

hallmark of this body. But we cannot get a vote on this bill.

So while the Republican leadership has devoted time last week and this to an impasse over judicial nominees caused by the President's abuse of the recess appointment power, we have seen little effort to work on matters of significance that can and should be considered and acted upon by the Senate to make bipartisan progress for all Americans.

While we celebrate progress today on judicial nomination, I hope that we will also soon see progress on these legislative matters. Through bipartisan action we can do much to serve the American people.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Continued

Mr. LOTT. Mr. President, is the pending business amendment No. 3158?

The PRESIDING OFFICER. The Senator is right. That amendment is pending.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have confirmed with Senator SNOWE and Senator LOTT that they would permit me to set their amendments aside for 3 minutes so that I could offer a non-proliferation amendment. I ask the Senate for that privilege.

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

The pending amendment will be set aside.

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

The PRESIDING OFFICER. The clerk will report.

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

Mr. KENNEDY. Reserving the right to object, and I will not object, I ask consent my amendment be in order, as well.

Mr. LOTT. Reserving the right to object, do we have the amendment? Have the managers had a chance to view that? I don't know that there is a problem.

Mr. KENNEDY. It is report language. All I want to do is have the same kind of courtesies. If I could ask, then, at least it be considered after the floor managers have an opportunity to review the amendment.

If there is an objection, that would be satisfactory with me. But it is relevant. Otherwise, I will insist on the reading of the amendment.

Mr. LOTT. Mr. President, reserving the right to object, and I don't intend to, I don't even believe it is my role, I don't know that anyone has had a chance to look at it.

Mr. KENNEDY. I was waiting for my time. You were next to offer your amendment and were going to take 90 minutes. I was prepared to remain here and, hopefully, we are alternating amendments. This is directly germane.

My good friend from New Mexico offered his amendment and asked for consent to do it. I was trying to get the same courtesies.

I am glad to play by whatever rules the Senator wants to play by, but if we are waiting our turn to get here and someone asks consent to be able to advance their amendment, all I am asking is to get the same kind of consideration. That is the only thing.

Mr. REID. Mr. President, is there a unanimous consent agreement to set aside an amendment?

The PRESIDING OFFICER (Mr. CRAPO). To dispense with the reading of the amendment.

Mr. REID. Has there been an agreement to set the pending amendment aside to offer this amendment?

The PRESIDING OFFICER. That is correct, there has been.

Mr. REID. I am sorry, Mr. President, if that question was put to the Senate, I certainly did not hear it.

The PRESIDING OFFICER. The request was made.

Mr. DOMENICI. I made the request and the Lott amendment was pending and I asked it be set aside for 3 minutes so I could offer an amendment. That was granted.

Mr. REID. I heard the Senator from New Mexico. I thought he said there had been an agreement to that effect. If you check the record, that is what it said.

Mr. DOMENICI. And I said, and I ask the Senate grant me that privilege, after I made that statement to which you are referring.

Mr. KENNEDY. I ask for the same privilege.

The PRESIDING OFFICER. Is there objection to the Senator from—

Mr. WARNER. Reserving the right to object, might I suggest, and I ask my good friend—and the Senator knows I will support him—could you withdraw that at this time so Senator LEVIN and I, together with the leaders, can determine the order in which we will take amendments?

Mr. KENNEDY. I withdraw my request, in courtesy to my friend from New Mexico.

I ask consent that I be recognized to offer an amendment at the conclusion of the Senator from Mississippi and the Senator—

Mr. LOTT. Mr. President, I thank the Senator from Massachusetts in his typical courteous manner for the way he has handled it. I know the managers will work with him.

Mr. REID. So the consent now before the body is, following the disposition of the pending amendment—that is, the amendment of the Senators from Mississippi and North Dakota—Senator KENNEDY be recognized to offer his amendment?

Mr. WARNER. I have to object. I fervently asked that the two managers work with our respective leadership and those desiring to bring up amendments. So I suggest that we continue with the Lott amendment and you be ever so kind to hold yours in abeyance.

Mr. DOMENICI. They have already agreed on mine and it will take 3 minutes. I don't doubt that.

Mr. LEVIN. No. There has been no agreement on the Domenici amendment.

Mr. DOMENICI. What?

Mr. LEVIN. As I understand, Senator DOMENICI—and I was distracted—asked he be allowed to offer the amendment. As I understand it, there has been no agreement to the amendment, the time agreement on the amendment. The manager is asking the Senator from New Mexico would he now withhold that amendment so we can sort this out.

Mr. WARNER. Correct.

Mr. DOMENICI. I will be glad to do that.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. WARNER. Mr. President, and I ask that we pursue the opportunity to have a time agreement on the Lott-Dorgan amendment.

First, I ask the distinguished Senator from Mississippi how much time the Senator desires—and we will talk about it in terms of it being equally divided.

Mr. LOTT. Mr. President, we have talked back and forth and we think that 45 minutes a side should be sufficient.

Mr. WARNER. I ask my distinguished colleague.

Mr. LEVIN. An hour and a half equally divided.

Mr. WARNER. Forth-five minutes to the side?

Mr. LOTT. An hour and a half equally divided.

Mr. WARNER. Well, we want to keep moving with this bill. It seems to me the subject is pretty well understood. I was hoping maybe an hour.

Mr. LOTT. Mr. President, if I could respond, we do have Senators who have not been heard.

Mr. WARNER. Very well, I am agreeable if the—

Mr. LOTT. If we have time and we do not need it all, we can always yield it back—an idea I like.

Mr. WARNER. This issue has an intensity of its own.

If an hour and a half is agreeable to the Senator from Virginia and the Senator from Michigan.

Mr. LEVIN. No objection.

Mr. REID. Mr. President, if the Senators would be willing to modify their amendment, it is my understanding following the hour and a half that there would be a vote on or in relation to that amendment with no second-degree amendments in order.

Mr. WARNER. That is correct.

Mr. REID. I ask that be part of the consent agreement.

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

Without objection, the original consent is so ordered.

Mr. LOTT. Mr. President, Senator SNOWE and Senator FEINSTEIN have

been patiently waiting, Senator COCHRAN wishes to speak, as well as Senator DORGAN.

Would the Senator from New Hampshire have a question?

Mr. GREGG. I would like to get 3 minutes.

Mr. LOTT. Would the Senator be willing to withhold so we can proceed with the Senator from Maine?

Mr. GREGG. Certainly, unless the Senator from Maine—

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 3158

Ms. SNOWE. Mr. President, I rise today to speak in support of the amendment that has been offered by Senator DORGAN, Senator LOTT, Senator FEINSTEIN, and myself to refocus the provisions that are included in the underlying legislation that authorizes a base closure round in 2005 from our domestic installation to our overseas military infrastructure.

I do so because I am firmly convinced today in this unprecedented era of global war on terrorism, as we continue operations in Afghanistan to root out the seeds of terror, as we are engaged in ensuring a free Iraq in the heart of the Middle East, it makes no sense to consider closing nearly a quarter of our domestic military infrastructure in addition to the 21 percent that has already been lost over the past 15 years in America.

I arrive at this debate as a veteran of a number of issues that are key to our deliberations. First, I have been all too intimately acquainted with every base closure round since the first occurred in 1987, as well as the accompanying pitfalls, failures, and foibles of each—and there are many.

Also, in my capacity of both the House and the Senate, as ranking member of the Operations Subcommittee on the Foreign Affairs Committee of the House that oversaw terrorism and in my position in the Senate Armed Services Committee and former Chair of the Seapower Subcommittee.

I cannot and will not ignore the pattern I have discerned of the failure to “connect” the critical “dots” in the past, and the implications of these shortfalls on our ability to project into the future.

What most concerns me is the inadequacy of the military’s threat assessment projections time after time accompanying the requirement, including enacting BRAC legislation in 1991 that stipulates the Secretary of Defense “shall include a force structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the six-year period beginning with the fiscal year for which the budget request is made.”

It is very important to understand the requirements and the obligations of the Defense Department. They have to make those projections. Unfortunately, whether they make those projections

20 years into the future or 6-year projections, the track record has been poor.

I can say this because I have reviewed the military threat assessments not only contained in the force structure plans the Department provided, along with their justifications for the 1991 base-closing round, but also the 1993 and 1995 BRAC rounds, as well as other key assessments made by the Department during that time, such as the 1993 Bottom-Up Review, the 1997 Quadrennial Review, and the 2001 Quadrennial Review.

Specifically, I wondered how actual events and results matched their expectations. How did their threat assessments dovetail with the new realities, such as terrorism, asymmetric threat, and homeland security or homeland defense?

I then went back a little more than 21 years ago to the bombing of the U.S. Embassy in Beirut, and looked at significant terrorist events directed against Americans throughout the world, as chronicled by the State Department. I put it on this chart because I think it is important to recall exactly what the events have been over the last 20 years with respect to terrorism.

A defining moment in 1983 was when our marines were under attack, when 242 brave marines were lost because of a suicide bomber.

In 1985, TWA flight 847 was hijacked, and U.S. Navy diver Robert Stethem was killed. Then, of course, we had the Achille Lauro. Then we had, of course, the Berlin disco that was bombed, and a number of American soldiers were killed or injured. We also know what happened with Pan Am flight 103 that was destroyed over Lockerbie.

These are a few of the significant events that occurred throughout the 1980s. In fact, I am illustrating only a few of the 17 events that were identified by the State Department where Americans were the target of terrorists.

Yet, after all these events, let’s look at what was identified in these base-closing reports that are required under the legislation. We had a four-page report that was a result of the 1991 base-closing round, and they submitted a military assessment for the years, because they have to project out. In this case, it was 1992 to 1997. What did it have to say?

