

real dollars, this translates into \$200 billion in Net-based commerce by 2000, and \$1 trillion by 2003.

We can't begin today fully to understand the scope of freedom for people that this information revolution will bring. And all the while Microsoft and its competitors continue to bring better products at lower prices to all consumers.

While this case has been in the court, we have heard almost no discussion about whether the dramatic changes of the last year have rendered this case moot. I believe they do, and here's why.

In the presence of a company exerting real monopoly power, competitors would be stifled, prices would rise, choices would be curtailed, consumers would be harmed. In fact, in the last twelve months the real world for consumers has improved by all of these measures. Competition in the technology industry is alive and well and nipping at the heels of Microsoft—all great news for consumers. Prices are down, choices are up, innovation is rampant.

The U.S. software industry is growing at a rate more than double that of the rest of the economy. The number of U.S. software companies has grown from 24,000 in 1990 to an estimated 57,000 in 1999. The number of U.S. software industry employees has grown from 290,000 in 1990 to an estimated 860,000 in 1999, with an average rate of growth of 80,000 per year from 1996 to 1999. Do these growth figures sound like they come from an industry that is dominated by a Monopoly player?

Mr. President, the bottom line is that the industry is thriving. It shows that we do not need the government picking winners and losers. While the nature of the government's case has been forced to change in the last year, the administration seems determined to punish this successful company and to use the power of the government to reward Microsoft's competitors. These are the very competitors whose alliances have radically changed the competitive landscape of the Information Technology industry in just the last few months.

When the case began, AOL and Netscape were two large successful companies. Today they're gigantic, teamed with Sun and ready to compete in the next frontier of the Information Technology industry—the Internet.

When the case began, MCI Communications and WorldCom were two separate companies, as were Excite and @Home. Yahoo hadn't yet bought GeoCities and Broadcast.com.

When the case began AT&T was a long distance company. Today, AT&T could influence more than 60% of cable systems in the United States.

Microsoft has continued to excel, in spite of simultaneously fighting off the government and its competitors. But, far from being stifled, Microsoft's competitors and potential competitors also have increased their market value by dizzying percentages over the last year:

AOL—up 555 percent;  
Amazon—up 838 percent;  
Sun Microsystems—up 209 percent;  
IBM—up 91 percent; and  
Yahoo—up 455 percent.  
Microsoft is up 83 percent.

To me that's good news, and I hope it happens again this year. But that success leads me to wonder: if these competitors are so injured by Microsoft, why is the Dow Jones Industrial Average up 20% and the more technologically driven NASDAQ up a more startling 40% since the trial began?

A May 7 article in the Washington Post outlines the previously undisclosed lobbying activity on the part of a multi-billion dollar coalition of Microsoft competitors, consisting of Netscape and AOL, as well as ProComp, Sun and Oracle, who collectively have outspent the Redmond-based software firm by almost \$4 million. The Post story made clear that Microsoft has been scrambling just to catch-up.

Economist Milton Friedman recently warned about the possible impacts of the suit on the high-technology industry as a whole. He pointed out the obvious flaw in the competitors' strategy, which is involving government regulators. Mr. Friedman states, "Silicon Valley is suicidal in calling government in to mediate in disputes among some of the big companies in the area and Microsoft . . . once you get the government involved, it's difficult to get it out." I couldn't agree more.

Mr. President, with the Sherman antitrust action by the government against Microsoft entering its second year, the only question that remains is why this lawsuit continues. I urge my colleagues to join me in seeking an answer to that question.

#### CONCLUSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I believe the morning hour has expired. I move for the regular order.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate will resume consideration of S. 1059, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain/Levin amendment No. 393, to provide authority to carry out base closure round commencing in 2001.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I see no other Senator here at this moment. I believe there is another Senator who will be here at about 10:30 to offer another amendment, but I would like to submit an amendment for consideration at this point.

#### AMENDMENT NO. 394

(Purpose: To improve the monitoring of the export of advanced satellite technology, to require annual reports with respect to Taiwan, and to improve the provisions relating to safeguards, security, and counterintelligence at Department of Energy facilities)

Mr. LOTT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 394.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I am pleased to offer this amendment on behalf of myself, and Senators WARNER, SHELBY, MURKOWSKI, DOMENICI, SPECTER, THOMAS, KYL, and HUTCHINSON.

This package is the product of the serious investigative and oversight work performed by the relevant committees and other Senators who have devoted considerable attention to the issues of satellite exports, Chinese espionage, lax security at DOE facilities, foreign counterintelligence wiretaps, and more. I commend my cosponsors and others for their helpful efforts in this regard.

I have stated that the damage to U.S. national security as a result of China's nuclear espionage is probably the greatest I have seen in my entire career. And, unfortunately, the administration's inattention to—or even hostility towards—counterintelligence and security has magnified this breach.

It is simply incredible that China has acquired sensitive, classified information about every nuclear warhead in the U.S. arsenal. But this apparently is precisely what happened.

It is simply incredible that American companies illegally provided information to the Chinese that will allow them to improve their long-range missiles aimed at American cities. But this apparently is exactly what happened.

It is simply incredible that American exports were delivered to certain Chinese facilities that will assist their weapons of mass destruction program. But this apparently is exactly what happened.

It is simply incredible that it took this administration 2 years from the date the National Security Adviser was

first briefed by DOE officials on the problem of Chinese espionage at the nuclear weapons laboratories, to sign a new Presidential directive to strengthen counterintelligence at the labs and elsewhere. But this apparently is exactly what happened.

And, after all this, it is simply incredible that the President would claim that all this damage was a result of actions of previous administrations and that he had not been told of any espionage that had occurred on his watch. But this is exactly what the President said in a mid-March press conference.

As I have stated previously, the Congress must take several steps to better understand what happened and how it happened, and to lessen the likelihood of a recurrence of such events in the future.

First, we must aggressively probe the administration to determine the facts. We know much of what happened. But we don't have all the facts, and we certainly don't know why certain events unfolded the way they did. We need to get to the bottom of that.

Several committees are exploring aspects of this scandal, and it is multifaceted: DOE security; whistleblower protections; counterintelligence at the FBI; CIA operations; export controls; illegal campaign contributions; the Justice Department; the Foreign Intelligence Surveillance Act, FISA; DOD monitoring of satellite launches in China; waivers of laws for companies under investigation for illegal activities; and much, much more.

Second, we must take all reasonable steps now to remedy problems we have identified to date. Does this mean that the actions recommended in this bill, or in this amendment, will solve the problem of lab security for all time? Of course not. But they do represent important first steps in addressing the myriad problems that have emerged during the various on-going investigations.

For example, we know that security and counter-intelligence at the labs was—and is—woefully inadequate. We can take steps to begin to fix that problem.

We know that the Clinton Commerce Department failed miserably to adequately control and protect national security information as it relates to commercial communications satellites and rocket launchers. We took steps last year in the Defense authorization bill to help protect national security by transferring from Commerce to State the responsibility for reviewing license applications for such satellites.

Third, we must hold appropriate executive branch officials accountable for their actions. This means we need to understand why certain Clinton administration officials acted the way they did. Why, for example, were DOE intelligence officials told they could not brief the Congress on aspects of this espionage investigation and its implications? Why did the Reno Justice De-

partment refuse to approve a wiretap request? Why was a certain suspect's computer not searched much, much earlier when, in fact, the suspect had agreed several years earlier to such a search? And why was a waiver granted for the export of a satellite built by an American company that was under investigation by the Department of Justice and whose head was the single largest individual contributor to the Democratic National Committee?

In posing these and other questions, does this mean the Senate is on some partisan witch-hunt? Absolutely not. I recognize that a full understanding of this issue requires going back decades.

For example, the reports recently issued by the Senate Intelligence Committee and the Cox Committee in the House reviewed documents from prior administrations.

But simply saying that errors were made in previous administrations cannot and does not absolve this President and this administration from responsibility. In fact, this administration's record in the area of security and counter-intelligence, in its relations with China, and in several other areas, leaves much to be desired.

As I said before, there are some steps we can and should take now. For example, the Defense authorization bill before us now proposes several important measures regarding Department of Energy security and counterintelligence. Likewise, the intelligence authorization bill includes several legislative proposals on this topic as well.

My amendment is entirely consistent with, and indeed builds upon, those two vital legislative measures. Allow me to describe what this amendment proposes to do.

First, it seeks to address the Loral episode, wherein the President approved a waiver for the export of a Loral satellite for launch on a Chinese rocket at the same time Loral was under investigation by the Justice Department for possible criminal wrongdoing.

This amendment requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin.

It also requires the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

I am absolutely convinced that had these "sunshine" provisions been in effect at the time of the Loral waiver decision, I doubt very seriously that the President would have issued his decision in favor of Loral.

Second, the amendment requires the Secretary of Defense to undertake certain actions that would significantly enhance the performance and effectiveness of the DOD program for monitoring so-called "satellite launch campaigns" in China and elsewhere.

For instance, under this amendment, the DOD monitoring officials will be

given authority to halt a launch campaign if they felt U.S. national security was being compromised. In addition, the Secretary will be obligated to establish appropriate professional and technical qualifications, as well as training programs, for such personnel, and increase the number of such monitors.

Furthermore, to remove any ambiguity as to what technical information may be shared by U.S. contractors during a launch campaign, the amendment requires the Secretary of Defense to review and improve guidelines for such discussions. Finally, it requires the Secretary to establish a counter intelligence program within the organization responsible for performing such monitoring functions.

Third, my amendment enhances the intelligence community's role in the export license review process. This responds to a clear need for greater insight by the State Department and other license-reviewing agencies into the Chinese and other entities involved in space launch and ballistic missile programs. In this regard, it is worth noting that the intelligence community played a very modest role in reviewing the license applications for exports that subsequently were deemed to have harmed national security.

This section also requires a report by the Director of Central Intelligence on the efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, based on concerns that China continues to proliferate missile and missile technology to Pakistan and Iran, this amendment expresses the sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime, MTCR, as a member until Beijing has demonstrated a sustained commitment to missile nonproliferation and adopted an effective export control system. Any honest appraisal would lead one to the conclusion, I believe, that China has not demonstrated such a commitment and does not have in place effective export controls.

Now we know, from documents released by the White House as part of the Senate's investigation, that the Clinton administration wanted to bring the PRC into the MTCR as a means of shielding Beijing from missile proliferation sanctions laws now on the books. This section sends a strong signal that such an approach should not be undertaken.

Fifth, the amendment expresses strong support for stimulating the expansion of the commercial space launch industry here in America. As we have seen recently with a number of failed U.S. rocket launches, there is a crying need to improve the performance of U.S.-built and launched rockets. This amendment strongly encourages efforts to promote the domestic commercial space launch industry, including through the elimination of legal or regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch and suggests that, if a decision is made to phase-out the policy, then launches of such satellites in the PRC should occur only if they are licensed as of the commencement of the phase-out of the policy and additional actions are taken to minimize the transfer of technology to the PRC during the course of such launches.

Sixth, the amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied. This addresses a legitimate concern expressed by U.S. industry about the current export control process.

I note that each of these recommendations was included in the Senate Intelligence Committee's "Report on Impacts to U.S. National Security of Advanced Satellite Technology Exports to the PRC and the PRC's Efforts to Influence U.S. Policy." That report was approved by an overwhelmingly bipartisan vote, so there is nothing partisan whatsoever in these recommendations.

My amendment also requires the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report delivered to the Congress earlier this year. That report, my colleagues may recall, was both informative and deeply troubling in its assessment that the PRC has underway a massive buildup of missile forces opposite our friend, Taiwan.

Annual submission of this report will assist the Congress in working with the administration in assessing future lists of defense articles and services requested by Taiwan as part of the annual arms sales talks between the U.S. and Taiwan.

Eighth, the amendment proposes a mechanism for determining the extent to which then-Secretary of Energy Hazel O'Leary's "Openness Initiative" resulted in the release of highly-classified nuclear secrets. We already know, for example, that some material has been publicly-released that contained highly-sensitive "restricted data" or "Formerly Restricted Data."

While we are rightly concerned about what nuclear weapons design or other sensitive information has been stolen through espionage, at the same time we must be vigilant in ensuring that Mrs. O'Leary's initiative was not used, and any future declassification measures will not be used, to provide nuclear know-how to would-be proliferators in Iran, North Korea, and elsewhere.

Ninth, the amendment proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees, versus the Office of Personnel Management as is currently the case. I applaud the Armed Services Committee for including additional funds in their bill for addressing the current backlog of security investigations.

Tenth, and lastly, the amendment proposes increased counterintelligence training and other measures to ensure classified information is protected during DOE laboratory-to-laboratory exchanges, should such exchanges occur in the future. For example, having trained counter-intelligence experts go along on any and all visits of lab employees to sensitive countries, is a small but useful step in the direction of enhanced security.

Mr. President, I readily concede that this package of amendments will not solve all security problems at the Nation's nuclear weapons laboratories. Nor will it solve the myriad problems identified to date in the Senate's ongoing investigation of the damage to U.S. national security from the export of satellites to the PRC or from Chinese nuclear espionage.

These are, as I mentioned before, small but useful steps to address known deficiencies. Most of these recommendations stem from the bipartisan report issued by the Intelligence Committee.

I strongly urge my colleagues to support this important amendment.

In summary, good work has been done by the Cox committee in the House of Representatives. They should be commended for the work they have done in this critical area. They should be commended for the fact that it has been bipartisan. It would have been easy for them to veer into areas or procedures that would have made it very partisan. They did not do that.

The same thing is true in the Senate. The Senate has chosen so far not to have a select committee or a joint committee. The Senate has continued to try to do this in the normal way.

We have had hearings by the Intelligence Committee. They have done very good work. Chairman SHELBY has been thoughtful and relentless, and he continues in that way. The Armed Services Committee, under Senator WARNER, the Energy Committee, under Senator MURKOWSKI, Foreign Relations, Governmental Affairs—all the committees with jurisdiction in this area have been having hearings, they have had witnesses, and they have been coming up with recommendations.

As a matter of fact, some of the recommendations that have been developed are included in this Department of Defense authorization bill. I understand other proposed changes to deal with these security lapses and with counterintelligence will be included in the intelligence authorization bill that will come up in early June.

I do not believe we should rush to judgment. We should make sure we understand the full ramifications of what has happened. We should not say it has been just this administration or that administration or the other administration. This is about the security of our country. I agree with Congressman DICKS when he quoted former Senator Henry Jackson about how, when it comes to national security, we should all just pursue it as Americans.

This amendment I have just sent to the desk is a further outgrowth of some of the information we have found through some of the hearings that have occurred. There were some provisions in it that I am sure would have evoked some criticism, and we have taken those out, so that we can take our time and deal more thoughtfully with it over a period of time.

We are going to have to deal with the Export Administration and the fact that law was allowed to lapse back in 1995. But there are some things we can do now. To reiterate, this is what this amendment will do:

First, it requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin.

It will also require the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

Second, the amendment requires the Secretary of Defense to undertake certain actions that would significantly enhance the performance and effectiveness of the DOD program for monitoring so-called satellite launch campaigns in China and elsewhere.

Third, the amendment will enhance the intelligence community's role in the export license review process and requires a report by the DCI on the efforts of foreign governments to acquire sensitive U.S. technology and technical information.

Fourth, the amendment expresses the sense of Congress that the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member until Beijing has demonstrated a sustained commitment to missile nonproliferation and adopted an effective export control system.

The amendment expresses strong support for stimulating the expansion of the commercial space launch industry in America. This amendment strongly encourages efforts to promote the domestic commercial space launch industry. That is why we have seen more of this activity occur in other countries, particularly China and even Russia, because we do not have that domestic commercial space launch capability here. We should eliminate legal or regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch.

The amendment requires the Secretary of State to provide information to U.S. satellite manufacturers when a license application is denied.

The amendment also requires the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report developed earlier this year and was delivered to the Congress.

The amendment proposes a mechanism for determining the extent to

which classified nuclear weapons information has been released by the Department of Energy. It proposes putting the FBI in charge of conducting security background investigations of DOE Laboratory employees versus OPM. It seems to me that really is beyond the capabilities of the Office of Personnel Management. Surely, the FBI would be better conducting the security background investigations. This does not call for putting the FBI totally in charge of security at our Labs, for instance. That is something we need to think about more. I had thought the FBI should be in charge, and there are some limitations in that area. That is an area we should think about a lot more. We should work through the committee process. We should think together in a bipartisan way about how to do it.

Clearly, the security at our Laboratories has to be revised. We have to have a much better counterintelligence process, and our committees are working on that.

Last, the committee proposes increased counterintelligence training and other measures to ensure classified information is protected during DOE Laboratory-to-Laboratory exchanges.

These are pieces that I think Senators can agree on across the board. They are targeted at dealing with the problem, not trying to fix blame, not claiming that this is going to solve all the problems. But these are some things we can do now that will help secure these Laboratories in the future and get information we need and give enhanced capabilities to the intelligence communities.

I urge my colleagues to review it. It has been, of course, considered by the committees that have jurisdiction. We have provided copies of it to the minority, and we invite their participation. I believe this is something that can be bipartisan and can be accepted, after reasonable debate, overwhelmingly. I certainly hope so. I appreciate the opportunity to offer this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the distinguished majority leader for this initiative. We have had in his office a series of meetings with the chairmen, as he enumerated, and this piece of legislation has been very carefully crafted drawing from each of the committees the work they have done thus far.

The Senate Armed Services Committee, as the majority leader has said, has taken an active role in addressing the issues. I refer colleagues to page 462 of our report, which is on each desk. In there, we have a subtitle (D) related to this subject. We are bringing this together.

I thought it was important—and I consulted with the majority leader this morning—to lay this down so all Senators have the opportunity to view it. Our distinguished colleague, the rank-

ing member, has sent it out to the various Departments and agencies of the Federal Government for comment. In the course of the day, as I am sure my colleague from Michigan will agree, we will basically try to allow Senators at any time to address this particular amendment by Senator LOTT and, indeed, the provisions that we have in our bill.

This is an important subject. It is a timely subject. All Senators hopefully will strive to achieve bipartisanship because we recognize that this problem goes back several administrations, although I have my own personal views that this administration must account for some actions which I find very disturbing—in other words, why corrective measures were not brought about more expeditiously. But time will tell.

Also, I believe it is important to recognize that the United States of America in the next millennium will be faced with an ever-growing and ever-important nation, China. We as a nation must remain engaged with China, whether it is on economic, political, human rights, or security issues. China and the United States are the two dominant leaders, together with Japan and, indeed, I think South Korea, in that region to bring about the security which is desperately needed.

So let us hope that in due course we can, on this bill, put together a bipartisan package. We already have one amendment in there, and it passed our committee with bipartisan support.

Mr. LEVIN. Would the Senator yield while the majority leader is on the floor so I could give a 30-second comment?

Mr. WARNER. Absolutely.

Mr. LEVIN. We welcome the proposal of the majority leader. We have worked very closely, on a bipartisan basis, on the committee on what is in the bill already and to which the majority leader has made reference. We will continue and look forward to working with the majority leader, on a bipartisan basis, on his proposal. The committees of jurisdiction and I are reviewing that. We got it last night. We welcome very much these kinds of suggestions and will address them in the same kind of bipartisan approach that the good Senator from Virginia, our good chairman, has just made reference to.

Mr. LOTT. Mr. President, if the Senator would yield?

Mr. WARNER. Of course.

Mr. LOTT. I just say, I appreciate your comments and your attitude. If we have problems, we can address those problems in a bipartisan way to deal with the future. And that is my intent. I will be glad to work with you. Thank you for your comments.

Mr. LEVIN. I thank the chairman for yielding.

Mr. WARNER. I thank my distinguished colleague.

If I may note, with a sense of humility, Senator LEVIN and I are now entering the third day on this bill. To the best of my recollection—which is 21

years that we have been working together on authorizations bills—we may have set a record thus far. That record is not necessarily owing to the efforts of the ranking member and myself but all Senators in cooperating in moving this bill along; the record being we only had one quorum call, this being the third day.

We started on a Monday, when ordinarily things do not move as quickly; but we had one single quorum call, I think, for about 3 or 4 minutes on Monday. Yesterday, throughout, we stayed here until close to 9 o'clock last night working on amendments. So I thank the Senator, my colleague, my friend from Michigan. I thank all Senators.

We just had another Senator come on the floor in a timely way. He is right on the split second of when he is due to bring up his amendment.

So with the cooperation of other Senators, I am hopeful we can finish this bill tonight. I have discussed that with the majority leader, and he is going to give us total support. We will just drive this engine, hopefully into the early hours of the evening, and complete it.

But I do bring to the attention of Senators that I will place on the majority leader's desk here, as I manage the bill, three pages of amendments. There they are. We have to work our way through these today. My colleague, Mr. LEVIN, and I will be here throughout the day to assist Senators in accommodating them with their desire regarding these amendments.

Mr. LEVIN. If the chairman would just yield for a comment?

Mr. WARNER. Yes.

Mr. LEVIN. I commend him for his leadership, which made our good progress possible. When he points out how few quorum calls we have had on this bill, the only suggestion I have in addition to the ones he has made is that there is a lot of wood around here to knock on, and we need to knock on wood that this will continue along the lines it has with very few quorum calls and significant progress.

I do see the Senator from Nebraska on the floor. We look forward to his offering that amendment. Then I believe at 11:45, under the current unanimous consent agreement, we are going to return to the BRAC amendment and then have a vote on that. That would be the first vote, as I understand the UC.

Mr. WARNER. Mr. President, the Senator is correct.

Mr. LEVIN. That would be at 1:45.

Mr. WARNER. Mr. President, on the subject of BRAC, again, the distinguished Senator from Michigan, the distinguished Senator from Arizona, Mr. MCCAIN, the distinguished Senator from Rhode Island, Mr. REED, the distinguished Senator from Maine—my recollection is there was one other Senator who spoke last night in the debate on the BRAC process, so we have had a considerable amount of debate. There are 2 hours allocated. I am not certain that all 2 hours will be needed. But I urge Senators to come over as quickly

as possible when that amendment comes up on the schedule, and we can hopefully move through that debate and on to other matters.

I yield the floor.

Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

#### AMENDMENT NO. 395

(Purpose: To strike section 1041, relating to a limitation on retirement or dismantlement of strategic nuclear delivery systems)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Nebraska.

The legislative assistant read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 395.

Mr. KERREY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

Mr. KERREY. Mr. President, first of all, let me say that this piece of legislation being considered right now, in my view, of all the laws we write and all the laws we consider, is the one that is most vital. If we do not have a defense that is able to defend not just the United States of America but our interests, all the rest of it is secondary, in my view.

I am very impressed—I came to this Senate in 1989, and I came to the Senate without the experience of having gone to law school. I was trained in other matters. The longer I am here, the more impressed I am both with the law itself and the power of this law. I cannot help but, as I begin to describe my own amendment, take a little bit of time to describe the connection between the law and things people see in their lives that they may not see as having been caused by the law itself.

