body, or are we going to support the amendment offered by the Senator from Kansas that presumes to answer this in three pages this afternoon with a new regulation imposing a $167 million military construction cost on the Defense Department. I think we have an obligation to give the commission the opportunity to work its will as we have asked them to do.

I would like to read to you, Mr. President, some excerpts from the various letters and statements that have been made by the service chiefs and by the Secretary of Defense about the issues concerning gender-integrated training and separate barracks. The Secretary of Defense wrote to the chairman of our committee, Senator THURMOND:

Training in the Air Force, Army, Navy and Marine Corps is a complex matter given each Service's unique mission, traditions and conditions of service. Each Service has their own approach in how they conduct basic training. This training must not be characterized by any one issue such as billeting or any one policy such as the extent of gender integrated training. We must, however, identify the right set of standards to produce a safe and secure environment for the rigorous training our young men and women need for military service.

This is exactly what the Department is doing. We are making sure that we have the very best personnel to staff our training establishments and to serve as role models for our new recruits. . . .

* * * * *

I urge you not to tie the Department's hands by enacting legislative provisions that address one or two components of a far more complex force management issue.

I should remind Members of the Senate, there are about 30 recommendations that were made by the Kassebaum-Baker Commission back in December; 28 of those 30 recommendations were implemented by the Secretary of Defense—28 of the 30 recommendations. But let's hear from the United States Army, again, in a letter to the chairman of the committee, Chief of Staff, General Reimer. He says in his letter:

Segregating their units into gender unique platoons for training and billeting the soldiers by gender in separate buildings will degrade the commander's ability to command and control his or her unit.

Admiral Johnson, Chief of Naval Operations, said in a letter to the chairman:

During basic training, Navy's gender-integrated divisions perform at least as well as their all-male counterparts.

* * * * *

We agree wholeheartedly that Sailors in basic training must have safe, secure housing and living arrangements that promote effective training. But Sailors should also learn to live and work together from the first day of training. This is how they will serve at sea, as part of a gender-integrated unit.

* * * * *

I ask that you continue to allow Navy to build our gender-integrated team from the first day of basic training.

Admiral Pilling, who is the Vice Chief of Naval Operations, in his letter to the chairman of the committee:

This experience builds effective teamwork and establishes Navy standards during the crucial transformation from civilian to Sailor. Roughly a third of all recruits and 40 percent of women report to the Fleet without follow-on advanced training. For these men and women, preparation for shipboard life is limited to boot camp and less than three weeks of Apprentice Training.

* * * * *

Learning about security, privacy, dignity and personal responsibility should not be a lesson left for the Fleet to teach. I ask that you continue to allow Navy to build our gender-integrated team from the first day of basic training.

And General Ryan of the Air Force. He said in his letter to the chairman:

The training process in the Air Force has developed over the years, with changes along the way, to best support our mission. To place artificial barriers between men and women in basic training, such as those proposed in the current House bill [and basically embodied in some of the legislation offered by the Senator from Kansas], is counterproductive to our training philosophy and sends the wrong signal to our new recruits.

* * * * *

I respectfully request your support to allow the Air Force to keep training as we operate—together from the start.

Mr. COATS. Mr. President, I wonder if the Senator from Maine could just yield for a unanimous consent request. I believe it has been cleared. I want to make sure it is cleared with her staff.

Ms. SNOWE. I yield to the Senator.

Mr. COATS. I thank the Senator for yielding.

Mr. President, because Members are trying to get a fix on schedules for this evening, in consultation with the managers and the leaders, I would like to propound a unanimous consent request.

I ask unanimous consent that there be 1 hour of debate—an additional hour from this point forward—on the pending second-degree amendment, equally divided and controlled by Senator BROWNBACK and Senator SNOWE, with a vote to occur on the second-degree amendment not later than 8 p.m.

The reason for that is that many Senators had been told that there would be a vote at 8. They have planned their schedules accordingly. If we can agree to this now with an additional hour of debate equally controlled by the two Senators, we can then schedule that vote for 8 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. No objection.

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

Mr. COATS. I thank the Senator for yielding and ask her pardon for the interruption.

Ms. SNOWE. I appreciate the Senator's unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I would like to also quote a letter from the Senior Noncommissioned Officers of the Armed Forces of the United States, representing the Army, the Air Force, and the Navy. They said:

As the Senior Noncommissioned Officers of the Armed Forces of the United States, we feel compelled to state our disagreement with a proposed amendment on recruit training that might be considered during the Senate's debate of the FY99 Defense Bill. A mandatory requirement to house recruits in completely separate barracks is unnecessary.

Based on our experience, each Service is different and therefore has different needs in training its recruits to join operational units. The determination as to how to train recruits is best determined by the individual Services based on the specific needs of the Army, Navy, Air Force, and Marines. Any attempt to make a training policy that applies across all Services is not in the best interests of the nation and will impact the readiness of the total force.

Their many successes in our gender-integrated all-volunteer force is a direct result of the training the Services currently provide.

We are grateful for Secretary Cohen's support of the Services in determining how best to conduct recruit training. We respectfully request the same vote of confidence from you as the Senate considers the fiscal year 1999 defense authorization bill.

We also had a quote from the Army Research Institute study, and I think it is interesting to note, about the standards that have also been developed in this environment of basic training, so that there is no misunderstanding, unless there is any concern about the role that women are playing and their ability to perform during the course of basic training. I quote:

Females trained in a gender-integrated environment improved their performance in all measures of physical fitness (push-ups, sit-ups, 2-mile run) and the males in gender-integrated training improved in two of three events. This has occurred without the Army fitness standards being changed or adjusted for gender-integrated training.

In the December report of the Federal Advisory Committee, which is, of course, the Kassebaum-Baker commission, it said:

The committee believes that the increasing number of women in expanded roles is an important reason why the United States is able to maintain an effective and efficient volunteer military force.

Another letter, from the Secretary of the Army in 1997 to Congress. He said:

Turning the clock back to gender segregated training will result in unrealistic training which degrades readiness.

I mention these quotes, Mr. President, because I think it is important that we remind ourselves of the role that women do play in our military and will play in our military, and as they have in the last 100 years. They represent 14 percent of armed services, and the armed services cannot perform without them.

I just believe it is important to make sure that we can ensure the stature and the well-being of all those who serve our country. That is why I believe we should follow the wisdom and the judgment of the Senate Armed Services Committee—indeed, the Congress last

year, when we enacted a provision to create a congressional commission to examine all of these issues and to report back to the Congress next March.

I hope the Senate will not adopt the amendment offered by the Senator from Kansas that basically presumes to substitute for the operational conclusions thus far of the Secretary of Defense; the chiefs of the Army, Air Force, the Navy; the training commanders of the Army, the Air Force, and the Navy; the senior noncommissioned officers of the Army, the Air Force and the Navy; the president of the Association of the United States Army; and the tens of thousands of recruits who train and live in security on a daily basis.

I hope, Mr. President, that the Senate will adopt the amendment that has been offered by the Senator from Michigan, the ranking member of the Armed Services Committee, the Senator from Georgia, Senator CLELAND, and myself to reaffirm the judgment that has been rendered by the Congress last year in creating this commission.

The amendment that is offered by the Senator from Kansas mismatches a problem and a cure. Professional relationships and effective performance throughout the Armed Forces flow from a training world that overlaps with the real and the uncertain ones in which men and women will ultimately be deployed as we have seen in Bosnia, as we have seen in the Persian Gulf, as we have seen in Somalia over and over again.

I urge the adoption of the amendment that has been offered by myself, Senator CLELAND, and Senator LEVIN.

The PRESIDING OFFICER (Mr. ENZI). Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. BROWNBACK. I yield 5 minutes—and there are several of my colleagues who want to speak on this, but Senator COATS has been a leading voice on this, serving on the committee—I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank the Senator for yielding. I appreciate the opportunity to speak now. I have been off the floor, and I have another commitment, but I wanted to come and offer my support to his amendment.

I struggled with this issue when I was, first, ranking member and then chairman of the Personnel Subcommittee. I visited most of the training facilities for the various services around the country. I talked to those in charge. We held hearings on the issue. We heard from the experts. We talked to those who lived with the situation in their basic training. It is my inescapable conclusion that the Kassebaum commission did a good job in sorting this out and producing a report which called for separate facilities.

I, frankly, was surprised with the conclusion of the commission. I didn't think when it was constituted that the commission would come to that conclusion. It was something that I was strongly leaning toward, and all the visits that I made and the people I discussed this issue with seemed to indicate that separate barracks was the direction to go.

When the commission came forth with this recommendation after a more thorough look than I was able to give, I thought this added a lot of weight to the question. There is no doubt in my mind that effective training and effective gender integration of the armed services can be accomplished without the necessity of forcing the issue through gender integration within the living facilities.

Obviously, they are going to train together. Obviously, they are going to go to class together, they are going to go to the range together, they are going to train together. The essential functions that are attempting to be accomplished in basic training are going to be accomplished. The real question here is when the training day is done and you return to the barracks to unwind, to shower, to prepare in the evening for the next day and to sleep, is it best to do that in gender separate facilities? I believe it is. This where the issue is.

I have talked to a lot of drill sergeants, men and women; I have talked to a lot of men and women soldiers, trainees; and the inescapable conclusion that I have reached, and I think most of them have reached, is that it would be much more comfortable without degrading the training, and it would eliminate a lot of the supervisory problems, management problems, and, frankly, the social problems that exist with living at too close quarters.

For that reason, I think the conclusions of the Kassebaum commission are correct. I think the amendment offered by the Senator from Kansas is the right way to go.

I was concerned about the costs. That is a legitimate question, as to whether or not separate facilities or separate barracks—in other words, taking a single entity and dividing it and controlling access, and so forth, to separate the sexes, versus separate buildings.

And I was really persuaded. I knew ultimately, based on my visit to Parris Island with the Marines who already do this, that separate housing was the right policy. At Parris Island, the women live in a separate compound. And virtually, to a person, they told me—including their drill instructors and their supervisors—they told me they strongly preferred that. They are able to identify with each other. And to identify with their female drill instructors was very important to them.

Many of them come from backgrounds where self-esteem is the casualty of their upbringing. They find that bonding with each other, the bonding that takes place with the drill instructors and their supervisors in those off-hours, the social interaction that takes place in those off-hours, is a very, very important part of their development, the character development, and a whole number of other areas.

And so I think this makes sense. I am convinced we have looked at the situation. I am convinced we can do this in a financially feasible way.

I see my time has expired. And I am happy to support the amendment of the Senator from Kansas.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. I yield 10 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I thank the Chair and thank the distinguished Senator from Maine.

For those who are entering into this discussion, Mr. President, nowhere, as far as I can tell as a member of the Senate Armed Services Committee, in recruit training, in any service, do male and female recruits live in the same room or in the same squad bay. These conditions do not exist now and they did not exist when the incidents in Aberdeen took place.

Male and female recruits do live in the same buildings. In some cases male and female recruits live in separate wings or on separate floors, and in some cases they live on the same floors but are separated by fire-safe barrier walls. In every case, the male and female recruits have controlled entrances and exits to their sleeping areas and have segregated toilet and shower facilities. The services are in the process of alarming all doors, exits and walls.

The bottom line, Mr. President, is that in every case, in every service, although they might not live in separate buildings, male and female recruits live in physically safe, physically secure, and physically segregated living conditions.

But, Mr. President, in the wake of the terrible incidents of sexual misconduct and sexual harassment that took place in Advanced Training at Aberdeen Proving Grounds, the National Defense Authorization Act of the last year established a congressional Commission on Military Training and Gender-Related Issues to review the requirements regarding cross-gender relationships of members of the Armed Forces and to review the basic training programs of the Army, Navy, Air Force, and Marine Corps, and to make improvements on the programs.

The idea for the commission came from the distinguished senior Senator from West Virginia, Senator BYRD, who noted at the time:

* * * there must be ways to thoroughly examine, review, and evaluate the reasons for

the recent spate of scandals regarding sexual relations in training commands. Such a study should be made by an independent blue-ribbon body with unquestioned credentials—with no social agenda, but geared solely to the effect of gender integration at all levels of the military.

Earlier this year, the chairman and the ranking member of the Senate Armed Services Committee appointed five distinguished Americans to that commission. Their counterparts on the House National Security Committee also appointed five outstanding individuals.

The commissioners include two retired Marine Corps lieutenant generals, a retired Army command sergeant major, a former Assistant Secretary of Defense, a former Assistant Secretary of the Navy, three distinguished academics, a military historian/national security analyst, and an expert on legal issues concerning women in the military.

I have personally met with these commissioners and am convinced they understand the magnitude of the awesome task we have laid before them, and that they are eminently qualified and motivated to do the job.

Because of our commitment to doing the right thing—as opposed to doing something quickly—the Armed Services Committee in the Senate included in its markup a provision to provide for a moratorium on changes to policies or practices regarding segregation on the basis of gender.

The second-degree amendment Senator SNOWE and I have offered retains the moratorium on changes to policies or practices regarding segregation on the basis of gender. I believe this is a very reasonable approach. It does not seek to prejudge the outcome of the commission's work.

Additionally, it permits the commission to retain its independence. I believe this is an unwise course of action if we preempt the work of the commission. I know how I would feel if I responded to the call to serve on such a commission and was willing to dedicate my time for, say, a year of my life to study these complicated issues, only to find the same people—in this case, the Congress—who asked me to take on the issue, told me before I ever really got started in my work how they felt already.

I would wonder if they really wanted a thoughtful, professional analysis or if they only wanted the appearance of a study to support preconceived ideas and predetermined agendas. I do not believe this was the Senate's intention when it supported the bill authorizing the Defense Act last year.

We have established a process to review gender-related matters in their entirety. It does not make sense, to me, for us to separate out one or two aspects of this incredibly complex issue and to provide some piecemeal solution with little or no thought of the consequences our actions could have on the rest of the military—recruiting as well as training and retention.

I am aware that the recommendation for separate barracks for male and female recruits came from the Kassebaum committee appointed by the Secretary of Defense. I am also aware that the Secretary of Defense has decided not to implement that recommendation. And the uniformed leadership—the most senior officers and enlisted members of the Army, Navy, and Air Force—also oppose the recommendation.

For example, Mr. President, our committee received a letter from General Reimer, Chief of Staff of the Army, who said:

> Segregating their units into gender unique platoons for training and billeting the solders by gender in separate buildings will degrade the commander's ability to command and control his or her unit.

Admiral Johnson, Chief of Naval Operations:

> Sailors should learn to live and work together from the first day of training.