The most enduring concern for U.S. leadership is that the Soviet Union remains the one country in the world capable of destroying the U.S. with a single devastating attack. . . .

[T]he Soviet state still will have millions of well armed men in uniform and will remain the strongest military force on the Eurasian landmass.

But when it came to terrorism, they said: Our efforts to promote regional stability and to enhance the spread of democracy will continue to be challenged by insurgencies and terrorism.

So there was only a passing mention of this issue as an impediment to re-

gional stability and the enhancement of democracy worldwide. But there was no discussion of it as a context, as a threat to the United States. There was no mention, as you can see, of it as an asymmetric threat or as a threat to our homeland security. And then what happened?

On February 26, 1993, we had the bombing of the World Trade Center. It was badly damaged, and 1,000 people were injured, leaving 6 people dead. Yet the military threat assessment, issued less than 1 month later—it would have been a matter of weeks later—in the 1993 base-closing round report again referred to the regional crises with North and South Korea, India and Pakistan, the Middle East, and Persian Gulf States. It went on to say:

[T]he future world military situation will be characterized by regional actors with modern destructive weaponry, including chemical and biological weapons, modern ballistic missiles and, in some cases, nuclear weapons.

But note in this report there was suddenly, once again, no mention of terrorism after the World Trade Center bombing less than a few weeks later, maybe a month. And as to an asymmetric threat? Nothing. And homeland security? No reference whatsoever to homeland security.

Furthermore, the bottom-up review that occurs within the Defense Department, which is a wide-ranging review of strategy, resources, and programs to delineate our national defense strategy for the future, that was signed out in October of 1993—and, of course, that was about 8 months later—described four new dangers to U.S. interests after the end of the cold war. Again, no mention of particular asymmetric threats, homeland security, or anything with respect to terrorism. Even at that point, they did mention state-sponsored terrorism as a reference, but, again, they stated the World Trade Center bombing in 1993 was the result of the mastermind Sheikh Omar Rahman, who was a non-state-sponsored terrorist.

But, as you can see, in 1993, then, we had two Defense Department reports, one in response to the requirements under the base-closing process, and the second one was a bottom-up review by the Defense Department within the same year, having the foreknowledge of what happened and what transpired at the World Trade Center, and nothing was referenced with respect to terrorism, asymmetric threat, or homeland security.

The timeline continues to 1995. We have the Tokyo subway with the sarin gas. Ironically, that is sarin gas equivalent to what was discovered in Iraq last week. I was stunned then to look at what happened in the 1995 force structure report that was also required in response to the base closure round of 1995 that had to address the threats between 1995 and 2001. Other than the removal of a few sentences, it was exactly identical, the same as the 1993 -

BRAC threat assessment. So much for rigorous analysis. Still there was no mention of terrorism, no mention of asymmetric threat, and no references to homeland security. And this is less—less—than 6 years before September 11, when we had those catastrophic and devastating events.

Remember, this particular base closure round is required to project out 20 years. So now we are referring to a base-closing force structure plan in 1995, given all the preceding events of terrorism in which Americans were victims and a target, and there was no identification of terrorism being a major threat to the United States, or that there was an asymmetric threat, or that there was a threat to our homeland security. This was 6 years out.

After the 1995 report, we go to 1996. We have Khobar Towers. We have the East Africa Embassies in Tanzania and Kenya. Then, of course, we have the USS *Cole* in the year 2000. Again, we do not have any identification that we are now being threatened, in these base-closing force structure plans, in our homeland security, or by the threat of worldwide terrorism.

By 1997, the Department was acknowledging the fact terrorists using asymmetric means might attack the homeland. Again, I might add, yet it still remained a fourth-tier concern in their Quadrennial Defense Review—a fourth-tier concern—in spite of the continuing onslaught of terrorism around the world.

Then, of course, we have all the preceding events. So this, in my opinion, raises some serious concerns about the ability of the Defense Department to project into the future, and particularly when talking about projecting 20 years out.

I happened to review the Quadrennial Defense Review report issued in 2001. Mind you, that was issued 19 days after the attack of the World Trade Center on September 11, and it obviously identified that we were being challenged by adversaries who possessed a wide range of capabilities regarding asymmetric approaches. Obviously, at that point it was not an astute observation. But interestingly, in examining the QDR, there was a lack of mentioning al-Qaida by name—not once. In the 70-page report, there is not one mention of al-Qaida, when we are talking about 19 days after the events at the World Trade Center on September 11.

I think this all indicates the significant dose of skepticism with which we should examine the current force structure plan and the accompanying threat assessment submitted by the Department to justify the base-closing rounds of 2005. Considering that we now base decisions on a 20-year assessment—never mind just 6, and even the 6-year projections proved spotty at best—and considering the volatile times in which we live, I have to say that what we received, over a month later than was required by the base-closing legislation—and I might add it is about what we ex-

pected, not much—indeed, my sense is they took these assumptions that were made for the Future Year Defense Plan that the Department submits as part of their overall budget authorization and simply extended it to 2009.

But even after 20 years of constant assault, of terrorism on Americans either here or abroad, the Defense Department still has not matched its force structure with those assumptions. Indeed, they have avoided the entire issue of these threats that the Nation will face over the next 20 years by claiming that today's security environment "is impossible to predict with any confidence which nations, combination of nations, or non-state actors may threaten U.S. interests at home and abroad."

And when the Department claims they have adopted an approach to force development based on capabilities rather than threat-based requirements and will need a flexible, adaptive, and joint capability that can operate across the full spectrum of military contingencies, exactly what does that mean? That is a very good question. What does that mean? Clearly, it indicates an uncertainty upon which we should be considering closing military bases.

It is obvious that the Defense Department is not certain, and this is not the basis upon which we can make decisions that are irreversible when it comes to our military infrastructure. Indeed, a retired Navy captain, Ralph Dean, succinctly placed a column in a Maine newspaper where he said:

Surprisingly it showed—

In reference to this force structure plan that was recently submitted by the Defense Department—

virtually no changes in overall force structure during that long period. This may indicate the Department of Defense is unable to make projections about the future threat with any degree of certainty. This uncertainty must be addressed, because BRAC actions are irreversible.

Exactly. And therein lies the problem. We are required to make decisions on force structure, on threat assessments based on plans that are submitted to the Congress and to the base-closing commission. We are going to make permanent decisions. We cannot retreat from those decisions once they are made. You cannot retract those decisions once they are put in motion.

Let's look at the overall picture in the context of the threat environment in which we live today. How can we possibly project out 20 years to ascertain our military requirements? We are learning in Iraq that the quantity of troops matters, as DOD is forced to recalibrate and send an additional 20,000 troops there. Moreover, this underlying legislation, the Department of Defense reauthorization legislation we are currently considering, is actually increasing the Army's end strength of more than 30,000 soldiers. Yet at the same time we are suggesting that we are going to reduce the number of our bases at home? Indeed, the BRAC force

structure plan of 2005 addresses neither the potential surge requirements that we may confront in these protracted struggles, nor the need for more troops.

Indeed, there seems to be some confusion within the Defense Department between DOD and the services. I saw a report the other day that interested me that appeared in the Boston Globe making reference to the fact that the Navy is planning to inactivate a number of submarines over the next few years. It was reported that the Navy is conducting a study that might reduce the attack submarine force substantially downward for the fiscal year 2006 budget submission, and we are told there are no changes, as indicated in the Future Year Defense Plan, upon which the force structure plan that was submitted for this base-closing round was predicated. So how can we be certain of the type of projections the Defense Department is going to make beyond the year 2009?

There is no mention of any changes up to 2009 in terms of its force structure requirements. How then are we going to base the kind of decisions within the base-closing process when we have not had an adequate projection of threat assessment for the next 20 years and what it will require in terms of force and also infrastructure? And what are the joint warfighting plans that are still being developed? If BRAC decisions are based on untested joint concepts, then the Department of Defense could well face limited options down the road because of the limitations of facilities.

I think it doesn't make any sense at this point to continue with the domestic base-closing round without a complete understanding and evaluation of our overseas basing requirements. This amendment will allow Congress time to conduct adequate oversight to ensure that these invaluable decisions that we will be making, permanent decisions, irreversible decisions, do not have implications for the future of our capacity to respond to the changing threat environment in which we currently are.

I am hoping that Members of this Senate, however they felt in the past about the base-closing process, will understand there is an enormous gap between threat assessments and force structure projections by the Defense Department and all of the previous base-closure rounds, and that is a serious problem in the world in which we live and certainly in the context of needing more flexibility when we are conducting a war on terrorism. As the President said, this is going to be an ongoing struggle for a long time in the foreseeable future. Therefore, we have to reconsider and look abroad for our overseas facilities as opposed to those at home.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself such time as I may take.

I ask my distinguished colleague from Maine, have you had an opportunity to examine the letter that was sent by the Chairman of the Joint Chiefs of Staff and all of the other Chiefs in which they say "a comprehensive overseas basing review is nearly complete." I have other documentation. They have done a conscientious job on the overseas base structure. They are coming forward with a very balanced program to work with the existing law.

My concern is, if we dislodge the existing law by adopting this amendment, it would have the effect of delaying the process another 2 years and putting on to the Department of Defense the added cost of continuing to maintain structure that they simply do not need for today's and the foreseeable military strength of our country.

I have to tell my distinguished colleague, in the course of the lunch period, I talked with a number of individuals. They said: JOHN, the most persuasive case to me is that I have called home and talked to several of the communities that have hired the lobbyists, and they pleaded with me: We can't afford this infrastructure that we felt necessary to defend our base under the existing 205 BRAC procedure. You add another 2 years, you are going to draw down those precious small amounts of tax dollars in those communities by another 2 years. Is the sentiment in your State to go on for another 2 years with all of the uncertainty?

