

Mr. President, I very much appreciate the managers of this bill allowing me to speak on this issue which I feel very strongly about, and I hope the international community will join with us in educating and stopping this brutality of 6,000 girls each day.

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Mexico.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, Senator GRASSLEY wants to speak as in morning business. But before we do that, we would like to adopt the Coats amendment to this bill at this time.

AMENDMENT NO. 5092

Mr. DOMENICI. Mr. President, we have no objection on our side to adopting the Coats amendment, and there is no objection on the Democratic side.

The PRESIDING OFFICER. Is there objection to the amendment by the Senator from Indiana?

Mr. COATS. Mr. President, I ask unanimous consent that Senator ROBB be added as a cosponsor.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5092) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. DOMENICI. I ask unanimous consent that Senator GRASSLEY be permitted to speak up to 10 minutes as in morning business.

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

Mr. GRASSLEY. Mr. President, I do not think I will use all that time.

MARINE CORPS GENERALS

Mr. GRASSLEY. Mr. President, I want to speak about something that is in conference now between the House and Senate on the fiscal year 1997 defense authorization bill, something I spoke about several times on the floor of this body before. I think I have some new information. In fact, I do have some new information that I was not able to use in the last debate.

This information has a direct bearing on the Marine Corps request for 12 more generals that is a bone of contention in the conference between the House and the Senate—the Senate supporting it, the House, thus far, in their deliberations on the other side being opposed to increasing the number of Marine Corps generals.

I did not have this particular piece of information when I addressed this matter on the floor on June 26 and again on July 17. I spoke on the extra Marine Corps generals during consideration of both the fiscal year 1997 defense authorization bill and the defense appropriations bill. In fact, I offered an amendment to block the Marine Corps request for more generals, but I failed.

These missing documents would have greatly strengthened my case. I want to thank Washington Post writer Mr. Walter Pincus for his alerting me to the fact that these documents existed. I am not talking about some purloined Pentagon documents either.

I am referring to the legislative history behind the current ceiling on general officer strength levels. First, there is section 811 of Public Law 95-79 enacted in July 1977. That established a ceiling of 1,073 general officers after October 1, 1980.

Second, there is section 526 of title X of the United States Code, and this happens to be current law. Section 526 placed a ceiling on the number of general and flag officers serving on active duty at 865 after October 1, 1995.

Mr. President, I ask unanimous consent to have these two sections of the law printed in the RECORD, along with other relevant materials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 95-79 [H.R. 5970]; JULY 30, 1977—
DEPARTMENT OF DEFENSE APPROPRIATION
AUTHORIZATION ACT, 1978

* * * * *

SEC. 811. (a)(1) The total number of commissioned officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel, and on active duty in the Navy above the grade of captain, may not exceed 1,073 after October 1, 1980, and the total number of civilian employees of the Department of Defense in grades GS-13 through GS-18, including positions authorized under section 1581 of title 10, United States Code, shall be reduced during the fiscal year beginning October 1, 1977, by the same percentage as the number of officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel and on active duty in the Navy above the grade of captain is reduced below 1,141 during such fiscal year, and during the fiscal years beginning October 1, 1978, and October 1, 1979, by a percentage equal to the percentage by which the number of commissioned officers on active duty in the Army, Marine Corps, and Air Force above the grade of colonel and on active duty in the Navy above the grade of captain is reduced during such fiscal year below the total number of such officers on active duty on October 1, 1978, and October 1, 1979, respectively.

(2) On and after October 1, 1980, the total number of civilian employees of the Department of Defense in the grades and positions described in paragraph (1) may not exceed the number employed in such grades and positions on the date of enactment of this subsection reduced as provided in paragraph (1).

(3) In time of war, or of national emergency declared by Congress, the President may suspend the operation of paragraphs (1) and (2).

(b)(1) Subsection (b) of section 5231 of title 10, United States Code, is amended to read as follows:

“(b) The number of officers serving in the grades of admiral and vice admiral under subsection (a) of this section and section 5081 of this title may not be more than 15 percent of the number of officers on the active list of the Navy above the grade of captain. Of the number of officers that may serve in the grades of admiral and vice admiral, as determined under this subsection, not more than 25 percent may serve in the grade of admiral.”

