

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1438, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 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 PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. As I announced for the majority leader this morning, he has every intent of finishing this bill by tomorrow. This is one of the most important pieces of legislation we have dealt with all year. People who have amendments should offer those amendments. I have spoken to the two managers. We are in the process of getting ready to offer a unanimous consent agreement that we would have a finite list of amendments by 4 o'clock today. Everyone who wants to offer an amendment must notify their respective manager or aide by 4 o'clock today. I hope we can propound that unanimous consent agreement within the next few minutes so we will know the status of all the amendments.

The managers have indicated if we have no amendments, they will move to third reading.

Mr. LEVIN. Could we tell the Senators who have amendments they wish to offer, if they could notify our respective Cloakrooms, it would facilitate things. We are not ready yet to offer a unanimous consent agreement, but we will propound that agreement in the next few minutes to set a time for those who want to offer amendments. Is that agreeable?

Mr. WARNER. We are endeavoring to do that on our side. A number of Senators have just returned to Washington. They need just a bit of time to assess this situation. I know there is a strong spirit of cooperation on this side to move forward with the bill and complete it by Wednesday afternoon early. In order to do that, we have to have this type of working document from which to chart our course, night and day, between now and Wednesday afternoon, and recognize that we have to set aside time for the CR when it comes.

Mr. LEVIN. I wonder if it is agreeable with my friend from Virginia we seek to complete action on this bill by tomorrow night, rather than Wednesday. That is the goal. I take it the Senator would agree with that goal?

Mr. WARNER. I agree.

Mr. DOMENICI. I say to the distinguished chairman, I understand there

is an amendment that the Senator from Kentucky will offer.

Mr. LEVIN. Senator JACK REED has been waiting to make an opening statement.

Mr. DOMENICI. Of course. And I ask it be in order that after the first amendment offered by the Senator from Kentucky, I offer an amendment on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, we have to clear that. I wonder if we could withhold that for a moment.

Mr. DOMENICI. Sure.

Mr. INHOFE. Mr. President, it is hard to hear. I would like to know what kind of agreement we are coming to concerning amendments.

Mr. WARNER. I do not think we have reached any agreement. We have just come to the floor for the purpose of starting consideration of the bill. I defer to my chairman. As I understand, we have colleagues waiting to move ahead. I am prepared to try to do what we can, subject to his concurrence.

Mr. LEVIN. Mr. President, if we could recognize Senator REED, who is waiting to make an opening statement, and while he is giving that statement, we will try to line up the order of amendments. Is that agreeable?

Mr. WARNER. Yes.

Mr. SESSIONS. I would like to have a chance for opening comments, perhaps 10 minutes for that, whenever it is appropriate.

Mr. LEVIN. I ask that the Chair recognize Senator REED, then Senator SESSIONS, and at that point, after opening statements, we hope to have at least one or two amendments lined up in terms of order of recognition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan regarding the order of speakers?

Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senators from Michigan and Virginia not only for their gracious offer of the opportunity to speak this afternoon but also for their work as chairman and ranking member of this committee. I thank Chairman LEVIN and Senator WARNER for their leadership.

I rise this afternoon in support of this authorization bill for the Department of Defense for the year 2002. It comes at a critical time in history where we have to prepare for a series of threats, both anticipated before September 11 and now understood very well after September 11.

I also speak specifically with respect to my responsibility as chairman of the Strategic Subcommittee of the Armed Services Committee. In that regard, I first thank and commend Senator WAYNE ALLARD of Colorado, the ranking member. Senator ALLARD did a tremendous amount of work, and his perseverance, diligence, his good humor, and his cooperation were essential to the legislation we are contemplating

and considering today. He has truly done a remarkable job. It was a distinct pleasure and honor working with him. I thank him for his activities.

The jurisdiction of the Strategic Subcommittee has a very wide swath, including space and space systems, strategic programs, intelligence, reconnaissance and surveillance programs, ballistic missile defense programs, and Defense-funded programs at the Department of Energy.

The Strategic Subcommittee held hearings on all of the matters of jurisdiction, including reports of the Space Commission and the National Reconnaissance Organization Commission. We had extensive hearings, particularly on the ballistic missile defense organization. We had at one point a 5-hour hearing on their plans and programs for this year. We also had a very useful and instructive hearing on the status of our long-range bomber force. Even though we had a compressed timeframe to consider these issues because of the late submission of the budget, the Strategic Subcommittee conducted extensive hearings.

The result is the legislation we have before the Senate, a product of these hearings, and of hard work, particularly by the staff. I commend and compliment the staff for their intense effort and their thorough analysis of the requests made to the committee.

Based upon these hearings and this extensive analysis, we were able to increase, in many critical areas, authorization for programs. In providing additional funds for these programs, we were guided by the recommendations of the military services themselves. We were very attentive to the unfunded requests outlined and identified by the Departments of the Air Force, Army, Navy, and Marine Corps, their so-called wish lists. That gave us a sense of where we had to apply additional resources. We tried to do that.

Now, with respect to space and space systems, we understand the United States has a continuing and increased reliance on access to space. For space programs, we added \$53.9 million to improve readiness and operations of safety at the east and west coast space launch and range facilities. This was the Air Force's No. 1 unfunded priority. We were able to fund a significant portion of their request.

We also added funds to the Air Force to improve its space surveillance capabilities and its communications capabilities. With the additional funds we have provided in this legislation, the Air Force will be able to exercise an option to buy additional wide band gap-filler satellites to ensure global wide band communications capability. Again, as we contemplate and prepare for extensive operations around the world directed at those who attacked us, these types of global communications become more and more critical to the successful operations not only of the Air Force but of our ground elements and all of the elements in the Department of Defense.

In the area of strategic systems, we have included a provision consistent with the requests by the Department of Defense and the administration that would repeal section 1302 of the National Defense Authorization Act for fiscal year 1998. Section 1302 required the Secretary of Defense to stay at the START I nuclear force structure level until such time as START II enters into force. This provision, the provision we have included, will allow significant immediate reduction in the number of strategic nuclear warheads, and will continue the transition of our forces away from a cold war structure without having to wait for START II to enter into force.

Also related to the repeal of section 1302 is the inclusion within the bill of funds to allow the Air Force to begin to retire the Peacekeeper ICBMs beginning next year. This is consistent with the overall thrust of the administration to make reductions in our nuclear force structure.

We are awaiting a nuclear posture review, due in the next few weeks. But we are giving the administration what they desire and what we think is appropriate: the authority to begin to make reductions in our nuclear forces and the money to begin immediately to retire the Peacekeeper ICBMs.

Also in the strategic area, we have included a provision that would direct the Secretary of the Air Force to keep the full fleet of B-1B bombers in place, including those B-1B bombers that are assigned to the Air National Guard until both the Quadrennial Defense Review and the Nuclear Posture Review are completed and the Secretary has thoroughly reviewed the missions of the B-1B bomber fleet. We have included the necessary \$100 million in operations and maintenance funds to keep the B-1B bombers flying in fiscal year 2002.

I also suggest and point out the B-1B bombers are among those assets that have been identified and notified for possible forward deployment in support of our antiterrorist operations.

As we today and in the future place increased reliance on our bomber fleet, not only have we dealt with the B-1B bomber force, we have also added an additional \$125 million for much needed upgrades to the B-2 bomber and the B-52 bomber. We have all watched recently as those B-52s left Barksdale Air Force Base in support, again, of our antiterrorist operations, so it is essential to support these Air Force aircraft also.

In the intelligence surveillance and reconnaissance area, we have continued the emphasis started by Senator WARNER on transforming our military forces by promoting unmanned aerial vehicles. This bill includes an additional \$64.2 million for unmanned aerial vehicles. As we improve the capability of these vehicles, we will rely on them for a growing list of missions. Once again, in any type of counterterrorism operation where we

need relatively low-level, nonobservable, we hope, observation from the sky and where we are unwilling to risk pilots, these vehicles are terribly useful.

Last year we sponsored a demonstration for the Global Hawk system in an air surveillance role. This bill includes funding for a signals intelligence demonstration project using the Global Hawk UAV. We think it is an important addition to our repertoire of overhead reconnaissance.

Another responsibility of the Strategic Subcommittee is the defense-funded programs at the Department of Energy with the exception of the nonproliferation programs. These DOE programs include environmental cleanup programs, the Stockpile Stewardship Program, and intelligence and counterintelligence programs.

This bill would add approximately \$855 million for these important programs. The budget request for these programs was not sufficient to cover all the needs for DOE to comply with its cleanup agreements or to improve the conditions of the production complex or to complete stockpile life extension programs. Additional resources are needed to not only maintain weapons reliability and our ability to safeguard the stockpile, but also our responsibility to clean up sites that have been polluted by nuclear processes in the past.

We recognize that more money may be needed but this is a substantial downpayment on cleanup and stockpile security programs. The additional funding included \$422 million for the DOE environmental programs and \$500 million for the National Nuclear Security Administration.

In addition to the extra funding for DOE programs, we have included legislative provisions to streamline the DOE polygraph program and help the National Nuclear Security Administration complete its reorganization. As we all know, the initial response prompting these programs, the polygraph program and the creation of NNSA, was the situation of security breaches in our nuclear laboratories. We hope and believe that is a thing of the past because of our emphasis on streamlined security procedures and a more rational, robust, and efficient NNSA.

One of the most controversial elements of our deliberations involve ballistic missile defense. Let me say initially that there is a consensus on the committee that we need robust research and development of ballistic missile defense and immediate deployment of theater missile defenses to counter the threat. But it turns out that when you come to national missile defense there are two schools of thought. There are those who might say it will never work and those who say we don't care if it works, we need it. The reality is somewhere in between. We have a strong obligation to test and develop national missile defenses so we can bring, we hope, that

technology to bear to defend the country. But we have to be careful not to deploy something that will not work. That is what we have attempted to do in this legislation, to provide a counter to immediate threats but also ensure that we spend money wisely, with the ultimate goal of producing a technology that works, not fielding a technology that doesn't work.

Let me first discuss the threat that we see before us immediately. It is most easily divided, I think, into the theater threats, short-range, less than 1,000 kilometers, and medium range, 1,000 to 3,000 kilometers, and then those national threats, ICBMs that can travel more than 5,500 kilometers.

You can see there is a large number of countries that have theater missile capability, and it is growing each and every day. These are the threats that immediately challenge our troops in the field, that immediately involve American interests through our forces and our allies throughout the world.

When you go to the area of national missile defense, we know the Russians have thousands of missiles, the Chinese approximately 20, and then it is uncertain, frankly. As we all know, there is a strong suspicion that the North Koreans have this capability. There is certainly an indication other countries want this capability. But it is clear to us, and it should be clear to the American public, that the great, immediate threat that should prompt our immediate response is in the area of theater missile defense. This authorization responds to that grave theater missile defense threat.

It responds also to the national missile defense threat by continuing to support robust funding for research and development.

Let me give an overview of the funding levels that we have recommended for the ballistic missile defense program. It is good, I think, to begin with our baseline, which is last year's authorization: \$5.1 billion overall—national missile defense and theater missile defense, as indicated on this bar graph. The "other" category simply refers to other nonspecific BMDO-wide activities such as program operation and other generally supporting programs. The request by the administration was \$8.3 billion, about a 60-percent increase, the largest request for any particular category in this DOD authorization. In this chart, you can see roughly the breakout between "other," national missile defense, and theater missile defense.

After very careful consideration of each and every program, after hours of hearings and discussions with the officers in charge of BMDO, and other officials, we made adjustments unrelated to the debate about the Anti-Ballistic Missile Treaty, related simply to several principles that are important.

Avoid contingency deployments—avoid deploying equipment that has not been thoroughly tested and we are not quite sure will work.

Do not fund activities that cannot be executed this year. We have scarce resources. We are about to mount a worldwide campaign against terror and terrorists who struck us and to fund things this year that cannot be performed when we have other glaring needs, to me is not the way to spend our money wisely and to support our troops appropriately.

Also, to avoid excessive nonspecific funding, requests for large amounts of money without any real plan to spend it—the sense I got from listening to the Administration is that they will figure out what they are doing on the run.

That is not the way to develop a system that is going to protect the United States.

Finally, avoid an undue program growth rate—programs that have been moving along with good progress and suddenly are going to be accelerated without justification for the acceleration.

Those are the principles we used to decide program-by-program adjustments we would be making.

The effect was to reduce the overall budget to \$7 billion, almost \$2 billion more than last year's authorization; specifically, to increase theater missile defense by \$600 million, the immediate threat, while reducing the administration's request for national missile defense yet still increasing that budget by \$1.1 billion. This was a robust authorization for ballistic missile defense.

The committee decisions have been impacted, of course, by what we did last week. In the manager's amendment, we added back the \$1.3 billion we had cut. But we have given the President the opportunity to use this money for either ballistic missile defense or for antiterrorism activity.

I hope he will look at what we have done, and while looking at the ability to deploy systems that aren't ready and activities that can't really be executed this year, that he will wisely spend that \$1.3 billion for antiterrorism in the conduct of this campaign that threatens America today. If he does that, we will still be on the path to a strong theater missile defense and a strong national missile defense, but we will be able to affect the immediate crisis we face with more resources. I hope he makes that choice. The legislation we presented him after last week's amendment will give him that choice.

Let me try to go into some detail about the recommendations.

Again, I hope the President and DOD will take our work and use it to form their views with respect to the additional \$1.3 billion.

As I mentioned, we have increased theater missile defense by \$626 million. We have tried to identify with surety well-defined programs such as the PAC-3 Program, which is just ready for deployment, and the THAAD Program, and to fund them robustly. We have also tried to increase resources for the Navy Area Defense Program and the

Airborne Laser to resolve emerging technical problems to keep them on schedule.

In addition to these programs, we have added \$76 million to the administration's request for the Arrow Missile System. The Arrow is a joint Israeli-United States project. These funds will help make the Arrow interoperable with our forces. It is an essential part of the development. Today that is one of the few theater missile defense systems that is fielded and operational.

We have also gone ahead and looked at some of these ill-advised contingency deployments.

We save \$390 million by not funding untested THAAD missiles, Navy Theater-Wide missiles, premature THAAD radar, and Airborne Laser components. We save over \$200 million by rationalizing the Navy Theater-Wide test and radar development programs while funding tests for Block 1 missiles and asking the Secretary of Defense for future plans on Navy Theater-Wide.

When it comes to national missile defense, I also pointed out that we have increased last year's authorization by a total of \$1.1 billion. It would fund a new midcourse test bed. It would provide 20 percent more for NMD, but it would save over \$500 million by moderating growth in the NMD system and reducing funding for nonexecutable programs—those programs which we think, after careful analysis, cannot be completed in this year's authorization.

We also have saved over \$200 million by reducing excessive funding for activities not associated with specific programs—essentially large categories of money with very little justification. All of this money can now be used, pursuant to the amendment of last week, for counterterrorism operations, all the things we know we have to do today, and I hope we do today.

We have also funded the request by the administration for a test bed in Alaska. Even though there is a great deal of controversy about the efficacy of this test bed to test missiles, even though there is a suggestion that it could be used for deployment which would raise issues under the ABM Treaty, we have tried to give the administration the benefit of the doubt by not only significantly increasing resources but also assuming that they are working very diligently not to arbitrarily move away from the treaty but to comply with it until they are forced otherwise.

This approach of giving the administration not only permission but authority to establish their test bed is again another commitment to do everything we can to promote research and development of a national missile defense system. As we go forward, we hope we can continue working closely with the administration.

Let me also point out that our response to the proposal by the administration for missile defense was prompted not by an ideological approach to BMD but by a desire to see a program

that works. We tried to base our judgments on the experience of these programs before.

One of the most influential aspects of our review was considering the report of General Welch, the former Chief of Staff of the U.S. Air Force, who conducted a thorough study of the THAAD system, the theater high-altitude system. A few years ago, this system was going nowhere, with test failure after test failure. General Welch was asked to come in and look at the program, analyze its faults, and point out whether it could be saved and how it could be saved. His conclusions were very instructive to our deliberations.

First of all, the Welch panel, set up by the BMD office to look at the failure in this theater high-altitude program, concluded that the THAAD program's "rush-to-failure" was caused in part by the decision to buy operational missiles early. That was the key factor in the difficulties of this program. Until they got back to careful, thorough development with requirements and objectives, this program was in danger of failing. If it failed, it would be a significant loss to the Nation.

The same logic was echoed by GEN Kadish, director of BMDO, when he testified that "emergency deployments are disruptive and can set back normal development programs by years." That is precisely what the administration was urging us to do in this authorization—to accelerate deployment before we had done the testing, to buy missiles that were untested, to rush to failure.

I argue very strenuously that if the program adopted by the administration is to simply take this \$1.3 billion back and plug it right back into this program, it will be a rush to failure, and it will defeat what we all want to see—the immediate deployment of effective theater missile defenses and the deployment, subject to considerations of international law and treaties at this point, of an effective national missile defense.

Until we have the testing and the development completed, deployment is something that is both premature and ultimately harmful to the program development. The program should be careful and deliberate, and we hope ultimately successful. As the Welch report concluded, attempting to deploy minimal operational capability early "is unlikely to be productive for programs of this complexity. The drive for early capability is proving to be counterproductive."

I hope the administration takes these words to heart. Much of what we suggested in terms of funding reductions was based upon this logic—the logic of seasoned professionals who looked closely at this program and who want these programs to succeed but understand that they have to be done thoroughly and carefully, and not rushed to failure.

As we go forward, we will, I am sure, continue this debate about national

missile defense and ballistic missile defense, and a host of other issues. I hope and I know the full Senate has the same type of very constructive and very helpful debate that the members of my subcommittee and the members of the full committee had because I think it is important to have this type of significant debate as we go forward about issues. We have tried to do this, and we have tried to do it thoroughly. I believe we have produced, at the subcommittee level, and the full committee, a thoughtful and very logical and very defensible product.

Today we are in this Chamber presenting the administration with the opportunity to use these resources to counter terrorism or to go back and invest in programs of dubious immediate efficacy and efficiency and worth for the national defense. Again, I hope that the administration does this.

Let me just make brief comments about the situation with respect to the ABM treaty which, I point out, was separated from the logic of this discussion.

Regardless of the existence of an ABM treaty, our responsibility is to look closely at every one of these programs and to conclude which ones have real value for national defense and which ones are simply not worth the effort in terms of the resources committed this year. We did that—regardless of the existence of the ABM treaty. But the ABM treaty is a factor that has to be considered when you talk about national missile defense.

The point I make is that many things changed on September 11. One thing that changed is the appreciation, I believe, by all of us and the administration that we need the help and the cooperation of the world community to beat our enemy, to beat the terrorists, to root out these networks out and destroy them.

In that context, I suggest and advise that it would be very counterproductive for immediate and unilateral departure from the ABM treaty, because of the consequences it would produce. That advice, I hope, is taken to heart by the President.

The President clearly has the authority today to withdraw from a treaty. We attempted—and we continue to attempt in separate legislation—to provide a forum for this Senate at least to consider a proposed departure from the ABM treaty. But until that other legislation is considered, and perhaps passed, it is clear that the President has this right.

But today, as we assemble a world coalition to fight people who have harmed us—grievously—I would think that he would be very careful not to withdraw because we need the support of many nations. I think it is particularly inappropriate and premature to do that since I believe we do not have the technology today that will, in fact, be capable of deployment within the next few months, perhaps the next few years.

While we are developing the technology, we should be very careful about undermining the stability of international relations, particularly at a time when we are reaching out to nations across the globe, including our European allies, including Russia, including China, asking them all to stand with us and to trust our judgment and our leadership as we go forth to counter and destroy the common enemy, the terrorists in the world.

So I believe among the many things that have changed on September 11 is the attitude that was demonstrable in the administration that we can go it alone, that we don't need many other people; it is our way or the highway. We are now on a common path, we hope, to overcome and defeat the terrorists. This is not time to debate the language that was embodied in the original version of the bill which passed the committee. I do hope there is a more appropriate time soon.

We are in this Chamber today at a momentous time in our history. All of us are committed to giving our Department of Defense every resource it needs to defend this country and, most specifically, to destroy those who attacked us and attempted to destroy us. It is in that spirit we continue these deliberations. It is in that spirit we will pass this legislation. And it is in that spirit we will triumph and prevail.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). Under the previous order, the Senator from Alabama is recognized.

Mr. WARNER. I ask my colleague to defer for a moment so that I can recognize the valuable contribution of the Senator from Rhode Island.

Mr. SESSIONS. I defer to the ranking member.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Senator. We recognize the Senator from Alabama is next to be recognized for an opening statement.

I commend our colleague from Rhode Island first for his hard work throughout the years on the committee on which he has served from the first day he came to the Senate, and most particularly now in his capacity as the chairman of the subcommittee, which is a very important subcommittee dealing with many issues. I thank him for his work with Senator LEVIN and myself as we worked our way through the resolution of some issues that were very important to him. I thank the Senator very much.

Mr. President, I will keep on my desk, as will the distinguished chairman, a list of the amendments which are now coming in. I am pleased to say we are down to where there is a single person who is examining the possibility of the UC request shortly to be propounded on the question of putting in the amendments for consideration by a certain time today, so we can hopefully complete this bill tomorrow night.

My understanding is that at the conclusion of the remarks of the Senator

from Alabama, we will turn to amendments; and in all probability, our distinguished colleague from Kentucky will seek recognition at that time.

Mr. LEVIN. Will the Senator from Alabama yield for just an additional minute without losing his order for recognition?

Mr. SESSIONS. I am pleased to yield. The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Senator from Rhode Island for not just his opening statement, which is always extraordinary and thoughtful, but also for his magnificent work as the chairman of the Strategic Subcommittee. They are both invaluable. I thank him very much for that.

Mr. REED. Mr. President, may I say what a privilege it is working with Chairman LEVIN and the ranking member, Senator WARNER. The Senators have led this Senate with great distinction.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am pleased to express my appreciation to Senator LEVIN and Senator WARNER and to all others who have worked very hard to make sure we complete our work in this Chamber in a bipartisan way. We were very close to doing that on almost every issue that has come before us. But one issue did divide us; that was national missile defense. And Senator REED is one of the most knowledgeable and articulate spokesmen concerning that issue.

In my subcommittee, of which I am ranking member, I think Senator KENNEDY and I were able to reach an agreement on issues pertinent to seapower that both of us felt good about. It was not perfect; it was not what we would like; but with the money that we were allocated to spend on seapower, I think we did a good job. Our problems simply were the lack of money and resources. And, indeed, I will mention a few things that we were missing as a result of that.

President Bush campaigned that he would improve the situation for our defense people and our defense budget and do some things that needed to be done. If you look at his budget, it represents an historic improvement and increase in defense. This appropriations bill we are voting out today totals \$328 billion. Last year, we were at \$296 billion. That is a \$30 billion increase, plus a \$6 billion supplemental we passed. It means a \$38 billion increase in defense this year over last year.

That is the biggest increase in probably 15 years in defense. It represents a long overdue step. It was done before we had these terrorist attacks. And it represented a consensus by the administration and their representation to the Congress on the needs of our defense budget. So we made a big step forward, and we are happy about that.

We spent a good deal of that money on a number of things, such as a 5-percent pay raise for our men and women

in uniform, which is tacked on to last year's increase—well above the inflation rate; 6- to 10-percent pay raises for people in critical positions; a \$232 million increase in the housing allowance for families—increased funding for housing—an increase for national missile defense, and a number of other increases.

So we are proud of those things. We are proud of the overall increase in the defense budget. However, our defense budget still, as a percentage of our GDP—our total gross domestic product—is far less than it was in the 1980s. At a time when we are seeing increased threats to our ability to function in the world as a result of terrorists and rogue nations, we are going to have to increase the budget in the years to come.

The biggest thing we were not able to do in this budget—and the American people need to understand it—we did not make enough progress in recapitalization, replacing old and worn-out equipment such as tanks, aircraft, and ships; nor did we do enough in research and development of new equipment for the future. We did not make enough progress despite a very significant increase in defense spending this year.

We are going to have—we approved the other day—an additional \$20 billion for defense, most of which—virtually all of which will be spent for the terrorist problem we are now facing. With some of that, we will be able to strengthen our Defense Department for other issues, but most of it, indeed, will go to a terrorist response. That is not going to leave us in a significantly stronger position.

If you count that, we are looking at a \$58 billion increase over last year. From a financial point of view, we did pretty well. From a procurement point of view, most of us are somewhat concerned.

For example, in the Seapower Subcommittee, of which I am ranking member, we were wrestling with a Navy that now has about 315 ships afloat out there. At one point in this country not too long ago, we were talking about a 600-ship Navy. Along with everything else, we have had a steady reduction in funding for ships. In this budget, we are going to have six new ships approved, which is good—they are expensive, every one of them—but that will not stop the decline. Our estimates from our Navy people are it takes eight to ten ships a year to maintain the current level of 315 ships. So we are still on a downward slope for ships.

At some point, you just have to have a ship on the sea to be able to project American power in areas around the globe. You have to have a certain number. Many of them have to be in home port to be repaired. The sailors need to be home at various times. They need to respond to various crises in different places. It does not leave you that many ships to actually send to a given place at a given time when they are needed. Seapower is a good example of our in-

ability to be as effective in procuring capital assets for our defense as we would like to be. I wish I had a more positive story to tell there, but I don't.

One defense official recently said that it was like a bow wave in front of a ship, this procurement need. We are just pushing it in front of us. Sooner or later, we will have to confront it. Another defense official in the Clinton administration said we are in a death spiral. What he meant by that was, we are trying to keep afloat and keep operating equipment and airplanes and ships that need constant repair, and they are getting older and older. We would do better to purchase new, modern, more effective equipment that would not, perhaps, have as many personnel needed to operate it and could actually save us money in operation to a significant degree. Those are the issues with which we need to wrestle.

Senator REED is very knowledgeable and makes a number of points about national missile defense. It would be appropriate for me to respond to some degree on that. I will make a few points the items that concern me. We are not in perfect agreement on it.

However, I do want to say how much I appreciate Senator REED and Chairman LEVIN and Senator WARNER, the ranking member, and Senator ALLARD, ranking member of the subcommittee, for their determination at this time of national crisis to reach an agreement on this issue and not to have us be in disagreement. They have accomplished that. They have done so in a way I can support. I believe it moves us in a direction that we needed to move. I am very proud we were able to have that occur.

As it came out of committee, we split 13-12 on the budget for national missile defense. Let me relate a few things about it.

President Clinton's budget for national missile defense this year, as he projected it, was approximately \$5 billion. As President Bush campaigned, he told America he believed we needed to do more on national missile defense. Two and a half years ago, this Congress voted 97-3, I believe, to deploy a national missile defense system. As soon as technologically feasible, we would deploy a national missile defense system.

Secretary Rumsfeld, when he was in the private sector, chaired a bipartisan commission, the Rumsfeld commission. They did a study to determine what kind of threat we faced from incoming missiles. The report was unanimous, the bipartisan commission was unanimous, that by 2005, this Nation could be subject to missile attack for which we have absolutely no defense at this time. The President recognized that. Later he chose Mr. Rumsfeld to be Secretary of Defense. When he came in, he proposed a \$38 billion increase in the defense budget. He asked for \$3 billion more for national missile defense, to go from \$5 to \$8 billion. We think that is a reasonable increase. It is a signifi-

cant increase, but I believe—and I know Senator WARNER and others believe—this is the right thing for us to do.

People say: Well, they may not have this missile that can reach us now. The commission said, by 2005, they could. If we are going to have a defense against it when they do have the capability of reaching us with missiles, we have to start today. This is not something about which we can do at a snap of our fingers.

Of course, this administration will not, this Congress will not tolerate the deployment of a system that is not feasible, that won't work. We have to get started on building it. A \$3 billion increase in national missile defense spending is a reasonable increase when that is the one gap we saw in our defense.

Indeed, Assistant Secretary of Defense Paul Wolfowitz, in his testimony, talked about the Gulf War. He said: If you look at the Gulf War, you could see that in many ways we overestimated our enemy's capability. And, in fact, we overestimated his capability in virtually every area except one. The one we did not consider enough was his ability to launch missiles, Scud missiles, if you remember, into our military bases and troops out in the field and into Israel and perhaps even destabilizing our relationship with Israel and causing consternation in our defense effort. So we rushed in the Patriot missile. It actually succeeded in knocking some of those Scuds down, but it was not designed for that and had not been ready to be deployed for that. It was rushed out as an emergency, and it worked to a degree.

Since then, we realize we do have the capability to knock down an incoming missile. Some people almost think it is Star Wars and it can't be done, but we have had hearing after hearing after hearing on that subject. Both sides of the aisle agree it is technologically something that can be done. We have the ability to do it. It is just the question of when it ought to be deployed, I suppose; that is our disagreement.

The American people need to realize that if, by 2005, Iran or Pakistan, any nation, Iraq, or North Korea continues their development or their purchase of missiles, they could have the ability to reach us with a missile, and we have no defense to that whatsoever.

You say we have theater missile defense, but it cannot be deployed around this country in a way that would protect us as a national missile defense. Why is that, under present circumstances? The reason for that is, in 1972 we entered into an ABM treaty, Anti-Ballistic Missile Treaty, with the Soviets.

At that time, we both had the capability to destroy each other many times over with our missiles. Both of us, in the 1970s, were thinking about a national missile defense program. So somebody finally, I guess, got our nations to start thinking that this is

really not good for either one of us. Why should we invest billions of dollars in a system that will not really protect us from the overwhelming force of the other. So we signed the treaty. It, flat out, said that we will not deploy a national missile defense. The treaty is not but two or three pages.

The first article says: We will not build a national missile defense. People have said we don't need to get out of this treaty. Well, if we are going to build a national missile defense, we do have to get out of it. What if the Russians don't agree? We are threatened now from a multitude of nations. We want to have a friendly relationship with Russia. I pray we don't have a threat from Russia. I hope that our relationship will get even better with Russia. But we have a bunch of nations out there—and if anybody had any doubts about it, they didn't after September 11—who wish us ill. If they had the capability of launching missiles and hitting Los Angeles, New York, Miami, or some other American city and can kill millions of American people, then we are not safe in this world.