A lot of communities cannot attract new business for fear that the base may leave. They have to have a decision and get on with this.

Ms. SNOWE. Mr. President, I appreciate the chairman's comments. First, with respect to overseas facilities, in this legislation, under the current law, it requires the Department of Defense to submit that report only 4½ months prior to when the base-closure commission's final decisions are completed. I think that is going to be a totally inadequate period of time in which to make a current examination as to whether or not to close the facilities. You can have an impact at home on domestic installations. We are talking about increasing the number of troops in the underlying legislation. Where are they going to be housed? There are a lot of decisions. We have never thoroughly evaluated overseas installations. I think that needs a thorough examination. We deserve that.

Frankly, I do not have confidence in the process. I can tell my colleague, as the Senator from Mississippi has indicated, I have no confidence in the integrity of the process. They have not been in position to ever not only provide a credible force structure plan in identifying the future threats, they have not been accurate in their projections.

Secondly, if you talk about the examination of savings—and I did not get into that subject because that is a wide-ranging subject—GAO, in a report

yesterday, said the Department of Defense does not have any adequate methodology by which to ascertain whether they have made or achieved any savings. In fact, there may be one base closing round that has achieved any savings in the first 6 years—maybe.

We are going to be talking about spending a lot of money before we even get to that process even if we do because it costs so much in remediation in the cost of closing down those facilities, in conjunction with the war on terror, in conjunction with the conflict in Iraq, and all the potential costs associated with that which remain unknown in the foreseeable future.

That is why I say to the chairman, I think it is important, not for the sake of expediency and efficiency, but for the sake of fairness in looking abroad as to exactly what we need. We have more than 700 facilities that have not heretofore been examined. With regard to forward-deployed forces, many nations would not allow us to put our troops there when it came to the conflict—Saudi Arabia and Turkey.

The time has come to look at this situation very differently. We are in a very different environment, as the chairman well knows, and I appreciate that. But I think the time has come to understand there are huge gaps in understanding what our future threat environment is going to be all about, and that has enormous implications for the future.

Finally, may I mention, in this legislation there is a joint resolution of approval by the Congress in 1997 to make a decision as to whether to proceed to an additional base-closing round.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I know the Senator from California has been waiting to speak. Will 10 minutes be sufficient, or if she does not need all that time, we will reallocate the time. I yield up to 10 minutes to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator.

I had the privilege of listening to the Senator from Maine. I feel very privileged to join in this effort along with the Senator from Mississippi and the Senator from North Dakota. The Senator from Maine made an excellent case, and I concur wholeheartedly.

Specifically, what we are trying to do with this amendment are two simple things: modify the 2005 base closure round to make it apply solely to military installations outside the United States. As Senator SNOWE said, we need to begin to look at the 700 operations and installations we have around the globe and make some decisions with respect to them in this new asymmetric war on terror we face.

Secondly, provide for expedited consideration of a request for a domestic base closure round in 2007.

I thought the Senator made the excellent point that Congress authorized

the 2005 base closure round in 2001. Our military and our Nation have been confronted by several new challenges since that time: 9/11, the war on terror, the overthrow of the Taliban and the Hussein regime, and the reconstruction of Afghanistan and Iraq. We now know our enemy may well be rogue states, may well be nonstate entities who seek to find weapons of mass destruction. They may well be international groups which have replaced the Soviet Union as the greatest threat to American interests and security.

These challenges, we believe, mandate us to reexamine the role and composition of our military in this new era: What kind of force structure will be needed? How many troops will be sufficient? And, yes, what sort of infrastructure and basing needs will be required to meet these new threats?

It seems very shortsighted to me to proceed with a new round of domestic base closures that was approved before 9/11 took place and before any of these questions were raised. In fact, the criteria for the 2005 base closure round is almost identical to the criteria for the past four rounds. How can we be sure this process will be fair and balanced and in the best interest of our military and our national security interests if it is based on criteria appropriate for 1995?

For example, as Senator SNOWE pointed out, there was no Department of Homeland Security in 1995. We are only beginning to understand how our domestic military infrastructure can play a role in providing for the actual defense of our homeland. That is a very important point. I do not think there is anyone who would say our homeland is beyond attack. As a matter of fact, I think a majority of us, certainly on the Intelligence Committee, would say there are very good chances that there will be another attack; therefore, domestic military has a new and different role to play in our country.

I do not think now is the time to rush forward. We still have 112,000 troops based in Europe, 37,000 in Korea, 45,000 in Japan in bases designated, devised, and intended for cold-war-era threats. Those threats have changed.

We see on the Military Construction Subcommittee how the thinking is now changing with respect to force structure, the location of force structure in Korea, as well as in Europe, moving more of the European components south of the Alps so that we may be able to move them more rapidly into the Middle East and into Africa.

Suppose after the 2005 round is completed it is determined several overseas bases need to be closed and the troops relocated to the United States. Where will they go? Will closed bases have to be reopened?

Let us also remember there is an economic impact on a community that must be taken into consideration. When a base is closed, jobs are lost, economic growth is stunted. Even the threat of a base closure is enough to scare away investment.

Should we not take a look at our overseas basing structure first before we ask our communities to make additional sacrifices?

Senator HUTCHISON, who is the chairman of the Military Construction Subcommittee, and I, as ranking member, introduced legislation last year to create a congressional commission to take an objective and thorough look at our overseas bases. We met with that commission last week and gave them their charge to look at the mission and then make some recommendations to us with respect to the placement of bases needed by that mission.

It seems to me the way one approaches this issue is to build on that legislation and first look at overseas basing needs in 2005, since they are, in fact, changing, and then turn to domestic bases, if necessary, in 2 years' time.

I also want very briefly to mention the impact of base closures on my home State of California. California has had 29 military bases closed. It has cost the State more than 93,000 jobs, of which 40,000 were civilian positions.

According to the executive director of the California Institute for Federal Policy Research, California lost more jobs than all of the other States combined in the last four rounds. While at the time we had only 15 percent of the Nation's military personnel, we shouldered 60 percent of the net personnel cuts. I believe we have sacrificed enough.

If California is called on to make additional sacrifices and additional bases are closed in a future domestic BRAC round, we should know that our Government did a complete and thorough examination of the threats our country will face in the future and the military capabilities we will need to face those threats.

While we are mentioning this, I also want to raise another real problem and that is the gross underfunding of cleanup and remediation of the bases. This has been short funded by literally billions of dollars. Let me make a couple of points.

It is estimated it will cost \$1.3 billion to clean up the former McClellan Air Force Base in Sacramento. That process will not be finished until 2033. The cleanup of Fort Ord will not be finished until 2031. Castle Air Force Base will not be completed until 2038, and the list goes on.

What is the rush to close more bases that cannot be rapidly transitioned into civilian use because of the inability to fund remediation and cleanup of environmental hazards?

So I think Senator SNOWE made an excellent argument with respect to the need to take a good look at the overseas bases first—700 of them—and make some decisions with respect to where we are going in this new asymmetric war on terror and to leave intact America's bases for the next 2 years and then, in 2007, to consider an expedited round.

I am very proud to join with Senators DORGAN, LOTT, and SNOWE in this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I rise in opposition to the Lott amendment and I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ALLARD. Mr. President, we have to keep in mind that the main mission is to secure the safety of Americans both at home and abroad. I believe we are responding to the terrorist threat. We have stood up Northern Command in the military. We have set up a whole new Department dealing with homeland security.

At the very beginning of his administration, President Bush made it a priority to build and transform our military after 8 years of operation and maintenance funding shortfalls under the previous administration. Where does one get the money? If the bases and mission are being transformed, savings have to be figured somewhere. I think it is entirely appropriate, both at home and abroad, to review our mission.

I agree with many of the points that are being made on this amendment. We have to look at our bases overseas. Certainly our mission has changed considerably over there. As opposed to a large frontal assault, we are now dealing with a terrorist problem which requires a more mobile and modern military to address that threat.

We have the same threat at home, and we also need to look at whether bases at home are meeting the mission of the modern threat from terrorism. Those of us in the Senate have heeded the call of the President and I am pleased we are about to take the next step in maintaining a military fully capable of defending our Nation and meeting our foreign policy goals.

I continue to support the President's plan to transform our military. This authorization bill builds on the work we in the Congress have already accomplished toward that end. This amendment tends to undermine that effort.

I will take this opportunity to review where we are with BRAC. Congress granted the administration the authority in fiscal year 2002, that is the National Defense Authorization Act, to conduct a BRAC round in 2005, providing a critical opportunity to eliminate excess capacity and achieve additional savings that could be used to modernize and transform our Armed Forces to address emerging global threats.

The fiscal year 2002 National Defense Authorization Act improved the BRAC language from previous rounds to ensure future infrastructure satisfies emerging national security requirements and to correct earlier abuses of the process.

A 2002 GAO report on the 387 closures and realignments in four previous

rounds; that is, in 1988, 1991, 1993, and 1995, reaffirmed that the Department of Defense generated a substantial net savings of somewhere around \$17.6 billion, and expects the annual savings of \$6.6 billion in fiscal year 2003 to grow.

DOD further estimated in March of 2004 that a BRAC round in 2005 will save \$5 billion in 2011 and \$8 billion annually thereafter. Now, BRAC is a key enabler for DOD transformation initiatives, including global basing and the rebalancing of Active and Reserve Forces.

I believe a delay of the 2005 BRAC round already underway delays the effort for us to modernize our forces. I cannot accept the argument that if we do not close bases that somehow or another we are better off. I think we need to have some savings. We need to save money. In the long run, there is going to be more money available for us to meet the changing threat from the terrorists that we now face today.

If we are serious about modernizing our facilities and being ready to meet the changing mission, we need to defeat the Lott amendment and we need to move forward with the provision that we have currently in the Defense authorization bill.