Admiral Pilling, Vice Chief of Naval Operations:

> Learning about security, privacy, dignity and personal responsibility should not be a lesson left for the fleet to teach.

General Ryan, Chief of Staff of the Air Force:

> The saying ''train as we operate'' is more than a catch phrase, it is an absolute necessity to ensure that team building begins on the first day our recruits report to basic training.

Senior enlisted members also commented on this issue as well.

> Any attempt [they said] to make a training policy that applies across all Services is not in the best interest of the nation and will impact the readiness of the total force.

Mr. President, in terms of the readiness of the force, I was recently in Bosnia a few weeks ago. And I did see on a fire base there women actively engaged in work on the fire base. But I noticed that their living quarters were separate, safe, and secure. It was an incredible demonstration to me that women and men can serve in this Nation's interests in foreign lands and do so extremely well.

I would also like to note that the Kassebaum report itself has actually been criticized by the GAO because of flawed methodology. According to GAO, the value of the Kassebaum committee's methodology is limited for making conclusions and recommendations, and the extent to which the committee's work supports its conclusions and recommendations cannot be determined.

When the Secretary of Defense, a former Member of this body, and the uniformed leadership of the military, officers and enlisted, oppose something, I certainly take time to listen.

Today, Mr. President, I urge my colleagues to listen to the leadership of the military and give the Senate a chance to listen to the commission which we actually created and appointed to help us make decisions to guide us in these complex matters.

Therefore, Mr. President, I support the Snowe amendment and urge my colleagues to adopt it.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I yield to the Senator from Alabama 5 minutes.

Mr. SESSIONS. Thank you, Mr. President.

Mr. President, I had 13 years in the Army Reserve and went through a basic training program. It was a very worthwhile experience for me. I played football. I have been to basic training, and basic training is worse and tougher. Anybody that survives that has my admiration.

I have had the opportunity through the years to serve with some outstanding women soldiers, the kind of soldiers that you respect and are capable and have great ability to contribute to the mission of the unit. It is something that I think is a major part of American military life and we should not be changing.

I understand there is a lot of talk about separation and use of the word ''segregation'' based on gender. But it seems to me that Senator BROWNBACK's amendment simply says that in basic training these soldiers, men and women, shouldn't be housed together. I think that is a reasonable approach and something that comports with my sense of what makes sense, my sense of what I understand the Senator to be saying, and I think it is the right idea.

Some might say it is the responsibility of the NCOs and the officers to maintain moral control over the soldiers. When they are in such a mixed environment, the officers and NCOs can't maintain control over these young people. They are in a circumstance that is a different world; it is a whole different environment they are in. Things that they would have thought to do under other circumstances may not be done under these circumstances.

I say we have separate barracks. It seems to me if we are going to separate the 14 percent of the soldiers that are women within existing barracks, it seems to me you are converting whole floors that would otherwise be half used. For example, most of the barracks I was in had 20 people on one floor and 20 on the next. So I suppose a few people would be on the second floor and the bottom floor would be full. That is the way they were traditionally done.

I don't see how it would be any cost to have separate housing for women in which women could have the support of their NCOs under those circumstances and men could have separate housing. I think both parties would benefit from that.

The commission did a lot of work. We have been talking about a new commission. I point out that we had one. Senator Nancy Kassebaum-Baker and others did a thorough job. They talked to

over 1,000 trainees, 500 instructors, 300 first-term service members, and 275 supervisors. I don't know who the chiefs of staff and Secretary of Army is talking to. I don't know, maybe they are talking to too many people in the Pentagon. But those commissioned, the ones in power to make a decision, went out and talked to soldiers, trainees, 1,000, 500 instructors—the drill instructors out there with these men and women on a daily basis, and this commission unanimously reached a conclusion that separate housing would be preferable. They also concluded that separate training would be preferable.

As a matter of fact, I tend to agree with that based on my experience. But that is not before the Senate today. That is not what Senator BROWNBACK is calling on us to do today.

Senator BROWNBACK is suggesting that what we ought to do is have separate housing, a readily achievable thing, I suggest.

I agree with the commission based on my experience and the study I have done, that separate housing will decrease disciplinary problems, it will reduce distractions during the training process, and as the commission found, will be of marginal cost to the Department of Defense.

I am pleased to support this amendment. I think it is time that this body raised our concerns. There are many problems that are occurring. Senator BROWNBACK has eloquently discussed those. We hate to talk about the problems that are occurring, but they need to be discussed. I think it is the right thing.

I yield back my time to the Senator from Kansas, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. SNOWE. Mr. President, I yield 5 minutes to the distinguished chairman of the Armed Services Committee.

Mr. THURMOND. I want to thank the able Senator from Maine for the excellent remarks she made on this subject.

Mr. President, I am sympathetic to the Brownback amendment, however, last year, the Congress established a commission to review the conduct of military training and gender-related issues, we should await the outcome of its findings. That commission is constituted and working. One of the areas which the commission must specifically address in its final report is a recommendation as to how to provide for a safe and secure living environment for young men and women in basic training. This amendment would preempt the work of the commission by establishing a statutory requirement that basic trainees be housed in separate barracks.

I join Senator BROWNBACK and others in insisting that the military services provide a safe and secure environment for all military personnel, but especially those in basic training who may be the most vulnerable.

On June 8, 1998, Secretary Cohen asked us not to legislate a specific solution as Senator BROWNBACK's amendment does. Secretary Cohen urged that we give the Service Chiefs the flexibility to house and train their personnel in the manner determined to be most effective for that service. We all recognize that each of the four services is unique. Each service has its own culture, history and traditions. I agree with Secretary Cohen that we should not legislate how they must house and train their personnel.

Mr. President, I could support an amendment that would require the Service Secretaries to provide for a safe and secure environment without specifically requiring a standard solution for three of the four services. Senator BROWNBACK's amendment goes beyond requiring a safe and secure environment and will require millions of dollars in military construction and renovation projects to make their barracks conform to the requirements in the amendment.

I prefer to allow the Congressional Commission to do its work and make its recommendations next March before we act. I urge my colleagues to oppose this amendment.

PRIVILEGE OF THE FLOOR

Mr. President, while I have the floor, I ask unanimous consent Mr. David Landfair, a military fellow in the Office of Senator MIKE DEWINE, be granted privilege of the floor during the pendency of S. 2057, the fiscal year 1999 Department of Defense authorization bill.

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

Mr. LEVIN. I wonder if Senator SNOWE would yield 10 minutes to me?

How much time does the Senator from Maine have?

The PRESIDING OFFICER. The Senator from Maine has 13 minutes.

Mr. LEVIN. Will the Senator yield 8 minutes to me?

Ms. SNOWE. I was going to yield to the chairman of the Subcommittee on Personnel for 5 minutes, so the remainder of the time I yield to the Senator.

Mr. LEVIN. I ask that the Senator from Maine, then, yield 8 minutes to me.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. First of all, Mr. President, we have all read about some terrible incidents that occurred at the Aberdeen Proving Grounds that gave rise to much of the concern about recruit training. Those incidents did not occur in recruit training. They did not occur in recruit sleeping areas. They did not involve sexual misconduct among recruits. They took place in advanced individual training, which is a phase of training which takes place after an individual graduates from recruit training. The incidents that give rise to so much of this understandable concern did not occur in the recruit training area or phase which this first-degree amendment would address.

I want to emphasize something on which the chairman of the Armed Services Committee has just spoken. We appointed a committee or a commission, 10 citizens. These are distinguished citizens that were selected by the chairman, by me, by the chairman of our counterpart committee in the House, and by the ranking member in the House. This commission is underway. We picked 10 distinguished citizens.

We asked them to look at a particular agenda, a list of items. We set forth their duties and they are now fulfilling those duties.

This is what our law said, and this is something which had broad support in this body. The law said:

> The commission shall consider issues relating to personal relationships of members of the Armed Forces as follows: Review the laws, regulations, policies, directives and practices that govern personal relationships between men and women in the Armed Forces and personal relationships between members of the Armed Forces and nonmilitary personnel of the opposite sex. Assess the extent to which the laws, regulations, policies, directives and practices have been applied consistently throughout the Armed Forces, without regard to the Armed Forces, grade, rank or gender of the individuals involved.

Then comes the third thing we ask them to do. This was a knowing, conscious request—a statement to this commission, saying this is your duty:

> Duty No. 3: Assess the reports of the independent panel, the Department of Defense task force, and the review of existing guidance on fraternization and adultery that have been required by the Secretary of Defense.

Our good friend from Kansas has said that common sense dictates that since the Kassebaum Commission made this recommendation, we ought to follow it. No. Common sense dictates that when we appoint a commission with the explicit duty of assessing the Kassebaum Commission report—when we do that knowingly and openly, when we ask 10 distinguished citizens to give up part of their life to come here and assess the Kassebaum report, which is what we did in last year's law, that we not simply say, whoops, some of us liked the Kassebaum report and we are now going to adopt that and bypass the very commission that we created. I mean, what is the point of the Senate of the United States and the House of Representatives unanimously tasking a group of citizens to look at the Kassebaum Commission report, among other things, and now once that report is issued, because some of us like the recommendation, we take that piece of the report and say that we are now going to put that into law and bypass our own commission? I think it makes a mockery of the process that we ourselves set into motion. We should not do that.

Now, since I have a couple more minutes, I want to state what some of the underlying facts are about the way in which the males and females live.

First, nowhere in recruit training in any service do male and female recruits live in the same room or in the

same squad bay. These conditions do not exist now, and they did not exist when the incidents at Aberdeen took place. Male and female recruits do live in the same buildings, and in some cases, they live in separate wings or on separate floors. In some cases, they live on the same floors, but are separated by fire-safe barrier walls. But in every case, male and female recruits have controlled entrances and exits to their sleeping areas, and have segregated toilet and shower facilities.

Now, what have the services told us about this? The heads of the services have told us, ''Do not change this now.'' The heads of the services have told us this. The chief professionals have told us this. The senior enlisted members of the Army, Navy and Air Force, have written to the committee opposing the amendment. These are the professionals that we rely on. When it comes to the matters affecting the safety, welfare, and well-being of the men and women in our military, these are the people we rely on. These are the professionals. They have asked us, ''Do not enact this legislation.'' So on both counts—that our top military officials, uniform and civilian, have asked us to not enact this legislation, and the fact that we have appointed a commission that is going to give us a recommendation, which we put in place, in part, to review the Kassebaum Commission report—we should not take this action tonight.

Finally, the sergeant major of the Army, the master chief petty officer of the Navy, and the chief master sergeant of the Air Force have written us a letter, which was referred to by a number of my colleagues. I will not repeat the portions that they read. But I am going to quote one paragraph that I believe has not been read. This summarizes, to me, what the really critical point is, which was so well stated by the Senators from Maine and Georgia, and others. This is what they say:

> Each time our Nation has asked the Army, Navy, Air Force or Marines to do a job, it has been done. Men and women soldiers, sailors, airmen and marines accomplish the tasks asked of them every day in places like Bosnia, Haiti, Southwest Asia, and the Far East. Their many successes in our gender-integrated All-Volunteer force is a direct result of the training the services currently provide.

I hope that we will listen to these professionals.

These are the individuals who went to boot camp and have come up through the ranks to the highest position possible for an enlisted member. When it comes to matters affecting the safety, welfare, and well-being of the men and women in our military, these are the experts! And, they have asked us not to enact this legislation.

That leaves us with the question: Who wants this legislation and why? What problem will it solve?

Neither the military nor civilian leadership of the Department of Defense or of the Military Departments want it.

The senior enlisted members of the Army, Navy and Air Force see it as unnecessary.

Finally, it short-circuits the work of a Congressional Commission of distinguished citizens that this body voted into law less than one year ago.

The Armed Services Committee included in its mark-up a provision to provide for a moratorium on changes to policies or practices regarding segregation of integration on the basis of gender that is within the responsibility of the Commission appointed by the Congress, until that Commission terminates in March 1999.

I believe that it would be both short-sighted and very unfortunate for the Senate to adopt the Brownback amendment and to cause the Department of Defense to expend in excess of $150 million against the collective judgment—military and civilian—of DOD and before we have had the opportunity to benefit from the advice of our own Commission.

The second degree amendment Senators CLELAND and SNOWE have offered retains the moratorium on changes to policies or practices regarding segregation of integration on the basis of gender that is within the responsibility of the Commission appointed by the Congress, until that Commission terminates in March 1999.

I believe that this is a very reasonable approach. It would permit the Army, Navy, and Air Force to continue to conduct recruit training in the manner best suited to producing soldiers, sailors, and airmen ready to meet the challenges of our military. Uniformed Leadership of our military—leaders to whose appointments we have given our advice and consent—say it best:

General Reimer (Chief of Staff of the Army): ''Segregating their units into gender unique platoons for training and billeting the soldiers by gender in separate buildings will degrade the commander's ability to command and control his or her unit.''

Admiral Johnson (Chief of Naval Operations): ''Sailors should learn to live and work together from the first day of training.''

Admiral Pilling (Vice Chief of Naval Operations): ''Learning about security, privacy, dignity and personal responsibility should not be a lesson left for the fleet to teach.''

General Ryan (Chief of Staff of the Air Force) ''The saying 'train as we operate' is more than a catch phrase, it is an absolute necessity to ensure that team building begins on the first day our recruits report to basic training.''

Senior Enlisted Members ''Any attempt to make a training policy that applies across all Services is not in the best interest of the nation and will impact the readiness of the total force.''

I urge my colleagues to support the 2nd degree amendment and permit our Commission to complete the work we assigned to it and to report back to us before we direct any changes to recruit training.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I was listening to the debate when the distinguished Senator from Alabama was relating to us his experiences in basic training, and I was thinking of my experiences in basic training. Quite frankly, I think I would have been for integration of the sexes when I was in basic training, but I am looking at it differently now than I did at that time.

I would like to respond to something that the Senator from Michigan said. I have so much respect for him, but I disagree with him in this respect. As chairman of the Senate Armed Services Committee, Subcommittee on Readiness, I spend a lot of time talking to officers in the field, talking to enlisted people in the field, as does the ranking member, the Senator from Virginia. I find a discrepancy in what you hear in the field and what you hear from the chiefs.

I am not saying this critically of the current chiefs, but I think the chiefs have always reflected the philosophy of the President. The President is the Commander in Chief. He is the guy responsible for their careers. So we hear different things from the chiefs here in Washington than I hear when I go out to the National Training Center, or to 29 Palms, or Fort Bragg, or to Camp Lejeune. They are very emphatic and supportive of that portion of the recommendations of the Kassebaum-Baker report having to do with housing.

