

therefore, it is critical that Members be given the ability to offer amendments to improve its provisions.

In the case of H.R. 4571, the Lawsuit Abuse Reduction Act the oversight functions of the Judiciary Committee allowed us to craft a bill that will protect those affected from negative impacts of the shield from liability that it proposes. This legislation requires an overhaul in order to make it less of a misnomer—to reduce abuse rather than encourage it.

The goal of the tort reform legislation is to allow businesses to externalize, or shift, some of the cost of the injuries they cause to others. Tort law always assigns liability to the party in the best position to prevent an injury in the most reasonable and fair manner. In looking at the disparate impact that the new tort reform laws will have on ethnic minority groups, it is unconscionable that the burden will be placed on these groups—that are in the worst position to bear the liability costs.

When Congress considers pre-empting state laws, it must strike the appropriate balance between two competing values—local control and national uniformity. Local control is extremely important because we all believe, as did the Founders two centuries ago, that State governments are closer to the people and better able to assess local needs and desires. National uniformity is also an important consideration in federalism—Congress' exclusive jurisdiction over interstate commerce has allowed our economy to grow dramatically over the past 200 years.

This legislation would reverse the changes to Rule 11 of the Federal Rules of Civil Procedure, FRCP, that were made by the Judicial Conference in 1993 such that (1) sanctions against an attorney whose litigation tactics are determined to harass or cause unnecessary delay or cost or who has been determined to have made frivolous legal arguments or unwarranted factual assertions would become mandatory rather than discretionary to the court, (2) discovery-related activity would be included within the scope of the Rule, and (3) the Rule would be extended to state cases affecting interstate commerce so that if a state judge decides that a case affects interstate commerce, he or she must apply Rule 11 if violations are found.

This legislation strips State and Federal judges of their discretion in the area of applying Rule 11 sanctions. Furthermore, it infringes States' rights by forcing State courts to apply the rule if interstate commerce is affected. Why is the discretion of the judge not sufficient in discerning whether Rule 11 sanctions should be assessed?

If this legislation moves forward in this body, it will be important for us to find out its effect on indigent plaintiffs or those who must hire an attorney strictly on a contingent—fee basis. Because the application of Rule 11 would be mandatory, attorneys will pad their legal fees to account for the additional risk that they will have to incur in filing lawsuits and the fact that they will have no opportunity to withdraw the suit due to a mistake. Overall, this legislation will deter indigent plaintiffs from seeking counsel to file meritorious claims given the extremely high legal fees.

Furthermore, H.R. 4571, as drafted, would allow corporations that perform sham and non-economic transactions in order to enjoy economic benefits in this country.

This is a bad rule that will have terrible implications on our legislative branch, and I ask

that my colleagues to defeat the rule, defeat the bill, and support the Substitute offered by Mr. SCHIFF. We must carefully consider the long-term implications that this bill, as drafted, will have on indigent claimants, the trial attorney community, and facilitation of corporate fraud.

Mr. GINGREY. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### DISAPPROVING THE RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Mr. HUNTER. Madam Speaker, pursuant to section 2908(d) of Public Law 101-510, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER).

The motion was agreed to.

□ 1055

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 65) disapproving the recommendations of the Defense Base Closure and Realignment Commission, with Mr. GINGREY in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the joint resolution was considered read the first time.

The CHAIRMAN. Pursuant to section 2908(d) of Public Law 101-510, debate shall not exceed 2 hours.

The gentleman from California (Mr. HUNTER) will be recognized for 1 hour in opposition to the joint resolution and a Member in favor of the joint resolution will be recognized for 1 hour.

Mr. LAHOOD. Mr. Chairman, I would like to claim the 1 hour in support of the resolution.

The CHAIRMAN. The gentleman from Illinois (Mr. LAHOOD) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri (Mr. SKELTON), and I ask unanimous consent that he be allowed to control that time. I also ask unanimous consent that I be allowed to designate the gentleman from Colorado (Mr. HEFLEY) as controlling our time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, tonight marks the end of a long and difficult process for selecting military installations for closure and realignment.

Under BRAC law, the realignment and closure recommendations by the BRAC 2005 Commission will become binding, unless a joint resolution of disapproval, such as the one before us today, is enacted.