I ask my colleagues to join me in opposing the Lott amendment.

I yield back my time.

Mr. LOTT. Mr. President, how much time do we have remaining in support of the amendment?

The PRESIDING OFFICER. Those in support of the amendment have 16 minutes. The opposition to the amendment has 36 minutes.

Mr. LOTT. Mr. President, does Senator DORGAN wish to use some of the time at this point?

Mr. DORGAN. Mr. President, I would be happy to but I wonder if the opponents might want to use some of their time.

Mr. LOTT. How much time remains on the opposition side?

The PRESIDING OFFICER. There is 36 minutes.

Mr. LOTT. Senator LEVIN has not spoken and Senator INHOFE is here, so perhaps we could take some more time off the opposition.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I rise to speak in opposition to the amendment of Senator LOTT and Senator DORGAN. The first argument they make is that we ought to look first at overseas bases before we have our commission next year look at the domestic bases. I agree with that. I think it does make more sense to look at the overseas bases before we look at ours, and that is exactly what we provided for by law.

We have created a commission which will look at overseas bases and report back to the Department of Defense and to the Nation by the end of this year. That commission has now met and I believe they had their first meeting, in fact, this month and they have already scheduled a second meeting.

In terms of the argument that we should surely look at these bases all around the world before the commission which will be appointed next year looks at domestic bases, I think the argument is a good one, and we have provided for that argument.

The Global Posture Review, which is a requirement that the Department of Defense is now meeting, which is to see whether our forces are properly deployed around the world in order of addressing where the likely hotspots are, that Global Posture Review is also going to be completed this year. So there is a logic, there is a chronology, which meets the supporters' argument, the proponents of the amendment of Senator LOTT, that there is a sequence which should be followed.

We should first look at the overseas facilities before looking at ours is a sequence which we now have placed in law for many years. This, of course, has been in law and is now unfolding, as it was projected to unfold by law.

The Chairman of the Joint Chiefs and all of the chiefs have written us a letter. That letter has been printed in the RECORD. It is dated May 18, but I just quote from it to emphasize the importance of going through with a base realignment and closure round as authorized in the year 2001, and the importance to our uniformed military leadership.

The letter is addressed to Chairman WARNER. It says:

We are writing this letter to emphasize our continued and unequivocal support for conducting a 2005 round of base realignment and closure (BRAC), as authorized by the Congress.

The convergence of ongoing strategy and overseas basing actions, the transformational direction in all the services and force structure changes together afford us a once-in-a-generation opportunity to truly transform the Department's combat capability in an enduring way. A delay of this BRAC round, or a modification of the legislation that limits the Department's flexibility to execute it, will seriously undermine our ability to fundamentally reconfigure our infrastructure to best support the transformation of our forces to meet the security challenges we face now and will continue to face for the foreseeable future.

There is transformation going on. We are shifting to meet new threats—the best that we can foresee them. It has been argued that you can't perfectly foresee future threats. That is true. But that is surely no argument for not attempting to make the assessments in a thorough way, in a conscientious way, and then to structure your forces and to structure your infrastructure in a way that will most readily and most effectively meet those projected threats.

How can we reconfigure our military, which I think everybody recognizes is necessary in a new world of new threats, if we freeze into place the infrastructure that we have in this country? Somehow or other, the argument is made that because there are changes in the world, therefore we should not change, we should not allow our struc-

tures here to change. The opposite, it seems to me, is the case. The world has changed and changed dramatically, and the threats are very different. Surely we should not be frozen into our current structures here or around the world in response to a changing threat environment.

So the more we point out, and accurately so, and the more we argue how different the threats are following 9/11, it seems to me the more we should be willing to allow a process to work which first looks at our structures, our infrastructure, our base structure around the world, and then next year, after the foreign structures are looked at and the foreign bases are looked at, then our base-closing commission will look at the domestic bases.

I believe one of the Senators who spoke argued that the vote in 2001 came prior to 9/11 and that everything has changed since then. According to the information I have, our vote took place on September 25, 2001, 2 weeks after 9/11, the vote to sustain the title in the bill which authorized an additional round of base realignments and closures. I believe that vote—maybe my records are wrong here—took place after 9/11 and not before 9/11.

We also had a vote last year as to whether we should not proceed with another round of base closings. That vote last year also surely came after 9/11. We went through the same arguments, essentially, on our vote last year, whether the world has changed as to whether there are really savings that are created by the closing of bases.

On the savings point, I would simply give the best information available to us relative thereto. We have talked about the necessary closing of and realigning of bases in order to meet the new threats. But there is also a significant savings issue here as well. Here quoting from the Department of Defense report of March 2004, which we required, on page 55, this is the conclusion:

The four prior rounds of base realignments and closures have generated significant savings for the Department of Defense. Through fiscal year 2001, the end of the four prior rounds' implementation period, the Department had accumulated net savings of about \$17 billion over BRAC implementation costs from the closure and realignment actions approved in those four rounds.

Then the report goes on to say that:

These BRAC-created savings continue, and the Department realizes recurring savings of almost \$7 billion each year. These savings were realized even after environmental restoration funding was processed through BRAC accounts.

So the savings here are real. The necessity of closing unnecessary bases in order to meet new threats is real. It seems to me, as difficult as it is for all of us to confront the reality that some of our bases are in excess and do not meet the current threat situation, that we ought to proceed.

The amendment as written would require a new act on the part of Congress

in order to restore a round of base closing. This is not a situation where the base closing is automatically going to take place. The commission would be allowed to recommend base closings in a future year. According to this amendment, it would require a subsequent act of Congress in order to restore a round of base closings in order to have a commission which would have the power to make those recommendations, both to the executive branch and to the Congress.

So this is not just simply a matter of delay, even though I think that would be a serious mistake. This is a matter of eliminating the round of base closings which is scheduled unless there is a subsequent enactment by Congress of a bill which would set up a round of base closing in the year 2007.

If we delay it or if we take the action that is proposed—technically more than a delay but actually a repeal in the absence of, subsequently, Congressional legislation—we will be leaving the bases in this country in limbo. It is hard enough. We all have bases in our States. It is difficult enough for our bases to go through this process, and we know that. We have all suffered some pain, some States more than others—my State a lot. But there is still a lot of real concern about the existing bases we do have in our State. But to simply say we are going to leave you in limbo for a few more years and then see whether Congress in 2007 adopts another round it seems to me is the worst of all worlds for everybody.

We have a need to realign bases. We have new threats. We have costs we cannot afford. It seems to me we have a process in place, which is a logical process looking first at the bases overseas, doing that this year through a Global Posture Review and through a report of a commission which specifically has been placed by law in operation to look at foreign bases, and then next year, according to a law which we passed in 2001, the next President, whether it is President Bush or whether it is President KERRY, would then appoint a commission that would look, in an objective way, at all of the bases, having before it the work of the commission which is looking at the foreign bases this year and having before it the Global Posture Review, which is being now adopted by the Department of Defense.

I want to close with another paragraph from this letter from the Joint Chiefs of Staff. Again, this was signed by every one of the Chiefs. It reads, in the second paragraph, as follows:

A comprehensive overseas basing review is nearly complete. The continued concentration of forces in Cold War locations highlights the need for a global repositioning to locations that best support our strategic goals. In order to ensure that the Department examines its entire infrastructure, the rationalization of our domestic infrastructure as conducted by the BRAC process must closely follow the Global Posture Review.

In other words, we have a Global Posture Review which is being adopted



this year, and for the BRAC process to be delayed or to be rendered uncertain at least until the year 2007 means there will be a disconnect between the Global Posture Review, which looks at our force structure around the world, a disconnect between that and the decision as to which bases to close.

Our chiefs say both efforts are necessary. Both efforts are necessary—the Global Posture Review as well as a BRAC process—for a genuine capabilities-based infrastructure rationalization and for further transformation of our war-fighting capabilities.

I yield the floor.

Mr. LOTT. Mr. President, I yield to the distinguished Senator from New Hampshire.

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

Mr. GREGG. Mr. President, I rise in support of the amendment of the Senator from Mississippi. I believe it is the proper process by which we should go forward with BRAC. BRAC is an extraordinarily complicated undertaking. I participated in four prior BRAC events and I can tell you from personal experience that it is intense, it is complicated, and it requires a great deal of planning and thought before it should go forward.

The Senator from Mississippi is proposing we make the logical step at taking what is the first first; specifically, that we look at those overseas bases and see how many should be addressed relative to closure; and if we decide that a series of bases overseas should be closed, it is more than likely that much of what they do and what they are responsible for will have to be moved back to the United States. When that returning of troops, materiel, and mission comes to the United States, that is going to adjust how we should approach the BRAC process here in the United States.

We all recognize there is excess in the military, although the last four BRAC processes have significantly reduced that. But we also should go forward in addressing that excess in an orderly and thoughtful manner. An orderly and thoughtful manner means you look at overseas bases first and decide which ones should be closed, and then look at domestic bases to determine whether they are going to have to take on new responsibility as a result of the closures overseas or whether they should also be closed.

It is, therefore, an extremely constructive proposal and one which I strongly support and look forward to voting for, and hopefully it will pass.

I yield the floor and reserve the time to Senator LOTT.

Mr. LEVIN. Mr. President, I yield 5 minutes to Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, here we go again. We have now been through this on several occasions in the past. These are tough decisions. I think peo-

ple realize this could have significant impact on the economies of their States, and of their districts in the case of Members of the House.

But I think we need to again remind people that we are in a situation where the defense spending increases and our requirements to fight the war on terror in general and increased costs of the war in Iraq absolutely mandate that we do everything we can to institute savings for the American taxpayers as far as the expenditure of their tax dollars are concerned.