Thirdly, three different Members, while I have been sitting here, have gone into detail as to the makeup of the committee that we have asked for from our committee, and it is a very distinguished panel. But I think that we have kind of lost sight of the fact that the committee that we refer to as the Kassebaum-Baker committee was actually appointed under the supervision of Secretary of Defense William Cohen. He put together a committee and, frankly, I probably would not have put together the same committee. I would want it stacked a little bit the other way. Real briefly, I will go over the committee.

They are: Richard Allen, retired vice admiral of the U.S. Navy; Robert Forman, retired lieutenant general, U.S. Army; Marcelite Harris, major general, retired, from the Air Force; Condoleezza Rice, a Stanford professor; Don Gardner, a retired major general from the Marine Corps; Deval Patrick, who was the Assistant Attorney General for Civil Rights, appointed by President Clinton. I mean, if there is anybody who would have a bias toward the administration, it would be this individual. Ginger Lee Simpson, retired U.S. Navy, and others.

I suggest to my fellow Senators that this committee of 11 had a majority of women. On this committee of 11, 5 of

them were either retired generals or admirals.

I would hold up this committee to be certainly comparable to the committee that had been discussed on this floor. I think any time you have a committee like this reaching a unanimous decision—all of these retired women from all the services, along with the former Assistant Attorney General in charge of civil rights appointed by President Clinton—and it was unanimous; they all agreed. I think when you have this unanimity, I can't imagine that any other committee is going to come up with a different result.

What would happen is, it would delay the implementation of this by a year. If it is good now, and it is good a year from now, I think one year should make a tremendous difference in the morale of the services, which is certainly suffering at this time.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Maine.

Ms. SNOWE. Mr. President, I yield 5 minutes of my time to the distinguished chairman of the Subcommittee on Personnel.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I thank the Senator.

Mr. President, would you please notify me when I have consumed 4 minutes?

Mr. President, when you spoke so eloquently here, you said that Senator BROWNBACK's amendment could be summarized in that the men and women should not be housed together. I totally agree, 100 percent; men and women should not be housed together. I think that the Senator from Maine agrees with me. There is no argument here.

But when we talk about separate housing, I don't know that necessarily has to mean separate buildings, because when you look at the configuration of many of our structures out there—I agree with what Senator BROWNBACK said, which was very effective. This idea that somehow you are going to use a plywood partition to separate, that is wrong. It ought to be permanent. You ought to have separate entrances. You ought to have separate common areas. You ought to have that. We should have that.

But I believe that it is not necessary to go as far as Senator BROWNBACK at this point. I think that can be created with existing structures. If not, then let's go ahead with the separate. But, you see, we are presupposing here.

When we talk about the terrible incidents that have happened—and they are absolutely deplorable, deplorable. But I think in one of the cases that was referenced, a Navy drill instructor committed sexual misconduct with some of these individuals. But in none of those cases did the incidents take place in the sleeping bay of the barracks. It took place in the office of the drill instructor. It took place in the motel down the road. It is not in the bays.

The idea that we cannot allow a drill instructor—I don't know how far that goes. Can the commanding officer enter the drill bay to have a meeting with the recruits, if he is escorted by someone of the same sex, who are in the barracks? I think that should be allowed. But I don't know that it is allowed here.

I am just concerned that perhaps we have gone a little far.

We have talked about the Kassebaum-Baker Commission. Do you know that they did not look at the advanced training? They looked strictly at basic.

Why do I make that point? It is because it was at the advanced training at Aberdeen. That is where all of these incidents take place—advanced training.

We have put together a very effective group of commission members. It was a Kempthorne-Byrd amendment that created the commission. So I can't turn my back on that commission. That would be wrong. I am not going to turn my back on the Senator from Maine or the Senator from Georgia. That would be wrong. We created a commission in the Armed Services Committee.

You may have seen, Mr. President, a few weeks ago the commission was about ready to split. Four were going to walk. Congressman BUYER and I met with them and said, ''Don't do this. Don't rule yourselves irrelevant. There is such a critical reason for this commission to exist. Stay together. Give us the answers.'' Now I am supposed to say to that commission, ''Oh, by the way, thanks for staying together, but we don't need your conclusions, because we are going to go ahead with all of this legislation, because I believe there is an amendment ready to come forward that is going to be removing integrated training.''

Mr. President, I am going to repeat what you said. Men and women should not be housed together. No argument. No argument. But I believe we can accomplish that in the existing structure.

I also think we have to support a commission that was put in place.

Again, I want to compliment the Senator from Kansas. He has brought a meaningful issue before us. He has been articulate about it. Senator BROWNBACK does a good job, but I think he has gone just a little far in this. Does separate housing mean you have to have separate housing and the cost that goes with that?

I know the Senator from Virginia, Senator ROBB, a member of the subcommittee, also would like to speak. I would like to turn my time over to him.

The PRESIDING OFFICER. The Senator has 25 seconds.

Mr. ROBB. Mr. President, in 25 seconds let me thank the Senator from Idaho. I agree with the points he has made.

I have visited the training in Fort Jackson and Parris Island and examined these specific issues. I have asked for some reports from the GAO. That is coming in. But we established the commission to give us specific information to help make these decisions.

I think the Senator from Maine has adopted the approach that makes sense. Let's wait for the commission to make its report and act on the basis of that information.

With that, Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas controls the remaining time, 15 minutes.

Mr. BROWNBACK. Mr. President, I yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Mr. President.

Mr. President, I rise today to strongly endorse the amendment of my friend, the Senior Senator from Kansas. This amendment would simply require the housing of male and female recruits in separate barracks during recruit training.

It amazes me that this amendment is even necessary. Every attempt to return common sense to our military's recruit training policies has been obstructed by this administration—even those attempts initiated by the administration itself. Didn't the Secretary of Defense already convene a panel of distinguished military and civil rights experts to study this serious problem? Didn't this commission—the Kassebaum Commission—unanimously point out the critical importance of—among other things—giving each gender its own recruit housing? Hasn't the administration had over five years to make their misguided gender neutral policies work without success? Sadly and inexplicably, the answer to all these questions is yes.

Now we have another commission. Are we going to continue to appoint and pay for commissions until we reach an answer that we like? Are we going to find it easier to appoint a commission than to make a decision? I believe this tactic is called paralysis by analysis. I also believe that the appropriate time to criticize a commission is before they report, not after.

A few days of orientation for new recruits before they are kicked into the hormonal situation that we are putting them in would be helpful.

Mr. President, the administration's arguments in favor of their social engineering are misleading, contradictory and quite unprecedented. How are they misleading? The Secretary of Defense has tried to garner support for his gender neutral training policies on the grounds that the military simply cannot do without women. The fact, however, is that no one on any side of this debate is advocating that women be purged from our military, and it is patently offensive to me that he would indicate that we are. We fully understand

the importance of women to the functioning of our military. All we are trying to do with this amendment is to give both genders a training environment in which they can realize their fullest potential.

How are the administration's arguments contradictory? They argue that the military must train as it fights. They argue that since men and women serve together, they must train together, and be housed together. Yet one of the things discovered by the Kassebaum commission is that while male recruits are required to throw a hand grenade 35 meters, female recruits are only required to throw it 25 meters. Is the Secretary of Defense implying that our military intends to make sure our female soldiers are always 10 meters closer to the enemy than our male soldiers? Though this amendment would not address issues of training such as this, this type of thinking is indicative of the contradictory quality which pervades all aspects of this administration's recruit training policies—to include housing.

How are the administration's arguments unprecedented? It is surely unprecedented to place a political agenda of social engineering above the simple requirements of national security. Five years of gender neutral training barracks have resulted only in lowered morale, one sex scandal after another, recruiting shortfalls for every branch but the Marine Corps which does not engage in this incredible practice, and a refusal of this administration to face these problems. It is noteworthy that eighteen months after the sex scandals at Aberdeen, the Kassebaum Commission found that the policies which precipitated them had still not been corrected. The Army, like the Navy and Air Force, have proven singularly unsuccessful in solving the problems associated with these misguided policies—policies which deny the existence of any emotional dynamics between young men and young women. This is less a reflection on the earnestness with which our military leaders have tried to implement these policies, than it is an indictment of these unworkable gender neutral policies themselves. Mr. President, this amendment represents a common sense step in the right direction. It is sorely needed and I encourage all members to support it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. May I inquire how much time remains?

The PRESIDING OFFICER. Ten minutes 40 seconds.

Mr. BROWNBACK. I thank the Chair.

I would like to respond to a few things that have been stated here about what we are talking about and what we are not talking about in the final minutes that I have in this debate.

No. 1 is, what we are talking about is separate barracks during basic training—separate barracks during basic training. We are not talking about further training; we are not talking about deployment, any of those issues that are being raised as a smokescreen by others. We are not talking about separation. We are talking about the 9 weeks of basic training, separate barracks.

All right, that is No. 1. No. 2 is we are also talking about limited access by trainers of the opposite sex after hours. We have had instances—we have had court-martials. Even this month we have had a court-martial take place in the Navy involving that type of situation.

So what we are saying is if you are of the opposite gender, you can't go into the facility where the other gender is staying after hours other than in emergency cases.

Those are the two things we are talking about. Those are intimate issues and they have eminent common sense about them, plus I might add being backed up by the Kassebaum-Baker commission, the Army survey that I showed, the CRS study that I also cited earlier.

So I have three studies on this point as well as making what basically most people would say is pretty much common sense about this issue. We are not talking about separate training. Senator BYRD was going to have an amendment along that line, and I think he has some wisdom with it, but we are not talking about that sort of issue.

Some are saying, look, we don't have a problem. Well, I cited to you the court-martial that has taken place at the Great Lakes Navy basic training facility, and I read the quotes from some of the people involved in that horrible instance as to what took place there.

I would also cite to you some other problem areas. We did some surveying of the military on these issues. We asked them about official reprimands in instances in the last 12 months involving trainers and trainees. The Army gave us 53 that were involved in article 15s over the last 2 years involving trainers and trainees. That is a lot that were involved in this type of situation.

Also I want to cite—and there was one thing the Senator from Michigan cited saying that this isn't a particular problem. We have got those in that particular case, and the services do not want to do this. Well, the Army and Navy and the Air Force may not. The Marines think that separate training and separate barracks is the way to go and they are having fewer instances that they are reporting.

I want to cite another study. This is the Department of Defense 1995 sexual harassment study. This one is amazing if you look at it. They are talking about the progress taking place. In 1995, they surveyed their personnel and 55 percent of the women in the Army, 55 percent of the women surveyed in this Department of Defense study said they had some type of sexual harassment taking place within the last year. Listen to how this breaks down. Actual or attempted rape or assault, 4 percent of the women surveyed said that this had happened to them; pressure for sexual favors, 11 percent; touching or cornering, 29 percent.

This is the 1995 Department of Defense sexual harassment study. We don't have a problem? We have a significant problem taking place.

I have other studies to cite here, but what I want to get to with this is to say that we have a current and present problem and danger involved in this situation. We are talking about an amendment of very limited scope.

We can do studies until we find one that comes out the way we want it to come out, and I suppose if we keep appointing people that may happen. The commission that has been appointed has a much broader purview than this narrow issue of the barracks.

It says the duties of the commission shall be to:

> Review the current practices of the Armed Forces, relevant studies, and private sector training concepts pertaining to gender-integrated training.

OK, but it also says:

> Review the laws, regulations, policies, directives, and practices that govern personal relationships between men and women in the Armed Forces and personal relationships between members of the Armed Forces and nonmilitary personnel of the opposite sex.

That is broader than just the barracks during basic training we are talking about.

> Assess the extent to which the laws, regulations, policies, and directives have been applied consistently throughout the Armed Forces without regard to the Armed Force, grade, or rank of the individuals involved.

Whether or not everybody is being reviewed similarly:

> Examine the experiences, policies, and practices of the Armed Forces of other industrialized nations regarding gender-integrated training.

Training: We are not talking about training here. We are just talking about barracks during basic training.

My point is that some would say we have appointed this commission and to not let it go on through; by doing this, that we are overruling the commission. This is a very broad-based commission. We have a clear and present problem in basic training that just earlier this month on June 5 we have a court-martial taking place at the Navy training grounds, and we have got 53 instances being reported in the last 2 years by the Army—53 official reprimands.

I get calls to my office by people asking to be released from the military because of sexual harassment that has happened to them in basic training.

Do we need another year to study this? Do we need another year to contemplate this?

My own staff then goes down to Fort Jackson to look at the situation because there is an issue regarding the

common area that is involved here: Let's just put them in the same facility, but we will put them on different floors or separate, different wings out here, but then we have a common area together.

My own staff was told about, well, there was sexual activities taking place, on the fire escape and in the telephone booth. Where there is a will there is a way, I guess. But my point is, if you are going to put young 18-year-old recruits in the same place in a pressurized environment and you are going to provide some chances, this is going to happen.

What we are saying is let's just put them in separate facilities by 2001. Let's give it some time, common sense, so we can get this put into place, and that is specifically and only what we are talking about. And let's limit the supervisors, the trainers being able to go into the trainees' facilities of the opposite sex after hours other than for emergency cases because we have had some really horrible instances taking place there.

So, Mr. President, I think if you look at the preponderance of evidence that is here with all the studies that have been done, we can do yet another one, and if this one doesn't come out the way we want, I suppose we may do yet another one, but we have enough. We have a real problem today—and this is going to really catch up with us—of recruits coming into the military.

This is a simple proposal, a simple matter. We don't need to put it off for another commission to study this. The evidence is overwhelming and the findings have been overwhelming to date.

So with that, Mr. President, I would ask my colleagues to vote against the Snowe amendment. Let us have a vote on this very simple issue of separate barracks and not having members of the opposite sex in the quarters after hours other than for emergency cases. That is all that we are asking for in this particular amendment.

So please vote no on the Snowe amendment so we can put the Kassebaum commission into place.

With that, Mr. President, I inquire how much time is remaining.

The PRESIDING OFFICER. Two-and-a-half minutes.

Mr. BROWNBACK. Mr. President, I would like to be very magnanimous and yield 2 minutes to somebody who absolutely disagrees with me on this amendment, who I think is absolutely wrong, but I want to be collegial with my colleagues and recognize and yield 2 minutes to the Senator from Michigan.

I would like 30 seconds at the end in case I need to say something.

Mr. KENNEDY. I think the Senator has used the 2 minutes, but I appreciate it. I will return the favor.

Mr. LEVIN. I thank our colleague from Kansas, and I yield the 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes and the Senator from Kansas 30 seconds.

