

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Minnesota should be aware that the time is presently controlled by the Republican leader.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask the Senator from Minnesota how long he is intending to speak?

Mr. WELLSTONE. I say to my colleague from Texas, probably about 3 minutes. I want to talk about disaster assistance in Minnesota.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senator from Minnesota be allowed to speak for approximately 3 to 4 minutes, after which I ask unanimous consent to be recognized.

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

FLOODS IN MINNESOTA

Mr. WELLSTONE. Mr. President, as any number of my colleagues may have noted, if they have been watching CNN, northwest Minnesota in the last 3 weeks has been deluged by heavy rainfall causing disasters in 13 northwestern Minnesota counties. We have had massive flooding.

Earlier this week, the President rightly declared these counties disaster areas, which will bring much needed FEMA assistance to individuals and businesses. More help is needed, and the Minnesota Farm Service Agency has estimated that we have 2 million acres in northwest Minnesota that are affected by the flooding, and the losses are expected to be about 70 percent. Most of the producers have carried crop insurance, but the crop insurance cannot come close to compensating for these losses. What I am worried about is FEMA can help us with public infrastructure and SBA can help some of our small businesses, but we need disaster relief for our farmers. Without disaster relief, there is no future for them at all.

The President and the administration are saying that there will not be any more disaster relief money and that whatever assistance goes to these farmers has to come from the farm bill. In other words, money has to be taken from other farmers, taken from corn growers, wheat growers, soybean growers. The President and the administration are saying that our farmers cannot expect any relief until the year 2008, no matter what. That is not going to work for northwestern Minnesota.

The farm bill which we passed is not a disaster assistance bill. It is a bill to stabilize farm income. It is a bill about the rural economies, but it is not about disaster relief. Disaster relief is all about "there but the grace of God go I"—fire in Arizona, drought in South Dakota, flooding in northwest Minnesota.

When the Congress decides to help areas affected by hurricanes and fires, we do not tell people to pull their emergency assistance out of somebody else's highway fund.

Sometimes the Federal Government needs to be there for people, and this is one of those cases. I will be visiting northwest Minnesota again this week on Saturday afternoon. It is very important that the administration provide this much needed assistance. I do not think as a Senator, in the almost 12 years I have been in the Senate, I have ever voted against disaster relief for any part of the country, because, again, I think this goes to the essence of who we are as a community. Nobody asked for the flooding. Nobody asked for 2 million acres of farmland, 70 percent of it, to be destroyed. Nobody asks for hurricanes or tornados. Nobody asked for the drought. It is "there but for the grace of God go I." We come together as a community and we provide the help for people. That is what disaster relief is about.

I come to the floor to call on the administration to change their mind and to make a commitment to providing this assistance. We had it in the farm bill in the Senate. It was taken out in conference committee for 2001. Now we are talking about even more damage for 2002.

There is no more important issue for the State of Minnesota than to get the help for these farmers. Otherwise, they will not be there. It will be all over. I appeal to the White House: Please change your mind on this matter. We need the help in Minnesota. There will be other States that will need the assistance, as well.

I yield the floor.

ORDER OF BUSINESS

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

Mr. WARNER. Mr. President, the Senator from Texas has an important measure, which I have reviewed. Given the current status of the bill, it is questionable whether it can be brought up on the bill. The Senator is anxious to speak about it. I suggest the Senator send the amendment to the desk and leave it there, making it part of the RECORD as a colloquy.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the amendment be brought up, and I will speak on it, after which I will withdraw the amendment.

The PRESIDING OFFICER. The Senate is not currently on the bill. The Senate is in a period of morning business.

Mr. WARNER. At some point it may be reviewed in committee or by the Senate, but it is important to be part of the RECORD.

Mrs. HUTCHISON. When does morning business end?

Mr. REID. After the cloture vote.

The PRESIDING OFFICER. Morning business is scheduled to end at 10:30.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent it be in order for me to call up amendment No. 3928 to the Defense authorization bill.

Mr. REID. Reserving the right to object, I have no objection for calling the bill up as long as the amendment will be withdrawn subsequently.

Mrs. HUTCHISON. That is correct.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2514) to authorize appropriations for fiscal year 2003 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.

AMENDMENT NO. 3928

The PRESIDING OFFICER (Mr. MILLER). The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. BINGAMAN, Mr. LOTT, Mr. STEVENS, Mr. INOUE, Mr. BUNNING, Mrs. FEINSTEIN, Mr. CRAIG, Ms. COLLINS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. BOND, Mr. DOMENICI, Mr. BAYH, Mr. NELSON of Nebraska, Mr. BURNS, and Ms. SNOWE, proposes amendment No. 3928.

