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REPORT ON POTENTIAL START

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ETE SUBMARINES

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Maryland.

(2) Transfer of the obsolete submarine ex-Croaker (ex-SS-246) to the Buffalo and Erie County Naval and Servicemen's Park, a nonprofit corporation organized under the laws of the State of New York.

TITLE II—CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

SEC. 201. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

The Secretary shall—

(1) close all military installations recommended for closure by the Commission on Base Realignment and Closure in the report transmitted to the Secretary pursuant to the charter establishing such Commission;

(2) realign all military installations recommended for realignment by such Commission in such report; and

(3) initiate all such closures and realignments no later than September 30, 1991, and complete all such closures and realignments no later than September 30, 1995, except that no such closure or realignment may be initiated before January 1, 1990.

SEC. 202. CONDITIONS

(a) IN GENERAL.—The Secretary may not carry out any closure or realignment of a military installation under this title unless—

(1) no later than January 16, 1989, the Secretary transmits to the Committees on Armed Services of the Senate and the House of Representatives a report containing a statement that the Secretary has approved, and the Department of Defense will implement, all of the military installation closures and realignments recommended by the Commission in the report referred to in section 201(1);

(2) the Commission has recommended, in the report referred to in section 201(1), the closure or realignment, as the case may be, of the installation, and has transmitted to the Committees on Armed Services of the Senate and the House of Representatives a copy of such report and the statement required by section 203(b)(2); and

(3) the Secretary of Defense has transmitted to the Commission the study required by section 206(b).

(b) JOINT RESOLUTION.—The Secretary may not carry out any closure or realignment under this title if, within the 45-day period beginning on March 1, 1989, a joint resolution is enacted, in accordance with the provisions of section 208, disapproving the recommendations of the Commission. The days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of such 45-day period.

(c) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out any closure or realignment under this title shall terminate on October 1, 1995.

SEC. 203. THE COMMISSION

(a) MEMBERSHIP.—The Commission shall consist of 12 members appointed by the Secretary of Defense.

(b) DUTIES.—The Commission shall—

(1) transmit the report referred to in section 201(1) to the Secretary no later than December 31, 1988, and shall include in such report a description of the Commission's recommendations of the military installations to which functions will be transferred as a result of the closures and realignments recommended by the Commission; and

(2) on the same date on which the Commission transmits such report to the Secretary, transmit to Committees on Armed Services of the Senate and the House of Representatives—

(A) a copy of such report; and

(B) a statement certifying that the Commission has identified the military installations to be closed or realigned by reviewing all military installations inside the United States, including all military installations under construction and all those planned for construction.

(c) STAFF.—Not more than one-half of the professional staff of the Commission shall be individuals who have been employed by the Department of Defense during calendar year 1988 in any capacity other than as an employee of the Commission.

SEC. 204. IMPLEMENTATION

(a) IN GENERAL.—In closing or realigning a military installation under this title, the Secretary—

(1) subject to the availability of funds authorized for and appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance and the availability of funds in the Account, may carry out actions necessary to implement such closure or realignment, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from such military installation to another military installation;

(2) subject to the availability of funds authorized for and appropriated to the Department of Defense for economic adjustment assistance or community planning assistance and the availability of funds in the Account, shall provide—

(A) economic adjustment assistance to any community located near a military installation being closed or realigned; and

(B) community planning assistance to any community located near a military installation to which functions will be transferred as a result of such closure or realignment,

if the Secretary determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate; and

(3) subject to the availability of funds authorized for and appropriated to the Department of Defense for environmental restoration and the availability of funds in the Account, may carry out activities for the purpose of environmental restoration, including reducing, removing, and recycling hazardous wastes and removing unsafe buildings and debris.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary, with respect to excess and surplus real property and facilities located at a military installation closed or realigned under this title—

(A) the authority of the Administrator to utilize excess property under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483);

(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484); and

(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(2)(A) Subject to subparagraph (B), the Secretary shall exercise authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this title governing utilization of excess property and disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(ii) all regulations in effect on the date of the enactment of this title governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(B) The Secretary, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

(C) The authority required to be delegated by paragraph (1) to the Secretary by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

(D) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this title, the Secretary shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(E) The provisions of this paragraph and paragraph (1) are subject to paragraphs (3) and (4).

(3) Before any action is taken with respect to the disposal or transfer of any real property or facility located at a military installation to be closed or realigned under this title, the Secretary shall notify all departments and other instrumentalities (including nonappropriated fund instrumentalities) within the Department of Defense of the availability of such property or facility, or portion thereof, and may transfer such property, facility, or portion, without reimbursement, to any such department or instrumentality. In carrying out this paragraph, the Secretary shall give a priority, and shall transfer, to any such department or other instrumentality that agrees to pay fair market value for the property or facility, or portion thereof. For purposes of this paragraph, fair market value shall be determined on the basis of the use of the property or facility on December 31, 1988. This paragraph shall take precedence over any other provision of this title or other provision of law with respect to the disposal or transfer of real property or facility located at a military installation to be closed or realigned under this title.

(4)(A) Except as provided in subparagraph (B), all proceeds—

(i) from any transfer under paragraph (3); and

(ii) from the transfer or disposal of any other property or facility made as a result of a closure or realignment under this title,

shall be deposited into the Account established by section 207(a)(1).

(B) In any case in which the General Services Administration is involved in the management or disposal of such property or facility, the Secretary shall reimburse the Administrator of General Services from the proceeds of such disposal, in accordance with section 1535 of title 31, United States Code, for any expenses incurred in such activities.

(c) APPLICABILITY OF OTHER LAW.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to—

(A) the actions of the Commission, including selecting the military installations which the Commission recommends for closure or realignment under this title, recommending any military installation to receive functions from an installation to be closed or realigned, and making its report to the Secretary and the committees under section 203(b); and

(B) the actions of the Secretary in establishing the Commission, in determining whether to accept the recommendations of the Commission, in selecting any military installation to receive functions from an installation to be closed or realigned, and in transmitting the report to the Committees referred to in section 202(a)(1).