We have the ability to do this, and it is time for us to get busy about it. No great nation ought to leave itself vulnerable. Indeed, Henry Kissinger, an architect of the ABM Treaty, was quoted. He talked about the new circumstances we are in. He said:

I have never heard of a nation whose policy it is to keep itself vulnerable to attack.

That is what we are basically talking about. We are having a policy by trying to adhere to a treaty with a dead empire, the Soviet Union—it wasn't even with the Russia of today. Many legal scholars say we are not even required to abide by it because it is not with a legal entity that exists today. So we need to get out of that treaty.

The Russians want to extract compromises from us, and we all understand that. So the President deals with them and works and increases our relationship with Russia, and the mutual interests get furthered. I thought we were on the road to making an agreement with the Russians. They have said some things that indicate they would agree. The Europeans, after initially being opposed, have warmed up to the idea quite considerably. About the only place left that we are having problems with is the U.S. Senate. The House is on board with this, but we are still having some problems here. So there was language in this bill—and the reason I and others voted against it when it came out of committee—which said that if the Russians didn't agree to allow us to build a national missile defense, the President could not go forward, but had to come back to Congress and ask for a vote.

Whereas, under the ABM treaty, the President has personal unilateral power to wipe out the treaty. But if they did agree, the President could go forward. To me, that is an odd thing for the Congress to do—to cede our power to build a national missile defense sys-

tem to the Russians, to have them have a veto over whether or not we have a missile system deployed. I don't think that was good.

I am glad that this compromise language came out. I am very, very happy that it came out. It is something I don't think we should have done.

As a former Federal lawyer, I think about the legal situation here. The treaty prohibits us from deploying a national missile defense system, which would include deploying the radar systems, perhaps, out there that support one. It prohibits us from developing or testing a sea-based or mobile system of any kind, which is precisely what we need to be doing now. As a lawyer, it seems to me that when the Senate votes 97-3 to deploy a national missile defense system, the President of the United States at that time, President Clinton, signed that legislation, and the President of the United States today, President Bush, campaigns on developing and deploying one, and we are funding the money to carry one out, we ought to be honest enough to say we are moving to contradiction of the treaty, if we have not already.

We have the intent to deploy a national missile defense system, which is contrary to the treaty. So the President either has to get out of it, or the Russians need to agree to that. Hopefully, they will agree. If not, we need to move on because we have to protect ourselves. We can't let a 1972 treaty with an empire that no longer exists prohibit us from protecting ourselves from other nations around this world who have the ability to launch missiles that could hit us. It is just that simple. I hope and believe I can support the language that is in the bill. I salute those who worked hard to make it acceptable.

I will just mention a couple of things in general about this legislation. Secretary Rumsfeld is committed to transforming our military. Certainly, the events of September 11 should make us doubly committed to that goal. The old system of defending against a Soviet attack on the planes of Europe is not what our threat is today. We need a transformation that has more mobility, the ability to move our equipment, to disembark it around the globe. This is what the transformation plan was about that he has pushed, which was in discussion and agreement, really, by all of us before September 11. It was that we be more mobile, have more agility, that the weapons systems and equipment we use have more abilities to perform different functions. It would be more lethal with the smart bombs and those kinds of things. A single round, a single bomb, could be much more directed and effective in its attack.

We needed better surveillance and reconnaissance and intelligence information, and we need a modernized command and control system. Those were the goals of transformation. I believe this legislation supports that, although

perhaps not as much as I would like. I would like to believe that the quadrennial defense review coming out of the Department of Defense within a few weeks, and Secretary Rumsfeld's own internal review, will further push our services to go forward to a transformation to a world that is quite different than the one we have had—particularly against asymmetric threats.

I am concerned that we may not have enough money in this budget for smart weapons of all kinds—the kinds we saw in Kosovo that could go in the window of a building. We need an adequate supply of those weapons, but the new funding—the \$20 billion we approved—should be able to fill those needs. But we have to watch to make sure we have a sufficient supply of those. I don't think we have been operating at the level we should. We are closer to minimum sustaining rates for production of those kinds of weapons; whereas, we could get the weapons cheaper if we increase the production level.

I thank Chairman LEVIN for his leadership and dedication, and I particularly thank Senator WARNER, the ranking member, whose advice and wisdom I have called on frequently and value highly.

I believe we have a bill here that is good. But we remain challenged as a nation. Our challenge remains that we have to consider how much more we are going to need for defense, because this remains a dangerous world.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend our distinguished colleague from Alabama. He is a tireless worker on our committee and a great watchdog of the taxpayers' dollars. I especially thank him for his reference to the work done by the full committee, and indeed others subsequent thereto, to resolve such issues as we had during the course of the markup on the missile defense system. He has been a keen observer and a strong contributor to America's ability to prepare itself against a limited attack. I thank the Senator.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

AMENDMENT NO. 1622

Mr. BUNNING. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] for himself, Mr. LOTT, Mr. DOMENICI, Mr. BINGAMAN, Mr. CRAIG, Mr. BURNS, Mr. Hutchinson, Ms. COLLINS, Mr. INHOFE, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CONRAD, Mrs. HUTCHISON, Mr. STEVENS, and Mrs. CLINTON, proposes an amendment numbered 1622.

(Purpose: To strike title XXIX, relating to defense base closure and realignment)

Strike title XXIX, relating to defense base closure and realignment.

Mr. BUNNING. Mr. President, I thank the chairman and ranking member of the full committee for giving me



an opportunity to offer this amendment on behalf of 20 cosponsors. This amendment is a straightforward amendment.

The underlying bill authorizes a base closure realignment in the year 2003. This amendment simply strikes that language, that provision.

There are a number of good reasons why we should not move ahead with another BRAC at this time. Most important, there has always been the uncertainty as to whether or not previous rounds of BRAC have actually saved the military and the taxpayers any money. This has always been my main concern with proposals for future BRACs.

I will go further into this aspect in a moment, but right now I, and many others, have a bigger concern with future BRAC rounds, and it unfortunately stems from the awful terrorist attacks on September 11. Now more than ever, we should hold off further downsizing of our military infrastructure as we analyze how to fight the first war of the 21st century.

Last week, President Bush laid it all out for us. We are gearing up for war. It will be a different kind of war and different from any battles this Nation has ever fought. Its future is unknown. The course of the conflict is uncharted. The strengths we will use and need are unforeseen.

The President has warned us that victory is not going to come quickly and it is not going to come without pain. There will be casualties, and our will and resources will be tested, probably for many years to come.

The fight will require force. It may require more and a different kind of training at our military posts and bases. This war may change from the United States battling only terrorist organizations to the United States battling armies of nations harboring terrorists.

Because of this uncertainty, it is unwise to begin hacking away at our military infrastructure. I am not here to chant gloom and doom. I know in the end we are going to triumph over evil, but at this point in time, we have to ask a fundamental question: Is now the time to cut bases and to reduce our military infrastructure? The answer is a clear and resounding no.

President Bush said recently the course of this conflict is unknown. If this course is unknown, then it must be unwise to move ahead with another BRAC round until we have a clearer picture of where we are going and how we are going to get there. Now is not the time to further authorize the reduction of our military infrastructure.

More than ever, we must focus on security and how to maximize our resources. We should not leap before we are even able to look. We are venturing into the unknown and attempting to survey the landscape of 21st century warfare. We should not go blindly or with one hand tied behind our back in the name of so-called efficiency and cost savings.

During markup of this bill, the Readiness Subcommittee heard from our professional staff on the BRAC issue. They were unable to pinpoint any definitive cost savings from the prior BRAC rounds. In fact, they could not provide any firm details because DOD could not provide them definitive numbers from previous BRAC rounds.

We have heard talk about so-called savings numbers from DOD here and there, but when the rubber hits the road, DOD is unable to provide these savings with cold, hard numbers.

I and many others have asked the Department of Defense many times to provide detailed data showing savings from previous BRAC rounds. If it is there, we should definitely take a look at it, but until we see real numbers, supporting another BRAC is only a shot in the dark.

CRS, CBO, and GAO have all been asked to find real savings, and they also have had a tough time finding consistent and detailed savings numbers. They quote DOD projections and predictions as their source, but they admit that DOD has been unable to document any detailed underlying savings.

We all support efficiency in not only our military but throughout the Federal Government. But after the attacks of September 11, the landscape for me and others has changed from one of efficiency to one of security. In these turbulent times, we need serious numbers before we can even contemplate another BRAC, let alone approve it.

In conclusion, it seems to me at this point that it would be foolish and dangerous to go ahead with another BRAC. When you boil it down, it is pretty simple: We are entering a new type of conflict in which we are not sure what resources are going to be needed. So how can we take a chance on eliminating resources that may be vital to our struggle against terrorism? In fact, last week, the House of Representatives withdrew a BRAC amendment to their fiscal year DOD authorization bill. It is clear that support in the House for another BRAC round evaporated after the attacks of September 11.

If the Senate bill includes another BRAC round, this could make for a contentious issue in conference, and now is not the time for prolonged contentious debate.

I ask my colleagues' support for this amendment. In light of the September 11 terrorist attacks, we need to act prudently and carefully. Authorizing another BRAC round is neither. I urge my colleagues to support this amendment.

I want to read from Secretary Rumsfeld's letter of September 21. I want to read a portion of it because it says in the third paragraph: "While our further future needs as to base closure are uncertain and are strategically dependent," he says we must simply go ahead and do it. I firmly and strongly disagree with Secretary Rumsfeld. If base

closures are uncertain and strategically dependent, then now is not the time when we are planning for a full, all-out war against terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our distinguished colleague from Kentucky for his remarks. He is a very valuable member of our committee, and he straightforwardly told us from the very first he would be in opposition to the BRAC procedure. The opposition he indicated preceded indeed the crisis we now face as a consequence of the tragedies of September 11.

I nevertheless have decided to continue to support the action of the committee, and I will recite my reasons for doing so in the course of the next few minutes. I will address one point my colleague made so it is fresh in the minds of those Senators and others following this important debate. He read from a letter, and I shall put the letter in the RECORD. It is addressed to me from the Secretary of Defense and I will read it in its entirety momentarily. But he quoted:

While our future needs as to base structure are uncertain and are strategy dependent, we must simply have the freedom to maximize the efficient use of our resources.

Freedom, in a sense, goes directly to what the bill says. The bill very carefully and simply puts in place, in the hands of the Secretary of Defense, the authority to go forward with such legislation if he deems it necessary at some future date. So the Senate will be asked to make a decision of deleting this provision or sustaining the committee report and bill and thereby just putting in place the authority for the Secretary to do the following: If the President does not transmit to Congress the nomination for appointment to the commission on or before the date specified for 1993 in clause 2 of subparagraph B, for 1995 in clause 3 of that paragraph, or for 2003 in section 4, the process by which the military installations may be selected for closure realignment under this part with respect to that year shall be terminated.

So what we are doing, in a sense, putting aside all of that technical language, is simply giving the Secretary of Defense the authority to proceed. I supported it in the committee, and I support it now.

I say to my good friend, after discussion with him and others, I thought as to whether or not we should proceed to put in place on a standby basis the authority. I reflected on the many rounds of base closures in which I have had personal experience. As a matter of fact, I was the author of the legislation involving several previous BRAC rounds. Going as far back as when I was privileged to serve in the Department of Defense, in those days a service secretary could initiate the BRAC procedures and did so and closed such

major installations as the Boston naval shipyard. That was, I believe, in the 1971-1972 timeframe. So I have had a long familiarity with the BRAC procedures, the goals of BRAC, and I reflected on whether or not I would support the BRAC when this bill came to the floor, and I do so.

My concern was much along the lines of our distinguished colleague from Kentucky. America is experiencing a callup of the Reserve and Guard units. America sees our Nation faced with a great many uncertainties and challenges never before faced, the complexity of the foreign policy considerations and the security considerations flowing from the tragic events of September 11, without parallel in our history. So why should we at this point in time critical to our national defense and that to help our allies and friends be faced with a BRAC round?

I long ago made the decision, before we took it up in committee, we would not have 2 years; we would only have the one, and I told that to the Secretary of Defense, and indeed when they came before the Congress they had selected the single year because BRAC brings upon a community a tremendous amount of unsettling factors, particularly in the towns and cities where we have the military bases. It is home for so many of the men and women of the Armed Forces and civilian workers. It is an unsettling thing from their economic standpoint. They are planning for the future and for business, and to have this hanging over their head is a difficult situation.

Most communities will go out and expend a considerable sum of money to hire experts who have been through the complicated procedures that BRAC thrusts upon the communities to assist them in stating their claim, as they have a right under the law for continuing to have those military facilities open and not have them the subject of a possible future closure by a base closure commission.

Having thought all through that, I personally talked to the Secretary of Defense and I reiterated these arguments to him. I think it was not more than a day or two after September 11, because I have had an opportunity to visit with him on a number of occasions—and Deputy Secretary Wolfowitz—and I laid before them the fact we are calling up people, we are augmenting our forces, there is uncertainty, and the last thing we need is instability in those communities which provide a home for the men and women of the military.

So I said I would like to have you send a letter to me, if it is your desire that the Senate proceed to ask for a vote in favor of the bill as now written, and he wrote me on September 21.

I will read it because it is very important.

Dear Senator WARNER: I write to underscore the importance we place on the Senate's approval of authority for a single round of base closures and realignments. Indeed, in

the wake of the terrible events of September 11, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished. Since that fateful day, the Congress has provided additional billions of taxpayers' funds to the department. We owe it to all Americans, particularly those service members on whom much of our responsibility depends, to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platform from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to the base structures are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources. The authority to realign and close bases and facilities will be a critical element of ensuring the right mix of bases and forces within our warfighting strategy. No one relishes the prospect of closing a military facility or even seeking the authority to do so, but as the President said last evening, 'We face new and sudden national challenges,' and those challenges will force us to confront many difficult choices. In that spirit, I am hopeful that Congress will approve our request for authority to close and realign our military base facilities. Thank you for the opportunity to provide our views in this important matter.

Other Senators are anxious to address this matter, and I may reenter the debate subsequently before we proceed to a vote, but I assure the Senate this Senator deliberated long and carefully as to whether or not I would continue my support. I have given the request by the Secretary simply to put in place the necessary authorization to proceed. If it is his judgment and that of the President to do so some months ahead, then I think it is important we do proceed because we have an obligation to the American taxpayers that those dollars that are authorized and appropriated for the Department of Defense be spent very wisely.

Subsequently, I or others will address the question of savings, but my calculation is, the 152 major closures and realignments resulting from the BRAC procedures of 1988 through 1995 will save the Department \$14.5 billion by 2001—that fiscal year is about to end—and \$5.7 billion every year thereafter. There is additional information on the savings which will be placed into the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before I speak to the pending amendment, I want to commend the two leaders of our committee. I joined this committee in January, and they have worked very hard in the last week to come up with a bill that would unify this body. So I want to commend both Senator LEVIN and Senator WARNER for their tremendous efforts in producing a bill that will help bring us together and ensure we are providing the resources and the authority for the important task before us. I praise them and thank them for their efforts.

I commend the Senator from Kentucky for his amendment. I rise in

strong opposition to the provisions in our bill known as the base realignment and closure, or BRAC, proposal. I opposed this proposal in committee, and I continue to oppose it today. In fact, I think the reasons for opposition are even more compelling than they were at the time of our committee markup. After the September 11 attacks on America, I question, with even more certainty, the decision to proceed with additional cuts in our base infrastructure.

As the result of the first 4 BRAC rounds, 97 military bases in the United States have been or are in the process of being closed, degrading our defense readiness according to some military experts.

In light of the recent terrorist attacks on our homeland, and based on the testimony provided by the Chief of Naval Operations before the Senate Armed Services Committee when Admiral Clark recently cautioned that the Navy's infrastructure is already at barebones, now is simply not the time, it is simply not in our country's best interests, to initiate yet another round of base closures.

At a time when our Commander in Chief has warned of a long and sustained military operation, we should be preserving, not eroding, our facilities and infrastructure, so that they are fully available for our Armed Forces both at home and abroad. It is the responsibility of this Congress to ensure that these installations are not placed at risk without careful, prudent consideration of the additional military requirements, particularly with regard to homeland defense, that are evolving as a result of the recent horrific attacks on our Nation. It is also clear that our ongoing peacekeeping and humanitarian missions require a greater force structure than had been expected. Our war on terrorism will most likely require a greater one still. In short, it is difficult to conceive of a worse time for the Pentagon to divert its energies to another round of base closures.

Before we legislate a defense-wide policy that will reduce the size and number of training areas critical to our force readiness, the Department of Defense needs time to complete its comprehensive plan identifying the operational and maintenance infrastructure required to support national security requirements, particularly in light of the challenge to come. Before we know what to cut, we need to know what to keep. It is that simple. I fear we are approaching the issue of excess capacity exactly backwards. As Secretary Rumsfeld acknowledged in his recent letter to the committee, our future needs as to base structure are uncertain and our strategy dependent.

I make it clear I understand the Secretary still wants to proceed with base closures, but his own letter says very clearly that our future needs as to base structure are uncertain. Shouldn't we determine what our infrastructure needs are before embarking on a whole



new round of closing bases? Wouldn't that be the better, more logical way to proceed?

Further, while those who support BRAC hope for substantial savings from base closures, the one consequence you can count on when a base is closed is the need for a significant upfront investment.

A recent GAO report released in July of this year underscores how costly base closures can be and how ephemeral the savings estimates may be. The loose estimates of supposed savings, for example, exclude over \$1.2 billion in costs of Federal assistance provided to affected communities. These are costs paid by the Federal Government but not out of the BRAC budget accounts. Some \$10.4 billion in environmental cleanup costs were the direct result of the first four BRAC rounds. We ought to be doing a better job of environmental cleanup at our bases, whether they are open or closed. However, we can't ignore these significant costs. These are considerable costs which only continue to grow, often not counted, as costs associated with closing bases.

There is another more fundamental reason I oppose the BRAC language in this bill. Simply stated, BRAC is the wrong process for identifying bases for closure. If the Pentagon believes certain bases are no longer needed, those installations should be identified and included in DOD's budget submission. There is no need to cast a cloud of uncertainty over every base in virtually every community hosting a base all across this great Nation.

Senator SNOWE and I can testify personally that BRAC is not the clinical, impartial process it is often made out to be. Rather, the BRAC process in the past has been highly politicized and it remains susceptible to political pressure in its current form in this bill. While I recognize the need to reduce proven excess capacity, the BRAC procedure has been unfair in the past. It has not produced the savings anticipated by past rounds of closures, and it could at a critical time result in degraded readiness for our Armed Forces.

I will continue, therefore, to voice my strong opposition to another round of base closures. I will continue to work to ensure that critical assets and training capacities provided by our existing force structure and infrastructure are not lost.

Now is certainly not the time to create chaos, concern, in every community that has proudly hosted a military installation. Now is certainly not the time to embark on another round of base closures, when all of the energies of our civilian and military leaders must be focused on the overriding goal of crushing the global network of terrorists intent on harming our great Nation and its citizens.

I urge support for the amendment of the Senator from Kentucky.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Arizona.

Mr. MCCAIN. I intend to speak at greater length later on on this issue. It is very clear, the opinion of Members of this body, including those just articulated by the Senator from Maine who, among other things, said there has been no savings, when we have ample documentation that they have achieved net savings of \$15 billion by the end of this fiscal year from the previous base closure rounds, with another \$6 billion in savings each and every year thereafter.

What we are really talking about is an opinion held in the Senate, which I respect, for which I have admiration, and I have great respect for the individuals who are opposing the base closing round. The fact is, at a time when we rally around the President of the United States and the Secretary of Defense and the men and women in the armed services, we are going in direct contravention to the views of the President of the United States, the Secretary of Defense, and our military and civilian leadership. It is that clear.

That is really what this debate is all about.

As the Secretary of Defense wrote on September 21, to Senator CARL LEVIN and Senator JOHN WARNER:

We owe it to all Americans—particularly those service members on whom much of our response will depend—to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platforms from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to base structure are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources.

Why is that? Earlier this year there was testimony before the Armed Services Committee by the people who are responsible for our installations. Do you know what they are saying?

"We are in a slow death spiral," said Air Force MG Earnest Robbins II, the civil engineer for his service, who predicted the 2002 defense budget will include enough money only to handle the most pressing priorities.

The services have argued that the poor conditions of many facilities and the shortage of money to fix them are proof they must close unneeded bases.

What is going on here is, because we have so many bases, we don't have the funds to maintain not only their capabilities but the quality of life. The quality of life deteriorates when we do not maintain these facilities. Therefore, there is a requirement to close the unnecessary ones.

By the way, we will get into this argument about how you do it and whether it is politicized. I will submit for the RECORD and discuss, over time, clearly the fact that there is no other way to close bases. We went for many years until we came up with the Base Closing Commission.

But if you go out to any military facility, you will see that people have aging, not only installations at which

they work but aging installations in which they live. It is because we simply have not enough money to go around to maintain all of these facilities.

So what does that translate into? Difficulties in recruiting, difficulties in retention. According to a study last year, the U.S. Army has had the greatest exodus of captains they have had in their history. What do they say? They say they do not put us in conditions in which we can live. We have men and women in the military living in barracks that were constructed in World War II and Korea.

An example of the problems, Robbins said, is at Travis Air Force Base, where routine operations on one runway had to be suspended because a 90-foot-long, 4- to 6-inch-wide crack has appeared.

The Navy has a \$2.6 billion backlog in critically needed repairs, about the same as a year ago, because the budget did not include enough money to make up any ground, officials said. Navy people "are so used to operating and living in inadequate facilities that many accept this as the norm."

Should we be asking men and women in the military to be living in inadequate facilities and accepting it as the norm?

The carrier berth at Norfolk Naval Air Station is a prime example. Structural deterioration of the berth has forced access restrictions that allow only emergency vehicles to park near the ships.

Marine COL Michael Lehnert, assistant deputy commandant for installations and logistics, says his service does not even have enough money to assess problems at its bases.

Assess problems at its bases?

We are doing the right thing; we just aren't doing it fast enough.

At Camp Pendleton, the base sewer system, which spilled 3 million gallons of sewage into the Santa Margarita River last year, needs to be replaced. But that would cost \$179 million—more than the entire \$173 million construction budget proposed by the Marine Corps for 2002.

"The effects of underfunding only get worse as our facilities age," Army MG Robert Van Antwerp, Jr. said. He noted that the backlog has grown to \$18.4 billion, a \$600 million increase in 1 year.

We are asking these men and women to live and work in facilities that are, at best, substandard, in some cases absolutely abysmal, because we have too many of them. We have too many of them.

I will challenge the proponents of this amendment to find one military expert, active-duty or retired, who would not say we need to close unnecessary bases. I would like for the Senator from Maine to talk to GEN Schwarzkopf. He is a fairly well respected individual. I would like for her to hear all the former Chairmen of the Joints Chiefs of Staff. I would like for her to hear from all the experts on

military readiness. All these people unanimously, without exception, will say we have too many bases and we need to reduce those numbers of bases so we can be more efficient, but also we can take the limited assets that we have and put them into the bases that remain so the people there would have a lifestyle, both operationally and recreationally, and living-wise, that would give them the standard of living of most Americans outside the military.

That is all we are asking. The President of the United States needs the flexibility to be able to do that. I know the President feels strongly about this. I know the Secretary of Defense feels strongly about it. I know how the Chairman of the Joint Chiefs of Staff feels about it. But do you know who feels most strongly about it? The squadron commanders and base commanders at these installations where they see their men and women subjected to a lifestyle that is not satisfactory. It is not satisfactory. They know it, I know it, and everybody else knows it.

I believe if we take this base closing amendment out of this bill, we will send a signal, my friends, and the signal is: It is business as usual in the U.S. Congress. It is business as usual. We are not prepared to make the necessary sacrifices—even if it affects our State; a base closing commission can clearly affect my State—that are necessary to fight this war on terrorism.

The opening signal is business as usual, my friends. We will not even approve giving the Secretary of Defense the authority, through a base closing commission which, with one exception, has been an apolitical process.

I admit there were some politics around the base closing. We have fixed this. Senator LEVIN and I have fixed this with this amendment so that is not possible again. If anybody believes there can be any other process to eliminate these bases, then obviously the history of how we tried to do this in the past shows it doesn't work.

So I say this is a very important vote. It is even more important than whether we are going to have a base closing commission. This vote is really all about whether we are going to do business as usual and preserve our bases in our States, whether they are necessary or not, or whether we are going to have another commission so we can have the most efficient military machine to fight this long, protracted struggle, the opening salvo of which was fired on Tuesday, September 11. This is a very important vote.

I am glad to see the Secretary of Defense has made such a very strong statement, a very strong statement in support of this base closing commission. I hope the Members of this body will pay close attention to the views of the uniformed and civilian leadership of the U.S. military, including the President of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to support the language in this legislation that would authorize another round of base closings. I do so, as we all do, knowing full well there are perhaps facilities in my home State that might be considered. I am confident and hopeful that, because of their critical role, they will continue to be vital parts of the Department of Defense. But every Senator is a bit nervous when we authorize a round of base closings.

Simply stated, we have too many facilities. We have a cold-war base structure. We have a post-cold-war Department of Defense. We have to reconcile the two.

I associate myself with the comments of the Senator from Arizona. The bottom line here, the effect that is most obvious from too many bases, is the deteriorating quality of life of the troops who serve in our Armed Forces.

I spent 12 years in the U.S. Army, from 1967 to 1979. There were facilities back then, in the 1970s, which the Army desired to close. Some are still open. There were facilities back then that were inadequate or barely adequate. They remain on the books of the Army. Troops are using them for their barracks. Family housing is being used.

Base closure is just common sense. When you have the demands of training, operational readiness, integrating new equipment, and then family housing, troop housing, and community facilities on Army posts and Navy bases or an Air Force base, something has to give. What typically gives are those quality-of-life items: The community center, the child care center, the library, family housing, and troop housing.

That is multiplied and amplified when you have just too many bases.

About 3 weeks ago, I traveled to Fort Bragg, NC, to watch the 82nd Airborne Division conduct live fire exercise for their division readiness brigade. Those soldiers are today on orders and on alert to go out and be the tip of the spear. I talked to the brigade commander, the division commander, the battalion commander, and the troops. The one thing they said is they are proud to be in this division, and that one of the reasons they are is because the commanding officer, the division commander, and battalion commander—all the way down—put the money and emphasis on training. They are ready to go. They are well trained. But what they can't do is put sufficient resources to all the needs they have on the post.

I must say that Bragg is one of the primary posts in the Army it does quite well. They are getting ready to conduct massive reconstruction of family housing. They are reconstructing barracks. But they cannot do as much as they want.

When you go away from those major division posts, such as Fort Bragg, Fort

Campbell, and other posts around the country and go out to other posts that do not have quite that high of a priority, the crisis is even more severe. It is then manifested, as Senator MCCAIN indicated, in retention problems and in recruiting problems. It is manifested in quality of life which is not commensurate with the sacrifices these young men and women make for their country and will make even more dramatically in the days ahead.

This base closing round is supported by the President, the Secretary of Defense, by the Joint Chiefs, and by service chiefs because they know they can't continue to operate efficiently and effectively if they have facilities they do not need but have to keep barely open. It drains resources from the quality-of-life of troops, and also from the ability of this military force, which is the best in the world, to maintain its razor edge of readiness, training, and operational capability.

The DOD estimates that we are maintaining 23-percent excess capacity of infrastructure. That is obvious because after the end of the cold war we reduced our force structure 36 percent.

There are those arguing based upon the tragic and horrific events of September 11 that we need to keep these bases open. Some of those bases were built at the beginning of the First World War. But substantially the infrastructure was built in the Second World War when we were fighting huge national armies in two theaters. We were drafting hundreds of thousands of men. We were training them. We were preparing to conduct operations with armies and corps.

The operation we face going forward will involve our military forces but most likely special operations troops—specially tailored brigades of Army and Marines. We will not be engaged, mercifully, thankfully in a tank-to-tank army battle with hundreds of thousands of troops on each side. We don't have that force structure today. But we have that infrastructure today.

If we want to be efficient and effective, we have to reconcile our infrastructure with our force structure. We are not going to fight World War II again—I hope. We are not going to fight the cold war again—I hope. But we have serious threats before us. Those threats require a faster, leaner military. Part of that efficient, leaner military is allowing the services to make judicial judgments about what real estate they need.

Yes, we have an imperfect structure in terms of base closing conditions. Nothing is perfect. But there are closed bases that some people thought would never be closed in our lifetime, or several lifetimes. So it has worked.

There are other arguments that no savings have been realized. As the Senator from Arizona pointed out, between \$15 billion and \$16 billion will have been realized by the end of fiscal year

2001 on these base closures. It is projected going forward that we will accrue an annual savings of approximately \$6.2 billion. That is real money that goes back into the bottom line of the Department of Defense for improved barracks, improved family housing, improved readiness, improved technology, a better fighting force.

There are some who argue that we can't do this because there is just too many environmental flaws; that it turns out to be just a big environmental remediation project. Those environmental costs are not avoidable. It is mandated by law that the DOD, like everyone else, is responsible for serious environmental degradation. They have to pay for it. They are doing it right now on posts that are open and operating. It is not something you can throw into the mix and say don't close the base because of environmental costs. You have environmental costs for open bases. They have to be faced, addressed, and paid for.

For many reasons, I believe we have to follow through on the base closing language in this legislation. I think it is time to give the Department of Defense the flexibility to tailor their resources, to tailor their infrastructure, and to fit the mission that faces us today.

We have the best military force in the world. We will see them in action shortly. I think we owe them our vote to sustain their base closing round as we go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I am compelled to rise today in opposition to the amendment offered by the Senator from Kentucky and to join with the Senator from Rhode Island and the Senator from Arizona and others who have spoken eloquently and effectively on this point.