For those of us with military installations in our districts, the BRAC process is a trying one. And I might mention we have had four BRAC rounds previous to this one. Every one of us spent the last 4 years making a case to the Pentagon and the BRAC Commission with respect to the military value of our bases. Nevertheless, both DOD and the BRAC Commission have determined that a portion of our military infrastructure should be closed or realigned.

As a result, the final recommendations of the Commission include 22 closures that we would designate as major closures, 33 major realignments, and many smaller closure and realignment actions. According to the Commission, these actions will save more than \$15 billion over the next two decades with annual savings of more than \$2.5 billion after implementation.

Some of my colleagues have questioned the need for a round of BRAC and the timing of this round. While I understand and appreciate such concerns, I believe that these issues have been thoroughly discussed and debated. In addition, by a vote of 43 to 14, the Armed Services Committee reported this resolution adversely to the House with a recommendation that it do not pass. As such, I intend to vote against House Joint Resolution 65 today, thereby allowing the BRAC Commission recommendations to stand, and I would urge my colleagues to join me in doing so.

On a final note, I would like to thank the BRAC Commissioners for their service. Since their appointments this spring, the Commissioners visited more than 170 installations, conducted 20 regional hearings and 20 deliberative hearings, and participated in hundreds of meetings with public officials. Also, Mr. Chairman, I would particularly like to thank the chairman of the Commission, Anthony J. Principi. Tony Principi took on another tough one in chairing this BRAC Commission. It is a commission in which you get beaten up lots of times, second-guessed a lot, and cross-examined a lot. Yet, it is a necessary position, and it is one that requires a guy or a lady with a lot of integrity. Chairman Principi is just such a person.

Also, we had on our committee two former members of the Armed Services Committee who were on the BRAC Commission, Jim Bilbray and Jim Hansen, and Mr. Chairman, they have served us well as senior statesmen in

again what amounted to very, very difficult roles.

□ 1100

I would like to acknowledge the good work of all of the commissioners. It is not an easy job and it is, to some degree, a very thankless job. Nonetheless, it is necessary and they put a lot of time and a lot of sweat into this process. So I want to thank them.

Mr. Chairman, I reserve the balance of my time.

Mr. LAHOOD. Mr. Chairman, I yield myself such time as I may consume.

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Chairman, the reason that I introduced this resolution is because I feel very strongly that we are in a position in the House to send a very strong message of support to those who are doing the hard work in Iraq, those who have done the hard work in Afghanistan, and those men and women who we call our citizen soldiers, and a big debt of thanks for what they have been doing in the work that we have asked them to do.

I have been a very strong supporter of the President's position when we went to Afghanistan because I thought we needed to bring down al Qaeda. And no politician can take credit for what has taken place in Afghanistan. It has been done by the hardworking men and women who brought down al Qaeda and the 25,000 troops that are still there.

And no politician can take credit for what has taken place in Iraq. I supported the resolution to go to Iraq. I have supported President Bush on every request that he has made before this House for the money to support our troops, and now we have more than 135,000 troops and many men and women working in the State Department and the embassy there trying to help stand up a democracy, help stand up a police force, and help bring about democracy in Iraq.

If we go along with the BRAC Commission recommendations, what we say to those hardworking men and women who have done the work that we have asked them to do is that we are thinking about, not thinking about, the BRAC recommendations would close the bases, close some of the guard bases, say to the citizen soldiers who have done the hard work, thanks, but we don't need you any longer.

This is the wrong message to be sending. These hardworking men and women have done the job that we asked them to do, and that is the reason that we have seen such great success in Afghanistan and in Iraq. So I ask Members today to support this resolution and send a message to those who have done the hard work that these BRAC recommendations are not the right approach.

When the establishment of the BRAC came about, it was prior to 9/11. It was prior to going into Afghanistan, prior to going into Iraq, and prior to us ask-

ing our men and women, the citizen soldiers and the full-time military, to do the hard work that they are doing. This sends the wrong message. This is not the message that we want to send to those that are there, that the Guard bases and the air bases and the military bases that are being recommended for closure or realignment were not right.

When we are spending the kind of money that we are spending, we are not saving an awful lot through these BRAC recommendations. I would submit to the House that if 9/11 had happened prior to us passing this BRAC, that BRAC would not have passed, we would not have established a commission, because we would need a very strong military and we would need these Guard bases.

I also want to point out to the House that there is a Federal law that has been ignored by BRAC and ignored by the Defense Department. It is a Federal law that says you cannot close air and Guard Reserve bases without the authority of the Governor of the State, and this has been ignored.