I don't in any way dispute the fact that when a base is closed it has a very significant and sometimes short-term devastating impact on a State or locality in which that base is located.

I do think it is well to point out that Taxpayers With Common Sense and the Center for Defense Information prepared an independent report which was released in October of 2001. There may be some surprise by those of my colleagues who are citing economic concerns as to why they oppose further base closure rounds. Of the 97 bases closed in four base closure rounds, 88 percent experienced per capita personal income growth as high as 36 percent, and averaging nearly 10 percent; 75 percent experienced gains in average earnings per job; 87 percent had positive employment rates; 68 percent beat the national average; the average job replacement rate of all bases closed is 102 percent; by the beginning of 2001, only 3 of the 97 counties had higher unemployment rates than the BRAC announcement year; and 53 percent had unemployment rates lower than the national average. I think it is important to put it in that economic context.

Far, far more important than that is the fact that we are going through a significant realignment to meet the post-cold-war needs and challenges.

The Department of Defense is well on its way to establishing an integrated commonsense basing strategy that will feed directly into the BRAC process. The Office of the Secretary of Defense is finalizing the decisions in the integrated global presence and basing strategy that will specify who will be coming back and who will be going forward as we transition away from a cold-war posture to a global war on terror posture.

The decisions from the new global lay-down would be precursors to and will greatly influence the BRAC process. It will take both processes acting in a close manner to optimize the deployment of our forces around the world. Delaying BRAC or disrupting the symbiotic relationship between the integrated global presence, basing strategy, and BRAC processes will ultimately minimize our efficiency in the combat effectiveness of our forces in fighting the global war on terrorism.

That is why the Joint Chiefs of Staff and the Secretary of Defense—all knowledgeable people who could be viewed as objective outside observers—

agree that we have to move forward with this process. We have voted on it before. We will vote on it again, maybe, although I hope not between now and the time that is appointed. I don't think there is any doubt that at this particular time it would be a serious mistake for us to delay.

I add again that the economic benefits associated with base closure are generally very much more positive than negative. I hope my colleagues will understand the views of the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, the President of the United States, and all others who strongly feel that we need to move forward with this process.

I look forward to seeing a list of the bases in my State when the Senator from Mississippi hands it out. As he handed out a list the last time, he left my State off the list. I hope he corrects that oversight this time.

Mr. VOINOVICH. Mr. President, I rise today to express my opposition to Senate amendment No. 3158, which intends to delay for 2 years the process of base realignments and closures that is set to begin in 2005.

Nearly 3 years ago, the Senate passed legislation calling for a round of base closures in 2005. I strongly supported that legislation, and I continue to believe it is important that we move forward with plans to realign and eliminate excess military infrastructure.

In March, the Defense Department estimated that we support a defense infrastructure that is in excess of 24 percent. Rather than continuing to pay for unneeded or duplicative facilities, our limited defense dollars can and should be better spent to meet the most pressing needs of our Armed Forces.

United States military forces remain engaged in Iraq and Afghanistan. An American military presence remains important in Asia, including Korea, and U.S. soldiers are deployed to support peacekeeping operations in Southeast Europe and other parts of the world. With such demands on our men and women in uniform, it is imperative that our military resources are directed to meet our most critical defense needs.

I agree with the chairman and ranking member of the Senate Armed Services Committee, Senator WARNER and Senator LEVIN, that we must move forward with implementation of the BRAC legislation that was passed during consideration of the fiscal year 2002 Defense Authorization Act.

Two years ago, the Armed Services Committee concluded:

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.

This remains true today. The fact that we remain engaged in efforts to fight the global war on terrorism and promote peace and stability in Iraq, Afghanistan and other parts of the world,

does not mean that we should put the BRAC process on hold. To the contrary, it makes action even more important. Now, more than ever, we need the resources that are spent to maintain excess infrastructure to meet more pressing defense needs.

Our highest-ranking military official, Chairman of the Joint Chiefs of Staff General Richard Myers, agrees with this assessment. In a letter to the Chairman and Ranking Member of both the Senate and House Armed Services Committees dated May 18, 2004, General Myers and the Joint Chiefs concluded:

A delay of the BRAC round, or a modification of the legislation that limits the Department's flexibility to execute it, will seriously undermine our ability to fundamentally reconfigure our infrastructure to best support the transformation of our forces to meet the security challenges we face now and will continue to face for the foreseeable future.

Our highest-ranking men and women in uniform are requesting this authority so that we can best transform our military, moving beyond the cold war and preparing for current and future threats to U.S. national security interests at home and abroad.

Last week, I joined four of my Senate colleagues for a breakfast meeting with Secretary of Defense Donald Rumsfeld. During the meeting, Secretary Rumsfeld shared with us his vision for our global footprint. In an effort to better meet challenges to national security, the United States is changing its deployment of forces overseas. As the Secretary of Defense confirmed at that meeting, the realignment and closure of military installations, both at home and abroad, is critical as we look to continue that process.

As a result of prior rounds of base realignments and closures, through fiscal year 2001, the Department of Defense had accumulated net savings of approximately \$17 billion. Savings continue annually, freeing up nearly \$7 billion each year. These resources have been reinvested to meet urgent defense needs.

Given the fact that we still have a military infrastructure that is in excess of 24 percent, we can continue to generate even more savings with an additional round of base closures. The Defense Department estimates that an additional round of base closures could save more than \$3 billion, with savings of \$5 billion annually thereafter. Given these savings, there should be little doubt that additional rounds of closures will help to redirect expenditures where we need them the most.

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 being asked to do. By maintaining excess and unneeded military installations, we are keeping scarce and critical resources from more important defense priorities. It just doesn't make sense.

Given the looming budget deficit, ongoing military operations in Iraq and Afghanistan, and other spending needs here at home, it does not make sense to spend billions of dollars each year on defense infrastructure that is not needed. We simply cannot afford it.

While I strongly support the BRAC process, I believe that every facility in Ohio can justify its existence on the merits, and I will work hard as a partner with local communities and my colleagues in Ohio's congressional delegation to support Ohio's defense installations.

I believe that 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, and I strongly oppose any amendment that would delay the base realignments and closures process, or attempt to stop the process in its entirety.

Mrs. BOXER. Mr. President, I am proud to be a cosponsor of this important amendment to look at closing excess overseas military bases before moving forward on any future round of base closures in this country.

Over the past several years, I have consistently opposed additional rounds of base closures. The loss of a military base can have a devastating impact on local communities. This is not the time to subject our fragile national economy to the impact of another round—especially when the DoD is threatening to close one-quarter of our domestic bases.

In addition, I object the Department of Defense request for more base closures when it has failed to clean up former military bases shuttered during the previous four rounds. It will be decades before environmental remediation is complete at some former bases in California. The DoD must meet its responsibilities to the people of California before moving forward with any future rounds of base closures.

Given the ongoing war on terrorism and our current military operations in Iraq, now is not the time to close more bases. We must ensure that we have sufficient military assets to meet our growing challenges. At a time that our forces are stretched thin, it does not make any sense to waste resources in going forward with next year's round of base closures. These are uncertain times and it is impossible to know what the force structure of the U.S. military will be in the near future.

This amendment is a compromise. It allows the base closure process to move forward next year—but only for our installations overseas. It is logical to look at excess capacity overseas before looking at our domestic bases here at home.

I am proud to cosponsor this important amendment and urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Will the Presiding Officer kindly advise the Senate as to the time allocation remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 14 minutes.

Mr. WARNER. And the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Virginia has 18 minutes.

Mr. LOTT. Mr. President, would Senator WARNER be willing to yield 2 minutes to the Senator from Mississippi?

Mr. WARNER. Of course; whatever time our distinguished colleague wants.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank my distinguished friend and colleague for yielding to me, but especially I thank him for his leadership on this issue.

We have had experience with base realignment and closure rounds in my State over a period of years, and not ad infinitum but ad nauseam.

Economically, these have been disasters for the communities and the States because they required the hiring of consultants and advisers to try to come in and prepare the defense for the bases that are located there. It is a flawed process. It has not worked well. It needs to be changed.

Senator LOTT has pointed to a very real and important concern; that is, the enormous expenditures we are making overseas for bases and facilities, many of which are outdated, many of which were placed there because of cold-war concerns and NATO responsibilities which no longer exist.

We are seeing troops shifted from European facilities to new facilities in Italy because that is closer to where the action is in the Persian Gulf area or the Middle East.

We see changes being made, and the Congress has a role to play annually to authorize expenditures and to appropriate the funds for these changes. At any time, if the Congress believes we need to change those policies, we can make those changes legislatively. If the President believes that is inappropriate, he has the veto power. We do not need to turn this over to an unelected commission with no direction from the Congress.

This amendment gives some direction. First, look at our bases overseas, and let's make decisions about how we can improve and make more proficient our deployments there, and then consider proceeding to a base closure and realignment in the United States.

This amendment makes good sense. I compliment my friend, and I urge Senators to support the amendment.

Mr. WARNER. Mr. President, some colleagues have represented that this BRAC, which is law today, preceded September 11. The record is very clear: Congress authorized BRAC in December of 2001. After careful discussion with DOD as to whether we still require and should proceed, eight former Secretaries of Defense wrote Congress in 2002 that support for another round is unequivocal in light of the terrorist attacks of September 11, 2001.



I hope that is right in the RECORD. I hope it does not influence the earlier statements some of my colleagues made. This situation is extremely serious. If we were now to virtually repeal that law in many respects and thrust upon these communities the enormous expense to continue to try and work their cases such that BRAC does not take their case, I commend them for it. It is essential they do that. But the cost is enormous to so many small communities.