For 23 years of my life, I was not a Senator but was a naval flight officer, and I served as commission commander of Navy aircraft.

We saw a lot in the news earlier this year about this. I have been stationed on bases that did not get much support. As the Senator from Rhode Island suggested, it is not an enviable position to be in—either professionally in terms of supporting your mission, your aircraft, or whatever weapons systems with which you operate. And it is not an especially satisfying position to be in for the families of those who are assigned to those bases because you don't get the kind of support for your child care development centers, and you don't get the kind of support for your family-related activities on those bases.

Several people rose today to say there are cost savings that flow out of base realignment and closures. Just take the figures that were estimated by the previous two speakers: Savings of \$15 billion to \$16 billion by 2001, and annual savings going forward of about \$6 billion per year. Let's say those fig-

ures are not right. Let's say they overstate by half the amount of money that has been saved and will be saved. It was suggested that we have already saved anywhere between \$7.5 billion to \$8 billion, and that going forward we might expect to save another \$3 billion each year.

What would we do with that money? There are plenty of things to spend it on in this Defense authorization bill. I will just mention a few of them: Fighter aircraft that we are anxious to build; military airlift capability; cargo aircraft—either anxious to build or upgrade and improve—helicopters that need to be replaced, and ships.

Earlier we heard from the Senator from Alabama that 315 Navy ships continue to diminish. We need to build ships to replace those that are being decommissioned. We need to build submarines as well.

The President and others support the idea of developing and deploying a national missile defense system which will cost tens of billions of dollars. But even if we set aside those weapons systems and simply consider the aircraft and the ships that stay on the ground, with the helicopters that stay on the ground that are used just for cannibalization—we steal their spare parts to keep other ships and other aircraft and other helicopters flying, the ships that aren't going to sea simply because they lack the spare parts that enable them to carry out their missions.

It has been suggested that in the wake of the tragedies in the last 2 weeks—the terrorist attacks in New York and Virginia—somehow keeping military bases that are unused or underutilized open will enable us to be more vigilant against our enemies. I just do not see it. I just do not see it that way.

The language in the legislation before us today does not mandate the establishment of a base realignment commission. It provides the discretion to the President and to our Secretary of Defense, if they see fit, to appoint the members to serve on a commission. As Senator MCCAIN has suggested, the language in this legislation is crafted in a way to take the politics out of whatever might be done with respect to base realignment.

If the President and if the Secretary of Defense elected to use the discretion provided for them in this legislation, they would ultimately establish the commission, and that commission would ultimately come back to us in this body and in the House of Representatives in order to have the final say, the final word, as to whether or not the bases recommended for closure be closed. We have the final word.

I believe it is prudent for us, in a day and age when we do have substantial needs for additional weapons systems—upgraded weapons systems, and to make the ones we already have workable—to look for some opportunities to save not just a few dollars but a substantial number of dollars. The poten-

tial in this bill, with this approach, is very real.

With that, Mr. President, I urge my colleagues to support the language the committee has reported out, and also to support our President and our Secretary of Defense, as well as our military leaders, who have sought just this kind of authorization.

I yield back my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. REID. Will the Senator from North Carolina allow me to propound a unanimous consent request without you losing your right to the floor?

Mr. DORGAN. I have no idea what the Senator from North Carolina would say, but the Senator from North Dakota would be happy to yield.

Mr. REID. I am so sorry.

Mr. DORGAN. They both start with "North."

Mr. REID. That is why they should change the name to "Dakota."

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, first of all, I am going to propound a unanimous consent request. We have been talking now for a couple days about having a final cutoff time for amendments, telling Senators that they have to give both Cloakrooms amendments so we know how many. We need a finite list of amendments. We have been going back and forth on this. We want to move this along. This is the country's bill. The President is very interested in getting this passed as quickly as possible. Unless we work out something on these amendments, we will never finish this bill. So this is the purpose of this unanimous consent request.

I ask unanimous consent that the list I will send to the desk be the only first-degree amendments remaining in order to S. 1438, the Department of Defense authorization bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments the bill be read a third time and the Senate vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I object, Mr. President. I might explain.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLARD. I understand there are a couple Members yet on our side who are still working on it. I am not sure whether we have those issues resolved or not. As soon as Senator WARNER returns to this Chamber, we might be able to get a final agreement on that.

Mr. REID. Mr. President, I would say we are losing ground. A little while ago we only had one Member who was concerned; now we have two. This has been going on literally all this day. I repeat, I certainly understand the point by my friend from Colorado, but the fact is, we need to move this legislation. This does not prevent anyone from offering an amendment. They can offer amendments to their heart's content. But we

need a list of finite amendments so the managers can work on these amendments to move this legislation forward.

I think it is really too bad that we can't get a final list of these amendments. Senator WARNER and Senator LEVIN have worked very hard on this legislation. It is important—I repeat—to this institution and to the country to get this legislation passed.

So I am very disappointed we were not able to do this. I hope we can do it at some subsequent time. And I hope that subsequent time is not far in the future.

Mr. President, I ask unanimous consent that at 9:30 a.m. tomorrow, Tuesday, September 25, following the usual opening activities, the Senate resume consideration of S. 1438, the Department of Defense authorization bill; that there be 15 minutes remaining for debate prior to a motion to table the Bunning amendment, with the time equally divided and controlled in the usual form, provided no second-degree amendments be in order prior to the vote.

I would say, before I put this to the Chair in final form, that the managers of the bill are being very gracious in doing this. People tonight can debate this amendment as long as they wish. Either manager, or any anyone else, of course, could move to table at any time. So I think this is certainly generous on behalf of the two managers. People would have all night tonight to debate. We would come in tomorrow morning and have a vote on a motion to table. So I propound this request.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I again—

Mr. BUNNING. May I state my objection?

Mr. REID. Of course.

Mr. BUNNING. I really have not had a chance to talk to the minority leader.

Mr. REID. OK.

Mr. BUNNING. As soon as I speak with him, I will get back to you.

Mr. REID. I express my appreciation to the Senator from Kentucky.

Mr. BUNNING. Thank you.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this amendment deals with an issue that is not new to any of us. We have long debated the issue of base closures and the establishment of a BRAC commission for the purpose of base closures. In fact, we have had previous base closure rounds in 1988, 1991, 1993, and 1995. In those rounds, 451 installations, including 97 major installations, were ordered closed or realigned by the year 2001. And the last two big installations, Kelly and McClellan Air Force Bases, were closed this past summer.

Now even though most of those installations have been closed or realigned, only 41 percent of the

unneeded base property has, in fact, been transferred. From all of those base closures, over all of that period of time, only 41 percent of the unneeded base property has been transferred.

It takes years to dispose of this property. And, principally, the reason for that is the strict environmental clean-up standards which are very costly and very expensive. In fact, I find it interesting, according to pages 118 and 119 of the Department of Defense's 1998 Report on Base Realignment and Closure, the first several years after a base closure incur additional costs to the government, not savings.

For the 1993 BRAC round, a net cost to the Federal Government—not a net savings—a net cost was incurred for the first 3 years beginning in the year 1994.

If you take a look at the 1995 BRAC round, you find exactly the same thing. The BRAC-related costs exceeded savings by \$1.5 billion for five years from fiscal year 1996 to 2000.

One might make the case, if you skip over the next 3-5 years you will find some savings from a new round of base closures. Maybe so, although lying out there is the disposal of almost 40 percent of all the property that has not yet been disposed of because of the environmental cleanup costs. So one wonders exactly what these savings are. They are certainly not in the next 3-5 years.

Those who make the point that there is an urgency to close these bases, at a time when we desperately need investment in the Department of Defense, are probably going to end up costing the Department of Defense additional money through base closures if we, in fact, decide to approve another round.

I support this amendment to strike the base closure provisions from the underlying bill for two reasons. One is military, and the other is economic. First, the military side of things.

We do not know what the force structure is going to be of the Department of Defense. There is a quadrennial review that is going on, but at this point no one in this Chamber knows what the force structure is going to be. If you do not know what the force structure is going to be, how do you know what the base structure should be? How do you know what kind of facilities for military operations you need if you do not know what kind of military force you are going to have?

Will this military force change as a result of the tragedies that occurred on September 11? Probably. Will we—when we see now a renewed attention to homeland security and homeland defense—will we be more concerned about the issue of bases in this country? Where they are located? Whether they are strategic in location? Whether they are needed or not needed? Will all that change? I think it will.

But the main point is this: If you do not know what your force structure is, how can you be talking about your base structure? Yet the Department of

Defense is already saying our base structure is way out of line, even though they don't know their force structure.

I deeply respect the men and women in uniform. God bless them. I want to give them everything they need to do their job in preserving liberty and fighting for freedom. But we don't need a new BRAC round to find savings in the Pentagon. We all know there are areas of inefficiency in the Pentagon. I won't go through them. But let me give you one instance I have dealt with in the last 6 months, just as an example. I say this only to say that if there are worries about efficiency, let's go find where money is being wasted hand over foot.

We have 5,700 trailers that were manufactured for the U.S. Army. They had a problem with the brake actuator. The result is, they put 5,700 trailers in storage facilities, and they were there for years. It turns out in fact, in addition to a brake actuator that didn't work on the hitch, the bumpers on the Humvees that were supposed to pull the trailers weren't strong enough. They hooked these things up to the Humvee, and it broke the Humvee. You talk about waste. There is a lot of waste, a lot of inefficiency. I think we ought to go at that. I don't think it ought to be business as usual with respect to the waste of the taxpayers' money.

With respect to the question of which bases are important in the future of this country, which bases might be important with respect to homeland security, I don't think we know the answer to that at this point. We certainly don't know what the force structure is, so how on Earth would we know what the base structure should be?

Economic circumstances have really changed with respect to this country's economy. We had a very soft economy prior to the tragedy on September 11. That economy has turned more than soft, I am afraid. All of us are struggling to try to find ways to see if we can't give some lift to the economy.

I will tell you how you put a lode-stone on the economy, how you put an anvil on the economies of literally dozens and dozens of communities, all across America: Tell the communities tomorrow that we are going to have a base closing commission and that every single base is at risk, and, therefore, if you are thinking of making an investment in a community that has a sizable base, don't do it because it might be this base that will get caught in the next BRAC round and be closed. That message in this particular piece of legislation will say to potential investors in literally hundreds of communities across this country that you ought not make investments in those communities now, you ought to wait.

I can't think of a more destructive thing to do to the economy at this point than to send that message to all of those communities and all the folks who might invest in them.

When you have a wide open BRAC commission like the Administration

proposes, every single military installation is at risk. It is as if you are painting a bull's eye on the front gate of every base that says: This might be the one that is selected; this might be the one that is closed. The result is, people will stunt the economic growth of those communities because they feel they must, in order to make good prudent investment decisions, they must wait until that BRAC round is complete.

Investors will say: I can't build a 12-plex apartment in this community because I don't know whether there will be 20- or 30-percent unemployment 2 years from now if that base is ordered closed. From a military standpoint and economic standpoint, I think this is a very inappropriate and unwise judgment. That is what will happen if we approve the base closure provision in this bill.

The amendment I support simply says, let's strip that provision out.

My point remains: How can you realign and create a base structure before you know what your force structure is? And we don't know that. No one in the Senate, no one in the Congress and, for that matter, no one in the Pentagon yet understands what our force structure is going to be.

It might very well be the case—I suspect it will—that following the tragedy of September 11, we might have a very different view of the base structure in this country relating to homeland security and homeland defense. If that is the case, it will change the views of Congress and the Pentagon about what our missions ought to be and where they ought to be placed. At this point I believe strongly that we ought to do the right thing, and the right thing is to take this out of the bill. Pass this amendment.

My colleague, for whom I have great affection, said that, if we strip this out of the bill, we will be sending a signal that it is business as usual in the Congress. It is not that, with due respect. It just is not that. Business as usual is gone, as far as I am concerned. Business as usual is thinking the way we used to think. Everyone in this Chamber and in the Congress ought to be prepared to think differently about these issues. We have a quadrennial review commission that will evaluate force structure. We don't have the foggiest idea what that is going to be or how that will change as a result of what has happened in the last couple weeks. Yet we are going to go right back to the same old cry on the floor of the Senate that we need to unleash a base closing commission that will evaluate whether any and every base in this country shall be a candidate for closure. That makes no sense to me.

Let me make a couple of additional points. The term they are now using to create a BRAC is "efficient facilities initiative," which as an acronym is pronounced "iffy." I really don't like acronyms very much. This particular one I don't like a lot. "Iffy" probably

describes the difficulty, the serious difficulty, virtually every community in this country that hosts a military installation will have with respect to its future and the consequences of this Congress unleashing another round of base closures.

One of my colleagues said: This doesn't really create a round, it just authorizes a round. Of course it creates a round. There is no difference between authorization and creating one. If we don't pass this amendment and it strip out the base closure provision, we will have a new round of base closures. And if we have a base closing round, I am certain it will have significant consequences on this country's economy, beginning immediately. The minute the Congress enacts legislation and it is signed, every single community in this country that hosts a military installation is going to see its investment deteriorate. It is the worst possible result for this country's economy.

Aside from that, as I said, the issue is not just economics, and should not be. The issue is also military. Given the circumstances with our new needs in homeland defense and given the fact that we don't know what the military force structure is going to be, this Congress should not at this point anticipate that the base structure ought to be cut by creating a new BRAC commission. If the new force structure justifies cutting base structure, we can consider that again next year, since the base closure round the Administration wants is not applicable until the year 2003. There would be nothing that would prevent it from being included in the next year's authorization bill.

This proposal for a new round of base closures is a terrible idea. I hope very much my colleagues will join me in supporting the amendment offered by the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. BINGAMAN. I yield to my colleague from Michigan.

Mr. LEVIN. Mr. President, I renew now the unanimous consent request the Senator from Nevada had made before. I understand it has now been cleared.

I ask unanimous consent that at 9:30 a.m. on Tuesday, September 25, following the usual opening activities, the Senate resume consideration of S. 1438, the Department of Defense authorization bill; that there be 15 minutes remaining for debate prior to a motion to table the Bunning amendment, with the time equally divided and controlled in the usual form, provided no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Reserving the right to object, and I don't plan to object, does that mean there will not be any more votes tonight so Members can clear their schedules?

Mr. REID. May I respond to that on behalf of the manager of the bill? Senator DASCHLE has not made a decision on whether or not there will be more votes tonight. We hope there will be the opportunity to offer other amendments tonight. If people want to debate this base closing issue until the wee hours of the morning, the two managers have no concern about that. But if people have completed their debate tonight on this issue, we hope that others will offer amendments on other matters. There could be votes. The leader has not made an announcement on that.

I think the Senator from Colorado makes a good point, that the leader needs to make a decision on that, and he will in the near future.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I withdraw my reservation.

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

The Senator from New Mexico.

Mr. BINGAMAN. I join Senator LOTT, Senator BUNNING, my colleague who just spoke, and others, in supporting the amendment to strike section 29 of the bill. That is the provision in the bill that comes to the Senate floor to authorize the Base Realignment and Closure Commission that would be convened 2 years from now.

Simply stated, I believe this is the wrong time for us to be committing our country to this course. It adds greatly to the uncertainty that already is substantial in the country. In the context of this new threat that we have all come to recognize in stark terms in recent weeks, it strikes me as inconsistent for us to agree to close more military facilities, not knowing precisely what our military needs are going to be as we move ahead. We may decide we need to resize the military and we may need to reconfigure it in a great many ways.

Let me make one other point that I believe is accurate, which I have always thought got too little attention in this discussion; that is, the point that the administration has authority to realign and, in fact, even to close bases—or essentially do that—if it determines that is an appropriate course to follow. When they send us their budget each year, they can send us proposals to move people from here to there and, in fact, they don't need to wait for the next budget cycle or for the next fiscal year to take those actions.

I think the reality is that this whole concept of setting up a commission to make these determinations is a way for the administration to not have to specify what bases it believes ought to be realigned or what bases it believes ought to be closed.

We had a base closed in my State back in the 1960s. Lyndon Johnson was the President at the time that happened. We didn't have a law on the books that authorized that in this

same way. It was the decision of the President to support the recommendations made to him by the people he chose to review this matter.

So I don't really think anyone in this Senate should be under the illusion that if we don't pass this provision, the administration is totally hamstrung; they are not. If they feel strongly about this, they should come to the Congress and make their recommendation or take their action. If the Department of Defense decides to reduce the number of vulnerable overseas bases and facilities—which they may well do in light of this new terrorist threat of which we have all become aware—then that would require that personnel and equipment and their families be brought home, and we may well need the various facilities in this country to accommodate them at that time. It is another aspect of the uncertainty that we face in going forward. Clearly, there are other aspects of that uncertainty that we also need to take into account.

Let me also raise the obvious issue about the impact that closing bases and realigning bases has on morale and quality of life for the people in uniform and their families. There is a lot of relocating that goes on when you are in the military. I think we have all observed that, and we see that in our own States. But that relocating is added to very substantially when you go through this process of doing a major realignment and closure of a whole raft of bases. So that needs to be taken into account in determining whether this is the right time to be pursuing this course of action.

Among those who support setting up a new commission on realignment and closure, we hear a lot about savings. They say the reason we are doing this is that this will give us extra money in the defense budget to meet these urgent needs. Several Senators have already spoken about how those savings are fairly illusory when you get down to looking at them. The costs of closing bases and realigning bases can be very substantial. When the Department of Defense was closing bases in the 1990s, there were expenditures—identifiable expenditures—of over \$3 billion during 1994, 1995, and 1996. The Congressional Budget Office cited the Department of Defense estimates that an average round of base realignment and closure could average costing more than \$2 billion each year during the first 3 years after that process begins.

I think what people are not focusing on is that these extra costs—if we approve this provision as it comes to the Senate floor, these extra costs that can be incurred in going forward with this issue are not in the budgets we have been given by the Department of Defense so far. If the Congress approves another round of base realignment and closure, those upfront costs have to come out of some other portion of funds that are identified for the Department of Defense. It could be procurement of weaponry, it could be

readiness, and it could be research and development for improvements in our force structure in the future. Those choices, which are already hard to make, become even harder if we lay these additional billions of dollars of expense on the defense budget. So the upfront cost problem is a very real problem and needs to be taken into account.

Supporters of BRAC, as I mentioned before, refer to the billion dollars in savings; there will be savings and I recognize that. But they will be a long time in the future. According to the Department of Defense estimates, the Department did not begin to show overall net savings for the first four rounds of base realignment and closure until at least 10 years after the first round of the base realignment and closure was approved in 1988. So there may be savings, but we need to recognize that those are far in the future, and that for the next several years there will be additional costs laid on top of the military, which they will have to take out of some other activity in which they are engaged. I believe the timing is wrong for this issue.

From a national security standpoint, it does not make sense to me to commit ourselves to reducing our base infrastructure, with all of the uncertainty we have about what that base infrastructure ought to be as we move forward. It also doesn't make sense to undertake significant new spending that is not currently in the Department of Defense budget when future budgets promise to be tighter and our economy clearly is more fragile than we thought it was several months ago. All of this we are doing, or proposing to do, in the hope we will have some savings in the far distant future.

In my view, that is not an adequate justification for going forward with another base realignment and closure commission. I hope my colleagues will support the amendment Senator LOTT and Senator BUNNING have put forward on this issue. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I rise to oppose the amendment and to support our chairman, Senator LEVIN, and our ranking member, Senator WARNER, and to support our Secretary of Defense, Donald Rumsfeld, who has written a very clear letter to all of us, which Senator WARNER has already read into the RECORD, setting forth his reasons why we need to consider realignment and closure of some bases.

We have close to 400 bases in the United States. With a reorganization of the force structure, it is very clearly stated by the Secretary of Defense that we don't need all of those bases, and that there would be substantial savings from closing some of them.

Now, is any Senator up here going to want any base closed in his or her particular State? Of course not.

Are all of us, with such a recommendation for closure, going to

fight like the dickens to keep that base open in our particular States? Of course we are. But we are judging a question not within the myopic lens of just the interest of our own States but, rather, from the view as Senators looking at protection and providing for the common defense of the country.

I have heard a number of our colleagues talk about this very sad tragedy of September 11 as a justification for not closing bases. It seems to me it is a justification for exactly the opposite; that it is a justification for recognizing that we need to be smart in how we are going to allocate the funds that are clearly going to be needed for the defense of this country, and that we best utilize and direct those funds in combating this terrible plague that has now beset not only us but the entire world, and that is this plague of terrorism.

I wanted to add my voice to perhaps what is an unpopular point of view. Indeed, if one of our bases ends up on the closure list, I will be making the pitch, but that is not the question. The question is what is in the best interest of the country in the allocation of the dollars that are appropriated for the Department of Defense. If we can save some that can be allocated more to the prosecution of this war against terrorism, then, in this Senator's judgment, that is in the best interest of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague from Florida. He is a man who has served his country in a variety of capacities and understands the military, the men and women in the military, and the need for this provision.

None of us who have a significant number of bases—such as is the case in the State of Florida, as is the case in the State of Arizona—that are very important to the economy of our States enjoy this exercise. I respect the views of those who are supporters of the amendment, including the sponsor himself, who is an experienced individual having served in the House and now in the Senate and has been involved in these issues of national security.

We have an honest difference of opinion. I believe this is a good debate to have. I respect—I repeat, I respect—the views articulated by those who are supporters of the amendment. But I do think, as I said before, this will be a defining vote. The President of the United States has clearly asked for the authority to close unnecessary bases. The Secretary of Defense has spoken in the strongest terms. Our civilian and military leaders of the services have spoken in the strongest terms. Every objective observer recognizes that we need to have a base closing process.

There are several arguments that are being made in behalf of the amendment of the Senator from Kentucky. One is we need more studies before we act.



Here are some things we already know. We know we have excess infrastructure. An April 1998 report from the Department of Defense on base closure required by the Congress found that the Department still maintains excess capacity that should be eliminated.

We know having more facilities to run costs more money, and having fewer facilities to run costs less. Excess infrastructure is a drain on resources and the military services are struggling. I quoted earlier from testimony given to the House Armed Services Committee by the people who are responsible for these installations.

Some of the conditions at these bases are deplorable. None of us would want to live and work under the conditions which they presently have, and this does have an effect on morale, which then does have an effect on retention of good men and women in the military. God knows, we need them now more than any time perhaps since December 7, 1941.

We know the Base Closure Commission used to reduce that excess in an impartial way not only works well but is considered a model for others to follow. Many times I hear we ought to have a commission on Social Security along the lines of the Base Closure Commission so Congress can vote up or down. It has been a model.

We know the military has unmet needs that have higher priority than preserving our current base structure. The fact is DOD has excess facilities; that closing bases saves money; that the military has other pressing needs for those savings, and BRAC is the fairest way we know to reduce the excess.

I point out, I do not think it is totally fair. As long as you have human beings making these decisions, it will not be a totally fair process. There will be some subjectivity, but for me, someone has to come up with a more objective way. The only way I know is crank all the information into a computer, and I do not think we are quite ready for that process.

People keep saying: We don't know if closing bases really saves money. The Defense Department says they will have achieved a net savings of \$15 billion by the end of this fiscal year from the previous base closure rounds, with another \$6 billion in savings each and every year thereafter.

One of the things that costs money that was not anticipated was the environmental cleanup costs. We found out that on these bases, particularly those that were built during World War II and before, in some cases there were enormous environmental problems. Those were additional costs associated with closing those facilities.

My response to that is, no, we did not anticipate that, but should we have left these environmental problems alone? Shouldn't we have cleaned them up anyway? Were we asking our active duty military men and women to work in places that were environmental haz-

ards, perhaps even to their health? These measures should have been taken while the bases were still open.

We do know it saves money. We do know there are environmental costs, but I would argue those environmental steps should be taken on every base in America whether they are open or closed. Why should we expect a military base to put up with an environmental situation which is not acceptable off the military base? Some people say DOD has not proved that is the right number. This is because the BRAC savings costs you avoid does not mean the savings are not real. The more bases you have, the more you have to spend. We know that.

We have to wait for Secretary Rumsfeld to finish all his strategy reviews before we authorize any new base closures. The fact is, we are now undertaking several strategy reviews that may revise DOD's force structure plans and their estimates of what facilities are in excess. Authorizing new base closure rounds now does not preempt these reviews. Just the opposite: It will allow Congress to act on them.

We are in the process right now and already have spent more money on defense. There will be additional costs for defense because, as the President so eloquently stated to Congress and the American people, we are in a long twilight struggle. But I know of no one who believes we will have to expand the size of the military establishment to fit in these excess costs. I think all of us envision a military that is not necessarily expanded in size but restructured; something we should have done beginning in 1991 at the time of the collapse of the Soviet Union.

This military structure will not necessarily be a larger one. This military structure will be one that is equipped to respond to emergencies throughout the world, deploy in force, be on the battlefield, effect the outcome, and leave. That is basically the kind of military we need to meet the challenges and win the first war of the 21st century.

So, yes, there is restructure in the military; yes, we need more high-tech equipment; yes, we need more of some kinds of equipment. We need less of others. But no one believes we will go back to a military of the size that would require the use of the number of bases we have today.

I do not believe the Secretary of Defense would have written the letter he did yesterday that says I want to underscore the importance we place on the Senate's approval of authority for a single round of base closures and alignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity and warfighting ability is enhanced, not diminished.

I repeat, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished.

I want to talk about another issue that is kind of important, although

perhaps from a national security standpoint it is not too important, but that is the economic impact it has on the local communities. There is the belief it devastates the local community. If a base is closed, it can go well, and it can go badly. There are many cases where the local communities put together a good reuse plan and they are as well off or even better off after the closure of an installation.

The Congress and the Defense Department have taken steps, since the last base closure round, to speed up the disposal of property for any future rounds.

In the majority of bases that were closed, there has been an increase both of employment as well as revenues into the local communities. Why is that? One reason is that in a lot of cases you have a nice runway, and an air facility is readily available then for usage; in the case of Williams Air Force Base, in the case of many others. Another reason is, you have recreational facilities, such as a golf course. You have buildings. You have an infrastructure there that businesses, education, and others have chosen to move into.

There is another argument that it is not fair to put every community with a base through all the anxiety of BRAC when we only need to close some of them, so we ought to change the process and take some bases we know we will not want to close off the list, certain bases that will not be closed under any circumstances.

On the surface it sounds like a good idea. I think anybody could name 20 bases we would not want to see closed. But who decides which 20 bases cannot even be looked at, what criteria would be used, and how do you put 20 bases on the list and say no to the 21st or the 40th or the 100th?

I have every confidence the Norfolk naval base will not be closed. I do not see how the Navy could exist without it. Could Luke Air Force Base be closed? It is the only place where F-16 pilots are trained today. I am not so sure. Should Luke Air Force Base be in the top 20? I hope so. But maybe not. Maybe this BRAC could figure they could consolidate F-16 and F-15 training together in one base. So that is not, I believe, a procedure that could lead us to any meaningful result.

There is another issue that is important: Closing bases will deprive military retirees of access to health care, and that happens. Not only health care but commissary facilities and others. That is one of the reasons we induce people to join the military—because they will receive benefits and have access to military bases after they are retired. They have reduced retiree health care options, but the TRICARE For Life Program enacted in the fiscal year 2001 Defense authorization bill addresses this issue by providing a quality benefit package that allows military retirees to get care from civilian doctors. This was a big step forward. It also allows the services in the Base

Closure Commission to focus fully on the military value of each base.

I know if Luke Air Force Base were closed, a lot of retirees who use the commissary, use the other facilities, would be deprived. I feel very bad about that, but at least we have taken care, to some degree, of their most important needs, and that is health care they would otherwise get at these installations.

So we have been through this debate for years. We have been through this debate since I came to the Congress in 1983. We had a series of base closures, and unneeded and unwanted and unnecessary bases were closed. If we had not gone through that process and left a number of bases open that had been closed through previous BRAC processes, I cannot imagine the costs that would be entailed today.

I note with some interest the Secretary of Defense is asking for one more round. Perhaps we are getting close to the point where we will not need any more rounds of base closings, but every study, every objective observer, every person I know of—and there may be some who do not, but I do not know of any who are military experts who are admired and respected by the people of this country who think we need another round of BRAC.

Again, I want to point out—and this is a very important point—it is very difficult for us to recruit and maintain a quality military force if they are living and working in facilities that are inadequate and sometimes unsatisfactory. I mentioned the issue of environmental cleanup. It is obvious now, because of the base closure process, that many of the men and women in the military were working and living in areas that were environmentally unsafe, if not hazardous. So the quality of life does have a significant impact on the efficiency of our military.

We will be asking men and women in the military to go out and fight and perhaps sacrifice their lives. It seems to me the least we can do is make sure their quality of life, both at home and overseas, is at a level we would want for all of us, our families and our friends and particularly those brave young Americans whom we are going to ask to serve and sacrifice in the future.

Is this a life-or-death issue? No, it is not a life-or-death issue. We will muddle through if the Bunning amendment is passed. As I said earlier, I think this sends a signal that could be very wrong, and that is that on a major issue, according to the Secretary of Defense and our uniformed and civilian leaders, we do need a base closing commission, we are not prepared to do that. I think that would be a very serious error on our part.

So I hope we will defeat the Bunning amendment.

I want to thank Senator LEVIN, the distinguished chairman of the committee, for his unstinting and unrelenting support of this issue. He and I have

tried to get this done for a number of years now, and our track record, like mine on several other issues, has not been exemplary, but I think we now have an opportunity.

I thank Senator LEVIN again for his leadership and his willingness to be involved in this issue. I am aware in the State of Michigan there are bases that could be closed, as there are in any State.

I thank all of those who support this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hope I did not cause the Senator from Arizona to wrap up his argument prior to when he planned to. I did not mean to do that.

Senator DASCHLE has asked me to announce there will be no more rollcall votes tonight. We also hope, if there is a lull in the debate regarding this base closing issue, that Senators offer amendments on other matters, and we would arrange a time to vote on those tomorrow.