It was ignored by BRAC, and it was ignored by the Defense Department. I think it is a law that has standing, and I think it is a law that makes an awful lot of sense. The Governors should have a say in what bases are closed. But it was a law that was ignored. So I say to those in the House that today is not the day to send the kind of message that we will be sending if we do not approve the resolution that was considered by the Armed Services Committee and being considered here today. We need to pass this resolution.

If we pass the resolution, we do send a strong message to our citizen soldiers and to the military that the work that they are doing is important, that the Guard bases that they represent, that the air bases that they represent are important, and that our citizen soldiers have done the good work.

There is going to be another report coming from the Defense Department about realigning and about the kind of defenses that our country wants. We do not know what that report will say, but I think it is another indication that the BRAC is premature. I know what the chairman said about those who served on the BRAC, but I am not sure that we were quite as well served by some of those members as we could have been in some of their deliberations.

These are people that were called upon to do very difficult work. They have completed their work, and now it is up to Congress to speak. The Defense Department has spoken. BRAC has spoken. The President has spoken. Now, Mr. Chairman, it is up to the House to speak today.

I urge the House to adopt this resolution in support of those that have done the hard work, in support of those who are citizen soldiers who come from the communities that we represent and say to them, we thank you for your hard

work. We thank you for what you have done. We thank you for bringing down al Qaeda. We thank you for helping stand up a democracy in Iraq, and we are not going to eliminate the bases from which you come or realign them.

Mr. Chairman, I rise today to offer H.J. Res. 65, a resolution that I introduced that would disapprove the recommendations of the 2005 Defense Base Closure and Realignment Commission.

As I have stated many times since this BRAC round began, it is absolutely wrong that we are considering closing and realigning bases while we are at war. We in Congress spend quite a bit of time proclaiming that we are doing all we can to care for our troops. Spending billions of dollars closing and realigning bases isn't caring for our troops—it's just plain wrong.

Congress created the BRAC process so that there would be a non-partisan, independent method of reviewing our military's post-Cold War excess infrastructure. Unfortunately, we live in a different world today and we face challenges that we, as a nation, couldn't even imagine in the late 1980s. There is no more "peacetime dividend" to be gained from closing bases. The Global War on Terrorism has reached deep into our military structure and showed us that we can no longer ask our military to do more with less.

This BRAC Commission was asked to do a very difficult task in a very uncertain environment. Early next year the Department of Defense will issue its latest Quadrennial Defense Review, a document that will outline the future structure of our military as they continue their fight against terror. We do not know what the QDR will contain, and what sort of infrastructure will be required to support it. We are also waiting to hear the plan for bringing as many as 70,000 troops and their families home from Europe and Asia as the Department reduces its Cold War footprint overseas. We do not know what that plan will contain, either, but those 70,000 people and their dependents will have to live and work somewhere. The BRAC Commission noted in its report to the President that the timing of this BRAC round was not ideal because of all of the uncertainty surrounding these upcoming major events. Even the most well-intentioned decisions, if they are made without taking all of the facts into account, can end up hurting those we say we are trying to help.

The list of recommendations that were released by the Department of Defense on May 13 contained more proposed actions than all previous BRAC rounds combined. In its report to the President, the BRAC Commission was very critical of the Department's methods. The Pentagon lumped together unrelated activities into one recommendation, leaving a mess for the Commission to try to untangle. The DoD proposed the consolidation of many jobs and commands that had similar names, even if they did not have the same missions. There was apparently no interaction between the Pentagon and other federal agencies that share assets and installation space, such as the Department of Veterans Affairs and the United States Coast Guard, agencies that could be now left in serious financial straits if the burden of maintaining these facilities falls completely on them. And, most striking of all, there was very little cooperation and interaction between the Pentagon and the Department of Homeland Security. How can we feel

secure in voting on these recommendations without knowing the full impact they will have on our homeland security? These bases are not simply staging areas before our military goes to fight overseas. Our military is vital to securing our homeland. We cannot make it more difficult for them to achieve that mission.