(2) The provisions of the National Environmental Policy Act of 1969 shall apply to the actions of the Secretary (A) during the process of the closing or realigning of a military installation after such military installation has been selected for closure or realignment but before the installation is closed or realigned and the functions relocated, and (B) during the process of the relocating of functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated. In applying the provisions of such Act, the Secretary shall not have to consider—

(i) the need for closing or realigning a military installation which has been selected for closure or realignment by the Commission;

(ii) the need for transferring functions to another military installation which has been selected as the receiving installation; or

(iii) alternative military installations to those selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), or with respect to any requirement of the Commission made by this title, of any action or failure to act by the Secretary during the closing, realigning, or relocating referred to in clauses (A) and (B) of paragraph (2), or of any action or failure to act by the Commission under this title, may not be brought later than the 60th day after the date of such action or failure to act.

SEC. 205. WAIVER

The Secretary may carry out this title without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriation or authorization Act; and

(2) the procedures set forth in sections 2662 and 2687 of title 10, United States Code.

SEC. 206. REPORTS

(a) IN GENERAL.—As part of each annual budget request for the Department of Defense, the Secretary shall transmit to the appropriate committees of Congress—

(1) a schedule of the closure and realignment actions to be carried out under this title in the fiscal year for which the request is made and an estimate of the total expenditures required and cost savings to be achieved by each such closure and realignment and of the time period in which these savings are to be achieved in each case, together with the Secretary's assessment of the environmental effects of such actions; and

(2) a description of the military installations, including those under construction and those planned for construction, to which functions are to be transferred as a result of such closures and realignments, together with the Secretary's assessment of the environmental effects of such transfers.

(b) STUDY.—(1) The Secretary shall conduct a study of the military installations of the United States outside the United States to determine if efficiencies can be realized through closure or realignment of the overseas base structure of the United States. Not later than October 15, 1988, the Secretary shall transmit a report of the findings and conclusions of such study to the Commission and to the Committees on Armed Services of the Senate and the House of Representatives. In developing its recommendations to the Secretary under this title, the Commission shall consider the Secretary's study.

(2) Upon request of the Commission, the Secretary shall provide the Commission with such information about overseas bases as may be helpful to the Commission in its deliberations.

(3) The Commission, based on its analysis of military installations in the United States and its review of the Secretary's study of the overseas base structure, may provide the Secretary with such comments and suggestions as it considers appropriate regarding the Secretary's study of the overseas base structure.

SEC. 207. FUNDING

(a) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the "Department of Defense Base Closure Account" which shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account with respect to fiscal year 1990 and fiscal years beginning thereafter;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress; and

(C) proceeds described in section 204(b)(4)(A).

(3)(A) The Secretary may use the funds in the Account only for the purposes described in section 204(a).

(B) When a decision is made to use funds in the Account to carry out a construction project under section 204(a)(1) and the cost of the project will exceed the maximum amount authorized by law for a minor construction project, the Secretary shall notify in writing the appropriate committees of Congress of the nature of, and justifica-

tion for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

(4) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this title, the Secretary shall transmit a report to the appropriate committees of Congress of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 204(a) during such fiscal year.

(5) Unobligated funds which remain in the Account after the termination of the authority of the Secretary to carry out a closure or realignment under this title shall be held in the Account until transferred by law after the appropriate committees of Congress receive the report transmitted under paragraph (6).

(6) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this title, the Secretary shall transmit to the appropriate committees of Congress a report containing an accounting of—

(A) all the funds deposited into and expended from the Account or otherwise expended under this title; and

(B) any amount remaining in the Account.

SEC. 208. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT

(a) TERMS OF THE RESOLUTION.—For purposes of section 202(b), the term "joint resolution" means only a joint resolution which is introduced before March 15, 1989, and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Commission on Base Realignment and Closure established by the Secretary of Defense as submitted to the Secretary of Defense on ", the blank space being appropriately filled in; and

(3) the title of which is as follows: "Joint resolution disapproving the recommendations of the Commission on Base Realignment and Closure.".

(b) REFERRAL.—A resolution described in subsection (a), introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) before March 15, 1989, such committee shall be, as of March 15, 1989, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). All points of order against the resolution

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(and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of

that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 209. DEFINITIONS

In this title:

(1) The term "Account" means the Department of Defense Base Closure Account established by section 207(a)(1).

(2) The term "appropriate committees of Congress" means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

(3) The terms "Commission on Base Realignment and Closure" and "Commission" mean the Commission established by the Secretary of Defense in the charter signed by the Secretary on May 3, 1988, and as altered thereafter with respect to the membership and voting.

(4) The term "charter establishing such Commission" means the charter referred to in paragraph (3).

(5) The term "initiate" includes any action reducing functions or civilian personnel positions but does not include studies, planning, or similar activities carried out before there is a reduction of such functions or positions.

(6) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Secretary of a military department.

(7) The term "realignment" includes any action which both reduces and relocates functions and civilian personnel positions.

(8) The term "Secretary" means the Secretary of Defense.

(9) The term "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

THE SELECTION CRITERIA

The current base closure process was created by legislation approved in 1990 and amended in 1991 and 1992. It requires the Secretary of Defense to propose criteria that must be used by the Pentagon in making recommendations for closure and realignment. The proposed criteria were published in the *Federal Register* on December 15, 1992.

There are eight criteria. The four that receive priority consideration are grouped under the category of military value. Other important criteria address return on investment as well as the impact that closures or realignments might have on a local economy, its environment and infrastructure.

MILITARY VALUE

1. Current and future mission requirements and the impact of operational readiness of the Department of Defense's total force.

2. The availability and condition of land, facilities, and associated airspace at both the existing and potential receiving locations.

3. The ability to accommodate contingency, mobilization, and future total force requirements at both the existing and potential receiving locations.

4. The cost and manpower implications.

RETURN ON INVESTMENT

5. The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of closure or realignment, for the savings to exceed costs.

LOCAL ECONOMIC AND ENVIRONMENTAL IMPACT

6. The economic impact on local communities.

7. The ability of both the existing and potential receiving communities' infrastructures to support forces, missions and personnel.

