

Mr. McCAIN. Mr. President, may I ask what the parliamentary situation is at this time?

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5011, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5011) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona controls 5 minutes of debate on this pending measure.

Mr. McCAIN. Mr. President, I ask to be recognized for my 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. McCAIN. Mr. President, I regret that the managers are not in the Chamber, but I will proceed with my statement.

Regretfully, I rise yet again to address the Senate on the subject of military construction projects added to an appropriations bill that were not requested by the Department of Defense and are strongly opposed by the Office of Management and Budget.

This bill contains over \$1 billion in unrequested military construction projects and includes hundreds of millions of dollars for Army and Air Force infrastructure projects relating to Interim Brigade Combat Teams, IBCTs, and C-17 Globemaster aircraft bed-down military construction projects that the Senate Armed Services Committee has neither approved nor authorized for this purpose.

There are 29 members of the Appropriations Committee. Only one committee member has not added projects to this appropriations bill. Those numbers, needless to say, go well beyond the realm of mere coincidence. Of 116 projects added to this bill, 91 projects, representing 80 percent of all projects, are in the States represented by the Senators on the Appropriation Committees, totaling over \$728.1 million.

Every year, I come to the Senate floor to highlight programs and projects added to spending bills for primarily parochial reasons. While I recognize that many of the projects added to this bill may be worthwhile, the process by which they were selected is not.

By adding over \$1 billion above the President's request, the Appropriations Committee is further draining away funds desperately needed for transformation. But such short-sightedness

is pretty much the norm for Congress. Common-sense reforms—closing military bases, consolidating and privatizing depot maintenance, ending “Buy American” restrictions, and ending pork-barrel spending—that I have long supported would free up nearly \$20 billion per year which could be used to begin our long-needed military transformation.

But all too often Congress fights these reforms because of home-State politics. As a result, the Defense Department looks elsewhere to find the resources. For example, according to a Baltimore Sun article, “Pentagon To Consider Large-Scale Troop Cuts,” the Department is considering cutting nearly 100,000 troops “to free up money” for transformation. I would oppose this and we will debate this another day, but I certainly understand the pressure that Secretary Rumsfeld and the Joint Chiefs are under because of Congress’ continuing parochialism as evidenced once again by the military construction bill before us.

Included in the Senate Appropriations Committee’s report are the words: “The Committee strongly supports the authorization-appropriation process.” That is news to many of my colleagues. If that statement is true why would over \$550 million in military construction projects be added without prior Senate Armed Services Committee authorization. It could be that many of these projects would be acceptable after going through the normal, merit-based prioritization process. But the Appropriations Committee decided to do otherwise.

Two rather large additions—totaling \$200 million—for large military construction projects for Interim Brigade Combat Teams, IBCTs, facilities and the C-17 Air Mobility Modernization Program are examples of the committee’s disregard for the authorization process. The committee report justifies these add-ons on the grounds that “the war on terror has placed new demands on all elements of the military” and “military construction timetables developed prior to September 11 are no longer sufficient.” War profiteering is what it is all about. Because of this, the report continues, “the committee believes that it is imperative to accelerate the Army and Air Force transformation programs.” There is no mention of Navy and Marine Corps transformation programs. The committee report leads one to ask how the Navy and Marine Corps got it right and the Army and Air Force missed the boat.

The committee’s justification for adding \$200 million for the IBCTs facilities and new hangars for C-17s, C-5s and C-130s under the Air Force Air Mobility Modernization program is at odds with the facts. The President’s budget was sent to the House and the Senate in February—a full 5 months after September 11. Since September 11, the President and his Secretary of Defense have officially forwarded to Congress the Fiscal Year 2002 Supple-

mental Appropriations bill—which we have not passed—and recently a formal description of how the Defense Department will spend the \$10 billion war reserve fund set-aside in the Defense Emergency Response Fund that the President requested for the war on terrorism. Let me ask: did anyone on the Appropriations Committee inform the President that his budget proposal was not “sufficient”? I know the answer is no.

