when he was chairman of the Transportation Subcommittee. They are both highly dedicated to their work, and they are both very well respected. And I want to commend both of these Senators. They are working in the best interests of the Nation. They are working in the best interests of the States that make up the Nation. And they are working in the best interests of the future and the people who will depend upon adequate modes of transportation today and in the future.

I also want to thank the Presiding Officer. I note that he listens to what Senators are saying. And that is important. He is alert to what is going on, on the floor. He is alert to what is being said. He is not working crossword puzzles. He is not signing his mail. He is not reading a book. He is busily engaged in the business of presiding. So I compliment all of these whose names I have mentioned.

As I think of the work that is done by Senator SHELBY and Senator LAUTENBERG, I used to be the chairman of the Transportation Appropriations Subcommittee a good many years ago. I was instrumental years ago in helping to get the first appropriations for the metropolitan transit system here. That was before most Senators were Members of this body. But I saw the need for a transportation system in the District of Columbia to serve the metropolitan area, and I supported mass transit throughout the years. When I was chairman of the full committee, I did not come to bury mass transit. I came to praise mass transit and to save mass transit and to help mass transit. I am sorry to say that I have not been accorded the same reciprocity toward highways, especially from some of the Members of the other body. I don't mention names because that is against the Senate rules.

But we are all working for the Nation. And when we work to improve the transportation of the Nation, we work to build the Nation's prosperity. We work for the increased safety of those who travel, and we work for the young men and women who will be the leaders of the Nation in years to come.

It reminds me of a bit of verse by Will Dromgoole. One might think that that author was a man. The name is Will, but it was a woman.

An old man traveling a long highway
Came at evening, cold and gray
To a chasm vast and wide and steep,
With waters rolling cold and deep.
The old man crossed in the twilight dim;
The sullen stream held no fears for him.
But he turned, when he reached the other side.
And he built a bridge to span the tide.

''Old man,'' said a fellow pilgrim standing near.
''You are wasting your strength in building here.
Your journey will end with the passing day,
And you never again will travel this way.
You have crossed the chasm deep and wide;
Why build you a bridge at eventide?''

The builder lifted his old gray head.
''Good friend, in the path I have come,'' he said,
''There followeth after me today
A youth whose feet must pass this way.
This chasm, which was but naught to me,
To that fair youth might a pitfall be.
He, too, must cross in the twilight dim.
Good friend, I am building this bridge for him.''

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent I be allowed to speak as if in morning business.

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

U.S. STATE OF READINESS

Mr. INHOFE. Mr. President, I saw a very interesting article in Friday's Washington Times that has brought to surface the truth that is so often avoided around here concerning our state of readiness in our Nation' defense system.

As the chairman of the readiness subcommittee of the Senate Armed Services Committee, I have had occasion to visit many, many of the installations around the country. I have been in the European theater, most of the installations in England, Italy, Hungary, and, of course, several times to Bosnia, Camp Lejeune Marine Corps Base; Fort Hood, TX; Fort Bragg, NC; Corpus Christi Navy Air Base, and several others. What I am finding is that there are very serious problems they are facing.

Mr. President, I know you are aware, as chairman of the personnel subcommittee, of some of these problems and how they are affecting our state of readiness. One of the contributing factors, of course, is our contingency operations. We have two serious problems with contingency operations. First of all, they are very expensive. We had occasion to narrowly lose our resolution of disapproval in order to keep our troops from being sent over to Bosnia here back in December 1995—only by four votes. And one of the determining factors was they said it would be a 12-month operation, which we all knew better, but they also said that the cost of the operation would not exceed $2 billion, it would be somewhere between $1.5 and $2 billion. At that time we felt, with mission creep and the fact it was easy to go in and very difficult to come out, that it would cost more.

Well, sure enough. We are up there now, close to $7 billion it is going to cost us.

Where does that money come from, Mr. President? It comes from our readiness accounts. This has become a very serious problem.

The other problem is that it is using up our troops, keeping them from being

able to be trained properly should an emergency come along, should some type of war operation become necessary to face. I have been going around, and they have been bringing out problems such as equipment is wearing out well before its projected lifetime, excessive usage of spare parts, pushing our people so hard they no longer have time to train. At almost every unit I saw maintenance personnel cannibalizing perfectly good, new equipment to keep other equipment working, which may solve the problem for today but it is very labor intensive by the time they get the machines working again.