This question of the overseas bases, we all recognize that structure has to be brought down. Our Nation's basic defense policy for years has been to engage our adversaries beyond our shores. To do that, we had to have a base structure. We are now addressing how with terrorism there are no boundaries to the threats. This country no longer is protected by two mighty oceans. It is a one-world terrorist threat, and every single American citizen is on the front line in the war on terrorism. No one is behind any barricade anymore.

The Pentagon recognizes this and is beginning to restructure our overseas base forces in such a way as to reduce and bring the forces back home and to have fewer and fewer installations. But they have to integrate that into the various procedures now going on, consistent with the law of the land, the BRAC that we passed. For instance, General Jones and General LaPorte testified before the Armed Services Committee this year on their plans in Europe and South Korea, respectively, to draw down and consolidate forces at each location.

The committee has also received testimony from department heads to submit their Global Posture Review to Congress within the next 3 weeks. It is on target.

I wish to accord the opportunity for other Members to speak, including the Senator from Alabama, a valued member of our subcommittee.

Mr. INHOFE. I ask unanimous consent I be allowed to speak after the Senator from Alabama.

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

Mr. SESSIONS. Mr. President, it has been a great pleasure for me to work with Senator WARNER, the chairman of this committee, and Senator LEVIN, the ranking member.

This BRAC issue has been one we have debated for quite a number of years, and one to which all Members have given serious consideration.

Like a lot of Senators, we have military bases in my State. Year after year, month after month, we had the top military officers in the country telling members we needed to be able to spend our money more effectively; that they should be allowed to reconfigure our base structure; that it could save money and make this Nation stronger.

I became convinced that was true. And that is why—in December of 2001 we had that vote—I voted for this idea.

I led a delegation last month to Europe. We visited 12 installations in Europe. We talked with GEN Jimmy Jones, the Supreme Allied Commander of Europe, and heard from him about his vision for major drawdowns of our force strength in Europe, consolidation of bases. We could reduce that number by two-thirds. A huge number needs to be reduced and consolidated in Europe.

We can bring home, in my view, both infantry divisions and probably other troops, too. Troops from the Pacific can be brought home and maintained in the United States so we can keep expeditionary bases around the world.

That is part of what they are planning this very moment. It will not be long, and we will hear their report. I think it will be bold. I don't think it will be a little-bitty deal. I think they will recommend substantial alterations of past policy.

We do not have the threats in Germany that we had when the Soviet Union existed. It is not there. We can be much lighter in Europe, and we can be much more effective in our deployment of forces, keeping much larger numbers of people in the United States. I don't see a conflict between allowing this to happen at the same time.

In fact, General Jones said to us in our conversation, he envisioned it happening at the same time. In other words, we would reconfigure American bases while we were drawing down the foreign bases, and we would make our decisions about where they will go as we restructure and transform existing defense basing structure in the United States. That is the right way to go.

I have been checking in my State, and some other Senators have heard from their States. People are ready to get this over with. It has been out there for several years. The communities have worked on their bases. They have developed plans and arguments and ideas to demonstrate to the Department of Defense why they have an enduring installation. That has been good and healthy and they are prepared to do it. To delay again is not wise. We voted this down before.

I have the greatest respect for the Senator from Mississippi, my neighboring State, but this is the right thing to do. I take no pleasure in it, but it is not like in the mid-1990s when we were reducing the number of personnel in the military by 40 percent and reducing equipment and capabilities at the same time. We are still increasing our Defense Department.

What General Schoomaker envisions is a young person enlisting in the Army. They can stay at a major enduring base for 7 years without having to move his or her family around. They can be promoted and be trained. Units can remain with their integrity and their training capability for much longer periods of time than we have today.

Fewer, more properly configured bases can help strengthen the Nation's defense. That is why I have concluded

it is right for America. It is the right way to strengthen our national defense.

Do not let anyone say this BRAC process in some way weakens defense. I would never vote for it if I thought that was so. In fact, all the uniform commanders say this will help make us a stronger America.

I thank Chairman WARNER for his leadership and courage in this matter. He certainly has bases in his State, as I do. But we believe it is the right procedure, after having heard the testimony in the Armed Services Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague. Yes, we are very proud of our base structure. Almost every one of our communities now has engaged the lobbyists, and so forth. Listen to this, I say to the Senator. Delaying BRAC benefits one group; and that is, the lobbyists and the consultants paid by these communities and, indeed, State taxpayers.

The Congressional Research Service has estimated over \$23 million will be spent in fiscal 2004 to pay lobbyists and consultants for services to defend installations. A delay of BRAC by 2 years will cost the taxpayers of one State, that is paying a firm \$50,000 a month, over \$1.2 million.

There is the debate.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. WARNER. Yes. We better check on the time.

Mr. President, how much time, please, does the Senator from Virginia have?

The PRESIDING OFFICER. There is 6 minutes.

Mr. WARNER. There is 6 minutes. My distinguished colleague from Mississippi?

The PRESIDING OFFICER. There is 14 minutes.

Mr. WARNER. There is 14 minutes.

Mr. INHOFE. Mr. President, under a unanimous consent agreement, I am to be recognized, so I do have the floor now, but I will yield to the Senator from Virginia.

Mr. WARNER. I beg your pardon. I say to the Senator, you have the floor now?

Mr. INHOFE. Yes.

Mr. LOTT. He had a unanimous consent earlier to go after Senator SESSIONS.

Mr. INHOFE. I will be glad to let you go first.

Mr. WARNER. I will step down.

Mr. SESSIONS. I will yield the floor.

Mr. INHOFE. No. That is fine. I want to be sure I keep my UC in place. I do not want to lose it.

Mr. SESSIONS. I was going to suggest for the lobbyists, it is time to bring that to an end. As some wise person told me in Alabama, they exist to blame the politicians if they close the base, and to claim credit if it is not closed.

Mr. LOTT. Mr. President, I yield 4 minutes to the Senator from Oklahoma, if he needs that time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I wish the Senator from Alabama would stay on the floor for a minute.

First of all, I direct this statement to my chairman, whom I deeply respect. There are three amendments floating around right now. There is a lot of confusion as to which one we are voting on now.

I say to the Senator, your statement, the statement from the Senator from Virginia, and the Senator from Alabama, if, in fact, this is a 2-year delay, I would agree wholeheartedly. For all the lobbyists in there—and I have five major installations in my State of Oklahoma—if this is a 2-year delay, as I have said publicly before, and as I said as recently as our policy meeting, I would say let's go ahead and do it, and do it now.

It is my understanding—and I would certainly yield to anyone who disagrees with this—this is killing this BRAC round; that if it should become necessary to have it, you would have to reauthorize it in 2007. That is now my understanding. It is not a delay. This is not the House language. I would like to ask if there is anyone who would correct me. If I am wrong, I need to know it.

Apparently, I am not.

Let me ask the author of the amendment.

Mr. WARNER. Let's ask Senator LOTT, who authored it. As I read it, there is a 2-year delay.

Mr. LOTT. This amendment is not the same as the House language, which is a 2-year delay.

Mr. INHOFE. That I realize.

Mr. LOTT. This amendment says when you get the global review, you would go forward with a BRAC for overseas bases, and then have the domestic round, presuming that is completed. It is not a 2-year delay. It could be that we would go forward with it after only 1 year. If the realignment in force restructuring that is going on globally would occur next year, then it could go forward next year.

Mr. INHOFE. This kills it, and it has to be reauthorized; is that correct?

Mr. LOTT. That is correct.

Mr. INHOFE. All right. Mr. President, I ask that time not be taken away from my time because I feel very awkward about this. The Senator from Alabama talked about spending time with General Jones, which I did over there. I have spent quite a bit of time, and I think I have a pretty good idea of what is going on. I have actually been to Bulgaria and Romania and Ukraine, looking at how we are going to restructure and bring home our troops who are stationed for these 2- and 3-year periods with their families, so we could actually get out there and have short deployments so they would not have to take their families with them. I think

General Jones is right on target. That is going to have a tremendous effect on what we do in terms of base closures.

I answered a whip check, and I want to correct it right now, so everyone knows that whip check was not worded properly. It said: Would you support defeating a 2-year delay? I would support defeating a 2-year delay for the very reasons that have been outlined here, that we do not want our communities to have to continue to go through that.

But if you will remember the debate we had when I vigorously opposed having this fifth round, I used the argument that we are going to be changing our force structure, that we are going to be making changes that might make us relook as to what we are going to do in our installations here in the United States.

I was elected to the House in 1986, so I was there during the formulation of the BRAC process. I was a staunch supporter for the first three rounds. For the last one, I did not like the way it went. It became political. I have had the fear that would happen again. We closed some 97 installations in the last four rounds, and that is not only low-hanging fruit; a lot of great installations that were closed.

I believe, if this amendment kills it, and it would have to be reauthorized after such time that we know what the restructuring looks like, that I will support this amendment. I am going to find out between now and when the vote takes place if I am correct. But I believe my understanding now is correct.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, since we have more time, I believe, remaining on this side, the side of the proponents of the amendment, I yield such time as he may consume—the remainder of that time—to Senator DORGAN, who has been very much involved and a leader in this process for several years.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague from Mississippi for his leadership on this amendment.

Let me address a few of the issues that have been discussed. First of all, 5 days before September 11, 2001—5 days before September 11—the first vote occurred in the Senate on this BRAC round. It was September 6, and it was a vote in the Senate Defense Authorization Committee. That first committee vote, 5 days before September 11, 2001, is what propelled a base-closing commission proposal to the floor of the Senate.

The opponents of this amendment are quite correct when they say the final vote of the Congress occurred after September 11. But the origin of this, including the vote in the authorizing committee, occurred before September 11.