Let me share some critical facts that were left out of the committee report related to the \$200 million in additional funding added for these key programs. It is common knowledge that nearly all the IBCTs will initially be stationed in Alaska and Hawaii and will require a significant increase of infrastructure. General Shinseki has supported testing the IBCT concept in Alaska and Hawaii and then expanding the concept elsewhere. However, in putting together the Army budget, the Chief of Staff of the Army, the Secretary of the Army, and the Secretary of Defense weighed all the other Army priorities and decided that their were more critical funding issues than to accelerate an already robust IBCT program and adding \$100 million more for facilities construction.

Likewise, other facts left out of the Appropriations report related to the \$100 million in accelerated funding for the Air Force Air Mobility program should be known:

The Air Force did not request this funding;

The requirement for accelerating funding is not on the Air Force Chief of Staff’s “Unfunded Requirements List”;

Nor does it appear in the Secretary of Defense’s Wartime Fiscal Year 2002 Emergency Supplemental Appropriations request;

Nor does the requirement to accelerate funding for C-17 hangars show up on the war reserve fund set-aside in the Defense Emergency Response Fund (DERF) that the President recently submitted to Congress as an Fiscal Year 2003 budget amendment for the Department of Defense for expenses relating to the war against terrorism; and

Moreover, over 80 percent of the total \$1.6 billion military construction projects under the Air Force C-17 Air Mobility Modernization program will be built in just 4 states: surprise, surprise California, West Virginia, Alaska, and Hawaii—how surprising.

Funding \$200 million for IBCTs and C-17, C-5 and C-130 hangars—as part of a larger 4-5 billion dollar program—was simply not authorized by the Armed Services Committee in its recently passed bill. I attended more than 10 hearings on Armed Services this year, and I cannot remember a single instance in which an argument was made in support of accelerating this funding.

Separately, I am at a loss as to the rationale for including in this bill certain site-specific earmarks and directive language. For example, in time-

honored fashion, the Appropriations Committee continues to earmark projects under the heading "Unspecified Minor Construction." According to Title 10, Section 2805 of the United States Code, these "military construction projects are intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening." However, I believe that certain earmarks in this Appropriations bill are in violation of this statute, including provisions that would provide:

Up to \$1.5 million in funding for a storage facility for military police emergency vehicles in Fort Wainwright, AK;

Up to \$1.5 million in funding for a similar storage facility in Fort Richardson, AK;

\$1.5 million in funding for a Kinetic Energy Missile Complex at the White Sands Missile Range in New Mexico;

\$1.5 million in funding for a force protection facility at the Naval Air Station in Corpus Christi, TX;

\$1 million in funding for a training facility at the Corpus Christi Army Depot in Texas;

\$1.5 million in funding for a UAV facility at the Fallon Naval Air Station in Nevada;

\$1 million in funding to replace and bury electrical infrastructure at Lackland Air Force Base in Texas;

\$1.5 million in funding for a barracks for the Army National Guard in Chillicothe, OH;

\$1.5 million in funding for Federal Scout Readiness Centers/Armories for the Army National Guard in Alakanuk, Quinhagak, and Kwigillingok, AK;

\$1.5 million in funding for a maintenance facility for the Army National Guard at Fort Harrison in Montana;

Up to \$2.5 million in funding for various facilities for the Army National Guard Weapons of Mass Destruction/Civil Support Teams;

Up to \$1 million in funding for a warehouse for the Air Force Reserve at the Lackland Air Force Base in Texas;

\$1 million in funding for a Multiple Threat Emitter System, MUTES, Facility for the Army National Guard at the Smoky Hill Range in Kansas;

\$1.5 million in funding for a Bachelor Officer/Enlisted Quarters for the Army National Guard at Fort Meade in South Dakota; and

\$1.5 million in funding for an ammunition supply plant for the Army National Guard at Camp Grafton in North Dakota.

I could go on and on. Without a doubt, each of these provisions unabashedly expands the definition of unspecified minor construction. Sadly, yet significantly, the American taxpayer is once again at the losing end of such reckless congressional action.