Mr. KENNEDY. Mr. President, one of the most important issues involving training in the military is the issue of gender integrated training.

Women have been serving with distinction in our military forces for decades, but their opportunities have grown immensely in the past decade. Unfortunately, the recent sexual harassment scandals in the military have been used by some to oppose the integrated training of men and women in the military and to urge a return to separate training. This approach would be a serious mistake.

In light of the expanded roles for women in the military it makes sense to continue to integrate all aspects of training except for direct combat training. The Services often cite ''train as you fight'' as one of their guidelines in preparation for war. Each service trains as it will fight. The Marines and Army direct ground combat units conduct gender segregated basic training. For all other non-direct ground combat roles, the services conduct gender integrated training. This is how they will fight.

Some ask, why should basic training be any different? But basic training is where new recruits learn basic military values. Integrated initial training makes sense. They will train and fight as an integrated force for their entire military careers. There is no reason why they should not begin to do so as early as possible. Doing so increases the readiness of all our military forces.

Opponents also argue for separate barracks for men and women during training. But, as anyone who has served in the military knows, military training does not end on the drill field or in the classroom. A great deal of unit cohesion is built during time spent in the barracks studying or preparing for the next day's training. Separate barracks would further complicate the commanders' task and make it more difficult to exercise the leadership that guarantees the readiness of the military unit.

The barracks now used in basic training by the services all have independent sleeping areas and restrooms for men and women. Each of these areas has separate entrances. There are alarms on doors and walls around living areas, which are locked at night. Moreover, there is around-the-clock supervision by the chain of command. There is no doubt that we have safe and secure barracks. Wasting over $150 million in new construction for separate barracks that are not needed and are no more secure makes no sense.

The critics of gender integrated training cite recent cases of sexual harassment as a demonstration of the need to segregate men and women during basic training. But almost none of the instances of sexual harassment or sexual misconduct were committed by recruits on recruits, but by drill instructors on recruits.

That kind of sexual harassment indicates poor leadership, not a gender integration problem in training. All of the Services acknowledge the importance of improving the quality of recruit training. Commanders and drill instructors will exercise closer supervision over all recruits. That is the best way to eliminate these abuses and ensure the high level of readiness required for our national defense.

We have come a long way toward full acceptance of women in the military. But more needs to be done to ensure that the progress goes forward in the coming years. Women will not continue to serve in a military which discriminates against them. I look forward to a day when more policies and programs affecting service members are implemented without regard to gender. Women in the military deserve no less.

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

The Senator from Kansas has 30 seconds.

Mr. BROWNBACK. I wish to simply respond to the statements of the Senator from Michigan and the Senator from Massachusetts. They are simply not true. We have the June 5 case taking place at the Navy train facility, a court-martial because of fraternization, harassment, sexual activity by the trainer with trainees involved in this.

Separate barracks: Keep the trainers out afterhours. This makes sense, and I would ask my colleagues to vote against the Snowe amendment.

The PRESIDING OFFICER. All time has expired.

The question is on the second-degree amendment offered by the Senator from Maine.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment offered by the Senator from Maine.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Delaware (Mr. ROTH) are necessarily absent.

I also announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote ''no.''

Mr. FORD. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Ohio (Mr. GLENN) are necessarily absent.

The result was announced—yeas 56, nays 37, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—56

Bennett	Feinstein	Lugar
Biden	Ford	Mack
Bingaman	Graham	Mikulski
Boxer	Gregg	Moseley-Braun
Breaux	Hagel	Moynihan
Bryan	Harkin	Murray
Bumpers	Inouye	Reed
Burns	Jeffords	Reid
Chafee	Johnson	Robb
Cleland	Kempthorne	Sarbanes
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Feingold	Lieberman	

NAYS—37

Abraham	Faircloth	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bond	Gramm	Nickles
Brownback	Grams	Roberts
Byrd	Grassley	Santorum
Campbell	Hatch	Sessions
Coats	Hollings	Shelby
Conrad	Hutchinson	Smith (NH)
Coverdell	Hutchison	Thompson
Craig	Inhofe	Warner
DeWine	Kyl	
Enzi	Lott	

NOT VOTING—7

Akaka	Helms	Specter
Baucus	Rockefeller	
Glenn	Roth	

The amendment (No. 2979) was agreed to.

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

Mr. WARNER. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2978, AS AMENDED

The PRESIDING OFFICER (Mr. BROWNBACK). Is there further debate on the first-degree Brownback amendment numbered 2978, as amended? If not, the question is on agreeing to the amendment.

The amendment (No. 2978), as amended, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I wish to engage in a colloquy with the Chairman of the Armed Services Committee, Senator THURMOND.

The report accompanying this legislation states that the committee has included $191.4 million for three ''standard'' C–130J aircraft (in addition to funding for two other C–130J variants). The Administration's budget request included funding for one standard C–130J for the active Air Force. Thus, the committee added two standard C–130Js to the budget.

The report further states that these two standard C–130J aircraft added by this bill are designated for Reserve Component Modernization. However, the report appears not to include a designation for the requested C–130J. I would like to ask the Chairman, does the committee intend that all three of the standard C–130J aircraft in this bill—not simply the two added to the request—are designated for the Air National Guard?

Mr. THURMOND. Yes, that is correct.

Mr. DOMENICI. Mr. President, I want to compliment the Chairman of the Armed Services Committee on his very skillful handling of this important legislation and for his statesmanlike approach to some serious and troubling budget issues in this year's defense budget.

This year the defense budget is once again confronted with a serious mismatch between the DoD/OMB and the CBO estimates of the outlays needed to execute the programs in the budget. CBO's estimate was $3.7 billion higher than OMB and DoD's estimate.

Becuase the President's proposed defense budget was right up against the discretionary spending caps adopted in the Bipartisan Budget Agreement, compensating for CBO scoring would require large reductions in manpower, procurement, or readiness, or all three. Cuts like that are simply not acceptable.

Thanks in large part to the cooperation we received from the Chairman of the Armed Services Committee and of the Appropriations Committee, from CBO and from OMB, we were able to devise a solution to much of the problem. The solution has three parts:

First, Congress would legislate policies recommended by the Administration to better manage cash in DoD's Working Capital Funds. This would lower fiscal year 1999 outlays by $1.3 billion.

Second, Congress would agree to changes in two classified accounts in the Air Force budget that would lower 1999 outlays by $700 million.

Third, Congress would enact asset sales amounting to roughly $700 million.

The Chairmen of the Armed Services Committee and the Appropriations Committee have assured me that taken together these actions reduce the 1999 outlay shortage to manageable dimensions and help avoid the negative effect on readiness or modernization that was feared.

Mr. President, I have reviewed the text of the 1999 Defense Authorization bill, and I believe we are within reach of the solution. However, I have a concern.

The cash management provisions of DoD's Working Capital Funds contains a waiver clause for the Secretary of Defense that is very broad. I am concerned that some in the Department may find this waiver authority too tempting to resist and will use up the outlays intended to be left in the cash reserves of the Working Capital Funds. Unless there are truly extraordinary and compelling reasons that are not now apparent to us, I believe it would be a very serious mistake to use the available waiver authority. Doing so would certainly destroy the cooperation and trust that has been built up this year with the Defense Department and OMB as we worked together to address this outlay problem.

Assuming there is no unwarranted use of the waiver authority granted in the amendment, I believe we can say we have bridged this problem this year. Next year, I very strongly hope we will receive more accurate outlay estimates from those who have in the past tended to underestimate them. It is unacceptable to receive such miscounts of outlays and then to be told that for Congress to adopt more accurate estimates, the readiness and modernization of our Armed Forces must be reduced. I hope this is the last time we are forced to address this issue.

Mr. WARNER. Momentarily, as acting leader, I will address the Senate.

On behalf of Senator LOTT, I ask unanimous consent that Senator INHOFE now be recognized to offer an amendment relative to BRAC and there be 30 minutes equally divided for debate tonight. Following that debate, the amendment be laid aside. I further ask that Senator HARKIN then be recognized to offer an amendment relative to VA health care, and there be 1 hour of debate equally divided for debate tonight, and the amendment then be laid aside.

I further ask that, at 9:30 a.m. on Thursday, Senator WELLSTONE be recognized to offer an amendment relative to DOD schools and there be 30 minutes equally divided; following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the amendment, with no amendments in order prior to the vote.

I further ask that, following the disposition of the Wellstone amendment, the Senate resume the Inhofe amendment for 10 minutes of closing remarks, to be equally divided, and the vote then occur on or in relation to the Inhofe amendment, with no amendments in order prior to the vote.

I further ask that, following the vote on or in relation to the Inhofe amendment, there be 10 minutes of debate on the Harkin amendment, and the vote then occur on or in relation to the Harkin amendment, with no amendments in order prior to the vote.

Is there any objection?

Mr. LEVIN. Reserving the right to object.

Mr. HARKIN. Reserving the right to object, I didn't quite hear all that, but there has always been sort of a comity in the Senate where we alternate from side to side on amendments. It seems to me the last couple of amendments have been on the other side. It would seem to be only logical that the next amendment be on this side.

I ask the Senator if we couldn't do that. I only need about 15 minutes.

Mr. INHOFE. Will the Senator yield?

Mr. HARKIN. I am happy to yield to the Senator.

Mr. INHOFE. I ask the Senator to at least consider that the amendment I have to offer is not a Republican

amendment. We have just as many Democrats as Republicans. I have been waiting for 6½ hours to take it up. It will be very short. We have agreed to a time agreement, and we will not even take that much time.

Mr. HARKIN. I have a time agreement also, and I have been waiting all day. I will take only about 15 minutes on mine.

Mr. INHOFE. I have been on the floor.

Mr. HARKIN. We usually go back and forth on these things.

Mr. WARNER. I wonder if at this point the two Senators could sort this out in such a way that we could proceed tonight. I understand the Senator from Arizona also desires some time, 5 minutes on the Inhofe amendment.

Mr. LEVIN. If we reduce both debates tonight to 20 minutes, that might resolve this problem.

Mr. INHOFE. If I can go first, I am agreeable to that.

Mr. HARKIN. That would put you on until just before 9 o'clock. That would put me up about 9 o'clock. I still don't know why we can't go back and forth like we have always done in the past.

Mr. WARNER. I have to say to the Senator, I was not in the chair as the manager at the time the agreement was drawn.

Mr. LEVIN. Reserving the right to object, I want to ask one clarification. I understand this unanimous consent would preclude second-degree amendments at any time?

Mr. WARNER. Prior to the vote, that is correct.

Mr. LEVIN. At any time prior to?

Mr. WARNER. Any time prior to the vote.

Mr. President, I repeat the unanimous consent request.

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

Mr. WARNER. Mr. President, I have a further announcement for Senators. For the information of all Senators, there will be no further votes tonight. Several Members have agreed to remain tonight to debate other amendments, and there will be three votes occurring at 10 a.m., with a few minutes debate between the second and third votes.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2981

(Purpose: To modify the restrictions on the general authority of the Department of Defense regarding the closure and realignment of military installations, to express the sense of the Congress on further rounds of such closures and realignments, and for other purposes)

Mr. INHOFE. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. DORGAN, Mr. DASCHLE, Mr. LOTT, Ms. SNOWE, Mr. BENNETT, Mr. SMITH of New Hampshire, Ms. COLLINS, Mr. SHELBY, Mr. SESSIONS, Mr. HATCH, Mr. DOMENICI, Mr. CONRAD and Mr. CLELAND, proposes an amendment numbered 2981.

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

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

The amendment is as follows:

At the appropriate place in Title XXVIII of the bill, insert the following:

SEC. . MODIFICATION OF LIMITATIONS ON GENERAL AUTHORITY RELATING TO BASE CLOSURES AND REALIGNMENTS.

(a) ACTIONS COVERED BY NOTICE AND WAIT PROCEDURES.—Subsection (a) of section 2687 of title 10, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs (1) and (2):

''(1) the closure of any military installation at which at least 225 civilian personal are authorized to be employed;

''(2) any realignment with respect to a military installation referred to in paragraph (1) if such realignment will result in an aggregate reduction in the number of civilian personnel authorized to be employed at such military installation during the fiscal year in which notice of such realignment is submitted to Congress under subsection (b) equal to or greater than—

''(A) 750 such civilian personnel; or

''(B) the number equal to 40 percent of the total number of civilian personnel authorized to be employed at such military installation at the beginning of such fiscal year; or''.

(b) DEFINITIONS.—Subsection (e) of that section is amended—

(1) in paragraph (3), by inserting ''(including a consolidation)'' after ''any action''; and

(2) by adding at the end the following:

''(5) The term 'closure' includes any action to inactivate or abandon a military installation or to transfer a military installation to caretaker status.''.

SEC. . PROHIBITION ON CLOSURE OF A BASE WITHIN FOUR YEARS AFTER A REALIGNMENT OF THE BASE.

(a) PROHIBITION.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following:

§ 2688. Base closures and realignments: closure prohibited within four years after realignment in certain cases

''(a) PROHIBITION.—Notwithstanding any other provision of law, no action may be taken, and no funds appropriated or otherwise available to the Department of Defense may be obligated or expended, to effect or implement the closure of a military installation within 4 years after the completion of a realignment of the installation that, alone or with other causes, reduced the number of civilian personnel employed at that installation below 225.

''(b) DEFINITIONS.—In this section, the terms 'military installation', 'civilian personnel', and 'realignment' have the meanings given such terms in section 2687(e) of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2687 the following:

''2688. Base closures and realignments: closure prohibited within four years after realignment in certain cases.''.

(b) CONFORMING AMENDMENT.—Section 2687(a) of such title is amended by inserting ''(other than section 2688 of this title)'' after ''Notwithstanding any other provision of law''.

SEC. . SENSE OF THE SENATE ON FURTHER ROUNDS OF BASE CLOSURES.