The one aspect of this year's BRAC round that brought this issue home to many of my colleagues was the inclusion of Air National Guard bases. I am proud to say that I represent 2 flying units of the Illinois Air National Guard in my district, and I have seen firsthand the vital roles they play in our nation's defense. We ask our Guard to make extraordinary sacrifices and become masters of a wide range of issues, from fighting against terrorism in Iraq and Afghanistan to rescuing victims and providing relief to those who are impacted by natural disasters here at home. They do so willingly and heroically, leaving behind their families and their jobs as soon as they get the call. These Guard units, under the purview of the governors of the states, are now being closed or "enclaved" without the consent of the governors and without proper consultation of the State Adjutants General. This is how we support those who serve both their states and the federal government? These men and women are not going to uproot their entire lives to follow their units to other states. We will lose them, their knowledge, and their expertise. This is a price we cannot afford to pay.

Title 10 of the United States Code prohibits the closure or relocation of Army and Air National Guard units without the consent of the governors of the states in which those units are located. A number of governors have gone on record and refused to give their consent for the movement of their National Guard units. Many states have filed lawsuits in federal court demanding that the Pentagon and the BRAC Commission follow federal law. The Speaker, Senator DURBIN and I brought this provision to the attention of the Secretary of Defense in a letter dated March 24. To date, the Pentagon still has not been able to answer that letter. On July 14, the BRAC Commission's own Deputy General Counsel issued an opinion that not only are the proposed Air Guard moves in violation of federal law, they may be unconstitutional. The Commission ignored its own lawyer! This BRAC round is going to leave us with flying units that no longer have planes, and for what reason? These Air Guard moves do not save money. They will weaken the Air Guard in many states and make recruiting and retention of these dedicated Airmen next to impossible. Not only is this wrong, it is illegal, a clear violation of Title 10 of the United States Code. Lawsuits are still pending.

Much has been said about the proposed "savings" if this round of BRAC is enacted. A figure of \$35 billion in savings over 20 years seems to be popular in the media. However, this \$35 billion figure includes assumed personnel cost savings; savings that both the BRAC Commission and the GAO have stated should not be included. Once those personnel savings are removed, the total savings falls to approximately \$15.1 billion over the next 20 years. We cannot forget that this round of BRAC will cost \$21 billion to enact. That kind of math simply does not make sense.

This round of BRAC has strayed far from Congress' original intent. We aren't reducing

excess infrastructure to save money. This BRAC is the beginning of implementing major force structure changes without the consultation of Congress. Sweeping changes like this require more than just one up or down vote.

I have heard a number of my colleagues state that they will support this round of BRAC even though they do not agree with it, simply because this is the process that Congress established. This is not something we can close our eyes and blindly support. We are a nation at war, the timing is wrong, the savings are not there, and Guard units are being moved out of their states in violation of federal law. The process did not work this time, and we need to stand up and say "Stop".

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I have long supported the base closure process as a way to eliminate excess infrastructure in the Department of Defense. This is an important and very noble goal. We need all of our resources to be devoted towards supporting our fighting men and women. This includes having the best and most efficient facilities.

For this reason, Mr. Chairman, I will today vote to uphold the list recommended by the BRAC Commission and against the resolution of disapproval.

Even though I support the BRAC, I would like to take this opportunity to comment on the process that was used in this round of BRAC. In the last three BRAC rounds, the Defense Department demonstrated that it could successfully close bases and reduce infrastructure through a measured and deliberative process.

In this round, however, neither the Department of Defense nor the BRAC Commission, in my opinion, has lived up to the high standards that we set for them. The execution of the process and the final outcome has suffered. The end result is that I doubt we will see another round of base closures due to missteps along the way.

This is it, Mr. Chairman. This is it for BRAC. But even with the BRAC shortfalls, I feel that the Congress created a law that we are obligated to follow. While it missed some opportunities, the commission made some closures that will benefit the Nation. There are some outstanding prospects for jointness included on the list.

I sincerely hope that the Department of Defense will work to maximize their effect, while it works to assist communities that will be affected by closures with redevelopment.

Mr. Chairman, we must vote upon the product that is before us and the good that it can do. This BRAC may not be perfect, but we must take the opportunity presented to us to streamline our military infrastructure.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to join Chairman HUNTER and Ranking Member

SKELTON in opposing House Joint Resolution 65.

I was not a fan of us doing this BRAC round. The gentleman from Illinois said that if 9/11 had happened before the approval of this round, we probably would not have had a BRAC round. But the truth is that we have reaffirmed this BRAC round time and time again since 9/11.