I also find objectionable language in this bill requiring that only American firms, or American firms in joint venture with host nation firms, be eligible for architecture and engineering contracts for all overseas projects exceed-

ing \$500,000. Similarly restrictive language bans the awarding of any contract over \$1 million to any foreign contractor in U.S. territories and possessions in the Pacific, on Kwajalein Atoll, and in countries bordering the Arabian Sea. American firms are among the best in the world; advocating a level playing field for them to compete overseas is appropriate. However, it is both inappropriate and harmful to the best interests of our Armed Forces to mandate that construction projects overseas not be subject to the kind of competitive process that best serves the taxpayer and the service member by providing the best product at the lowest cost.

We are waging war against a new enemy and at the same time undertaking a long-term process to transform our military from its Cold War structure to a force ready for the challenges of tomorrow. A lack of political will had previously hamstrung the transformation process, but the President and his team have pledged to transform our military structure and operations to meet future threats.

The reorganization of our armed services was, of course, an extremely important subject before September 11, and it is all the more so now. The threats to the security of the United States, to the very lives and property of Americans, have changed in the last decade.

In the months ahead, no task before the administration and the Congress will be more important to require greater care and deliberation than making the changes necessary to strengthen our national defense in this new, uncertain era. Needless to say, this transformation process will require enlightened, thoughtful leadership, and not the pork-barreling of military funds if we are to best serve America in this time of rapid change in the global security environment.

I thank the President for this opportunity to address the Senate. I ask unanimous consent that the list of unrequested military construction projects that were added by the Appropriations Committee be printed in the RECORD.

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

In an effort to contain the wasteful spending inherent in member requested construction projects, I sponsored, and the Senate adopted, merit based criteria for evaluating member adds as a part of the fiscal year 1995 Defense Authorization Act. The criteria are: (1) The project is in the service's future years defense plan; (2) the project is mission essential; (3) the project can be put under contract in the current fiscal year; (4) the project does not conflict with base re-alignment proposals; and (5) the service can offset the proposed expenditure within that year's budget request.

#### FY2003 MILITARY CONSTRUCTION ADD-ONS

Alabama:	
Army: Fort Rucker Physical Fitness Center .....	\$3.5
UH-60 Parking Apron .....	3.1

Alaska:	
Army: Fort Richardson: Community Center .....	15.0
Air Force: Eielson AFB Blair Lakes Range Maintenance Complex .....	19.5
Arkansas:	
Defense-Wide: Pine Bluff Arsenal Non-Stockpile Ammunition Demolition Shop .....	18.0
Air National Guard, Little Rock AFB: Operations And Training Facility .....	5.1
California, Navy:	
Camp Pendleton Marine Corps Base: Child Development Center .....	8.2
Port Hueneme: Seabee Training Facility .....	10.2
Colorado:	
Defense-Wide, Pueblo Depot: Ammunition Demilitarization Facility (Phase IV) .....	36.1
Air National Guard: Buckley AFB Control Tower .....	5.9
Florida, Navy: Panama City Naval Surface Warfare Center: Special Operations Facility .....	
Georgia, Air Force, Robins AFB: Corrosion Paint/De-paint Facility .....	24.0
Hawaii:	
Army: Pohakuloa Training Area Access Road (Saddle Road) Phase I .....	13.0
Navy:	
Ford Island Site Improvements (Utility System) .....	19.4
Marine Corps Base/OAHU Religious Ministry Facility (Chapel) .....	9.5
Idaho:	
Army National Guard, Gowen Field/Boise: Readiness Center .....	1.5
Air National Guard: Gowen Field/Boise Air Support Squadron .....	6.7
Iowa, Air National Guard, Des Moines: Airfield Facilities Upgrade .....	9.2
Kansas, Army: Fort Riley Combined Arms Collective Training Facility, PH 1 .....	13.8
Kentucky:	
Army, Fort Knox: Child Development Center .....	6.8
Defense-Wide, Bluegrass Army Depot:	
Ammunition Demilitarization Facility (Phase II) .....	9.8
Ammunition Demilitarization Support (Phase III) .....	7.9
Louisiana:	
Air Force: Barksdale AFB Parking Apron .....	12.0
Air National Guard: New Orleans Joint Reserve Base Belle Chasse Vehicle Maintenance Support Equipment Shop .....	5.5
Maine, Navy: Brunswick Naval Air Station Control Tower Upgrade .....	9.8
Maryland:	
Navy: Carderock (NSWC): National Maritime Technical Information Center .....	12.9
Defense-Wide, Aberdeen Proving Ground: Ammunition Demilitarization Facility (Phase V) .....	29.1
Massachusetts, Air Force: Fourth Cliff Recreation Area: Erosion Control/Retaining Wall .....	9.5
Michigan:	
Army National Guard: Joint/Multi-Unit Readiness Center, Phase 1 ...	17.0
Air National Guard, Selfridge ANGB: Joint Dining Facility .....	8.5
Mississippi:	
Navy:	
Meridian Naval Air Station: Control Tower and Beacon Tower ...	2.9
Pascagoula Naval Air Station Bachelor Enlisted Quarters .....	10.5
Defense-Wide, Special Operations Command: Stennis Space Center, Land/Water Ranges .....	5.0