An Air Force maintenance officer told me, ''Our lack of spares has caused us to cannibalize perfectly good engines to keep others operating, requiring my maintenance troops to work even more hours to keep our planes flying. Our normal workweek is now 50 to 56 hours a week.''

With regard to OPTEMPO—when we talk about OPTEMPO, we are talking about the tempo of operations—an F–18 squadron commander told me, ''The high OPTEMPO at which our personnel are operating is definitely causing a strain on our people's families and the strain also affects my pilots' job performance.''

We know our retention is low. In my State of Oklahoma, we will spend—we actually save $86,000 a primary student. That is the savings. Imagine what it costs to put someone in training. Right now the airlines are coming along and taking some of our very best. And the ones I talked to, Mr. President, do not want to leave. They want to stay in. They are soldiers, they are fighters, but they have to do it. And their family situation is demanding that they do.

An Air Force F–16 squadron commander said, ''The number of days we fly to support Bosnia doesn't leave us with enough time to train. The only areas where we get training from our Bosnia missions is in reconnaissance and close air support. The rest of our training areas are suffering.''

This goes on and on. An Air Force C–130 squadron commander told how they are now up to 160 days in their TDY as opposed to their goal of 120.

Now, what does this do? It is quite obvious. When you talk to the services, you give them choices. You say, well, if you are going to have to take money to put in these contingency operations, it is going to either have to come out of force strength, readiness, quality of life, or modernization. Those are the only four areas over which we have control. And I can tell you that each one of the chiefs has said we cannot take any more money out of any of these areas.

Now, there is an assumption around here that somehow we have a state of readiness that would allow America to protect itself in two regional contingencies. I can tell you right now that this is not the case. In fact, it has been stated by most of the chiefs now that we could not fight today the Persian Gulf war.

I will just read a couple excerpts from the article that came out Friday morning. It is the first time I have seen it in print. It was in the Washington Times Friday morning. It said, ''The Air Force is suffering from pilots who have lost faith in their generals, jet engines that still don't work after repairs, and maintenance depots with little quality of work being produced. Pilots complain of poorly equipped fighter wings, too much time away from their families, and air patrol types of missions that do little to hone their air combat skills.'' And it goes on and on.

Mr. President, I ask unanimous consent that at the conclusion of my remarks the article of Friday morning be printed in the RECORD.

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

(See exhibit 1.)

Mr. INHOFE. In conclusion, Mr. President, right now I think we are facing a very serious threat. I know there are people in this Chamber who would like to believe that the cold war is over and that there is no longer any real serious threat out there when, in fact, as I have said several times before, I am not the only one who looks back wistfully at the days of the cold war; at least then we had two superpowers and we had an idea of what the Soviet Union at that time had. We could predict what they were going to do. They have a more predictable type of personality. Our intelligence knew more about what their capabilities were. Today we have 25 or 30 nations out there, run by the type of people who murder their own grandchildren, and here we are in a position where we could very easily be challenged in two geographic areas.

So, Mr. President, I hope as we progress here and as we follow through the rest of the year we can change some of the attitudes in this Chamber and over in the other Chamber and in the White House as concerns our ability to defend America.

EXHIBIT 1

AIR FORCE LEADERS LOSE PILOTS' FAITH—PENTAGON MEMO DETAILS LOW MORALE, SHODDY WORK

(By Rowan Scarborough)

The Air Force is suffering from pilots who have lost faith in their generals, jet engines that still don't work after repairs and maintenance depots with ''little quality or quantity of work being produced,'' according to an internal Defense Department memorandum.

The draft memo, a copy of which was obtained by the Washington Times, paints a troubling picture of the state of American air power.

It says Air Force pilots are in the dumps, fleeing the service at a rate higher than aviators in the Army, Navy or Marines.

''Many pilots expressed great distrust of the senior leadership,'' said the memo prepared for Louis Finch, deputy undersecretary of defense for readiness. The memo calls the Air Force cadre of instructor pilots ''a very disgruntled group.''