(a) FINDINGS.—The Senate finds that—

(1) While the Department of Defense has proposed further rounds of base closures, there is no need to authorize in 1998 a new base closure commission that would not begin its work until three years from now, in 2001;

(2) While the Department of Defense has submitted a report to the Congress in response to Section 2824 of the National Defense Authorization Act for Fiscal Year 1998, that report—

(A) based its estimates of the costs and savings of previous base closure rounds on data that the General Accounting Office has described as ''inconsistent'', ''unreliable'' and ''incomplete'';

(B) failed to demonstrate that the Defense Department is working effectively to improve its ability to track base closure costs and savings resulting from the 1993 and 1995 base closure rounds, which are ongoing;

(C) modeled the savings to be achieved as a result of further base closure rounds on the 1993 and 1995 rounds, which are as yet incomplete and on which the Department's information is faulty; and

(D) projected that base closure rounds in 2001 and 2005 would not produce substantial savings until 2008, a decade after the federal government will have achieved unified budget balance, and 5 years beyond the planning period for the current congressional budget and Future Years Defense Plan;

(3) Section 2824 required that the Congressional Budget Office and the General Accounting Office review the Defense Department's report, and—

(A) The General Accounting Office stated on May 1 that ''we are now conducting our analysis to be able to report any limitations that may exist in the required level of detail. . . . [W]e are awaiting some supporting documentation from the military services to help us finish assessing the report's information.'';

(B) The Congressional Budget Office stated on May 1 that its review is ongoing, and that ''it is important that CBO take the time necessary to provide a thoughtful and accurate evaluation of DoD's report, rather than issue a preliminary and potentially inaccurate assessment.'';

(4) The Congressional Budget Office recommended that ''The Congress could consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out. That consideration, however, should follow an interval during which DoD and independent analysts examine the actual impact of the measures that have been taken thus far.''

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that:

(1) Congress should not authorize further rounds of base closures and realignments until all actions authorized by the Defense Base Closure and Realignment Act of 1990 are completed; and

(2) The Department of Defense should submit forthwith to the Congress the report required by Section 2815 of Public Law 103–337, analyzing the effects of base closures and realignments on the ability of the Armed Forces to remobilize, describing the military construction projects needed to facilitate such remobilization, and discussing the assets, such as air space, that would be difficult to reacquire in the event of such remobilization.

The PRESIDING OFFICER. It is the Chair's understanding that the time on both amendments has now been reduced to 20 minutes.

Mr. INHOFE. That is correct.

Mr. HARKIN. Mr. President, I did not agree to that. I am sorry, that had to do with something else. I still reserve the amount of time that was requested.

The PRESIDING OFFICER. Under the original order, the Senator from Oklahoma, Mr. INHOFE, gets 30 minutes, equally divided, and the Senator from Iowa, Senator HARKIN, gets 1 hour, equally divided. That is the original order.

The Senator from Oklahoma has the floor.

Mr. INHOFE. I think I probably will voluntarily cut this down. It depends on who shows up and wants to be heard.

Mr. President, as I have said in response to the comment by the Senator from Iowa, this is not really a Republican amendment. We have, certainly, Senator DASCHLE, Senator DORGAN, Senator CLELAND, Senator CONRAD, and many Democrats who are supporting this amendment.

The need for this amendment came up when several comments were made by members of the administration, primarily Acting Secretary Peters of the Air Force, making statements that, ''We don't care whether or not we are authorized to have further BRAC rounds, we are going to go ahead and close bases anyway.''

Later in this discussion, I will actually offer some of the quotes that were made. Right now, I will merely explain what this amendment does. It does essentially five things.

First of all, the current language, in order for a military facility to be closed without Congress' consent, has a threshold of 300 civilian employees. Let me stress, that is civilian employees, not military employees. This bill will reduce that number to 225.

Now, my original bill would have reduced it to 150. I still like that better. However, I was willing to accommodate the concerns of several Democrats and other people who wanted to have 225. The effect of this would mean that if they tried to close a military base, they could not do it without our consent unless that base had more than 225 civilian employees.

No. 2, in the event that realignment became the desire of the services—Department of Defense—that they could not do it if there were as many as 750 civilian positions or 40 percent of the total civilians authorized to be employed.

The current language has a threshold of 1,000 civilian employees at 50 percent of the total civilians authorized to be employed. So this again is dropping that down a modest amount, by approximately 25 percent.

No. 3, we clarify the definition of closure. The reason we feel this is necessary is that there have been statements made like, ''We will just transfer it to a caretaker status, or a state of inaction or abandonment.'' What we are doing is expanding the definition in the law of closure to include these statements, so that someone cannot do this and circumvent the closure requirements by saying we are not closing, we are just abandoning or putting it into a state of inaction.

On this, I pause at this point and say, if you stop and think about every community in America that might have some type of a facility, they would not know, they would not be prepared in advance as to whether or not somebody is going to try to make it inactive or put it into caretaker status. We want to be straightforward and say if you are going to close it, you are going to close it—using those terms.

No. 4, we will add a provision that requires a waiting period of 4 years after a realignment before a base could be closed, if that realignment drops the civilian workforce below the new threshold of 225 civilians. Our concern here is that this can be circumvented and we could be left out of the loop as the U.S. Senate if they were able to take it one step at a time and say, fine, we are going to go ahead and realign, and next week we will come and realign some more and have the effect of closing a base entirely, regardless of the number of employees, if they are willing to do that. This would preclude that.

Lastly, it is the sense of the Senate that there is no need to reauthorize for the year 2001 in this 1998 authorization bill. There is no reason in the world that we can't have more time to consider this and to see how current law works and maybe address this again in the 1999 authorization bill. It would not make any difference at all; it would still be the year 2001.

These are essentially the changes in the current law that this amendment would offer.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. I don't have any requests for time on my side.

I retain the remainder of my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this amendment sends the wrong message to every single person in the Defense Department. That message is: Do as I say, not as I do. We are telling the Department of Defense to be more efficient, to adopt better business practices, to do more with less, to go faster in reshaping the military for the threats of the 21st century.

We are pushing the DOD to have their inventory maintained more efficiently, to cut acquisition personnel, cut headquarters personnel, cut the number of ships and aircraft and combat troops. But, apparently, the military forces of the future that some colleagues have in mind will cut equipment, people, and supplies, but leave all the empty buildings standing to impress people.

This amendment tells our soldiers that despite what we say, our real priority would be to protect our turf back home, instead of protecting the well-being of our future soldiers, sailors, airmen and marines. Every single top uniformed military and civilian military have told us that the reality is that the money we spend maintaining more bases than we need is money that we can't spend buying our troops the things that they do need.

You know, it is one thing not to authorize some more BRAC rounds, and it is something altogether different to make even an alignment that is currently possible without BRAC, to make that more difficult. This amendment takes us in exactly the wrong direction. It will make reductions more difficult than they are now.

I happen to support BRAC rounds, but that is not the issue here. The issue here isn't whether we add a round or two rounds of BRAC, as much as that may be necessary in the judgment of some of us; the issue here is whether or not we make it more difficult to realign facilities that are currently realignable without BRAC. This amendment will make it more difficult.

If this amendment is adopted, it is either going to kill this bill, or if the President does sign a bill that includes this provision—which is a very uncertain prospect—it is going to put a very large wrench into the Defense Department's gears and bring the Defense Department's efforts to make its base structure more rational and efficient to a grinding halt.

The Secretary and Deputy Secretary are trying to move the Defense Department into the 21st century. This amendment is trying to set the Defense Department in concrete.

This is what Secretary Cohen wrote to Chairman THURMOND and me on June 22:

DEAR MR. CHAIRMAN: I am writing to express the Department of Defense's strong opposition to an amendment to the fiscal year 1999 Defense Authorization Bill that has been proposed by Senators Inhofe and Dorgan. If enacted, this amendment would further restrict the Department's already limited ability to adjust the size and composition of its base structure. The Department will have views on other provisions in the Authorization Bill as well, but I want to draw your attention to this particular amendment before the Senate completes consideration of your bill.

The Department can undertake closures and realignments only after first complying with the requirements of 10 USC 2687. As a practical matter, section 2687 greatly restricts the Department for taking any action to reduce base capacity at installations with more than 300 civilians authorized. The amendment being proposed would extend the application of section 2687 to an even greater number of installations.

This proposal would seriously undermine my capacity to manage the Department of Defense. Even after eight years of serious attention to the problem, we still have more infrastructure than we need to support our forces. Operating and maintaining a base structure that is larger than necessary has broad, adverse consequences for our military forces. It diverts resources that are critical

to maintaining readiness and funding a robust modernization program. It spreads a limited amount of operation and maintenance funding too thinly across DoD's facilities, degrading the quality of life and operational support on which readiness depends. It prevents us from adapting our infrastructure to keep pace with the operational and technical innovations that are at the cornerstone of our strategy for the 21st century. In short, this amendment would be a step backward that would harm our long-term security by protecting unnecessary infrastructure.

I urge you to oppose the Inhofe/Dorgan amendment during floor consideration of the Authorization Bill. Its passage would put the entire bill at risk. Congress has given me the responsibility to organize and manage the Department's operations efficiently. I need to preserve my existing authority to fulfill that responsibility.

Mr. President, I think all of us who are on the Armed Services Committee—including my friend who is proposing this amendment—are very sensitive to that question. We want an authorization bill, we want to get an authorization bill to the President, and we want him to sign an authorization bill. The Secretary of Defense is telling us in this letter, in his words, that passage of this amendment would ''put the entire bill at risk.''

There are many ways in which this amendment would make it more difficult for the Defense Department to realign bases that are currently realignable. It does that by changing, reducing the number of civilians at a base that would require notification to Congress, or would require realignment action by a base closing commission. This amendment lowers the threshold for any base with 300 people to a base with 225 civilians. Even though the current definition of 300 captures all of our major installations, this amendment would go deeper. This amendment would make it more difficult for the Secretary of Defense to make the kind of efficiencies that we are demanding everywhere else in the defense budget.

So I hope this amendment will be rejected. It is a step in the wrong direction. If we don't have what, in my judgment, is the courage to adopt an additional round or two rounds of BRAC—of Base Closing Commission—with the power to make a recommendation to us and the President, and a certainty that that would be voted on—if we don't have the courage to do that because it will put at risk facilities in each of our States, for heaven's sake, we should not go backwards, dig ourselves into a deeper hole, require lesser efficiencies instead of greater efficiencies. We should not set the Department of Defense in deeper concrete, thicker concrete than it already is in. So I hope that this amendment will be rejected.

I thank our colleague, Senator INHOFE, for a number of things.

One is his willingness to raise this amendment tonight, even though it means there will be less time tomorrow for us to debate this amendment. His willingness to offer this amendment tonight is very courteous to all of us who are trying to move this bill. I thank him for that courtesy, and many other courtesies which he has extended.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Michigan. It has been a very helpful step to enable us to keep moving here tonight.

Mr. THURMOND. Mr. President, the Senate Armed Services Committee expressed its views regarding base closure when it voted 10 to 8 against an amendment that would have authorized additional base closure rounds. I fully support that decision although I have an open mind on future legislation, especially if the Administration makes a better case for additional rounds and the rounds are scheduled after the current base closure activities are completed.

In regard to the amendment before us, I believe it will have little if any impact on whether or not we will close additional bases. The amendment is in reaction to the Department's threat to close bases by attriting personnel below the 300 threshold set by section 2687 of title 10. While I do not believe that this is an idle threat, reducing the threshold to 225 personnel will have little or no impact.

To close or realign bases under section 2687, the Department of Defense must notify Congress as part of its request for authorization of appropriations and must provide the Congress an evaluation of fiscal, local economic, budgetary, environmental, strategic, and operational consequences of proposed closures and realignments. One of the most important drawbacks to the section 2687 process is the requirement to complete a full environmental study under the provisions of the National Environmental Policy Act before a closure or realignment decision is made and sent to Congress. While such studies are under way, usually for a period of 12 to 18 months, litigation is likely to arise, effectively derailing the proposed closure and realignment. Additionally, individual actions can be thwarted by withholding the appropriation of funds to execute a closure or realignment. Section 2687 has effectively prevented DoD from reducing its infrastructure through closures or realignments at any of its significant facilities.

Mr. President, this legislation is unnecessary and I urge the Senate to reject the amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the BENS Tail-to-Tooth Commission, and a letter from Taxpayers for Common Sense.

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

BENS TAIL-TO-TOOTH COMMISSION,
June 10, 1998.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR THURMOND: We are writing to express our strong opposition to the Dorgan-Inhofe Amendment to the FY1999 Defense Authorization bill. This amendment severely hampers the Pentagon's ability to rationally manage its military bases and personnel.

As members of the BENS Tail-to-Tooth Commission, we all share a commitment to reforming the Department of Defense so that we can invest savings in new procurement and enhancing the readiness of our military forces. the Senate is on record in support of these goals; yet, the Dorgan-Inhofe amendment moves us in the opposite direction. By locking in the status quo, this proposal prevents the Pentagon from making rational business decision that will save money, and most importantly, improve the support provided to service members.

Under this plan, the Pentagon is required to prepare costly and time consuming impact statements when it proposes to move as few as ten civilian employees. It also provides unfair protection to numerous facilities that would be declared off limits should be the Base Closure and Realignment Commission be authorized in the future.

Passage of the Dorgan-Inhofe amendment would be a major blow to the cause of smart management. the cost to taxpayers, and most important, to the troops will be significant. We urge you to oppose this ill-conceived proposal.

Sincerely,

Admiral Stanley R. Arthur, USN (Ret.); Mr. Raphael Benaroya; Mr. Denis A. Bovin; the Honorable Howard H. Callaway; the Honorable Frank C. Carlucci; Ms. Maryles V. Casto; Mr. Michael S. Fields; the Honorable Sidney Harman; Dr. Anita K. Jones; the Honorable James R. Jones; Mr. James V. Kimsey; Admiral Wesley McDonald, USN (Ret.); Lt. Gen. Thomas McInerney, USAF (Ret.); Ms. Ann McLaughlin; General Merrill A. McPeak, USAF (Ret.); General Thomas Moorman, USAF (Ret.); Mr. John P. Morgridge; Mr. William F. Murdy; Admiral William A. Owens, USN (Ret.); the Honorable William J. Perry; Mr. William J. Rouhana, Jr.; Admiral William D. Smith, USN (Ret.); General Gordon R. Sullivan, USA (Ret.) and Mr. Josh S. Weston.

OPPOSE DORGAN/INHOFE AMENDMENT TO MAKE IT HARDER TO REALIGN SMALL MILITARY BASES

DEAR SENATOR: When the Senate considers S. 2057, the Fiscal Year 1999 Defense Authorization Bill, we urge you to vote against the Dorgan/Inhofe Amendment, which would make it more difficult to realign and consolidate small military installations. The amendment would require Department of Defense (DoD) to waste money that could otherwise be used to reduce overall defense spending or pay for improved readiness or weapons procurement. The amendment would be a disservice to both taxpayers and soldiers.

Currently, the law restricts DoD's ability to close bases that have authorizations for 300 or more civilians. The law also restricts realignments at installations with over 300 civilians authorized when the realignment involves the reduction or relocation of more than fifty percent of civilians authorized. The amendment expands the scope of the restrictions by decreasing the 300 person threshold to 225 and restricting realignments

at all installations if such action affects 40 percent or more of the civilians authorized.