Missouri:		Special Operations Command ...	0.1	Army National Guard:	
Army National Guard, Fort Leonard Wood: Aviation Support Facility .....		Undistributed .....	8.6	St. Peters Readiness Center Design .....	0.3
Air National Guard, St. Louis/Lambert Field: Base Relocation/Facilities upgrade .....	14.8	Base Realignment and Closure Account .....	100.0	Springfield Aviation Classification Repair Depot Design .....	1.2
		MINOR CONSTRUCTION		Nevada:	
Montana, Air National Guard: Gore Hill/Great Falls: Load Crew Training Facility .....	4.0	Alaska:		Army National Guard: Henderson Readiness Center Design .....	0.9
Nebraska, Air Force: Offutt AFB: Fire Crash/Rescue Station .....	3.5	Army:		Air National Guard: Reno Security Complex Design .....	0.9
Nevada, Air Force: Nellis AFB Land Acquisition .....	11.0	Fort Wainwright: Military Police Emergency Storage Facility ....	1.5	New York, Army National Guard: Fort Drum Equipment Maintenance Site Design .....	1.5
New Hampshire, Air National Guard: Pease Air Base Fire Station .....	19.5	Fort Richardson: Military Police Emergency Vehicle Storage Facility .....	1.5	Pennsylvania, Army: Letterkenny Depot: Storage Igloo Upgrade .....	0.4
New Jersey, Navy: Lakehurst Naval Air Warfare Center Structural and Aircraft Fire Rescue Station .....	4.5	Army National Guard: Federal Scout Readiness Centers .....	1.0	South Dakota, Army National Guard: Rapid City Readiness Center STARC Design .....	1.2
New Mexico, Air Force:	5.2	Kansas, Air National Guard: Smoky Hill Range Threat Emitter System .....	1.5	Pierre Organizational Maintenance Shop Consolidation Design .....	0.3
Holloman AFB: Survival Equipment Shop .....	4.7	Montana, Army National Guard: Fort Harrison Engineer Maintenance Facility Construction .....	1.5	Texas:	
Kirtland AFB: Visiting Airmen Quarters .....	8.4	Nevada, Navy: Fallon Naval Air Station: UAV Facility .....	1.5	Army, Camp Bullis: Vehicle Maintenance Facility .....	0.9
New York, Air Force Reserve: Niagara Falls Air Reserve Station Visiting Airmen Quarters, Phase I .....	9.0	New Mexico, Army: White Sands Missile Range: Kinetic Energy Missile Complex .....	1.5	Navy, NAS Kingsville: Replace Fuel Farm .....	1.0
North Carolina, Air Force: Seymour Johnson: Fire/Crash Rescue Station .....	10.6	North Dakota, Army National Guard: Camp Grafton Ammunition Supply Point Construction .....	1.5	Air Force, Brooks AFB: Tri-Service Research Facility .....	1.0
North Dakota, Air Force: Minot AFB Cruise Missile Storage Facility .....	18.0	Ohio, Army National Guard: Chillicothe Barracks Construction .....	1.5	West Virginia, Air National Guard: Martinsburg Air National Guard Base, C-5 Support Facilities Design .....	3.0
Ohio, Air Force, Wright-Patterson AFB:	13.0	South Dakota, Army National Guard: Fort Meade Bachelor Quarters .....	1.5	Wisconsin, Army Reserve: Eau Claire Armed Forces Reserve Center Design .....	0.9
After Graduate Education Facility Consolidate Materials Computational Research Facility .....	15.2	Texas:	0.9	Total MILCON Members Add-Ons= \$1.1 Billion	
Oklahoma:		Army: Corpus Christi Army Depot: Training Facility .....	1.5	Mr. MCCAIN. Mr. President, I regret that at a time when our defense dollars need to be spent efficiently, we now continue the pork-barreling of the military construction appropriations bill.	
Army: Fort Sill Logistics Maintenance Facility, Phase I .....	10.0	Navy: Corpus Christi: Force Protection Facility .....	0.2	I yield the floor.	
Air Force:		Air Force:	0.9	Mr. WELLSTONE. Mr. President, the 2003 Military Construction Appropriations bill provides over \$10 billion in funding for planning, design, construction, and improvements for military bases around the world. A long neglected priority, the bill would provide \$4.2 billion for family housing, much of which is substandard right now. Many armed forces personnel have suffered a declining quality of life in recent years despite rising Pentagon budgets. The pressing needs of dedicated men and women in uniform and their families must be addressed, especially as they continue to be mobilized for duty in response to the attacks of September 11.	