8. The environmental impact.

Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the service listed.

c. The action will result in authorizing small entities to provide the service procured by the Government.

Accordingly, the following service is hereby added to the Procurement List: Commissary Shelf Stocking & Custodial, Fitzsimmons Army Medical Center, Denver, Colorado.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 91–3704 Filed 2–14–91; 8:45 am]

BILLING CODE 6820–33–M

Procurement List Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 18, 1991.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped. It is proposed to add the following commodities and services to the Procurement List:

Commodities

Case, Ear Plug

6515–01–212–0452.

(Remaining 20 percent of Government's Requirement)

Wash Kit, Personal

7360–00–139–1083

Bag, Parts

8105–LL–B00–0208
8105–LL–B00–0209
8105–LL–B00–0210
8105–LL–B00–0974
8105–LL–B00–0975

(Requirements of Mare Island Naval Shipyard, CA)

Services

Janitorial/Custodial, Department of the Army, Coralville Reservoir, Coralville Lake, Iowa.

Janitorial/Custodial, Internal Revenue Service Center, 3651 South Interregional Highway 35, Austin, Texas

Sanding and Oiling Picnic Tables, Deschutes National Forest, Bend Ranger District, Bend, Oregon.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 91–3705 Filed 2–14–91; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Selection Criteria for Closing and Realigning Military Installations Inside the United States

AGENCY: Department of Defense (DoD).

ACTION: Final selection criteria.

SUMMARY: The Secretary of Defense, in accordance with section 2903(b), title XXIX, part A of the FY 1991 National Defense Authorization Act, is required to publish the proposed selection criteria to be used by the Department of Defense in making recommendations for the closure or realignment of military installations inside the United States.

EFFECTIVE DATE: February 15, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Whittaker or Ms. Patricia Walker, Base Closure and Utilization, OASD(P&L), (703) 614–5358.

SUPPLEMENTARY INFORMATION:

A. Final Selection Criteria

The final criteria to be used by the Department of Defense to make recommendations for the closure or realignment of military installations inside the United States under title XXIX, part A of the National Defense Authorization Act for Fiscal Year 1991 as follows:

In selecting military installations for closure or realignment, the Department of Defense, giving priority consideration to military value (the first four criteria below), will consider:

Military Value

1. The current and future mission requirements and the impact on operational readiness of the Department of Defense's total force.

2. The availability and condition of land, facilities and associated airspace at both the existing and potential receiving locations.

3. The ability to accommodate contingency, mobilization, and future total force requriements at both the existing and potential receiving locations.

4. The cost and manpower implications.

Return on Investment

5. The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

Impacts

6. The economic impact on communities.

7. The ability of both the existing and potential receiving communities' infrastructure to support forces, missions and personnel.

8. The environmental impact.

B. Analysis of Public Comments

The Department of Defense (DoD) received 169 public comments in response to the proposed DoD selection criteria for closing and realigning military installations inside the United States. The public's comments can be grouped into four topics: General, military value, costs and "payback", and impacts. The following is an analysis of these comments.

(1) General Comments

(a) A substantial number of commentors expressed concern over the proposed criteria's broad nature and similarity to the 1988 Defense Secretary's Base Realignment and Closure Commission criteria. Many of the comments noted a need for objective measures or factors for the criteria. Some commentors also suggested various standard measures or factors for

the criteria. The inherent mission diversity of the Military Departments and Defense Agencies (DoD Components) makes it impossible for DoD to specify detailed criteria, or objective measures or factors that could be applied to all bases within a Military Department or Defense Agency. We have provided the commentors' letters to each Military Department for their consideration. The similarity to the 1988 Base Closure Commission criteria is acknowledged. After reviewing the public comments we concluded that using similar criteria is appropriate.

(b) Many commentors noted that a correlation between force structure and the criteria was not present. The base closure and realignment procedures mandated by title XXIX, part A, of the National Defense Authorization Act for Fiscal Year 1991 (the Act) require that the Secretary of Defense's recommendations for closure and realignment be founded on the force structure plan and the final criteria required by the Act. DoD's analytical and decision processes for applying the final criteria will be based on the force structure plan. The military value criteria provide the connection to the force structure plan.

(c) Many commentors noted the need for more detailed information on how DoD would implement the base closure procedures required by the Act. A recurrent suggestion was to group like bases into categories for analysis. In response to this comment and suggestion, and to respond to the general comments (a) and (b) above, we have issued policy guidance to the Military Departments and Defense Agencies on the base closure process. This guidance requires them to:

• Treat all bases equally: They must consider all bases equally in selecting bases for closure or realignment under the Act, without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department. This policy does not appply to closures or realignments that fall below the thresholds established by the Act or to the 86 bases closed under Public Law 100-526;

• Categorize bases: They must categorize bases with like missions, capabilities and/or attributes for analysis and review, to ensure that like bases are fairly compared with each other; and

• Perform a capacity analysis: They must link force structure changes described in the force structure plan with the existing force and bases structure, to determine if a potential for closure or realignment exists. In the event a determination is made that no excess capacity exists in a category, then there will be no need to continue the analysis of that category, unless there is a military value or other reason to continue the analysis;

• Develop and Use Objective Measures/Factors: They must develop and use objective measures or factors within categories for each criterion, whenever feasible. We recognize that it will not always be possible to develop appropriate objective measures or factors, and that measures/factors (whether they be objective or subjective) may vary for different categories of bases.

(d) A number of commentors recommended assigning specific weights to individual criteria. It would be impossible for DoD to specify weights for each criterion that could be applied across the board to all bases, again due to the mission diversity of the Military Departments and Defense Agencies. It appears from the comments that numbering the criteria may have been mistaken as an order of precedence associated with individual criteria. We do not intend to assign an order of precedence to an individual criterion, other than to give priority to the first four.