We do not have an Army, Air Force, Navy, Marine Corps without this piece of legislation, which is, I think—I don't know—500-and-some pages long, with a report with it as well. This law creates our military. It authorizes appropriations to be made. It authorizes us to go out and recruit people to serve in our Armed Forces.

We are going into the Memorial Day weekend during which I guess many, if not most, of us are going to be called upon to comment upon the meaning of Memorial Day—what does this day mean to us in our lives.

For me, it is a time to reflect and say that these 1,360,000 men and women who are currently serving our Nation,

and the half million Reserve and Guard men and women who are out there as well, are part of a long tradition of American men and women who have given up their freedom, because in the military they have a different code than we have in the private sector. The standards of justice are different. The expectations are different.

In the military, the command structure is such that if I have command—which I did many, many years ago—if I have command and do well, I get a medal. But if I do poorly, my fitness report will be so bad I will be looking for a private sector opportunity. We have a responsibility we cannot delegate. That imposes upon an individual who is in the military real burdens that are different from what we have in the private sector—real responsibilities that are completely different.

A man or woman who serves us today, who serves the cause of freedom today in our Armed Forces, does something that is much different from most private sector citizens. I begin my comments on this amendment by saluting them, by thanking them for taking what, unfortunately, today is almost a nonmainstream action, and that is based upon their love of country and their love of freedom, saying: We're willing to sacrifice our freedom; we're willing to give up rights that most private sector citizens have.

Furthermore, nobody should doubt that in normal training operations it is possible to be injured or to even lose your life. A lot of these training operations are dangerous. So they are risking their lives on a day-to-day basis. Obviously, they are involved today in Kosovo; they are involved in the Balkans; they are involved with containing Saddam Hussein; they are involved on the Korean peninsula; they are forward deployed in areas around the world where we have interests, not just interests that are only of the United States, but interests in values that we hope will spread worldwide.

All of us had the opportunity—I did; I took advantage of the opportunity—to sit and listen to Presidents Kim Dae-jung of South Korea and Vaclav Havel of the Czech Republic and Nelson Mandela of South Africa when each spoke at a joint session of Congress across the way in the House of Representatives, and looked down to every representative of the people and said: Thank you, American people. You put your lives on the line, and we are free in South Korea today as a consequence. You put your lives and resources on the line, and we are free in the Czech Republic because of it. You have put your lives and resources on the line in South Africa, and we are free there as well. Your efforts enabled us to be free, these three individuals said. Many others have said the same thing.

It is not a cliché that freedom is not free. This piece of legislation, this important piece of legislation, has us supporting 1,360,000 men and women in the military, and half a million Reserve

and Guard people who are actively involved in the cause of defending freedom in the United States of America and throughout the world. This is an extremely important piece of legislation. I argue if we don't get this one right, all the rest of it is secondary. If this piece of legislation, if this law is not written correctly, all the rest of it doesn't matter.

I begin my comments this morning praising Chairman WARNER and the ranking member, Senator LEVIN, who have led the Armed Services Committee to give us this piece of legislation. They understand this piece of legislation keeps America safe. This is about security. We can't cut corners. We can't scrimp. We can't say we will just go partially there. We have to answer the question: What do we need to do to keep the people of the United States safe? How do we keep them secure and try to write laws that accomplish that objective?

With great respect to the committee, there is one provision in subtitle D called "Other Matters" on page 357 that I am proposing to strike. That language provides a 1-year extension of a requirement that I think causes the United States of America to be less safe than it would without this provision. Let me get to it specifically.

What this provision does is say that the United States of America must maintain a nuclear deterrent that is at the START I levels, that we have to have warheads deployed, land, sea, air, that are at START I levels; that the President of the United States cannot go below those START I levels. In the cold war, perhaps even a few years after the cold war was ended, when we were trying to err on the side of safety, this made sense because the No. 1 threat then was a bolt out of the blue, an attack by the Soviet Union that might occur when we least expected it. We had to maintain an active deterrence and prevent that. The capacity to survive that bolt-out-of-the-blue attack and counterattack was an essential part of our strategy.

Today, the No. 1 threat is not a bolt-out-of-the-blue attack. The No. 1 threat today is an accidental launch, a rogue nation launch, or a sabotage launch of a nuclear weapon. One of the things that causes me a great deal of concern in this new era of ours is that I think we in Congress and the American people as well have forgotten the danger of these nuclear weapons. We have been talking about new threats to America. We have a threat in the form of chemical weapons, a threat in the form of biological weapons, a threat in the form of cyber warfare, lots of others things like that, terrorism, that cause people to be very much concerned.

My belief is that the only threat out there that can kill every single American, and thus the threat that ought to be top on our list of concerns is nuclear weapons. The nation that possesses the

greatest threat of all in terms of an accidental launch, a rogue nation launch, or a sabotage launch is Russia.

I appreciate the fine work that Congressman COX and Congressman DICKS did. They presented a report yesterday. I think they have laid out a roadmap that will enable us to change our laws and increase security at the Labs, increase the security of the satellite launches and increase the security, in general, with the transfer of technology through export licenses. I think they gave us a good roadmap, but one of the concerns I have with the report—I think it is unintentional—strike “I think.” It is unintentional—it has left the impression that China is a bigger threat to the United States in terms of nuclear weapons than Russia is. Nothing can be further from the truth.

In China, they prevent the possibility of an accidental launch by saying we are not going to put our warheads on the missile. According to published reports, it would take at least 24 hours and probably a minimum of 48 hours, from the moment an order was given to launch, to put the warheads on the missiles. In China they have no more, according to published reports, than 13 weapons headed in our direction. They are categorized as city busters. They are not as accurate as the Russians are. They are not as deadly as the Russians are. They are not as likely, as a consequence of organized systems, to be launched in an accidental fashion. Even though they can reach us, even though China is a serious threat as a consequence of their behavior in the proliferation area—and we should not have trimmed in areas of export licenses or satellite launches on Long March or the operations of our Laboratories or other areas that would put America at risk—the threat assessment today says that the No. 1 threat to us is the threat that is posed by Russia as a consequence of their having strategic weapons that could reach the United States in a matter of hours and could reach the United States in a devastating fashion not through intentional launch but accidental launch, rogue nation launch or sabotage launch.

I think that part of the problem in all of this is, again, that we have been lulled into a false sense of security that, well, maybe these nuclear weapons aren't that big of a problem. Let me say that in the former Soviet Union, that may have been the case, because their economy was much stronger than it is today. They had a much greater capacity to control those weapons systems that they have.

One of the reasons, the biggest reason that I want to change this is that I believe we are forcing Russia today to maintain a level of nuclear weapons beyond what their financial system will allow them to maintain. They are currently required at START I levels to have 6,000 strategic warheads. Again, according to published accounts from

their own military people, they would prefer to be at a level of 1,000 or lower, because they simply don't have the resources. I can go into some rather startling problems that are created as a consequence of that inability, but they simply don't have the ability, the resources to allocate to maintain those 6,000 warheads as we do. Ours are safe. Ours are secure. We have redundant switching systems and all kinds of other protections to make certain that we don't have an accidental launch, to make certain that there is no rogue transfer, to make certain that there is no terrorism that could take over one of these sites and be used either against the United States itself or against some other country.

One of the baseline problems that we have as Americans is that we are the most open society on earth. We are the most successful society measured by our economy, measured by our military, measured by even our democracy, which can be a bit frustrating from time to time. We take sides on issues worldwide, which I think we have to do if we want to continue to fight for the freedom of people throughout this world. But as a consequence of all those things, there are lots of people on this Earth who hate Americans, who have in their hearts a desire to do significant damage to us. It is a problem created from our own success. So as we try to decide how we are going to keep our country safe, one of the things that I believe we need to think about when it comes to Russia is, is it possible for somebody who hates America, who is willing to do damage to America and willing to die in the act of doing it—what kind of risk is there as a consequence of a policy under law that requires Russia to maintain a nuclear force that is higher than either they can afford or they want to maintain?

Well, I will describe a couple of scenarios in length here, but many years ago, sort of a Stone Age time for me, I was trained in the U.S. Navy SEAL team. I do not argue that I was an exemplary special operations person. I had a relatively short experience in the war before I was injured, so I didn't have enough time on task to become really good at it. But you always have these sort of imaginary fantasies that you are still 25 years of age, and there are times when you sort of think that way.

I believe it is possible for somebody who is well trained and well organized to raid a silo site of a Russian missile in the Russian wilderness and take that site over. You will have a scenario on the opposite side that says that it can't be done. I believe it can be done.

One of the things that you have to do when you are planning, writing a law to defend the people of the United States of America, is you have to think about that small possibility and you have to plan for it. We didn't expect that the Russians were high probability going to come through the Fulda Gap during the 40-plus years of

the cold war, but we defended against it, and it was an expensive defense because it was possible that it could happen.

Mr. President, I believe it is possible for a small band of discontents or terrorists to raid a silo site of a Russian missile in the Russian wilderness. I believe that there are soldiers today in Russia who are poorly trained, who are sparsely equipped, and who are irate at not having been paid in well over a year in some cases. I think they are vulnerable and easily overtaken, and as a consequence, willing to cooperate in things that would put the United States of America at risk.

What you have to do is sort of then say to yourself: What would happen? Imagine what would happen if that were to occur.

Well, I again have to underscore with a story why I think we are lulled to sleep by nuclear weapons. In the Senate Select Committee on Intelligence, on which I have the honor of serving as a result of Senator DASCHLE appointing me to that and serving on behalf of the Senate, I once asked some analysts of the CIA to tell me what the impact would be of a single missile being launched and hitting a U.S. city. The answer was we are really not sure. We haven't thought it through lately. We don't put it up on our radar screen as being the sort of thing to worry about.

I find that not only alarming but illustrative of the general problem. We are not thinking about this threat.

We are not imagining what could happen in a worse case scenario and, as a consequence, we are sort of allowing ourselves to be dragged along with yesterday's policy, not thinking about how we can do this differently to substantially reduce the threat to the people of the United States of America, and I believe, by the way, in the process, freeing up resources that could be used on the conventional side where there is much more likely scenarios where American men and women are going to be called on to defend the cause of freedom and fight for the cause of freedom.

A single Russian rocket could be launched over the top of the world from the north, and it would go across the Arctic pole, and in less than an hour it could be in over Chicago. On a bad day, it might come within 100 yards of its target. On a good day, it would probably come within 10 to 15 yards of its target. I am talking about something about which, again, people will say this is alarmist.

It is not an alarmist scenario. This is what nuclear weapons do. We have sort of forgotten that, in my view. Back in the 80s, during the cold war, all of us understood the danger of nuclear weapons, but today I don't think we do. I think we have forgotten what kind of damage they can do.

A single nuclear weapon would vaporize everything. The surrounding air is instantaneously heated to a temperature of 10 million degrees Celsius. It



looks brighter than the sun and shoots outward at a few hundred kilometers per second. It would be sufficient to set fire to anything in Chicago that is combustible at a distance of 14 kilometers. Anybody within 80 kilometers would be blinded as a consequence of the blast.

After the fireball, the blast effect force follows, traveling out from ground zero. Those within 3 kilometers, who had not already been killed, will die from the percussive force. At 8 kilometers, 50 percent of the people will be killed, and every building within 2 kilometers will be completely destroyed. Major destruction of homes, factories, and office buildings would extend out to 14 kilometers.

In the farthest reaches of the immediate blast zone—encompassing everything in Chicago—structures would be severely damaged, and 15 percent of the people in Chicago would be dead, 50 percent would be injured, and most survivors would suffer second- and third-degree burns.

This is the damage that would be done from a single Russian nuclear weapon exploded above an American city. This is just one city.

Again, I point this out not to be alarmist but to say that this is a real threat. This is not an imaginary threat. This weapons system exists. There are 6,000 of these in Russia today that were needed in the cold war; they were needed in a deterrent strategy that the Russians had developed. We have drawn down, and they have drawn down to the 6,000 level—a bit higher than that still today. They are drawing down to that 6,000 level.

But, again, if you ask either our intelligence or the Russians directly, they will tell you they don't have the resources to maintain even 1,000. They don't have the resources to maintain 1,000, let alone 6,000-plus, and in the kind of secure environment the people of the United States of America will need in order for themselves to be safe and secure as a consequence.

I tell the story out of what I think is a loss of focus on the danger of nuclear weapons. I am very concerned that the American people have been lulled into a false sense of security as a consequence of our elected leaders repeatedly telling them the threat no longer exists. In the Presidential campaign of 1996, the President correctly kept saying that for the first time in the history of the Nation we are not targeting the Russians and they are not targeting us.

Well, you can retarget in a couple of minutes, max. This retargeting task is a fairly simple task. Critics of the President pointed that out, and I think correctly. It caused people to be sort of lulled into a sense that, gee, this wasn't a problem. If we are not targeting them and they are not targeting us, this is great news, so we don't have to worry about this threat any longer; thus, we can sort of stop worrying about nuclear weapons. We can worry

about other threats that we have to the United States.

Again, I am calling my colleagues' attention to this problem not because I believe there is going to be a deliberate nuclear attack from Russia, because I don't think that is likely, or even plausible. Indeed, Russia has made extraordinary progress in their effort to transform their economy and political system. Though they have a long way to go to complete the transition, they need to be applauded for it. But this transition is going to take decades—back, forward, stop, go. It is going to take a fair amount of time to transition from an old command economy to a market economy. In the meantime, they are finding it increasingly difficult to maintain the military infrastructure they inherited from the collapse of the Soviet Union, including, dare I say, their stockpile of thousands of nuclear weapons—estimated to be close to 7,000 on the strategic side and a comparable amount on the tactical side. There are 14 storage facilities, according to published reports, where they store fissile material. We don't know what is going on inside those buildings. It is a serious problem that our former colleague, Sam Nunn, has said is a threat not coming from Russia's might but from its military weakness.

If a single one doesn't bother you, there was an incident that occurred recently on September 11, 1998. I appreciate that some will say that KERREY is dreaming, this isn't a real danger. I don't think there is a greater danger than an accidental launch of a nuclear weapon at the United States of America. I think it is the most dangerous problem we face, and it is a scenario that could happen. If it happens, I believe we are going to regret not having developed a different strategy than the old arms control strategy that we have had in the past. I am not going to describe an alternative strategy. I think one is needed, and I think one is more likely to occur if we strike this language from the defense authorization bill and allow the President to go below 6,000, similar to what President Bush did in the early 1990s, getting a reciprocal response from Russia as a consequence.

Let me describe a real time scenario, a situation that happened on the 11th of September—does the Senator want to say something?

Mr. WARNER. I didn't mean to interrupt the Senator, but I am hopeful that we can listen to the important debate. I would like to have the opportunity to respond to the Senator so that Senators following this debate can have framed in their minds where we have a difference of views, and I would like to complete this by 11:45 so we can keep on our schedule. I hope our colleague will try to accommodate as best he can.

This is a very important subject. I share some of the views that he has made. I think what he said is a very

important reminder to Senators on this subject. It has somewhat drifted from the minds of the Senators given that, regrettably, this stalemate thus far in Russia could move to ratification. Let us proceed, hopefully, in a timely way.

Mr. KERREY. Mr. President, let me describe an event that occurred on September 11, 1998. Maybe colleagues didn't notice it; it was written up with a fairly small amount of attention. There was an 18-year-old Russian sailor who seized control of a Russian nuclear submarine near Murmansk. He killed seven fellow crewmembers and held control of the submarine for 20 hours. Russian authorities say that there were no nuclear weapons aboard the submarine. But it would not be difficult to imagine a scenario in which a similarly distraught member of the Russian navy might choose to express his frustration by seizing control of a submarine loaded with long-range, nuclear-tipped missiles. It is widely recognized that command and control of weapons on Russian submarines is much more problematic than even with their ground-based forces.

There was a recent article in the *New England Journal of Medicine*, which conducted an analysis of the effects of an unauthorized launch against the United States from a—and I emphasize just one—Russian Delta IV submarine. This submarine is capable of carrying 16 SS-N-23 missiles. Each of these missiles is equipped with four 100-kiloton warheads. The study examined the consequences of 48 warheads being detonated over eight major U.S. cities. It is likely that this scenario may not be right. It is likely that they would say we have 64 warheads and will put one in each State in the United States of America—that leaves me 14 more—and they will put a couple in New York, a couple in Florida, a couple in other States. Imagine 64,000 kiloton weapons being detonated within a couple of hours in the United States. That is a scenario that could be very real.

Is such a scenario likely to happen? It is less likely to happen than the sun coming up tomorrow, but it could happen. It is a scenario that we need to think about as we think about the danger of these nuclear weapons. And because we don't think about them, it is not likely that we will consider an amendment like this terribly important. We will sort of drift along, as I think we are doing now, saying we are going to wait for the Duma to ratify START II. They are threatening not to ratify for every possible reason. I don't know what the next anger point is going to be. I personally don't believe that the ratification of START II by the Duma is necessarily terribly important.

That we need to look for an alternative way to reduce these threats, to me, is painfully obvious if you examine the danger that this threat poses to us.

When you think about the danger of an accidental or a rogue nation or a

sabotage launch, I think you come immediately to the conclusion that, my gosh, we have far more than we need to keep America safe, and the Russians clearly have far more than they need not only to keep their country safe but to reduce this risk of accidental launch. They do not control their weapons in the same way that we do. They don't have the capacity to control them in the same way that we do, as well.

Imagine, I ask my colleagues; put it on your radar screen. You have a Delta IV submarine with 64 100-kiloton weapons that could be in the United States in 2 hours. They are not like the Chinese nuclear weapons. The Chinese nuclear weapons take several days to get together. Again, part of the published reports is that they have 13 or so aimed at the United States—aimed at our cities. They are nowhere near as accurate as the Russians, or as deadly as the Russians, and nowhere near as likely to be launched either through an accidental launch or through an organized effort to come through sabotage and take over a single facility, or to take over one of these submarines that are much more at risk as a consequence of their lax security.

If you do not think the scenario is possible, I would like to quote the words of former a Russian Navy captain following this particular incident with the Russian sailor that I described earlier on the 11th of September 1998. He said, "It is really scary that one day the use of nuclear arms may depend on the sentiments of someone who is feeling blue, who has gotten out of bed on the wrong side and who does not feel like living." The probability of this today is higher than ever before.

The news has been filled recently with stories regarding nuclear weapons. Unfortunately, the stories have been causing us to be concerned about our security relative to the Nation of China. The findings that China, over the past 20 years, has methodically stolen U.S. nuclear secrets from our National Laboratories are very disturbing, to put it mildly. We were very lax in our security in our Laboratories. We are very lax in our security with our export control licenses. We are very lax in our security in monitoring satellites that are being launched on the Long March system of the Chinese, and as a consequence, the United States of America suffers. There is no question that is true. But U.S. security has suffered against a nation with considerably less capability than Russia and considerably less risk of an accidental launch as a result of the way the two nations organize their weapon systems.

In the uproar surrounding this story, I fear that we may be losing touch with reality concerning the size of the threat we face in China relative to the far greater Russian nuclear threat. Press accounts indicate that China may have no more than 20 land-based nuclear missiles capable of reaching the United States.

Also, again, according to the media, as I said, Chinese nuclear weapons aren't kept on continual alert. Their nuclear warheads and liquid fuel tanks are stored separate from their missiles. Again, it would take them a considerable amount of time to fuel, to arm, and to launch these weapons. That just one of these weapons would cause immense pain and devastation to the United States of America ought to be obvious. But, again, it is a much smaller threat than the threat of an accidental rogue nation, or a sabotage takeover of a Russian site that could be launched with a devastating impact against the United States of America and would put our people at considerable risk.

As of January 1999, my colleagues, with reference to this issue—I remember campaigning for the Senate in 1988. In 1988, you had to know all of this stuff. You had to know all of these numbers, because arms control advocates were asking you, and opponents of arms control were asking. The freeze was going on. The MX missile was being debated. It was a hot issue in 1988.

In 1999, it is not a hot issue. It is not on the radar screen. You have to hunt around to find someone who cares about it and asks you about it and express a concern about what I, again, consider to be the most dangerous threat to the people of the United States of America.

I repeat that this is the only threat that could kill every single American. Just a single Delta IV submarine that I talked about earlier—you put 64 100-kiloton weapons on top of 64 sites in the United States of America, and you are no longer the strongest economy on Earth.

We would have considerably more, to put it mildly, than 4.2 percent unemployment. We would not be screaming along with an economic recovery. The stock market would react, I would hazard a guess, rather adversely to that piece of news. There would be devastation and destruction and considerable loss of life, and the United States of America would be set back a considerable amount of time. We would not be as safe and as secure as we once were, and the world, as consequence, would suffer the loss of our leadership.

A single Delta IV submarine owned by the Russians in a very insecure environment, in my judgment, would set the U.S. back considerably.

I keep citing it only because I believe that we have taken nuclear weapons, unfortunately, off our radar screen, and we don't think about this much. I say to the distinguished chairman and to the ranking member, Senator LEVIN, and Senator SMITH, who is the chairman of the Strategic Subcommittee, that I know each of you are very concerned about this. I am talking about the general population. I would hazard a guess that if one of these news media outlets that does polls all the time did a poll and asked the question about

whether the Chinese nuclear threat is a greater threat to the United States of America than the Russian nuclear threat, it is likely to be that a large number of the people would say yes, given what they have heard recently in the news.

China may evolve into a serious military threat to the United States in the future. They are unquestionably a proliferator of weapons, and all of us should be dismayed and angry at the lax security that we have discovered through the Cox report and other reports over the last 20 years, and should move with legislation and action to tighten up and make sure that we reduce that threat. But the Chinese threat is nowhere near the danger that the Russian nuclear threat poses to the people of the United States of America.

What I am attempting to do with this amendment by striking the floor that we have imposed for 3 years in a row in the defense authorization bill—this provision that prohibits the United States from going below START I force levels until START II enters into force—is that I am suggesting that this floor increases the threat to the United States of America because we are waiting for the Russian Duma to ratify START II. We are still, in my view, in the old way of thinking about how to deal with nuclear weapons and how to reduce the threat of nuclear weapons and keep the people of the United States of America safe.

Let me provide a little bit of history of arms control.

Again, the chairman of the committee asked for some time to respond. Earlier, I was asked if I was going to wrap this thing up at 11:45. I say to my friend from Virginia that I had much more to say on this matter, and it may be that I am not able to agree to a time agreement and have the vote at 11:45. I would like to be able to do that. Maybe what I should try to do is abbreviate my comments and give the chairman a chance to respond briefly, if he chooses to do so.

I see the chairman of the subcommittee is here. He may have some opposing points of view that he would like to offer. I want to give him a chance to do that. I think it is highly unlikely that I will be able to agree to a vote immediately after the BRAC vote at 11:45.