Altus AFB: Consolidate Base Engineer Complex, Phase I .....	7.7	Laughlin AFB: Railroad Crossing Gates .....	0.2	I want to highlight two provisions in this bill that are of particular importance to my home State of Minnesota. For a very long time, I have said that there would be an increased reliance by the Defense Department on the National Guard as budget pressures and force structure realignments continued. Since the attacks on America on September 11, the men and women of the National Guard have flown air missions to secure our skies, and they have protected airports and other vulnerable public facilities. I am pleased that we were able to include in this bill \$15 million for the Duluth Air National Guard Base for an airport maintenance facility at the 148th Fighter Wing, which will provide maintenance and repair of 15 F-16 fighter aircraft. Further, the bill contains \$1.45 million for the Harden Naval Reserve Center in Duluth. I am pleased that these projects	
Vance AFB: Road Repair (Elam Road) .....	4.8	Lackland AFB: Replace and Bury Electrical Infrastructure .....	0.9		
Pennsylvania, Air National Guard, Pittsburgh: Squadron Operations and Support Facility .....	7.7	Air Force Reserve: Lackland AFB Warehouse Renovations .....	0.8		
Rhode Island, Navy: Newport Naval Station: Consolidated Police/Fire/Security Facility .....	9.0	Army National Guard Wide: Weapons of Mass Destruction Civil Support Teams Facilities .....	2.5		
South Carolina:		PLANNING AND DESIGN			
Air Force, Shaw AFB: Fighter Squadron Maintenance Facilities .....	6.8	Alabama, Army National Guard: Haleyville Joint Readiness Center Design .....	1.1		
Air National Guard, McEntire Air National Guard Base: Replace Operations and Training Facility ....	10.2	Alaska:			
South Dakota:		Army, Donnelly Training Area: Training & UAV Maintenance Support Facility .....	1.5		
Air Force: Ellsworth AFB Operations Facility .....	13.2	Air Force, Elmendorf AFB: Wide-Body Aircraft Hangar .....	2.7		
Army National Guard, Camp Rapid: Barracks/Dining/Administration and Parking, Phase I .....	10.6	Army National Guard: Bethel Readiness Center Design .....	0.5		
Texas:		Air National Guard: Kulis ANG Base Pararescue Training Complex Design .....	0.7		
Navy: Ingleside Mine Warfare Training Center .....	5.5	California:	0.4		
Air Force: Goodfellow AFB: Wing Support Complex .....	10.6	Navy: North Island Naval Air Station .....	0.9		
Utah, Air Force: Hill AFB: Consolidated Software Support Facility ....	16.5	Air Force, Travis AFB: Replace C-5 Squadron Operations Facility/Aircraft Maintenance Facility ....	1.4		
Vermont, Army National Guard: South Burlington Readiness Center, Phase I .....	11.2	Connecticut, Army National Guard: New Haven Readiness Center Design .....	0.7		
Virginia, Navy: Norfolk Naval Shipyard: Ship Component Service Facility .....	16.8	Delaware, Air Force, Dover AFB: Control Tower .....	2.0		
Washington, Army National Guard: Spokane Readiness Center (Phase I) .....	11.6	Hawaii, Army National Guard: Barbers Point Naval Air Station Relocation Design .....	1.7		
West Virginia, Air National Guard: Martinsburg Airbase Site Improvement and Utilities .....	12.2	Massachusetts:	2.6		
Wyoming, Air Force: Warren AFB Stormwater Drainage System .....	10.0	Air Force, Otis ANG: Fire/Crash Rescue Station/Control Tower ....	0.3		
Worldwide Unspecified:		Army Reserve: Hanscom AFB Armed Forces Reserve Center Design .....	0.7		
Army: IBCT Transformation, various facilities .....	100.0	Mississippi, Army National Guard: Clarksdale Readiness Center Design .....	0.5		
Air Force: C-17 Transformation, various facilities .....	100.0	Missouri:			
Defense-Wide:		Army, Forest Leonard Wood: WMD First Responder Training Facility .....			
Planning and Design:					
Tricare Management Activity ..	3.0				