(e) Several commentors gave various reasons why a particular installation should be eliminated from any closure or realignment evaluation. Public Law 101-510 directs DoD to evaluate all installations equally, exclusive of those covered under Public Law 100-526 or those falling below the threshold of section 2687, title 10, U.S. Code. Public Law 100-526 implemented the recommendations of the 1988 Defense Secretary's Commission on Base Realignment and Closure. We have issued guidance to the DoD Components instructing them to consider all bases equally, this includes those previously nominated for study in the Defense Secretary's January 29, 1990, base realignment and closure announcement that are above the thresholds established in the Act. Conversely, we did not receive any requests that a particular installation be closed or realigned pursuant to section 2924 of Public Law 101-510.

(f) A number of commentors noted a need for more management controls over data collection to ensure accuracy of data. We agree with this recommendation and have issued guidance that requires the DoD Components to develop and implement internal controls, consistent with their organizational and program structure, to ensure the accuracy of data collection and analyses being performed. This guidance incorporates the lessons learned from the General Accounting Office's review of the 1988 Base Closure Commission's work.

(g) After detailed consideration of all comments, we have determined that some of the criteria may have been unclear. We have revised the criteria for additional clarity.

(h) Some of the early comments we received recommended extending the original December 31, 1990, public comment deadline. We agreed and extended the public comment period to January 24, 1991. In addition, we accepted for consideration 19 public comments received after the January 24, 1991, deadline.

(2) Military Value Comments

(a) A majority of comments received supported DoD's decision to give priority consideration to the military value criteria. In the aggregate, military value refers to the collection of attributes that describe how well a base supports its assigned force structure and missions.

(b) Several commentors recommended that National Guard and Reserve Component forces be included as part of DoD's base closure analysis. The Department's total force concept includes National Guard and Reserve Component forces, and these forces will be reflected in the force structure plan required by the Act for this base closure process. To clarify that point, criteria number one and three were amended.

(c) Some commentors recommended DoD apply the military value criteria without regard to the DoD component currently operating or receiving the services of the base. The commentors noted that this would maximize utilization of Defense assets and therefore improve the national security. We agree with this comment. DoD must retain its best bases and where there is a potential to consolidate, share or exchange assets, that potential will be pursued. We also recognize that this potential does not exist among all categories of bases and that the initial determination of the military value of bases must be made by the DoD Component currently operating the base. Consequently, we have left the military value criteria general in nature and therefore applicable DoD-wide, where appropriate. We have also issued guidance to the DoD Components that encourages inter-service and multi-service asset sharing and exchange. Finally, we will institute procedures to ensure each DoD Component has the opportunity to improve the military value of its base structure through

analysis of potential exchanges of bases with other DoD Components.

(d) Some commentors recommended w[illegible]de the availability of airspace in [illegible]siderations of military value. We agree and have revised criterion number two accordingly.

(e) Several commentors requested a geographic balance be maintained when considering installations for realignment or closure. DoD is required by Public Law 101-510 to evaluate all installations equally, exclusive of those covered under Public Law 100-526 or those falling below the thresholds of section 2687, title 10, U.S. Code. However, some measures of military value do have a geographic component and therefore military mission requirements can drive geographic location considerations.

(f) Some commentors recommended that the availability of trained civil service employees be considered as well as the capacity of the private sector to support or perform military missions. DoD's civil service employees are an integral part of successful accomplishment of defense missions, as are defense contractors whether they be nationally or locally based. To the extent that the availability of trained civilian or contractor work forces i[illegible]ences our ability to accomplish the [illegible]on, it is already included in criteria [illegible]er one and four.

(g) Several commentors recommended that mobilization potential of bases be considered and that those bases required for mobilization be retained. Contingency and mobilization requirements are an important military value consideration and were already included in criterion number three. The potential to accommodate contingency and mobilization requirements is a factor at both existing and potential receiving locations, and we have amended criterion number three accordingly.

(h) One commentor recommended retaining all bases supporting operation Desert Shield/Storm and another recommended including overseas bases. DoD must balance its future base structure with the forces described in the force structure plan, and not on the current basing situation. Some forces currently supporting Operation Desert Storm are scheduled for drawdown between 1991 and 1997. DoD must adjust its base structure accordingly. Overseas bases will also be closed in the future as we drawdown DoD's overseas forces. However, Congress specifically left [illegible]rseas base closures out of the base [illegible]sure procedures established by the [illegible]act.

(3) Cost and "Payback" Comments

(a) Some commentors recommended calculating total federal government costs in DoD's cost and "payback" calculations. A number of such comments gave as examples of federal government costs, health care and unemployment costs. The DoD Components annually budget for health care and unemployment costs. We have instructed the DoD Components to include DoD costs for health care and unemployment, associated with closures or realignments, in the cost calculations.

(b) Several commentors noted the absence of a "payback" period and some felt that perhaps eight or ten years should be specified. We decided not to do this; we did not want to rule out making changes that were beneficial to the national security that would have longer returns on investment. The 1988 Base Closure Commission felt that a six-year "payback" unnecessarily constrained their choices. The DoD Componentes have been directed to calculate return on investment for each closure or realignment recommendation, to consider it in their deliberations, and to report it in their justifications. Criterion number five has been amended accordingly.

(c) Some commentors recommended including environmental clean-up costs in base closure cost and payback calculations. Some also noted that the cost of environmental clean-up at a particular base could be so great that the Department should remove the base from further closure consideration.

The DoD is required by law to address two distinctly different types of environmental costs.

The first cost involves the clean-up and disposal of environmental hazards in order to correct past practices and return the site to a safe condition. This is commonly referred to as environmental restoration. DoD has a legal obligation under the Defense Environmental Restoration Program and the Comprehensive Environmental Response, Compensation and Liability Act for environmental restoration at sites, regardless of a decision to close a base. Therefore, these costs will not be considered in DoD's cost calculations. Where installations have unique contamination problems requiring environmental restoration, these will be identified as a potential limitation on near-term community reuse of the installation.