To illustrate, an installation as few as ten civilians could not realign more than three employee positions without: (1) notifying Congress of the proposed action as part of DoD's request for defense authorizations; (2) providing Congress with an evaluation of the fiscal, local economic, budgetary and environmental impact, strategic, and operational consequences of proposed closures and realignments; (3) conducting a full environmental study before the proposal is sent to Congress; and (4) then waiting 30 legislative days or 60 calendar after notifying Congress before executing the realignment.

There is no need to compel the DoD to maintain Cold War infrastructures now that the Cold War has ended. The proposed amendment would make it all but impossible for the DoD to reorganize, consolidate, or close unnecessary small bases. Every excessive base, airfield, depot and station undermines U.S. national security and wastes taxpayer money. We urge you to allow DoD to retain one of the tools it needs to provide the American people with the best possible defense our tax dollars can buy. Vote ''NO'' to the Dorgan/Inhofe Amendment.

Sincerely,

RALPH DEGENNARO,
Executive Director.

Mr. WARNER. Mr. President, I have a few comments.

Ironically, I was the author of the last base closure legislation. I saw right here just a day or so ago Senator DIXON of Illinois. He was my other principal author of that resolution.

I think it is absolutely essential that the United States reduce its infrastructure and enable the Secretary today and the Secretaries of Defense thereafter to husband those funds from the reduction as best they can and channel those needed dollars into readiness and modernization, and all types of things that have a much, much higher priority than so much of the excess that we now have in the military structure.

The last time we considered this BRAC concept in the committee, I voted against it simply because I was so disheartened by some of the procedures with regard to certain bases in California, and then subsequent revelation of letters from an individual in the Secretary of Defense's Office which clearly indicated to me a certain bias.

We just have to get politics out of this process someday. I am not sure when that will be. But as soon as we can come up with some system which guarantees elimination of politics, then you can count on the Senator from Virginia supporting the BRAC process going forward. In the meantime, I register my opposition against my good friend and fellow Member.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. INHOFE. Mr. President, I want to clarify the time of the minority leader.

The PRESIDING OFFICER. The Senator from Michigan controls 5 minutes 45 seconds. The Senator from Oklahoma has 10 minutes.

Mr. LEVIN. I would be happy to yield that 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. MCCAIN. Mr. President, I was looking at the amendment. I find it to be very interesting.

First of all, there is a very strongly worded letter from the Secretary of Defense:

> Congress has given me the responsibility to organize and manage the Department's operations efficiently. I need to preserve my existing authority to fulfill that responsibility.

I think Secretary Cohen's words are very important. We should keep them in mind.

Mr. President, I was looking at this amendment. There is a prohibition, and there is a sense-of-the-Senate part of the prohibition which says, ''Notwithstanding any other provision of law, no action may be taken, and no funds appropriated, or otherwise available to the Department of Defense, may be obligated or expended to effect, or implement, the closure of a military installation within 4 years after the completion of a realignment of the installation.''

That alone—''. . . or with other causes, reduce the number of civilian personnel employed at that installation below 225.''

I find that an astonishing clause. First of all, civilian employment seems to be the case here. Second of all, 4 years?

Suppose you had an installation—I ask the Senator from Oklahoma—that had 230 civilian employees, and a contract at the base at the Pentagon was canceled, therefore negating the need for the civilian workers, and reduce them by 6, down from 230, down to 224. Nothing can be done by the Secretary of Defense for 4 years? This is a very unusual restraint that we are attempting to impart on the Secretary of Defense.

Second of all, on the sort of findings here, there is one finding that should be leading of all in this; that is, base closures save money. That is something that we seem to avoid in this debate—that fact. If base closures didn't save money, Mr. President, we made a horrible mistake at the end of World War II. Do you know? We made a terrible mistake at the end of World War II, because there were thousands of bases around America. Do you know what? We closed them. I can't imagine how much that must have cost the taxpayer in order to close those thousands of bases.

I sit here and listen to arguments that closing bases costs money. Of course it costs money in the short term. You are cleaning up an installation. But everybody knows that in the long term it saves money. And, unless we do so, you cannot hope to fund the modernization of the force and all of the other requirements that we need to meet the challenges of the 21st century.

Mr. President, the Department of Defense estimates that they need to close about 50 major facilities and realign 25 others. That is so they can match infrastructure to force size and structure.

I hear many, many hours of debate on the base closing issue, but I don't hear the debate that I think is necessary on the floor of the Senate in order to maintain our national defense capability—the overall question. We are spending less and less on defense. We are putting more money into pork barrel projects, and we are allowing a base to close. The ultimate result is that you reduce the capability of the military force.

Not only did we turn back in committee. I was sorry that the Senator from Virginia chose to vote against the amendment in committee. Not only did we vote in committee against any base closing round anytime in the near future, but now we are going to restrict even the ability of the Secretary of Defense to move people around from one base to another in keeping with the changing mission.

I, frankly, first of all, don't understand the argument that somehow closing bases doesn't save money. As I say, if we did, we made a terrible mistake after World War II and after the Korean war and after the Vietnam war.

The other thing I don't understand is how we can worry about the Congressional Budget Office. The May 1 review is ongoing, and it is for the Congressional Budget Office to take the time necessary to provide a thoughtful and accurate evaluation of DOD's report rather than issue a preliminary and potentially inaccurate assessment.

The Congressional Budget Office, in a remarkable act of courage, says the Congressional Budget Office recommended the Congress could consider authorizing an additional round of base closing if the Department of Defense believes there is a surplus of military capacity.

Is there anybody who thinks that the Department of Defense doesn't believe there is a surplus of military capacity? After all, BRAC rounds have been carried out. This consideration, however, should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken thus far.

Mr. President, I oppose the amendment.

I ask for an additional minute from the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is out of time.

Mr. MCCAIN. Mr. President, I hope someday that we will address the issues on this floor—like 11,100 military families on food stamps, like men and women who are leaving the military in droves because they do not have the equipment to fight with and operate with, like the incredible long deployments that we are sending these

men and women on, like the fact that we are not prepared to meet the post-cold-war challenges in any reasonable and responsible way. Instead, we seem to spend our time arguing and fighting over a base closing. I think, frankly, it is something we ought to get resolved and behind us. If we never want to close a base, let's do that. But let's not go through this every single year.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I have so much respect for both the Senator from Arizona and the Senators from Michigan and Virginia. I have to say, I am sure the Senator from Arizona would agree that there is no stronger proponent for a strong national defense than I am. We work hard.

One of the big problems I have is that we need to look at the overall picture. All this talk about base closings is important. I support base closures. I made it very clear that we have time on this. If we do not have base closures until the year 2001, there is no reason to be addressing base closures in this bill.

Certainly—I also respond to the Senator from Arizona—what he referred to was a sense-of-the-Senate portion of this bill. It says, ''Notwithstanding any other provision of the law,'' no action would be taken, and no funds appropriated, and so forth, as you read.

However, if we should authorize another BRAC process, that would have precedence over this and this would not be in effect.

It is my understanding that the Senator from Washington has a request for a couple, 3 minutes and I would like to yield to him, and then I will respond to the rest of the comments that have been made.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mr. GORTON. Mr. President, I do not believe that there has been any more successful and imaginative policy with respect to our military preparedness than the three base-closing rounds that were created by a law imagined by the now majority leader of the House of Representatives, a major contribution to a rational system—at least, Mr. President, a rational system until the last base closure round when, in spite of the fact that everyone felt that this issue had been taken out of politics, the President of the United States poisoned the well by totally politicizing the base-closure process.

The Senator from Virginia, I think, wisely voted against another base-closure process presided over by this President. I agreed with that proposition on the basis that once again it would become a part of the Presidential campaign in the year 2000, and I will not vote for another such process until we can be guaranteed that we will take it out of politics.

I am going to vote for the amendment from the Senator from Oklahoma perhaps for the same reason that the Senator from Virginia is going to vote against it. I am going to vote to emphasize even more forcefully that he has my bitter disappointment in the way in which this important process was politicized. And I think we need to send a message, yes, even to the Department of Defense that we will not permit that kind of thing to happen in the future. And this, it seems to me, is a pretty good way to send that message.

I wish I could have voted this year for another base-closing round. I cannot because of what happened during the course of the last Presidential election, and I will support the Senator from Oklahoma because I think he makes that point even more forcefully.

Mr. INHOFE. I thank the Senator from Washington. I would like to inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma controls 6 minutes 30 seconds.

Mr. INHOFE. Mr. President, first of all, let me clarify something. I do support the process. It happens that I was elected to the other body in 1986, and that is when Representative DICK ARMEY from the State of Texas came out with the whole idea that we have got to close down some of the infrastructure that is no longer needed. We understand that. But we can't do it because of the politics that are there.

So he devised a system, and that system was devised to take the politics out of it, and it worked. If there were time, I would read the statement he made on the floor of the House of Representatives when he found out he had to do something that was bad for his State of Texas, and he was willing to do it to save the system, the integrity of the system that was designed to take politics out of it.

Now, as the Senator from Washington said, politics were reinserted, and when that happened I think several of us felt we had to ensure that did not happen again. And so some of the people, wisely perhaps, said that, well, we can do that by waiting until after this President is no longer in office, 2001.

My concern there is I don't know who is going to be the Republican nominee or who is going to be the Democratic nominee or who will ultimately be the next President of the United States. But if that President should be inclined to do so, it would be a tremendous temptation for him to use the same politics that President Clinton used, because if he doesn't do it, he is not using the full force of his office. That is a precedent that has been set. We are trying to stop that now.

I would like to respond to the distinguished Senator from Michigan. He made the statement about money being saved. I have supported every effort to increase our defense spending. For 15 consecutive years now we have actually reduced defense spending when many people a lot smarter than I am agreed with the statement that I have made when I said that I feel the threat that is facing America is greater today than it was even during the cold war because of the nonpredictability, the unpredictability of the threat that is out there, the proliferation of weapons of mass destruction, the fact there are missiles out there right now that can reach all the way to any city in the United States of America. And it has been recently disclosed by some newspapers that there are, in fact, some missiles, some CSS–4 missiles in China that are targeted at the United States.

Now, I anticipate the President will come back and say, I accomplished the retargeting of these things. However, if you remember the Anthony Lake hearings, we documented the fact that retargeting can take place in as short as 3 minutes.

So anyway, I would say this as far as money being saved by base closures. It is bleeding right now. We need to have as much money right now in order to try to help our defense system survive. Modernization, force strength, quality of life, all of these we are having very serious problems with. We have the lowest retention rate right now we have had in the history of some of the services, including the Air Force. It costs $6 million to put someone in the seat of an F–16 and yet we are losing the pilots. I heard an unofficial report today it is not a retention of 25 percent. It is now down below 20 percent. That is very serious.

But let's look at where we can really fund the services. The first thing I would do, if I were responding to the Senator from Michigan, is get us out of Bosnia. Right now, that was supposed to cost us some $1.2 billion. Now it is over $9 billion direct, and I suggest about twice that much money in reality.

I would also comment that as far as Senator Cohen's statement that this might draw a veto, I find it very difficult to believe that a bill that is supported by the number of Democrats that are supporting this bill, including the minority leader, TOM DASCHLE, is going to draw a veto. This is a threat that is always there. And I would also comment that Secretary Cohen, when he was Senator Cohen, would have been right up here with me supporting this amendment. And if anyone questions that, I can document that.

Thirdly, when you talk about the courage to do a BRAC, yes, we need to do it. We have to first protect the integrity of the system. That is what the Senator from Washington is saying, and that is exactly what I want to do. I want to reduce more infrastructure. I made that statement. I have said that we need to do it professionally and it needs to be done out of politics.

Lastly, when the Senator from Virginia talked about taking politics out of the process, I really think the distinguished Senator from Virginia gave a pretty good argument for my amendment. So I understand that tomorrow

we are going to have—my time has expired, but we are going to have 10 minutes equally divided. Senator DORGAN and some other Senators who are not here tonight have asked to have that time, which I will yield to them tomorrow.

I yield back the remainder of my time and yield the floor.

Mr. WARNER. Mr. President, I think that concludes the number of speakers who desire to address this amendment. I would simply close by saying that I take very seriously the letter by our distinguished former colleague, the Secretary of Defense, William Cohen, and I put my bottom dollar on his integrity to see that this process would work without politics. I really do. I feel strongly about that. So for that reason I strongly oppose the amendment.

Now, Mr. President, I think we go to our distinguished colleague.

The PRESIDING OFFICER. Under the previous order, the Inhofe amendment 2981 is set aside until tomorrow.

Mr. WARNER. Set aside pursuant to the order.

The PRESIDING OFFICER. Pursuant to the order.

Mr. WARNER. I thank you, Mr. President.

The PRESIDING OFFICER. And the Senator from Iowa is recognized to present an amendment upon which there is 1 hour of debate equally divided.

AMENDMENT NO. 2982

(Purpose: To authorize a transfer of funds from the Department of Defense to the Department of Veterans Affairs for health care.)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. WELLSTONE, proposes an amendment numbered 2982.

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

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

The amendment is as follows:

At the end of subtitle A of title X, add the following:

SEC. . TRANSFER TO DEPARTMENT OF VETERANS AFFAIRS.

(a) TRANSFER REQUIRED.—The Secretary of Defense is authorized to transfer to the Department of Veterans Affairs $329,000,000 of the amounts appropriated for the Department of Defense pursuant to the authorizations of appropriations in this Act. In the case of any such transfer, the Secretary shall select the funds for transfer, and shall transfer the funds, in a manner that causes the least significant harm to the readiness of the Armed Forces and the quality of life of military personnel and their families.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred pursuant to subsection (a) shall be available for health care programs of the Department of Veterans Affairs.

Mr. HARKIN. Mr. President, for the benefit of colleagues, I do not intend to take anywhere near a half hour on this on my side, and hopefully will yield back a lot of time so we can get out of here at an early hour.

This amendment, pure and simple, is to take some money from the Department of Defense and put it into the medical account of the Department of Veterans Affairs. This amendment would transfer $329 million specifically from the Department of Defense budget to the medical accounts of the Department of Veterans Affairs. Let me be clear that what this amendment will do will not increase the amount of money, really, going to veterans' medical accounts. It will just keep it level in accordance with medical inflation.

Budgets are about priorities. Tight restrictions on discretionary spending over the past several years, and spending caps created last year to balance the budget, have forced some tough choices to be made. But I ask my colleagues, what greater priority can there be than to take care of those who have defended the very right of our country to exist? Our veterans have fulfilled the duty they had to serve their country. Now it is up to this Congress to fulfill our duty, our obligation, our solemn promise to provide for our veterans.