are receiving the funds they deserve, and I appreciate the opportunity to work in this area with my colleague from Minnesota, Senator DAYTON, who, as a member of the Armed Services Committee, is especially attentive to such needs. The bill goes far in addressing many vital national needs, and I am voting for it today.

The PRESIDING OFFICER. Who seeks time?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise as the ranking Republican on the committee that has the bill before us for military construction, and I am pleased to have worked with Senator FEINSTEIN, chairman of the subcommittee, to bring out a bill that does address the priorities of the Defense Department.

I noticed that the Senator from Arizona targeted the Appropriations Committee, saying that a large percentage of the Appropriations Committee were taken care of, as if this were some pork-barrel spending.

The fact is, the Senate Armed Services Committee has authorized every project in this bill. We don't have projects in the appropriations bill that have not been authorized by a completely different committee that focuses totally on defense and has determined that these projects should be authorized.

I am very pleased to support this bill. It provides new mission facilities for the Department of Defense consistent with the Department's request. The priorities are articulated by the military departments. It also enhances quality of life for servicemembers and their families—a commitment we made to these people who are representing our country and fighting for our freedom on the plains of Afghanistan and in Kuwait today, based there for us. We are going to take care of them. Finally, it makes a significant downpayment on renewing the Department of Defense aging infrastructure.

Every project in the military construction appropriations bill is authorized in the Defense authorization bill, a completely separate bill. Two committees have looked at these priorities. Every project in the bill is on the Pentagon's future year defense plan, and every project the committee added was the base commander's highest priority.

The committee added funds to the military construction bill because we were concerned with the sharp drop in funding, particularly for the Guard and Reserve forces. That is where much of the funding we have added is focused. Our Guard and Reserve forces are fighting side by side with our active-duty forces in Afghanistan and providing the bulk of our homeland security forces here at home.

Adequate training and readiness facilities are essential for the Guard and Reserve, particularly during this time of increased demand on their skills and services. The bill provides greatly needed facilities for the Guard and Re-

serve and will help them prepare for and execute their missions.

The bill also provides funding for two key transformation initiatives in support of President Bush's strategic vision for transforming the Department of Defense: \$100 million for Army transformation, and \$100 million for Air Force mobility transformation.

Earlier this year, both the Army and the Air Force identified unfunded transformation military construction requirements to the Congress. Many of these requirements were refined after development and presentation of the 2003 President's budget, so we added them because they are critical to the Army and the Air Force to make them more mobile and capable to face the 21st century battle conditions.

The committee funded another initiative, the BRAC environmental cleanup initiative, which provides \$100 million to accelerate the cleanup of dangerous environmental contaminants at closed and realigned bases throughout the Nation. Until the cleanup of these bases is completed, the properties cannot be returned to productive use in these communities.