The memo didn't spell out why the senior leadership, including Air Force Secretary Shelia Widnall and Gen. Ronald Engleman, the chief of staff, has failed in the eyes of pilots.

But the service has been hit by a series of public-relations disasters, including the Khobar Towers terrorist bombing that killed 19 service members and the attempted court-martial of Lt. Kelly Flinn. Pilots complain of poorly equipped fighter wings, too much time away from their families and air patrol-type missions that do little to hone air-combat skills.

''Discussions with fighter pilots reveal a great deal of dissatisfaction with the ongoing deployments,'' the memo says. ''There is no training, they are not doing what they are trained to do, they are simply 'boring holes in the sky.' Combining this lack of mission satisfaction with increased airline hiring makes civilian life much more attractive.''

In what should be a troubling finding for safety officials, the memo states that nearly two-thirds (65 percent) of engines for the giant C–5 cargo jet are returning from repair shops still malfunctioning.

It says two major depots in California and Texas are caught up in the battle between Congress and President Clinton over whether they should stay open. A nonpartisan base-closure commission recommended closing the air-logistics centers in Sacramento, Calif., and San Antonio and transferring the work elsewhere.

But last year Mr. Clinton, making what critics say was a political decision to garner votes in two large states, said the bases would be handed over to civilian companies.

Said the Pentagon memo, ''Due to the ongoing political contest regarding privatization, there is little quality or quantity of work being produced. Both workers and plants are underutilized. Further, the operational units are not satisfied with the products received from the depots.''

It is the San Antonio depot that is sending out malfunctioning C–5 jet engines, the memo states. ''Currently, there is a 65 percent reject rate of the engines coming back from [San Antonio],'' it states. ''The quality is getting better though.''

Dated yesterday, the memo seems to bolster complaints from pro-defense conservatives in Congress. They contend the Clinton administration is underfunding the armed forces at the same time it deploys troops at a high rate around the world.

Robert Maginnis, a retired Army lieutenant colonel, said the report shows the negative effects of cutting defense spending by more than 30 percent the past five years.

''The sad state of Air Force readiness can be blamed on the Clinton administration, which treats the military as a toy to be deployed for meals-on-wheels-type missions without due consideration for its impact on readiness,'' said Mr. Maginnis, an analyst at the conservative Family Research Council.

''Depots are caught in never-never land between privatization, base closures and status quo,'' he said. ''The results are devastating.''

Maj. Monica Aloisio, a Pentagon spokeswoman, said the memo is a ''trip report'' periodically done on all four branches. The Pentagon readiness office uses such reports in making budget recommendations.

The Air Force declined comment, saying the report is still in draft form.

The report was based on site visits by defense officials in June to warplane squadrons, repair depots, the Air Force entry-level pilot school and an air-refueling unit.

It draws a particularly negative portrait of pilot morale at the Air Education and Training Command at Randolph Air Force Base, Texas.

The inspection report calls Randolph a ''poor training ground for future pilots.''

''The instructor pilots at Randolph are sick of high 'OPTEMPO' [operational tempo],'' says the memo. ''Most said that they came to Randolph as a three-year break from being gone from home too much on deployment. Most of the pilots also said that they will be getting out of the Air Force as soon as their commitment is over.

''The pilots liked the quality of the mid-level leadership, but totally disliked their senior leadership. They stated that they did not trust senior leadership and that things are getting worse. In general they felt they were lied to, betrayed and treated very poorly.''

Officers at the 940th Air Refueling Squadron complained of excessive training.

''Everyone complained that the number of days of mandatory training per year should be capped and purged of everything that is not mission essential or job critical,'' the memo said. ''All of the politically correct, brainwashing, propaganda and white laboratory mouse training should be purged from the curriculum.''

Mr. INHOFE. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for about 5 minutes as in morning business.

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

Mr. WELLSTONE. I thank the Chair and thank my colleague from West Virginia.

The PRESIDING OFFICER. The Senator from Minnesota.

THE BUDGET AGREEMENT

Mr. WELLSTONE. Mr. President, just a few thoughts about the budget agreement. There is still a lot of drafting going on, so to a certain extent I think all of us are at a little bit of a disadvantage in that we have not seen all of the specifics, but I would like to raise a couple of questions about this agreement, and I raise these questions given what I think is the important standard of fairness.