(2) Such section 5231 is further amended—
(A) by striking out subsection (c):

(B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(C) by striking out “numbers authorized under subsections (b) and (c)” in subsections (c) and (d) (as redesignated by subparagraph (B)) and inserting in lieu thereof “number authorized for that grade under subsection (b)”.

(3) Subsection (b) of section 5232 of title 10, United States Code, is amended to read as follows:

“(b) The number of officers serving in the grades of general and lieutenant general may not be more than 15 percent of the number of officers on the active list of the Marine Corps above the grade of colonel.”

(4) The second sentence of subsection (c) of such section is amended by striking out the period and inserting in lieu thereof a comma and the following: “and while in that grade he is in addition to the number authorized for that grade under subsection (b) of this section.”

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1978—CONFERENCE REPORT

Reductions in Certain Military and Civilian Positions in the Department of Defense

The Senate amendment to the House bill (sec. 302) provided for a reduction in the number of general officers and admirals by 23 below planned levels in fiscal year 1978 and an additional reduction of 47 in fiscal year 1979 to an authorized level of 1,071 and also provided for an alteration of the statutory provisions governing admirals in the Navy and generals in the Marine Corps to place them in a similar position to the Army and the Air Force when the national emergency provisions lapse. The Senate amendment (sec. 502) also provided for a reduction in the number of civilians in General Schedule grades GS-12 through 18, or equivalent, by 2 percent in fiscal year 1978 and by the same proportionate reduction as applied to generals and admirals for fiscal year 1979.

The House bill contained no such provisions.

The conferees agreed to reduce the authorized levels of generals and admirals to 1,073 over a 3-year period beginning with fiscal year 1978 and to apply a reduction to Defense civilian employees in General Schedule grades GS-13 through 18, or equivalent, by the same proportionate amount over the same period. The conferees feel strongly that the reductions in the numbers of top-ranking military personnel should be coupled with a concurrent reduction in the numbers in the top six Defense civilian grade levels. For this reason, Sections 302 and 502 of the Senate amendment have been combined and set out as a separate provision (sec. 811) in the general provisions of the conference report. The conferees also agree that all civilian reductions shall be accomplished through attrition. The conferees concluded that a technical correction of the Senate provision was required to achieve consistency between statutory provisions affecting admirals and Marine Corps generals and the general officers of the other services.

The conferees agree on the need for a process to enable Congress and the Department of Defense to develop criteria for an ongoing review of the number of general officers and directs the Secretary of Defense to submit a report with the fiscal year 1979 military authorization request on the required numbers of general officers as well as any justification for deferring the proposed military and civilian reductions in whole or part.

The House recedes with an amendment.

AUTHORIZING APPROPRIATIONS FOR FISCAL YEAR 1978 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, ACTIVE DUTY, SELECTED RESERVE, AND CIVILIAN PERSONNEL STRENGTHS, CIVIL DEFENSE, AND FOR OTHER PURPOSES—SENATE REPORT 95-129

* * * * *

Sec. 302: Committee Amendment Reducing the Number of Generals and Admirals

For fiscal year 1977, the Department of Defense plans to have 1,165 generals or admirals—one flag officer for every 1,800 active military members. This number is in sharp contrast to 1968 when during the Vietnam war, there was one general officer for every 2,600 military members and to the peacetime 1964 level when there was one general for every 2,100 military members. The Department of Defense proposed to reduce the number of flag officers by 24 in fiscal year 1978. The committee adopted an amendment to reduce this number by an additional 23 in fiscal year 1978 and by 47 in fiscal year 1979. Since the services have undertaken different levels of effort to reduce flag officers, the amendment gives the President the authority to apportion the total number of flag officers rather than applying a uniform reduction for each service.

The purpose of this amendment is to begin a process to enable Congress and the Department of Defense to develop criteria for an ongoing review of the number of officers at this level. The committee requests the Secretary of Defense to submit a report with the fiscal year 1979 military authorization request on the required numbers of general officers including any justification for deferring the proposed reductions in whole or part.

Within the total number of general officers authorized, the Army and Air Force are restricted to having no more than 15 percent of the total number of generals at the grades of lieutenant general and general and no more than 25 percent of the general officers at these two grades can be at the grade of general. However, except in time of war or emergency, certain specific numbers are included in law for the Navy and Marine Corps: 26 vice admirals and four admirals for the Navy, and two generals for the Marine Corps. In addition, the Marines are restricted to a number of lieutenant generals and generals total number of officers at the grades of lieutenant general and no more than 10 percent of the number of general officers. These provisions for the Navy and Marine Corps have been suspended by the President under national emergency authority which is expiring. The committee feels the distribution of general officer authorizations by grade should be consistent and has included provisions in the amendment to make the restrictions for the Navy and Marine Corps consistent with those for the Army and Air Force.