The second cost involves ensuring existing practices are in compliance with the Clean Air, Clean Water, Resource Conservation and Recovery Act, and other environmental acts, in order to control current and future pollution. This is commonly referred to as environmental compliance. Environmental compliance costs can potentially be avoided by ceasing the existing practice through the closure or realignment of a base. On the other hand, environmental compliance costs may be a factor in determining appropriate closure, realignment, or receiving location options. In either case, the environmental compliance costs or cost avoidances may be a factor considered in the cost and return on investment calculations. The Department has issued guidance to the DoD Components on this issue.

(d) Some commentors recommended DoD change the cost and "payback" criteria to include uniform guidelines for calculating costs and savings. We agree that costs and savings must be calculated uniformly. We have improved the Cost of Base Realignment Actions (COBRA) model used by the 1988 Base Closure Commission and have provided it to the DoD Components for calculations of costs, savings, and return on investment.

(4) Impacts Comments

(a) Many commentors were concerned about social and economic impacts on communities and how they would be factored into the decision process. We have issued instructions to the DoD Components to calculate economic impact by measuring the effects on direct and indirect employment for each recommended closure or realignment. These effects will be determined by using statisical information obtained from the Departments of Labor and Commerce. This is consistent with the methodology used by the 1988 Base Closure Commission to measure economic impact. We incorporated the General Accounting Office's suggested improvements for calculation of economic impact. DoD will also determine the direct and indirect employment impacts on receiving bases. We have amended criterion number six to reflect this decision.

(b) The meaning of criterion number seven, "the community support at the receiving locations" was not clear to several commentors. Some wondered if that meant popular support. Others recognized that this criterion referred to a community's infrastructure such as roads, water and sewer treatment plans, schools and the like. To clarify this criterion, we have completely re-written it, while also recognizing that a comparison must be made for both the existing and potential receiving communities.

(c) Many commentors asked how environmental impacts would be naidered. As we stated in topic 3(c).) will consider certain environmental sts. In addition, we have instructed the DoD Components to consider, at a minimum, the following elements when analyzing environmental consequences of a closure or realignment action:

- Threatened and endangered species
- Wetlands
- Historic and Archeological sites
- Pollution Control
- Hazardous Materials/Wastes
- Land and Air uses
- Programmed environmental costs/cost avoidances

(d) A number of commenters questioned the meaning of criterion number nine. "The implementation process involved". The intent of this criterion was to describe the implementation plan, its milestones, and the DoD military and civilian employee adjustments (increases and decreases) at each base, that would result through implementation of the closure or realignment. After further consideration, we have determined that developing the implementation plan is a necessary quirement and conclusion of applying other eight criteria. A description of e implementation plan, while important to the understanding the recommended closure or realignment, is not in itself a specific criterion for decisionmaking. Consequently, we have deleted criterion number nine. We have instructed the Military Departments and Defense Agencies to include a description of their implementation plans for each recommended closure or realignment, as part of the justification to be submitted to the Commission.

C. Previous Federal Register References

(1) 55 FR49679, November 30, 1990: Proposed selection criteria and request for comments.

(2) 55 FR53536, December 31, 1990: Extend comment period on proposed selection criteria.

D. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) does not apply.

Dated: February 11, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-3643 Filed 2-14-91; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Environmental Assessment: Exoatmospheric Discrimination Experiment (EDX) Program

AGENCY: U.S. Army Strategic Defense Command (USASDC); DOD.

COOPERATING AGENCY: Strategy Defense Initiative Organization, DOD U.S. Department of the Navy, DOD.

ACTION: Notice of Availability of finding of no significant impact.

SUMMARY: Pursuant to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR parts 1500-1508), Army Regulation 200-2, Chief of Naval Operations Instruction 5090.1, and the Department of Defense (DOD) Directive 6050.1 on Environmental Effects in the United States of DOD actions, the USASDC has conducted an assessment of the potential environmental consequences of conducting EDX program activities for the Strategic Defense Initiative Organization. The Environmental Assessment considered all potential impacts of the proposed action alone and in conjunction with ongoing activities. The finding of no significant impact summarizes the results of the evaluations of EDX activities at the proposed installations. The discussion focuses on those locations where there was a potential for significant impacts and mitigation measures that would reduce the potential impact to a level of no significance. Alternatives to the EDX launch facility were examined early in the siting process but were eliminated as unreasonable. A no-action alternative was also considered. The Environmental Assessment resulted in a finding of no significant impact. Construction will proceed as scheduled, however, due to budgetary constraints, the flight program implementation has been delayed. When the flight schedule becomes firm, this document will be reviewed and revised, as necessary, in light of any changes to the program.

DATES: Written comments are required by March 18, 1991.

POINT OF CONTACT: Mr. D.R. Gallien, Address: U.S. Army Strategic Defense Command, CSSD-EN, Post Office Box 1500, Huntsville, AL 35807-3801, Fax (205) 955-3956.

SUPPLEMENTARY INFORMATION: The USASDC was assigned the mission of acquiring critical mid-course data on ballistic missile re-entry vehicles and decoys; EDX would accomplish this mission. The EDX program would use the ARIES booster to launch a suborbital sensor into space to observe a target ballistic missile re-entry complex during the mid-course phase of its flight. The proposed EDX program would involve nine flights over three years from two different launch sites after October 1993: The target complex would be released from a MINUTEMAN I missile launched from Vandenberg Air Force Base, California and the EDX booster and sensor payload vehicle would be launched from the Kauai Test Facility (KTF), located on the Pacific Missile Range Facility (PMRF), Kauai, Hawaii. Current launch site activities would continue, however, public access through these areas would be limited for a total of less than 1 day over a three year period.