Mrs. HUTCHISON. I ask unanimous consent reading of the amendment be dispensed.

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

The amendment is as follows:

(Purpose: To specify additional selection criteria for the 2005 round of defense base closures and realignments under the Defense Base Closure and Realignment Act of 1990)

At the end of subtitle B of title XXVIII, add the following:

SEC. 2814. ADDITIONAL SELECTION CRITERIA FOR 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) ADDITIONAL SELECTION CRITERIA.—Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ADDITIONAL CONSIDERATIONS.—The selection criteria for military installations shall also address the following:

“(1) Force structure and mission requirements through 2020, as specified by the document entitled ‘Joint Vision 2020’ issued by the Joint Chiefs of Staff, including—

“(A) mobilization requirements; and

“(B) requirements for utilization of facilities by the Department of Defense and by other departments and agencies of the United States, including—

“(i) joint use by two or more Armed Forces; and

“(ii) use by one or more reserve components.

“(2) The availability and condition of facilities, land, and associated airspace, including—

“(A) proximity to mobilization points, including points of embarkation for air or rail transportation and ports; and

“(B) current, planned, and programmed military construction.

“(3) Considerations regarding ranges and airspace, including—

“(A) uniqueness; and

“(B) existing or potential physical, electromagnetic, or other encroachment.

“(4) Force protection.

“(5) Costs and effects of relocating critical infrastructure, including—

“(A) military construction costs at receiving military installations and facilities;

“(B) environmental costs, including costs of compliance with Federal and State environmental laws;

“(C) termination costs and other liabilities associated with existing contracts or agreements involving outsourcing or privatization of services, housing, or facilities used by the Department;

“(D) effects on co-located entities of the Department;

“(E) effects on co-located Federal agencies;

“(F) costs of transfers and relocations of civilian personnel, and other workforce considerations.

“(6) Homeland security requirements.

“(7) State or local support for a continued presence by the Department, including—

“(A) current or potential public or private partnerships in support of Department activities; and

“(B) the capacity of States and localities to respond positively to economic effects and other effects.

“(8) Applicable lessons from previous rounds of defense base closure and realignment, including disparities between anticipated savings and actual savings.

“(9) Anticipated savings and other benefits, including—

“(A) enhancement of capabilities through improved use of remaining infrastructure; and

“(B) the capacity to relocate units and other assets.

“(10) Any other considerations that the Secretary of Defense determines appropriate.”

(b) **WEIGHTING OF CRITERIA FOR TRANSPARENCY PURPOSES.**—Subsection (a) of such section 2913 is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) **WEIGHTING OF CRITERIA.**—At the same time the Secretary publishes the proposed criteria under paragraph (1), the Secretary shall publish in the Federal Register the formula proposed to be used by the Secretary in assigning weight to the various proposed criteria in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005.”

Mrs. HUTCHISON. Mr. President, I rise today to speak in support of an amendment that 16 of my colleagues on both sides of the aisle have cosponsored. The amendment is very straightforward. It is to improve the minimum

criteria for the 2005 BRAC Commission, that the military and the department must follow when evaluating the Nation's military infrastructure. The amendment would also make the process more transparent.

I want to be clear that by offering this amendment, I do not intend to revisit the debate we had last year. While this Chamber remains sharply divided over the merits of another round of base closures, we can certainly agree a round of closures riddled with mistakes could be more costly than no closures at all.

In fiscal year 2002, the National Defense Authorization Act unleashed a powerful bureaucratic process when it authorized another round of closures in 2005. The Pentagon has often said that there are 20 to 25 percent excess military structures and that nine members of the commission may well recommend the closure of as many as 100 military installations in this Nation.

Those are not decisions to be taken lightly. We have seen from the Vieques fiasco that once a national asset like a training range is closed, it cannot be replaced.

We have also seen past commissions commit costly blunders. In 1995, the commission recommended the closure of Reese Air Force Base in Lubbock, TX. The Air Force said it had surplus undergraduate training capacity. Only a few years later, the Air Force reported it was nearly 2,000 pilots short of its authorized end strength. At great expense to the taxpayer, the Air Force responded by standing up Moody Air Force Base.

In 1995, Fort Buchanan, Puerto Rico was realigned, and all of its housing was conveyed to the community. Two years later, U.S. Army South was relocated there from Panama. The Secretary was forced to come back to Congress to seek permission to rescind the housing conveyance.