We are going to renew our request for a finite list of amendments. We had great difficulty getting that. We are sorry the minority has objected to that. This is a bill that is of the utmost importance, and it appears now there are people who do not want this legislation to go forward, which I think sends a terrible message to the American people.

Mr. LEVIN. Will the Senator from Nevada yield for a question?

Mr. REID. Yes.

Mr. LEVIN. If Senators come forward tonight with other amendments, if the BRAC debate ends at a reasonable hour, would it be possible for those amendments not agreed to, to have votes on those amendments, stacked immediately after the BRAC motion to table tomorrow morning?

Mr. REID. It may be difficult because the Attorney General is coming before the Judiciary Committee at 10 o'clock. It is a very important meeting. With all he has on his plate, we should not keep him waiting. We will work to arrange the votes as quickly as possible.

Mr. MCCAIN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. MCCAIN. I was prepared and I think Senator LEVIN was prepared to offer a motion to table very shortly. Is that out of the question at this time?

Mr. REID. I say to my friend from Arizona, we have a vote scheduled at 9:45 in the morning. People said they wanted more time to debate this. Although, as I announced prior to entering into that consent agreement, anyone at any time can move to table, but in consideration of the importance of this issue, we thought it would be best that everyone have everything they have to say tonight.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from New York.

Mrs. CLINTON. Mr. President, I, too, thank the chairman and ranking mem-

ber and a number of our distinguished colleagues who have risen to support and oppose the Bunning amendment. I believe many Members in this Chamber either had no well-informed or formed opinion prior to September 11, or, perhaps, were inclined to support a new round of base realignment closings. It is with some regret that I rise in support of the amendment from the Senator from Kentucky. I believe after September 11, it is imperative we have more information available than we currently have.

There are many arguments that have already been made on the floor, very good ones, from our colleagues from Arizona, Rhode Island, Delaware, and Florida, as to what efficiency issues should take precedence. I agree we need to constantly be evaluating our defense budget and expenditures, to become as efficient as possible. Yet I also believe there are serious security concerns we are only beginning to address. I take very seriously the Secretary's letter which has been referred to and which has been read into the RECORD.

I believe my colleague from New Mexico, Senator BINGAMAN, is correct in saying the President and the Secretary have inherent power to realign, depending upon the needs we face in any kind of strategic or emergency situation.

We are about to engage in a broad-scale reevaluation of our homeland defense and security. We are going to be asking ourselves some very tough questions about our readiness, about the proper intersection between our domestic policing agencies and functions and our military.

At this point, I think there are several factors that have to be addressed in addition to the request of the Department of Defense and the recommendation from the Armed Services Committee before many Members would be comfortable voting for a new round. I am not sure the new round, if it is only a Defense Department review, will adequately look at some of these other broader issues that may have implications for both physical infrastructure and force deployment.

Some have said the QDR, which is expected by the end of this month, is out of date now. I don't believe that is the case, at least from what I am told and read in the paper; that the quadrennial review that the Department has been undertaking will have some very significant recommendations that should be digested and taken into account with respect to moving forward on another round of base realignments and closings.

It is important we integrate our domestic and military capacities in a way we have never had to think about before. Many were deeply concerned when we read reports of the short time, but nevertheless, unfortunately delayed time, that it took to scramble fighters into the air to try to deal with the impending threat and the potential threat that might have still been out there from additional hijackers.

I don't know that the BRAC round has the same substantive understanding or impact that we have had in years past, given the new threats we have so tragically suffered. I would be very confident and supportive of our chairman and ranking member and members of the Armed Services Committee, working with the administration, coming up with a proposal that does make some sense.

I listened very carefully to the comments of the Senator from Arizona—maybe certain bases should be taken off the table. Maybe they should. That is something we have never talked about before, but in the context of the new threats we face, I think we have to think differently. It may be we may have a BRAC round where some bases would be off the table, some of the assets that we have would be put to one side and we say they are essential to homeland security and they are essential to our projection of force abroad. Therefore, any BRAC round would not look at those. That might be an idea worth considering because I think everything changed on September 11. A threat that was not understood as being so deadly and imminent has caused such terrible destruction and tragedy.

I, for one, will support the Bunning amendment at this time because I think we have to reevaluate what we mean when we think about closing bases and realigning our forces. No one should argue about the efficiency measures that need to be taken, so that we do, No. 1, get the most effective use of our dollars; and, No. 2, provide the kind of infrastructure and resources that our all-volunteer military deserves to have.

I am concerned at this point we may not be ready for the "son of" BRAC. There may be the need to rethink how we get to the level of bases that are required. I think perhaps for the first time we have to seriously take into account the new mission that the President has given for homeland security, to make sure there is, if necessary, the kind of integration that will make us safe at home as well as abroad in terms of America's values, interests, and security.

I rise with some regret because I have the greatest of respect for our chairman, our ranking member, and those who support this request for another round. I probably will very much end up supporting it, but only after we give the kind of thought I think is required today, to take into account the new threats and perhaps do it differently than we have done it before after we carefully evaluate what kind of presence we need, taking into account homeland security. I would support that kind of approach. That is not what is being proposed at this time. I urge my colleagues to support the Bunning amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think it is important we go back and outline how the base-closing commission works. In listening to this debate, we get the idea that by continuing a process of having a base-closing commission, that the commission simply takes on its own head and imposes the closing of bases without regard to the thinking of the President, without regard to the wishes of the Secretary of Defense.

Let me remind my colleagues how the process works. How the process works is, you set up a structure and nothing happens until the President and the Secretary of Defense come forward and say, we believe for these reasons that these bases should be realigned, closed, restructured, merged, et cetera.

Nothing happens until the President makes the proposal.

Look, I understand base closings. We have closed bases in my State. I have a lot of bases. I am proud of every one of them. I love every one of them. And nothing is harder than watching communities that sacrificed and supported the military and helped win the cold war, and then through base closing and realignment we end up closing the base and imposing a very heavy burden on the community. I understand that. I identify with it. I have seen it in flesh and blood in my State.

But the bottom line is we have 20 to 25 percent excessive capacity in military bases in America today. I was for the Base Closing Commission process before the 11th, but I am stronger for it now. The arguments for it today are stronger than they were then because we need these resources moved into areas where they can support the defense of the American people and into nontraditional areas.

The first proposal the new Secretary of Defense made as part of his military realignment and restructuring was the renewal of the Base Closing Commission process that we had under a Democrat and a Republican President. If we come in now and simply say we forbid them from undertaking this process—we forbid the President and the Secretary of Defense from looking at our new situation and saying that based on where we were before the 11th, based on what happened on the 11th, based on the challenge we face today, we need to close or realign these bases and we want an orderly process to have it evaluated and to have Congress vote up or down, yes or no in response to that evaluation—if we come in and take the first proposal the Secretary of Defense has made and say no, we are not going to do it, it seems to me we are basically saying we do not want to restructure the military and we are going to look at our interests in our States and we are going to say those interests supersede the national security interests of the United States.

There are two sides of every argument. I know there are good arguments on the other side, and they are going to

be made persuasively. But let me just sum up.

We have 20 to 25 percent excessive capacity in military bases, and I cannot foresee or imagine a circumstance under which that will not grow as a result of the conflict that started on the 11th. No base could be considered for base closing by the Commission unless it was recommended by the President and the Secretary of Defense.

What we are doing here is taking away flexibility from them, to restructure resources to meet the current needs—not the needs of World War II, not the needs of the Korean conflict, but the needs of the military today. In the end, if we do not agree with the process, if after we go through their recommendation and the outside evaluation of people who are appointed to the Commission, confirmed by the Senate, evaluated independently—if we disagree with it, we can reject it.

But I think it is very important that we not reject the only reform proposal that has come before the Congress since the new administration took office. I just think to accept this amendment today is basically to say to them: Forget about this reform because the first one you proposed, we say no to.

I hope this amendment will be rejected. I am not sure that it will be, but I hope it will be.

I would also like to say, while I have Senator LEVIN here in the Chamber, I thank him for his leadership on this issue. I would like to make a plea to him.

He and I, out of the best of intentions, have for the last half dozen years engaged in a battle about the Prison Industries. I am not going to give a long speech on it today. I will have plenty of opportunities if we do not work something out to do that. But for the last half dozen years we have had a running debate. I believe people in prison ought to work. I think the evidence of decline in recidivism of people who are in Prison Industries is overwhelming. No less an authority than de Tocqueville, when he came to America in the 1830s to study American prisons and then decided to stay and study democracy, commented on the importance of prison labor and prison industry.

Senator LEVIN and I have had a running debate about this issue. I want to preserve the prison industry system. He wants to—I would say "kill it," but I will say "dramatically change it," in this new spirit of bipartisanship. It is an important issue. It is one that deserves to be debated. There are two sides of the issue. Strong arguments can be made on both sides.

But my plea to Senator LEVIN is, this is not the year or the time or the bill, it seems to me, on which to have this debate. I hope we can set aside this divisive issue on which the Senate has been roughly evenly divided. I think in the 6 years or so we have debated this issue, Prison Industries has survived by a handful of votes in each and every one of those years.

I hope we can wait and debate this next year or the year after. We do not have to debate it this year. I think this is an impediment to seeing this important bill pass.

I would just call on the better angels of his nature to let us set this issue aside with a guarantee that next year or the year after we will have a hot debate on it and we will each present our side of the argument and we can decide then on prison labor and prison industry in the Defense Department. But I think, with all we have going on, with all the major issues, this is not a good use of our time.

So being here to support the chairman on this issue of base closing, I simply wanted to make my appeal that we put off this divisive issue of prison labor for another day. Next year we will do another Defense authorization bill. We can debate this divisive issue then. Hopefully this war will be well underway and we will be in the process of winning it overwhelmingly. If he would do that, this Member would greatly appreciate it. All the prisoners who are working would appreciate it. But I would appreciate it if we would eliminate this divisive issue and speed up the process of moving ahead with this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. First, let me respond to my good friend from Texas. I very much welcome his constancy on the issue of base closings. We have had base closings in our States, just about all of us. We know how complicated that can be. He has taken a very courageous position on that, even though there have been bases closed in his State as well as others in this Chamber as well. I thank him for the commitment he has made to doing something which is not easy to do because back home it can, at least on occasion, cause some disruption.

Senator THOMAS is also in the Chamber. He is a cosponsor of our legislation, which is in the bill. My good friend from Texas mentioned perhaps a year or two from now we could debate it. It is kind of tempting to have that debate 2 years from now because such an effective advocate for his position would no longer be here, to wit, the good Senator from Texas.

But when my good friend from Texas says people in prison ought to work, I have to say I could not agree with him more. I could not agree with him more.

But I also think people who are not in prison ought to have the right to at least bid when their Government is buying items. Right now there are too many occasions when people in the private sector are prohibited from bidding for items being purchased by their Government. That may be hard for colleagues to believe. But it is the truth. Despite all of the advantages in terms of "costs" of Prison Industries, to wit: labor at incredibly low cost, including the fact that they do not pay a whole

lot of other benefits, to put it mildly, there are businesses in this country that are not allowed to bid on items that their Government is purchasing. I find that to be simply incredible and wrong fundamentally.

It is that issue which this language addresses in our bill. We want the Defense Department, when they bid for purchasers, to let out bids and to be able to receive bids not just from Prison Industries but from the private sector as well, and then go with the lowest bidder, or the best quality. The Defense Department wants that power. Prison Industries wants to maintain the monopoly and deny the private sector the opportunity simply to bid. It may be unbelievable that the private sector could bid less than Prison Industries charged the Defense Department for items. But there is one way to find out. Let them bid. It is the only way to find out. In this system of ours, it is unthinkable to me that we not allow the private sector to compete when it comes to the Government purchases.

I thank Senator THOMAS who has been so active on this issue, as well as others. I wish we could figure out a way to accommodate my friend from Texas. But I can't do that without giving up what I consider to be an important principle.

Mr. GRAMM. Mr. President, I know there are a lot of other people who want to talk. One of the compromises that I would be satisfied with is to have competition in the Defense Department on procuring—competition with Prison Industries but let prison labor within the constraints of not selling locally, which could disrupt the local economy, and not glut the markets, let them produce and sell things in the private sector.

If we could generate that, the problem is the practical impact of the policy that we have 1.2 million people in jail—almost all of them males in their prime, productive period—and the net result of the amendment is that the relatively few who are working won't be working. So they can't sell in the private sector. If you take away from them the right to sell to the largest Government customer, then there is no prison labor.

Mr. LEVIN. Mr. President, I will correct my friend. This is not a question of a right to sell to the customer. They have ever right to sell to the customer.

Mr. GRAMM. The right to sell in the private sector.

Mr. LEVIN. That is what we tell China—that we don't want China to use prison labor to make products to sell to us and that compete with us. We tell China that we don't want prison labor to make products that come into this country and compete with us. But my friend from Texas wants us to use domestic prison labor.

Mr. GRAMM. Absolutely I do. Why shouldn't prisoners be paid to work?

Mr. LEVIN. They are being paid about 35 cents an hour. No one in the private sector can compete for a job if

he has to compete with prison labor on that basis.

Let me say that I fundamentally disagree with the Senator from Texas on that issue. That is not the issue in the language in this bill. The issue in the language in this bill has to do with simply allowing the private sector to compete. This is one of those cases where the AFL-CIO and the U.S. Chamber of Commerce and the NFIB are in total agreement. We can debate this later. It is not often that you get those organizations together. But in this case they are because the issue is so fundamental. Will our private sector be allowed to bid on Government purchases or can the Federal Prison Industries have a monopoly on some items even though they are charging the Government more despite their 50-cents-an-hour payment on labor—whatever they pay—despite the fact they make no benefit payments to the prisoners. Despite all of that, in many cases they still are charging the Government more than the private sector can charge the Government. Let the private sector, for heaven's sake, bid on items which their own Government is buying. It is unthinkable that we do not allow the private sector to bid on items which their own Government is buying. It is unthinkable to me.

Mr. THOMAS. Mr. President, I am little unsure where we are. I am not sure about my position on this issue. However, I and many of us here worked very hard to pass a fair bill last year to allow for the private sector to bid and compete for Government business rather than doing it by outsourcing. I think that applies here. Certainly there are many other things that prisoners can do to continue to work. This is matter of competition.

I ask the Senator from Michigan: Did the Senator from Texas agree to pull his amendment? What is the agreement?

Mr. LEVIN. Mr. President, I am happy that is not quite the way I heard him at this time. Perhaps we will be able to figure out some approach where this matter can be resolved.

I emphasize that the right to compete with the private sector is in the bill. The amendment which will be offered would have to be written with language that allows competition in the bill.

Mr. THOMAS. We are prepared to talk about that.

Mr. SESSIONS. Mr. President, I ask the distinguished chairman: But it does change current law to provide for additional competitive strictures on the Federal prison system. Is that correct?

Mr. LEVIN. No. It allows competition where there is none now. The Federal prison system now can declare a monopoly for something, and declare that no private sector can bid on an item that it wants to supply to the Federal Government. That prevents the private sector from bidding. We would say that is not right. Let the private sector bid, and if the Prison Industries folks can produce it cheaper or

better, fine. But if they can't, and the private sector is doing it cheaper or better, then the private sector ought to be allowed to compete.

Mr. SESSIONS. But it would alter current law. Under current law, the plan has been for Prison Industries to produce products for sale to the Federal Government thereby improving prison conditions and receiving some financial benefit to the prison.

Mr. LEVIN. That part doesn't change. They can still produce what they want but they wouldn't be allowed to declare a monopoly so nobody else could compete for that product.

Mr. SESSIONS. I remember not too many years ago that I met an individual who I had prosecuted as a Federal prosecutor. He served a number of years in jail and was a former elected public official. We got to talking about this very subject. He said to me: If you need a witness, call me because I have been in prison where prisoners work, and I have been in prisons where they don't work. And it is a lot better where they are working. It is when you go to the chow line at 6 o'clock in the afternoon, there are no fights, and no shoving or pushing. People are tired and want to get their food and go to the cell and go to bed.

It is a tough call for me because I believe in competition. And I am wrestling with this vote. I understand the Senator's concern about it. But I believe deeply that we have to ensure that prisoners work. There are forces out there that want to shut it off at every angle. But at some point we need these prisoners working, for their benefit and for America's benefit. I don't know how they can't be competitive with the advantages they have. That is why I am thinking I could support the Senator's amendment on the theory that they would probably tighten things up and get competitive if it passed. But they certainly need to work.

I thank the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to support S. 1438, the National Defense Authorization Act for Fiscal Year 2002. This bill provides our armed forces the tools necessary to protect, serve, and defend the United States of America and our allies. Recent events underscore the critical importance of this bill: as the country mourns those lost in last week's terrorist attacks, our armed forces must stand at the ready.

This bill has many laudable initiatives, including several efforts from all three of the subcommittees on which I serve: Seapower, Emerging Threats and Capabilities, and Personnel.

In the area of Seapower, our subcommittee was faced with the difficult task of balancing the competing priorities of: new construction of ships for our naval fleet; sustaining our current platforms and weapons systems; and investing in the weapons systems and

platforms of the future. I am pleased that this bill takes important steps to ensure that our naval forces can continue to command the seas and project power ashore while sustaining a viable industrial base to support our future national security needs.

The bill approves more than \$9 billion in funding for such major programs as three DDG-51 *Arleigh Burke* class destroyers, one SSN-774 *Virginia* class attack submarine, and one T-AKE auxiliary cargo and ammunition ship. It is critical that the U.S. Navy's destroyer program sustain a viable production rate to ensure a smooth transition from the current DDG-51 *Arleigh Burke* destroyer program to the future land attack destroyer program, DD-21, which will form the backbone of our future fleet.

The bill further authorizes advance procurement funding for four LPD-17 amphibious transport dock ships and the LHD-8 amphibious assault ship. Full funding of \$643.5 million for the continued research and development for the DD-21 *Zumwalt* land attack destroyer program is also included in this bill. This is particularly important in light of the House's unfortunate decision to cut the DD-21 authorization for the coming fiscal year.

DD-21 will be vital to assure and sustain access to areas of U.S. interests overseas. It will do so very efficiently, with a target crew size of less than 100 and other design innovations that result in significant life-cycle cost reductions over the current destroyer program. The U.S. security strategy to defeat adversaries that seek to deny us access to littoral regions of the world will be critically dependent on U.S. ships that are harder to target and attack, and on weapons systems that can deliver combat power ashore.

The Seapower Subcommittee also allocated substantial resources to strengthen aviation assets in the areas of airlift, as well as for patrol, reconnaissance and surveillance platforms. The bill authorizes nearly \$90 million in additional funding to sustain readiness for C-17 maintenance trainers and improved shipboard navigation radars, among other items. Additionally, the bill provides more than \$170 million to improve the ability to meet non-traditional threats, including \$96 million for P-3 modifications to increase the capability of the P-3 aircraft to support operations in littoral environments. These modifications to the P-3 aircraft will ensure that the aging P-3 aircraft can continue to respond relevant to the changing threat and operational environment.

The Subcommittee on Emerging Threats and Capabilities has spent a great deal of time this year analyzing the military's ability to meet non-traditional threats. This bill continues to improve the ability of U.S. forces to deter and defend against a very real, asymmetrical and growing terrorist threat. Tragically, we have learned just how real the threat has become.

The threat is not "emerging"; unfortunately, it's real and present.

In light of the recent terrorist attacks and testimony of the military regional Commanders-in-Chief, I believe that we must do more in the areas of force protection, antiterrorism, counter-terrorism training, and research and development in order to protect U.S. forces against weapons of mass destruction, and to help them support domestic efforts to manage the deadly consequences of terrorist attacks on our homeland.

The awful events of September 11th should highlight the urgency of ensuring preparedness in this arena. In this new "war" against terrorism, such programs are our front lines.

The Emerging Threats and Capabilities Subcommittee sought to improve capabilities to meet non-traditional threats by encouraging the development of technology for the detection, identification, and measurement of weapons of mass destruction agents, investing in research initiatives that will detect biological and chemical weapons, and funding the terrorism readiness initiatives of the Chairman of the Joint Chiefs of Staff.

This bill demonstrates our commitment to reexamine and bolster our efforts to combat terrorism and to extend the Defense Department's emphasis upon force protection overseas to include better protection at home as well. One of the first hearings held by the Senate Armed Services Committee this year, for example, focused on "lessons learned" from the attack upon the destroyer USS *Cole*, which had killed 17 sailors. Tragically, we will now have many more lessons to learn.

The Subcommittee on Emerging Threats also has been examining the role of civil support teams in dealing with terrorist attacks and upon broader issues of how we should prepare for "homeland defense." This work has been eye-opening, and the tragic events of the past few days underscore, as perhaps nothing else could, how important it is to support the Defense Department's efforts in these areas.

I am pleased with the work of our Personnel Subcommittee as well. The bill we are considering fully funds the Tricare for Life, TFL, initiative authorized in the FY 2001 National Defense Authorization Act, while also improving the compensation and quality of life of U.S. forces and families. The committee added \$700 million to the budget request to improve compensation and quality of life, including additional funds to reduce service members' out-of-pocket housing costs, to increase higher education opportunities, and to provide personal gear to improve the safety and comfort of U.S. forces in the field.

Effective January 1, 2002, every service member will receive a pay raise of at least 5 percent, and personnel in certain pay grades will receive targeted pay raises ranging between 6 and 10

percent. These will be the largest increases in military pay since 1982. Further, the bill supports the budget request of \$17.9 billion for the Defense Health Program, which represents a significant increase in order to meet rising costs of medical care and increased benefits for military retirees.

While it is our responsibility to exercise our best judgment regarding the security of our Nation, we must do so while considering the administration's current priorities, as well as the emergent needs of our sailors, soldiers, airmen, and marines. In this time of constrained resources and limited budgets, every initiative needs to be carefully considered in the wake of traditional and non-traditional threats.

With that said, it is my belief that we in Congress, and this administration have some very tough choices to make, not only in the areas of missile defense and the new war on terrorism, but also in developing a integrated national security strategy, force structure, and future investments critical to our armed forces. Such fundamental decisions should be made first, and we should move forward to the evaluation of where and how our force structure should be supported.

While the debate continues on how to transform our armed forces, and the committee takes action to support our armed forces and the administration's priorities, I would like to take this opportunity to acknowledge and thank Chairman LEVIN and Senator WARNER for their tireless efforts to tackle these very tough issues and produce an authorization bill that funds a number of critical priorities and provides support for the men and women of our armed forces.

I wish to make a few points in response to the speech given by my distinguished colleague from Arizona earlier today on the issue of base closures.

Many of us have made the argument that it makes far more sense to determine our force structure, particularly in light of the new emphasis that must be placed on homeland defense before we proceed with closing installations that may well prove to be needed later on.

But it isn't just those of us serving in the Senate who support Senator BUNNING's amendment who feel that way. Let me quote from an answer that our Secretary of the Army, Thomas White, gave to a question regarding base closures put to him by Senator DORGAN at a hearing before the Defense Appropriations Subcommittee in June. Senator DORGAN gave an excellent speech on this issue earlier. Secretary White said:

I think that the cart's a little before the horse. The first thing we have to nail down is what the national military strategy is . . . in accordance with the QDR process. That's step one.

Step two is sizing the force against the strategy, and that will flow out of the exercises currently ongoing.

And the third step will be what's the most efficient basing for that force, and only at

that stage of the game, when we try to figure out the most efficient way to base the force and to support it from a business perspective, will we get into which infrastructure is excess or not. This has got to be a strategy driven exercise.

Ironically, Secretary Rumsfeld, in arguing for base closures, also makes the point that:

Our future needs as to base structure are uncertain and strategy dependent.

This is the wrong time. We face tremendous challenges. We should not be embarking on a whole new round of closing and downsizing base installations until we know what our needs are. And then, Mr. President, we should not be using the discredited BRAC process.

My colleague from Maine, Senator SNOWE, and I have extensive experience with the BRAC process. We have found it to be unfair. We have found it to be inconsistent in its application.

If the Pentagon identifies bases that are truly excess, that are not needed—and I recognize there is excess capacity—then the Pentagon should identify those bases and put it in the budget. Why should we put every community across this country that hosts a base through the uncertainty, the worry, and the expense of hiring consultants to make the case for the retention of their base? That just does not make sense.

We are experiencing this right now in Maine the Pentagon's closure of a base in Winter Harbor. We wish that this Navy installation, which has been there for more than 70 years, were going to remain open, but, unfortunately, its mission has become obsolete. What the Maine congressional delegation is doing is working with the local communities, with the Park Service, and with DOD, on a transition plan so it can be effectively reused. We do not need to endure the uncertainties of a politicized BRAC system.

Finally, I want to respond to the comments made by the Senator from Arizona about the need for improved housing for our troops. I could not agree with him more. I have visited our troops stationed at the DMZ in Korea. I was shocked and appalled at how bad the housing was for our brave men and women who are serving there on the front lines. We do have to do better. But that is a completely separate issue from the issue of whether now is the time to embark on base closures.

Now is not the time—now is the worst possible time—to divert the energies of the civilian and military leaders of the Pentagon into an exercise of closing bases that may well prove to be needed later. Now is certainly not the time to create concern and chaos and confusion in every community that has proudly hosted a military installation and is supporting our men and women in uniform. Now is certainly not the time to embark on another round of base closures when all of our energies must be focused on the overriding goal of crushing the international network

of terrorist organizations that have so harmed our Nation and its citizens.

I urge support for the amendment offered by the Senator from Kentucky.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, I would like to make an inquiry and then I have a couple comments to make.

When are we going to be taking up amendments that have been on the list for quite some time? Has that been decided yet? Or may I ask the manager of the bill, are we going to be disposing of the Bunning amendment before we go to other amendments? Is that going to be the order?

Mr. LEVIN. We are going to be disposing of the Bunning amendment tomorrow morning at 9:15. What we are hoping for is that other people with amendments—if debate ends early enough tonight on the Bunning amendment—will come forward with their amendments so we can debate those amendments and then set votes on those amendments tomorrow.

Mr. INHOFE. Yes.

Mr. LEVIN. Senator REID is here so we will leave that conversation for him.

Mr. REID. The manager of the bill is absolutely right. We are certainly willing tonight to take up any amendments that need to be offered. I say to my friend from Oklahoma, as I have said several times throughout the day, this is a very important amendment, the one now before the Senate. We are going to dispose of it in the morning, more than likely, at 9:45.

But the problem we have, I say to my friend from Alabama, is we cannot get your side to agree on a list of amendments. We are not saying eliminate amendments. We are not saying you cannot offer amendments. We are saying offer anything you want, but let's have the managers have a finite list of amendments.

And I don't know what the majority leader is going to do, but if this goes on tomorrow, I think the majority leader would have to think seriously about going to some other legislation because we cannot go on with each hour that goes by with more amendments coming in. We need a cutoff period of some kind.

So I say to my friend from Alabama, if there is some way you can prevail on the people on your side of the aisle to allow us to have this unanimous consent request agreed to—what the consent agreement says is that—I offered it already, and I will just tell you what is in it again—in fact, I will propound it right now.

Mr. President, I ask unanimous consent that the list that I will send to the desk at this time be the only first-degree amendments remaining in order to S. 1438; that these amendments be subject to second-degree amendments that are relevant; that upon disposition of



all amendments, the bill be read a third time and the Senate vote on passage of the bill, with no intervening action or debate.

I propound this unanimous consent request, but I say, Mr. President, before I ask you to rule—I say to my friend from Alabama, and anyone within the sound of my voice—this is something that isn't unique to this bill. We do it all the time. That is how we complete legislation. If we cannot get people to agree on a finite list of amendments, we cannot do anything on the legislation. We might as well just pull it.

Mr. INHOFE. I thank the distinguished assistant majority leader.

And I will say this: I started out with 16 amendments, and I have 3. I think if everyone did this, we would be able to complete this bill. It is very important we have the Defense authorization bill and we act on it. So I will do my part.

Mr. REID. I say to my friend, if he had 16, that is your privilege. You can have as many as you want. We are saying, have as many as you want, but let's have a cutoff period so the managers, at some time, can work through these amendments. If there is no end to these amendments, there is nothing to work through; we never finish the legislation.

So, Mr. President, I propound this unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. I understand there are still those who wish to continue debate and who have not been prepared to agree to that on this side—maybe somebody on this side. We have had this frustration ever since I have been in the Senate. We have been on the other side as the majority. But maybe we can get this thing moving. I certainly would like to see this bill move. I would not personally object. I am objecting for others who, I understand, have a right to object and have asked that I do so. I certainly will do what I can to see this bill move. I hope we can reach an agreement soon.

Mr. REID. I say to my friend from Alabama, this unanimous consent request that I have propounded does not in any way limit debate. In fact, it will allow unlimited debate on each amendment. We are not saying don't talk more than an hour on an amendment. We are saying just tell us what you want to talk about so that the managers can determine if they can be accepted as part of a managers' package, or if they want to try to work out time agreements on these amendments, or if they want to basically accept some of them.

The way it is now, under the Senate rules we will never, ever finish this legislation unless there is a finite list of amendments. And we can't do it.

Mr. SESSIONS. I understand the Senator's concerns and frustrations.

We have been on this less than 2 full days. This is a major bill. Maybe we can get the agreement soon. I will certainly help him in that regard, if I can.

Mr. INHOFE. Let me reclaim my time.

The PRESIDING OFFICER. The Senator from Oklahoma does have the floor.

Mr. INHOFE. I appreciate this, I say to both the Senator from Alabama and the Senator from Nevada. It is very important. We must get to a point where we can vote on it. I do have three amendments I want to take up. I will just stick it through until such time as I can bring them up.

Let me make a couple comments on some of the debate that has been going on. As far as prison labor is concerned, I assure the Senator from Alabama, who has been concerned about it, expressing his desire to have prisoners work, I can assure him that prisoners can work.