UNITED STATES CODE, TITLE X

* * * * *

§ 526. Authorized strength: general and flag officers on active duty

(a) LIMITATIONS.—The number of general officers on active duty in the Army, Air Force, and Marine Corps, and the number of

flag officers on active duty in the Navy, may not exceed the number specified for the armed force concerned as follows:

(1) For the Army, 386 before October 1, 1995, and 302 on and after that date.

(2) For the Navy, 250 before October 1, 1995, and 216 on and after that date.

(3) For the Air Force, 326 before October 1, 1995, and 279 on and after that date.

(4) For the Marine Corps, 68.

(b) TRANSFER BETWEEN SERVICES.—During the period before October 1, 1995, the Secretary of Defense may increase the number of general officers on active duty in the Army, Air Force, or Marine Corps, or the number of flag officers on active duty in the Navy, above the applicable number specified in subsection (a) by a total of not more than five. Whenever any such increase is made, the Secretary shall make a corresponding reduction in the number of such officers that may serve on active duty in general or flag officer grades in one of the other armed forces.

(c) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Chairman of the Joint Chiefs of Staff may designate up to 12 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion from the limitations in subsection (a) that are applicable on and after October 1, 1995. Officers in positions so designated shall not be counted for the purposes of those limitations.

(2) This subsection shall cease to be effective on October 1, 1998.

(d) NOTICE TO CONGRESS UPON CHANGE IN GRADE FOR CERTAIN POSITIONS.—(1) Not later than 60 days before an action specified in paragraph (2) may become effective, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing notice of the intended action and an analytically based justification for the intended action.

(2) Paragraph (1) applies in the case of the following actions:

(A) A change in the grade authorized as of July 1, 1994, for a general officer position in the National Guard Bureau, a general or flag officer position in the Office of a Chief of a reserve component, or a general or flag officer position in the headquarters of a reserve component command.

(B) Assignment of a reserve component officer to a general officer position in the National Guard Bureau, to a general or flag officer position in the Office of a Chief of a reserve component, or a general or flag officer position in the headquarters of a reserve component command in a grade other than the grade authorized for that position as of July 1, 1994.

(C) Assignment of an officer other than a general or flag officer as the military executive to the Reserve Forces Policy Board.

(e) EXCLUSION OF CERTAIN OFFICERS.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for training or who is on active duty under a call or order specifying a period of less than 180 days.

(Added Pub. L. 100-370, §1(b)(1)(B), July 19, 1988, 102 Stat. 840, and amended Pub. L. 101-510, Div. A, Title IV, §403(a), Nov. 5, 1990, 104 Stat. 1545; Pub. L. 102-484, Div. A, Title IV, §403, Oct. 23, 1992, 106 Stat. 2398; Pub. L. 103-337, Div. A, Title IV, §404, Title V, §512, Oct. 5, 1994, 108 Stat. 2744, 2752.)

HISTORICAL AND STATUTORY NOTES

Prior Provisions

A prior section 526 was renumbered section 527 of this title by Pub. L. 100-370.

1994 Amendments

Subsec. (a)(4). Pub. L. 103-337, §404, struck out "before October 1, 1995 and 61 on and after that date" after "Corps, 68".

Subsecs. (d), (e). Pub. L. 103-337, §512, added subsecs. (d) and (e).

1992 Amendments

Subsec. (b). Pub. L. 102-484, §403(b), inserted a subsec. (b) heading: "Transfer between services".

Subsec. (c). Pub. L. 102-484, §403(a), added subsec. (c).

1990 Amendment

Pub. L. 101-510, §403(a), designated existing text as subsec. (a) and as so designated, inserted subsection heading and substituted provisions setting forth limitations in authorized strength for the Army, Navy, Air Force and Marine Corps, beginning in Oct. 1995, set out in pars (1)-(4) for provisions limiting authorized strength to 1,073 officers, made minor changes in text and added subsec. (b).