The reason I make that point is this: Things are changing. The world has

changed. I will bet on September 6, 2001, there was not one member of the Armed Services Committee or a Member of the Senate, and I will bet not one person serving in the Pentagon, who would have predicted that within a matter of months we would be occupying an old Soviet air base in Uzbekistan in order to house our troops to prosecute a war in Afghanistan. No one would have predicted that. No one would have had the foggiest idea that was in front of us. Yet the world has changed.

We now fight a war against terrorism. We fought a war in Afghanistan, quite successfully. We are now fighting a war in Iraq. The world is changing. So our force structure will likely change. Our basing decisions will change. We no longer have a cold war with the Soviet Union. The Soviet Union is gone, it has disappeared.

So what next? Well, my feeling, and the reason I support this amendment and have worked on this amendment, is we ought to do first things first. I have voted for four previous base-closing rounds. My colleague from Oklahoma said we have voted to close some 97—nearly 100—military installations. I have voted for all of that, as I believe have most of my colleagues. So I am not a bit unwilling to vote to close military installations. We have done that on four occasions.

In this case, however, as I said, the world is changing very rapidly. I would ask the question of my colleagues if, in fact, there has been all of this activity about reevaluating overseas bases, given the changes in the world, and the fact we are no longer in a cold war, why, then, do we have nearly 100,000 troops still in Germany? Why?

My colleague from Alabama said, well, we could bring a lot of those folks back. I think he said we could probably bring a half to two-thirds of them back to this country.

Well, here is what the Congressional Budget Office said. It said: The U.S. Army has little or no excess capacity at bases in the United States. The need to house forces in the U.S. that are now stationed overseas could preclude some base closures.

So if that is the case—and it is—wouldn't you do first things first? Wouldn't you decide what it is you are going to do with overseas bases first so you understand what your obligation is with respect to bases here at home? If you are going to bring 50,000 Army troops from Germany back to American soil, where are you going to put them? Wouldn't you want to make those decisions before you have a base-closing commission here for domestic bases?

And one other point, I wonder if perhaps, with respect to the international war on terrorism, and the substantial need for homeland security, which we did not spend so much time thinking about years ago, I wonder if when we talk about domestic military installations whether we might not think about them in a slightly different way.

Perhaps we need more. I don't know. I would sure like all of these to be handled and discussed and debated and thought about in a logical way. Frankly, that has not been the case.

We have a very large Federal budget deficit. We are now going to be asked for a \$25 billion reserve fund to fund the war in Iraq. The Congress is going to provide that. We are not going to ask the American men and women in uniform to go in harm's way and then not provide the funds that are necessary. But at a time when we have a very large Federal budget deficit and the need to provide funding to prosecute the war in Iraq, a base-closing commission next year will result in us spending more money, not saving money, spending more money. If you question that, look at all the previous rounds and ask yourself what the result has been of those rounds in the years following the round. It cost us more money to proceed with the recommendations of the BRAC Commission.

The Senator from Oklahoma asked the question: What is this amendment? The amendment is very simple. The amendment says the 2005 BRAC round shall proceed, but it shall proceed to evaluate and recommend realignment and closure only with respect to overseas bases. Why is that the case? Because that ought to be done first. First things first, but put the horse in front of the cart, evaluate what are the international, what are the worldwide needs and interests of our country with respect to our military troops and installations, and then from that you will determine what kind of military installations and needs you have in this country domestically.

That is what our amendment does. It provides for the 2005 round to proceed with respect to overseas bases. Then secondly it says, following that report and disposition of its recommendations by the Senate, a motion will be in order by someone who wishes to propose a motion for a new BRAC round. Under expedited procedures, that motion shall be considered, and there shall be a vote of the Senate on whether to implement another BRAC round. The Senator from Oklahoma, with respect to the question he asked, was absolutely correct.

I have great respect for the chairman and ranking member of this committee. They do outstanding work. They are both wonderful legislators, and I regret that we find ourselves on different sides of this question. I have great respect for their position. But I believe, as do many of my colleagues who have spoken today, that the better course for this country, given what we face, our challenges and the circumstances that now exist, would be to proceed with the amendment, have an overseas BRAC round next year, decide what it is we want to do internationally with overseas bases, and then proceed from that basis and make further judgments.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say to my good friend, he has correctly described how this operates, but the reality is, by killing the domestic BRAC program and putting it in abeyance subject to a future vote by the Congress—and mind you, any Member of Congress can trigger that vote; am I not correct?

Mr. DORGAN. That is correct.

Mr. WARNER. All Presidents have supported BRAC. You know that message is coming up. So what happens to the lobbyist? He tells the community: Keep me on the payroll, that vote is coming, and you do not know which way that vote is going to go. They will breathe fear into these communities, unlike anything before, to keep those lobbyists on the payroll. Those communities will be shelling out the money year after year.

I will close with the following comment: We are to soon receive a letter which will have this statement in it: Base Realignment and Closure, BRAC—the administration strongly opposes any provision to modify, delay, or repeal the BRAC authority passed by the Congress 3 years ago. If the President is presented a bill that modifies, delays, or repeals the BRAC authority, the Secretary of Defense, joining with other senior advisers, would recommend that the President veto the bill. Rather than waiting for the resolution of infrastructure issues as proposed by the committee, BRAC needs to move forward so it can be done in concert with such a resolution. A delay would postpone the achievement of a basing structure more suited to 21st century threats and delay billions and billions of dollars in savings. The current excesses in base and facility capacity create unnecessary demands on the Department of Defense resources needed to maintain military readiness and transform for the future.

I yield to my distinguished colleague from Michigan.

Mr. DORGAN. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Mississippi controls 2 minutes 22 seconds. The Senator from Virginia has 3 minutes 55 seconds.

Mr. WARNER. I yield that to my distinguished colleague from Michigan.

Mr. LEVIN. Mr. President, there has been a number of votes on BRAC. Just to clarify, it was not just that the Congress voted to keep a BRAC process going after 9/11; the Senate itself, on September 25, 2001, voted to table an amendment which struck the BRAC title. That was after 9/11. It was the Senate itself that voted on that.

Secondly, the point about first things first, it seems to me, is right. We ought to consider overseas bases first. That is why we created a commission last year in the 2004 appropriations bill, the MILCON appropriations bill. We ap-

pointed the Commission on Review of Overseas Military Facility Structures of the United States. That commission is meeting now. That commission is going to make a report this year. First things first, that is exactly what we are doing with that commission—reporting first on overseas structures.

The real question is whether we get to the second thing. This amendment kills BRAC. I think the sponsors have clarified it. This kills BRAC unless there is, as the Senator from Virginia points out, a vote in 2005 to have a BRAC process. That will be the vote that all of the lobbyists will be pointing to. Every one of our States has bases. A lot of those bases are nervous. They have hired people to lobby us. Now the focus will be on a 2005 vote. So the cost to the communities to keep this pot boiling will continue. The communities will be left in limbo because these bases' future will be uncertain.

The vote in 2005 will be certain. The outcome will not be certain, but there will be a vote in 2005. We know that because of the amendment language. So the beneficiaries of this amendment are the lobbyists and representatives of the communities, the communities kept nervous, kept in limbo. Keep the pot boiling; don't resolve this issue. The only argument to do that is first things first.

We did that. We have our overseas basing commission in place, appointed, meeting. That is the logical process. We ought to let it play out.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I yield 1 minute to the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I think the administration has begun to address the overseas basing issue. I have visited bases, as have many of my colleagues. I have seen training constraints where you don't have the airspace to stay in training or you don't have the artillery range to stay in training. We have not had enough time to fully look at overseas bases and also know what our end strength is going to be. We don't know right this minute what our end strength is going to be and our force structure because we are having to adapt to some incredible changes in our security environment.

We are going to have the last round of BRAC at some point, but it needs to be at the right time, and it needs to be done right. The Lott amendment would give us that extra time to make sure we do it right.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, I yield myself the remainder of the time.

This commission on overseas bases is a Global Posture Review. It is not a closure or realignment process. It is a review of requirements that should then inform an overseas base process. But it is not a base closure. This commission which reports in December guarantees that nothing will happen. I

want to make sure everybody understands that. We are trying to get an overseas realignment and base closure process.

Secondly, I am shocked with all this talk about the key factor here is the lobbyists: We don't want our communities or States to keep these lobbyists who are going to be working to try to keep the commission from closing this base or that base. I really can't really believe that has been the argument.

I have an answer to that. Take them off the payroll. I know how it has been working. Some of these people have been paid for 4 years, and there has not been a BRAC process underway. That is why we are here. We are here as representatives of the people. We do not need these people on the payroll. Surely, that is not the best argument.

I guarantee this: Some of the communities, some of the bases, some of the people will say this will give us 2 more years, at least, on life. We will take those 2 years. The very idea of "shoot me and get it over with" when, as a matter of fact, some of these bases are really needed—CBO has said there is not excess capacity.

My last point is, if we are going to have a base-closure process, target the excess bases; do not target every base in America. I urge we adopt this amendment.

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

Mr. WARNER. All time has expired?

The PRESIDING OFFICER. The Senator from Virginia has 1 minute 26 seconds remaining.

Mr. WARNER. Mr. President, I simply say to my good friend, a very valuable adviser for these many years, this BRAC legislation is to take Congress and remove it, once we make the decision to go forward with a BRAC, because the very essence of BRAC was so distorted by a certain political individual some years ago.

I have to tell my dear friend, it took a lot of effort to get this law in place. To dislodge it and terminate it, as this amendment does—this is a killer amendment to BRAC—and then leave in limbo these communities with 2 years of uncertainty, not being able to attract business, not being able to do things in their community, with this cloud over their head as to the probability or improbability of their base remaining, is a dangerous situation.

Mr. LOTT. Mr. President, has all time expired?