In my own State of Texas, we have terrible environmental bills, both at the former Kelly Air Force Base in San Antonio and the former Navy Air Station in Dallas. There are reports like this across the country, and we are trying to address those concerns wherever they may be, so that these closed bases can be returned to productive use, as we have promised these communities they would be.

Mr. President, this is a good bill. It is a bill that stresses the priorities of the Department of Defense and the President. It also has added areas that were not able to be added earlier because the Department of Defense wasn't ready, and we certainly added more than the President's budget allowed for Guard and Reserve units.

I think the priorities are right, and I urge my colleagues to support this bill so we can get on with the business of revamping our aging military infrastructure and increasing the quality of life for those who are fighting for us as we speak on this floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, as chairman of the subcommittee, I thank the ranking member, the distinguished Senator from Texas, for her help on this bill. She has been a wonderful colleague with whom to work, and I am very grateful for that.

Mr. President, essentially, this bill, as Senator HUTCHISON said, provides \$10.6 billion in new budget authority. That is a tenth of 1 percent over last year's appropriation. It is 10 percent over the President's appropriation. The reason for this is that the President cut the Guard and the Reserve 52 percent from last year's budget request. We do not believe they can sustain their infrastructure requirements with that kind of a funding shortfall.

As Senator HUTCHISON mentioned, every project is in the 5-year defense plan. Every project has been authorized. Every project is the base commander's priority. With respect to the transformation initiative, we didn't decide the locations, the services decided the locations. Both the Army and the Air Force have identified the locations for their transformation initiatives. The Army involved 13 active and Guard installations in six States, plus Germany. The Air Force's transformation involves 53 active, Guard, and Reserve bases in 32 States, plus Germany, Japan, and Puerto Rico.

The Appropriations Committee is not—and I stress that—attempting to divert funding from any of these planned locations or to influence where the money will go. These decisions have been and will be made by the services. The purpose of the transformation initiative is to accelerate the process. Infrastructure is a long lead time item, and we need to start investing more in this transformation infrastructure now to meet the service requirements.

Essentially, 53 percent of this bill is for military construction for the active and Reserve components. It is \$610 million for the Guard and Reserve, \$1.1 billion for barracks, \$26 million for child development, \$137 million for medical facility, and \$159 million for chemical demilitarization. The remaining 40 percent—\$4.23 billion—is for family housing, including new housing, housing improvements, and operation and maintenance of units.

At the BRAC cleanup, as Senator HUTCHISON stated, I can tell you that we have one closing base—McClellan Air Force Base—in northern California, where plutonium has badly contaminated the ground. Senator HUTCHISON, in her State, has toxic materials that are seeping into residential areas from Kelly Air Force Base. There is no question in either of our minds that the BRAC rounds we have completed were not sufficiently funded with environmental remediation dollars. The proof is in the pudding, and that pudding is that many bases still cannot be transitioned into productive civilian use because of the absence of the ability to clean them up.

Mr. President, the MilCon bill is important to the men and women in uniform who serve our Nation at home and overseas. We believe it is a good bill, it is a bipartisan bill, and I strongly urge my colleagues to approve it.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 40 seconds.

Mrs. FEINSTEIN. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas, 96, nays 3, as follows:

[Rollcall Vote No. 181 Leg.]

#### YEAS—96

Akaka	Domenici	Lugar
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Edwards	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham	Reed
Breaux	Gramm	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Harkin	Sarbanes
Campbell	Hatch	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wellstone
Dodd	Lott	Wyden

#### NAYS—3

Feingold	Kyl	McCain
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#### NOT VOTING—1

Helms

The bill (H.R. 5011) was passed, as follows:

Mrs. FEINSTEIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The Presiding Officer (Mr. BINGAMAN) appointed Mrs. FEINSTEIN, Mr. INOUE, Mr. JOHNSON, Ms. LANDRIEU, Mr. REID, Mr. BYRD, Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, and Mr. STEVENS conferees on the part of the Senate.

### PRESCRIPTION DRUGS

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Missouri is recognized.

Mr. BOND. Madam President, I rise today to comment on the overall policies we are working on today. While this bill we are debating, the underlying bill, is a generic drug bill that came out of the Committee on Health, Education, Labor, and Pensions, we all

know that ultimately we are going to be talking about Medicare and prescription drug coverage.