First of all, I hope that all Senators, Democrats and Republicans, will have before them the distributional data, that is to say some understanding as to who will benefit from these tax cuts, before we are asked to vote on the tax-cut part of this bill. It seems to me this is kind of a prerequisite for good public policy. I remain very skeptical that, indeed, these tax cuts, when you look at who is really going to benefit with each passing year, will not disproportionately go to those people who are least in need of any assistance. At the same time, I see a tradeoff that seems quite unacceptable. Every single time it looks like low-income and moderate-income families get the short end of the stick. I think we should set the bar at a higher level, and I think those families should count. Let me just give but a couple of examples.

Mr. President, the child credit, we are now hearing from the White House, will go to families with incomes under $30,000 a year or under $28,000 a year, the argument being that, indeed, these families pay Social Security taxes and they should receive a child credit as well as those families with incomes over $30,000 a year. But, as it turns out, families with incomes under $16,000 a year are not going to receive any child care credit. I have had a chance to travel some around the country and visit with poor children, visit with low-income families. I don't understand how in the world we could be talking about fairness if, in fact, those families are not going to receive any of the child care credits, those families most in need.

Another example is on the higher education piece. I have said this over and over again, and I hope I am wrong, but I don't think I am. I was a teacher for 20 years. I spent a lot of time at the community colleges. Mr. President, if the tax credits are not refundable, then those students or those families with incomes under $28,000 a year or $27,000 a year, that are not going to have any tax liability, they are not going to receive any of the assistance. So when it comes to those students who have been least able to afford higher education, they are still going to be waiting for some of this assistance.

Add to that some of the concerns that I think all of us have to have about the cuts or reductions in payment in Medicare and medical assistance, in particular those of us—and I come from such a State—where we have strong rural communities. We have to worry about the negative impact this is going to have on rural health care providers. If we don't have hospitals or clinics, then we are not able to deliver the care out in our communities. We have to have concerns about the disproportionate effect this is going to have on our children's hospitals and public hospitals that have received a disproportionate amount of medical assistance because they serve a disproportionate number of low-income and moderate-income people.

So, the question really becomes: Where is the standard of fairness if the tax cuts still, in the main, go to the very top of the economic population and at the same time the benefits don't go to many, many hard-pressed families? We have not invested, in this budget agreement, one penny in rebuilding crumbling schools. As it turns out, families with incomes under $16,000, with children, receive no help by way of the child credit. Those students from families with incomes $23,000, $24,000, $25,000 a year are not going to benefit from the Hope scholarship unless it's a refundable tax credit. We are not investing in the schools, and at the same time we don't even have the distributional data on who exactly is going to benefit from these tax cuts.

So I count myself as a skeptical Senator. And if I was going to be voting today, I would vote against this package. I do not think it meets the Minnesota standard of fairness. I think we should do better.

Mr. President, I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, what is the pending business before the Senate?

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The pending business of the Senate is to resume consideration of Senate bill 1022.

The Senate continued with the consideration of the bill.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 995

Mr. GREGG. Mr. President, I ask unanimous consent that the yeas and nays on the Kyl amendment No. 995 be vitiated.

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

Mr. ABRAHAM. Mr. President, I rise in support of the amendment of my friend from Arizona.

As a preliminary matter, I should say that I would have hoped that this amendment would not be necessary. I do not believe there is any real difficulty in reconciling the provision from last year's omnibus appropriations bill prohibiting the use of judiciary's funds to pay for special masters appointed pre-PLRA with the PLRA's requirement that masters be paid only with such funds. I believe this can easily be done without violating the intent of the PLRA's authors, including my friend from Arizona and myself, that the PLRA's compensation and other requirements be applied to pre-PLRA masters.

The way to reconcile them is clear: the court can either proceed without a special master, or it can appoint a new one—or reappoint an old one—in the manner specified by the PLRA, thereby making the master eligible for payment under the terms of last year's rider. Indeed, in a discussion at the end of the last Congress, the distinguished chairman of the CSJ Appropriations Subcommittee and I agreed that this was the intended interpretation of the appropriations provision.