Mr. WARNER. Mr. President, we are under a time agreement, are we not?

The PRESIDING OFFICER. There is no time agreement.

Mr. WARNER. That is correct. We want to give the Senator as much latitude as we can. We will find such time as I believe the Senator desires. I am just anxious to frame this issue, because the Senator has given a brilliant speech, as he always does. I do not say that facetiously. I enjoy listening to my good friend and colleague and fellow naval person. But I was listening, and he is making a good speech for ballistic missile defense, which is splendid. I hope that we are going to draw



on this RECORD for future debates on ballistic missile defense systems. I take note of Senator COCHRAN's bill now that has become law.

But the point I wish to make is that this provision, which the Senator wishes to strike, has been in five successive defensive bills. It is in there in accordance with the administration's wishes to try to show to Russia that we mean business about getting START II ratified. Were we to strike it, it is this Senator's opinion—I think it is shared by the Secretary of Defense, and others—it would weaken the efforts to get START II ratified.

We have here the distinguished chairman of the Subcommittee on Strategic Forces. All I would ask is, if we could just have a few minutes to frame the debate into a focus of Senators following it, I think they can come to some sort of closure in their own minds on this issue.

Mr. KERREY. Mr. President, I appreciate that. Why don't I take another 5 or 10 minutes here.

Mr. WARNER. We interrupted the Senator. Would he yield for an additional question on procedure?

Mr. KERREY. Yes.

Mr. LEVIN. I believe this debate will take longer than 35 minutes, and there is no time agreement on this debate. There are others who want to speak on both sides.

I address this to the chairman, because this seems to me likely to take more than 35 additional minutes. Since the debate is scheduled to restart on BRAC at 11:45, I wonder whether the chairman might want to delay that for perhaps 15 minutes or half an hour.

Mr. WARNER. Fifteen minutes. We had such great cooperation from all. We have a string of Senators ready to be here at 11:45. Let's say we will conclude at 12 noon; is that agreeable?

Mr. LEVIN. I am not suggesting we have a time limit of 12 noon. I am suggesting if we delay the beginning of the BRAC debate until noon, there is at least a chance that this debate could conclude by then. If it does, we could vote on this amendment immediately after BRAC.

I don't think the Senator from Nebraska is willing or should be willing to agree to a time agreement yet because he has not heard the debate on the other side.

I suggest the debate on BRAC begin at noon—we change the unanimous consent—instead of 11:45, and hope that at least there is a chance that this debate could in 35 minutes be completed but not “bake” that into the unanimous consent.

Mr. WARNER. I want to accommodate our distinguished colleague. If we don't proceed, I say to my copartner, in getting time agreements, we are likely to get this whole bill slowed down.

I wonder if we could just enter into a time agreement to debate on this amendment, that it would conclude at 12 noon.

Mr. KERREY. I would very much like to accommodate and do that, but my problem is—

Mr. WARNER. Let me help. The distinguished chairman of the subcommittee says 10 minutes; I may take 2 minutes. That is 12 minutes. The Senator would have a full half hour left.

Mr. LEVIN. Before the Senator from Nebraska answers, if he yields, I will speak for perhaps 5 or 10 minutes on the subject. I know the Democratic leader wants to speak on this amendment, I believe, if possible, around 11:30. There may be others, too. We ought to find out if there are others before any such agreement is propounded.

Mr. KERREY. Again, I appreciate very much what the chairman is trying to do. I certainly have no intent to sit out here forever talking. Eventually I will agree to a time agreement. I am not willing to do that at the moment. I am beginning to lay out a case that has not been laid out before.

Mr. WARNER. We will continue with the debate and hope we can begin to bring this thing to some proportion of closure. We will take a relatively short time on our side, because it is a bill provision; the Senator is on a motion to strike. It is very clear what we are trying to do on this side, to help this administration get ratification, help America get ratification of START II.

That is the sole purpose for this provision. It has been in there 5 years for that purpose.

I yield the floor.

Mr. KERREY. Mr. President, again I am not trying to make an argument here for or against strategic defense. I will work with Senator COCHRAN to try to fashion some assistance to bring additional Democrats. I supported what Senator COCHRAN was trying to do.

The problem is, missile defense is not prepared today. The problem is, we don't have missile defense today. We are not sure when we will have it. I don't want to get into necessarily arguing that. I am saying that within a matter of hours it is possible for the United States of America to suffer an attack the likes of which I think very few people are imagining.

It is a real threat. It is not an imaginary threat. It is a real threat, and it is a threat that is getting larger, not a threat that is getting smaller. It is not the old threat. The old threat—and I appreciate what I think the administration's stated policy says. They prefer repealing the bill's general provisions that maintain this prohibition first enacted in 1998, but maybe the administration supports this amendment and maybe they don't support the amendment.

I believe this floor makes it less likely that we will consider an alternative to arms control as a method to reduce this threat. I am willing to look at alternatives such as star wars for which I voted. The strategic defense system is not in place today. I don't know when it will be in place.

In the meantime, the capacity to control Russia's nuclear system is declining and putting more and more Americans at risk as a consequence.

This is the third year, as I understand it, that this provision has been here.

Let me talk about strategic arms reduction. It has been the leading edge of our effort to try to reduce the threat. Back in the cold war, it was considered to be the only way that we will do it. I am not going to go through all the details of the history, but the Strategic Arms Reduction Treaty was signed between the United States and the Soviet Union, START I, in 1991 and entered into force in 1994. It commits both sides to reducing their overall force level to 6,000 deployable warheads by December of 2001. Both sides are well on the way to meeting this deadline. The START II treaty signed in January 1993 and requires both the United States and Russia to deploy no more than 3,500 warheads by no later than December of 2007. The Senate ratified START II in 1996, but the Russian Duma has yet to take up the treaty.

Section 1041 of this authorization bill extends for another year the limitation on retirement or dismantlement of strategic nuclear weapon systems until the START II treaty enters into effect. Let me put this another way: The bill we are debating allows a foreign legislative body the final say on U.S. nuclear force levels. I do not believe this is how we should set our defense policies. Our military decisions should be based solely on what we need to protect and maintain our national security interests.

While I understand this provision was originally intended to encourage Russian ratification of START II, I think it is time to begin to rethink our strategy. For the foreseeable future, START II is dead. We can all make the case that the Duma should have acted, that ratification was more in their interests than in ours, or that the reason it failed was domestic Russian politics. All that is true. But we now need to begin to ask ourselves if the current policy of waiting for Russian action on START II is the best way to confront the dangers presented by the Russian nuclear arsenal.

I believe the answer is emphatically no. The provision in this bill I am trying to strike is forcing the United States to maintain an unnecessarily large nuclear arsenal. By keeping more weapons than we need to defend ourselves, we are encouraging the Russians to keep more weapons than they can control. That is the heart of the argument that I am making.

We are keeping more in our arsenal than we need, and as a consequence, forcing the Russians to keep more in their arsenal than they can control, increasing the risk of an accidental launch, a rogue nation launch, or a launch that comes as a consequence of an act of sabotage.

The determinant of adequate U.S. force levels should be left up to the men and women who are in charge of protecting the United States. While Pentagon officials have said they have

no plans to go below START I levels during fiscal year 2000, they have clearly stated their preference for lifting these artificial restrictions. In the recent testimony before the Senate Armed Services Committee, the current commander in chief of the Strategic Command, Adm. Richard Mies, said:

We believe that we ought to report to you on an annual basis on exactly what we plan to do, but we would prefer not to have the specific mandating of the force levels by delivery systems.

Our Armed Forces are more than capable of protecting U.S. national security with significantly fewer strategic nuclear weapons. In fact, Gen. Eugene Habiger, former commander of STRATCOM, said: "There is no reason to stay at the START I level from a military perspective." Our nuclear policy has become completely detached from the military requirements of defending America, and is now being used simply as a bargaining chip with Russian politicians.

Ironically, this is occurring at a time in which the Russian military is having problems maintaining its current force levels. The Russians foresee a time, in the near future, when drastic cuts will have to be made. In fact, Russian Defense Minister Igor Sergeev has said publicly he sees the future Russian strategic nuclear arsenal in terms of hundreds, not thousands, of warheads. There are even some U.S. analysts who have calculated within 10 to 15 years Russia will be able to maintain a force no longer than 200 warheads.

I believe it is clearly in the Russian interest to work with the United States to achieve reciprocal reductions in forces, and I am disappointed the Russian Duma has chosen domestic politics over its best interests. However, it is just as clear that it remains in our interests to work with Russia to find new ways to reduce the number of nuclear weapons in a parallel, reciprocal, and verifiable manner.

We have a historical precedent to show that an adjustment in our nuclear forces, based solely on an evaluation of our defense needs, can help achieve the goal of reducing nuclear dangers. There is a precedent for this. On September 27, 1991, then President George Bush announced a series of sweeping changes to our nuclear force posture. After assessing our national security needs, Bush ordered all strategic bombers to stand down from their alert status, he de-alerted all ICBMs scheduled for deactivation under START I, and he canceled several strategic weapons development programs.

On October 5—just one week later—President Gorbachev responded with reciprocal reductions in the Soviet arsenal.

President Bush acted, not out of altruism, but because it increased U.S. national security. In his announcement, he said:

If we and the Soviet leaders take the right steps—some on our own, some on their own,

some together—we can dramatically shrink the arsenal of the world's nuclear weapons. We can more effectively discourage the spread of nuclear weapons. We can rely more on defensive measures in our strategic relationship. We can enhance stability, and actually reduce the risk of nuclear war. How is the time to seize this opportunity.

I believe the same is true today in 1999. The longer we wait to act—the more years in which we extend this legislative restriction—the more likely it is one of these weapons will fall into the hands of a person willing to use it to kill American citizens.

In addition to endangering the safety of the American people, our continued insistence on staying at START I levels is costing the American taxpayer. They are paying more to be less safe.

Estimates on the annual cost of maintaining our nuclear arsenal vary widely. The Pentagon contends the total cost is in the neighborhood of \$15 billion a year. A more inclusive figure would put the cost in the area of \$20 to \$25 billion. This represents a significant portion of our yearly national security spending. For now, it continues to be necessary to maintain an effective, reliable nuclear force—a force capable of deterring a wide array of potential adversaries.

But if, as our military leaders have indicated, we can maintain that deterrent capability at much lower force levels, I am concerned we are wasting precious budgetary resources. The Congressional Budget Office recently conducted a study in which it found we could have between \$12.7 billion and \$20.9 billion over the next ten years by reducing U.S. nuclear delivery systems within the overall limits of START II. Both the Pentagon and the Armed Services Committee have already recognized that potential savings exist in this area. The bill before us allows the Defense Department to decrease the number of Trident Submarines from 18 to 14—producing a significant cost savings in our deterrent.

I am sure further savings could be realized with further cuts. I am certain our military has the ability to determine the proper formula in which we can reduce our nuclear arsenal, save money, and still maintain a healthy triad of delivery systems that will maintain our deterrent capabilities. I am confident much of this planning has already occurred.

I am also confident the distinguished members of the Armed Services Committee would be able to find ways in which to redirect these savings into other defense priorities such as preventing the proliferation of weapons of mass destruction, combating terrorism and narco-trafficking, or improving the readiness of our conventional forces to confront the challenges of the 21st century.

My amendment does not mandate any reductions in the U.S. strategic nuclear arsenal. Rather, it simply eliminates the provision in this bill requiring us to maintain our forces at START I levels—a level that is unnecessarily high.

The greatest danger facing the American people today is Russian nuclear weapons. We have been given a moment in history to reduce this threat. Rather than acting on this opportunity, we are preparing once again to tie our own hands. The rapid pace of change in Russia and around the world will not wait for us in the United States Senate to debate for another year whether or not to seize this opportunity. We know what our relationship with Russia is today. We can predict, but we cannot know what it will be like in a year, or two, or ten. Circumstances may never again be this favorable for reducing the threat posed by nuclear weapons. We must act. If we do not, history may judge us harshly for our failure.

I see the distinguished Senator from New Hampshire is here, the chairman of the subcommittee. I think what I will do is yield the floor and allow my friend to speak for a while, and listen to what is likely to be his considered and well-spoken words.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague. I indicated I am more than happy to have the Senator from Nebraska finish his remarks, but if he chooses to have me proceed now, I will be happy to do that.

Section 1041 of this bill, which is in question here in the amendment of Senator KERREY, does prohibit the retirement of certain strategic delivery systems unless START II enters into force. The amendment by the Senator from Nebraska just strikes that entire section, section 1041.

For the last several years, the Defense Authorization Act has included a provision limiting the retirement of strategic delivery systems. Recently, it has specifically prohibited reductions below 18 Trident submarines, 500 Minuteman III ICBMs, 50 Peacekeeper ICBMs, and 71 B-52s. This year the provision has been modified to allow the Navy to reduce the number of Trident submarines from 18 to 14. This change was made after close consultation with U.S. Strategic Command, the Navy, and the Office of the Secretary of Defense. On April 14, 1999, the Strategic Subcommittee conducted a hearing on this matter. We did agree to reduce the number of Tridents from 18 to 14, with my support.

The overall intent of the provision is to send a signal to Russia, that if they want the benefits of START II, then they ought to ratify the treaty. I think this is where I part ways, respectfully, with my colleague. This really is a unilateral implementation of START II—or to make even deeper reductions that would fundamentally undermine the arms control process and our national security.

I believe I am correct, the Senator supported START II. If he is going to make unilateral reductions as part of our policy, I do not think it leaves much incentive for the Russian side to do what they have to do to get to START II.

But section 1041 is a very flexible provision. Since it must be renewed each year, there is ample opportunity to take into consideration proposals by the administration and to make our force structure adjustments as necessary.

This was demonstrated this year in the way the Armed Services Committee responded to the Navy's proposal, which was to retire four of the oldest Trident submarines.

With all due respect, the adoption of the Senator's amendment I believe could be interpreted as a sign that Congress no longer supports the policy of remaining at START I levels until START II enters into force. It seems to me the Senator is advocating that explicitly, but I could be wrong. I note that the administration does not support such a change in policy and, indeed, the administration's budget request fully funds the forces at the levels specified in the section in question that the Senator wishes to strike, section 1041.

The provision does not preclude the administration from making any changes in U.S. force structure that it is currently planning to make. Section 1041 does not require the administration to retain any strategic delivery system that it otherwise would retire. It is clear that the principal objective of this amendment is to encourage unilateral arms reductions outside the framework of existing arms control agreements.

My concern is this is a very dramatic departure from existing U.S. policy. Essentially, this approach would amount to an abandonment of, or certainly a significant deviation from, the formal arms control process.

I may support a change in U.S. policy that would base our strategic force posture on a unilateral definition of U.S. military requirements rather than on the arms control framework, but I believe that as long as formal arms control agreements govern our force posture, we ought to adhere to a policy of not unilaterally implementing such agreements.

Also, just as a bit of a side discussion here, the issue of what has happened now with China may also sound an alarm bell that these agreements with the Russians—were the Soviets, now the Russians—may not be the major issue before us if things keep going.

One has to remember that an agreement, START I, START II agreements with the then Soviets, now Russians, for arms control reductions between two countries in a bilateral world, could very well now expand to something beyond just the bilateral agreements with the Russians to the Chinese and perhaps to Syria and Libya and even Iran, or some other nice countries out there that are now, thanks to the Chinese, going to be receiving a lot of our secrets, if you will, nuclear weapons. That furthers the case for not unilaterally reducing these systems without the Russians agreeing first.

I therefore urge my colleagues to oppose the Kerrey amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I just spoke with Senator KERREY. I know he will want to say something in response to Senator SMITH and what I will have to say. I will take my 5 minutes right now, with his indulgence.

I appreciate the spirit of his amendment. In fact, I just advised Senator KERREY I regretted very much having to speak in opposition to his amendment because I admire him as vice chairman of the Intelligence Committee on which I sit. We agree on a great many things. In fact, we are introducing legislation as cosponsors today on another matter.

But on this matter, I do differ with his approach because it to me reflects the approach to defense preparedness, to national security, that has been characterized, as Charles Krauthammer has said, as "peace through paper" rather than peace through strength, which Ronald Reagan made popular and which we think helped to win the cold war—the notion, in other words, that treaties should define what the United States of America does to provide for its defense rather than the United States deciding what it must do to provide for its defense and then seek through treaties to limit what other countries might do and what we might do in the future as a part of that but following what our initial determination is with respect to necessities for our national security.

This is true with respect to the START I and START II levels of nuclear weaponry, our strategic deterrents. The START I levels are where we are right now, and historically the administration and the Congress have taken the view that we need to maintain our START I levels as long as that is the prevailing status of treaties, and that is precisely where we are today.

START II has not been ratified by the Russian Duma, and until it is and until Russia begins to comply with its obligations under START II to bring the number of warheads permitted under START I down to levels authorized by START II, we have viewed it important not to unilaterally bring our levels from START I down to START II, because holding out the possibility that we would stay at START I has been an effective way for us to deal with the Russians.

Robert Bell, speaking for the administration, has testified that it has been helpful for us to let the Russians know that we are going to maintain our forces at the current levels. While we are willing to reduce them to START II levels, it is going to require concomitant action by the Russians for us to do that. In other words, if the Russians are prepared to go from START I down to START II, then the United States will be prepared to do that. But until then, we should not be taking the action unilaterally.

As a matter of fact, I was going to offer an amendment to this bill which would ensure that our Trident forces would not be reduced, because that is also permitted under this bill. The Trident submarine forces are the most robust leg of our triad of strategic deterrence because they are the most secure. Our submarines are nearly impossible to track, so they are clearly the most survivable leg of the triad. The majority of our boats in the fleet can carry the D-5 missile, the most advanced missile we have.

What I have focused on here is trying to make sure that our country maintains our START I level capability and that we do not begin to erode that, simply because it is expensive to do as long as Russia is not willing to reach those same levels.

An example of why this is important is that if we were to reduce the Trident force, for example, we would be relying upon the B-52s—as a matter of fact, our plan, and I hope our American citizens appreciate that the current defense plan is to use an 80-year-old B-52 bomber into the future as part of the triad for our nuclear deterrence. That is relying upon a very old and not very survivable system, which is why I think we have to maintain the Trident system.

Our vulnerable land-based ICBMs are the other leg, and they are also quite vulnerable to attack. We ought to be maintaining rather than giving up our Trident forces.

Were it not for arms control considerations and a desire for the United States to implement the START II agreement that has not even been ratified by the Russian Duma, I do not think we would be taking the step that is being suggested by the Armed Services Committee today and the even larger or further step that Senator KERREY takes to have it apply to all of our strategic forces.

I have been concerned for a long time about the administration's desire to protect our Nation's security primarily by relying on arms control measures, and I said this has been described by Charles Krauthammer as "peace through paper." Let me use the words of the administration. Under Secretary of State John Holum explained the administration philosophy in 1994. This is a revealing explanation. He said:

The Clinton administration's policy aims to protect us first and foremost through arms control—by working hard to prevent new threats—and second, by legally pursuing development of theater defenses for those cases where arms control is not yet successful.

That is exactly backward. First, you develop your security forces, and then, to the extent that you can do so, you cut back on those through arms control treaties that are agreed to and implemented by the other side. But what you do not do is start out by saying arms control is going to drive your development and deployment of national security measures. It is exactly backward.

Arms control is not a new idea. In 1139, the Catholic church tried to ban the crossbow. Like a lot of other well-intentioned arms control measures, it did not work. The Kellogg-Briand treaty—I know the Senator from Virginia, the distinguished, esteemed chairman of the Armed Services Committee, is not quite old enough to remember that—in 1929 outlawed war.

Well, it does not work. Peace through strength works. Then you do what you can with arms control.

The main point I want to make is that our defense planning should proceed on the basis of assessing the threat, evaluating alternative means to defeat the threat, and funding the requisite weapons systems and force structure. We should not permit arms control agreements to drive our defense programs and our force structure. It is particularly true with respect to the START II treaty which this Senate ratified in December of 1995. Despite our action, the Russian Duma has refused to take action on it. The likelihood it will do so is highly uncertain. START II has become a political liability in Russia in spite of its advantages to them.

As I said before, I would apply this not only to the amendment offered by Senator KERREY but also to the language in the Senate bill which would permit the administration to withdraw our nuclear Trident force down to 14 boats. I quoted Robert Bell who stated that the provisions in law requiring the maintenance of the U.S. forces at START I levels are helpful in convincing the Russians that the only way that U.S. force levels will decline is if the Russian Duma ratified START II. While I understand he is going to be taking a new position soon, Bell is the President's Special Assistant for Arms Control and Defense Policy.

I was going to offer an amendment to highlight my concern about a provision of the Defense authorization bill that I believe undermines the strength of America's strategic nuclear deterrent. The specific provision that I am concerned about is paragraph (2) of section 1041 of the bill, which would allow the Clinton administration to reduce the number of Trident nuclear submarines operated by the U.S. Navy from 18 to 14 boats. Unfortunately, I fear the acceptance of this cut by the Defense Department was driven primarily by a desire to conform to prospective arms control agreements rather than a hard-nosed assessment of the best way to respond to current threats, and the best means of compelling Russia to meet its commitments to reduce its nuclear arsenal.

The Trident force, armed with nuclear-tipped submarine-launched ballistic missiles, forms a critical part of the United States nuclear triad, which also includes long-range bombers and land-based intercontinental ballistic missiles. When deployed at sea, Trident submarines are nearly impossible to track, making them most survivable leg of our nuclear triad. Furthermore,

the majority of the boats in our Trident fleet carry America's most modern missile, the D-5, and our most advanced nuclear warhead, the W88.

The bill before the Senate calls for the maintenance of U.S. nuclear forces at a level that closely approaches the limits imposed by the START I treaty. The bill, however, allows the Administration to reduce the number of Trident submarines and instead to rely more heavily on the current fleet of aging B-52 bombers and more vulnerable land-based ICBMs to maintain U.S. nuclear forces at START I levels.

I do not believe a reasonable person could argue that placing greater reliance on the venerable fleet of B-52 bombers, which are approaching one half century old, instead of maintaining the current force of Trident submarines would enhance the effectiveness and survivability of the U.S. strategic nuclear deterrent. Were it not for arms control considerations and a desire to implement the START-2 agreement that has not even been ratified by our Russian treaty partners, I do not believe we would be taking this step.

As many of my colleagues know, I have been concerned for some time about the Clinton administration's desire to protect our nation's security primarily by relying on arms control measures in a philosophy that Charles Krauthammer aptly describes as "Peace thru Paper." Under Secretary of State John Holum explained this philosophy during a speech in 1994, stating,

The Clinton Administration's policy aims to protect us first and foremost through arms control—by working hard to prevent new threats—and second, by legally pursuing the development of theater defenses for those cases where arms control is not yet successful.