In 1995, Fort Greeley, AK, was realigned, its tenants relocated, and the housing area was relinquished. Five years later, the decision was made to utilize Greeley as the critical test bed for our emerging national missile defense system.

As we can see, even in peacetime, correctly forecasting requirements, even just a few years into the future, is nearly impossible.

The authorization bill already directs the commissioners to consider a handful of very broad criteria when evaluating our military infrastructure. But in an era where the meaning of commonly understood words is a matter of debate, specificity is everything.

The amendment goes one step further. The Commissioners are authorized to consider additional criteria, many not included in last year's authorization bill. One of these is force protection. The threat posed by terrorists to our forces has been demonstrated too vividly to leave this out. Look at Khobar Towers, look at the USS *Cole*. We must have force protec-

tion wherever our troops are in the field, and it should be an additional criterion for any enduring installation.

Lessons learned from previous rounds of closures include the disparities between anticipated and actual savings is another suggested criterion—who could oppose this commonsense suggestion?

Of course, there are bases overseas as well as those in America that are affected by the base-closing commission, so the criteria in this amendment are in no way exhaustive or restrictive. The Commission may consider any other criteria it considers appropriate. But it is an attempt to enumerate a minimum number of criteria that would have to be addressed by the Commission when they are making their very important decisions potentially closing as many as 100 military installations.

In addition to sharpening focus, this amendment would also increase transparency. It requires the formula to be used in assigning weight to the various criteria to be published in the Federal Register. By permitting greater insight into the workings of the Commission, we can reduce some of the anxiety communities will experience as we near 2005. Greater transparency will also help us limit the number of potential and very costly mistakes.

We will place a tremendous amount of trust in the nine members of the Commission. Their decisions will impact hundreds of communities across our Nation. It is entirely reasonable to demand a degree of transparency into the process.

In a recent letter, the general counsel of the Department of Defense wrote to express the Department's opposition to this amendment. The counsel justifies the Department's opposition by arguing that the proposed criteria “are redundant to existing provisions,” and “the proposed requirement to weight the selection criteria is unnecessary.”

As an example of this alleged redundancy, the counsel points out that our amendment requires that the selection process address “force structure and mission requirements through 2020,” and that the current law also requires the Secretary of Defense to develop a force structure plan based on, among other factors, an assessment of the probable threats to national security through 2025.

This is true. However, the general counsel fails to mention that the current law requires the Secretary of Defense to submit the plan in support of the Department's fiscal year 2005 budget. That budget will not be submitted to Congress until February or March of 2004, months after the December 31, 2003 deadline for publishing the proposed criteria for base closing in the Federal Register. Without our amendment, the criteria will be established before the Secretary has reported his assessment of our long-term threat, the necessary force structure, and hence the most appropriate infrastructure needs of the military.

Members of this administration have said on previous occasions that doing a BRAC before our future force structure has been determined is like getting the cart before the horse.

The general counsel also contended in the letter that the amendment's requirements that the criteria be weighted is unnecessary because the current law:

... requires the Secretary of Defense to ensure that military value is the primary consideration. . . .

True. Our legislation would not change this. The real question is, Exactly how will the Department measure military value? Clearly, there are many factors that comprise this measurement. The current law contains at least five components of military value. Is it unreasonable to ask which of these is the more important? They can't all be of equal value. At some point the Commission will rank them, giving each criterion a different relative weight. All we are seeking is insight into the process. Without knowledge of how the Commission weights the criteria, we will once again be left, as we have seen in past BRACs, with a secretive process in which the nine members of the Commission go into a room with a list of bases and then reappear with a final list of closings. There is no public insight into the Commission's rationale at this point.

Our legislation would require that the relative weighting be published, and thus provide the public with a greater understanding of the process.

I think the general counsel's response shows a level of misunderstanding of the concern that people have about base closings. This has been a secretive process in the past, one in which there has been no necessity to reveal the rationale and the Commission has not.

I do not doubt the Department will eventually start looking at these criteria more carefully. I certainly hope, before we go into this 2005 round, which will probably be the last round of base closings, that the Department will report on what our 20-year strategy is going to be, what our necessary force strength will be, and what our training infrastructure requirements will be.

Today we don't know that. We could not know that today for 2020. The Department has not put that forward. Clearly the Department has been focusing on the war on terrorism, as they should. But to go into the next round of base closings, we must determine what our threats are going to be for 20 years and assess just how much it is going to cost to close a base or how much it would cost if we need to reopen it.