We all recognize the lack of prescription drug coverage demonstrates clearly Medicare has not kept up with the rapid advances in medical care, placing ultimately the health care security of too many seniors at risk.

When Medicare was created in 1965 to provide health care for our Nation's elderly and disabled, prescription drugs were not included as part of the program's benefits. At that time, that made sense because pharmaceuticals played an extremely minor role in the world of medicine. In the last 35 years, medical practice has changed dramatically and prescription drugs have become a vital part of health care. In the last decade or two, we have seen a pharmaceutical revolution. Hundreds of amazing new drugs have been developed to treat and manage all different kinds of diseases and medical conditions. Those of our population who suffer from these diseases have benefited greatly.

More and more these days prescription drug are keeping Americans of all ages out of hospitals, enhancing the overall quality of life and, yes, keeping people alive. Hundreds of drugs that were unknown decades ago play a critical role keeping our seniors healthy, active, and alive. Yet many of our most vulnerable citizens are seniors who have trouble affording prescription drugs because their Government-provided Medicare coverage has failed to keep pace with medical progress.

In addition to being exposed financially to the cost of needed drugs, seniors without prescription drug insurance do not benefit from the lower prices that most third-party buyers—such as insurers, hospitals, and pharmacy benefit managers—are able to negotiate with pharmaceutical manufacturers. As a result, seniors without drug coverage must pay the highest retail price for needed medication.

That is a situation we must change. It is time to modernize our Medicare system and to add a prescription drug benefit to protect the health care security of our seniors. The Medicare Program needs to be updated to reflect the past 35 years of medical progress. The millions of Americans who rely on Medicare for their health care deserve no less.

Fortunately, over the past few years the debate in Washington has shifted from whether or not to provide a prescription drug benefit to how to best craft a program to provide seniors with the best prescription drug coverage possible. Now is the time to act to include prescription drugs as part of an overall health security package for our seniors.

An issue this important deserves debate and serious consideration. How can we consider a serious import issue such as this without the benefit and ex-

pertise of the Finance Committee? I have heard the structure and process of this debate described aptly as one of mutually assured destruction, or "mad." This issue is too important to too many seniors for this debate to be treated in this manner. Because of the terms of this debate, any drug proposal that passes ultimately must have strong bipartisan support, because 60 votes will be needed to pass it. Is that truly "mad"? I hope not. But I sense that, without the benefit of the Finance Committee working on this, we may be in a very difficult situation.

Some watching may ask how did we get into the situation where a prescription drug bill will require 60 votes to pass rather than a simple majority. The answer is simple. The first reason is because the majority leader has decided to bring a bill straight to the floor and bypass the committee process entirely. This is a troubling pattern. The farm bill, the energy bill, the trade bill all bypassed the committee structure—a mad process.

This action is troubling to me because I understand there was one proposal with the votes to pass in the Finance Committee, the so-called tripartisan bill. But the committee was not allowed to act on this important issue. That is a shame.

How in good conscience can we consider the largest addition to Medicare since its inception without the thoughtful input of the committee with jurisdiction over the Medicare Program? That does not make any sense. That is mad.

The second reason 60 votes are necessary is because we have no budget. For the first time since 1974 we have no budget in the Senate. This is one of the consequences of not having passed, or even, for that matter, considered a budget on the floor. Because there is no budget, we are operating under the budget guidelines passed last year that would spend about \$300 billion over 10 years to add a prescription drug benefit to Medicare. Therefore, any prescription drug plan brought to the floor must be within the \$300 billion or it is subject to a budget point of order.

This is another problem with the scheme under which we are operating. We will be considering shortly the largest expansion of an entitlement program in the history of our Nation. We bypassed a committee, we have not had a hearing on it, we have not had a markup, the Congressional Budget Office has not scored it, and we will be bringing the bill straight to the floor. Mutually assured destruction. This is mad. It is a recipe for disaster and inaction.

What is most troubling to me is the real losers. If the Senate is unable to pass a prescription drug benefit, it will be our seniors. The seniors are the ones who will be forced to endure another year without the safety net that a Medicare prescription drug benefit could and should provide.