Each year I would offer an amendment in the Armed Services Committee to put off the BRAC for many of the reasons that the gentleman from Illinois has stated: to put off the BRAC for 2 years until we could see where we are about bringing troops home, to see where we are on our war against terror.

Each time it would pass overwhelmingly in committee, it would pass overwhelmingly in this House, and we would be shot down in the conference committee by the Senate and the White House. We lost that battle. That would have been my choice.

But once we have gone through this process, I think we should proceed with it at this point. Just 5 months ago, the House voted down an amendment that would have delayed BRAC, the 2005 BRAC, indefinitely. I argued then, as I do today, that we must allow the BRAC process at this point to run its course.

As it turned out, that course took several unexpected twists and turns along the way. On the positive side, the BRAC Commission removed several significant bases from the closure list. In doing so, they validated our belief that our military should not give up the ability to surge to meet future crises in times of war and peace, allowing this ability that is fundamental to our Nation's security.

On the negative side, the commission's actions on some issues like the commission's directive relating to the Naval Air Station Oceana, for example, raise a number of questions about the credibility underlying the BRAC process.

Considering that credibility is the foundation upon which BRAC is built, such questions are troubling. While I do not believe the BRAC 2005 outcome to be sufficiently flawed to vote to disapprove it, I have reached the conclusion that any future use of the existing BRAC laws to close or realign bases would be a mistake.

In balance, Mr. Chairman, I feel that this may have been the best BRAC process that we have had in all of the BRAC processes we have had. There are problems with it. It has never been perfect. It was not perfect this time. But I think it was perhaps the smoothest and best process that we have had.

To those of my colleagues who still may be on the fence about today's vote, I would point out that disapproval of the BRAC 2005 recommendations would guarantee yet another round of base closures in the very near future.

Bases on today's closure list would likely appear again on the future list. And those bases that escaped closure

this time would again be at risk of closure or realignment. Whether or not you support any given closure or realignment within BRAC 2005, I hope that all of my colleagues will recognize that the alternative, which is another round of BRAC in the near future, would be even worse.

My friends, I do not want to go through this again. Any of us who represent bases across this Nation do not want to continually go through this kind of agony. For all of these reasons, I will vote against H.J. Res. 65 and vote to allow the BRAC process to run its course.

Mr. Chairman, I reserve the balance of my time.

Mr. LAHOOD. Mr. Chairman, let me just speak for a minute or two. I thought there were going to be some other Members that wanted to speak in favor of the resolution; but until they arrive, let me just talk for a minute or two about some of the costs.

The BRAC Commission estimated that \$35 billion would be saved over a 20-year period, but the \$35 billion figure includes assumed cost savings due to military personnel actions. Both the BRAC Commission and the GAO believe the military personnel savings should be excluded from the overall savings figure.

Once those personnel savings are removed, the overall savings fall to approximately \$15 billion over 20 years. There is a one-time up-front cost of \$21 billion to implement the BRAC round, and the DOD claimed that the savings from military personnel are not savings at all. These costs do not disappear; they simply shift from one base to another, and those folks are still in the military, and we still have to pay for them.

For some Air Force recommendations, the military personnel cost savings represents 90 percent of the total savings. And in the case of the Air National Guard end strength, it remained mostly the same. Obviously, no savings come from simply moving positions around the country.

If we keep the same number of personnel, DOD spending levels will not actually be reduced. The BRAC Commission concludes that DOD savings estimates were vastly overstated and overestimated. And there is also a quote from the commission on page 330 of their report: "In fact, the commission is concerned that there is a likelihood that the 2005 BRAC round could produce only marginal net savings over the 20-year period."

Mr. Chairman, I reserve the balance of my time.

□ 1115

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my two very good friends, the gentleman from Missouri (Mr. SKELTON) and the gentleman from Illinois (Mr. LAHOOD) for yielding me

time, and I thank the gentleman from Illinois (Mr. LAHOOD) for bringing forth this resolution, which I support because it is a resolution of disapproval.

Now, you should know where I am coming from, Mr. Speaker. In my congressional district there are almost 23,000 people being displaced because of BRAC. It is the equivalent of four major military bases. But we could accept that, and Senator WARNER, the chairman of the Senate Committee on Armed Services, has said as well we can accept that decision, but for the fact that it is inconsistent with the BRAC authorizing legislation which was designed to save money and to improve military effectiveness. It does neither.