Of course, as I said before, arms control is not a new idea. After all, in the year 1139, the Catholic Church tried to ban the crossbow. Like so many other well intentioned arms control measures, this one was doomed to failure from the start. And who can forget the Kellogg-Briand treaty, ratified by the U.S. in 1929, that outlawed war as an instrument of national policy. This agreement and others spawned in its wake left the United States and Britain unable to deter and unprepared to fight World War II. Yet despite these and many other notable failures, the Clinton administration still looks to arms control as the best way to safeguard our security.

The main point that I want to make is that our defense planning should proceed on the basis of assessing the threat, evaluating alternative means to deter and defeat the threat, and funding the requisite weapons systems and force structures. We should not permit arms control agreements to drive our defense programs and force structure. This is particularly true with respect to the START II treaty, which the Senate ratified in December, 1995. Despite the Senate's action, the

Russian Duma has refused to take action on the accord. The likelihood that it will do so is highly uncertain. START II has become a political liability in Russia in spite of its advantages to them.

Adherence to START I warhead limits, as called for by the Senate in its Resolution of Ratification for the START II treaty, and retention of the Trident fleet at 18 boats, gives us the best leverage we are likely to have to persuade Russia to move toward ratification and implementation. And the Clinton administration agrees with this point. During a briefing for Senate staff in January, the President's Special Assistant for Arms Control and Defense Policy, Robert Bell stated that the provisions in law requiring the maintenance of U.S. forces at START I levels are helpful in convincing the Russians that the only way U.S. force levels will decline is if the Duma ratifies START II.

The U.S. repeatedly purchased START II ratification with aid or with concessions permitting Russia non-compliance with other arms control agreements or with unilateral limits on our own defense programs. In fact, Russia seems to be moving even further from the arms control framework so dear to this administration. Russian leaders have recently spoken of reconstituting Russia's tactical nuclear forces, potentially reversing moves that the U.S. and Russia undertook during the Bush administration. On April 30th of this year, the Washington Times reported that Russia's Security Council ordered its military to draw up plans for the development and use of tactical nuclear weapons in what may be a response to NATO's heightened profile due to its involvement in Kosovo. Russia also continues to channel a high proportion of its declining military budget into its strategic nuclear forces and now places greater reliance on nuclear forces in its military doctrine. And furthermore, Russia appears to be conducting tests on new nuclear weapons. As the Washington Post reported on January 24th of this year, "Three small underground nuclear tests Russia conducted last fall have prompted some government intelligence analysts to suggest that Moscow may be trying to design a new generation of tactical nuclear weapons."

Nor is Russia the only concern. China is also modernizing its strategic nuclear forces with the benefit of warhead designs stolen from our nuclear labs and missile technology sold by the Clinton administration. The Cox committee had concluded that these thefts enabled China to design, develop, and successfully test modern strategic nuclear weapons and that these designs will make it possible to develop multiple independent reentry vehicles or MIRV warheads for their missiles. As the summary of the Cox committee report notes, "The People's Republic of China has stolen design information on the United States' most advanced thermonuclear warheads. Specifically, the

W-88 (Trident D-5 SLBM); W-87 (Peacekeeper ICBM); W-78 (Minuteman III, Mark 12A, ICBM); W-76 (Trident C-4 SLBM); W-70 (Lance SRBM); W-62 (Minuteman III ICBM); W-56 (Minuteman II ICBM). These thefts, primarily from our national laboratories, began in the 1970s, continued in the 1980s and 1990s and almost certainly continue today." The Cox report concludes by saying, "These thefts enabled the PRC to design, develop and successfully test modern strategic nuclear weapons."

Furthermore, I would point out to my colleagues that rogue states and gangster regimes are also working hard on nuclear weapons and the means to deliver them. As the Rumsfeld Commission noted last year, the strategic threat to the U.S. from rogue nations is growing rapidly. And one need only look at last summer's launch of a North Korean missile that overflowed Japan that has sufficient range to reach the United States for validation of the Rumsfeld Commission's conclusions.

Mr. President, I have offered an amendment to retain the Trident fleet at 18 boats. We should remember that the world remains a dangerous place and should size our nuclear forces accordingly. As I have outlined before, the Trident fleet is vital to the maintenance of our strategic nuclear deterrent. This is too important a step to be entrusted to an administration in thrall to its bankrupt Russia policy and its naive approach to arms control.

I ask unanimous consent that a copy of my amendment be printed in the RECORD.

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

Beginning on page 357, strike line 23 and all that follows through page 358, line 4, and insert the following:

(b) MINIMUM LEVEL FOR B-52H BOMBER AIRCRAFT.—Subsection (a)(1) of such section is amended by striking "71" and inserting "76".

Mr. KYL. Again, I fully respect the vice chairman of the Intelligence Committee and what he is attempting to accomplish. It is my view you first build your defense structure, and you stick with it until you see signs that the potential adversary has reduced his force structure in a competent way. Until you do that, you are better off keeping what you have in place rather than unilaterally giving it away.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, let me say that although we reach different conclusions, I completely agree with the Senator from Arizona. I do not think we should tie our defense policies to arms control agreements. I do not think we should do anything other than assess the threat and then try to put a force structure together that meets that threat, that keeps that threat as low as is possible. We should not cut corners. We should not get tied up in ideological knots.

We should decide what is necessary to keep Americans safe. I do think that it is much more likely that will occur if the U.S. military is as strong as we can possibly make it. There are significant new threats in the world that need to be met. I support the budget that has been proposed here.

I supported earlier the rampup in pay and other benefits. I think all that needs to be done. I think we have less in our intel budget than is necessary to both collect and analyze and disseminate the information to our warfighters and national policymakers.

What we are doing, as I see it, with this proposal is saying we are not going to do anything that might be in our interest, that might keep our country safer, because the Russians have not ratified START II. We are letting the Russians decide what our force structure is going to be.

We have been told by former General Habiger, who was the head of STRATCOM, that he thinks the United States of America will be safer and more secure if we went below START I levels. That is his assessment. He did not care what the Russians think about that. He thinks America would be safer and more secure if we did.

I am not going to read all through it. I will do it later because I see the distinguished Democratic leader is here and would like to make some comments. I am going to read some things that ought to give Americans a great deal of concern about this "loose nuke" issue where the Russians are experiencing a deterioration in their capacity to control their nuclear weapons, and we are requiring them to be not only at a higher level than they need but we are requiring ourselves to be at a higher level than we need to be as a consequence of saying we are not going to do anything until the START II Treaty is ratified.

Let me set the record clear about the administration's position.

Senator LEVIN, for the record, in the Armed Services Committee, on the 3rd of February, asked General Shelton:

Would you oppose inclusion of a provision in the Fiscal Year 2000 Defense Authorization Act mandating strategic force structure levels—specific numbers of Trident Submarines, Peacekeeper Missiles and B-52 bombers?

He said:

Yes, I would definitely oppose inclusion of [that].

And a further statement of the administration about their attitude towards the defense authorization bill said:

The Administration [would] appreciate the bill's endorsement of our plan to reduce the Trident submarine force from 18 to 14 boats. . . .

But they go on to say:

[W]e prefer repealing the bill's general provision that maintains the prohibition, first enacted in the FY 1998 Defense Authorization Act, against obligating funds to retire or dismantle any other strategic nuclear delivery system below specified levels unless

START II enters into force. The Administration believes this provision would unnecessarily restrict the President's national security authority and ability to structure the most capable, cost-effective force possible.

They have announced no intent to go below START I levels, but they have indicated they prefer not to have this prohibition in there.

The PRESIDING OFFICER. If the Senator will withhold, we have a previous order at this time to begin debate on amendment No. 393.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. I ask unanimous consent that I be allowed to speak on the Kerrey amendment. Did the Senator from Nebraska want additional time as well?

Mr. KERREY. After the other amendment is disposed of, we will come back to it, and I will have time then.

Mr. DASCHLE. If it would be appropriate, I ask unanimous consent to address the Kerrey amendment at this time.

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

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from Nebraska for his advocacy and his leadership on this issue. This is probably one of the most important debates that we are going to have this year with regard to nuclear proliferation. This amendment could be one of the most important amendments that we will have the opportunity to vote on this year with regard to nuclear proliferation. So his advocacy of this issue and this amendment is greatly appreciated. I am very impressed with his command of the facts as we consider its advocacy this morning.

Much of the current debate on national security issues these past several weeks has focused on two issues, as we all know: Kosovo and the alleged Chinese espionage of our national weapons laboratories. That concentration is very understandable.

In the first instance, the courageous men and women who make up America's military forces are risking their lives daily in the Federal Republic of Yugoslavia to reverse the genocidal policies practiced by that country's leader. That is a just cause.

For the sake of hundreds of thousands of refugees made homeless by Milosevic's reign of terror, as well as the future of NATO, we simply cannot afford to fail.

As for the safety of our nuclear secrets, this, too, is an issue of vital national security. It is alleged that for the last two decades the Chinese Government has systematically engaged in efforts to gain access to some of our most important nuclear weapons scientists and the knowledge they possess.

Although all agree that classified information has fallen into the hands of the Chinese Government, it certainly

remains unclear who is involved and exactly how much of our national security suffered as a result of these activities. The administration, the Congress, and law enforcement agencies are vigorously exploring answers to these troubling questions.

But as important as these issues are, as I noted just a moment ago, I submit there is an issue of equal or greater importance to America's immediate and long-term national security interests, and this amendment addresses it. The issue is the U.S.-Russia relationship and the fate of tens of thousands of nuclear weapons, and hundreds of tons of nuclear weapons material possessed by each side.

The Kerrey amendment recognizes the importance of that relationship. The Kerrey amendment proposes that the United States take a small step to improve this relationship by acknowledging that the Russian nuclear arsenal is shrinking, and adopting the view of the Joint Chiefs of Staff that our security will not be jeopardized if we do the same.

I strongly support this amendment and ask my colleagues to join me.

It is difficult to point to a period of time since the end of the cold war when relations between the United States and Russia have been under greater stress. Protests and public opinion polls in Russia demonstrate that anti-American feeling is on the rise in that country. The tension in this critical relationship has grown as a result of both Russia's internal economic and political troubles and actions by this Government.

At the very time the U.S.-Russia relationship is under unprecedented stress, the need to work with Russians to reduce the threat posed by nuclear weapons and the spread of nuclear weapons material and expertise has never been greater.

Nearly a decade after the fall of the Berlin Wall, the United States and Russia still possess roughly 12,000 strategic nuclear weapons, thousands of tactical nuclear weapons, and hundreds of tons of nuclear weapons material. Even more alarming, both sides keep the majority of their strategic nuclear weapons on a high level of alert—something I addressed in past comments and, for the life of me, cannot understand.

And reports are growing that Russia's government lacks the resources to properly maintain and control its nuclear weapons, nuclear materials, and nuclear know-how. Consider these recent events.

In September of 1998, roughly 47,000 nuclear workers protested at various locations around Russia over the Atomic Energy Ministry's failure to provide them their wages for several months. Russian Atomic Energy Minister Adamov told the workers that the government owed the ministry over \$170 million and had not provided a single ruble in two months.

Again late last year, Russian radio reported that the mayor of

Krasnoyarsk-45, one of Russia's closed nuclear cities, where enough nuclear material to build thousands of bombs is stored, warned that unless urgent action was taken, a social explosion in the city was unavoidable.

More recently, guards at nuclear facilities reportedly left their posts to forage for food. Others have been reluctant to patrol facility perimeters because they did not have winter uniforms to keep them warm on patrol.

At some nuclear facilities, entire security systems—alarms, surveillance cameras, and portal monitors—have been shut down because the facilities' electricity was cut off for non-payment of bills.

According to recent testimony by senior Pentagon officials and statements by senior Russian defense officials, Russia's nuclear stockpile is faring no better than the workers hired to maintain and guard it. According to Assistant Secretary of Defense Ted Warner, Russia's force of roughly 6,000–7,000 strategic nuclear weapons will be dramatically reduced regardless of whether Russia ratifies START II.

By 2005, according to Warner, "[Russia] will be hard pressed to keep a force of about 3,500 weapons \* \* \* and by about the year 2010, they will be hard pressed to even meet a level of about 1,500 weapons." Russian Defense Minister Igor Sergeyev recently stated that Russia is "likely to have no more than 500 deployed strategic warheads by 2012 for economic reasons." Finally, in this weekend's newspapers comes the latest evidence of Russia's nuclear troubles. Under the headline, "Russia Faces 'New Chernobyl' Disaster," the London Sunday Telegraph reports,

What a Russian energy minister has called a Chernobyl in slow motion is unfolding in [Russia's] far north where nuclear submarines are falling to pieces at their moorings and a decaying nuclear power station has been refused European Commission aid to buy vital safety equipment.

According to the Russian chief engineer at the nuclear plant, "We are in despair."

Mr. President, while U.S.-Russia relations approach their nadir and Russia struggles to keep the lid on its nuclear forces and workers, what has been the response of the majority of the United States Senate?

Unfortunately, for the last several years, a majority of the Senate opted to legally prohibit the United States government from responding by making modest reductions in our forces. A majority in the Senate has prevented the U.S. government from reducing our nuclear forces below the START I level until Russia has ratified START II. This majority has chosen to include a similar provision in this year's defense authorization. This provision further damages U.S.-Russia relations, locks us in at nuclear weapons levels not needed for our security, and drains much-needed resources away from higher priority defense programs. Senator KERREY's amendment wisely strikes this provision.

As I noted earlier, our relationship with the Russian government and Russian people is at a low point. Russians fail to understand our actions on several fronts—from NATO enlargement to ballistic missile defense. As Russians look at the inevitable decay of their own strategic nuclear forces, they question why the United States insists on holding firm at weapons levels Russia can never hope to match, let alone exceed.

As for whether mandating by law that we retain 6,000 strategic weapons, our senior military leaders—current and former—have decisively expressed their opinions on this issue. In testimony before the Senate Armed Services Committee earlier this year, General Hugh Shelton, chairman of the Joint Chiefs of Staff and this country's senior military leader, opposed just such a requirement. According to General Shelton, "I would definitely oppose inclusion of any language that mandates specific force levels." General Eugene Habiger, former chief of all U.S. strategic nuclear forces, agreed with General Shelton and went farther. General Habiger stated, "There is no need to stay at the START I level from a military perspective."

The Republican decision to keep our strategic weapons levels at an artificially high level also has budgetary ramifications. The Congressional Budget Office estimates that keeping U.S. strategic nuclear weapons totals at START I levels will cost the Defense Department \$570 million in FY2000 and nearly \$13 billion over the next 10 years. Resources are incredibly scarce, both in the Defense Department and in other areas of the government. We should spend every nickel necessary to ensure a strong defense. But we shouldn't spend a nickel on weapons systems the military tell us they do not need.

For all of these reasons, I oppose the provision in the underlying bill. I support Senator KERREY's amendment to strike this provision and restore a modicum of sanity to an increasingly troubled state of affairs. I ask my colleagues to do right by this important relationship, by our senior military leaders, and by the U.S. taxpayers who foot the bill for all we do. I ask for our colleagues' support on the Kerrey amendment. I yield the floor.

AMENDMENT NO. 393

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, debate will now begin on amendment 393.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand that Senator WARNER may wish to speak on the Kerrey amendment for perhaps 5 minutes before we move to the BRAC amendment. If so, we are trying to reach Senator—Mr. President, I withdraw that. Are we now on the BRAC amendment?

The PRESIDING OFFICER. We are now on the BRAC amendment No. 393.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Nevada.



Mr. BRYAN. I thank the Chair, and I thank my colleague from Michigan.

I rise today as a strong supporter and original co-sponsor of the amendment offered by my colleagues, Senator McCAIN and Senator LEVIN, to consolidate our defense infrastructure and authorize an additional round of base closures.

For months, Pentagon officials, military leaders and key Members of the House and Senate have painted a picture of an American military force seriously compromised by years of declining or flat-budgets.

No one questions that the integrity of our force structure must be fortified, and I strongly support efforts to divert greater funding to modernization and readiness priorities—funding which, in my judgment, is critical if we are to continue to maintain the most powerful and proficient military force on the planet.

And I think we are all cognizant of the grave retention and recruitment problems prevalent throughout the military and the serious morale impacts of this lack of funding. These are real problems in our military.

Every recent defense-related appropriations measure—including last year's omnibus appropriations bill, the FY 1999 supplemental bill passed by this body just last week, and the legislation that is before us today—has included billions of dollars that the Pentagon did not request nor want.

Unquestionably, a large part of the problem has been the insistence of the Congress to continue the time-honored practice of forcing the Pentagon to purchase aircraft it does not want, to build ships it does not need, and to maintain military bases that have long outlived their usefulness.

And every dollar that we spend on these wasteful and unnecessary programs and infrastructure is a dollar that we cannot spend on such critical needs as readiness and quality of life programs for our military personnel.

Last year, a bipartisan coalition of Senators, led by Senator McCAIN, and others, offered a proposal supported by the Secretary of Defense and the entire Joint Chiefs of Staff, to shut down military bases that had outlived their usefulness and to save the Pentagon billions of dollars. And Remarkably, the Senate said no.

I am hopeful this body will not make the same mistake twice.

The manner in which we fund the Department of Defense borders on the absurd, and continues to undermine our credibility with the American people when it comes to our ability to exercise fiscal responsibility.

I am confounded by a Congress that on one hand bemoans the state of readiness of our military, and fights tooth and nail to add billions of unrequested dollars to the Pentagon's budget, and yet refuses to heed the advice of our military leaders and make sensible changes to our defense infrastructure.

We micromanage the Defense Department to the point where we tell the

generals and the admirals not only how many ships and planes they need to provide for our national security, but also where to place these ships and planes once they are built.

It is armchair quarterbacking at its worse.

Two years ago, the Congress passed—with great fanfare I might add—a balanced budget agreement that put in place a series of tough spending caps, requiring the Congress to reform its free-spending ways and make the tough decisions that are necessary to maintain fiscal responsibility.

Over the past two years, I have watched countless members of Congress duck, dodge, and evade those tough spending decisions as part of a systematic effort to sustain programs that have no justification and no purpose other than to divert funding from other more critical defense needs.

The examples are boundless.

Last year, we included a \$45 billion down payment on a \$1.5 billion amphibious landing ship that the Navy told us they had no need for.

This year, the Pentagon asked for ten new MV-22 Osprey aircraft, and the bill before us tells them to buy twelve.

The Pentagon and the Joint Chiefs tell the Congress that we have over 23 percent excess capacity in our current base structure and that it is time to consolidate our infrastructure and use the savings to shore up our readiness deficiencies.

And the Congress says no.

We shuttle precious defense dollars to shipbuilding, aircraft, and weapon systems programs that the Pentagon has deemed unnecessary and unimportant.

And unless the pending amendment is passed today, the Senate will continue to shun the advice of our military leaders, and divert precious dollars away from readiness and modernization programs to support an infrastructure that is clearly in excess of our needs.

Today, we have a modest, bipartisan proposal offered by Senators McCAIN and LEVIN, supported by the Secretary of Defense and the Joint Chiefs of Staff, that would unquestionably save billions of dollars that could be used to improve readiness, enhance pay, retirement, family housing, and other benefits for our military personnel, and bolster our national security.

For three consecutive years, the Secretary of Defense and the Joint Chiefs of Staff have asked us to allow the Pentagon to close those military bases it believes no longer hold operational value.

And for three years, the Congress has punted this political football, refusing to make the tough choices that we promised the American people we would make just two years ago.

Senator after Senator has come to the Senate floor to lament the lack of adequate funding for our Nation's defense.

We have heard that the readiness of our forces is at severe risk, that we do

not have the funding we need to invest in the weapons technology of tomorrow, and that personnel problems threaten the integrity of our force structure, both at home and abroad.

This Senator believes those concerns are real and legitimate. Just last week, my colleagues approved some \$13 billion from the Social Security trust funds to address some of these needs, I do not question the urgency in addressing all of our modernization, readiness and personnel shortfalls.

With that in mind, I cannot understand how the Senate, with a clear conscience, can fail to adopt the amendment that is pending before us, which was requested by the Joint Chiefs of Staff and which would save an estimated \$3 billion a year.

Not just this year, but \$3 billion every year, for years to come.

My colleagues, Senator LEVIN and Senator McCAIN, have already made reference to a letter sent by the Joint Chiefs in support of this amendment.

In that letter, the Joint Chiefs characterize an additional round of base closures as "absolutely necessary."

Not just a "good idea," Mr. President, but "absolutely necessary."

While legions of men and women have courageously stepped forward to defend this Nation and serve their fellow Americans, the Congress has continued to shortchange readiness and quality of life programs to finance questionable programs and weapons systems unrequested and in some cases outright opposed by the Pentagon.

There is no greater national security issue at stake than the readiness of our military and our ability to respond to global crisis.

Mr. President, the amendment before us is politically unpleasant, but fiscally prudent and imperative and I urge my colleagues to support it.

Mr. President, I yield the floor and ask unanimous consent that the remainder of time be allocated to the Senator from Michigan, who controls the time.

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

Mr. WARNER. Mr. President, at this time, it is my understanding that the Senator from Kansas will address the Senate regarding the BRAC amendment.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. I thank the distinguished chairman, and I thank the distinguished Presiding Officer for taking my place while I make these comments.

Mr. President, I rise to again state my opposition to the BRAC amendment as it is proposed. Let's get it clear. I understand that my colleagues who are offering this amendment are very sincere in their efforts to address the problem of an excess infrastructure, certainly within the Department of Defense.

Let me be absolutely clear that I agree with the assertion that there is

excess infrastructure. I have no quarrel with that. But let me be equally clear that until I am confident we can focus the BRAC where there is excess infrastructure and until we can ensure that any savings from such a BRAC—a lot has been said about the savings—will go toward modernization, or readiness, or procurement, as opposed to funding the numerous expeditions this administration continues to assign our military, such as Bosnia and Kosovo, I can't support any additional rounds of BRAC at this time.

Let me explain in a little bit more detail. "They" all understand that there is too much infrastructure for the current force strength. "They" know they need to act to reduce it. But the political costs are too high, and "they" know the blame for not having another BRAC can be easily passed off to others. We heard a lot of talk about "they" from the proponents of BRAC. Unfortunately, the readiness of our Armed Forces suffers because "they" are unwilling to act. I would like to get to the definition of who "they" are.

Most people who follow the excess military infrastructure issue—the BRAC issue, if you will—would say that "they" are the U.S. Congress. Senator after Senator has come to the floor with not really arms waving, but with some pretty tough commentary, pointing the finger at the Congress as being "they." However, let me also point out that a strong case can be made that "they" are also the civilian and uniformed leadership of the Department of Defense.

I am not trying to pick on anybody. I just want to share the responsibility in a fair way. Of course the Congress must approve the additional funds of BRAC, and therefore the responsibility is clearly on the shoulders of the Senate and the House. I accept that responsibility. The distinguished Presiding Officer does as well. Every Member of the Senate Armed Services Committee and the comparable committee in the House does as well. But the leadership of DOD has not shouldered the responsibility, in my personal opinion, to adequately prepare for future BRAC rounds. They could, by requiring each service to develop a prioritized listing of bases and facilities that are in excess, or the generic description of same, more especially in regards to the mission of the base.