The EDX program would include a number of activities to be conducted at seven different sites. These activities are categorized as design, fabrication/assembly/testing, construction, flight preparation, launch/flight/data collection, payload recovery, sensor payload vehicle refurbishment, data analysis, and site maintenance/disposition. The locations and types of EDX activities are: Vandenberg Air Force Base, California/Western Test Range, flight preparation, launch/flight/data collection; Pacific Missile Range Facility, Kauai, Hawaii, construction, flight preparation, launch/flight/data collection, payload recovery, sensor payload vehicle refurbishment, site maintenance/disposition; Sandia National Laboratories, New Mexico, design, fabrication/assembly/testing; U.S. Army Kwajalein Atoll, Republic of the Marshall Islands, flight preparation, launch/flight/data collection; Hill Air Force Base, Utah, fabrication/assembly/testing; Space Dynamics Laboratory, Utah State University, Logan, Utah, design, fabrication/assembly/testing, data analysis; and Boeing Aerospace and Electronics, Kent Space Center, Kent, Washington, design, fabrication/assembly/testing, sensor payload vehicle refurbishment, data analysis.

To determine the potential for significant environmental impacts as a result of the EDX program, the magnitude and frequency of the tests that would be conducted at the proposed locations were compared to the current activities and existing conditions at those locations. To assess possible impacts, each activity was evaluated in the context of the following environmental components: Air quality, biological resources, cultural resources, hazardous materials/waste, infrastructure, land use, noise, public

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Legislative History

(I) **National Defense Authorization Act for Fiscal Year 1991**

(A) P.L. 101-510
November 5, 1990

(B) House Committee Report 101-665
Committee on Armed Services
August 3, 1990

(C) Conference Report 101-923
October 23, 1990

(D) From the Congressional Record, August 3, 1990:
(a) Sen. Roth (R-DE): Amendment No. 2525 Offered (Modification of Requirements for Notice and Wait); Debate; Amendment Tabled
(b) Sen. Bumpers (D-AR): Amendment No. 2550 Offered (To Improve the Process); Debate; Amendment Rejected

(E) From the Congressinal Record, September 12, 1990:
(a) Rep. Browder (D-AL): Support of Act
(b) Rep. Mazzoli (D-KY): Support of Act
(c) Rep. Anderson (D-CA): Support of Act
(d) Rep. Alexander (D-AR): Support of Act
(e) Rep. Tallon (D-SC): Support of Act
(f) Rep. Pallone (D-NJ): Support of Act
(g) General Debate
(h) Rep. Martin (R-IL): Amendment Offered; Debate; Amendment Withdrawn
(i) Rep. Browder (D-AL): Amendment Offered; Debate; Amendment Agreed To

(II) **National Defense Authorization Act for Fiscal Years 1992 and 1993**

(A) P.L. 102-190
December 5, 1991

(B) House Committee Report 102-60
Committee on Armed Services
May 13, 1991

(C) Senate Committee Report 102-113
Committee on Armed Services
July 19, 1991

(II) **National Defense Authorization Act for Fiscal Years 1992 and 1993** (continued)

(D) Conference Report 102-311
November 13, 1991

(E) From the Congressional Record, August 1, 1991:
(a) Sen. Breaux (D-LA): Amendment No. 1034 Offered (To Provide for the Conveyance of Closed Military Installations to Neighboring Communities); Debate
(b) Sen. Breaux (D-LA): Amendment No. 1034, as Modified, Offered

(F) From the Congressional Record, August 2, 1991:
(a) Debate on Amendment No. 1034, as Modified; Amendment Agreed To
(b) Sen. Specter (R-PA): Amendment No. 1052 Offered (Report on Employment Assistance Services); Amendment Agreed To

(III) **National Defense Authorization Act for Fiscal Year 1993**

(A) P.L. 102-484
October 23, 1992

(B) House Committee Report 102-527
Committee on Armed Services
May 19, 1992

(C) Senate Committee Report 102-352
Committee on Armed Services
July 31, 1992

(D) Conference Report 102-966
October 1, 1992

(E) From the Congressional Record, August 7, 1992:
(a) Sen. Specter (R-PA): Amendment No. 2922 Offered (Consideration of Cost of Closure or Realignment); Amendment Tabled

(IV) **Miscellaneous**

(A) From the Congressional Record, July 30, 1991:
(a) H.J.Res. 308 (Disapproval of Commission's Recommendations as Submitted to the President on July 10, 1991); Debate; Joint Resolution Rejected

(IV) **Miscellaneous** (continued)

(B) Defense Savings Act of 1988
(a) House Committee Report 100-735, Parts 1-4
H.R. 4481
Committee on Armed Services
June 28, 1988

(C) Defense Savings Act of 1988
From the Congressional Record, April 13, 1988:
(a) General Debate on H.R. 1583

(D) Note: Military Base Closings: A Study of Government By Commission, 62 U.Colo.L.Rev. 331 (1991)

Document Separator

TITLE XXIX—DEFENSE BASE CLOSURES AND REALIGNMENTS

PART A—DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Sec. 2901. Short title.
Sec. 2902. The Commission.
Sec. 2903. Procedure for making recommendations for base closures and realignments.
Sec. 2904. Closure and realignment of military installations.
Sec. 2905. Implementation.
Sec. 2906. Account.
Sec. 2907. Reports.
Sec. 2908. Congressional consideration of Commission report.
Sec. 2909. Restriction on other base closure authority.
Sec. 2910. Definitions.
Sec. 2911. Clarifying amendment.

PART B—OTHER PROVISIONS RELATING TO DEFENSE BASE CLOSURES AND REALIGNMENTS

Sec. 2921. Closure of foreign military installations.
Sec. 2922. Modification of the content of biannual report of the Commission on alternative utilization of military facilities.
Sec. 2923. Funding for environmental restoration at military installations scheduled for closure inside the United States.
Sec. 2924. Community preference consideration in closure and realignment of military installations.
Sec. 2925. Recommendations of the Base Closure Commission.
Sec. 2926. Contracts for certain environmental restoration activities.

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TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

Sec. 3101. Operating expenses.
Sec. 3102. Plant and capital equipment.
Sec. 3103. Environmental restoration and waste management.
Sec. 3104. Funding limitations.

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Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for construction design.
Sec. 3126. Authority for emergency construction design.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.