Initially, it was supposed to save \$48.8 billion over 20 years. The latest analysis tells us that it is actually going to save only \$15.1 billion over 20 years, about \$700 million per year, which, incidentally, is about as much as we spend in a day in Iraq now.

So the question is, why we would be disrupting the lives of so many thousands of people if we are going to save so little money. And, in fact, even this savings estimate is suspect because as the gentleman from Illinois (Mr. LAHOOD) has explained, it is based upon personnel savings, and all we are doing is moving the personnel around the country. That does not save any money.

In fact, what is going to happen based upon the surveys we have taken of the personnel that are going to be displaced from northern Virginia, as many as 50-75 percent of the employees are going to decide not to move, to leave the government. And who are these people?

Well, it turns out they are the most experienced, they are the most skilled, they are the very people that we need the most to lead our defense agencies. In other words, this is going to cause a brain drain, and it is one that we can ill afford at the Federal level. As many of you may know, because it applies to most urban metropolitan areas, with the cost of housing, both spouses have to be in the workforce, and it is very disruptive to tell families that one of the wage-earners has to move hundreds of miles away.

In this case, the Missile Defense Agency is a good example. About 2- to 3,000 people are going to be moving down to Alabama. Now, I like Alabama, I like the gentleman who represents that district, but the reality is not all of them are going to move, because they like our schools, their children are in the school system, their spouses have jobs here, and most of them have security clearances, which means they are going to be picked up by the private sector in a New York minute.

Is this in the national interest? I do not think so. I do not think it is in the national interest. I could see if we were going to save the money. I could see if we were going to follow the intent of

the BRAC process, which was to improve military preparedness, but I do not know how we achieve that. We were supposed to take people that were in facilities that were overcrowded and move them to surplus facilities in other parts of the country. That is not being achieved.

Now, Senator WARNER, the chairman of the Senate Armed Services Committee, did a very extensive analysis, of the BRAC legislation because he happened to be the architect of it, and he shows that these decisions, are inconsistent with the intent of that authorizing legislation. That alone is reason to oppose the BRAC conclusions and support this resolution.

We are going to, in fact, have to spend billions of dollars on building new facilities, and the fact that that money is going to have to come out of the Military Construction, Quality of Life appropriations subcommittee where we need to be conserving money to pay for veterans health care for the thousands of veterans that are coming back from the Iraq and Afghanistan war, defies common sense.

I do not think this is in the national interest, Mr. Speaker. I think that this body should support this resolution of disapproval until we get recommendations that show us how we are actually going to save money and improve military effectiveness.

Now, Secretary Rumsfeld has improved new building standards, and that was the justification that the BRAC Commission used to move these people. And the building standards necessitate that you cannot be within 100 feet of the sidewalk where the public is allowed. You cannot be near a public transit station. You cannot have public underground parking. You cannot do any of the things that you have to do in a metropolitan area like northern Virginia or the Washington metro area, even though we have buildings that are right on the sidewalk that are just as important in Florida and Texas that were not touched. But in northern Virginia they made the decision to implement these building standards as they apply to any DOD agency no matter how unlikely a terrorist target that agency might be.

But there are very different building standards that apply to the Department of Homeland Security, the Department of Justice, the FBI, all of these other agencies that would be just as likely a terrorist target, so it does not seem to make sense. In fact, I question why we would have published the location of all of these defense agencies when terrorists did not know where they existed, could not even figure out the acronyms for the agencies.

But we have very different, inconsistent building security standards, one by the General Services Administration, which has the authorizing responsibility for building Federal buildings; and another by DOD, which is not supposed to be building its own buildings,

but are requiring enormous restrictions that preclude a location in a metropolitan area anywhere in the country, and that are going to cost such a premium to build, they are going to make them prohibitive for any other activity to be in those buildings.

Mr. Speaker, I could go on at greater length on why I do not think that these recommendations make sense from a cost standpoint, from a military effectiveness standpoint, from just a common-sense standpoint. I will not do that, but I will summarize by again pointing out that these recommendations are going to cost billions of dollars to build new buildings for DOD money that we do not have, that we are going to have to take from veterans health care. It is not going to improve our military preparedness. It is going to cause a brain drain in terms of many of the agencies that we rely so much on for technological superiority and intelligence. And when you have a recommendation that causes such additional cost and is going to make it so much more difficult to implement our military mission, I think the right thing to do is to reject it.