It is clear that did not happen in all cases during the 1995 round. Costs continue to be much more than were estimated by the Commission.

The environmental cleanup is still costing us hundreds of millions of dollars in the Military Construction Subcommittee, where I am the ranking

member, and we are paying costs that were never envisioned by the 1995 base-closing commission.

I am going to withdraw my amendment because I do think the Department of Defense has other concerns that are clearly taking priority at this time, and I understand that. But I am going to keep this amendment alive for the future because I believe the Department needs to come forth with weighted criteria, with a clear 20-year strategy before they set the criteria for base closings.

We need to know what the war on terrorism is going to entail over the next 20 years. How are we going to protect our troops wherever they may be? How are we going to make sure we have the training capability that we thought we had at Vieques, but then all of a sudden people protested and we withdrew? So now we do not have a good live-firing training range for the Navy to substitute.

How could we possibly go forward in 2005 without this information?

I urge the Department of Defense to work with me to come up with clear, weighted criteria prior to the 2005 round of base closings.

I withdraw the amendment and yield the floor.

The PRESIDING OFFICER. The amendment is withdrawn.

The time is controlled by the majority leader or his designee.

Mr. WARNER. Mr. President, I just wished 2 minutes for comment.

Mr. REID. I have a problem. We have a lot of time after the cloture vote. Senator STABENOW has about 30 minutes of material to jam into 20 minutes, so I think we should start with that.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

PREScription DRUG PRICES

Ms. STABENOW. Mr. President, I rise this morning to speak about an incredibly important subject that affects every senior, every family, every worker, every business owner in our country. This is something we have been talking about for a long time but we are now poised to act. I want to commend our Senate majority leader, Senator DASCHLE, for understanding the critical nature of prescription drug prices for our seniors, for our families, for our businesses in the country, and for scheduling this debate in July, an important time in the midst of so many issues that we know are pressing. He understands—and I appreciate that our leadership understands—the critical nature of our seniors having to struggle to get their prescription drugs every day and the gigantic rising costs for our business community. The fact is that workers have to negotiate pay freezes in order to have the health care they need.

This is an issue that affects everybody. We have the opportunity to act in the Senate. There are those who will

be acting in the House of Representatives on a plan that, with all due respect, I believe and many colleague believe, just isn't good enough. We have the opportunity to do the right thing to make a real difference to provide for a Medicare prescription drug plan that will pay for the majority of the bill for the average senior, and also lower prices for everyone.

I want to share with colleagues today results from a study that was done by Families U.S.A. and released on Monday that tracks the rising prices of prescription drugs. It continues to be astounding. They have indicated that over the 5-year period—from January 1997 to January of this year—the prices of the prescription drugs most frequently used by older Americans rose, on average, 27.6 percent—way above the rate of inflation.

No wonder our seniors are having to choose between food and paying the electric bill and getting their medicine. No wonder our small business community is seeing premiums rise by 30 or 40 percent. The Big Three automakers in my State are struggling with the huge price increases for health insurance.

We are seeing an explosion of prices for prescription drugs which is absolutely not sustainable, and it is absolutely not justified.

Let me read from two of the many examples that were given by Families U.S.A. Premarin, an estrogen replacement drug, rose 17.5 percent—nearly seven times the rate of inflation. Lipitor, which we hear so much about, a cholesterol-lowering drug, rose 13.5 percent—more than five times the rate of inflation.

That is astounding when we look at the fact that the taxpayers of America underwrite basic research; we provide tax incentives, tax credits, and tax deductions so the drug companies can write off the cost of research. We give them patents so they do not have competition for up to 20 years in order to recover their costs. Then we see the highest prices in the world being paid by our seniors—being paid by everyone in the United States. This explosion in prices makes no sense.

I am so pleased, as we come to this debate in the Senate, that out of the debate we will include not only a Medicare prescription drug benefit, which is authored by the Presiding Officer, as well as Senator GRAHAM of Florida, Senator KENNEDY, and many of us who join together to provide real coverage and real help for seniors, but we also intend to tackle the pricing issue.

One of the things I found astounding in this study is the fact that up to 10 top generic drugs—in other words, unadvertised brands that are equivalent to the advertised brands, but they just don't cost as much—of the 10 generic drugs, 9 did not increase in price at all last year. Nine out of ten of the generic drugs looked at did not increase at all. On the other hand, by contrast, only 3 of the 40 brand-named drugs did not increase last year.