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Sec. 3131. Remanufacture of nuclear stockpile weapons.
Sec. 3132. Laboratory-directed research and development programs.
Sec. 3133. National Environmental Policy Act compliance report requirement.
Sec. 3134. Report on environmental restoration expenditures.
Sec. 3135. Department of Energy management plan for environmental restoration and waste management activities.
Sec. 3136. Extension of authority to loan personnel and facilities to community development organizations near Hanford Reservation.
Sec. 3137. Safety measures for waste tanks at Hanford Nuclear Reservation.
Sec. 3138. Programs for persons who may have been exposed to radiation released from Hanford Nuclear Reservation.
Sec. 3139. Payments for injuries believed to arise out of atomic weapons testing program.
Sec. 3140. Repeal.
Sec. 3141. Contractor liability for injury or loss of property arising out of atomic weapons testing programs.
Sec. 3142. Sense of Congress on negotiating agreements to achieve a comprehensive test ban.

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TITLE XXIX—DEFENSE BASE CLOSURES AND REALIGNMENTS

PART A—DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Defense Base Closure and Realignment Act of 1990. 10 USC 2687 note.

SEC. 2901. SHORT TITLE AND PURPOSE

(a) SHORT TITLE.—This part may be cited as the "Defense Base Closure and Realignment Act of 1990".

(b) PURPOSE.—The purpose of this part is to provide a fair process that will result in the timely closure and realignment of military installations inside the United States.

10 USC 2687 note.

SEC. 2902. THE COMMISSION

(a) ESTABLISHMENT.—There is established an independent commission to be known as the "Defense Base Closure and Realignment Commission".

(b) DUTIES.—The Commission shall carry out the duties specified for it in this part.

(c) APPOINTMENT.—(1)(A) The Commission shall be composed of eight members appointed by the President, by and with the advise and consent of the Senate.

President.

(B) The President shall transmit to the Senate the nominations for appointment to the Commission—

(i) by no later than January 3, 1991, in the case of members of the Commission whose terms will expire at the end of the first session of the 102nd Congress;

(ii) by no later than January 25, 1993, in the case of members of the Commission whose terms will expire at the end of the first session of the 103rd Congress; and

(iii) by no later than January 3, 1995, in the case of members of the Commission whose terms will expire at the end of the first session of the 104th Congress.

(2) In selecting individuals for nominations for appointments to the Commission, the President should consult with—

(A) the Speaker of the House of Representatives concerning the appointment of two members;

(B) the majority leader of the Senate concerning the appointment of two members;

(C) the minority leader of the House of Representatives concerning the appointment of one member; and

(D) the minority leader of the Senate concerning the appointment of one member.

(3) At the time the President nominates individuals for appointment to the Commission for each session of Congress referred to in paragraph (1)(B), the President shall designate one such individual who shall serve as Chairman of the Commission.

(d) TERMS.—(1) Except as provided in paragraph (2), each member of the Commission shall serve until the adjournment of Congress sine die for the session during which the member was appointed to the Commission.

(2) The Chairman of the Commission shall serve until the confirmation of a successor.

(e) MEETINGS.—(1) The Commission shall meet only during calendar years 1991, 1993, and 1995.

Public information.

(2)(A) Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

(B) All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the following:

(i) The Chairman and the ranking minority party member of the Subcommittee on Readiness, Sustainability, and Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

(ii) The Chairman and the ranking minority party member of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

(iii) The Chairmen and ranking minority party members of the Subcommittees on Military Construction of the Committees on Appropriations of the Senate and of the House of Representatives, or such other members of the Subcommittees designated by such Chairmen or ranking minority party members.

(f) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment, but the individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(g) PAY AND TRAVEL EXPENSES.—(1)(A) Each member, other than the Chairman, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) The Chairman shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DIRECTOR OF STAFF.—(1) The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a Director who has not served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment.

(2) The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—(1) Subject to paragraphs (2) and (3), the Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(2) The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(3) Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense.

(4) Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this part.

(5) The Comptroller General of the United States shall provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(j) OTHER AUTHORITY.—(1) The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) The Commission may lease space and acquire personal property to the extent funds are available.

(k) FUNDING.—(1) There are authorized to be appropriated to the Commission such funds as are necessary to carry out its duties under this part. Such funds shall remain available until expended.

(2) If no funds are appropriated to the Commission by the end of the second session of the 101st Congress, the Secretary of Defense may transfer, for fiscal year 1991, to the Commission funds from the Department of Defense Base Closure Account established by section 207 of Public Law 100-526. Such funds shall remain available until expended.

(l) TERMINATION.—The Commission shall terminate on December 31, 1995.

10 USC 2687 note.

SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS FOR BASE CLOSURES AND REALIGNMENTS

(a) FORCE-STRUCTURE PLAN.—(1) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for each of the fiscal years 1992, 1994, and 1996, the Secretary shall include a force-structure plan for the Armed Forces based on an assessment by the Secretary of the probable threats to the national security during the six-year period beginning with the fiscal year for which the budget request is made and of the anticipated levels of funding that will be available for national defense purposes during such period.

(2) Such plan shall include, without any reference (directly or indirectly) to military installations inside the United States that may be closed or realigned under such plan—

(A) a description of the assessment referred to in paragraph (1);

(B) a description (i) of the anticipated force structure during and at the end of each such period for each military department (with specifications of the number and type of units in the active and reserve forces of each such department), and (ii) of the units that will need to be forward based (with a justification thereof) during and at the end of each such period; and

(C) a description of the anticipated implementation of such force-structure plan.

(3) The Secretary shall also transmit a copy of each such force-structure plan to the Commission.

Federal Register, publication.

(b) SELECTION CRITERIA.—(1) The Secretary shall, by no later than December 31, 1990, publish in the Federal Register and transmit to the congressional defense committees the criteria proposed to be used by the Department of Defense in making recommendations for the closure or realignment of military installations inside the United States under this part. The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under the preceding sentence.

Federal Register, publication.