Change of Name

Any reference in any provision of law enacted before Jan. 4, 1995, to the Committee on Armed Services of the House of Representatives treated as referring to the Committee on National Security of the House of Representatives, see section 1(a)(1) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

Effective Date of 1990 Amendment

Section 403(a) of Pub. L. 101-510 provided that the amendment made by this section is effective Sept. 30, 1991.

Savings Provisions

Reference to law replaced by Pub. L. 100-370 to refer to corresponding provision enacted by such public law; regulation, rule, or order in effect under law so replaced to continue in effect under provision enacted until repealed, amended, or superseded; and action taken or offense committed under law replaced treated as taken or committed under provision enacted, see section 4 of Pub. L. 100-370, set out as a note under section 101 of this title.

Legislative History

For legislative history and purpose of Pub. L. 100-370, see 1988 U.S. Code Cong. and Adm. News, p. 1077. See, also, Pub. L. 101-510, 1990 U.S. Code Cong. and Adm. News, p. 2931; Pub. L. 102-484, 1992, U.S. Code Cong. and Adm. News, p. 1636; Pub. L. 103-337, 1994 U.S. Code Cong. and Adm. News, p. 2091.

CROSS REFERENCES

Reserve general and flag officers in an active status strength and grade exclusively from counts under this section, see 10 USCA §12004.

Mr. GRASSLEY. In 1990, the Armed Services Committee decided there were too many generals. The number needed to be reduced. The committee cut the number of generals from 1,073 in 1990 down to 858 by 1995. That is a reduction of 20 percent or, more specifically, 215 generals in total over a 5-year period of time.

Mr. President, how did this come about? What is the reasoning behind the reduction? By answering these questions, I hope to help my colleagues understand why the Armed Services Committee reduced the number of generals 6 years ago. If we understand why they did what they did 6 years ago, perhaps we can understand why they are ready to move in the opposite direction today.

The legislative history does contain important clues. It should help us solve this riddle. Back in 1990, the Armed Services Committee could see the

handwriting on the wall. They saw the cold war coming to an end. The Soviet military threat was evaporating, and the Defense Department was downsizing and doing it in earnest. In 1990, the committee predicted that there would be an overall force reduction of at least 25 percent between the years 1990 and 1995. Well, the committee's prediction was right on the money.

Mr. President, I ask unanimous consent to have printed in the RECORD a table that shows how military end strengths have gradually declined since February 1987.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Fiscal year	Total	Army	Navy	Air Force	Marine
1987	2,174,217	780,815	586,842	607,035	199,525
1988	2,138,213	771,847	592,570	576,446	197,350
1989	2,130,229	769,741	592,652	570,880	196,956
1990	2,043,705	732,403	579,417	535,233	196,652
1991	1,985,555	710,821	570,262	510,432	194,040
1992	1,807,177	610,450	541,883	470,315	184,529
1993	1,705,103	572,423	509,950	444,351	178,379
1994	1,610,490	541,343	468,662	426,327	174,158
1995	1,518,224	508,559	434,617	400,409	174,639
1996	1,493,391	499,145	428,412	393,400	172,434

Mr. GRASSLEY. Mr. President, what the committee said would happen in fact did happen, and it is continuing to happen this very day.

Mr. President, I ask unanimous consent to also have printed in the RECORD a table from page 254 of Secretary Perry's March 1996 annual report to the Congress.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE V-4—DEPARTMENT OF DEFENSE PERSONNEL
(End of fiscal year strength in thousands)

	Fiscal year—			Goal	Percent change FY 1987– 97
	1987	1996	1997		
Active Military	2,174	1,482	1,457	1,418	–33
Army	781	495	495	475	–37
Navy	587	424	407	394	–31
Marine Corps	199	174	174	174	–13
Air Force	607	388	381	375	–37
Selected Reserves	1,151	931	901	893	–19
DoD Civilians	1,133	841	807	728	–27

Mr. GRASSLEY. This table shows the process of downsizing, that this process is ongoing and not over yet. It is expected to continue in the future.

Mr. President, the committee concluded that the number of generals and admirals should be reduced consistent with the predicted reductions in the force structure. I want to repeat, the reduction in the number of general officers should be consistent with the reduction in force structure. That was the logic. As the force structure shrinks, the numbers of generals and admirals should come down at a comparable rate. That was the Armed Services Committee's thinking as expressed in its report in the fiscal year 1991 defense authorization bill. That thinking is outlined on page 159 of that Report 101-384.