I can also assure him that the language, in my opinion—I have been on this committee now since 1994, and I have heard this debate every year since 1994—in the bill is good language. We need to be able to have quality work done on the work we are talking about in conjunction with this prison labor debate.

Let me assure the Senator from Alabama that we can go ahead and keep the language that is in our bill and still have a lot for the prisoners to do. I know a lot about this. I was mayor of Tulsa for three, four terms. During that time, we had a prostitution ring that hit Oklahoma and hit my city of Tulsa. It was a very serious problem. Of course, we would throw them in jail. They would get out about 10 minutes later, when their attorneys would come up. What I did was, instead of putting them in jail and incarcerating them, I put them in work details.

We had them out there—it worked out really well—cleaning up our parks. Because they had spiked heels, they could kind of go out there and pick up the trash, and it worked out very well. That program actually stopped that ring. It was because it was hard work. They didn't want to do it.

I can remember once I got a call from someone from Sidney, Australia, on a live radio show. I don't know what time it was there, but it was the middle of the night in Tulsa.

He said: Mr. Mayor, how cruel can you be, making those poor women go out and work hard in the hot sun and do all that labor.

I said: I'll tell what you I will do. We will just package them all up and send them to Sidney, and then it will be your problem.

Then he said: By jove, I think you have a good program there.

There is a lot of work that can be done by prisoners. Anyone who has worked in this area, which I have in Oklahoma with our State penitentiary, knows that can happen. That is not the issue. There is going to be work. They

are going to get work anyway that is not as enjoyable as the work we are talking about. I support the language in the bill.

Under the debate right now, we have been talking about the proposed fifth round of the BRAC, base realignment and closure round. I have to say this: I am opposed to it, but for a different reason than the Senator from Maine who spoke before me. It is not that I don't believe in the process.

I was elected to the House of Representatives in 1986. DICK ARMEY put out this problem. He said: As it is, we are never going to be able to close installations and get rid of infrastructure that is no longer something we need if we leave it up to the political process. Each one is an economic base. There is not a Member of the House or the Senate who is not going to protect his own turf.

That had been true. So I strongly supported DICK ARMEY, and in 1987 we passed the BRAC process. We went through four rounds. Until the last round came up, it worked beautifully. It wasn't to everyone's satisfaction. A lot of people were mad about it. But a lot of bases, in New York and other places, were closed down and everyone cooperated.

In the fourth round, politics entered into it. It was a partisan thing because it was Democrats and Republicans who did it. That has taken care of where it can't happen again.

The system is good. I far prefer the system of having BRAC rounds over the system that we used before then.

Here is why I am opposed to it. It is a totally different reason. I heard Senator BUNNING ask: Can anyone show me the amount of money that has been saved? We all have opinions as to what is projected into the future. I will say this: One thing we know for sure, we have closed 97 installations. I would suggest we wouldn't have closed one of them if it had not been for this process. We closed them. And in that time that we actually closed those, there wasn't one that didn't lose money for the first 3 or 4 years afterwards.

I think there probably is infrastructure out there that we are going to have to address at some time. We have two things that are going on right now: No. 1, we are bleeding. Everything is hemorrhaging right now. We know we are having problems in our force structure, problems with retention, problems with modernization. We need to have a missile defense system. All these things have top priority in the bill, and I agree that they should be done. So if we postpone the consideration—I know it doesn't take place until 2003—if we postpone it until a later date, then we will not have to forgo that money that it is going to cost to close bases at a time that we need to go into rebuilding our defense structure. We are repeating something right now like it was in 1981. We have a hollow force. So this is not the time. I might seriously consider it later on.

The second reason is this: We know we are going to change the force structure. We know we are right now at one-half of the force structure we were in 1991 during the Persian Gulf War. That can be documented. That is one-half the Army divisions, one-half the tactical Air Force, one-half the ships, down from 600 to 300. We know we are going to have to start building that force structure back up.

As we do it, we may be needing some of the infrastructure that right now, if it were looked at by a committee that were appointed now or next year, they might think is not necessary.

Let's wait. To artificially lower the infrastructure down to here, when our force structure is too low and we are going to have to raise it up—we don't know what we are going to be needing at the time. The time is not right.

I believe in the system. I will support it at the appropriate time. But we need every dollar we can get to rebuild our defenses today. That is what this bill is all about. That is why this is one of the few parts of this bill with which I disagree.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Ohio.

Mr. VOINOVICH. Madam President, I rise today to indicate my strong opposition to amendment No. 1622, which would strip a provision authorizing a round of base closures in fiscal year 2003 from the fiscal year 2002 Defense authorization bill, and differ from some of my colleagues who would like to do that.

As one who voted for base closing last year, I understand how important this provision is to our national security. As many of my colleagues are aware, our military now finds itself with an infrastructure base that is no longer proportionate to its force structure. It is estimated we now support an infrastructure that is in excess nearly 25 percent. In other words, we have an infrastructure out there of bases; there is 25 percent more than what we really need. I believe rather than continuing to pay for unneeded facilities, our defense dollars can and should be better spent to meet the most pressing needs of our armed services.

I stand behind Chairman LEVIN, Senator WARNER, and other members of the Armed Services Committee who supported the inclusion of this provision in the fiscal year 2002 Defense authorization bill.

As the committee noted in its report accompanying the bill, our top civilian and uniformed military leaders have requested this authority. For the last 5 years, they have been asking for it. I believe we should trust their guidance and act to grant the Defense Department this much-needed authority. Too often I have noticed in this body that we do not support the recommendations of the people we charged with the responsibility to get the job done. We know more about it than they do.

In this case, we have charged these people with the responsibility to secure

our freedom and provide our national defense. We should listen to them. I am so glad the Armed Services Committee did so in this case.

The committee said:

The committee believes that the arguments for allowing the closure of additional facilities are clear and compelling. The department has excess facilities. Closing bases saves money, and the military services have higher priority uses that could be funded with those savings.

As our Nation prepares to engage in a new battle to combat terrorist threats against the United States and the Free World at large, it is critical that these excess resources be used to meet the most pressing defense needs.

I respectfully disagree with the argument that we should not act on this initiative as our country prepares to take on those who commit acts of terrorism against our Nation. On the contrary, I believe that now, more than ever before, we need these resources for more important endeavors.

As the Secretary of Defense noted in a letter to Chairman LEVIN, dated September 21, 2001—I want to make the point that I have heard several people say on the floor of the Senate that they can't do it, they are too busy with other things, and don't have the time or resources to properly do the overview that they need to determine which of these bases ought to be closed. It seems to me that they have a better idea of what their capacity is than we have.

In this letter from the Secretary of Defense, dated September 21—that is pretty near—he said:

Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into war-fighting ability is enhanced, not diminished.

Basically, they say we can handle the job. Give us the permission so we can move on with it. We made hard decisions regarding the size of force structure during the past decade and we can continue to do more to make corresponding choices regarding the size and configuration of our military installations. Some of the words I have heard were that we have had base closings and they have been wonderful in terms of cost savings. The cost savings associated with past base realignment and closures, including several from my State of Ohio, is considerable.

That is the other thing. So often when these things come up, people are thinking of their own bases and they don't want to lose the bases. I didn't want to lose the bases in Ohio that went through the BRAC process. I thought it was fair and above board. They did close down bases. In other instances, we were able to convince them that the bases should remain open. But the fact is, as a result of these base closings, the Department of Defense has a cost savings of nearly \$14 billion because of these initiatives. Given the fact we still have a military infrastructure that is in excess of more than 20 percent, we can continue to generate

even more savings with an additional round of base closures.

The Secretary of Defense estimates that with an additional round of base closures, in fiscal year 2003, our taxpayers are going to save \$3.5 billion annually. In this particular case, I don't think the savings are going to be there. We will take the savings and put them to use by taking care of this war dealing with terrorism. Given these savings, there should be little doubt that additional rounds of closures will do a much better job of directing expenditures where we need them.

As I have long advocated during my time in public office, I believe we should work harder and smarter and do more with less. That is what we are asked to do. Keeping excess and unneeded military installations up and running takes scarce and critical resources from meeting important priorities in light of our new war. It just doesn't make sense.

How can we ask the American people to increase our defense budget by \$18.4 billion and, at the same time, know that by closing these bases we can save another \$3.5 billion annually? Again, that is \$3.5 billion annually. I believe the base closures are essential to allowing our men and women in uniform to best serve the strategic and national security interests of the United States.

I strongly oppose any amendment that would remove the much needed provision from the fiscal year 2002 Defense Authorization Act.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Thank you. Madam President, I will be brief. I rise in reluctant support of this amendment. There have been many who have talked about the macro reasons for doing this—that since September 11 we are in a brave new world; that we may need reassessment, and we probably do; that we probably should not rush to judgment.

Those are good arguments. But I want to talk about the particular issues that affect my State because we are all looking at our States here. I supported BRAC while I was in the House consistently. I knew that it might affect bases in my State. But my mouth has been so soured by the last BRAC that I cannot support it again. It is not simply that my State suffered dramatically of our large bases—three out of the four were closed—it is rather that the process, by just about all accounts, was highly politicized—at least in the instance of my State.

While the BRAC Commission did recommend the closing of Griffiss Air Force Base, and they did recommend the closing of the Seneca Army Depot, they did not recommend the closing of Plattsburgh Air Force Base. It was a state-of-the-art base, one of the few bases east of the Mississippi that dealt with long-range bombers and tankers. Plattsburgh was a state-of-the-art facility with a huge landing runway, with huge investments in its infrastructure that was being built; and,

with good reason, the Commission did not recommend Plattsburgh.

Perhaps because the chairman of the Commission came from another State—a fact that may or may not have had an effect on this situation's ultimate outcome—at the last minute Plattsburgh was put on the closing list and McGuire Air Force Base in the middle of the New York/Philadelphia skyway was used to replace it. The devastation in Plattsburgh was enormous. The BRAC Commission does not take into account areas where, when bases are closed, people will never find jobs again because they are shrinking areas. We are having the same problem in Utica. It was done so unfairly that I cannot support this amendment unless steps are taken to avoid the kind of politicization that occurred. I was not in the Senate then. I would have filibustered or done whatever I could to stop it because it was so unfair.

Now we have only really two large non-Guard facilities left in New York State. They are: Fort Drum, a state-of-the-art 10th Mountain Division, a highly trained and mobile unit, those soldiers have served nobly in the Bosnian arena. We have Rome Labs, which is an information center for the Air Force. These days, as the tragedy of September 11 showed us, military intelligence, information, and communication is the key.

If I had faith that the decision would be made on the merits, I believe that neither of these bases would be on the list. They are both outstanding and important to our security and unique. Fort Drum is, again, one of the few bases in the East—Northeast—that does this. It is one of the few that can train mountain fighting in the kind of terrains that we will be called upon to be involved with in the near future. Rome Labs, with the work of Congressman BOEHLERT and myself, has chipped in \$12.5 million to help revitalize, and it is doing state-of-the-art research. I have no doubt that if a decision were made totally on the merits, those bases would not be on a BRAC list. Had not the sour experience of the Plattsburgh Air Force Base existed in my mouth, I would roll the dice and gamble, hoping and believing that a decision would be made on the merits. But I believe that that did not happen. I don't think New York should take another hit, especially with two such outstanding bases like Fort Drum and Rome Labs.

So, as I said, I will reluctantly vote for this amendment. I would like to see some safeguards put in, and that we take into account areas that are shrinking in terms of population and in terms of jobs.

Most important, I would like to see the process insulated from the kind of last-minute political horse trading that occurred and unfairly closed Griffiss and put McGuire in its place.

I appreciate the work of my colleagues on the committee. I know their intentions are the best and, as I said in the past, before I reached the Senate, I

had supported this process. I hope we can straighten it out so that decisions are completely made on the merits and I can support it again. But until that time, given, again, the bitter and unfair experience of our State, I cannot.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Madam President.

I rise today in strong support of the amendment that has been offered by the Senator from Kentucky to strike the base closing provisions within the DOD authorization bill.

We all recognize that this is not business as usual. We also recognize how we will have to reevaluate many of the considerations that are included in the Defense authorization bill, many of the ways in which we viewed our military and our force structure prior to September 11.

Even before the horrific attacks of September 11, I, along with many of my colleagues, had serious questions about the integrity of the base closing process itself, as well as the actual benefits realized. Now, with acts of war committed against the United States, with the President addressing a joint session of Congress that justice will be done, with our Reservists being called up and our troops being deployed and the unpredictability of the mission ahead, of the asymmetric threats, I do not believe this is the time to be considering the closure of additional bases.

Indeed, now more than at any other time in recent history, I believe it is absolutely critical that this Nation not sacrifice valuable defense infrastructure when we have just committed ourselves to a new war on terrorism.

This challenge will require a new overarching military doctrine, one, indeed, that has yet to be developed. One of the central goals of this administration has been to overhaul the military doctrine which has been in place since the cold war, requiring that the United States must be able to be engaged in and to win two major theater wars at the same time.

Until a new doctrine has been determined, we cannot decide what the military infrastructure should be. Now with the announcement by the President of a Cabinet-level position responsible for homeland defense, we certainly do not know essentially what our requirements at home will be to provide for our national security interests. Until there is an assessment and cataloging of those needs, we simply cannot afford to determine what additional bases should be closed.

I look at the Northeast, and in all the four previous rounds the Northeast has lost 49 bases, roughly 50 percent of what we had prior to the BRAC process; 73 of those bases, or just under 35 percent of the installations on the east coast, were closed during the previous four rounds.

Although the Office of Homeland Security will not take the place of the

Department of Defense, it obviously will be coordinating many of the law enforcement responsibilities of the myriad agencies across the Federal Government, and all of our military installations will no doubt play a critical and prominent role in our homeland security.

Moreover, the war on terrorism will be a long-term challenge, as the President has said repeatedly. This will require a sustained resolve and effort on the part of the United States. It will employ U.S. military, intelligence, and law enforcement personnel and resources. These forces will require the support of our domestic and overseas installations. This is all in addition to our existing force deployments and peacekeeping operations that we have in Bosnia and Kosovo and, of course, our logistical support in Macedonia.

Instead of chasing elusive savings, I believe the Department of Defense needs to provide to the Congress a comprehensive plan that identifies the operational and maintenance infrastructure required to support the services' national security requirements. We all know that once the property is relinquished and remediated, it is permanently lost as a military asset for all practical purposes.

Proponents of additional base closure rounds are quick to point out that reducing infrastructure has not kept pace with post-cold-war military force reductions. They say bases must be downsized proportionate to the reduction in total force strength. However, the fact of the matter is, there is no straight-line corollary between the size of our forces and the infrastructure required to support them. Belief that there is disturbs me. I heard it repeatedly when I served on the Senate Armed Services Committee and chaired the Seapower Subcommittee. I was in the House when this whole process began. I think about it in terms of the 1997 QDR, the Quadrennial Defense Review process.

Since the end of the cold war, we have reduced the military force structure by 36 percent and have reduced the Defense budget by 40 percent, but now I ask you: How much are we employing that force? Although the size of our armed service has decreased, the number of contingency operations that our service members, our men and women who are in the military, have been called upon to respond to in recent years has dramatically increased.

As I said, I chaired the Seapower Subcommittee of the Senate Armed Services Committee in the last Congress. Guess what. The Navy and Marine Corps team alone responded to 58 contingent missions between 1980 and 1989—58 between 1980 and 1989—and between 1990 and 1999 they responded to 192, a remarkable threefold increase.

Between 1980 and 1989, they responded to 58 contingencies. But from 1990 to 1999, in that entire decade, it was 192, and that is just for the Navy and Marine Corps alone.

During the cold war, the U.N. Security Council rarely approved the creation of peace operations. In fact, it was a relatively rare event. I served on the Foreign Affairs Committee in the House of Representatives, and I was the ranking member on the Subcommittee on International Operations. We rarely had such contingency operations. In fact, the U.N. implemented only 13 peace operations between 1948 and 1978 and none—none—from 1979 to 1987. However, from 1988 through last year, by contrast, there were 38 peace operations, nearly 3 times as many during the previous 40 years.

Madam President, as a former member of the Senate Armed Services Committee, and chair of the Seapower Subcommittee, I can attest that the Armed Services Committee has listened to our leaders in uniform testify that our current military forces have been stretched too thin, and that estimates predicted in the fiscal year 1997 QDR underestimated how much the United States would be using its military. Clearly, the benefits of the peace dividend were never truly realized. So, we are seeing first hand that the 1997 QDR force levels underestimated how much our military force was intended to be used, that our military force is being called upon now more than what military strategies estimated, and that our forces are being stretched to cover a wide range of operations.

Keep in mind, Mr. President, that force levels may have to be revisited once again in light of the new anti-terror mission our military faces, and may well require an increase. So would we then go and buy back property that we have given up in future base closure rounds to build new bases—I think not.

Madam President, the Department of Defense contends there is 20 to 25 percent excess infrastructure today. Before we legislate defense-wide policy that will reduce the size and number of training areas critical to our force readiness, the Department of Defense ought to be able to tell us, through a comprehensive plan, the level of operational and maintenance infrastructure required to support our shifting national security requirements. Congress, instead, is being pressed to authorize base closures essentially in the dark, without the upcoming Quadrennial Defense Review or Future Years Defense Plan. We will have a preliminary QDR in the near future, but it will have to be revised in light of the new threat facing this nation. How can we make fundamental decisions about our infrastructure needs before we even have any guidance from the QDR?

In the full committee hearings and the subcommittee hearings that the Armed Services Committee held during the 106th Congress—while I sat on the committee, and chaired the Seapower Subcommittee—the Chief of Naval Operations and fleet commanders testified that the QDR-established force levels were not sufficient to support

their operational requirements. A report by the Chairman of the Joint Chiefs of Staff concluded that the submarine force levels needed to be raised from the 1997 Quadrennial Defense Review and I anticipate that the next QDR will support an increase in the Navy force as well.

We simply must not take the risk of losing critical infrastructure at this time. Not only have arbitrary comparisons of personnel and infrastructure levels never been the basis for military force structure changes . . . Not only has a direct correlation between force and facility level yet to be established . . . but the Department of Defense has said that the primary criteria for base closure will be military value tied to the forthcoming QDR. But this begs the question as to the validity of the QDR numbers—the 1997 QDR has been heavily criticized for getting the numbers wrong, particularly with regard to Naval fleet size. It could be premature and costly to predicate base closure decisions even on the 2001 QDR, until we know for certain what our needs will be as we confront the new terrorist threat. Critical assets such as waterfront property, airspace, and bombing ranges would be far more difficult and expensive to replace than troops, ships, and tanks.

Proponents argue that the administration's approach will be based upon military value and removes parochial and political factors from the process, but in reality, the administration's Efficient Facilities Initiative is more similar to past BRAC rounds than one might think. Much has been made of the de-politicization of the process by including "military value" and the other criteria in the legislation. However, review of the last process reveals that these criteria are nearly identical to those used in the 1995 round. This is very disturbing, because in my view, the past BRAC rounds were not fair or equitable, and were not based solely on military value. I have been through BRAC before. And I have to say, I know how the criteria can be twisted to the advantage or disadvantage of a given facility. In fact we had not one but two Air Force generals defending the former Loring Air Force Base before a past BRAC commission; yet the Air Force claimed its facilities were "well below average"—and this despite the fact that \$300 million had been spent there over a ten year period to replace our upgrade nearly everything on the base and it ended up being closed on so-called "quality of life" issues even though that was never supposed to be part of the criteria.

I strongly believe Congress must also consider the economic impact of base closures on communities in light of the uncertainty regarding the nation's economy in the wake of the September 11 terrorist attacks. Prior to that date, it was clear that the economy was slowing, perhaps even entering a recession. Today, there is a great deal of uncertainty about the state of the economy in the quarters to come.

In August 2001, GAO issued an overview of the status of economic recovery, land transfers, and environmental cleanup in communities that have lost bases during previous BRAC rounds. GAO found that the short term impact of a base closure was traumatic for the surrounding community and that economic recovery was dependent on several factors including the strength of the national economy, federal assistance programs totaling more than \$1.2 billion, and an area's natural resources and economic diversity.

Keep in mind, Mr. President, this assessment was done during a time of unprecedented economic growth and as GAO stated, the health of the national economy was critical to the ability of communities to adjust: "Local officials have cited the strong national or regional economy as one explanation of why their communities have avoided economic harm and found new areas for growth." GAO also noted: "Local officials from BRAC communities have stressed the importance of having a strong national economy and local industries that could soften the impact of job losses from a base closure."

With the slow-down of the economy, and the uncertainty brought about by the recent tragedy, it is doubtful that communities will be able to rebound even to the extent they have in previous years. Indeed, it is vital to note that not every community affected by base closures has fared so well in the past—those in rural areas still experienced above average unemployment and below average per capita incomes.

In this vein, I would like to discuss for a moment the issue of the up-front costs involved in the base closure process. This appears to be noticeably absent from the debate. The facts reveal that there are, in fact, billions of dollars in costs incurred to close a base.

These costs include over \$1.2 billion in federal financial assistance provided to each affected community—a cost paid by the federal government, not through base closure budget accounts, and therefore not counted in the estimates. And more significantly, there is at least a \$7 billion environmental cleanup bill so far as a result of the first four BRAC rounds—a conservative figure that will continue to grow, according to a December 1998 GAO report.

Indeed, the Department of Defense has admitted that savings would not be immediate; that approximately \$10 billion would be needed for up-front environmental and other costs. The Department of Defense also projects that savings from 2003 closures would not materialize until 2007.

Advocates of base closure allege that billions of dollars will be saved, despite the fact that there is no consensus on the numbers among different sources. These estimates vary because, as the Congressional Budget Office explains, BRAC savings are really "avoided costs." Because these avoided costs are not actual expenditures and cannot be recorded and tracked by the Defense

Department accounting systems, they cannot be validated, which has led to inaccurate and overinflated estimates.

The General Accounting Office found that land sales from the first base closure round in 1988 were estimated by Pentagon officials to produce \$2.4 billion in revenue; however, as of 1995, the actual revenue generated was only \$65.7 million. That's about 25 percent of the expected value. This type of overly optimistic accounting establishes a very poor foundation for initiating a policy that will have a permanent impact on both the military and the civilian communities surrounding these bases.

And the GAO has found that, in reality, the majority of land designated as excess in previous BRAC rounds is still in DOD possession. Moreover, GAO reports that environmental cleanup costs have been underestimated. So far, as I mentioned, \$7 billion or 32 percent of BRAC-associated costs have been attributed to environmental cleanups. This figure is estimated to increase over \$3.4 billion after FY01, \$1 billion more than the \$2.4 billion originally projected in 1999.

Lastly, when and if cost savings materialize, the Department of Defense intends to allow the services to retain savings and use the funding at their discretion. This does not guarantee that any freed up funding will go toward comprehensive modernization or quality of life improvements—one of the arguments employed in favor of the BRAC process.

I believe that the Department of Defense has other long term alternatives to base closures that provide savings for important military programs. The 1997 Defense Reform Initiative included actions such as streamlining, paperless contracting, and reduction in staff personnel. These reforms were estimated to lead to approximately \$3 billion in savings. The new administration has proposed similar initiatives and efficiency improvements that could generate substantial savings.

Madam President, I want to protect the military's critical readiness and operational assets. I want to protect the home port berthing for our ships and submarines, the airspace that our aircraft fly in and the training areas and ranges that our armed forces require to support and defend our Nation and its interests. I want to protect the economic viability of communities in every state. And I want to make absolutely sure that this Nation maintains the military infrastructure it will need in the years to come to support the war on terrorism. We must not degrade the readiness of our armed forces by closing more bases, certainly not at this time. Certainly not without information on our future defense needs that we do not have.

Madam President, we say that we are going to have a Quadrennial Defense Review, and at least the preliminary report is expected to be forthcoming this month. Supposedly we predicate our infrastructure and our national se-

curity requirements on that report, and I know, having been a member of the Senate Armed Services Committee, we listened to our leaders in uniform testify that our current military forces have been stretched too thin and that the estimates in that 1997 QDR, in fact, underestimated how much the United States would be using its military, how much our men and women would be called upon to be involved in contingency operations abroad.

They have multiplied. So now we are seeing firsthand, even before September 11, that the forces established in the 1997 QDR underestimated how much our military force was intended to be used, that our military force is being called upon now more than what the military strategies estimated, and that our forces are being stretched to cover a wide range of operations.

We know our force levels obviously may have to be revisited once again in light of the new antiterrorism our military faces. The threat that is represented to the United States and our security interests may well require an increase. How do we know exactly what infrastructure we need and where we need it? In hearing after hearing, I implored the Pentagon and the previous administration: Give us your plan, tell us what you think our infrastructure requirements will be, and based on what threats, that we will need to have so many installations and so many locations around the country. That is something we have never received.

Now they say they base it on the 1997 QDR report. Well, we know that underestimated the utilization of our military forces. So now why would we want to put in place another base commission closing process, set it on an automatic path, when we have yet to receive the new Quadrennial Defense Review and how that will have to be re-evaluated in light of the threat we now face with terrorism? It really does not make any sense.

I know the Department of Defense has indicated there is a 20- to 25-percent excess of infrastructure, but I do not know how we have arrived at that excess of this 20 to 25 percent because we have never had a plan. I know this is a new administration, and it is beginning to evaluate it, and obviously an enormous burden has been placed upon it as a result of September 11. Those of us who have been through the four previous rounds, who have been through the experience of this last decade with contingency operation upon contingency operation that has stretched our forces to the maximum—that has had a tremendous impact on their abilities, and they have performed in such a professional and skilled way, even in spite of all of the pressures as a result of doing so much more with less.

So I say we have to really draw back. We cannot afford to put this process in an automatic motion for some course in the year 2003 because we have to go back and reexamine exactly what we need and why we need it.

What message does it send to those who are deployed or those who are about to deploy, that somehow we are going to be downsizing at home? We might need those bases. I know the Senator from New York mentioned Plattsburgh, that it was a state-of-the-art facility. So too was Loring Air Force Base. It was on the base closing list and was closed in 1991, and we spent a total of \$300 million providing every upgrade in that facility. It happened to be a base that was the closest base to Europe, to the Middle East, to Africa, to Russia, but we were told we are in a new era where it is no longer required.

How do we really know, when we see the threat that occurred and the tragedy and the enormity of the impact of that attack on September 11? No one could have fully anticipated what has affected the United States and the civilized world.

So I think it would be prudent on our part to recede from this predicate that somehow we have excess infrastructure because we really do not know. It is an uncertainty. It is as uncertain as the asymmetric threats that are now prevalent in the world today.

So I hope the Senate will support this amendment to strike these provisions because we really do have to re-examine many of the issues that are now prevailing in our world of today. We do not know the validity of what numbers, from which report, will now be applicable in today's world with this threat of terrorism. I know from my own experience, not only with the four previous rounds and the base closing process, but also in terms of underestimating the number of times our men and women would be deployed in other parts of the world, and I know firsthand from the testimony that was provided to my subcommittee when I chaired the Seapower Subcommittee, that our forces were stretched too thin, that we could no longer absorb the demands being placed on us because we were being asked to do so much in so many places around the world.

So now, in view of September 11, it is all the more prudent that we begin to examine what we need in America today to provide for our security, an acknowledgment that we have now had an attack on domestic soil that we heretofore did not anticipate in the manner in which this happened.

I think we really do have to look very carefully at what our requirements will be in the future, because once these bases are lost, once you lose the waterfront property, once you lose the land, once you lose the access, it is very difficult to retrieve. It is very difficult to be able to create an installation in the manner in which it was established before.

Also, we hear about the savings, and there is no doubt we ought to do everything we can to find savings within the Defense Department, as is true with all other budgets, but I have yet to see the methodology that is the rationale for

the savings the Defense Department has indicated have been created as a result of the four previous base closing rounds.

I know the Defense Department claims there are \$15.5 billion in net savings through fiscal year 2001 due to prior base closing rounds, but even in the July 2001 GAO report it indicated there were flaws with that estimate. And I quote: The savings estimates have been infrequently updated, and, unlike for estimated costs, no method or system has been established to track savings on a routine basis. Over time, this contributes to imprecision as the execution of closures or realignments may vary from original plans.

That is true. It has been my experience, in examining what potential savings would be derived from these base closings, that they have traditionally underestimated the costs of closing such a base. They overestimated the savings and the benefits that would be yielded as a result of land sales. In fact, they were far below what they had originally estimated.

The environmental cleanup costs have been underestimated. So far, \$7 billion, or 32 percent, of the BRAC-associated costs have been attributed to environmental cleanups, and this figure is estimated to increase over \$3.4 billion after fiscal year 2001. These figures are for base closures already in progress. If another 20 to 25 percent of installations are closed, environmental costs can be expected to skyrocket. Increased costs in environmental cleanup have led to delays in the cleanup process and deferment of land transfer for reuse. This further cripples local communities already hurt by the base closures.

There are a number of other issues regarding those savings, and I draw my colleagues' attention to the GAO report "Military Base Closures, DOD's Updated Net Savings Estimate Remains Substantial" dated July, 2001.

In conclusion, this is not the time to ask this of our communities that would be directly affected by potential closures, the men and women who work at these installations. They have to use their energy, attention, and focus to begin to prepare for the arduous, complex, and burdensome process that we ask of those who are trying to defend these installations. It costs millions of dollars for communities across this country, with the installations at stake. In Maine, for example, a community in Brunswick has already established a committee to begin to reevaluate. Now, in light of September 11, that is not what we should be asking of anyone.

We have to absolutely make sure this Nation maintains the military infrastructure it will require in the years to come to support all of our challenges, and certainly this new one, which is the war on terrorism. I hope we will not embark on this process that ultimately could lead to a degradation in terms of the readiness of our Armed

Forces, certainly not at this time, not without information on our future defense requirements that we certainly do not have at our disposal at this point.

I hope my colleagues will support the Senator from Kentucky in his effort to strike the language that creates this additional process. I thank Senator LOTT, our leader, for all of his efforts. I know he has been supportive in making sure this can happen.