The needs of our veterans are clear. The aging veteran population, rising personnel costs and medical inflation, means that each dollar provided for veterans' health care benefits cannot be stretched as far as it used to be. The 5-year budget plan assumed no increases for the discretionary spending of Veterans Affairs. Let me say that again. The 5-year budget plan assumed no increases for VA discretionary spending; in other words, no taking into account the cost of inflation, and especially medical inflation. The well-being of our veterans must not be subject to second-class status. Veterans' funding deserves to be considered as more than just an afterthought.

My amendment is supported by many veterans and veterans groups. Mr. President, I ask unanimous consent to have printed in the RECORD letters of support for my amendment from the Vietnam Veterans of America, Incorporated; the Blinded Veterans Association and the Paralyzed Veterans of America.

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, May 15, 1998.

Hon. TOM HARKIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HARKIN: On behalf of Vietnam Veterans of America (VVA) I want to convey our appreciation and support for your proposed amendment to S. 1812, the FY 1999 National Defense Authorization Act, aiming to transfer resources from the Department of Defense (DOD) to the Department of Veterans Affairs (VA) to supplement the medical care budget. VVA has long held the principle belief that the health care and benefits needs of veterans are an ongoing cost of our nation's defense. Your amendment will carry forward with assurance of the Nation's commitment to veterans military service related health care needs.

VA medical care, as you know, has been plagued by resource limitations for many years and is currently facing flatline budgets for the next several years. The financial wringer has already squeezed out any opportunities to achieve greater efficiencies. Despite promises from Congress and the Administration to the contrary, the ultimate effect is more restrictive access to medical care because of fewer appropriated dollars. Fewer dollars means fewer veterans will be served, pure and simple. The amendment you are offering would help to counter the effects of increasing medical inflation and personnel costs. Without these additional funds, the only possible effect is denial of services to veterans, many of whom are disabled due to their military service.

Some of your colleagues have argued that attrition of the veterans population through deaths of World War II veterans is an indication that VA needs less money to operate. However, this narrow perspective fails to take into account the rising costs of medical care and more importantly the current demographics of the veteran populations; VA health care users are older and sicker than the overall American public. Vietnam veterans now represent the largest group within the veterans population. Many of the Vietnam veterans and a growing population of Persian Gulf War veterans have complex problems relating to herbicide, chemical and other environmental exposures.

VVA strongly believes that Congress must commit an adequate annual appropriations to VA medical care programs. Your amendment is a very positive recognition of the current circumstances and needs of America's veterans. Thank you for your initiative to attempt redistributing some DOD funds toward VA medical care.

Sincerely,

KELLI WILLARD WEST,
Director of Government Relations.

BLINDED VETERANS ASSOCIATION,
Washington, DC, May 14, 1998.

Hon. TOM HARKIN,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR HARKIN: On behalf of the Blinded Veterans Association (BVA) I am writing to support your proposed amendment to S. 1812, the National Defense Authorization Act for Fiscal Year 1999. This amendment would transfer resources from the Department of Defense to the Department of Veterans Affairs (VA) for medical care for veterans.

VA medical care is facing a crisis, resulting from the provision of inadequate resources. Appropriations for VA medical care are proposed to be frozen. The Administration's FY 1999 budget for VA medical care requests fewer appropriated dollars, and fewer resources. The amendment that you are offering, along with Senator Wellstone, would provide much needed additional resources, to help counter increases attributable to rising personnel costs and medical inflation. Without these additional dollars, these increases would have to be made up from dollars targeted for the health care needs of veterans.

The VA Health Care System has already been peared to the bone and we doubt there are any more efficiencies that can be realized to offset inadequate resources. VA Under Secretary for Health, Dr. Kenneth Kizer has recently acknowledged that without additional resources the VA Health Care System could soon ''hit the wall.'' We must maintain this Nation's commitment to veterans, and your amendment is an important step forward in keeping this commitment.

Sincerely,

ELIZABETH R. CARR,
BVA National President.

PARALYZED VETERANS OF AMERICA,
Washington, DC, May 13, 1998.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: On behalf of the Paralyzed Veterans of America (PVA) I am writing to support your proposed amendment to S. 1812, the National Defense Authorization Act for Fiscal Year 1999, which would transfer resources from the Department of Defense to the Department of Veterans Affairs (VA) for medical care for veterans.

VA medical care is facing a crisis, a crisis resulting from the provision of inadequate resources. Appropriations for VA medical care are proposed to be frozen. Indeed, the Administration's FY 1999 budget for VA medical care requests fewer appropriated dollars, and fewer resources. The amendment that you are offering, along with Senator WELLSTONE, would provide much-needed additional resources, resources to help counter increases attributable to rising personnel costs and medical inflation. Without these additional dollars, these increases would have to be made up from dollars targeted for the health care needs of veterans.

The VA health care system has already been pared to the bone and we doubt there are any more efficiencies that can be realized to offset inadequate resources. VA Under Secretary for Health Dr. Kenneth Kizer has recently acknowledged that without additional resources the VA health care system could soon ''hit the wall.'' Unfortunately, when the system does hit the wall sick and disabled veterans will feel the effect of the collision. We must maintain this Nation's commitment to veterans, and your amendment is a step forward in keeping this commitment.

Sincerely,

KENNETH C. HUBER,
National President.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Mr. HARKIN. I might just quote here from the Vietnam Veterans of America:

VVA has long held the principle belief that the health care and benefits needs of veterans are an ongoing cost of our Nation's defense.

I think that is the problem around here. We have a defense budget, then we have a veterans' affairs budget—as if somehow they are separate and distinct and have no connection with one another. I think this sentence really says it clearly:

. . .the benefits needs of veterans are an ongoing cost of our nation's defense.

We cannot separate the two.

Your amendment will carry forward with assurance of the Nation's commitment to veterans' military service-related health care needs.

The letter from the Vietnam Veterans of America, Incorporated, goes on and says:

Some of your colleagues have argued that attrition of the veterans population through deaths of World War II veterans is an indication that VA needs less money to operate. However, this narrow perspective fails to take into account the rising costs of medical care, and more importantly, the current demographics of the veterans population. VA health care users are older and sicker than the overall American public. Vietnam veterans now represent the largest group within the veterans population. Many of the Vietnam veterans and a growing population of Persian Gulf war veterans have complex problems relating to herbicide, chemical and other environmental exposures.

VVA strongly believes that Congress must commit an adequate annual appropriations to VA medical care programs. Your amendment is a very positive recognition of the current circumstances and needs of America's veterans. Thank you for your initiative to attempt redistributing some DOD funds towards VA medical care.

Sincerely, Kelly Willard West, Director of Government Relations.

The same thing basically follows through on the Blinded Veterans Association and the Paralyzed Veterans Association of America. The Blinded Veterans Association says:

The VA health care system has already been pared to the bone, and we doubt there are any more efficiencies that can be realized to offset inadequate resources.

Fewer dollars means fewer veterans will be served, pure and simple, and that is the truth. Fewer dollars means fewer veterans will be served.

Let me just, right now, refer to this chart for those who think that may be taking $329 million out of a $271 billion defense budget—think about that, $271 billion, and all we are asking for is $329 million, just to get veterans' health care benefits up to meet inflationary needs. If you look at this chart, it shows you how much we are spending on military of our discretionary budget. If you look at our discretionary spending, military consumes half of it. Half of all that we spend in this Congress goes to military spending—half, 50 cents out of every dollar. Out of the other 50 cents, we take agriculture and energy and Social Security, economic development, transportation, science and space, housing, foreign affairs, foreign aid, health, justice, education. We hear all this debate that we are spending too much on education—6 cents out of every dollar; 6 cents for education, 50 cents for military spending.

We are not talking about all these, we are talking about veterans' benefits. Out of this $1 that we spend here every year, how much goes for veterans' benefits? 3½ pennies—3½ pennies, to meet the medical needs of those who risked life and limb to preserve and protect and defend the Constitution of the United States.

I think that we can do a little bit better than 3½ pennies. I think the amendment we are offering brings that to just a little under 4 pennies, if I am not mistaken. Is that too much to ask? It is not too much to ask when we are taking 50 cents out for defense. I think the Vietnam Veterans of America had it right. We should not separate veterans' benefits out of defense. It is part of the ongoing costs of the defense of this country, and we should not separate the two out.

I believe we are meeting our commitments globally. I take a back seat to no one in saying that we are the world's most powerful nation, that we have a lot of commitments globally, that we have to meet those commitments. We are meeting those commitments and we will continue to meet them. And taking $329 million out of the defense budget is not going to harm that one little bit. But what will harm us, if we do not meet this commitment, is that many of our veterans, our Vietnam veterans, now today many of our Korean war veterans and even some of our World War II veterans, they are getting older—they are living longer, just as the demographics of our country are—they are living longer; they are sicker. There are leftover problems that they have that maybe were not indicated when they were in the military, such as herbicide and chemical poisoning and things like that, that now later on they are suffering from.

What happens if we do not meet their medical needs? Aside from the personal suffering and the personal hardship that they and their families have to undergo, what happens is that younger people in their families and their friends look upon them and they say, ''Wait a minute. Here is someone who went to the Persian Gulf. Here is a veteran who fought in Vietnam. Maybe here is someone who was in Korea, and yet they are not being cared for? A lot of the funding has to come out of their own pockets to meet their medical needs?''

I would imagine a lot of younger people would say: Why would I ever want to go in the military? If we promised to meet their health care needs and later on we don't live up to that obligation, what does that say to our younger people who we want to enlist and become active duty members of our armed services?

I think our lack of spending adequate resources to keep up with at least inflation in veterans' health care benefits has a deleterious effect on the security of our Nation. I see this amendment as not just something helping the veterans and meeting the obligation that we have to our present-day veterans, but I see this amendment as really meeting the future security needs of our country by saying to those who come along next, who may be asked to go to some other place in the world to defend this country, to defend our vital national interest, it says to them, ''When you are in that position, we're going to meet your obligations, too.''

I just feel very strongly that this is something that we have to do as a society. I am not trying to goldplate anything. I am not trying to boost veterans' medical benefits' spending way pie high in the sky. I am simply saying at least we ought to keep up with inflation. We do that here. We kept up with inflation in energy and agriculture, national affairs, justice, education—we keep up basically with inflation. Why shouldn't we do this for our veterans, also?

As the Independent Budget Project of the veterans' groups have pointed out, tens of thousands of Americans who now stand in harm's way in Bosnia, the Persian Gulf, and other troubled spots

around the world will be the veterans of tomorrow. It is worth noting that the veterans suffering from the complicated gulf war illnesses may end up being a greater financial strain on the system in the future. What are we going to say to them? Tough luck?

In other words, Mr. President, the demand for VA health care will not diminish in the foreseeable future. Just because there are fewer people doesn't mean we can spend fewer dollars. They are living longer, they are getting older, and they are sicker, and a lot of the illnesses they contracted haven't shown up. We can't just wish it away.

All we are asking is to provide the resources to meet the demand that is there. That is what this amendment does. I urge its adoption as the fair and equitable and the right thing for our country to do for the veterans who fought in World War II, Korea, the Persian Gulf, Vietnam and, yes, in Bosnia, too, and for those younger people who are going to be the veterans of tomorrow, we have to meet this obligation.

I will point out, I offered this amendment last year, and I didn't have all of the figures down—we do this year—keeping up with inflation. This amendment received 41 votes last year on a bipartisan basis. It is less money this year. We are actually asking for less money this year just to keep up with inflation. I am hopeful Senators on both sides can see fit to meet the obligation to our veterans.

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

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is not easy to get up and first say to my good friend, who is a veteran, a naval aviator—he achieved distinction in the Navy which I never achieved. I was a simple radioman, but anyway, I sat in the backseat of some of those planes you flew around in on occasion.

Mr. HARKIN. If the Senator will yield, you were my boss at one time.

Mr. WARNER. I realize that. I am very humble about my small contribution to national security at the tail end of World War II and in Korea. But I was privileged, like so many others, to serve. My contribution was modest. The military did far more good for me than I was able to do in return. Therefore, throughout my career in the Senate, I have tried to look after the men and women in the Armed Forces and, indeed, the veterans, because I find as we grow a little older, we have friends who depart on a regular basis.

There are some 300,000 men and women who served in World War II who consistently die every month now. It is an alarming fact, considering. I would like to ask my good friend a question or two. I studied the amendment. Your first version of the amendment says:

The Secretary of Defense shall transfer to the Department of Veterans Affairs $329 million.

The one that is before the Senate at this time appears to have been changed:

The Secretary of Defense is authorized to transfer to the Department of Veterans Affairs $329 million.

I am curious as to one of the reasons the Senator changed from a clear statement that it would be shifted as a budget matter, to where it now——

Mr. HARKIN. I was informed—if the Senator will yield.

Mr. WARNER. Yes.

Mr. HARKIN. By using that former language, a point of order would have laid against the amendment. To avoid the point of order and, quite frankly, in all legitimacy, since this is an authorizing bill, it really ought to be authorizing language, too.

Mr. WARNER. If I read the amendment which is now before the Senate, and again I will read—''* * * the Secretary of Defense is authorized to transfer * * *''—you are leaving it entirely a discretionary matter with the Secretary of Defense.

Mr. HARKIN. If the Senator will yield.

Mr. WARNER. Mr. President, this is a colloquy. I am delighted to.

Mr. HARKIN. The Senator is right. It would be to the Secretary. However, I think the Secretary would look at how the Senate spoke and how the Congress spoke on this to decide what to do. Obviously, if the Senate voted to do this and it was a strong vote, then I think he would pay attention to it, he or she would pay attention to this.

Mr. WARNER. We place the Secretary, one of our very own for whom we have the absolute highest respect, in an awkward position that now these groups will petition him, and he is faced with the tough choice of deciding between those who once served with great honor and distinction should receive moneys which he feels very strongly today should go—every penny, every penny—to the quality of life, the modernization of weapons, the operational costs of those who are currently in uniform today. It puts the Secretary in a very difficult position. This concerns me.

Mr. HARKIN. There are priorities to be met and, quite frankly, in this $271 billion defense budget, it is my feeling—and I looked at it, I am on Defense Appropriations, I have looked at it and I, quite frankly, believe that the Secretary could find $329 million out of that. I don't think it would do any damage to our readiness, our capabilities overseas or anything else.