Mr. President, I ask unanimous consent that that section of the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL AND FLAG OFFICER ACTIVE DUTY
STRENGTH CEILINGS

The committee recommends (sec. 403) a provision that would establish ceilings on the number of general and flag officers authorized to be on active duty for each of the military Services as shown below:

	Current ceiling	Fiscal year, committee recommendation	
		1991	1995
Army	407	386	302
Navy	258	250	216
Marine Corps	70	68	61
Air Force	338	326	279
Total	1,073	1,030	858

The ceilings established for fiscal year 1995 are consistent with the committee's expectation that force structure and organizational realignments over the next 5 years should result in an overall force reduction of at least 25 percent. The fiscal year 1995 ceilings reflect this expectation, and the fiscal year 1991 ceilings set the military Services on a responsible course to achieve the fiscal year 1995 ceilings.

The committee also believes that these ceilings should assist the military Services in making critical decisions regarding the reduction, consolidation, and elimination of duplicative headquarters. The ceilings should also assist the military Services in eliminating unnecessary layering in the staff patterns of general and flag officer positions.

Mr. GRASSLEY. Based on the shrinking force structure, the committee reduced the number of generals and admirals by that 20 percent as follows: the Army, from 407 down to 302, a reduction of 105; the Navy, a reduction of 42, down from 258 to 216; the Marine Corps, from 70 down to 61, a reduction of 9; the Air Force, from 338 down to 279, a reduction of 59.

Mr. President, with one exception, those figures remain the law today. The Marine Corps got special relief legislation 2 years ago that raised its ceiling from 61 to 68, or by 7. But back in late 1990, there was no disagreement about what had to be done, reducing the number of generals as force structure gets smaller.

The House Armed Services Committee report contained almost identical language. I quote from page 268 of House Report 101-665.

The committee believes that the general and flag officers authorized strength should be reduced to a level consistent with the extra force structure reductions expected by fiscal year 1995.

Mr. President, I ask unanimous consent that that section of the House report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 441—FLAG AND GENERAL OFFICERS

Section 526 of title 10, United States Code provides that the total number of general and flag officers authorized to be on active duty may not exceed 1,073. The committee believes that the general and flag officer authorized strengths should be reduced to a level consistent with the active force structure reductions expected by fiscal year 1995.

Section 441 would amend section 526 of title 10, United States Code to limit to 845 the total number of general and flag officers authorized within the military services on September 30, 1995.

Mr. GRASSLEY. Mr. President, as the force structure shrinks, the number of generals and admirals should be reduced. That was the logic used by the House in 1990. That was the logic used by the Senate in 1990. That logic is embodied in current law. That has always been the logic since time began.

Let us apply that logic to the Marine Corps' request for 12 more generals. If the Marine Corps needs more generals, then it must mean that the Marine Corps is getting bigger, that it is expanding. But all the data point in the opposite direction. All the data indicate that the military services, including the Marine Corps, are continuing to downsize.

Why doesn't the 1990 logic apply anymore? Have Marine generals been inoculated to be immune from cuts? Why is the Marine Corps trying to top size while it is downsizing? As the force structure shrinks, we need fewer generals. That was the guiding principle used by the Armed Services Committee in 1990 when they put general officers on the down ramp.

They put the generals on the down ramp even when the dark storm clouds were rising over the Persian Gulf. There was no talk about vacant war-fighting positions at that time. There was no talk, as we were given an excuse for this increase, about the joint bill requirements mandated in Goldwater-Nichols. There was just one driver. The force structure was shrinking so we needed fewer generals. In other words, it seems to me that they were expressing at that decisionmaking time in 1990 common sense.

That logic was valid then. It is just as valid today. Nothing has changed. There is no reasonable explanation for what is going down. It is bad public policy.

The Navy, for example, is already on record as saying it needs 25 to 30 more admirals. We know that the Marine Corps request is just a spearhead. It is a test case. The Army and Air Force are getting their wish list ready. If the Marine Corps request goes through, then these other services will follow, meaning their request for more generals and admirals. Pretty soon we have a national disgrace on our hands.

This is a bad move that will prove to be an embarrassment to the Senate sometime down the road.

I yield the floor and thank my colleagues for the consideration of this point of view. I have expressed this in a letter to the conferees as well. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Washington.