Mr. LOTT. Madam President, I thank the Senator from Maine for her remarks and for her leadership in this area. She paid attention to these issues when she was in the House and served on the Armed Services Committee in the Senate and is very knowledgeable and makes such a good point. To go forward with this, with no plan, no certainty about where we are going in the future, would be a big mistake. I thank her for her efforts.

Madam President, I rise in support of an amendment that strikes section 29 of the National Authorization Act of 2002. Section 29 provides authority to carry out a base closure round in 2003.

As this body considers yet another round of base closure hearings, I think it is very important that we pause and reflect on where we have been, and examine where we are, and particularly today, where we are going with our future force structure considering we find ourselves in a new war against terrorism.

I've said it many times before; we have been down this "old BRAC Road" before, actually four times. The pros and cons of the BRAC process should be well defined by now.

I have always opposed the BRAC process because, first and foremost, it is an abdication of responsibility by Congress. For years, Congress made base closure decisions based on recommendations from our military leaders. This supposedly independent BRAC commission was supposed to take politics out of the base closure process, but it has failed. There are always concerns about the fairness of how it is done. There are always implications or indications that some political considerations came into play, and always will be.

Regrettably there have already been statements from Defense officials, which hint at bases that should be reduced or moved. In a USA Today article Ray DuBois, Deputy Undersecretary of Defense for Installations and Environment, said the Pentagon wants to consolidate its bases by relocating some operations from congested areas to sparsely populated regions. He offered hints about moving training bases in the fast-growing Southeast to the Northern Plains State, whittling down some of the 150 military operations in the Norfolk, Virginia area, and moving activities out of Andrews Air Force Base.

Secretary of Defense Donald Rumsfeld recently said the Pentagon was considering a variety of options, in-

cluding mothballing some bases, mothball part of a base and keep the rest open, or close only part of a base. Mothballing means that even the surrounding community will be prevented from using the abandoned facilities, devastating any hope of economic development in these local communities.

We must realize that an attempt to close bases, through any means, is in some form political. The future of our bases, our base communities and our Nation's security should therefore be decided by the elected officials of this nation, not by an appointed commission.

Secondly, we know for certain that the BRAC process severely disrupts the local economies of communities across the nation. Statements like those coming out of the DOD in the past few months only exacerbate the anxieties of local communities. These communities have hired consultants and will spend millions of dollars trying to prove the worth of their bases out of fear that they will be closed.

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 not just nameless, faceless people involved. In most military communities, personnel from the base are their church leaders, little league coaches and scout leaders, not just men and women with money to spend. Communities that closed a base have lost much more than economic well being, they have lost friends, neighbors, and community leaders. I think it is very important that we remember what this process does to these communities and to the people who are involved.

The third thing we now know about BRAC is that its savings cannot be documented. The economic and fiscal ramifications of closing and realigning bases Congress has already authorized will stretch well into the 21st century. The proposed savings from previous BRAC rounds are nothing more than imprecise Department of Defense estimates that cannot be confirmed.

In fact, both the CBO and the GAO have said the Department of Defense cannot back up its savings estimates with hard facts. Given BRAC's purpose in life is to save money, I find this especially disturbing. If DOD cannot tell us how much has been saved by previous base closures, it begs the question, how can they say we need more?

Now we know that it is almost impossible to assess the real damages, savings, or benefits from these previous base closings. We have seen this time and time again. For instance, we have made decisions that certain bases would be closed and there would be certain savings. Yet, we have found that it is very difficult to move toward closing these bases and getting the savings for no other reason than there are extensive environmental problems in cleaning up those bases before they can be turned over to the private sector or the local communities. To this day, many



of the recommendations from previous BRAC's have not been completed. We are still operating bases, facilities, or depots that supposedly were going to be closed. Today, they are still not closed.

Finally, the objective of BRAC is to match base infrastructure with force structure. Yet today, the Department of Defense is working on their plan to transform our Armed Forces. In light of current events, I think we all agree that a new threat has emerged and a new type of war will be fought. I have to ask, what will be the force structure of the future? And, where will we need bases for operating, training, and maintaining this force? These are just a few of the questions that must be answered before we make a large-scale commitment to change our defense infrastructure.

Secretary Rumsfeld is still working on his Strategic Reviews to define the environment for the future and to make recommendations on force structure changes. He has stated that the fiscal year 2003 Defense budget submission will be his first opportunity to implement these transformational ideas.

DOD is also currently executing the Congressionally mandated Quadrennial Defense Review (QDR), and was scheduled to report to the Congress later this month on the results. I have no doubt this report will be delayed due to the terrorist attack on the Pentagon. This body has been patient, and continues to wait anxiously for these reviews because we know their importance to the future of our military. Why, then, would we make such an important decision as closing certain bases before these long awaited reports are even available?

Without these key assessments, how do we define the base requirements for our future force? We have yet to decide not only what that force should be, but where it should be based. Now is not the time to get the proverbial "cart in front of the horse." Another round of base closures should not occur until all of the studies and reviews have been completed and the President is given the appropriate time to update the National Security Strategy.

So without having had an opportunity or a means to assess the changes in our infrastructure, and without having the opportunity to get previously identified bases closed and savings realized, and without even identifying the future force structure of our military, we now have to confront the recommendation that we should have yet another round of base closures. As a result of all these factors, CBO observed that additional base closures "should follow an interval during which DOD and independent analysis examine the actual impact of the measure that have been taken."

I agree. Before we go forward, we need to take a look at what we have already done, evaluate it, and make sure we understand the cost savings and the costs that have been expended—both in

financial terms and in terms of our military capabilities. Only after this review can we make an informed decision about whether or not to have another round. To go forward and blindly close more bases when we are not even sure what the benefits, if any, would be, just does not seem like good policy.

I have stated to the President, the Secretary of Defense, and all the Service Chief of Staffs that if they desire another round I could only support a round that focuses on those areas identified with large excess capacity. This focused round would provide savings but not reduce infrastructure below what might be required by the future force.

One area is overseas bases and facilities. The 1990 BRAC legislation outlines the sense of Congress that closure of military installations outside the United States should be accomplished at the discretion of the Secretary of Defense at the earliest opportunity.

Yet today, we have over 700 activities in Europe and Asia alone. Europe has 523 activities with 115,650 active duty personnel. We invested \$572 million in military construction in Europe from 1997–2001. That equates to an average annual investment of \$114.5 million per year. In Asia we have 188 activities with 129,482 active duty personnel. There are more troops in Asia than Europe but 60 percent less activities. The United States invested \$653.8 million in military construction in Asia from 1997–2001. That equates to an average annual investment of \$121 million per year.

In a recent meeting with Secretary of the Army Tom White, he mentioned the possibility of moving 10,000 troops from the European theater to the Pacific theater. During a separate meeting, Deputy Secretary Paul Wolfowitz mentioned transferring 10,000 troops from Europe back to the United States. Just last week on Friday, September 14, President Bush granted the authority to mobilize 50,000 reserve personnel for Homeland Defense. How will these large-scale troop realignments affect our infrastructure requirements of the future?

Why are we continuing to close installations in the United States when there are so many facilities overseas that we continue to sink large amounts of funds into year after year? In light of the events of September 11, I believe we need to consolidate overseas installations, therefore providing a more secure environment as well as improving the quality of life for our service-members and their families.

These are some of the questions we need answered before we authorize an additional round of BRAC. If after the Strategic Reviews and the QDR, the required force structure supports further base closures, then I think DOD should identify bases they no longer feel are necessary and submit their finding to Congress. 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.

Given what we already know about BRAC, the ongoing reviews, and more importantly, what has happened in recent days, I cannot support and vigorously oppose the Department of Defense's request for another round of base closure.

For that and many other reasons, I offer these amendments, one to strike and one to modify section 29 of the National Defense Authorization Act for Fiscal Year 2002. I hope my colleagues will support me on this important issue.

I support and am a principal cosponsor of the amendment to strike section 29 of the national authorization act of 2002. That section provides authority to carry out the base closure round of 2003.

As this body considers yet another round of base closure hearings and proceedings, I think it is important we pause and reflect on where we have been and examine where we are, and particularly, today, where we plan to be in the future with our force structure, considering the events we have witnessed in the last 2 weeks.

I have said many times before we have been down this old BRAC road—actually, four times—and there are pros and cons about whether we should do it.

This time I have listened to the arguments of the Pentagon, and the Secretary of Defense and I have weighed it very carefully. I still oppose the process. I still think this is an abdication of responsibility, to turn decisions of this nature over to this Base Closure Commission. I have always taken that position. Some people, say, well, how did you plan to do it? How did we do it before? We started this process in the 1980s. The Pentagon would make decisions about excess capacity, bases we did not need, missions that were not necessary or could not be consolidated, and they sent a recommendation to the Congress. And the Congress would take it under advisement, sometimes accept the recommendation, sometimes reject it. In many instances, bases were closed in the late 1940s and 1950s and 1960s. I know of at least four bases in my immediate region that were closed, including one I believe in the 1970s, Brookley Air Force Base in Mobile, AL, bases around my State.

Congress faced up to it. If it could be justified, if it can be, and we can be assured it will leave us the capacity to do what we need to do, I think Congress will step up to it. Some will say this is a way to get politics out of it. Really? How many think politics did not come into play the last time we had a base closure round? It clearly did. That is why many Democrats and Republicans in the Senate have opposed another BRAC process over the last 2 years.

Some would have said 3 weeks ago that it is time we give it another chance, and we do have duplication and excess capacity. In my meetings with

the Secretary of Defense and the service secretaries and representatives of the Office of Management and Budget, I have indicated I would do one round, not two, but also if it would be targeted to those places where we know we have redundancy or excess capacity; or, to put it conversely, where we know we are not going to close bases, then say it will not apply in these areas.

By the way, one of the key questions I want to ask in my remarks: What about bases in other places of the world? We have given the Pentagon the authority to consolidate missions and close bases in Europe and other parts of the world, but they have done very little of it. In fact, I think one of the most interesting statistics I have come across anywhere is this: We have over 700 activities in Europe and Asia alone. Europe has 523 activities with 115,650 active-duty personnel. We have invested \$572 million in military construction in Europe from 1997 to 2001. That equates to an average annual investment of \$114.5 million per year. Shouldn't we look at excess capacity and consolidation in Europe before we start closing bases and facilities we may need at home?

Now I support and understand the need for having some Air Force bases in Europe, such as at Rhein-Main, and we need naval bases so we can project force. But when you look at the number of missions, where the missions are, what we are doing in Europe, you cannot help but realize they are snickering at us. They view it as economic development and jobs activity.

I would like to make sure in fact something is going to be done in Europe before we start down this track of another base closure round in the United States. We have already had some hints at how this might work. The Deputy Under Secretary of Defense for Installations and Environment was quoted as saying maybe we would want to accommodate bases by relocating some operations from congested areas to sparsely populated regions, even talking of moving bases from one region to another. I understand there is some denial of that or apology for it. Maybe it shows some of the thinking.

We have also had the suggestion from the Pentagon that they were maybe considering a variety of options, including mothballing some bases, or mothballing part of a base and keeping the rest open or closing only part of that base. What that means is, even the surrounding community will be prevented from using the abandoned bases. That might be the worst of all worlds. We will not say yes or no. We will say, well, we might want to keep part of it, not this part, maybe mothball it, we will not turn it over to the county, community, the State, for them to do something else with it.

I don't think this has been thought out. I don't think there is a plan of how this would work.

We know for certain that the BRAC process severely disrupts local econo-

mies of communities across this Nation. If we have another BRAC, every community, every State in America for the next 2 years will have to hire some high-priced, high-powered consultants and lobbyists to tell them what to do. You are not talking about cheap money, you are talking about \$200,000 a year, a quarter of a million a year. Everybody will get on their war footing to try to satisfy the anxieties. And, by the way, in many instances where they are not even going to be considered—or where they might be considered, but clearly in the end it will not happen. But let me tell you, that is what will happen.

Here is one thing that worries me. I had this feeling basically before 2 weeks ago, but think about it now. Think about it today. Our National Guard units are being activated. Tankers from Meridian, MS, are flying overhead to keep our jets flying. Our Air Guard unit that has the C-141 cargo aircraft, they are going to be involved. You can be sure of that. We have already had reservists called up, medical units, intelligence units and military police forces.

At a time when we are activating Reserve units and calling up Guard units and we are telling the American people: We have been attacked, get ready, be ready and break out the flags. Let's support our men and women in uniform—oh, gee, and by the way, your base may be on the base closure list.

Great timing? This is a great way to rally the troops. While we are expanding and planning for the future and not really sure what all we are going to need, making demands on communities, individuals, every community in every State in America is about to be affected by this, and then we are going to come with this particular proposal? I don't think so, colleagues.

Some people say: Don't worry, it will be taken care of in conference. I have counted on that before and it did not quite work out that way.

So I hope my colleagues in the Senate will think about the timing of this. What are we to expect in the future?

The third thing we now know about BRAC is the savings cannot really be documented. Again, we will get arguments there can be savings. Yes, maybe there should be savings in the future, but as a matter of fact the proposed savings from previous BRAC rounds are nothing more than imprecise Department of Defense estimates that cannot be confirmed. In fact, both the CBO and GAO have said the Department of Defense cannot back up its savings estimates with hard facts.

One thing, the cleanup we have to go through, you can argue about whether it is necessary or not, and sometimes I think we go to the extreme on that. But the cleanup has been a big problem in terms of cost and also in getting it into some other usage.

In some areas, some communities, some States, they have been able to turn these bases into economic devel-

opment opportunities, and they worked out in those local communities. But I think the savings are of a very dubious nature.

Finally, the objective of BRAC, as I understand it, is to match base infrastructure with force structure. Yet today the Department of Defense is working on their plan to transform our Armed Forces. In light of current events, we all agree a new threat has emerged and a new type of war will have to be fought. So I have to ask what will be the force structure of the future? What it likely may have been 3 weeks ago may not be what it is now. Where will we need bases for operating, training, and maintaining this force?

Just this past weekend I heard an Air Force general talking about how our jets and our mission had always been set up and planned from inside out, looking out to stop attack. Now we have to change that thinking. We have to think about how do we have protection inward. It is going to be fundamentally different. We have to now think about, if we have to scramble planes, where would they have to come from to get to New York? Where would they have to come from to get to Chicago? Where would they have to come from to get to Boston? I understand we did have some planes scrambled out of Massachusetts. But we have to look anew at how we have this force structure and where these aircraft will come from, what type of forces we will need, what type of training will we need for our men and women.

Secretary Rumsfeld is still working on his strategic review to define the environment for the future and to make recommendations of force structure changes. He stated that the fiscal year 2003 defense budget submission will be his first opportunity to implement these transformational ideas. If that is the case, shouldn't we at least wait until we know that before we move toward another base closure round?

I have never supported a BRAC, but I have also never said I would not someday if I could be convinced there was a plan, that there was a force structure, that we knew what we were going to need and we could be shown there is duplication and redundancy and overlapping, things we did not need because of changes in plans for the future, and it would be aimed at those areas, not just a broad brush at every base.

DOD is also currently executing the congressionally mandated Quadrennial Defense Review and was scheduled to report to Congress later this month on the results. I have no doubt this report will be delayed due to the terrorist attack.

So I think I have made my point here. This could be done, but I think it would have to be done with more planning, with more indication of what our needs are going to be, what we want in the future, and with some targeting. But that is not what we have here.

I say again, I think we need to take a look when we do it, not just at what

we have here in America but what we have around the world. We are going to have this new homeland defense position. Would we like to see how that is going to be formed and what their recommendations would be, before we start down this trail?

I think that would be the responsible thing to do. This is an administration that I am very proud of. I have had a long relationship with Secretary Rumsfeld. I have listened to Secretary Cohen, my personal friend—I sat next to him on the Armed Services Committee—the Secretary of Defense with President Clinton; I have listened to the Pentagon officials this time around. I think they are the experts, but I think we have a responsibility to ask the tough questions.

This time, the toughest question is, Are we ready? Do we know what we are doing, or is this just the knowledge that maybe we have some activities that we can do without? But is that the case today as it was 2 weeks ago? I don't think we know.

So I hope we will move on this amendment to strike. I appreciate the effort that has been made by the chairman and the ranking member to come with this bill. Concessions were made. Senator DASCHLE and I kept encouraging them to keep working and they did. They did a great job.

I hate to stand up and speak on behalf of an amendment to strike anything out of this bill. I hoped basically we could just come together and get it done. I still think we can. There is no reason why we should not be able to get a list of amendments agreed to and complete this legislation tomorrow or Wednesday morning. I think that would be another important sign of how we are working together. We are doing the right thing for the defense of our country and our efforts to help the economy and help deal with the threats this country faces.

The American people are saying they like seeing us do that. I think we should do it on this bill. But for now, I think we should do it without this section. I thank my colleagues for their patience and I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Nevada.

**Mr. REID.** I ask unanimous consent the list I shortly will send to the desk be the only first-degree amendments remaining in order to S. 1438, the Defense authorization bill, and that these amendments be subject to relevant second-degree amendments; upon disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill with no intervening action or debate.

**THE PRESIDING OFFICER.** Is there objection? The Senator from Texas.

**Mr. GRAMM.** Reserving the right to object, I was over here trying to do my reading homework. I am not sure I heard. Is the Senator asking that we limit amendments to the bill at this point?

**Mr. REID.** Yes. The unanimous consent agreement I proposed just now, for

the third or fourth time, is that we would have a finite list of amendments, not limiting the amendments but that the two managers would be able to sort through the amendments, find out which ones they agree with, those they want in the managers' amendment. Anyway, they would have a list of amendments.

If we do not do that, I say to my friend from Texas, we will never finish the bill. This doesn't limit debate on any amendment. It doesn't limit the number of amendments that people would want to offer. But it would bring some finality to the list of amendments.

**Mr. GRAMM.** Further reserving the right to object, I am hoping something can be worked out on a nondefense issue which has found its way into the bill. I am doing everything I can to expedite that, to get that issue out of the way. I think we can save time by working that out, if we can.

On that basis I have to object.

**THE PRESIDING OFFICER.** Objection is heard.

**Mr. REID.** I say to my friend, I know there are other items that need to be worked on tonight. I say to my friend from Texas, we are arriving at a point in this legislation where I simply do not think it works to have us on this bill. There are many other important issues we need to finish before Wednesday at 2 o'clock.

One of the things we wanted to finish was this bill. The majority leader badly wanted to finish this bill.

The President wants the bill. It is important for this institution and it is important for the country, but unless the managers get a list of amendments, we are not going to finish this bill.

I suggest perhaps to the leader that tomorrow maybe we should go to some of the other legislation that has to be done before we get out of here on Wednesday. I know the Senator from Texas feels strongly about a matter that is in the bill. But I would suggest to him that he should offer an amendment, debate it, and let the cards fall where they may.

But, as I said, the unanimous consent request that has been propounded does not limit debate or amendments in any way.

**THE PRESIDING OFFICER.** The Senator from Ohio.

**Mr. VOINOVICH.** Mr. President, I rise to speak in opposition to the motion to strike BRAC from the Defense authorization bill and to speak on behalf of amendments that would put the money that we would save to better use in terms of our national security.

We just elected a new President of the United States. He selected an outstanding management team: Colin Powell, Secretary of State; Donald Rumsfeld, Secretary of Defense; people who are well seasoned in terms of our national security interests. It seems to me if that team we are entrusting the security of the United States of America to believes the BRAC process would

be well taken in the best interests of the United States of America and would serve our national security needs that we ought to follow their leadership in that regard.

If we have confidence in them moving forward with all the other aspects of securing our national defense, we ought to also give them some recognition and approval in terms of what they want to do in terms of our infrastructure and our bases in the United States and throughout the world.

I hope the Members of the Senate will consider their recommendations.

As recently as September 21 after the national tragedy on the 11th, Secretary Rumsfeld came back and said to the Armed Services Committee: We want it. We need it. Please give it to us.

I urge my colleagues to pay attention to the folks to whom we have entrusted our security.

Almost two weeks ago, the American people watched in horror as the terrorist attack on the World Trade Center and the Pentagon unfolded before our very eyes.

As the nation slowly recovers, the image that no one will forget is that of Fire, Police and emergency service personnel running towards the flames and destruction while terrified individuals ran the other way.

These brave men and women knew they were racing into obvious danger, risking their own lives in order to save others, but each one knew—and accepted the fact—that it was their job to do so.

Just three days after the attack on the Pentagon, I got an opportunity to see the devastation at that familiar landmark first-hand.

I was struck by the looks of quiet determination on the faces of the rescue personnel, each knowing the serious business they faced, and contemplating the serious business they have yet to do.

Last Thursday, I was in New York City with 40 of my colleagues to tour the World Trade Center site. Standing at "ground zero," seeing that devastation first hand, has sealed my resolve to do whatever I can to make sure that such terrorism is never again used upon the United States of America.

It is important for the future of our nation—our children and grandchildren—that we support the President. The President was absolutely right in his speech to the nation last Thursday evening when he said "Americans should not expect one battle, but a lengthy campaign unlike any other we have ever seen."

As I said on the floor of the Senate the day after this heinous attack, "our actions must be ongoing and relentless, and be dedicated to excising the cancer of terrorism wherever it raises its ugly head."

And if we expect to win this war, we will need the resources necessary to do so, and the one resource we need above all others is human capital.

The American people have demanded—and rightly so—that we make

our airports and commercial aircraft safer.

They want this government to turn the full force of the FBI towards conducting investigations and pursuing terrorism suspects.

They have urged us to beef-up our border patrols and strengthen our immigrations and customs enforcement.

And most of all, they want this nation to use the full force of its intelligence, law enforcement and military apparatus to root out and squash every terrorist organization in the world.

To ask their government to do these things is the right of every American, but these will not be easy tasks to accomplish, Mr. President.

They will not be easy because at this moment, the federal government faces a human capital crisis; we are losing the very people we need to run our government—and their valuable experience—with each passing month.

And as they retire, we are not doing enough to replace them with the “best and the brightest;” the individuals who will carry-on the important work of our nation.

The human capital crisis saps our strength as a nation, and at this critical time in our history, we cannot afford to be vulnerable.

Since I was elected to the Senate, I have devoted a great deal of my time towards examining this crisis in the Federal workforce and how we can address it.

I can tell you that we need a unified strategy to rebuild the federal civil service in light of the challenges it confronts—especially in the aftermath of the attack on our nation on September 11.

The human capital crisis extends not just to our security and law enforcement agencies, but it includes virtually every department, agency, and office in the Federal Government.

While the entire Federal Government is in need of a massive infusion of high quality human capital, I am most concerned about the workforce of the national security establishment, because national security is the most important responsibility of the Federal Government.

On March 29, the Subcommittee on Oversight of Government Management held a hearing entitled, “The National Security Implications of the Human Capital Crisis.”

At the March 29 hearing that I chaired, former Defense Secretary James Schlesinger and Admiral Harry Train, United States Navy, retired, testified on behalf of the U.S. Commission on National Security in the 21st Century.

The Commission, which was chartered by former Defense Secretary William Cohen in 1998 and chaired by former Senators Warren Rudman and Gary Hart, undertook a comprehensive evaluation of our national security strategy and structure.

The final report of the Commission, “Road Map for National Security: Im-

perative for Change,” was released this past February. It includes 50 recommendations on such areas as recapitalizing America’s strengths in science and education, institutional redesign of critical national security agencies, the human requirements for national security, and securing the national homeland.

On this latter point, I am pleased that the President has taken quick action to establish an Office of Homeland Security. The head of that office, Governor Tom Ridge is a friend of mine, and I know that he is more than able to face this challenge.

Regarding human capital, the Commission’s final report concludes:

As it enters the 21st century, the United States finds itself on the brink of an unprecedented crisis of competence in government. The maintenance of American power in the world depends on the quality of U.S. government personnel, civil and military, at all levels. We must take immediate action in the personnel area to ensure that the United States can meet future challenges.

The report went on the state that:

... it is the Commission’s view that fixing the personnel problem is a precondition for fixing virtually everything else that needs repair in the institutional edifice of U.S. national security policy.

The General Accounting Office’s Comptroller General, David Walker, also pointed to the human capital crisis as a growing problem in our national security establishment, stating at a hearing I held in February that:

At the Department of Defense, where a Defense Science Board task force found that “there is no overarching framework” for planning DOD’s future workforce, civilian downsizing has led to skills and experience imbalances that are jeopardizing acquisition and logistics capacities. In addition, the State Department is having difficulty recruiting and retaining Foreign Service Officers ...

In fact, we have less people today applying to the Foreign Service. And of those people who we find meeting those very high standards, less of them are going in the Foreign Service than ever before.

I believe Secretary Schlesinger and Comptroller General Walker hit it right on the head when it comes to human capital.

Consider that we are currently making preparations to take on Osama bin Laden and his Taliban protectors and we don’t have enough people who speak their language.

Consider that the investigation that is underway by the FBI is hampered by a lack of language specialists.

Indeed, the Washington Post reported on September 17 that:

... although investigators are receiving large quantities of data from documents and wiretaps, two well-placed former law enforcement officials said the FBI suffers a lack of Arabic linguists and analysts.

In fact, the situation is such that, the United States is now advertising for anyone who speaks Farsi or Arabic to come forward and help out as translators in the aftermath of the September 11 tragedies.

I do not know how many people in the national security establishment actually speak Farsi, but it is apparent that we do not have enough.

And while I believe we need a full scale assault on human capital crisis in the Federal Government, again, the first and foremost obligation of the Nation is to ensure the defense of its citizens.

For the last 2½ years, I have been working on a targeted piece of the human capital needs of the civilian defense workforce.

I remind my colleagues that during the 1990s, over 280,000 Defense Department civilian positions were eliminated with little or no regard for workforce planning. On top of that, new hiring was severely restricted.

Taken together, these two factors have inhibited the development of mid-level career, civilian professionals—the men and women who serve a vital role in the management and development of our Nation’s military.

To help remedy this, Senator DEWINE and I amended last year’s defense authorization bill and provided the Department with a special authority to reshape its workforce after a decade of significant downsizing.

The authority provided to the Department last year allowed it to offer 1,000 voluntary separation incentive payments in fiscal year 2001, and 8,000 total incentive payments and voluntary early retirements—4,000 in fiscal year 2002 and 4,000 in fiscal year 2003—for the purpose of reshaping that workforce. Last year’s defense authorization bill required these authorities to be reauthorized this year.

Human capital is the Federal Government’s most valuable resource, and this program is only a downpayment on the changes and authorities the U.S. will need to enact and implement to revitalize the civilian side of our defense establishment.

The amendment Senator DEWINE and I are offering to section 1113 of this bill is simple: it reauthorizes these important workforce reshaping proposals for both fiscal years 2002 and 2003.

Wright-Patterson Air Force Base in Dayton, OH, is an excellent example of the challenge facing military installations across the country. Wright-Patterson is the headquarters of the Air Force Materiel Command, employing 10,900 civilian Federal workers.

By 2005, 40 percent of the workforce will be age 55 or older. Another 19 percent will be between 50 and 54 years of age. Thirty-three percent will be in their forties. Only 6 percent will be age 35 to 39, and less than 2 percent will be under the age of 34.

According to these numbers, by 2005—only 4 years from now—60 percent of Wright-Patterson’s civilian employees will be eligible for either early or regular retirement.

There is a legitimate concern that when significant portions of the civilian workforce at Wright-Patterson and other military bases retire, including

hundreds of key leaders and employees with crucial expertise, the remaining workforce could be left without experienced leadership and most important institutional knowledge.

Military base leaders—indeed, the entire Defense establishment—need to be given the flexibility to hire new employees so they can begin to develop another generation of civilian leaders and employees who will be able to provide critical support to our men and women in uniform.

I thank Chairman LEVIN and Senator WARNER for their support on this amendment.

Incredibly, with a human capital crisis facing our Nation and the report on the vulnerability of U.S. security in the year 2000, it seems that the House of Representatives may not reauthorize the workforce reshaping program that Congress passed last year. We should be very, very concerned about this.

If the provisions of our amendment are not included in the House bill, I would urge the House conferees to join in support of this amendment as the final version of the Defense Authorization Act is being developed.

Let me state again that this amendment does not address all of the human capital needs of the Defense Department. It is just a small down payment.

Additional action needs to be taken to help ensure that the Department of Defense recruits and retains a quality workforce so that our Armed Forces may remain the best in the world and be able to keep the world secure in the 21st century.

I will continue to work towards that goal, and will be introducing a more comprehensive bill that not only responds to the human capital crisis in the U.S. security establishment, but in the entire Federal Government as well.

In the wake of these attacks, our men and women in Government all across the Nation have a renewed sense of purpose—to keep America safe and preserve our freedoms. I have never seen more determination and patriotism in my entire life.

Right now, law enforcement and military personnel are standing vigilant to watch over America.

The Border Patrol, the Customs Service, and the Immigration and Naturalization Service are closely monitoring who is coming into the United States and who is leaving.

Active and reserve elements of the Air Force, Navy, and the Marine Corps have been and will continue to patrol the skies above Washington and other cities.

The Navy and Coast Guard are guarding our ports and patrolling our waters. Tens of thousands of reservists have been called up to assist in these activities.

At this moment, troops are being deployed in Southwest and Central Asia.

In the days and weeks and months ahead, our brave soldiers, sailors, airmen and Marines will be called upon to risk their lives and, in some cases, give

their lives in an effort to rid the world of the evil scourge of terrorism.

Still, Mr. President, as much as we are asking our military personnel and our Government employees to do what we are asking them to do right now, more is going to be asked of them. More will be asked of them.

We have a responsibility to the future generations of this Nation to give the Federal Government the tools it needs to help retain and attract the best and the brightest. I believe our amendment is a good first start towards getting that job done.