I know what they are going to say. Their defense is such as, that would be impossible because of the politics of it; it would bias any future BRAC rounds, and therefore they should not be done until a BRAC is authorized.

By "they" I am talking about the DOD. "They" in this particular instance further state that it would be impractical to categorize the facilities by mission since most facilities are multifunctional, and therefore any future BRAC should, as in theory they have in the past, include all military facilities regarding the BRAC criteria.

If we are talking about BRAC, everybody is going to be on the same criteria. Everybody is on the table.

Of course, most bases and facilities are multifunctional. After all, they all train, they all have administrative functions, they all have public works tasks, but they all have a clear, primary mission.

Additionally, it is a bit disingenuous for the Department of Defense to say that all bases would be included, all are on the chopping block for consideration in any future BRAC round. That is rather disingenuous it seems to me, even if, for example, the service academies would be on the table, or the Norfolk Naval Base, or Andrews Air Force Base, or Fort Hood, or Camp Pendleton were on the table for BRAC consideration. That is not reasonable. That is not going to happen. It is not reasonable to expect that those, or other key facilities where we must have a primary mission, would be seriously considered for closure or for realignment.

It is not unreasonable to expect that a similar listing of definable excess capacity could and should be developed and be the focus of future reductions of infrastructure rather than, as I have said, before the "everything is on the table" approach in regard to BRAC.

Many of my colleagues have heard me voice my concern over what I call "BRAC purgatory." That is, quite simply, what every city in America with a military facility goes through every time a BRAC round is mentioned. What that means in real terms is that the city or the community involved spends a lot of money from their very limited budget to hire so-called "experts" or "consultants" to help to really protect their base from any future BRAC round.

If we can focus BRAC on the primary mission of bases and generically define what we need, and what we don't need, we will spare many communities from "BRAC purgatory." We will let them off the BRAC hook if their facility is not on the excess infrastructure list. We are going to save a lot of communities from "BRAC purgatory," and we are going to save a lot of headaches and a lot of money.

I am equally concerned that the Department has failed to develop a strategy for the next round of BRAC. Let me emphasize "strategy." You just can't go to a BRAC and put bases on the chopping block. A specific infrastructure strategy is required for at least three reasons.

First, as the military approaches the optimum infrastructure, great care is going to have to be made. It will be required to prevent the cutting of the essential infrastructures.

Second, since the military missions and roles are changing—and, boy, are they changing; for example, the Air Force sees itself becoming an expeditionary force rather than a garrison force, and that is happening; the Army, Navy, and Marine Corps are all search-

ing for a new mission and a new role—I think the Department of Defense-wide assessment of the types and the number and the location of the military facilities needed to support the national strategy must be developed. There must be a strategy there.

Third, both the Quadrennial Defense Review and the National Defense Panel strongly recommended consolidation and joint basing for the military to optimize their capability in an atmosphere of reduced budgets and reduced force structure military environment.

In isolation, each of those three requirements represents a difficult, a complex, and a contentious undertaking within the military and the Department of Defense. However, when taken as a collective mandate to shape the future infrastructure needs of the military, such an important imperative cannot possibly be accomplished within the guidelines of just a simple BRAC. It seems to me that the Department of Defense has to have the courage and will to oversee the services and direct actions be taken that would set the correct approach to reducing our excessive infrastructure to match our future military strategy. They should do that—not a BRAC commission.

The third action that DOD must find the will to take is defining the savings associated with BRAC and establishing a way to funnel those moneys into readiness, modernization, or the procurement or quality-of-life programs. In the April 1998 Department of Defense report on BRAC, they admitted that, "by their very nature, estimates of savings are subject to some uncertainty." That is probably the understatement of this debate. The Department further stated that, "No audit trail, single document, or budget account exists for tracking the end use of each dollar saved through BRAC."

Let me repeat that. Senator after Senator has come to the floor and said: Look at the money we are going to save in regard to BRAC. Then they look at the problems with modernization, and procurement, and readiness. Yet no audit trail, no single document, no budget account exists for tracking the end use of each dollar saved through BRAC. However, they assured Congress that, "The Department is committed to improve its estimates of costs and savings in future rounds of BRAC." "Oh, we are going to get it right next time."

It seems to me it takes courage to solve that problem, and it takes a dedicated effort to set up the processes to track and direct the BRAC savings into the promised accounts. And it will take more than a "trust me, it will be much better next time" assurance before many Members of Congress will let the reported savings, the estimated savings, the reported savings of another round of BRAC simply remain unaccounted for, be lost in the bookkeeping of the Department of Defense, or, in fact, if there are savings, if we can account for savings, they end up in such

missions as Kosovo or Bosnia—which have to be funded, by the way, and which we addressed in regard to emergency funding.

That is the proper way to fund the final act of courage on the part of the uniformed and civilian leadership of DOD—I use the word “courage” in quotes here—that directly impacts the future rounds of BRAC politics of the last round.

A lot has been said about this. I understand it. I am not going to rehash that today. But based on a recent memorandum from the Department of the Air Force, it seems to me there is some acquiescence to such pressure to not really carry out the BRAC action directed in the last round. BRAC is a hard sell in Congress under normal times and under the purest of motives. But when actions are taken that clearly disadvantage others and violate the BRAC process for political gain, BRAC is a “no sell” in Congress.

For the Department of Defense to simply say that all we need is for Congress to authorize additional rounds of BRAC is an easy way to avoid the responsibilities for actions that must be taken by the Department of Defense well in advance of any congressional action.

It seems to me the Department of Defense can go a long way to helping us in regard to the BRAC process if they simply develop the fortitude and the decisionmaking to start the process now to correctly and accurately shape and define the infrastructure—not to simply put everything on the table to save money but be required to support the military of the 21st century even if they risk pressure from the White House or Capitol Hill. Without such a strategy, I cannot support another BRAC round that has a poorly prepared and inadequately staffed approach to reducing the excess infrastructure.

I urge a “no” vote from my colleagues on this matter.

#### PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Kevin Zumbar, a military fellow, and Zach Terwilliger, a legislative intern, in the office of Chairman WARNER, be granted floor privileges for the duration of the Senate's debate on S. 1059, the National Defense Authorization Act.

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

Mr. LEVIN. Mr. President, how much time remains on the BRAC matter?

The PRESIDING OFFICER. The proponents of the amendment have 51 minutes and the opponents have 46 minutes.

Mr. LEVIN. I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator is recognized for 10 minutes.

Mr. LEVIN. Mr. President, from 1989 to 1997 the Department of Defense reduced the total active-duty military end strength by 32 percent. That figure is going to grow to 36 percent by 2003,

over a third reduction in our end strength will be achieved by 2003. We are already about a third.

Even after four base closure rounds, the reduction in the Department's base structure in the United States has been reduced only 21 percent. The Department of Defense analysis concluded that the Department has about 23 percent excess capacity in its current base structure.

Let me give a few examples of that excess that we are now funding, spending taxpayers' money supporting, which is no longer needed.

The Army will have reduced the personnel at its classroom training commands by 43 percent, but the classroom space has only been reduced by 7 percent—personnel reductions, 43 percent in classroom training commands but the space only by 7 percent.

Why do we want to maintain all that excess classroom space that is not being used? What is the point of doing that? The answer to me; it is pointless. The uniformed military are saying: Please let us close it.

The Air Force will have reduced the number of fighters and other small aircraft by 53 percent since 1989, but the base structure for those aircraft will be only 35 percent smaller. The Navy will have 33 percent more hangers for its aircraft than it requires.

And on and on.

Secretary Cohen's report to us documents substantial savings that have been achieved from past base closure rounds. It has been argued that those savings can't be audited. What the CBO says about that argument is that firm measures of BRAC savings that were requested by the Congress do not and, indeed, cannot exist. That is because BRAC savings are really avoided costs. They are the difference between what the Department of Defense actually spent and what it would have had to have spent in the absence of the BRAC action. Because the latter is never actually observed, the figures for BRAC savings that the Department of Defense provides will never be firm measures; they must always be estimates.

Then the CBO says—talking about the Department of Defense report on savings—that the report's basic message is consistent with the CBO's own conclusion: Past and future BRAC rounds will lead to significant savings for the Department of Defense.

That, it seems to me, is the heart of the measure.

This is a Congressional Budget Office letter, which I ask unanimous consent to have printed in the RECORD.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 1, 1998.

Hon. CARL LEVIN,  
Ranking Minority Member, Committee on Armed  
Services, U.S. Senate, Washington, DC.

DEAR SENATOR: Section 2824 of the National Defense Authorization Act for Fiscal Year 1998 requests a report from the Depart-

ment of Defense on the costs and savings associated with the four previous rounds of base closures and realignments. The legislation also requires the Congressional Budget Office (CBO) to review that report. The enclosure fulfills that requirement. In addition, I have enclosed a copy of CBO's response to a letter of April 17, 1998, from Senators Daschle and Lott and Congressman Gephardt.

Please contact me if you have any questions. The CBO staff contact is Lauri Zeman, who can be reached at (202) 226-2900.

Sincerely,

JUNE E. O'NEILL,  
Director.

Enclosures.

#### REVIEW OF THE REPORT OF THE DEPARTMENT OF DEFENSE ON BASE REALIGNMENT AND CLOSURE

The Congressional Budget Office (CBO) has completed its review of The Report of the Department of Defense on Base Realignment and Closure, as required by section 2824(g) of the National Defense Authorization Act for Fiscal Year 1998. CBO finds that the report provides a clear and coherent summary of why the Department of Defense (DoD) believes that future BRAC rounds are necessary. Moreover, the report's basic message is consistent with CBO's own conclusions: past and future BRAC rounds will lead to significant savings for DoD. Nonetheless, the report is useful primarily as a summary of DoD's position, rather than as an analysis of BRAC issues. Although the roughly 2,000 computer-generated tables that accompany the report contain most of the specific data on past BRAC rounds that the Congress requested, the main text provides little analysis of those data or insight into the number and types of installations that might be closed in the event of future BRAC rounds.

#### DATA PROVIDED BY DOD'S REPORT

DoD's report provides most of the data requested by the law. Yet there were a few instances in which the department was unable to locate specific data or lacked information systems that were flexible enough to organize the data in the form that the Congress requested. For example, DoD was unable to locate the cost and savings estimates that it had originally given to the BRAC commissions, and it was unable to identify the BRAC funds spent on each type of Navy and defense agency installation.

The report also omits any specific information about the types and number of bases that might close as the result of future BRAC rounds. One explanation is that DoD may have been unwilling to make such projections because doing so might appear to prejudice the results of the BRAC process.

In addition, the firm measures of BRAC savings that were requested by the Congress do not—and indeed cannot—exist. That is because BRAC savings are really avoided costs: they are the difference between what DoD actually spent and what it would have had to spend in the absence of BRAC action. Because the latter is never actually observed, the figures for BRAC savings that DoD provides will never be firm measures, but must always be estimates.

#### THE COST OF IMPLEMENTING PREVIOUS BRAC DECISIONS

CBO did not attempt to verify DoD's estimates of the one-time costs of implementing past BRAC decisions. Those one-time costs (which include the costs of transferring or separating personnel, moving equipment, and constructing new facilities) represent actual expenditures and thus are easier to track than savings. Based on its current financial data, DoD concludes that the actual costs of implementing past BRAC decisions

will be very close to those that it projected at the start of each round. DoD's initial estimate was that it would cost \$23 billion to fully implement the four BRAC rounds; today, that estimate is \$22 billion.<sup>1</sup>

Although DoD might be capable of estimating the costs of BRAC decisions very accurately early in the BRAC process, CBO finds that the similarity between DoD's initial BRAC cost estimates and the current ones may be, in part, a self-fulfilling prophecy. The Congress appropriates funds for one-time implementation costs based largely on DoD's budget estimates. Because those BRAC funds are in designated accounts and cannot be used for non-BRAC purpose, BRAC expenditures may adjust to some extent to match the funds available.

In addition, not all BRAC-related costs are included in the \$22 billion estimate. For example, operating units sometimes bear unexpected costs when services at DoD facilities, such as equipment maintenance, are temporarily disrupted by BRAC actions. The \$22 billion figure also excludes any environmental cleanup or caretaker costs that DoD might incur after 2001, when the implementation periods specified by the Congress for the past four BRAC rounds will be complete. Payments made to assist communities and workers adversely affected by base closures are also omitted. (DoD estimates that those costs, which are paid by the Department of Labor, DoD's Office of Economic Adjustment, the Economic Development Administration in the Department of Commerce, and the Federal Aviation Agency, totaled about \$1 billion as of 1997.)

#### THE SAVINGS FROM PAST BRAC ROUNDS

Consistent with current BRAC budget documents, DoD's report indicates that when the past four rounds are fully implemented, they will provide annual recurring savings of about \$5.6 billion (in constant 1999 dollars). That figure appears to be reasonable. By comparison, CBO estimates that savings could be about \$5 billion annually.<sup>2</sup>

However, DoD's report does not document how the services and defense agencies derived the BRAC savings estimates that underlie the aggregate \$5.6 billion figure. Nor does it show that those estimates are consistent with the quantitative model (DoD's COBRA model) that DoD used during past BRAC deliberations and might use in any future BRAC round. Instead, DoD tries to show that its aggregate estimate is credible by presenting a new analysis based on aggregate data and by citing recent audit reports. Neither approach is very successful. For example, the new analysis in DoD's report (which identifies recurring annual savings of \$7 billion) is based on the same undocumented estimates of personnel reductions that the defense agencies and military departments use in their BRAC budgets. Because reductions in personnel costs account for over 80 percent of estimated BRAC savings, using those personnel numbers ensures that DoD's new estimate of savings will not differ widely from the estimates in the BRAC budget documents. Because the new analysis depends on those budget estimates it cannot be used to verify them.

DoD's use of audits to verify BRAC savings also suffers from serious weaknesses. For example, the DoD Inspector General's audit of 1993 BRAC actions found that savings exceeded DoD's budget estimates by about \$1.7 billion over the six-year implementation period.<sup>3</sup> Yet almost all of that \$1.7 billion in additional savings came from a few special situations in which the effects of BRAC actions were confounded with those of imposed budget cuts, reductions in workload, or re-

ductions in force structure. An audit can compare what DoD spent at different bases before and after BRAC actions, but—unlike models such as COBRA—it cannot disentangle the effects of BRAC from those of other factors.

#### ESTIMATES OF EXCESS CAPACITY

DoD's report indicates that the department will have excess capacity of over 20 percent at its U.S. bases after completing the four BRAC rounds. In its analysis, DoD compared the size of specific types of forces or workloads (measured, for example, by the number of aircraft or assigned personnel) with the size of the base structure that supports those forces or workloads (measured by the square feet of buildings or of apron space at airfields). DoD then estimated the amount of excess capacity by calculating the percentage reduction in the base structure that would result in the same ratios of forces to base structure that existed in 1989.

That approach is reasonable and, at least in the aggregate, yields a credible estimate. Yet it may not provide good estimates for particular categories of installations. DoD's estimates of the excess capacity for different categories of bases would be more credible if they were tested using a wider variety of indices for the size of forces and the base structure. The department's use of 1989 as a baseline may also be inappropriate for some types of installations. On the one hand, that approach could overstate the size of the required base structure—DoD might have had excess capacity in 1989, or it might need fewer bases today because it has consolidated service programs into defensewide activities. On the other hand, the approach could understate the amount of capacity required if some types of base support are truly a fixed cost, required regardless of the size of the force.

#### THE COSTS AND SAVINGS FROM POSSIBLE FUTURE BRAC ROUNDS

According to DoD's report, additional BRAC rounds in 2001 and 2005 would, together, save \$3.4 billion (in constant 1999 dollars) every year after 2011. In addition, the report implies that the cumulative savings from those rounds would outweigh the one-time implementation costs before 2011. To make those estimates, DoD assumed that the annual profile of costs and savings for each of the two proposed BRAC rounds over their six-year implementation periods would match the average profile for the 1993 and 1995 BRAC rounds combined, adjusted for inflation.

Those assumptions are reasonable for planning. DoD may not be able to provide better estimates until the specific bases that would be affected by proposed future BRAC rounds are identified. Yet savings from future rounds could be less than DoD predicts if the excess bases that have not already been closed are those for which closure costs would be relatively high or recurring annual savings relatively low. Such a pattern could also extend the time required before the savings from the additional BRAC rounds would outweigh the costs. Yet even in that case the ultimate savings from future rounds could still be significant.

#### IMPROVING ESTIMATES OF COSTS, SAVINGS, AND EXCESS CAPACITY

DoD's report provides a clear summary of the department's perspective on BRAC issues and on the need for additional base closures. But it provides little new evidence or insight into those issues. A more substantive report would have provided documentation for the estimates of BRAC savings that were submitted with the budget for fiscal year 1999 and a more detailed analysis of capacity issues.

In the future, DoD plans to keep better track of BRAC documents and of expenditures at bases before and after BRAC actions. Those steps would be useful. To the extent that implementation costs reflect actual DoD expenditures, improved financial records could contribute directly to the department's ability to assess BRAC costs. For example, DoD could extend its efforts to track the costs of BRAC rounds beyond the six-year implementation period in order to fully account for long-term caretaker and environmental costs.

Yet better recordkeeping, by itself, will not allow DoD to identify the extent of BRAC savings in a period when bases are undergoing large changes in budgets, forces, and workloads unrelated to BRAC. Instead, formal statistical models are needed to disentangle the effects of BRAC and non-BRAC factors on expenditures. In addition, DoD could improve the credibility of its savings estimates by better documenting the assumptions and methodologies used to generate them. The DoD Inspector General's audit of the savings from 1993 BRAC actions revealed that the services and defense agencies were often unable to explain how they derived the savings estimates submitted in their budget documents. The Congress might want to request that such documentation accompany all future BRAC budget exhibits. Such a requirement might encourage DoD to place greater emphasis on the quality and consistency of its estimating procedures.

In addition, DoD could provide better insight into capacity issues by developing a master plan for its base structure. Such a plan might be based on explicit estimates of requirements rather than presuming that the ratio of forces to base structure that existed in 1989 remains appropriate. For example, the plan could use standards reflecting the number of acres of land that combat units need for training or the number of square feet of office space an administrative worker requires. Standards could be developed that are appropriate to different types of forces and for forces stationed in the United States and overseas.

DoD's report would have been stronger had it provided well documented estimates of the savings from past BRAC rounds and estimates of excess capacity based on requirements. Yet despite those limitations, the report provides rough but credible estimates of the total recurring savings from past BRAC rounds, the aggregate level of excess capacity in the United States, and the potential savings from future BRAC rounds.

#### FOOTNOTES

<sup>1</sup>Those figures are in current dollars, not adjusted for inflation. They represent the one-time costs that DoD expects to incur in closing and realigning bases during the six-year implementation period that the Congress has allowed for each BRAC round. They include environmental costs but exclude any revenues from land sales that result from BRAC actions. Although DoD initially expected to receive about \$4.1 billion in revenue from land sales as a result of past BRAC actions, it now expects that figure to be only \$0.1 billion.

<sup>2</sup>DoD's estimate is based on the sum of the savings shown in the budget for the last year of the implementation period for each BRAC round. CBO's figure, which is in constant 1998 dollars, reflects trends in base support costs, adjusted for changes in the size of military forces. Past CBO reviews have also concluded that the savings from base closures and realignments are substantial. See Congressional Budget Office, *Closing Military Bases: An Interim Assessment*, CBO Paper (December 1996).

<sup>3</sup>Office of the Inspector General, Department of Defense, *Costs and Savings for 1993 Defense Base Realignments and Closures*, Report No. 98-130 (May 6, 1998).

<sup>1</sup>Footnotes at end of review.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 1, 1998.

Hon. THOMAS A. DASCHLE,  
Democratic Leader, U.S. Senate,  
Washington, DC.

DEAR MR. LEADER: In your April 17 letter, you pose 10 questions about base realignment and closure (BRAC) actions. This letter responds to those questions. In addition, I have enclosed the Congressional Budget Office's (CBO's) review of The Report of the Department of Defense on Base Realignment and Closure, which elaborates on many of the issues you address in your letter.

**Actual BRAC Savings.** The Department is able to provide reasonable estimates of BRAC savings. Yet the firm measures of BRAC savings that were requested by the Congress do not—and indeed cannot—exist. BRAC savings are really avoided costs—costs that DoD would have incurred if BRAC actions had not taken place. Because those avoided costs are not actual expenditures, DoD cannot observe them and record them in its financial records. As a result, DoD can only estimate savings rather than actually measure them.

**DoD Information Systems.** It is not possible for DoD to establish an information system to track actual savings. The BRAC budget justification books track only estimated savings. DoD is more successful in tracking one-time implementation costs, which typically reflect actual expenditures made from BRAC accounts. Its information systems, however, cannot always categorize those expenditures in the most useful way. For example, in its report, DoD could not provide BRAC obligations by base type for the Navy and the defense agencies. To comply with the spirit of the request in section 2824(g), DoD might try to provide better documentation of how the budget estimates for savings are made and to maintain more accessible records of BRAC costs on an installation-by-installation basis.

**Economic Effects of Future BRAC Rounds.** DoD's report does not make detailed projections of the specific outcomes of future BRAC rounds. The economic impact of base closures on communities depends on many factors, including the size and strength of the local economy and whether the community is urban or rural. An analysis of the likely impact of future base closures on local communities cannot be attempted until the specific communities are identified; even then, it would be very difficult to do.

**Information Provided in DoD's Report.** The DoD report provides most, but not all, of the information that the Congress requested. As noted above, it does not provide data that would require projecting the specific outcomes of future BRAC rounds. In addition, DoD was unable to locate some of the requested data, including the original cost and savings estimates that it gave to the BRAC commissions.

**DoD's Analysis of Excess Capacity.** DoD's report determines excess capacity based on the change in the ratio of forces to supporting bases since 1989. Although that approach is not unreasonable, the resulting estimates of excess capacity depend heavily on what specific indices are used for the size of the forces and of their supporting bases. In addition, that approach can understate or overstate the current level of excess capacity for particular types of bases depending on whether DoD had too many or too few bases of those types in 1989.

**Overseas Base Capacity.** DoD's capacity analysis does not address overseas forces or bases. The estimates of excess capacity presented in DoD's report refer to the percentages of excess capacity in the United States. The extent to which there may be a shortage

or an excess of bases overseas relative to U.S. forces overseas does not affect the accuracy of those estimates or the need for base closures within the United States.

**Savings from Past BRACs and Future Personnel Reductions.** CBO found that the methodology used by DoD to show annual recurring savings of \$7 billion from the four prior BRAC rounds is relatively weak. Nonetheless, CBO believes that recurring savings from those BRAC rounds will be substantial—about \$5 billion annually, as is indicated by the services' BRAC budget documents.