That is what this resolution does. That is what I would urge my colleagues in this body to do, to vote for the resolution of disapproval that has been offered by the gentleman from Illinois (Mr. LAHOOD) so as to have the administration go back and tell us ways they can, in fact, save money, ways they can, in fact, improve the efficiency and effectiveness of our military mission.

The Acting CHAIRMAN (Mr. BONNER). The Committee will rise informally.

The SPEAKER pro tempore (Mr. HEFLEY) assumed the chair.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3057. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3057) "Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. BOND, Mr. DEWINE, Mr. BROWNBACK, Mr. COCHRAN, Mr. LEAHY, Mr. INOUE, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the fol-

lowing title in which the concurrence of the House is requested:

S. 1285. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The Acting CHAIRMAN. The Committee will resume its sitting.

#### DISAPPROVING THE RECOMMENDATIONS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

The Committee resumed its sitting.

Mr. HEFLEY. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, many of us who have been privileged to serve in this great institution for some time have been through this process many times. This is not the first or second or third. We have had BRAC after BRAC. But I could not agree more with my distinguished colleague from Colorado (Mr. HEFLEY) who observed this was the best BRAC of all. We are finally getting it right. This was the least political, most professional BRAC we have ever had. And that is a tribute to Chairman Principi and all of the distinguished members of the panel: Admiral Gehman; General Newton; former Congressman and colleague Jim Bilbray; Phil Coyle; Sam Skinner; General Turner; Jim Hansen, another former colleague who served with great distinction; and General Hill. This reads like a Who's Who list of distinguished Americans who are providing a very important service for our Nation.

The fact is DOD had too much physical inventory. It is costing DOD to maintain that physical inventory. It is costing the taxpayers. So understandably they wanted some realignment, adjustments; and there had to be winners and losers. As someone who has been on both sides of that issue, let me say I know what it is like. I can feel the pain of the losers. But I would say to those who are on the short end of the recommendation, one, you should have confidence that the recommendations were made once again by the least political, most professional BRAC we have ever had, a BRAC whose individual members, including the Chairman, were available not just to have a courtesy photo opportunity, but to hear out those of us who had presentations before that Commission.

They asked pertinent questions. They had on-site visits. They were very, very serious about their important work; and they were not alone. The highly dedicated and very competent professional staff of BRAC was even more accessible. You can under-

stand when you get on the phone and you try to get a conversation with Chairman Principi or General So-and-So or Admiral So-and-So, a lot of people want to talk to them. I must say that I was fortunate to be able to talk to each and every one of them. I had quality time. But the fact of the matter is the staff followed through once again with on-site visits, and that was so very important.

The dedication and determination demonstrated by the Commission, its accessibility for individual members, their willingness to listen produced a product that I think we can all be proud of.

Let me once again address those who represent communities who are not treated favorably by the BRAC recommendations. I have been through that before with a magnificent Air Force base that dissolved back as a result of the 1993 Commission report, and in 1995 it actually closed down with a couple of exceptions. And there were some people in the community at large who wanted to write the economic obituary for that community, Rome, New York, and the surrounding areas. There were others, a lot of us, not just me, the mayor, the county executive, local officials, business communities, that were determined to make the best of a bad situation.

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Today, that once-vibrant military installation, Griffis Air Force Base, is now a very vibrant business and technology park with upwards of 4,000 people gainfully employed there; but part of that installation involves an Air Force research laboratory which was set off as a containment area as a result of the decision to close the base in 1993, and the people at DOD and everywhere were wondering would this work.

It has worked in spades, and now the Air Force research laboratory, incidentally operating out of a \$25 million state-of-the-art new facility, is the center of excellence for the entire Air Force in command, control, communications, and intelligence technology. It is an information directorate, and it not only services the Air Force well but it services a whole wide range of other activities. It is serving so well.

So BRAC looked at that and made the decision that some operations that had been located there should be transferred elsewhere in line with the overall scheme of the Air Force to consolidate like operations at a central facility. Some moved out; some moved in. The net result is maybe a gain of 15 to 25 jobs for Rome, New York. I am not supporting the BRAC because we have got 15 or 25 jobs. I am supporting the process and what it did and what it produced.

Let me tell my colleagues another story. At that same business and technology park, we now have a defense finance accounting service, and that employs exactly 382 people. DOD said, well, we want to consolidate, restructure. We do not need 26 locations all