I think all of us know, if we want to win the World Series or we want to win the Super Bowl, we need the best and the brightest. That is what we need. And the best and the brightest have not been coming to the Federal Government. In fact, I have talked to the dean of Harvard's John F. Kennedy School, Dean Nye. He is very concerned about the fact that 10 years ago, 70 percent of their brightest people would be going into Government; today it is around 40 percent. So we have a long way to go.

I hope with this amendment we will be able to attract some of those people to our civilian defense establishment.

Mr. BAUCUS. Mr. President, I rise today to join my colleagues, Senator BUNNING in strong support of Amendment 1622. This important provision would prevent military base closures through 2003.

In the light of the recent, tragic events, implementing another round of base closures could be a dangerous decision. We are entering a new phase of heightened national security in our great Nation. And President Bush has correctly warned of the continued threat to the security of the United States and its allies from terrorist groups and rogue states. I believe that base closures would not be in our country's best interest any time in the near future.

While the defense budget can be increased in a matter of days for increased intelligence efforts or readiness assistance, the same is not true of the force structure or the base structure. Once property is converted to civilian use, as it would be under another round of Base Closures, it is, for all practical purposes, permanently lost as a military asset.

I would like to draw attention to Malmstrom Air Force Base in my home State of Montana. After two weeks of rigorous evaluations, the 341st Space Wing's operations, security, maintenance, communications personnel, and equipment were recently given an "excellent" overall rating for Combat Capability Assessment. A very high mark! I'd like to congratulate them on a job well done.

It would take months or even years to reach this state of effectiveness if we had to start from scratch to re-engage the base. To lose this asset in moments of heightened national security could permanently scar our force capability to respond.

While protection of our national security and military readiness is enough of a reason to halt base closures, there are additional concerns to address, as well: first, while reducing spending is the main motivation behind base closures, studies have shown that the additional funds are never realized. The majority of savings comes from reduction of personnel, which is not directly tied to base closures. And reduction of personnel shouldn't be an option given the current circumstances. Second, there is no procedure for selecting which bases are closed. And that is very troubling. "Military value" is only the definition currently used and is open to interpretation. A concrete set of criteria must be developed before any further base closures are conducted.

Since September 11, we have seen that our economic security is clearly tied to our national security. In order to bring strength to our economy, we must maintain strength in our military.

We do not have months or years to wait while our bases are refurnished with military personnel, equipment and missions. If additional bases were closed, we would waste valuable resources as we scrambled to reinstate a base during a time of high security. Now is not the time to limit our military's ability to respond.

I urge my colleagues to vote against further base closures and support amendment 1622.

Mr. HATCH. Mr. President, I rise in support of this amendment to the Defense Authorization Bill.

I must tell you that I have thought long and hard on the subject of base closings. The arguments for and against initiating another process which might lead to additional base closings have weighed heavily on my mind. I have the deepest respect for Defense Secretary Rumsfeld and I know how hard he is working to find efficiencies and economies within the Department of Defense. I know he believes that a new base closing initiative is an important tool in his efforts to fix our defense infrastructure problems. However, I strongly believe that the events of September 11th changed this Nation's priorities. Now is not the time to engage in any type of activity that distracts from our national defense priorities.

This is a pivotal time in our history. All our efforts and resources must be focused on fighting terrorism at home and abroad. At this time, I do not think that the time and money spent preparing for base closings will contribute to this effort. Military bases and the military establishment need to be focused on the war effort. Our military leaders and base commanders throughout the country do not need to be worrying about justifying their installations' existence. The communities around the bases do not need to be worrying about their future economic well-being. At a time when we,

as a Nation, face an uncertain future, we need not take on a process that is rife with uncertainty and turmoil and which distracts from our national goals.

Additionally, we do not yet know what force structure will be required to accomplish all the missions associated with this new 21st century warfare. I believe it will take some time to determine what our military should look like. Why would we start a base closure process when we have no idea what shape or size our forces will take? Equally important, we do not know which bases will be key to our efforts in building an effective homeland security network.

There is great debate about how much base closings cost and how much base closings save. In a time of economic uncertainty, I do not believe it is wise to spend millions of dollars on a base closure process. I am not willing to sacrifice the readiness of our armed forces for theoretical savings.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. LEVIN. Will the Senator from Nebraska yield for an inquiry?

Mr. NELSON of Nebraska. I am happy to yield.

Mr. LEVIN. Mr. President, I am wondering if my friend from Oklahoma would agree with me on the following procedure, that after Senator NELSON speaks—I understand that is going to be on the BRAC amendment, I want to speak on the BRAC amendment—that unless others notify our Cloakrooms that they wish to speak on the BRAC amendment, at that point we would be done with the BRAC debate. We would then move to the amendments offered by the Senator from Oklahoma. I don't want to put that in the form of a UC, but I will state that would be my intention. I am wondering whether or not the Senator will concur.

Mr. INHOFE. I do concur in that. In fact, I will go along with a UC to that effect, whatever the Senator wishes.

Mr. LEVIN. We are not sure yet if anyone else wants to speak on BRAC. I would ask if any of our colleagues want to speak on the Bunning amendment, that they let our Cloakrooms know so we would then be able to accommodate those Senators before we move to the Senator's two amendments. I thank my friend from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise in support of the amendment of the Senator from Kentucky to strike the BRAC language from the fiscal year 2002 Defense authorization bill.

Senator DORGAN referred to Secretary Rumsfeld's label for BRAC, the Efficient Facilities Initiative, as "Iffy." I have to agree with him. I think it is iffy in terms of cost, iffy in terms of our present force structure, and would be iffy to the morale of our troop force.

On Tuesday, September 11, the strategic environment in which the United

States operates was completely changed; certainly, as it relates to the military as well. Many issues that crowded our plate disappeared, and we have all begun to focus on the current crisis. I believe that change in environment involves base closures.

I said at the time we were debating this issue during the Defense authorization bill that we should wait on the QDR before we voted to give the administration the ability to close bases. That point of view was not shared by every member of the Armed Services Committee, and accordingly the BRAC language was included in the authorization bill.

We are now told that the Department of Defense will submit an on-time QDR to the Congress and that DOD has indicated they will send an amended QDR to us just as soon as they can at a later date to address the current crisis.

Authorizing another round of BRAC without first reviewing the QDR and without first admitting that our strategic environment has shifted dramatically is a classical case of putting the cart before the horse. I didn't think that BRAC was right before September 11, and I don't think our military knows if it is right now.

We know, for example, as a result of the September 11 events, our fighter jets are flying cover over major U.S. cities. Those jets need bases from which to fly in and out. It strikes me as a rather odd time to be closing bases.

Now that we are in the process of creating a homeland defense office, what role will our bases play in the protection of our major cities? Will we need increased ground defenses which are located at bases which could otherwise be closed? What role will bases play in our new security structure? Again, we haven't had the opportunity to think this through and, therefore, we must, in fact, set aside the BRAC authorization at this time.

Some say that BRAC will provide us significant cost savings. Certainly, I am for cost savings. Over the long term it may be possible, but no one disagrees that in the short run, BRAC costs money. Right now we need every bit of our resources, financial and otherwise, to address our significant force protection concerns.

Finally, this sends a mixed message to the men and women who are now preparing to engage a new and terrible enemy. How can we be united as a country if we are adversely affecting morale? Now is the time to focus on reducing the threat of terrorism, not on relocating and uprooting families from bases. It would be inopportune to include this language in the Defense authorization bill, certainly at this time.

Until I am presented with more persuasive evidence regarding this matter, I simply cannot support an initiative that could hamstring our homeland defense. And in my opinion, it might. Certainly I believe others share that view based on comments on the floor.

Clearly, it would be prudent to strike the language in the best interest of our country and our military personnel at this time. Let us consider BRAC under less threatening circumstances, when we will have more information at our disposal and when we will know what the QDR expects from our military. Let us not act prematurely. Instead, let's exercise prudence and do the right thing for the right reason.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to speak on behalf of the Bunning amendment because I don't think we are ready to make the decisions about which bases we are going to need. We didn't know before September 11 exactly what our troop strength was going to be in the future because we didn't have the reviews in place yet from the new administration.

Today we know even less about the troop strength, and we certainly need to know how many we are going to have in our component organizations—the Army, Navy, Air Force, and Marines—before we make the decision on which bases we will need for the future.

Also we need to know how we are going to do our training. What is the best place to do the training? I have visited bases overseas where we have training facilities, but we have limited airspace in some of those. We have limited missile range in some of those places.

Is it better to do the training there or is it better perhaps to do it at a U.S. base where we have better facilities and more control over the airspace and the ground space? I don't know the answer to those questions. I know we should have the answer before we make a decision on whether we start closing bases.

I have seen us do two things in previous base closings. I have seen us close bases that we then needed in the future. The Air Force has said that we should have kept some of the training bases in the United States opened, but they were already closed. It was too late to do anything about it.

Secondly, I have not seen us estimate anywhere close to the true cost of closing a base. If I could get real numbers that showed that closing a base really saves money, I would consider having another round of base closings. But until we know what the environmental cleanup is, what the hazards are in each of these bases and what it is going to cost for that cleanup to put it in order for the base to either be sold or given back to the community, depending on what the arrangement is, there is no way I would support a base-closing commission.

I think we are spending more closing these bases than we have keeping them open. I am the ranking member of the Military Construction Subcommittee. We have \$150 million in that bill that is going to come to the floor in the next



few weeks, \$150 million for environmental cleanup that was not anticipated in base closings.

That is not the way we ought to do business. I don't think we ought to say that environmental cleanup is going to be \$15 million and then all of a sudden have a bill for \$150 million and say that is an efficient use of our assets. We have not done our homework yet.

I am not saying I am never going to be for a base closing. I will be for a base closing, if I see what our troop strength is projected to be for the next 25 years or even 10 years, if I see that training is going to be done either in America or overseas, but we have studied where that training ought to be. In fact, I would support a study that would prepare us for a base-closing round. But I will not support another round of base closings until we have done our homework, until we have a study, until we know how this new war that we have just determined we must wage for the freedom of our country is going to be waged and how long it is going to take and where the bases might be needed. We probably will have more overseas bases. But are they going to be in the same places that they are now? Maybe not. Maybe we will have to build new bases in other sites.

So I don't think we ought to be talking about closing things until we know what we are going to need in the future. I am not against base closings; I am just against doing it too soon, because I think we are throwing good money after bad if we don't have our ducks in a row and know exactly what our needs will be from the military construction standpoint.

On the Military Construction Subcommittee, I did not like having to spend money on environmental cleanup, when I would have liked to have spent that money building better housing for our people, building more facilities to do the job that we know we must do. Yet we are still cleaning up bases that were closed 10 years ago. I don't think that is the way we ought to operate. We ought to operate with good business sense. We ought to decide what our troop strength is going to be, where we can best do the training, what our needs are going to be with this new war that we now know we must fight—and we know it is going to be tough. We are going to support the President and give him the resources he needs to make sure we win because freedom is at stake.

The idea that we would have a premature round of base closings is a bad idea whose time has not come. So I appreciate the work of everyone here. I know we have legitimate disagreements on this issue. But I am going to support the Bunning amendment. I hope we can set it aside for this year.

I have an amendment, which I have already offered, which I hope we can consider. It does have a study that would ask just the questions I have asked tonight. If we can answer those

questions, then we can have base closings based on what we are going to need in the future, based on facts, based on studies, and knowing exactly what we are going to do before we take these steps. Most of all, we will know what the costs are going to be and how much could be saved and how much must be spent for those savings.

Mr. President, I appreciate the work of the distinguished chairman and ranking member, and I hope we can pass the Bunning amendment. I also hope we can pass the Hutchison amendment that will provide studies for the future, and that we can do this in the right way and in a thoughtful way, in a way that will make sure we do right by our men and women in the services and protect them wherever they may be in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, a number of arguments have been raised this afternoon about the Bunning amendment which would strike the BRAC language from our bill. By the way, this is the first time the Armed Services Committee—at least within my memory—has adopted a bill for an additional round of base closings on a very strong bipartisan vote. It was adopted because the civilian and uniformed leadership of our Armed Forces pleaded with us to allow them to get rid of excess structure, which costs a lot of money and makes it impossible for us to do the things we want to do to modernize Air Forces, make them more ready and more lethal, to make them more mobile, to give them greater pay, because we are spending billions of dollars on infrastructure we do not need.

For the last 4 years, Senator MCCAIN and I have come to this floor and said our leadership is asking for the authority—just the authority—to have another round of base closings. It has been denied year after year. We have been told “this is not the time,” year after year. We have been told we should have a study year after year. As a matter of fact, in 1997 there was a study that was substituted for the round of base closings. The April 1998 report contained 1,800 pages of detailed backup material for why we should have another round of base closings.

I think the most important question that has been raised is, Does September 11 change all this? That, to me, is the real vital issue. We wanted to get the thinking of our uniformed and civilian leadership on that issue because, surely, I think each one of us—and perhaps no one more than the person occupying the chair now—would want to know what is the effect of the events of September 11. I want to read a letter we have received because even though parts of it have been used before, it seems to me this letter addresses that most pungent of all questions. This is from Donald Rumsfeld, dated September 21. The same letter was written

to both myself and to Senator WARNER. It reads as follows:

I write to underscore the importance we place on the Senate's approval of authority for a single round of base closures and realignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished.

Since that fateful day, the Congress has provided additional billions of taxpayer funds to the Department. We owe it to all Americans—particularly those service members on whom much of our response will depend—to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platforms from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to base structure are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources. The authority to realign and close bases and facilities will be a critical element ensuring the right mix of bases and forces within our warfighting strategy.

No one relishes the prospect of closing a military facility or even seeking the authority to do so, but as the President said last evening, “we face new and sudden national challenges,” and those challenges will force us to confront many difficult choices.

In that spirit, I am hopeful the Congress will approve our request for authority to close and realign our military base facilities.

Mr. President, I hope we will have the will to do something that is not easy. This is not easy for any Member for his facilities and his State to do; we know that. That is why facilities were not closed until we had commissions that were in place. We make a recommendation to the President, and the President would then have a right under our approach to either say yes or no to the entire list. If he says yes, Congress has the right to say yes or no to the entire list.

This does not abdicate responsibility to a base-closing commission. What it does is it permits us to shed excess infrastructure that is costing us billions, that is detracting from the ability of our warfighters to fight a war, because it means billions of dollars which should go into that effort are instead being spent to maintain structure that is no longer needed.

We would not put excess baggage on a warfighter. We would not tell that warfighter you have to carry a larger load than is necessary. By keeping bases open, that is exactly what we are doing. We are denying the warfighter the resources that would otherwise go into what is needed in the Defense Department.

That is the issue. The issue, if anything, it seems to me, is sharper since 9-11. More than ever, we must avoid waste. More than ever, we must have the will to make tough choices. We have done a lot of things that have been difficult, and we have done a lot of things differently since 9-11 in this Congress. We have come together on a lot of issues that we thought we could not come together on, and we have avoided the kind of dissension and debate in which our people do not want us to engage.

Now we have our military leadership and the President of the United States pleading with us to allow them to get rid of excess infrastructure 2 years down the road. That is the plea from our President, that is the plea from our military leadership, civilian and uniformed: to allow them to begin the process 2 years from now of removing excess infrastructure.

I hope we have the will to do that, to respond to the men and women of our military who have much greater needs than excess infrastructure.

We have been told also that we should be closing more bases overseas instead of starting this process here. Since the end of the cold war, the Department of Defense has closed 59 percent of our overseas sites compared to about 21 percent of our domestic sites. They do not need authority legislatively to close overseas facilities. They have that without our action, and they have been able to close 59 percent of the overseas sites. That is quite a difference from what they have closed in this country. So I do not think that argument works either.

Then we have been told as well that we should know what we want in our force structure before we move for some additional flexibility on our base structure. We ought to know what our force structure is going to be, and there is no doubt about that. Before the base structure is concluded, surely we must know, or should know, what the force structure is going to look like. That is why in this bill we require that "the Secretary shall carry out a comprehensive review of the military installations of the Department of Defense inside the United States based on the force structure plan submitted under section A(2). . . ." And that plan is very specific. That is part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2003: The Secretary shall include a force structure plan for the Armed Forces based on the assessment of the Secretary in the Quadrennial Defense Review under another section.

The force structure plan is required by our law. We have heard many times this afternoon and this evening, and correctly, that we ought to base our base structure on our force structure and we do not know what that force structure is going to be.

The answer is we know that the force structure must be determined prior to the base structure recommendations that go to the Base Closure Commission and then from them to us. It is a requirement of law.

The Senators who have made this point are right; we should know our force structure before we know our base structure, but the inaccuracy is in their argument that we will not know that force structure prior to the decision on base structure, both by the Defense Department, in terms of their recommendation to the Base Closure Commission, and by the Base Closure

Commission in their recommendations back to the President and to us.

The one final point I will make this evening has to do with cost. The argument has been made that there either have not been savings or that the savings have not been demonstrated, or that there has been no proof of the savings, or that the savings have not been precise. We have GAO report after GAO report saying that—and I will reading from one:

Our work has consistently affirmed that the next savings of the four rounds of base closures and realignments are substantial and are related to decreased funding requirements in specific operational areas.

In addition to our audits, review by the Congressional Budget Office, the Department of Defense Inspector General, the Army Audit Agency have affirmed the net savings are substantial after initial investment costs are recouped.

The Defense Department has even attempted to give us a very precise document as to what those savings are. They have made a real effort year by year, item by item, to tell us where there have been costs, where there have been savings, starting in 1990 for each round of base closures.

They have come up with net savings to date of approximately \$16 billion. Total savings, and I am rounding this off, is \$37 billion. That is gross savings. Those are total costs of about \$21 billion—again I am rounding that off—with the savings to date of \$16 billion.

Recurring savings from those rounds each year are now about \$6 billion per year. That is what we are saving because Congress had enough courage to walk down this road, and believe me, I know it takes courage. It is not an easy vote. I have been through a few. We have lost our strategic air command bases. We have some other bases, other facilities that are very nervous about the possibility that maybe in the next round they will be caught. So this is not an easy vote, but it is a cost-effective vote. It is a vote that the President, his Secretary of Defense, the Chairman of the Joint Chiefs, every military leader we have ever had in front of our committee, civilian or uniformed, is pleading with us to make.

The plea, it seems to me, is more eloquent than ever after September 11 because it is so critically important that we not load down our defense with unneeded infrastructure anymore than we would load down a soldier with unneeded baggage. They are related.

I hope that tomorrow we will cast this vote. The country will be looking at us, the Nation will be looking at us to see whether or not we are willing to do some tough things that our uniform and our civilian leadership in the Defense Department and our President are calling upon us to do. I cannot think of any way more eloquently to state this cause, other than to read from a letter of August 30 from Secretary Rumsfeld and General Shelton. I expect we will be hearing from the Chairman of the Joint Chiefs on this same issue before we vote tomorrow.

This letter, which I will make part of the RECORD, makes a very potent case for saving the money. I ask unanimous consent that the letter be printed in the RECORD.

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

AUGUST 30, 2001.

Hon. CARL LEVIN,  
*Chairman, Committee on Armed Services,*  
Hon. JOHN W. WARNER,  
*Ranking Member, Committee on Armed Services,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN AND SENATOR WARNER: We are writing to underscore how critically important it is that Congress authorize the Department to conduct another round of base closures and realignments.

The Department must reshape and restructure its installations to serve the country's national security in the 21st century. Currently, our installations do not match and therefore do not adequately serve our current and projected force structure. Underutilized facilities, estimated to be 23 percent DoD wide, are a waste of public resources and an impediment to our efforts to protect our national security.

Because current law makes it virtually impossible for the Department to make prudent decisions in managing its facilities, we can only rectify these problems through a Congressionally authorized round of base closures and realignments in 2003. Drawing on the process from past rounds, the Efficient Facilities Initiative is an objective way to rationalize an infrastructure on the basis of military value, verified by an independent commission. In addition, both the General Accounting Office and the Congressional Budget Office confirm DoD's savings estimates from prior rounds.

The Department is committed to accomplishing the necessary reshaping and restructuring in a single round of base closures and realignments to minimize the difficulty these efforts pose to communities surrounding our bases. While the process may be hard, the record from our previous rounds indicates that the majority of affected communities actually emerge in a better economic condition than prior to the closure or realignment. As before, the Department will work closely with these communities in fostering economic reuse.

We know you share our concerns that additional base closures are a necessity to provide resources necessary to meet essential national security requirements. We simply must take action. Please do not hesitate to call on us in your efforts to secure passage of this important legislation.

Sincerely,  
GENERAL HENRY H. SHELTON, USA,  
*Chairman of the Joint Chiefs of Staff.*  
DONALD H. RUMSFELD,  
*Secretary of Defense.*

Mr. LEVIN. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my colleague for his strong stance on base closure. He and Senator MCCAIN have worked for a number of years on this issue.

I do not know how many years ago it was I joined on that legislation, and then, of course, we had a problem with the previous administration. Anyway, I was with them up until that problem arrived. So it is indeed long overdue.

Even though I am proud to say my State has a very significant share of

military installations, I stand with my colleagues and the vote of the Senate Armed Services Committee because I think that is what it should be, an efficiency that should be given to the Secretary of Defense. We need these savings. We need them desperately.

Mr. President, I believe that concludes the remarks on base closure. I see the Senator from Oklahoma, one of our valued members of the committee. He wishes to, as I understand it, lay down two amendments for tonight, and then the chairman and I will proceed to do a number of cleared amendments. Am I correct?

Mr. LEVIN. The Senator is correct. We now hopefully will turn to our friend from Oklahoma to offer two amendments. I think one of them we may be able to accept, although I am not sure if that is true, on both sides. If that is true, and I think the Senator knows which one that is, he can offer that one first.

Mr. WARNER. That would be—

Mr. INHOFE. The amendment on the waiver process.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### AMENDMENT NO. 1594

Mr. INHOFE. Mr. President, in an effort to try to get this bill through, which America desperately needs now, I had about 16 amendments on which I worked out arrangements and understandings with other people so that I am down to only three amendments. Of these three amendments, as was suggested by the Senator from Michigan, one is without controversy, I thought, until about 5 minutes ago.

My understanding is one Republican Senator is going to object to it. That being the case, we will have to have a rollcall on that amendment.

I would like to explain that amendment and hopefully that one Senator would be available and tell us if she is not going to object to it.

Mr. President, for quite a number of years we have had a debate, when we do our defense authorization bills, on an issue that is in place in order to keep an internal ability to handle depot maintenance in areas where it might be considered to be core maintenance; in other words, areas where it is necessary to have that ability in order to fight a war. The concern has been this: With the decreasing number of defense contractors and the decreasing number of people who are able to perform certain maintenance functions, if we are in a war, we would not want to be held hostage by a single contractor who would be able to keep us from being able to do it internally.

For that reason, some time ago we passed a law that said under that 60/40 bill, which is now 50/50 in our statute, simply this, that 50 percent of the maintenance has to be performed in-house by a depot capable of doing it without outside help. For that reason—and I agree with those who disagree with the 50/50 concept, that this is merely an arbitrary figure, but there

has to be some type of a figure and we have not been able to come up with anything since then that is any better than this. So the law now says that 50 percent of the maintenance has to be done internally by a public depot.

There is a way they have been able to get around 50/50, and that is if any of the service secretaries say that within their service they could declare there is a national security reason that for 1 year or one period of time we are not going to be able to do 50 percent of the maintenance work in a public depot, if they do that, they do not have to give any reason for it, but they merely say this is for national security.

This has happened a few times so we have gone back to the service secretaries and we have said to them: Tell us why it is as much as 50 percent of the maintenance in a public depot. We have never gotten any good answers, and then we have also asked them afterwards: What are you going to do to ensure that we are going to be able to meet this 50 percent in the next fiscal year? And we have not been able to do that.

I am not saying this critically of any particular service secretary. We need to know why, if we are going to find a loophole around one of our existing laws, this being the 50/50, it is necessary, and what we are going to do in the future to prevent that from being invoked.

So my amendment does simply two things: One, it takes that jurisdiction away from the service secretary and puts it with the President of the United States. He then can delegate it back to the Secretary of Defense. If he is going to say that there is a national security reason that we cannot do 50 percent of the work at a public depot, he has to say why that is and what they are planning to do to correct that in the next fiscal year. That is all it does.

So if people are opposed to the 50/50 concept, fine. Let us pass a bill or try to pass a bill to do away with 50/50. That is not the issue. The issue is if we are going to use a national security waiver to waive 50/50 for a given year, we need to make sure we know why we are doing it and what can be done for the next year to keep from having to do that. So that is simply it.

I was hoping we might have a note from the Senator. We do, and there will be apparently one vote against this.

So that is an explanation, and I am going to ask that this be voted on tomorrow.

I ask for the yeas and nays.

The PRESIDING OFFICER. The amendment has not been sent up yet.

Mr. INHOFE. Yes, the amendment is at the desk. It has been there since last week.

Mr. LEVIN. Will the Senator yield for a minute?

Mr. INHOFE. Yes.

Mr. LEVIN. Will the Senator call up his amendment so it will be pending immediately after the disposition of the Bunning amendment?

Mr. INHOFE. I call up amendment No. 1594 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1594.

Mr. INHOFE. 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:

(Purpose: To authorize the President to waive a limitation on performance of depot-level maintenance by non-Federal Government personnel)

At the end of subtitle D of title III, add the following:

#### SEC. 335. REVISION OF AUTHORITY TO WAIVE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

Section 2466(c) of title 10, United States Code, is amended to read as follows:

“(c) WAIVER OF LIMITATION.—(1) The President may waive the limitation in subsection (a) for a fiscal year if—

“(A) the President determines that—

“(i) the waiver is necessary for reasons of national security; and

“(ii) compliance with the limitation cannot be achieved through effective management of depot operations consistent with those reasons; and

“(B) the President submits to Congress a notification of the waiver together with—

“(i) a discussion of the reasons for the waiver; and

“(ii) the plan for terminating the waiver and complying with the limitation within two years after the date of the first exercise of the waiver authority under this subsection.

“(2) The President may delegate only to the Secretary of Defense authority to exercise the waiver authority of the President under paragraph (1).”.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. 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. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, then there would be additional debate available on this amendment because there has been no time agreement relative to this amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. As I understand—perhaps the Chair can confirm—after disposition of the Bunning amendment at approximately 9:45 a.m. or 10 a.m. tomorrow, the debate on the first amendment of the Senator from Oklahoma would recur; is that correct?

The PRESIDING OFFICER. That would then be the pending question, the Senator is correct.

Mr. LEVIN. I ask unanimous consent, so that we can sequence amendments, if the Senator from Oklahoma is willing, that we now set aside the pending amendment and the underlying amendment to allow the Senator from Oklahoma to offer an additional amendment, and then part of that unanimous consent agreement will be we will then immediately, after he lays down his second amendment, come back to the Bunning amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment will be set aside.

#### AMENDMENT NO. 1595

Mr. INHOFE. Mr. President, I send Senate amendment No. 1595 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1595.

Mr. INHOFE. 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:

(Purpose: To revise requirements relating to closure of Vieques Naval Training Range)

On page 380, after line 15, insert the following:

#### SEC. 1066. CLOSURE OF VIEQUES NAVAL TRAINING RANGE.

(a) **CONDITIONAL AUTHORITY.**—Title XV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-348) is amended by striking sections 1503 and 1504 and inserting the following new section:

#### “SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL TRAINING RANGE.

The Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue live-fire training at that range only if the Chief of Naval Operations and the Commandant of the Marine Corps jointly certify that the training range is no longer needed for the training of units of the Navy and the Marine Corps stationed or deployed in the eastern United States.”.

(b) **ACTIONS RELATED TO CLOSURE.**—(1) Section 1505 of such Act (114 Stat. 1654A-353) is amended—

(A) by striking subsection (a) and inserting the following:

“(a) **TIME FOR TAKING ACTIONS.**—The actions required or authorized under this section may only be taken upon the closure of the Vieques Naval Training Range by the Secretary of the Navy.”;

(B) in subsection (b)(1), by striking “Not later than May 1, 2003, the” and inserting “The”;

(C) in subsection (d)(1), by striking “pending the enactment of a law that addresses the disposition of such properties”;

(D) in subsection (e)(2), “the referendum under section 1503” and all that follows and inserting “the Secretary of the Navy closes the Vieques Naval Training Range.”; and

(E) by adding at the end the following new subsection:

“(f) **MILITARY USE OF TRANSFERRED PROPERTY DURING WAR OR NATIONAL EMERGENCY.**—

“(1) **TEMPORARY TRANSFER BY SECRETARY OF THE INTERIOR.**—Upon a declaration of war by Congress or a declaration of a national

emergency by the President or Congress, the Secretary of the Interior shall transfer the administrative jurisdiction of the Live Impact Area to the Secretary of the Navy notwithstanding the requirement to retain the property under subsection (d)(1).

“(2) **TRAINING AUTHORIZED.**—Training of the Armed Forces may be conducted in the Live Impact Area while the property is under the administrative jurisdiction of the Secretary of the Navy pursuant to a transfer made under that paragraph (1). The training may include live-fire training. Subsection (b) shall not apply to training authorized under this paragraph.

“(3) **RETURN OF PROPERTY TO SECRETARY OF THE INTERIOR.**—Upon the termination of the war or national emergency necessitating the transfer of administrative jurisdiction under paragraph (1), the Secretary of the Navy shall transfer the administrative jurisdiction of the Live Impact Area to the Secretary of the Interior, who shall assume responsibility for the property and administer the property in accordance with subsection (d).”.

(2) The heading of such section is amended to read as follows:

#### “SEC. 1505. ACTIONS UPON CLOSURE OF THE VIEQUES NAVAL TRAINING RANGE.”.

(c) **CONFORMING AMENDMENT.**—Section 1507(c) of such Act is amended by striking “the issuance of a proclamation described in section 1504(a) or”.