DoD's current spending plan, which extends only to 2003, shows small reductions in the number of personnel in 2001 and beyond. Such reductions are not inconsistent with additional BRAC rounds in 2001 and 2005, because most of the savings and personnel reductions from those rounds would not be seen until after 2003. However, DoD will have to make significant reductions in personnel after 2001 to realize the level of BRAC savings that it projects from future rounds.

**Future Savings Estimate.** In its review of DoD's report, CBO concludes that the department's estimate of savings from future BRAC rounds is not unreasonable for planning. A more accurate estimate would require detailed projections about the outcomes of future BRAC rounds.

**Costs Beyond the Implementation Period.** DoD will incur environmental and caretaker costs for some bases after the six-year implementation period is over. In its review, CBO suggests that estimates of BRAC costs and savings would be more accurate if they included those costs.

**Data Included in DoD's Report.** Most of the data in the appendices to the DoD report are not new. Rather, they were compiled from several existing sources, including BRAC budget justification documents and other documents that DoD has submitted to the Congress. However, the report aggregates the data in new ways and presents them at levels of detail not previously available in a single document.

As your letter indicates, the issues surrounding military base closures are difficult ones. One problem is that if the BRAC process is going to work, the Congress must decide on the advisability of additional rounds without knowing in advance which bases would be affected and what the specific effects of those closures would be. Another difficulty is that the Congress must make those decisions even though the savings from previous rounds can only be estimated rather than tracked in DoD's financial records. The amount of savings from BRAC actions will always be impossible to estimate precisely. The reason is that the effects of BRAC actions are not easily disentangled from those of non-BRAC actions, such as mandated budget reductions or cuts in forces and workloads.

I hope that this response is helpful. Please contact me if you have any questions or if you would like to request additional work by CBO on BRAC issues. CBO's staff contact is Lauri Zeman, who can be reached at (202) 226-2900.

Sincerely,

JUNE E. O'NEILL,  
Director.

Mr. LEVIN. The heart of the matter, it seems to me, is that our auditors, our budget experts, have said that it is their conclusion that "past and future BRAC rounds will lead to significant savings for the Department of Defense."

What are those estimates of savings? By 2001, the Department estimates that

BRAC actions will produce a total of \$14.5 billion in net savings. After 2001, when all BRAC actions must be completed, steady State savings will be \$5.7 billion per year. This is just from past base closure rounds, which some Members say can't be audited in terms of precise savings.

That is a lot of money, \$5.7 billion per year—steady State savings. Is it possibly \$5.6 billion or \$5.8 billion? Nobody can state with certainty. It is significant.

What can be stated is what the CBO's conclusion is, that these are significant savings and are similar to the kind of savings that the CBO believes are achieved with base closing.

Last July, as I indicated, the CBO gave their own conclusions, so while we can debate this issue on the floor about audit trails and how precise the estimates are, our auditors, our experts, have reached the critical conclusion that the savings, indeed, are significant.

Earlier this month we received letters from Secretary Cohen, from the Chairman of the Joint Chiefs, from all of the Joint Chiefs, from the Secretaries of the Army and the Navy and the Air Force. In his letter, Secretary Cohen says the Department's ability to properly support America's men and women in uniform today and to sustain them into the future hinged in great measure on realizing this critical savings that only BRAC can provide.

Our ability to support the men and women in uniform depends on future savings from BRAC rounds.

A letter which we just received, signed by all six members of the Joint Chiefs of Staff, makes their views crystal clear:

Simply stated, our military judgment is that further base closures are absolutely necessary.

Those are pretty strong words and these are our uniformed military leaders. On the Armed Services Committee, we put a lot of stock in their judgment on most issues. Once in a while we may disagree with them, as is our right and our duty, but when the top military leadership, civilian and uniform, in this Nation tell Members that more BRAC rounds are "absolutely necessary" we should take heed.

General Shelton said in last year's Department of Defense report:

I strongly support additional base closures. Without them, we will not leave our successors the war-fighting dominance of today's force.

That is not a political statement; that is a military man's statement. That has to do with warfighting dominance.

We can argue about audit trails or specifics on this floor, but when the Chairman of the Joint Chiefs says we will not leave our successors the warfighting dominance that we have in today's force without additional base closures, those are words which have a special meaning, it would seem to me, to all of the Members who have this special responsibility.

We have to face up to this responsibility. A decade ago, after years of prodding by Senator Goldwater and under the leadership of Senator Nunn and Senator WARNER, Congress had the vision and the courage to start the BRAC process. Just imagine the financial problems that we would have today if we could not count on the savings from previous BRAC rounds. If the Senators a decade ago did not succeed in persuading us to start the BRAC process, think of the problems we would have today. Those are the problems we are going to have 4, 5, 6, 7 years from now if we do not continuing a process, if we do not continue the process, if we do not shed the excess infrastructure which is no longer needed.

Mr. WARNER. Mr. President, will the Senator allow me to address the Senate with regard to a unanimous consent request which he and I have shared? I will just present it.

I ask unanimous consent that time until 1:45 today be equally divided on the BRAC amendment between the proponents and opponents, with the vote beginning, as under the previous order, at 1:45 today.

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

Mr. WARNER. Mr. President, the distinguished Senator from Michigan and I had discussed the possibility of Senator KERREY coming in. I am committed to the 1-hour time agreement. We are advised by Senator KERREY he would not be available to utilize that time period after the 1:45 vote. I will be working to determine what we can bring up following the 1:45 vote.

Mr. LEVIN. I thank my friend from Virginia for his efforts to accommodate Senator KERREY. An additional hour is needed for his amendment, but because of his vice chairmanship on the Intelligence Committee which begins meeting right now, he is unable to be here.

Mr. WARNER. The most I can advise the Senate is we will have the vote at 1:45 today on the BRAC amendment. Thereafter, as quickly as I can, I will advise the Senate, after consultation with the ranking member, as to what the next amendment will be.

I yield the floor.

Mr. LEVIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The distinguished Senator from Michigan has 1 minute 14 seconds.

Mr. LEVIN. I yield myself an additional 2 minutes. I will finish and then ask unanimous consent that after I am completed, in 3 minutes or so, Senator ROBB be recognized.

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

Mr. LEVIN. Mr. President, Congress likes to ask the Joint Chiefs every once in awhile how much more money they think they need and where should we add it? What are their priorities?

Those are legitimate questions for us to ask. But they are also relatively pretty easy issues to address. Our duty

as Members of Congress extends far beyond pitching and hitting softballs. We have an obligation to the men and women in uniform to listen to the Chiefs when they ask us to do something that is hard to do.

The Chiefs' opinions are important to us when following them is easy to do, when they give us their priorities if we can find some additional funds. But now they are asking us to do something that is hard politically to do, and that is to heed their advice, to close some additional bases. I do not know of anybody in the Department of Defense or anybody in this Chamber who likes closing bases. Not many people like going to the dentist or losing weight either. It is just a lot more fun to eat dessert than to look after your health. But we have an obligation—and it is difficult—in the best interests of this Nation, and for the health of our military, to do not what is easiest, but to do what is essential.

What is essential has been told to us very eloquently in these letters from the Chiefs, in this letter from the Secretary of Defense, in this letter from the three Service Secretaries. These letters tell us as pointedly, dramatically, strongly, forcefully as they can, that it is essential that additional bases be closed. "Our military judgment is that further base closures are absolutely necessary."

I began my few minutes of comments with that quote and I end them with that quote, because I hope we will all think about that as we make a politically tough decision on how to vote on the pending McCain-Levin amendment.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I thank my distinguished friend and colleague from Michigan for his leadership on this issue, as well as my colleague and friend from Arizona for his leadership on this issue. It is a difficult issue.

This year, we have added billions of dollars to improve the readiness of our Armed Forces. It does not take a budget expert to realize how much more we could accomplish for our men and women in uniform if we had the billions in savings that would accrue from just one additional round of base closures in the year 2001.

Last year and the year before that, I argued that not giving the Department of Defense the authority it has asked for to close unneeded bases makes the Congress look shortsighted and indecisive. I argued then that every dollar used to maintain excess infrastructure is a dollar diverted from resources we so badly need to modernize our equipment and to improve the quality of life of our hard-working military personnel and their families.

Sadly, those BRAC efforts failed for nearly the same reasons the emergency supplemental succeeded last year, reasons that have more to do with politics than with making the right choices

when it comes to protecting this Nation's interests, both now and into the next century.

Admittedly, the emergency supplemental had plenty of legitimate emergency spending, emergency spending for our troops, for our farmers, and for hurricane and tornado victims. But it threw fiscal discipline out the window by also spending billions in non-emergency spending. In my view, we have acted just as irresponsibly over the past 3 years by refusing to close bases we no longer need. If we fail to pass this latest BRAC proposal once again, we will have failed not only the taxpayer but also the men and women who comprise the finest fighting force the world has ever known.

I come back to this point, one I have made time and time again, to ask, who really suffers if we force the Department of Defense to keep open bases it does not need? In the end, we only punish those who most need the benefits of infrastructure savings. First, we punish the Nation's taxpayers when we fail to make the best use of the resources with which we are entrusted. Second, we punish today's soldiers, sailors, and marines, because current readiness requires having sufficient reliable resources for equipment, training, and operations. Finally, we punish tomorrow's force, our future readiness, as we continue to mortgage the research, development, and modernization of the platforms and equipment that will be necessary to keep America strong into the 21st century.

As the Joint Chiefs of Staff have testified, there is no shortage of legitimate programs to apply BRAC savings towards including Navy shipbuilding. Years of relatively low procurement rates have created a shortfall so significant that the fleet size will shrink to substantially less than the 300 ships of the Navy's stated goal in the 2020s, if procurement rates of 8 to 10 ships do not start materializing now. The Navy is stretched thin enough right now, with 324 ships. Do we really want to risk not having enough ships to meet our commitments in the next century?

It does not have to be this way. The 300-ship Navy, the Army after next, and the Air Force and Marine Corps of tomorrow can be funded, at least in part, from BRAC savings. The savings from the first four rounds of base closures alone are estimated to be on the order of \$25 billion over the next 4 years. It should come as no surprise that scores of studies and organizations such as the Quadrennial Defense Review, the Defense Restructure Initiative, the National Defense Panel, and Business Executives for National Security have all concluded that more base closures are crucial to the future of our Armed Forces.

It is time to put politics behind us. We have an obligation to change the way we do business and to do what is right for our Armed Forces and what is right for the taxpayer. I urge my colleagues to support this critically important amendment.



Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator FEINGOLD be added as a cosponsor of the pending amendment.

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

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Mr. Lesley Spraker, a military affairs fellow in the office of Senator DEWINE, be granted the privilege of the floor during the consideration of S. 1059.

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

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that Paul Barger, a national defense fellow in Senator INHOFE's office, be given the privilege of the floor during the remainder of the debate on the defense authorization bill.

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

Mr. SMITH of New Hampshire. Mr. President, at this time, I yield whatever time he may consume to the Senator from Wyoming.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the Senator from New Hampshire. I will take just a couple of minutes.

I rise in opposition to the McCain-Levin amendment on base closure. It is a difficult decision for me because I am persuaded there could be some closures that would make us more efficient in terms of our mission in defense. I remember my friend, Dick Cheney, whose place I took in the House, said that defense is not for economic development; it is for defense. I appreciate that, and I believe that.

I was not at all impressed with the last process. I was not at all impressed with the way the administration handled it, so I do not believe that it is appropriate at this time to bring in the politics again of base closure. Frankly, the military ought to come forward with their views as to what is necessary to carry out their mission. That, of course, should be our particular desire.

AMENDMENT NO. 395

Mr. THOMAS. Mr. President, I also rise in opposition to the Kerrey amendment. It seems to me that it would be a mistake to begin to downgrade our position with regard to missiles until START II is agreed to by the Russians. We have already approved that treaty; the Russians have not. I do not think we should weaken our position.

I appreciate the opportunity to share my views on those two amendments. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 393

Mr. SMITH of New Hampshire. Mr. President, during the markup of the defense authorization bill in committee, we twice rejected base closure amendments. So it does seem anticlimatic to be out here on the floor again for the very same proposal. But such is the way of the Senate sometimes.

Senators MCCAIN and LEVIN did offer an amendment to have two rounds of base closures in 2001 and 2003. The process was adjusted to ensure that the next incoming President would appoint the commissioners. Everything else was identical to the amendment now being offered, and the amendment was defeated by a vote of 12-8, with members on both sides of the aisle voting one way or the other. Then Senators LEVIN and MCCAIN offered another amendment that called for only one round of base closures in 2001.

The House version of the Fiscal Year 2000 Defense Authorization bill is silent on base closures. Opposition to base closure in the House is much stronger than it is in the Senate, and the Membership has let it be known that they will oppose any base closure legislation in conference, even though the administration proposes these two rounds in 2001 and 2005. We are in a debate on the floor taking a lot of the Senate's time on a proposal that probably lacks the support in both the House and the Senate to get this to the President's desk.

There have been a lot of arguments made on both sides. Let me offer a few of my own.

During previous rounds, the Department had the opportunity to reduce the infrastructure to the extent that it believed necessary. That was the purpose of the previous rounds. The bottom line is that the Department failed to do that.

When first announced, the 1995 BRAC round was proclaimed to be "the mother of all BRACs." But the outcome was just a whimper; it was a little daughter rather than a mother.

Any purported savings of another round of these closures would not be available in the near-to-medium term for the procurement of equipment and weapons modernization or any other purpose. That is really what we care about. We want money for new equipment. We want money for readiness and modernization.

The bottom line, as most of my colleagues know, is that it is going to cost us in the immediate future money that we desperately need right now for readiness. No one disputes that if you close down infrastructure, in the long run it is going to save money. That is obvious. But it is going to cost us somewhere in the vicinity of \$3.2 billion right up front to begin the closing, with the environmental issues and all the changes that have to be made: the upfront cost transfer of units and equipment, new facilities at receiving

installations, buyouts of civilian employees and environmental cleanup. If we do not have the dollars now to do what we need to modernize our troops, to get the equipment they need, to get them up to the readiness level at which they should be—how will we be able to pay these initial costs?

Arguments that have been made, rightfully so, by Senator INHOFE and others, concerning the politicization of the last BRAC process. We all know that the administration seriously damaged the base closure process by its handling of the Commission's 1995 recommendations concerning McClellan Air Force Base in California and Kelly Air Force Base in Texas. We need to let these issues settled. There are a lot of hard feelings left over from that. We need to fully resolve these issues before we attempt another round.

BRAC should be focused on excess capacity, but it should not be an excessively broad approach. We ought to target any future BRAC legislation—we do not want every single installation in America to be in BRAC purgatory. I believe the Senator from Kansas, who is in the Chair now, has used that term. And that is what happens. Everybody gets put in this purgatory and everybody has to hire all these consultants and experts to try to get out of purgatory and hopefully not go to Hell, but hopefully wind up in Heaven, with their base preserved.

As the number of worldwide commitments increases for the Armed Forces, we should be considering increasing the size of the Armed Forces. We can make a very compelling case for that. I am willing to make it. Further base closures could preclude that eventuality. What we lose, we never get back. For example, if we close a shipyard, imagine how much time and effort and money we would have to expend, and how many environmental hoops we would have to jump through to open another shipyard after it has been developed into condominiums along the harbor somewhere. We will never be able to do it. Once it is gone, it is gone. We need to understand that.

I think we have to look at it and ask ourselves this basic question: Is it now the time to reduce further our infrastructure for the purpose of some long-term savings that are going to cost us in the short term when there is all this uncertainty out there?

The Senator from Michigan very eloquently, in his statement, talked about the percentage argument—that force structure has gone down 36 percent, personnel has gone down 40 percent, and base closings are only down 18 percent. That sounds like a fair argument, and it sounds like you ought to be able to put it all together, and there ought to be an even 36 or 40 percent cut in all areas. But that is not the case.

If you use an analogy of a football team, your team may be half the size it used to be, but you still have to have a stadium to play in. So you can reduce helmets and you can reduce personnel

and you can reduce support, bandages, or whatever you need for the players, but you still have to have a stadium.

So I do not think you can break it down that simply. It does not matter whether you have a good team or a bad team, or whether you have 75 players as backup or 12 players as backup, you still need a stadium, you still need to have a certain amount of infrastructure to run the team.

So I say this is very ill-advised. We do not know where we are going. I personally believe that right now, the way things are going in the world, we are going to have to increase, not decrease, our personnel, increase, not decrease, our forces, and if we are going to do all that, we are going to have to have the infrastructure to support it.

So I hope this amendment will be defeated for those reasons alone, not to mention the anguish the communities would have to go through.

I think it is important to understand that the President of the United States is calling up reserves right now, in great numbers, to be deployed. Lord knows where—perhaps Bosnia, perhaps Kosovo; we do not know just where. We do not know what other crisis may break out.

I just think it is a terrible time to think about taking down infrastructure. What message does that send to the troops out there and to the people who support those troops all across the country in the bases and the infrastructure around those bases? What message does it send to those people if we say, in spite of all of this increase in activity around the world, we are now still going to eliminate more infrastructure, not knowing what we need for the next crisis?

We can eliminate it at some point, if it is necessary. We are not saving that much now to do it. As a matter of fact, even in the short term it is costing us. So there is no rush here. I think we ought to just settle down, take a careful look at what we are doing, reevaluate our entire military structure—and in my view, increase the size of our forces—and not rush to judgment here with some additional base closings.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. How much time does the Senator need?

Mr. INHOFE. Five minutes.

Mr. SMITH of New Hampshire. I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The distinguished Senator from Oklahoma is recognized for 5 minutes.

Mr. INHOFE. I thank the Senator for yielding time.

I think just about everything has been said here, but there are some concerns I have that I would state in a little different way than the Senator from New Hampshire has stated them.

One is that we have gone through an artificial downsizing that is not commensurate with the threat that is out

there. The myth that has floated around that the cold war is over, there is no longer a threat, is something that finally the American people are waking up and realizing is not true. We are in the most threatened position today that we have been in probably in the history of this country, with the diverse types of opposition out there, the proliferation of weapons of mass destruction and abilities to transport those weapons.

So I say, one of the strongest arguments against a BRAC round at this time is, we have gone through four BRAC rounds. If we take the level of our infrastructure down to meet the level of the force strength, then when we start back up with the force strength, we will not have the infrastructure that is necessary.

So we need to be looking at our rebuilding process. It would be like going through extensive BRAC processes back in the late 1970s—right before rebuilding, which is imminent. We are going to have to do it with the new administration.

Secondly, as I think the Senator from New Hampshire articulated quite well, we are in a really severe situation right now in terms of readiness. Later on today I want a chance to elaborate on this and talk about the fact that we are now at approximately one-half the force strength that we were in 1991. In other words, we could not repeat our effort in the Persian Gulf war today.

This is being complicated by all these deployments to places where we should not be. We should never have sent a troop or any effort or any assets into Bosnia; we should not have done that in Kosovo or Albania, or to Haiti, for all practical purposes, because that dilutes the already scarce military assets we have.

I say this relates to this subject because we have a military system that is hemorrhaging today. This is not something that we can wait until later to take care of. As the Senator from New Hampshire pointed out, anything that comes from a BRAC round, a new BRAC round, is going to cost money, not save money.

Now is when we are going to have to try to do something with our readiness so that if General Hawley has to stand up and say something has happened either in the Pacific theater, North Korea, or the Persian Gulf, Iraq or Iran, we would be able to meet that. We cannot do that today. So this certainly would be ill-timed, even if you believe that it was a good idea to have future BRAC rounds.

I think also we need to look at the budget we are passing. I want to talk about the inadequacy of what we are talking about in our authorization bill. We are increasing by about \$9 billion what the President's budget was. We have had testimony from the CINCs and from others in the field and from the four-stars that this is totally inadequate. We are going to have to have at least a minimum increase of \$24 billion each year for approximately 6 years.

Lastly, I would like to remind everybody of what happened in the last round, I believe, in the BRAC process. I was elected to the House in 1986, and that is when we put this idea together. It was a Congressman from Texas, DICK ARMEY, who did it. The idea was to get politics out of the BRAC process. Through round 1 and round 2 and round 3, there were no politics involved. They were not political decisions; they were rational decisions.

However, in the last round—and we all know what happened; no one is going to question this—the President went out there prior to the 1996 election, to McClellan in California and to Kelly in Texas, in order to get votes and politicize the system.

You might say: Well, this is going to come along after he is gone. I am a little bit concerned about the fact that there is a possibility, a very outside possibility, that AL GORE will succeed him. That being the case, he was involved in politicizing this, too.

For those who believe we still have excess infrastructure, I would like to have you consider that maybe we should wait until we see what the new administration is going to look like, what kind of commitments are going to be made. As chairman of the committee that has oversight over the BRAC process, I suggest we wait and not pass this BRAC recommendation today.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. How much time does the Senator require?

Ms. SNOWE. Five minutes.

Mr. SMITH of New Hampshire. Is there a UC on the time?

The PRESIDING OFFICER. The Senator from Maine has 5 minutes.

Ms. SNOWE. I thank the Chair.

I gave a lengthy statement last night. I will not go into everything that I referred to, but I think there are several points that need to be reiterated with respect to base closing.

I strongly oppose the base closing amendment that has been offered by Senator McCain and Senator Levin that would initiate another round in the year 2001. We come back to the same issues that have yet to be addressed by the Department of Defense with respect to creating a comprehensive analysis in terms of matching our infrastructure with our assets and the security threat mix that we can anticipate into the 21st century.

This is an analysis, in fact, that has been suggested and recommended by the National Defense Panel in order to have an overall assessment and accounting of exactly what we are going to need with respect to our domestic infrastructure into the 21st century.

I think everybody acknowledges that we are facing different types of threats today, more asymmetric, more unpredictable, more uncertain, far more diverse, regional threats than we have

ever encountered before. So as a result, it seems to me we need to have an accounting from the Defense Department as to exactly what are their needs.

They keep telling us over and over again from the previous four rounds that we have achieved and realized billions and billions of dollars in savings. Yet we have been unable to track those savings. In fact, in the reports by the General Accounting Office in 1996 and then again in 1997 and in addition to the Congressional Budget Office reports, all indicate the very same thing. It is very difficult to ascertain the amount of savings derived from the previous base closing rounds, because the Department of Defense has never established a mechanism for tracking those savings.

I think it is important for us to have that data so we can document what has exactly been saved as a result of those four previous rounds.

When you look at this chart, this is in the General Accounting Office report: Why BRAC Savings are Difficult to Track and Estimate Changes Over Time. DOD accounting systems are not designed to track savings. Some costs are not captured initially; i.e. the environmental costs.

Well, we now find out that they are going to have to spend at least \$3 billion more in environmental mitigation than they anticipated.