Mr. WARNER. I will be happy to grant my good friend—

Mr. LOTT. Mr. President, I ask unanimous consent that I have an additional 30 minutes.

Mr. WARNER. Thirty minutes?

Mr. LOTT. Thirty seconds, to wrap up this debate.

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

Mr. LOTT. Mr. President, I want to emphasize again, think about what we are doing. Think about the time. Think about how much has happened in the

last 2 years. Think of the troops, the Reserve and Guard forces in Iraq and Afghanistan. Think about the families, the mothers, and communities already very much concerned about the future of our military men and women, where they are going to be, and now add this to it. I think the timing is wrong. To say we are not going to even identify what bases will be subject to this review is not the way to go.

I say again, think about these issues. I do not think we have any guarantee overseas bases will be realigned. I have evidence to indicate they will have the same numbers overseas in 2025. We have heard a lot of talk about realignment overseas and restructuring. It has not happened. This will make sure we first have overseas bases realigned and a new structure and then the domestic bases.

I yield the floor.

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

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3158. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yea."

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

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

The result was announced—yeas 47, nays 49, as follows:

[Rollcall Vote No. 98 Leg.]

#### YEAS—47

Baucus	Daschle	Landrieu
Bayh	Dayton	Lott
Bennett	Dodd	Mikulski
Bingaman	Domenici	Murkowski
Boxer	Dorgan	Murray
Breaux	Durbin	Nelson (FL)
Burns	Edwards	Nelson (NE)
Campbell	Feinstein	Pryor
Chafee	Fitzgerald	Sarbanes
Clinton	Frist	Schumer
Cochran	Gregg	Snowe
Collins	Hatch	Specter
Conrad	Hollings	Stabenow
Corzine	Hutchison	Stevens
Craig	Inhofe	Sununu
Crapo	Johnson	

#### NAYS—49

Akaka	Chambliss	Grassley
Alexander	Coleman	Hagel
Allard	Cornyn	Harkin
Allen	DeWine	Jeffords
Biden	Dole	Kennedy
Bond	Ensign	Kohl
Brownback	Enzi	Kyl
Byrd	Feingold	Leahy
Cantwell	Graham (FL)	Levin
Carper	Graham (SC)	Lieberman

Lincoln	Reid	Talent
Lugar	Roberts	Thomas
McCain	Rockefeller	Voinovich
McConnell	Santorum	Warner
Miller	Sessions	Wyden
Nickles	Shelby	
Reed	Smith	

#### NOT VOTING—4

Bunning	Kerry
Inouye	Lautenberg

The amendment (No. 3158) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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 (Mr. SMITH). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank all Senators for their cooperation today. We made some progress on the bill. But at this time, on behalf of the leader, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object, I want the RECORD to reflect we were prepared to go ahead with our amendment this evening for debate and discussion. I understood the Senator from New Mexico had an amendment. We were here at 3:30 or so, 4 o'clock. I was reminded by our ranking member about the desire to move ahead on the Defense authorization bill, so I want to be sure the ranking member and the floor manager of the bill, my friend and colleague, knows we are here ready to go with an amendment. It is an amendment of very significant importance about the Iraq policy. We were prepared to debate that amendment this evening and have discussion about this matter. I want to say, I certainly want to cooperate with the floor manager.

We are all looking forward to the hearing tomorrow morning at 8:30, when we will have General Abizaid and General Sanchez, and others—General Miller—who are going to be there, which will necessitate my attendance. I want to cooperate in every way, and will certainly, but I do want to indicate many of us who feel strongly about this issue and the importance of it were prepared to deal with this through the evening time. But it is evidently the wish of the floor manager to bring us into morning business. I would like to ask if I cannot at least have my amendment pending after the Senator

from—as I understand, the Senator from New Mexico had intended to offer an amendment. As the floor managers remember, I tried to follow that Senator, considering the fact we had the Lott amendment, and then the Domenici amendment, that we might have an amendment from over on this side.

I want to try to work it out, but I do want to try to at least find out if we can get in the queue on this issue so we can notify our Members. I am inquiring from the manager if we cannot at least get the amendment pending after the disposition of the amendment of the Senator from New Mexico, before we go into morning business.

Mr. WARNER. Mr. President, in reply to my distinguished colleague on the Armed Services Committee, at this time I am not in a position to suggest how we proceed tomorrow, other than to say we, as a matter of comity, will rotate one amendment to another. The pending business, of course, at this time on this bill is the Lautenberg amendment. I would presume if that is disposed of tomorrow, then we would go to an amendment on our side, and we would then come back to your side.

But at this time I would not be able to participate in trying to line up with certainty any amendments other than the fact that the Lautenberg amendment is the pending amendment.

Mr. KENNEDY. Mr. President, I will not object, although it is perfectly satisfactory with the Senator from New Jersey for us to move ahead in the way I have outlined here, but if the chairman, the Senator from Virginia, wants to proceed in that way, it is obviously his right to do so. I am going to ask at least that my amendment get sent to the desk, not that it be in order but that it be sent to the desk prior to the time we go into morning business, if that is agreeable with the Senator, so it can be printed in the RECORD.

Mr. WARNER. Mr. President, at this time I am not prepared to enter into any unanimous consent request.

Mr. KENNEDY. Well, Mr. President, then I object.

Mr. WARNER. Filing is a Senator's right.

Mr. KENNEDY. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia has the floor.

Mr. KENNEDY. I suggest the absence of a quorum.

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

Mr. WARNER. He can file, but I did not hear the word "file."

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

The PRESIDING OFFICER. There is no quorum call.

Mr. REID. I apologize. I thought there was. Will the Senator yield so the Senator can send his amendment to the desk?

Mr. WARNER. The Senator participates in the withdrawal of the quorum

call. Yes, the quorum call can now be withdrawn. I ask unanimous consent that the quorum call—

The PRESIDING OFFICER. There is no quorum call. The Senator from Virginia has the floor.

Mr. REID. Mr. President, there is a unanimous consent request pending?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I ask unanimous consent that my amendment to this legislation be printed at the appropriate place at the end of the discussion on this legislation here today.

Mr. WARNER. No objection.

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

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

#### AMENDMENT NO. 3174

(Purpose: To require a report on the efforts of the President to stabilize Iraq and relieve the burden on members of the Armed Forces of the United States deployed in Iraq and the Persian Gulf region)

On page 247, between lines 13 and 14, insert the following:

#### SEC. 1022. REPORT ON THE STABILIZATION OF IRAQ.

Not later than two weeks after the date of the enactment of this Act, the President shall submit to the congressional defense committees an unclassified report (with classified annex, if necessary) on the strategy of the United States for stabilizing Iraq. The report shall contain a detailed explanation of the strategy together with the following information:

(1) A description of the efforts of the President to work with the United Nations and the North Atlantic Treaty Organization to provide relief for the nearly 150,000 members of the Armed Forces of the United States who were serving in Iraq as of May 2004, including efforts to ensure that—

(A) more military forces of other countries are deployed to Iraq;

(B) more police forces of other countries are deployed to Iraq; and

(C) more financial resources of other countries are provided for the stabilization and reconstruction of Iraq.

(2) As a result of such efforts—

(A) a list of the countries that have committed to deploying military and police forces;

(B) with respect to each such country, the schedule and level of such deployments; and

(C) an estimate of the number of members of the Armed Forces that will be able to return to the United States as a result of such deployments.

(3) A description of the efforts of the President to develop the police and military forces of Iraq to provide relief for the nearly 150,000 members of the Armed Forces of the United States who were serving in Iraq as of May 2004.

(4) As a result of such efforts—

(A) the number of members of the police and military forces of Iraq that have been trained;

(B) the number of members of the police and military forces of Iraq that have been deployed; and

(C) an estimate of the number of members of the Armed Forces of the United States that will be able to return to the United States as a result of such training and deployment.

(5) An estimate of—

(A) the number of members of the Armed Forces that will be required to serve in Iraq during each of the first five years following the date of the enactment of this Act; and

(B) the percentage of that force that will be composed of members of the National Guard and Reserves.

#### MORNING BUSINESS

Mr. WARNER. Mr. President, I repeat, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### ORDER OF BUSINESS

Mr. WARNER. Mr. President, I would like to say, with regard to our distinguished colleague from New Mexico, he had an amendment, and I would hope tomorrow in the course of the day, that amendment could be cleared. I do not believe it would require a rollcall vote. I wish to give that assurance to the Senator from New Mexico.

Am I correct on that?

Mr. LEVIN. Mr. President, if I could respond to my good friend from Virginia, we are hoping to clear that amendment. I believe it can be cleared. I hope it can be cleared. But apparently—

Mr. DOMENICI. Mr. President, I was going to say, frankly, I never withdrew it. We had a discussion about it, and you asked me something, but I do not think I ever formally said it. They said at 3:05 it was withdrawn. I do not remember at 3:05 being on the floor.

Mr. WARNER. Anyway, I say to the Senator, you have my assurances I will endeavor tomorrow to have that amendment adopted.

Mr. DOMENICI. Fine. And I have no doubt you will.

Mr. WARNER. Mr. President, I say to the Senator, thank you very much. I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### PROMPT TRIAL OF SADDAM HUSSEIN

Mr. SPECTER. Mr. President, I have sought recognition to discuss a matter which I have talked to executive officials about, and my colleagues in the Senate about, and that is to urge consideration for a prompt trial of Saddam Hussein.

The judgment, I think, is correct to try Saddam Hussein in Iraq so the people of Iraq and the people of the world will have confidence in what happens at a trial. It has obviously been difficult to constitute a judicial tribunal to try Saddam Hussein. But now, as we are approaching June 30 and the prospect of the transfer of sovereignty—and there is proceeding for an interim government and a constitution—I think