Quite frankly, I have some comments I was going to talk about—but I decided not to because the hour is late—in terms of what some of the IG offices found in terms of waste and inefficiencies in procurement, in warehousing and things within the Department of Defense. With a little bit more oversight and control on those, I think they can yield great dividends and can be used on this.

Mr. WARNER. Mr. President, in my 19 years, I have heard that argument of inefficiency and waste in the Department of Defense. All of us recognize that, and I am sure our Secretary, our former colleague, Bill Cohen, is doing his very best to try to bring about every kind of efficiency he can to generate funds.

Frankly, I say to my good friend, Secretary Cohen is desperate for money. So much of the funding that we have authorized for programs in the past has been diverted to take care of the fulfillment of military commitments as directed by President Clinton. Our military today has been deployed more times throughout the world than any other President has ever deployed them beyond our shores. The Bosnia commitment alone has absorbed some $9 billion.

I ask my friend, I listened very carefully to your statement, and I am deeply moved by it. I really think this problem should be addressed, and you are saying that we haven't even covered for the modest increase in inflation the various costs associated with the care of our veterans?

Mr. HARKIN. It is my understanding, I say to my very good friend—I want to make this clear at the outset that I have the highest regard and respect for the Senator from Virginia and his devotion to this country and his devotion to the readiness of our military and also his devotion to our veterans. I would not want anyone to misconstrue that I am saying the Senator from Michigan or the Senator from Virginia have shortchanged it.

I understand the obligations that you are under in terms of meeting our military commitments. I understand that. This amendment is meant only in good faith to try to meet, I think, another commitment that we have. And in some ways I hope to shed some light, hopefully, on one aspect of military spending that could be used for our veterans' affairs.

I say to the Senator that 2 years ago the comptroller general of the Pentagon concluded that the DOD could not account for over $13 billion in spending—just disappeared—$13 billion. Nobody knows where it went. Well, I have more examples of that. But if it is just $1 billion, only one-thirteenth of that, then $329 million is not that much, when you take into account that kind of waste.

Quite frankly, I must tell you that I think Secretary Cohen is doing a great job over there. And they are getting a better handle on this all the time. But there is still a long way to go. I think within the next year they could find some of that money and put that in veterans' benefits.

Now, lastly, I say to the Senator, I would say that the question had to do with, are we not meeting the obligations? And I am saying, when you take into account medical inflation, which is higher than CPI, no, we are not meeting them.

Mr. WARNER. Mr. President, I intend to study further the amendment

by my distinguished friend. But I certainly agree with one thing you said, and that is, the manner in which the United States treats its veterans has a direct impact on whether successive generations will offer themselves to serve proudly in the uniform of our country. I know you are absolutely right about that. There are many, many cases where it is grandfather to father, father to son or daughter, as the case may be, that induces the current generation to proudly come forth and volunteer. That has really been the success of the All Volunteer Force.

And what you point out tonight is a very serious situation. And it impacts directly on that argument. I would have to say to my friend, being a member of the Appropriations Committee, and knowing the chairman of the committee himself is a very distinguished veteran of World War II, an air corps pilot, has my distinguished colleague brought this to his attention? In other words, within the appropriations could this sum of money be found?

My concern is that I am entrusted, and tonight representing the distinguished chairman of the committee, to manage this bill in such a way as we do not open up the opportunity for Senators to come in and take pieces of our authorized amount by the Budget Committee to spend and put it toward other accounts, because if we begin to do that—for instance, if we would accede here tonight to your request, I could anticipate a dozen colleagues coming to the floor tomorrow with requests which they conscientiously feel just as seriously about as you do about yours; and the next thing you know, it would be one after another, to take a piece here and a piece there, and suddenly it would become very significant—not that this isn't a significant sum of money.

We will have to look at this. But I would have to say that I am concerned that we could start a raid on the defense budget here tonight. But I hope that this matter can be addressed here in the Senate somewhere, be it the Appropriations Committee or the Veterans Committee. I commit to you that if you bring this up in another piece of legislation, I will conscientiously see whether or not I can support it.

Mr. HARKIN. Well, I feel for the position of my friend. And, you know, a lot of us, when we establish friendships, we do not like to put people in difficult positions. I do not like to do that.

Mr. WARNER. I do not find the position difficult. I feel very strongly about the defense budget. I support the budget process. Your committee, the Veterans Committee, went through the budget process. Our committee went through the budget process. We have our allocated funds. And I am entrusted by the chairman and other members of the committee to steadfastly defend that allocation given to us by the Budget Committee.

Mr. HARKIN. I understand the responsibility that the Senator has. I understand that responsibility. And I appreciate that. But, again, as the Senator knows, others of us feel that we also have other obligations to try to change some things here and to change some of these budget priorities.

In my opening comments, I said that our budget priorities are not allowing for this. I am trying to correct it. So I agree with the Senator. I do not like the way the budget priorities short-change our veterans' medical benefits. But, again, I also say to my friend, I really believe in what the Vietnam Veterans of America said in their letter, that veterans' medical benefits ought to be considered an ongoing cost of military spending. They are not today.

I have always thought that was odd. I have always thought that was an odd approach we had on that. And they ought to be considered as part and parcel of our military budget. That is why I have offered this amendment, to transfer a small amount of money out of the total—small compared to the total—at least to keep up with medical inflation.

Mr. WARNER. Mr. President, I will conclude just with this observation of our very able staff director, Les Brownlee, who just handed me a note which indicates that the VA increase in the Senate budget process—that is, the account for the committee on veterans here in the Senate—for the fiscal year 1997 to 1998 was a 12.2 percent increase in your budget, and the DOD increase was less than 2.2 percent. So that is a fairly significant increase that this communication indicates to me and that your committee got.

Mr. THURMOND. Mr. President, I rise today to oppose the amendment offered by Senators HARKIN and WELLSTONE to reduce defense spending, and any amendment which lowers defense spending below the levels set in the budget agreement. When the Congress approved the budget agreement, the spending limits for each function were set. The Armed Services Committee's challenge was to develop a defense program, within the limits of the budget agreement, that not only supports the national security strategy, but balances the needs of short-term readiness with that of the modernization of our forces—all within the context of a foreign policy that drives an unprecedented frequency of military deployments.

The gap between our military capability and our commitments around the world continues to increase. The unprecedented frequency of deployments places hardships on our young service members and their families, producing serious retention and readiness problems. Contingency and ongoing operations, such as those in Bosnia and Iraq, continue to drain needed resources for future force modernization and the current readiness of our forces. Since 1996, the Department of Defense has been forced to offset almost $9.0 billion for such operations. The costs of these ongoing operations, in this fiscal year alone, are expected to exceed more than $4.1 billion. Therefore, I strongly believe—and I have stated this previously—that funding for Bosnia and Southwest Asia operations, and other emerging contingencies, must come from sources other than the defense budget. The funding of such activities should not be allowed to adversely affect modernization efforts or current force readiness.

In the past three years, the Congress has added more than $21 billion to defense budget requests. Even with these increases, defense spending has continued to decline in real terms. This fiscal year the defense request again represents, in real terms, a 1.1 percent decline. Defense spending as a percentage of GDP in fiscal year 1998 is expected to be 3.2 percent falling to 2.8 percent by fiscal year 2003—the lowest figures since 1940. The resource levels, as stated in the Budget Resolution, continue this decline in defense spending. While I continue to support the balanced budget agreement, I am concerned about our ability to modernize our forces and the effects of unbudgeted contingencies and ongoing operations on current readiness.

Testimony and recent visits to our units by both members and staff of the Armed Services Committee have revealed disturbing trends: personnel shortages, lack of spare parts, extremely high unit operating and personnel tempos, and retention problems—especially with our pilots. General Crouch, Vice Chief of Staff of the Army, testified to the Committee;

> In recent years, we have maintained readiness at the expense of our modernization accounts. That is no longer a viable strategy.

Mr. President, we have an obligation to adequately fund for our national security and ensure we provide our servicemen and women with the best equipment available. I grow increasingly concerned when the Armed Services Committee receives testimony from one of our Service Chiefs stating that his funding is inadequate. General Krulak, Commandant of the Marine Corps, has told the Committee:

> I state for the third year running that our budget request is not adequate to meet our needs.

He further stated in a letter to the Committee:

> . . . we are quite literally mortgaging today's health at the expense of tomorrow's wellness—and have been for at least the last eight years—in spite of the critically important congressionally mandated adds to our accounts in the last two years.

Mr. President, there is a price for freedom. There is the price for world leadership. As Secretary Cohen stated:

> Having highly ready forces that can go anywhere at any time really spells the difference between victory and defeat and it also spells the difference between being a superpower and not being one.

Mr. President, as a result of the budget agreement reached last year, non defense discretionary spending received significant increases while defense continued its downward spending

trends—not even keeping pace with inflation. During the fiscal year 1998 appropriations process, the national security appropriations bill had the lowest percentage increase from fiscal year 1997 funding level than any other of the appropriations bills. In fact, military construction appropriations had a negative change over the fiscal year 1997 funding levels, making funding for national defense grow at one-fifth the rate of domestic spending increases.

Mr. President, I am not opposed to increasing the funding for Veterans' health care, but not at the cost of our national security, and I strongly urge all of my colleagues to oppose this amendment and not further aggravate a serious underfunding of our defense.

I thank the Chair and yield the floor.

Mr. WARNER. Mr. President, I yield back the remainder of our time.

Mr. HARKIN. Mr. President, I yield back the remainder of our time.

Mr. WARNER. I think it is important that the Chair state the pending UC order for the purpose of the RECORD here for those listening.

The PRESIDING OFFICER. All time is yielded back.

Mr. WARNER. Mr. President, if I understand it, does the Senator from Washington desire some time on this amendment?

Mr. GORTON. The Senator from Washington would like about 3 minutes as in morning business.

Mr. WARNER. On this amendment?

Mr. GORTON. Not on this amendment.

Mr. WARNER. Fine. At the conclusion of this amendment, and all time having been yielded back, I ask the Chair to recognize the Senator from Washington so that he might speak for 3 minutes.

The PRESIDING OFFICER. All time has been yielded back.

The Senator from Washington will be recognized for 3 minutes as in morning business.

Mr. WARNER. Mr. President, for the information of the Senate, my distinguished colleague, the ranking member of the committee, and I will clear some 20 amendments on behalf of the members of the Armed Services Committee and others, and then we will go into the routine wrapup on behalf of the majority leader and the distinguished Democratic leader.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

MICROSOFT WINS APPEALS COURT DECISION, DOJ LOSES

Mr. GORTON. Mr. President, yesterday a three judge United States Appeals Court panel overturned the preliminary injunction issued against Microsoft last December by U.S. District Court Judge Thomas Penfield Jackson. This ruling by the Appeals Court is a major victory for Microsoft and its supporters. In fact, in my opinion, it is so significant as to make the Department of Justice's current case against Microsoft even more dubious than it was at the time of filing.

The basic question before the panel was whether or not Microsoft violated antitrust law and a 1995 consent decree by integrating its web browser, Internet Explorer, into its Windows 95 operating system. The panel ruled that Microsoft's actions did not violate the consent decree and that Microsoft should indeed be allowed to integrate new and improved features into Windows because such integration benefits consumers.

The Department of Justice has just suffered a major defeat.

The ruling comes only a few weeks after the Antitrust Division of the Department of Justice filed a new case against Microsoft alleging anticompetitive behavior. The central point of the new case is Microsoft's integration of the Internet Explorer into Windows 98.

In the new case, the Department of Justice wants Microsoft either to remove Internet Explorer from Windows 98 or add a competing browser from rival Netscape into that Windows 98 program. Department of Justice lawyers claim that Internet Explorer is a separate product and that its integration into Windows 98 is a violation of antitrust law. Interestingly enough, there are other browser manufacturers, smaller than Netscape, who don't seem to have Department of Justice's ear or sponsorship.

But in the opinion issued yesterday by the Appeals Court panel, the judges ruled that Microsoft's product integration meets the court's requirement that product innovation bring benefits to consumers. The panel calls Microsoft's software design ''genuine integration'' and rules that the inclusion of Internet Explorer in Window's 95 is not a violation of the consent decree.

Further, the panel wrote that, ''Antitrust scholars have long recognized the undesirability of having courts oversee product design, and any dampening of technological innovation would be at cross-purposes with antitrust law.''

It is quite clear from this ruling that the U.S. Appeals Court for the District of Columbia believes that Microsoft is not violating the law by integrating Internet Explorer into its operating system software. That integration is beneficial to consumers and any attempt to stifle such innovations is harmful to consumers.

I see very little difference between the new case and the case just rejected by the Appeals Court. It is time for the Department of Justice to pick up its marbles and go home, Mr. President.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Senate continued with consideration of the bill.

Mr. WARNER. Mr. President, it has been a long day. If you will bear with us for a minute—I appreciate the Presiding Officer. It has been a very good day, and the chairman of the committee, Mr. THURMOND, and ranking member and others, should be commended. I think we have handled the key issues that will require considerable time for debate. We had extensive debate on important matters. I am optimistic that this bill can be put in a status for final passage tomorrow. We are going to work hard, I say to my good friend.

Mr. LEVIN. I share your enthusiasm and hopefully your optimism, but at least your enthusiasm for completing this.

Mr. WARNER. It is very high at the moment.

Mr. LEVIN. We will have another full day in order to accomplish that.

AMENDMENT NO. 2985

(Purpose: To require a report on leasing and other alternative uses of non-excess military property by the military departments)

Mr. WARNER. Mr. President, I understand that my colleague and I will alternate, so I will start off with an amendment on behalf of Senator THURMOND. I offer an amendment which would require a report on leasing and other alternative uses of nonexcess military property by the military departments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2985.

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

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

The amendment is as follows:

On page 347, below line 23, add the following:

SEC. 2833. REPORT ON LEASING AND OTHER ALTERNATIVE USES OF NON-EXCESS MILITARY PROPERTY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of Defense, with the support of the chiefs of staff of the Armed Forces, is calling for the closure of additional military installations in the United States as a means of eliminating excess capacity in such installations.

(2) Excess capacity in Department of Defense installations is a valuable asset, and the utilization of such capacity presents a potential economic benefit for the Department and the Nation.

(3) The experiences of the Department have demonstrated that the military departments and private businesses can carry out activities at the same military installation simultaneously.

(4) Section 2667 of title 10, United States Code, authorizes the Secretaries of the military departments to lease, upon terms that promote the national defense or are in the public interest, real property that is—

(A) under the control of such departments;

(B) not for the time needed for public use; and

(C) not excess to the requirements of the United States.

(b) REPORT.—Not later than February 1, 1999, the Secretary shall submit to the Committee on Armed Services of the Senate and