Some savings cannot be fully captured—long-term recapitalization costs. Again, we have found out in terms of sales, they anticipated they would realize \$3 billion in sales, and they have only received about \$65 million. So that is a great gap between what they projected for revenues of sales and what they actually realized.

DOD components do not have incentives to track savings because budgets may be reduced. Over time events may impact costs and savings that could not have been known when estimates were developed.

On and on it goes. We have no way of knowing.

Then the Department of Defense has said, well, we have cut back on personnel by 36 percent so, therefore, we should be reducing infrastructure by 36 percent. Since we haven't done that, it should be one on one, essentially, we should be reducing our infrastructure. But again, these determinations should not be made by arbitrary percentages but, rather, a documentation of exactly what we need for the future.

We have unpredictable challenges and, therefore, I think we should make those decisions based on the assessment of what should be our military infrastructure for the 21st century. Yet we have not had that kind of accounting.

I hope the Senate will not approve another round until we have the opportunity to have this kind of analysis from the Department of Defense they have resisted providing over the years.

In fact, in the 1998 Secretary's report on BRAC, it said additional rounds of

BRAC in the years 2001 and 2005—that would be contingent on two rounds—would yield \$21 billion in the years 2008 to 2015, the period covered by the QDR, and \$3 billion every year thereafter.

But that is contradicted by the report by the Defense Department in 1999 with respect to BRAC savings. It says with four BRAC rounds between 1995 and 1998, DOD invested approximately \$22.5 billion to close and realign 152 installations. So it costs as much to close those bases as what they are projecting for savings from another two rounds in the future.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. SNOWE. One additional minute.

Mr. SMITH of New Hampshire. I yield the Senator 1 additional minute.

The PRESIDING OFFICER. Without objection.

Ms. SNOWE. The real challenge and the problem with these base closing rounds has been the fact that they are costing far more than what the Defense Department anticipated. I think it is important for us to have the information and the verification from the Defense Department as to exactly what they have saved and how much it has cost and what they anticipate in the future. In addition, they have not even completed the four previous rounds. They have yet to be totally implemented. So we could be incurring additional costs.

Of course, the final dimension to the whole problem is all of the contingency operations. We have had 25 contingency operations that have cost the Defense Department more than \$20 billion. That has impacted readiness and modernization.

I say to this administration that perhaps if they had more clear objectives with respect to these operations, we could contain the costs, but we should not put pressure on reducing our domestic infrastructure if we are going to have more contingency operations in the future that demand the use of our domestic installations.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nebraska is recognized for 12 minutes.

Mr. HAGEL. I thank the Chair.

Mr. President, I rise to strongly support the McCain-Levin amendment. The arguments that have been made this morning and this afternoon, I believe, speak rather clearly and directly to why this amendment is worthy of our colleagues' support today.

I also wish to express my strong support for S. 1059, the fiscal year 2000 Department of Defense authorization bill being debated here on the floor of the Senate.

The first responsibility of our Government is to provide for a strong national defense to protect America's security interests. The primary responsibility of elected officials is to provide the leadership and the wisdom to ensure it is used in the best interests of the American people.

The percent of the gross domestic product we spend today on defense is lower than what it was just prior to the Japanese attack on Pearl Harbor. At the end of the cold war, there was excited talk about the peace dividend that would come, of course, from the decline in East-West conflict as a result of the implosion of the Soviet Union and the reduction in defense spending that, of course, would logically follow.

There was also talk about a new global order. Some suggested that war might be obsolete, thanks to the break-out of democracy around the globe. This all sounded hauntingly familiar to the end of World War I and other periods in the history of the world. But there is a peace dividend. That dividend is the new freedoms and opportunities that have resulted from the peace and stability America and her allies won over the last 50 years.

If we step back for a moment and review Korea, Vietnam, the Persian Gulf, we understand in some rather direct terms what our stand and our allies' stand in those three areas of the world meant to stability, to commitment, to using our forces in a positive way that, in fact, stood for what was right in the world.

I am a veteran of Vietnam. I served in Vietnam in 1968, and I have heard many times of the stories written and the debate about whether it was a wasted effort in Vietnam. I have responded this way: If America had not taken a stand in Vietnam, aside from how we executed and prosecuted the war—if we had not taken a stand in Korea, Vietnam, and the Persian Gulf, does anyone doubt that the face of Asia, the face of the Middle East would be different than it is today? Of course it would be. Would it be more in the interest of freedom and stability and democracy and market economies than it is today? I don't think so.

So, you see, it is not only having the ability to protect our interests and preserve freedom and democracy, but the will and the leadership to make that commitment is just as important. There are new challenges and new responsibilities today that we face, as the new dynamic world always provides, as we move into the next millennium.

During the cold war, we confronted one adversary on several fronts. Today, we confront several adversaries on several fronts. One of the concerns that we must be very vigilant about over the next few years is not placing America's interests in the world in a position to be blackmailed by nations who would threaten those interests by threatening to use a weapon of mass destruction and for us, essentially, not only to be militarily incapable of responding to that blackmail and not having the leadership and the will to say we are not going to do that, that isn't going to happen. Actions have consequences. Inactions have consequences.

America and her allies have done very well over the last 50 years to help

stabilize a very unstable world. Partly, that has been the result of our word meaning something, our commitment meaning something. But if we don't have the military assets and the resources to be able to call upon that capacity to stop tyranny and war and instability, then in fact we place America in a terrible position and we threaten America's security through the possibility of blackmail.

We must harbor our national defense resources wisely, of course. But when we do use them, we must follow the principles of the Powell doctrine: Overwhelming force deployed decisively in the pursuit of clear objectives.

Rebuilding our military will not be cheap. America needs to understand that. This bill heads us in the right direction, but much more is going to be required. We must not and we cannot build our military based on budget caps or spending goals. Military spending must be based on the threats and challenges we face in the world today. We must protect our interests and help maintain global stability to ensure our long-term growth and prosperity.

The defense budget must flow from our national security interests, not the other way around. The budget cannot drive our national security interests. Our national security interests must drive the budget. If we must find other means to take those resources and put them in our national security budget, then we must do that. That will require prioritizing our budget, our resources. It will prioritize what we as Americans believe our role in the world to be.

Every year, the nondefense nondiscretionary budget grows. You have heard the numbers in the last 2 days around here. For the last 14 years, our defense budget has grown smaller. We have cut our defense budget over the last 14 years. Every year, these other needs crowd out other spending priorities. Nondiscretionary entitlement programs are important, but they do us little good if the military is cut back to the point that our interests are threatened around the world: oil supplies are cut off, sealanes are blocked, citizens and corporations abroad are threatened, and our economy declines.

We must look for savings in the DOD budget, of course, push for greater reforms, seek greater efficiencies, and tailor our military for future challenges. But we also must be willing to spend as much as we need to protect our interests in this very uncertain, dangerous world. Having a strong, capable military is only half of the challenge. We must also have strong, capable political leadership. That leadership must have the respect of the world, so that the world knows that that leadership of ours can connect the military capability that we employ; knowing when and where to use our military. Strong leadership, anchored by clear principles, beliefs, vision, and policy, has always had its own deterrent power.

Dictators fear strong leaders because they know strong leaders will act—despite public opinion polls, focus groups, short-term political gains, or leverage. Leaders understand that actions have consequences, and that inaction has consequences.

Last week, King Abdullah from Jordan was here and spoke rather clearly and plainly to this issue regarding NATO's involvement in Kosovo. These are difficult times, but so have they always been. The real debate that will consume the American electorate next year, and the Presidential politics and this body next year, will be simply: What is America's role in the world? What leadership do we care to continue? We must recognize that if another country is to replace America as the world's leader, that new world leader may not be as benevolent as America has been in this century.

I don't want that kind of a world to be inherited by my 6-year-old and 8-year-old. Richard Haas' new book, "Reluctant Sheriff: The U.S. After the Cold War," lays it out clearly. That question about the role of America in the next century is a legitimate question. There should be a relevant debate, with the relevant questions asked: What burdens do we want to carry into the next century? Is it worth taking a disproportionate share of the world's burdens, which we have always had? I believe it is.

Henry Kissinger's piece in this week's Newsweek magazine, "New World Disorder," speaks to this issue. Unexpected events happen in the world daily. For example, last Sunday, a Chinese intelligence ship was sunk in the South China Sea. Supposedly, the Philippine Navy sunk it in an area that is contested. That is how fast flashpoints can bring world powers into conflict.

We need to commit ourselves now to rebuilding the U.S. military, reasserting ourselves on the world stage, and accepting the burdens that come with leadership.

Can we imagine Harry Truman, Dwight Eisenhower, John Kennedy, or Ronald Reagan whining about the burdens of leadership, whining about, well, I don't know what the polls show or the focus groups show. Can we imagine those leaders governing and doing what they thought was in the best interest of our Nation and the world based on the political whims and winds of the time? I don't think so.

America must continue to serve as the rock to which other democracies around the world can anchor. We must also continue to serve as the beacon of freedom and justice for other nations and other peoples. America has always inspired hope around the world, but we cannot lead the world without a strong national defense.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. HATCH. Mr. President, once again we have a BRAC authorization measure before us. And once again the same deficiencies that led to the far-reaching political distortion of the prior, so-called "independent" BRAC commissions, are ignored.

I voted against the first BRAC authorization back in February 1989. At the time, I was one of only eight senators opposing the measure because, I said, it could not avoid political tampering. I was hoping to have been proven wrong. Unfortunately, I was not.

The proposal of my distinguished colleagues, Senators MCCAIN and LEVIN, is well-intended. There is no question that a properly run BRAC outcome could lead to funds freed up for force modernization, military pay increases, and many other badly needed defense needs, not the least of which is readiness. But it's not the motivation of my colleagues that I worry about. Rather, I still question whether this process can be completely objective. Whoever occupies the White House is also likely to be misguided by the same kind of outside pressures and political interests that characterized the previous BRAC disasters.

And, on a more parochial note, I am simply not going to vote to put my home state through this process again. We have proven over and over and over again that Hill Air Force Base and the other military installations based in my state are efficient, productive, and high quality. I am not going to vote to make them prove it again in a forum where the deck may already be stacked.

So with all due respect to my colleague from Arizona, I cannot support this amendment.

Mr. BUNNING. Mr. President, I have listened carefully to the current debate on the pending amendment which authorizes a round of military base closings commencing in 2001. At this time I do not support a further round of base closings. Therefore, I oppose this amendment for the following reasons.

I have repeatedly asked the Department of Defense, military bases in the Commonwealth of Kentucky, and the Kentucky Department of Military Affairs for information and proof that the past rounds of base closings have produced any savings to the Department of Defense or the U.S. taxpayer. After repeatedly asking for this information to prove this point, it has not been provided to me. Therefore, I need to see proof in savings and these savings need to be in "real" terms and without any accounting gimmicks and projected budgetary outcomes based on guesswork.

Many criticize the Department of Defense's current accounting measures. They say these accounting measures are not soundly based and that these measures are used in decisions which result in an unjust imbalance between our military base infrastructure and the rest of the military. Just because the Department of Defense is reduced in certain areas by a certain percentage, doesn't mean that our military base infrastructure should be cut at the same percentage level. The Department of Defense needs to measure any downsizing of our military base infrastructure in a formulaic way rather than just an across the board cut done blindly and foolishly.

Also, I am not convinced that if savings were found from past base closings, that the bases in Kentucky, Ft. Knox and Ft. Campbell, would be protected and strengthened. I have recently been told by the U.S. Army that these bases would not be harmed and that they would benefit from any future rounds of closings. The U.S. Army talked of these bases as being leading posts in their branches. However, I have not seen any new strengths added to these bases from past closings and I have not been told of any specific missions which would be added to those bases in Kentucky. I need reassurance from the U.S. Army that these posts will be protected by seeing the future plans for these posts and the specific missions which would be added to them.

Furthermore, I am not convinced that our military in its current state can do more with less. We are in a tangled mission in Yugoslavia, we have major troop deployments around the Korean peninsula and around Iraq, and we have U.S. troops scattered amongst some 40 other spots elsewhere in the world. Our deployments have increased dramatically over the past decade. If this trend of increased deployments continues, I cannot see the rationality of downsizing our military base structure in the midst of this pattern which seems to have no end.

In conclusion, I have not seen savings from past military base closings. Even if I was convinced there were savings, I am not convinced that the military bases and the soldiers that serve and work at those bases in Kentucky would be protected. I am concerned about minimizing our base structure while our soldiers and military do more with less. Also, past base closings have been politicized at the Presidential level and I fear the process may continue down that path again.

Because of these reasons, I oppose this amendment which authorizes another round of base closings.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment offered by Senators MCCAIN and LEVIN authorizing a new round of base closings. As the senior Senator from the state that has suffered the greatest impact from the previous rounds, I believe that the base closure process is

deeply flawed and fundamentally unfair.

The first four rounds of base closure occurred too rapidly and too little effort was made to protect local communities from devastating job loss and economic hardship. For those who say that adverse local impact is a necessary consequence of reducing military infrastructure, I would like to describe how this process has effected California where since the first BRAC round in 1988, 29 bases in California have been scheduled for closure or realignment.

Some claim that the process has been streamlined and every effort has been made to expedite the transfer of bases to the local community. I have also heard claims that base closure can be a boon to the community by bringing new opportunities for job creation and economic development.

Now let's look at the facts. The California Trade and Commerce Agency estimates that the four rounds of BRAC cost 97,337 military and civilian jobs. How many have been created? Less than 17,000. That is a net job loss of more than 80,000 jobs.

The reason we are not seeing job creation or economic growth is because the land is simply not being transferred to the local communities as was originally planned. The process is so slow and bureaucratic that years go by before any development can be done on the closed bases.

Again, the numbers prove this. The 29 closed bases represents 77,269 acres of land. The Federal Government has retained almost 25,000 for itself and 30,000 acres have yet to be transferred. That means that local communities have had access to less than 30 percent of the property that should have been made available to them. It is difficult to create jobs or stimulate economic growth without the land to do it.

That is the big picture of how the State of California has been impacted by the base closure process. Here is the impact at the local level.

Every member of this body who has had a major base close in his or her state can tell a base closure horror story, but I believe the magnitude of the loss that the city of Long Beach has faced makes it unique. In fact, if Long Beach were a state, it would rank in the top five in terms of the number of jobs lost due to base closure.

The Long Beach Naval Station was closed as part of BRAC 1991. This resulted in the loss of more than 8,500 military and civilian jobs. The direct loss of wage and contract was \$400 million with an estimated economic loss of another \$1 billion annually.

As the city struggled to deal with this devastating blow, the federal government dealt it another. In 1995, the Long Beach Naval Shipyard was scheduled for closure. The job loss from this action has been more than 4,000 and it has caused another \$1 billion in total economic loss.

The city's woes continued during negotiations with the Navy on the terms

of the conveyance of the Naval Hospital. In 1964, the city had sold the property to the Navy for \$10. Long Beach had a growing naval community and the Navy had, in large part, been a good neighbor. In recent years, that has proven not to be the case. The Navy demanded \$8.5 million for the property. The same piece of property that the city gave to them for \$10. In an effort to get the conveyance process moving, the city reluctantly agreed to the price.

Now, at a time when the Clinton administration is proposing that all current and future economic development conveyances be done at no cost, the Department of Defense has thus far refused to renegotiate the deal. It appears that the Pentagon, with a budget in excess of \$250 billion, has a greater need for the \$8.5 million than Long Beach with a budget of just \$330 million.

This is only one example of the multitude of problems with base closure. It is an inefficient, bureaucratic, and ineffective process. I believe this is the wrong time to authorize a new round of closure. All we would be doing is following one flawed procedure with another.

As California's example shows, local communities have not been given the opportunity to recover from the four previous rounds. Delays caused by lack of funding and red tape have prevented the completion of land transfers and the beginning of reuse.

I believe it is essential that we allow enough time for the base closures of the 1990's to run their course before we deal them the challenges of the 21st century closures. If nothing else, we owe that to our local governments. I urge the defeat of this amendment.

Mr. LEVIN. Mr. President, I wonder if the good Senator from New Hampshire would consider yielding me 3 minutes of his time so we can preserve the 10 minutes that we have left for Senator MCCAIN who I understand is on his way over.

Mr. SMITH of New Hampshire. I yield 3 minutes to the opposition side.

Mr. LEVIN. I greatly appreciate that.

Mr. President, we have had several years of debate now about the President's alleged role in the last base closure round on the privatization-in-place proposals for Sacramento and San Antonio. This just simply cannot be allowed to be an issue, and it should no longer be an issue. Because of the hard work of the Armed Services Committee, we just resolved the depot issue in a fair way.

Our amendment deals with the privatization-in-place issue by including language for the 2001 BRAC round that would allow privatization-in-place closing of a military installation only when it is recommended explicitly by the Base Closure Commission and when it is the most cost-effective approach.

Our amendment also ensures the entire BRAC process takes place after the next administration is in office. The

base closure statute explicitly recognizes already that the President can decide whether or not to have a BRAC round, and he can decide not to have a BRAC round simply by deciding not to nominate BRAC commissioners. If the new President decides not to have a BRAC round, he simply will not nominate the new commissioners. If there is a BRAC round, the new Secretary of Defense will oversee the process of the statutory steps in the round done under the new administration under the timetable which is in this amendment.

Short of banning people from even thinking about base closures until 2001, there is just really nothing more that can be done to ensure that there will be no politicization at all. I know there were strong feelings on the 1995 round. But I don't think we should keep punishing the taxpayers and keep spending money which we need for the men and women in uniform to have the right pay and the right equipment by continuing to raise the allegations which were leveled about the Sacramento and San Antonio actions.

As it turned out, by the way, things came out quite well. The bidding team that represented the privatization in place of those two facilities lost during a competitive bidding process.

We have to be willing to take the heat. We can no longer just say that the last round was politicized if, in fact, it was cured in the next round. We just cannot eternally and constantly look back at these allegations and debate what may or may not have happened in the 1995 round as an excuse for not doing our duty here in 1999 in terms of saving the money, which is so essential if we are going to have the defense budget rationally devoted and rationally spent. We are talking here about a significant chunk of money. We cannot waste this money. Our uniformed personnel and our civilian leadership are pleading with us to authorize an additional base closing round. This amendment assures that it is the next administration—not this one—which will determine whether to proceed with a base closing round. All we would be doing is authorizing it. The next administration would be the one that would be administering this next round. It would not be this administration.

The timetable that we put in here assures every single statutory step, from picking the commissioners to do the work that is necessary to sending in the recommendations. All of that will take place with the new President and not with this President.

I yield the floor.

Mr. LOTT. Mr. President, if I could inquire about time. It is 1:30 now; are we scheduled to vote on base closure at 1:45?

Mr. LEVIN. The majority leader is correct.

Mr. LOTT. Mr. President, I have followed the base closure recommendations, the so-called BRAC issues, for

many years, going back to my years in the House. We have been down this old BRAC road several times before. I have always been opposed to this approach.

I remember standing in the center well of the House years ago, talking to Congressman ARMEY of Texas. He was talking about his concept. I told him that I thought it was an abdication of responsibility, but if he wanted to pursue it, here is how to do it, and here is how it has to come through the Rules Committee. He took notes copiously and pursued it and it went through.

I think this is one more example where we and the administrations are avoiding the tough choices. For years, for 100 years, when there was a need to close a base, the administration, the Pentagon, the Department of Defense sent up recommendations of surplus or unneeded bases that Congress, through the authorization process, appropriations process, considered those recommendations and made a decision to close them or not.

Over the years, as it became more and more difficult to close remaining bases or to make increasingly tough decisions, these so-called BRAC rounds gained popularity and were pushed and, in fact, passed through the Congress. I don't think this is the way it should be done and I maintain it has not worked well.

In many cases, bases were closed, including several in my State. I go quite often now to those former bases as we continue to work to get new business and industry to come into those facilities. The tough decisions were made. We did our job.

So the first thing I recommended is let's do our job. I discussed that with Secretary of Defense Cohen and he, of course, smiled and said yes, but we probably won't get them closed.

I believe if the case is made and they recommend a surplus, that could be done—maybe not as many as they would like, but the process is there and we should honor that process.

We have had these base closure proceedings in the past. They have been painful. They cause tremendous upheavals in the defense community. In the communities where it happens, millions of dollars have been spent trying to defend against closures or, once a closure decision has been made, trying to find a way to make use of the base.

For such communities, losing a base is more than just an economic loss; it is an emotional loss and a blow to the core of their identity. These are just not nameless, faceless people involved. In most military communities, personnel from the base are church leaders, little league coaches, and scout masters, not just men and women with money to spend. Communities that lose a base lose much more than economic well-being; they lose friends, neighbors, and community leaders. I think it is very important that we remember what this process does to communities and to the people who are involved.

I maintain the ones that we have had in the past have worked pretty well, although some bases are still not fully closed. The environmental cleanups have not happened in other instances. Many of these facilities, now, are just sitting there.

I recommend before we go to another round, if we ever do, of base closures, we ought to let the ones that have already been recommended fully run out the string. Let's see what we have saved.

I am told a good bit of money will be saved this year from the base closures. But if you read the little asterisk down at the bottom, it doesn't include, for instance, environmental cleanup costs.

So if you look at the impact this has had on our communities, on our defense installations, and what has actually come from it, I think it is not good judgment to go forward with another round now. Think about what we are doing. Think about the timing.

Here we are at a time when our defense capabilities are being stretched to the maximum steaming time, time our men and women are out on ships and they are on remote assignments, at a time when our troops are in combat this very day, we are talking about closing installations or closing facilities back here at home.

Also, a side note: Just last week we passed a bill that provided money for construction of more military facilities in Europe, so we are going to be adding a half billion dollars in new construction in Europe. Maybe it is needed. Maybe that says we have acted too hastily in drawing down in Europe. We allowed our facilities—the runways, the air traffic control towers, the housing facilities—to deteriorate even there. But at a time when we are going to be spending money in Europe, we are talking about cutting back here at home. Are American servicemembers going to return to find that while the bases overseas are being rebuilt there are "For Rent" signs on the ones they left back home in the United States?

I think, first of all, the whole idea of doing it through a commission is not wise. Second, I do not think we have completed the process of the base closure decisions that have already been made. Third, the timing could not be worse.

Let's look at this more. Let's make sure we can stop the free fall our defense has been going through in readiness, in morale of our troops, in recruitment and retention. It is just one more factor that can serve as a discouragement to our men and women in the military. Some people say, let's go ahead and do it, the Department of Defense wants to do it this way—instead of doing their job, in my opinion—and it probably will not affect me.

I have a list I recommend Senators review before they cast their votes. This list will be available in the Senators' cloakrooms. I will have them on desks. I will have it in my hand. Look at the bases that were on the list that



were not closed in the past. These will be the ones that probably would be first choice to be reviewed again. Just in the State of California, you are talking about 15 facilities. It covers the entire country. It covers facilities in almost every State.