Mr. INHOFE. This amendment is one further that there may be some opposition to and it is going to require the yeas and nays, but I will briefly say what we are doing with this. The issue of the Vieques training range has been a contentious one now for a number of years. We did resolve this in such a way that there would be a referendum that would take place on November 6, where the eligible voters among the population of 9,300 people on the Island of Vieques would vote as to whether or not the Navy should continue naval training operations on the range.

A lot of things have happened since then. I agreed with that. That was my language in the Defense authorization bill last year. However, since that time we have found we are deploying east coast deployments to the Persian Gulf. A lot of these battle groups have not been able to have adequate training. Since that time we had the war declared upon us by the terrorists on the 11th of September. That has changed everything.

Since that time we have had Puerto Rico come and say they want to support the training of our troops. We currently have, being debated now, a resolution in the legislature in Puerto Rico that is going to say: “We Puerto Ricans, as proud American citizens with the same responsibilities as our brethren in the continental United States, have the obligation of contributing to this fight, allowing and supporting military training and exercises on the island municipality of Vieques.”

Vieques is a municipality of Puerto Rico.

What we believe is a solution to this now and should be put on this bill as an amendment is language that would do away with the referendum of November 6. There are several reasons why. One reason is the policy is not a good pol-

icy. I never believed it was. Prior to the events of September 11, we thought this was something that would resolve that issue.

This amendment would do two things. It would do away with the referendum of the 6th of November; two, it would say we would continue to do as the law provides today, until such time as both the CNO of the Navy and the Commandant of the Marine Corps sign a certificate saying that training is no longer needed. I cannot think of a worse time to force our military to stop training than right now. Right now we should be enhancing training.

That is a very simple amendment, one to which there may be some opposition. However, it merely says that, at least in the time being, do not have a referendum, but continue to train our troops as they are deployed in these battle group deployments, from the east coast and elsewhere, until such time as the CNO and the Commandant agree that training is no longer necessary.

Mr. WARNER. Mr. President, the Senator has received, in accordance with your request, a communication from the Department of Defense.

Does the Senator wish to include it in the RECORD?

Mr. INHOFE. First, I will read the last paragraph:

Senator Inhofe's amendment, SA 1595, supports the Defense Department's request to repeal the local referendum and provides for transfer of the eastern property to the Department of Interior, following cessation of training. Unlike the Department's proposed legislation on Vieques, however, the amendment does not provide for a date certain departure. Nonetheless, the Department believes that the amendment does not constrain the Department's ability to define and meet its training needs and the target departure date may still be achieved. To the extent that the amendment offered by Senator Inhofe, SA 1595, is not inconsistent with the Department's legislative proposal and underlying intent, we interpose no objection.

I ask unanimous consent this entire letter be printed in the RECORD.

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

DEPARTMENT OF THE NAVY,  
Washington, DC, 24 September 2001.

Hon. CARL LEVIN,  
Chairman, Senate Armed Services Committee,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN: As you are aware, the Department of Defense previously submitted proposed legislation that would eliminate the requirement in Section 1503 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, requiring a referendum among the Vieques electorate on whether the people of Vieques approve or disapprove of the continuation of training beyond May 1, 2003. Consistent with the commitments made by both the President and the Department of the Navy, the Navy is actively planning to discontinue training operations on the island of Vieques in May of 2003 and is committed to identifying alternatives to Vieques from both a geographical and technological standpoint to provide effective military training. Consequently, a referendum regarding continuation of training past this point in time is no

longer necessary. I still believe that conducting a local referendum on issues critical to the Department of Defense sets a bad precedent and strikes at the heart of military readiness. Enacting legislation that does away with this requirement will avoid such a precedent and potential domino effect on our other military training ranges.

Senator Inhofe's amendment, SA 1595, supports the Defense Department's request to repeal the local referendum and provides for transfer of the eastern property to the Department of Interior, following cessation of training. Unlike the Department's proposed legislation on Vieques, however, the amendment does not provide for a date certain departure. Nonetheless, the Department believes that the amendment does not constrain the Department's ability to define and meet its training needs and the target departure date may still be achieved. To the extent that the amendment offered by Senator Inhofe, SA 1595, is not inconsistent with the Department's legislative proposal and underlying intent, we interpose no objection.

Sincerely,

GORDON R. ENGLAND,  
*Secretary of the Navy.*

Mr. INHOFE. I am happy to respond to any questions, and if there are no questions, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. INHOFE. The amendment I will not bring up is the amendment having to do with incorporating the language of our energy policy in this bill.

The question could be asked, Is this an issue that should be put into the Defense authorization bill? I served as chairman of the Senate Armed Services Readiness Subcommittee for 5 years. I can assure Members there is no time in our history that should be more clear that we will have to do something about our dependency on the Middle East for our ability to fight a war. Right now, we are 56.6-percent dependent upon foreign sources for our ability to fight a war. That is not acceptable.

I remember back in the early 1980s during the Reagan administration I criticized the Republicans and Democrats alike. We have been trying to get an energy policy since the Reagan administration. We tried at that time. We introduced one. We were unable to get it done.

We tried during the Bush administration, certainly thinking that a President coming out of the oil patch would understand why we cannot be dependent upon foreign sources for our ability to fight a war. We were unsuccessful. We were unsuccessful during the Clinton administration. We started during the Carter administration.

I have an amendment that will put a policy into effect. I have two amendments. One adopts the House language and the other is to adopt the language of the energy bill that is proposed in the Senate. I will not bring it up and debate it tonight because I want to do it when everybody is here. This is very significant.

Right now, on a daily basis, we are becoming more and more dependent

upon foreign sources for our energy supply. By the end of this decade it is projected to be in excess of 60 percent. We will become 60-percent dependent upon foreign sources for our ability to fight a war.

I remember a few years ago Don Hodel, Secretary of the Interior, and I used to go to consumption states and make speeches as to how the outcome of every war—back to and including the First World War—has been who controlled the energy supplies. We have gone through the 1990 war, the Persian Gulf war. In 1991, we remember the words of Saddam Hussein who said, "if we had waited for 10 years to go into Kuwait, the Americans would not have intervened because we would have a missile we could shoot over at them." And now we are dependent upon the Iraqis for our imported oil.

It is very much an issue. There has been a lot of things floating around, including letters saying they are saying this has to do with ANWR. It doesn't. I only say this is an issue that should be addressed on this bill, and sometime tomorrow or the next day I will debate this and call for a vote on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We are ready to handle a series of amendments and complete our work on this bill before the Senate tonight.

#### AMENDMENT NO. 1660

Mr. WARNER. I offer an amendment on behalf of myself and my distinguished colleague, the chairman, Mr. LEVIN. This amendment would eliminate the cap costs that the Congress very wisely and appropriately placed on the costs of the overall renovation of the Department of Defense. Given the tragic attack on September 11—and, coincidentally, that attack was directed at a portion of the building which was the subject of the very contract on which this cap rests—we think it is wise, now, the chairman and I, that the cost of repairing this area of the Department of Defense just would not enable us to work within this cap as now established in current law.

This amendment has been cleared by the chairman on his side. I believe we are ready to proceed on it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes an amendment numbered 1660.

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

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

The amendment is as follows:

#### AMENDMENT NO. 1660

(Purpose: To repeal the limitation on the cost of renovation of the Pentagon Reservation.)

Strike section 2842, relating to a limitation on availability of funds for renovation of the Pentagon Reservation, and insert the following:

#### SEC. 2842. REPEAL OF LIMITATION ON COST OF RENOVATION OF PENTAGON RESERVATION.

Section 2864 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806) is repealed.

Mr. LEVIN. Mr. President, we support Senator WARNER's amendment. It is obvious the circumstances have changed in a massive way. Senator WARNER knows, probably more than anybody I know of, firsthand, what the necessity is out there. We certainly support his amendment.

Mr. WARNER. Mr. President, once again, I thank my distinguished colleague. He and I went out there to the Department of Defense just a matter of a few hours following that attack to join the Secretary of Defense. I think it is important we adopt this amendment, so I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1660) was agreed to.

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.

#### AMENDMENTS NOS. 1661 THROUGH 1670, EN BLOC

Mr. LEVIN. Mr. President, I send to the desk now 10 amendments and ask they be considered and agreed to en bloc and any statements relating to the amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes amendments numbered 1661 through 1670, en bloc.

Mr. WARNER. The chairman has correctly represented to the Senate the status of this bloc of amendments. We concur, of course.

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

The amendments Nos. 1661 through 1670 were agreed to, en bloc, as follows:

#### AMENDMENT NO. 1661

(Purpose: To authorize emergency supplemental appropriations made for fiscal year 2001)

At the end of subtitle A of title X, add the following:

#### SEC. 1009. AUTHORIZATION OF 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.

(a) AUTHORIZATION.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) are hereby adjusted by the amounts of appropriations made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(b) QUARTERLY REPORT.—(1) Promptly after the end of each quarter of a fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of funds made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(2) The first report under paragraph (1) shall be submitted not later than January 2, 2002.

(c) PROPOSED ALLOCATION AND PLAN.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 15 days after the date on which the Director of the Office of Management and Budget submits to Committees on Appropriations of the Senate and House of Representatives the proposed allocation and plan required by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, a proposed allocation and plan for the use of the funds made available to the Department of Defense pursuant to that Act.

#### AMENDMENT NO. 1662

(Purpose: To authorize the use of contractors to provide logistical support to the Multinational Force and Observers)

At the end of subtitle B of title XII, add the following:

#### SEC. 1217. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

“(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit composed of members of the United States Armed Forces.

“(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement whenever the President determines that such action enhances or supports the national security interests of the United States.”.

#### AMENDMENT NO. 1663

(Purpose: To clarify the use of State Department authority to contract for personal services in support of activities of the Department of Defense and other departments and agencies of the United States)

At the end of subtitle B of title XII, add the following:

#### SEC. 1217. PERSONAL SERVICES CONTRACTS TO BE PERFORMED BY INDIVIDUALS OR ORGANIZATIONS ABROAD.

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

“(n) exercise the authority provided in subsection (c), upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency, as the case may be.”.

#### AMENDMENT NO. 1664

(Purpose: To provide SBP eligibility for survivors of retirement-ineligible members of the uniformed services who die while on active duty)

At the end of subtitle D of title VI, add the following:

#### SEC. 652. SBP ELIGIBILITY OF SURVIVORS OF RETIREMENT-INELIGIBLE MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE ON ACTIVE DUTY.

(a) SURVIVING SPOUSE ANNUITY.—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—  
“(A) a member who dies while on active duty after—

“(i) becoming eligible to receive retired pay;

“(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

“(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

“(B) a member not described in subparagraph (A) who dies in line of duty while on active duty.”.

(b) COMPUTATION OF SURVIVOR ANNUITY.—Section 1451(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “based upon his years of active service when he died.” and inserting “based upon the following:”; and

(B) by adding at the end the following new clauses:

“(i) In the case of an annuity payable under section 1448(d) of this title by reason of the death of a member in line of duty, the retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member's death with a disability rated as total.

“(ii) In the case of an annuity payable under section 1448(d)(1)(A) of this title by reason of the death of a member not in line of duty, the member's years of active service when he died.

“(iii) In the case of an annuity under section 1448(f) of this title, the member's years of active service when he died.”; and

(2) in subparagraph (B)(i), by striking “if the member or former member” and all that follows and inserting “as described in subparagraph (A).”.

(c) CONFORMING AMENDMENTS.—(1) The heading for subsection (d) of section 1448 of such title is amended by striking “RETIREMENT-ELIGIBLE”.

(2) Subsection (d)(3) of such section is amended by striking “1448(d)(1)(B) or 1448(d)(1)(C)” and inserting “clause (ii) or (iii) of section 1448(d)(1)(A).”.

(d) EXTENSION AND INCREASE OF OBJECTIVES FOR RECEIPTS FROM DISPOSALS OF CERTAIN STOCKPILE MATERIALS AUTHORIZED FOR SEVERAL FISCAL YEARS BEGINNING WITH FISCAL YEAR 1999.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2262; 50 U.S.C. 98d note) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) in paragraph (4)—

(A) by striking “\$720,000,000” and inserting “\$760,000,000”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(5) \$770,000,000 by the end of fiscal year 2011.”.

(e) EFFECTIVE DATE AND APPLICABILITY.—This section and the amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

#### AMENDMENT NO. 1665

(Purpose: To provide for the construction of a parking garage at Fort DeRussy, Hawaii)

At the end of subtitle D of title XXVIII, add the following:

#### SEC. 2844. CONSTRUCTION OF PARKING GARAGE AT FORT DERUSSY, HAWAII.

(a) AUTHORITY TO ENTER INTO AGREEMENT FOR CONSTRUCTION.—The Secretary of the Army may authorize the Army Morale, Welfare, and Recreation Fund, a non-appropriated fund instrumentality of the Department of Defense (in this section referred to as the “Fund”), to enter into an agreement with a governmental, quasi-governmental, or commercial entity for the construction of a parking garage at Fort DeRussy, Hawaii.

(b) FORM OF AGREEMENT.—The agreement under subsection (a) may take the form of a non-appropriated fund contract, conditional gift, or other agreement determined by the Fund to be appropriate for purposes of construction of the parking garage.

(c) USE OF PARKING GARAGE BY PUBLIC.—The agreement under subsection (a) may permit the use by the general public of the parking garage constructed under the agreement if the Fund determines that use of the parking garage by the general public will be advantageous to the Fund.

(d) TREATMENT OF REVENUES OF FUND PARKING GARAGES AT FORT DERUSSY.—Notwithstanding any other provision of law, amounts received by the Fund by reason of operation of parking garages at Fort DeRussy, including the parking garage constructed under the agreement under subsection (a), shall be treated as non-appropriated funds, and shall accrue to the benefit of the Fund or its component funds, including the Armed Forces Recreation Center-Hawaii (Hale Koa Hotel).

#### AMENDMENT NO. 1666

(Purpose: To modify the authority for the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania)

Strike section 2841, relating to the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania, and insert the following:

#### SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) DESIGN AND CONSTRUCTION.—The Secretary may, at the election of the Secretary—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) ACCEPTANCE OF FACILITY.—(1) Upon satisfactory completion, as determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto



by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) **USE OF CERTAIN GIFTS.**—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of \$250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

#### AMENDMENT NO. 1667

(Purpose: To waive a restriction on the use of funds that adversely affects compliance with a requirement in law for Federal agencies to utilize consensus technical standards)

At the end of subtitle C of title XI, add the following:

#### **SEC. 1124. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.**

Subsection (d) of section 12 of the National Technology Transfer and Advancement Act of 1995 (109 Stat. 783; 15 U.S.C. 272 note) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) **EXPENSES OF GOVERNMENT PERSONNEL.**—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.”.

#### AMENDMENT NO. 1668

(Purpose: To authorize use of Armed Forces Retirement Home Trust Fund funds for a blended use, multicare facility at the Naval Home)

Strike section 303 and insert the following:

#### **SEC. 303. ARMED FORCES RETIREMENT HOME.**

(a) **AMOUNT FOR FISCAL YEAR 2002.**—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of \$71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

(b) **AMOUNTS PREVIOUSLY AUTHORIZED.**—Of amounts appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of the enactment of this Act, an amount of \$22,400,000 shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of

real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.

#### AMENDMENT NO. 1669

(Purpose: To require a study and report on the interconnectivity of National Guard Distributive Training Technology Project networks and related public and private networks)

At the end of subtitle C of title X, add the following:

#### **SEC. 1027. COMPTROLLER GENERAL STUDY AND REPORT ON INTERCONNECTIVITY OF NATIONAL GUARD DISTRIBUTIVE TRAINING TECHNOLOGY PROJECT NETWORKS AND RELATED PUBLIC AND PRIVATE NETWORKS.**

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study of the interconnectivity between the voice, data, and video networks of the National Guard Distributive Training Technology Project (DTTP) and other Department of Defense, Federal, State, and private voice, data, and video networks, including the networks of the distance learning project of the Army known as Classroom XXI, networks of public and private institutions of higher education, and networks of the Federal Emergency Management Agency and other Federal, State, and local emergency preparedness and response agencies.

(b) **PURPOSES.**—The purposes of the study under subsection (a) are as follows:

(1) To identify existing capabilities, and future requirements, for transmission of voice, data, and video for purposes of operational support of disaster response, homeland defense, command and control of premobilization forces, training of military personnel, training of first responders, and shared use of the networks of the Distributive Training Technology Project by government and members of the networks.

(2) To identify appropriate connections between the networks of the Distributive Training Technology Project and networks of the Federal Emergency Management Agency, State emergency management agencies, and other Federal and State agencies having disaster response functions.

(3) To identify requirements for connectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a) in the event of a significant disruption of providers of public services.

(4) To identify means of protecting the networks of the Distributive Training Technology Project from outside intrusion, including an assessment of the manner in which so protecting the networks facilitates the mission of the National Guard and homeland defense.

(5) To identify impediments to interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(6) To identify means of improving interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(c) **PARTICULAR MATTERS.**—In conducting the study, the Comptroller General shall consider, in particular, the following:

(1) Whether, and to what extent, national security concerns impede interconnectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a).

(2) Whether, and to what extent, limitations on the technological capabilities of the Department of Defense impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(3) Whether, and to what extent, other concerns or limitations impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(4) Whether, and to what extent, any national security, technological, or other concerns justify limitations on interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(5) Potential improvements in National Guard or other Department technologies in order to improve interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a). The report shall describe the results of the study, and include any recommendations that the Comptroller General considers appropriate in light of the study.

#### AMENDMENT NO. 1670

(Purpose: To provide eligibility for senior officers of the Armed Forces to serve as Deputy Directors of facilities of the Armed Forces Retirement Home)

On page 346, line 20, insert after “professional” the following: “or a member of the Armed Forces serving on active duty in a grade above major or lieutenant commander”.

#### AMENDMENT NO. 1667

Mr. LIEBERMAN. Mr. President, I rise to discuss an amendment to the Fiscal Year 2002 National Defense Authorization Act which will serve to assist our military in their continuing transformation into a more efficient fighting force, ready to meet the threats of the 21st century. It amends the National Technology Transfer Act of 1995 in order that the Federal Government can use appropriated funds for personnel to participate in meetings to set technical standards for products, manufacturing processes, and management practices of interest to the military. Specifically, it eliminates an obscure technical restriction established by an 89-year-old statute so that the Federal Government will be able to cover the expenses of those employees participating in standards activities critical to the Department.

The amendment is consistent with previous act of Congress, Department of Defense policy and Governmentwide policy to support efforts to replace Government-unique standards wherever possible with standards developed jointly with the private sector and other interested parties. There are major Federal savings and national security improvements that can result from this participation. I am proud to be joined by Senator SANTORUM in this effort. I thank my colleagues' for their support for this technical amendment.

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

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, the aftermath of the despicable terrorist

attacks continue to weigh heavily on our hearts, and I again express my deepest sympathy to those lost and injured in the attacks, as well as their families. We will do everything in our power to bring all of those responsible to justice and I am confident that our military, both active and reserve, stand ready to act in response to act. Congress will see that they are given all they need to accomplish the missions they are given.

This bill increases defense spending. It focuses on improving readiness, and also improving service member quality of life. It contains the largest defense spending increase in many years. At \$329 billion, a \$33 billion increase over last year, this bill represents a significant new investment in service members and the nation's security.

As chairman of the Seapower Subcommittee, I have strongly advocated strengthening Navy, Marine Corps and Strategic Lift forces. The worldwide presence of our armed forces requires at least a 300-ship navy. The Navy is facing a serious shortfall in the numbers of ships available to meet the Nation's future security needs. This bill fully funded the President's request for most major programs, including the *Virginia* Class attack submarine, the DDG-51 AEGIS Destroyer, research and development for the DD-21 land attack destroyer, and 13 additional C-17 airlift aircraft.

The bill also supports a series of transformation initiatives, especially the Trident submarine conversion. The Navy's budget called for converting only two of these submarines. The bill includes an increase of \$307 million to reserve the option of converting all four submarines. I believe that these converted submarines can make a significant contribution to the Navy in the future.

The committee also considered the V-22 Osprey program and the future role of this aircraft. We agree that the production line needs to remain open and we have authorized the minimum sustaining production of nine aircraft. It is the committee's belief that the minimum sustaining rate is nine rather than twelve aircraft. This reduced number of aircraft will also limit future retrofit costs that the existing V-22 aircraft will require. The committee also recommended the program for the Air Force V-22 version, the CV-22, be restructured by removing the funding for acquisition, but supporting research and development.

Our Armed Forces continue to operate and train at a more robust level than at any other time during this Nation's history. At this moment, service members are being mobilized for possible action in the current crisis. They are already risking their lives daily by actively enforcing the no-fly zones over Iraq and patrolling the Arabian Gulf for oil smugglers. Our men and women in uniform are overseas providing stability in Kosovo, and they are now involved in bringing peace to Macedonia.

They are also monitoring the demilitarized zone in Korea, and they are assisting in the battle against drugs in Central and South America. These activities are in addition to the daily exercises they conduct at home and with our allies overseas to maintain the readiness of our forces.

All of America's men and women in uniform put our Nation's interests above their own. When called upon, they risk their lives for our freedom. As a nation, we often take this sacrifice for granted, until we are reminded of it again by tragic events such as the vicious attack on the Pentagon.

They face constant risks in training for the many missions that they are called upon to carry out. This past year, seven Army personnel lost their lives when their helicopters crashed in a night training exercise in Hawaii. Two Marine AV-8B pilots died in a training flight in North Carolina. We lost 21 National Guardsmen when their transport plane went down in Florida. The cost of training in the name of peace and security is high, and we are very proud of the brave men and women who accept these risks to defend our Nation and our ideals.

In this bill, we continue the efforts to support service members and their families. The bill grants a minimum of a 5 percent pay raise, with personnel in certain pay grades receiving raises between 6 and 10 percent. This raise is the largest since 1982, and the third straight year that the committee has authorized a significant pay raise above the rate of inflation.

The committee also recognizes the importance of providing service members with decent housing and work conditions. The bill provides \$451 million above the budget request for military family housing and facilities.

The bill also expedites the timeline for the gradual reduction to zero of the out-of-pocket housing costs for service members living off base, from 2005 to 2003. We also provide additional funding to cover the costs of military health care for service members and their families. These are important quality of life improvements that our dedicated, well-trained men and women deserve, and they are important steps in retaining them in the armed forces.

The bill allows the transferability of GI bill benefits. Senator CLELAND's dedication to this issue has resulted in the authorization of \$30 million to allow the transfer of up to 18 months of unused G.I. Bill education benefits to a family member, in return for a commitment of four more years of service.

The bill also includes significant parts of the Tricare Modernization Act, which I introduced earlier this year, to ensure that disabled family members of active duty service men and women have access to the health care they deserve. Early last year, a young man in the Air Force drove 12 hours with his wife and disabled four-year old daughter to testify to Congress about the

need to make Medicaid more accessible, because the military health care system did not adequately meet his daughter's needs. In order to continue her eligibility for Medicaid, he could not accept a promotion to a higher rank.

No member of the Armed Forces should ever be put in the position of having to choose between health care for their disabled child and serving our country. These families should not have to rely on Medicaid to obtain health care that works.

The Tricare Modernization Act has been endorsed by The Military Coalition, a consortium of armed forces and veterans' organizations representing 5.5 million current and former members of the military and their families. We need to correct the injustices that these families have suffered by integrating services for disabled dependents into the basic military health benefit program, so that no medically necessary services are denied.

Last year, the Armed Services Committee heeded the needs of our military retirees, and addressed their number-one priority—the cost of prescription drugs. This benefit, which began in April, lets all men and women in uniform know that we care about their service.

The bill also provides an additional \$217 million for protection of our forces against terrorism, for counter-terrorism training, research and development to protect our forces against attacks by weapons of mass destruction, and to help the services in their efforts to support civilian agencies in the battle against terrorism.

The bill also recognizes the very real threat we face from biological weapons. It addresses these threats with significant investments in science and technology for chemical and biological defense and medical counter-measures. These additional investments will support needed research on chemical and biological detection technology and decontamination. It will also support lifesaving research on medical treatments, vaccines, anti-toxins, and advanced diagnostic technology.

In addition, the cyber threat to national security is very real, and our armed forces must be better prepared to deal with this threat and to protect their information systems. The bill adds \$5 million to the \$7.9 million requested to address this serious and growing threat.

The bill also takes an important stand to begin the process of cleaning up unexploded ordnance. At many active and closed military bases, UXO is a major challenge. The bill addresses these hazards by including a major provision requiring the Department of Defense to establish specific accounts to fund the cleanup of UXO at military bases across the country, which clearly poses a hazard to civilians, military personnel, the environment, and the safe use of live-fire ranges necessary for a high state of military readiness.

These new accounts are essential to demonstrate the Department's commitment to safety, the environment, and responsible use of its facilities.

Finally, on the issue of ballistic missile defense, the committee responsibly cut back the President's \$8.3 billion request for research, development and testing of a ballistic missile defense system by \$1.3 billion. The administration's request was clearly in excess of what the Ballistic Missile Defense Office could have reasonably allocated in the coming year, and the committee was right to give priority to other military programs. The committee also took a strong stand against testing that would violate the Anti-Ballistic Missile Treaty.

It makes no sense to rush forward prematurely with tests that will violate the treaty, or with deployment of a missile defense system, when there are serious doubts about whether it will work. Our European allies and Russia continue to be skeptical about abandoning the ABM Treaty and deploying a missile defense system. We should work with our allies and continue consultations with Russia, not act unilaterally or establish arbitrary deadlines.

It is disappointing that these important ballistic missile defense provisions were removed from the bill we are currently considering. These issues are, and will continue to be, very important.

I commend my colleagues on the Armed Services Committee for their leadership in dealing with the many challenges facing our nation on national and homeland defense. This bill keeps the faith with the 2.2 million men and women who make up our active duty, guard, and reserve forces. This legislation is vital to the Nation's security, and I urge the Senate to approve it.

Mr. ROBERTS. Mr. President, I rise in support of S. 1438, the National Defense Authorization Act for fiscal year 2002. As the ranking Republican on the Emerging Threats and Capabilities Subcommittee, I would like to thank subcommittee Chairman LANDRIEU and her staff for their cooperation in the preparation of this bill. While I may have some concerns with several issues contained within the legislation, I do support the bill and urge its adoption by the full Senate.

At this time I would like to take a moment to highlight a few important issues which are under the jurisdiction of the Emerging Threats and Capabilities Subcommittee.

In particular, the legislation continues to build upon the committee's past efforts to strengthen and streamline the Department of Defense's combating terrorism program. As we were tragically reminded by the events on September 11 and last year's bombing of the U.S.S. *Cole*, it is vital that we continue to focus on this growing threat.

As we all know, the threat of attacks on our national and defense informa-

tion systems seem to grow daily. Last year, Senator WARNER proposed an innovative scholarship program to encourage young people to pursue careers with the Federal Government in the information assurance area. I am gratified that our collective efforts this year have increased support for this innovative program, as well as other Departmental efforts to enhance the security of our critical information systems. However, I am concerned that the funding level included in the bill for the scholarship program may not be sufficient.

Since the creation of the Emerging Threats and Capabilities Subcommittee in 1999, I have worked hard to ensure that our nonproliferation and threat reduction programs in Russia are fulfilling their national security objectives. This year I have worked hard to incorporate the kind of oversight I believe is essential if these nonproliferation programs are going to produce the desired results.

This committee has a long history of supporting a strong and stable science and technology program and I was pleased to see the administration's budget request of \$8.8 billion in this important area. This \$1.2 billion increase over last year's request is the first step towards achieving the Secretary's goal of having science and technology programs make up 3 percent of the overall defense budget. It remains critical that we continue our support of a vibrant science and technology base.

I strongly urge the rapid adoption of this important legislation. Our Nation is faced with a daunting task ahead and now is the time to show our strong support for the men and women in the armed services who so proudly and bravely serve our Nation.

#### MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

#### THE DAY OF NINE-ONE-ONE

Mr. REID. Mr. President, Ira Somers was my neighbor and friend when I had my house in McLean, VA. I found Ira to be not only a mental giant but also a spiritual great as well. I ask unanimous consent to have printed in the RECORD a poem written by Ira Somers that loudly outlines Americans' thoughts on the events of September 11, 2001.

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

#### THE DAY OF NINE-ONE-ONE

This began as a quiet day  
Lives were normal in every way.  
The sun arose with fullest light

And moved the shadows of the night.  
But this was not to last for long,  
Two big giants tall and strong  
Which seemed to stand for what is good  
Were struck by evil where they stood.

'Twas on the day of nine-one-one  
That they were lost to everyone.  
There they were, and now they're not,  
And where they stood's a gruesome spot.  
How could these giants of our day  
Be brought to naught in such a way,  
To leave this mass of jumbled parts  
Which tear with grief at all our hearts?

We sensed the feelings of despair  
In those who walked most every where  
To find the ones that they had lost  
And bring them back at any cost.  
We were moved by the kindly deed  
Of those who toiled for other's needs,  
And the many hours they have spent  
Clearing rubble from this event.

A vicious crash at the Pentagon  
Tore at the souls of every one,  
And reports of heroes in the air  
Touched hearts of people everywhere.  
We all can learn from such great loss  
To look at need before the cost  
When giving help to anyone,  
And not say quit 'till peace has won.—Ira Somers.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 29, 1993 in Walla Walla, WA. A man believed to be gay was sexually assaulted with a stick, struck by the assailant's truck and abandoned in a remote area. Todd I. Klevgaard, 27, was charged with felony assault.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### AUTOMATIC MEMBER PAY INCREASE

Mr. FEINGOLD. Mr. President, there is a great sense of unity across the Nation as we begin to recover from the events of September 11. The President's speech last week gave both comfort and strength to the American people and to people around the globe.

I have been heartened by the bipartisan unity demonstrated by Congress as it acts to respond to the human and economic devastation, and we will need to maintain that unity as we ask for the sacrifices necessary to end this business.

Given all that has happened and all that will happen, it is all the more inappropriate for Congress to accept a \$4,900 backdoor pay raise.