When I look down this list, it really scares me, the facilities that could be considered for closing, what it would do in those communities and what it would do to our military capabilities. So take a look at this list before you cast this vote. Maybe sometime in the future we will need to take another look at it.

But I still think there is fallout from the fact that the last closure did become tangled up in political decisions. There is a very strong feeling that some of the decisions recommended by the BRAC were changed or evaded subsequently. I remember Secretary of Defense Cohen believing very strongly he was not given the information he was entitled to when the Base Closure Commission was acting involving the State of Maine. We need to spend more time thinking about this. We should get over this hump we are at right now of our military capability and the involvement we have now in the Balkans. Maybe another year.

I will tell you what I think we ought to do. Let's try doing it the way it was done for 100 years. Let's try doing it through the normal process. I support commissions sometimes. I guess the day might come when I would support one in this area. But I do not think this is the right time and I do not think this is the right way to go about it.

If the DOD feels further base closures are needed, the most logical solution I see is for the Pentagon to identify bases it no longer decides are necessary and submit these findings to us. Show the Congress where the redundancy and obsolescence are. I have full faith that this body is capable of looking objectively at our defense needs and determining whether a base has outlived its usefulness.

Where is accountability in the BRAC process? We in Congress should not be abdicating congressional authority to some ad hoc commission. In this time of severe military drawdowns and austere budget cuts, I think it is all too easy for us to pass the buck and allow a commission, which has no obligation to answer to any constituency, to further strip our military. I do not think we were elected to leave all the difficult choices to a special commission. The average American feels very strongly about our national defense, and its important that the buck stops here when it comes to ensuring our military readiness.

So I urge my colleagues, before they vote, look at this list. Think carefully about what you are doing. Can we be assured this will be done in a totally objective way? What will be its impact on our military right now? I thank the chairman of the committee, Senator WARNER, for his thoughtfulness in this

area. He has generally, in the past, been supportive of this effort, even when it affected his own State. He has stood up and said, We will do our own part. You have to commend him for that. But he, this time, has said this is not the right time; maybe another day, maybe another way, but not now.

That is what I hope the Senate will do. I hope the Senate will vote against this next round at this time.

I might emphasize, earlier on there was a recommendation we have two rounds, 2001–2005. It was considered we would exclude certain areas and allow the others to go forward. I think the principle of that is wrong. My own State might be exempted and everybody else might have to deal with it—that is wrong. We should not do things that way. We should have a fair, across-the-board policy. I think that is the way we should do it.

I yield to the Senator from Virginia.

Mr. WARNER. Mr. President, it is interesting the leader brings up "the old-fashioned way," because when I was Secretary of the Navy, circa 1971, 1972, 1973, I closed the Boston Naval Shipyard and the destroyer base, where Senator JACK REED and Senator CHAFEE were very much interested in that. We did it the old-fashioned way. I must say we came down here and we had hearings. I remember in the caucus room, Senators Pastore and Pell sat there and grilled me and the Chief of Naval Operations for the better part of a day. But it worked out. So there is a precedent for doing it the old-fashioned way.

I say to my distinguished leader, I was the coauthor of the first BRAC bill and the second BRAC bill. But the commission concept was predicated on trust and fairness. Regrettably, Mr. Leader, that was lost in the last round when, as you know, in the California and Texas situations, the sticky fingerprints of politics got in there.

Mr. LOTT. Yes.

Mr. WARNER. Therefore, all the communities across the country, once a BRAC process is initiated, they go to general quarters and they hire these expensive lobbyists and all types of people to try to make sure their case, should it work its way up through the system, is treated fairly. That is all they really ask. Unless there is trust in the system, we cannot achieve a commission concept of closures.

Maybe we can induce the Secretary of Defense to try it the old-fashioned way and give it a shot. I commit to work fairly and objectively if you put it right on the table. I thank the leader for his strong position.

Mr. LOTT. I thank Senator WARNER.

Let me point out another instance of another Secretary of the Navy, Senator CHAFEE of Rhode Island. When he was Secretary of the Navy, the decision was made, and it was very difficult, but the decision was made to basically mothball the Davisville, RI, Seabee base. I think it is still maintained in a state of readiness, but the number of troops

and employees were substantially reduced. But he had done his job. We have done our job in the past without a commission.

By the way, right now there are lawyers and various people going around the States saying, get ready, there is going to be another BRAC, you better hire me so I can make sure your case is made. I think that is wrong and I thank you for your leadership on this issue.

Mr. President, I urge the Members to vote against this base closure commission proposal. I have always opposed this procedure. I opposed it in the House in the eighties, even though I remember talking to Congressman ARMEY from Texas about the merits and demerits and how he could proceed to get it done. He did it quite well.

We have been through not one, not two, but 2½ rounds of base closure commissions. I think it is wrong in principle, because we are abdicating, once again, our responsibility to make decisions about what is best for a strong national defense to a commission. For 100 years, if bases, depots, or facilities needed to be closed, the Department of Defense made recommendations to Congress, the Appropriations Committee reviewed the recommendations and made decisions, and bases and facilities were closed. I know of three in my own State of Mississippi that were closed in the fifties and sixties, probably with good justification.

I can remember when the Secretary of the Navy was JOHN WARNER of Virginia. Some tough decisions were made, recommendations were made to the Congress, and facilities were closed. The same thing occurred when Senator CHAFEE was Secretary of the Navy. That system worked for 100 years. Some 15 or 20 years ago, it got harder and harder to get Congress to go along with this and the commission idea came along.

I think we ought to go back and do it the way it was originally intended. Let's do our job. I think when Members say we will never have any facilities closed, history belies that fact.

My next point is, we have been through these 2½ rounds. They were a terrible experience for the communities and for the States involved that have facilities that are impacted. I maintain that we haven't yet quite felt the impact or gotten the benefit of the base closure rounds that have already been done. We still have facilities that have not been completely closed or the environmental cleanup has not been accomplished. We don't know whether we really saved money or not.

I urge we not go to another round until we have been able to assess completely how the earlier rounds worked or didn't work, what the cleanup costs were, what the real impact was on the communities.

I must say, the timing is terrible, at a time when we are asking our military men and women for more and more in terms of steaming time, time spent on

remote assignments, and, in fact, at this very moment Americans are involved in a bombing campaign in the Balkans.

Just last week we passed legislation providing about half a billion dollars to add to facilities in Europe. At a time when we are spending more money for facilities in Europe to upgrade or replace facilities that probably we should have already done, we are talking about setting up a process to close them in the United States. I don't think that is very wise.

It also comes at a time when our readiness is falling, when our retention and recruitment is declining. We are trying to do something about that by adding some money for readiness and for the future needs of the military, to increase the pay for our military men and women. This is just one more little stick in the eye that will affect, I think, adversely, the morale of our military men and women.

Finally, and not the least, I maintain that last time politics got very much involved in the base closure round. Bases that were supposed to be closed in California and Texas found a way to evade that. It was not just one or two States; it happened in several different places. I don't think the system worked very well.

I don't think we should do this now. I think we ought to wait and assess what has happened, do it at a time when we are not basically at war. Let's wait until the next administration comes in. We don't know whether it will be Republican or Democrat. Let's take a look at this thing in 2001. If, in fact, we haven't been able to get rid of some of the excess or unneeded facilities, and if we are not at war, if we have been able to turn around our needs for readiness and the morale and retention of our troops, I will take a look at it. I don't think this is the right thing to do. I don't think it is the right time. I think it is wrong in principle.

I could have probably found a way to limit this base closure in a way that would have been responsible, and it would also probably have spared my own State, but I thought that was wrong. I don't think I ought to be trying to find a way to spare my own situation and let others bear the brunt of the decision. We ought to do it all the way or not.

What we ought to do is let the Pentagon make the recommendations and act on them.

Finally, any Members who think this is fine, don't worry, it will affect somebody else, I have a list here of bases, depots, and facilities that were on the list of earlier base closure rounds that were not closed. These are the likely facilities to be affected. This is not a free vote in isolation, where Members can let somebody else pay the piper. Members can take a look and see how it would impact New York or Michigan or Ohio before casting a vote. Ask yourself when you look at the facili-

ties: Are these excess? Are these unneeded facilities? I think that might affect your decision.

We should defeat this. We should go on and pass this very good defense authorization bill that has been developed by the committee, without this provision in there.

Maybe another day, another time, would see it differently or we would need to vote differently, but not here and now. I urge the defeat of the base closure commission amendment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent to speak on the amendment for approximately 5 minutes. I probably will not take that long.

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

Mr. MCCAIN. Mr. President, all I can assume is that perhaps this vote may be getting close because a list was distributed, which can only be to try to frighten Members, which has no basis in anything except the imagination of some Senate staffer. It is really unfortunate we have to get into this kind of damn foolishness. I mean really, this is just foolishness. It does not have my State on it, yet three bases were "considered" by BRAC between 1991 and 1995. Whoever is responsible for this really ought to be a little ashamed—a little ashamed, maybe.

The process exists. It was used before. Every single expert, whether they be inside or outside the military—unless they are a Member of Congress—says that we have to close bases. Find me one, find me one military expert, former Secretary of Defense, any general, any admiral, any expert, anyone from a think tank, right or left on the political spectrum, Heritage Foundation, Brookings—find one. Find one who does not say we have too many bases and we have to go through a procedure to close them. This procedure was used in years past.

Strangely enough, strangely enough we have arguments like it costs more money to close bases than it does to keep them open. If that is the case, we ought to build more bases. If that is the case, we never should have closed the bases after World War II. The fact is, that has saved billions and will save billions.

We have young men and women at risk all over the world who are not properly equipped, who are not properly trained, who are leaving the military—11,000 people on food stamps and we have not even got the nerve and the political will, some might even say guts, to do the right thing. The right

thing is to save money, transfer that money to the men and women in the military who are serving under very difficult conditions with equipment that has not been modernized, with a readiness level that we have not seen since the 1970s, and morale at an all-time low. Meanwhile, our commitments grow and grow and grow.

I guess, given this incredible, bizarre list that some intellectually dishonest staffer—intellectually dishonest staffer compiled, we will probably lose this vote. But I tell you, this will not be a bright and shining hour for the Senate of the United States of America.

I yield the remainder of my time.

Mr. WARNER. Mr. President, just to advise the Senate, there is a likelihood the Senator from Washington will be recognized for an amendment at the completion of this vote. It is still being worked on, but we hope to be able to accommodate the Senator.

The pending business, of course, at the end of the vote, would be the Lott amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Do we have any time left on this amendment?

The PRESIDING OFFICER. All time has expired on this amendment.

Mr. LEVIN. I ask unanimous consent for a minute for the Senator from California.

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

Mrs. BOXER. Mr. President, I will not be supporting the McCain amendment. I am not supporting it for a very simple reason. I felt the BRAC method was very political. It was hyped as: Oh, this is nonpolitical; it is going to be based on the merits.

I was not at all convinced that was the case. When you really sat down afterwards and picked the winners and losers, it was pretty clear that a lot went into that decision that was political.

Second, we have not seen, as the Senator from Maine, Ms. SNOWE, has stated, the kind of savings that we were promised because bases were closed and then their missions were recreated somewhere else.

California got hit so hard I could not even begin to tell you the overwhelming economic impact that we have taken. We still have bases, I say to my friends, that are sitting there that have not even been cleaned up and cannot be reused.

So I will not be supporting the McCain amendment. I hope it will not pass. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 393.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced, yeas 40, nays 60, as follows:

[Rollcall Vote No. 147 Leg.]

## YEAS—40

Ashcroft	Hollings	Moynihan
Bayh	Jeffords	Reed
Biden	Kennedy	Reid
Bond	Kerrey	Robb
Bryan	Kerry	Rockefeller
Byrd	Kohl	Roth
Chafee	Kyl	Santorum
DeWine	Landrieu	Smith (OR)
Feingold	Leahy	Thompson
Gramm	Levin	Voinovich
Grams	Lieberman	Wellstone
Grassley	Lincoln	Wyden
Hagel	Lugar	
Harkin	McCain	

## NAYS—60

Abraham	Dodd	Lott
Akaka	Domenici	Mack
Allard	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bennett	Edwards	Murkowski
Bingaman	Enzi	Murray
Boxer	Feinstein	Nickles
Breaux	Fitzgerald	Roberts
Brownback	Frist	Sarbanes
Bunning	Gorton	Schumer
Burns	Graham	Sessions
Campbell	Gregg	Shelby
Cleland	Hatch	Smith (NH)
Cochran	Helms	Snowe
Collins	Hutchinson	Specter
Conrad	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Inouye	Thurmond
Crapo	Johnson	Torricelli
Daschle	Lautenberg	Warner

The amendment (No. 393) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I am ready to propound a unanimous consent request. I ask unanimous consent that the Senate now consider an amendment by the Senator from Washington, Mrs. MURRAY, an amendment re: DOD privately funded abortions, that there be 1 hour for debate prior to a motion to table, with the time equally divided and controlled, with no intervening amendment in order prior to the vote.

The PRESIDING OFFICER (Mr. GREGG). Is there objection?

Mr. GRAMM. Reserving the right to object, Mr. President, may I propound a request to the chairman?

The PRESIDING OFFICER. If the chairman yields the floor for that purpose.

Mr. WARNER. I will do that.

Mr. GRAMM. Mr. President, as you know, it takes unanimous consent to allow the Murray amendment to come forward. Any person can object, because you have two amendments pending. I have, I believe, worked out an agreement with the distinguished ranking member to have the vote on the reconsideration of the amendment, where there was a tie vote yesterday, occur either at 5 or after the disposition of the Kerrey amendment, whichever is sooner. If that could be added to your unanimous consent request, I think that would be agreeable to both sides. I have no objection to Senator MURRAY bringing her amendment up. I simply do not want to leave this matter pending past 5 o'clock, if we can avoid it.

Mr. WARNER. Mr. President, I wish to accommodate the Senator. I presume you would want 3 minutes for each side to speak to the amendment prior to that vote taking place.

Mr. GRAMM. I would be willing to do that. But, quite frankly, we had a time limit. It has been exhausted. If it would accommodate the body, I would agree to just have the vote.

Mr. WARNER. My understanding is the Senator from Michigan does not desire any time.

Mr. LEVIN. Neither one of us is asking for it.

Mr. GRAMM. I think we have made our cases.

Mr. WARNER. Let me amend my unanimous consent request to incorporate the request from the Senator from Texas.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia, as modified?

The Senator from Michigan.

Mr. LEVIN. Reserving the right to object, I just want to see if there is any problem on that relative to Senator KERREY. I don't know why there would be, offhand, but we are trying to make sure there is no problem. It is fine with me.

Mr. WARNER. Mr. President, I say to my good friend, we have bent over backwards all day to accommodate him. We will continue to do so. Whatever the problem, we will solve it.

Mr. LEVIN. That is fine with me. He has also been very accommodating to us. I just want to see if I can get a signal. Do we know whether or not Senator KERREY would have any objection to that?

Mr. President, may I suggest the absence of a quorum?

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

Mr. WARNER. Mr. President, we will acknowledge the request for the quorum, but I think one Senator seeks recognition for an administrative purpose, and I have no objection to that.

The PRESIDING OFFICER. The Senator from North Dakota.

## PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Tony Blaylock, a legislative fellow from my office, be granted the privilege of the floor for the duration of the defense authorization bill.

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

Mr. WARNER. Might I suggest to the ranking member that another Member, the Senator from Colorado, desires to address another matter. Rather than putting in a quorum call, I would like to have agreement that the Senator proceed.

Mr. LEVIN. Could we ask the Senator from Colorado about how long his remarks will be?

Mr. ALLARD. Maybe I don't need to have this special provision we talked about. I talked with the staff of the chairman, and they said all we had to do was file the amendment. I filed the amendment and I am happy. I think we are in good shape. It is there, where we can bring it up immediately.

Mr. WARNER. I will put it in the RECORD as of now that you have done that, if you will address the Chair.

## AMENDMENT NO. 396

(Purpose: To substitute provisions regarding the Civil Air Patrol)

Mr. ALLARD. Mr. President, I ask unanimous consent that we lay aside the following amendments for the purpose of introducing my amendment No. 396 and then we would go back to the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, would you describe in two sentences the nature of the amendment so other Senators can be acquainted with it.

Mr. ALLARD. The nature of the amendment is that it strikes a provision dealing with the Civil Air Patrol, brings them under the direct control of the Air Force. We want to strike out that provision and then set up a report and review of an incident that has occurred with CAP through GAO and the Inspector General. Real briefly, that is what the amendment is about.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered. The clerk will report the amendment.

Mr. WARNER. Mr. President, if I could advise the Senator from Colorado, in fairness to all colleagues, Senator INHOFE, a fellow committee member, has a position, I think, different from yours; is that correct?

Mr. ALLARD. That is correct.

Mr. WARNER. There could be other Senators, many Senators, interested in this Civil Air Patrol issue. I am happy to lay it down, and at such time as we can get a reconciliation of viewpoints, we hope to proceed. How much time do you think you would need so other Senators—

The PRESIDING OFFICER. If the Senator from Virginia would suspend for a second so the clerk can report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself, Mr. HARKIN, Mr. SESSIONS, Mr. STEVENS, Mr. CONRAD, Mr. DORGAN, Mr. CLELAND, Mr. CRAIG, Mr. BINGAMAN, Mr. BRYAN, Mr. REID, Mr. CAMPBELL, Mr. MURKOWSKI, and Ms. SNOWE, proposes an amendment numbered 396.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike section 904, and insert the following:

## SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Inspector General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

Mr. ALLARD. Mr. President, I ask for an hour equally divided.

Mr. WARNER. Fine. I thank the Chair for the guidance. I thought the amendment had been logged in.

Mr. LEVIN addressed the Chair.

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

Mr. LEVIN. Will the Senator yield?

Mr. WARNER. I yield the floor.

Mr. LEVIN. Mr. President, I am wondering whether the Senator from Virginia would consider the following approach: after the disposition of the Murray amendment, that there then be an hour of debate on the Kerrey amendment and, immediately following the disposition of the Kerrey amendment, that the reconsideration vote occur on the Gramm amendment, precluding second-degree amendments to the Kerrey amendment.

Mr. WARNER. Mr. President, I will have to ask my colleague to withhold that request. I will work on it, and I think we can accommodate all interested parties.

Now, my understanding from the Chair is, we proceed to the amendment—

The PRESIDING OFFICER. The Senator from Virginia has a unanimous consent request pending. Is there objection?

Mr. WARNER. I am not able to hear the Chair.

The PRESIDING OFFICER. The Senator from Virginia had a unanimous consent request pending. Is the Senator withdrawing that request?

Mr. WARNER. No. I thought I had a unanimous consent request to proceed to the amendment of the Senator from Washington for a period not to exceed 1 hour, at the conclusion of which there would be a motion to table and then, of course, a vote.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, all I want to do is work out a time to bring up a vote that we are not even going to debate on. I will be happy to have it either after the Kerrey amendment or at 5 o'clock. There is some concern here

about limiting a second amendment, apparently, on the Kerrey amendment. I do not have a dog in that fight.

We are in a position where I can't exercise my right, because we have two amendments, now three amendments, that are pending, which makes the floor manager sort of a gatekeeper. But it also makes anyone else a gatekeeper. All I am asking is if I could get an agreement on a time certain basis and/or following something else. I am not trying to be difficult to deal with; I just would like to work this out before we go on.

If 5 o'clock is all right, we can stop whatever we are doing at that point and have the vote. I do not even require any more debate. I just want to settle this issue. I would have to object.

The PRESIDING OFFICER. The Senator from Virginia has the floor. There is a unanimous consent request pending.

Mr. KENNEDY. Mr. President, reserving the right to object, so the floor managers may have the opportunity to have the consent request, would the Chair repeat the request?

The PRESIDING OFFICER. There is a parliamentary inquiry.

Mr. WARNER. Mr. President, I think I can clarify the situation very quickly.

The Senator from Virginia has propounded a UC to permit the Senator from Washington to have an hour equally divided, after which time there will be a tabling motion by the Senator from New Hampshire and then a vote.

That was before the Chair at the time our colleague from Texas sought recognition for the purpose of trying to reconcile an understanding between himself and the ranking member. Apparently, at this time, we cannot achieve that reconciliation. It is my hope that the two Senators can continue to work and will permit the Senate to go forward with the amendment of the Senator from Washington.

Mr. GRAMM. Mr. President, may I just suggest that we set the vote at 5 o'clock and leave the Kerrey amendment alone? The net result is the same. The Senator was willing to agree a moment ago to do it. If the Kerrey amendment is what is in dispute, it seems that it would have produced this result before. So I just urge my friend from Michigan to allow us to settle the issue. We are going to do it without intervening debate. But the problem is that I have privilege under the rules of the Senate, and that is being precluded by the stacking of amendments that require a unanimous consent request.

Mr. WARNER. I think we are ready to solve it. Would the Senator have a colloquy with our colleague?

Mr. GRAMM. Yes.

Mr. LEVIN. Mr. President, my understanding is that the chairman has no objection if at 5 o'clock we have the vote on reconsideration, even though we were in the middle of another debate. I have no objection if he doesn't.

Mr. WARNER. I have no objection.

Mr. LEVIN. That is probably what will happen. In the middle of debate on another amendment, we will go back to the reconsideration. I have no objection to that happening at 5 o'clock.

Mr. WARNER. We have done that before. It may be somewhat inconvenient, but it is important to keep the momentum of this bill going. We have had superb cooperation from all Senators. I would like to make note that we have only had two quorum calls in 3 days.

Mr. President, I now propound a unanimous consent request that the Senator from Washington be permitted to go forward with her amendment at this time, with a 1-hour time agreement, equally divided between the Senator from Washington and the Senator from New Hampshire, and at the conclusion of that hour, there be a motion to table by the Senator from New Hampshire and then a rollcall vote. We will get the yeas and nays later.

Mr. GRAMM. We have the 5 o'clock vote on the reconsideration, correct?

Mr. WARNER. Mr. President, I add to that a 5 o'clock vote on amendment No. 392.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I do not have an objection, but I would like to make an inquiry. At some point, I would like to be in a position to do what Senator ALLARD has done, which is to introduce an amendment and then lay it aside for the appropriate consideration at its due time. Would it be appropriate, after we have taken action on the unanimous consent, or as part of the unanimous consent, that I would be given an opportunity to introduce an amendment and then lay it aside?

Mr. WARNER. Mr. President, I just ask if we could have one variation. At the conclusion of the vote on the amendment of the Senator from Washington, I would be prepared to work out an opportunity for the Senator from Florida to be recognized and lay down an amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Virginia?

Without objection, it is so ordered.

#### PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE SENATE

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the adjournment resolution, which is at the desk, and further that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Con. Res. 35) was agreed to, as follows:

S. CON. RES. 35

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 27, 1999, on a motion*