(2)(A) The Secretary shall, by no later than February 15, 1991, publish in the Federal Register and transmit to the congressional defense committees the final criteria to be used in making recommendations for the closure or realignment of military installations inside the United States under this part. Except as provided in subparagraph (B), such criteria shall be the final criteria to be used, along with the force-structure plan referred to in subsection (a), in making such recommendations unless disapproved by a joint resolution of Congress enacted on or before March 15, 1991.

(B) The Secretary may amend such criteria, but such amendments may not become effective until they have been published in the Federal Register, opened to public comment for at least 30 days, and then transmitted to the congressional defense committees in final form by no later than February 15 of the year concerned. Such amended criteria shall be the final criteria to be used, along with the force-structure plan referred to in subsection (a), in making such recommendations unless disapproved by a joint resolution of Congress enacted on or before March 15 of the year concerned.

Federal Register, publication.

(c) DOD RECOMMENDATIONS.—(1) The Secretary may, by no later than April 15, 1991, April 15, 1993, and April 15, 1995, publish in the Federal Register and transmit to the congressional defense committees and to the Commission a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and the final criteria referred to in subsection (b)(2) that are applicable to the year concerned.

(2) The Secretary shall include, with the list of recommendations published and transmitted pursuant to paragraph (1), a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation.

(3) In considering military installations for closure or realignment, the Secretary shall consider all military installations inside the United States equally without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department.

(4) The Secretary shall make available to the Commission and the Comptroller General of the United States all information used by the Department in making its recommendations to the Commission for closures and realignments.

Public information.

(d) REVIEW AND RECOMMENDATIONS BY THE COMMISSION.—(1) After receiving the recommendations from the Secretary pursuant to subsection (c) for any year, the Commission shall conduct public hearings on the recommendations.

Reports.

(2)(A) The Commission shall, by no later than July 1 of each year in which the Secretary transmits recommendations to it pursuant to subsection (c), transmit to the President a report containing the Commission's findings and conclusions based on a review and analysis of the recommendations made by the Secretary, together with the Commission's recommendations for closures and realignments of military installations inside the United States.

(B) In making its recommendations, the Commission may make changes in any of the recommendations made by the Secretary if the Commission determines that the Secretary deviated substantially

from the force-structure plan and final criteria referred to in subsection (c)(1) in making recommendations.

(3) The Commission shall explain and justify in its report submitted to the President pursuant to paragraph (2) any recommendation made by the Commission that is different from the recommendations made by the Secretary pursuant to subsection (c). The Commission shall transmit a copy of such report to the congressional defense committees on the same date on which it transmits its recommendations to the President under paragraph (2).

(4) After July 1 of each year in which the Commission transmits recommendations to the President under this subsection, the Commission shall promptly provide, upon request, to any Member of Congress information used by the Commission in making its recommendations.

Reports.

(5) The Comptroller General of the United States shall—

(A) assist the Commission, to the extent requested, in the Commission's review and analysis of the recommendations made by the Secretary pursuant to subsection (c); and

(B) by no later than May 15 of each year in which the Secretary makes such recommendations, transmit to the Congress and to the Commission a report containing a detailed analysis of the Secretary's recommendations and selection process.

Reports.

(e) REVIEW BY THE PRESIDENT.—(1) The President shall, by no later than July 15 of each year in which the Commission makes recommendations under subsection (d), transmit to the Commission and to the Congress a report containing the President's approval or disapproval of the Commission's recommendations.

(2) If the President approves all the recommendations of the Commission, the President shall transmit a copy of such recommendations to the Congress, together with a certification of such approval.

(3) If the President disapproves the recommendations of the Commission, in whole or in part, the President shall transmit to the Commission and the Congress the reasons for that disapproval. The Commission shall then transmit to the President, by no later than August 15 of the year concerned, a revised list of recommendations for the closure and realignment of military installations.

(4) If the President approves all of the revised recommendations of the Commission transmitted to the President under paragraph (3), the President shall transmit a copy of such revised recommendations to the Congress, together with a certification of such approval.

(5) If the President does not transmit to the Congress an approval and certification described in paragraph (2) or (4) by September 1 of any year in which the Commission has transmitted recommendations to the President under this part, the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.

10 USC 2687 note.

SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall—

(1) close all military installations recommended for closure by the Commission in each report transmitted to the Congress by the President pursuant to section 2903(e);

(2) realign all military installations recommended for realignment by such Commission in each such report;

(3) initiate all such closures and realignments no later than two years after the date on which the President transmits a report to the Congress pursuant to section 2903(e) containing the recommendations for such closures or realignments; and

(4) complete all such closures and realignments no later than the end of the six-year period beginning on the date on which the President transmits the report pursuant to section 2903(e) containing the recommendations for such closures or realignments.

(b) CONGRESSIONAL DISAPPROVAL.—(1) The Secretary may not carry out any closure or realignment recommended by the Commission in a report transmitted from the President pursuant to section 2903(e) if a joint resolution is enacted, in accordance with the provisions of section 2908, disapproving such recommendations of the Commission before the earlier of—

(A) the end of the 45-day period beginning on the date on which the President transmits such report; or

(B) the adjournment of Congress sine die for the session during which such report is transmitted.

(2) For purposes of paragraph (1) of this subsection and subsections (a) and (c) of section 2908, the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of a period.

10 USC 2687 note.

SEC. 2905. IMPLEMENTATION

(a) IN GENERAL.—(1) In closing or realigning any military installation under this part, the Secretary may—

(A) take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

Community action programs.

(B) provide—

(i) economic adjustment assistance to any community located near a military installation being closed or realigned, and

(ii) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation,

if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

Environmental protection.

(C) carry out activities for the purposes of environmental restoration and mitigation at any such installation, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for environmental restoration and mitigation;

(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees; and

(E) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or realignment, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense and available for such purpose.

Environmental protection.

(2) In carrying out any closure or realignment under this part, the Secretary shall ensure that environmental restoration of any property made excess to the needs of the Department of Defense as a result of such closure or realignment be carried out as soon as possible with funds available for such purpose.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property and facilities located at a military installation closed or realigned under this part—

(A) the authority of the Administrator to utilize excess property under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483);

(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484);

(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)); and

(D) the authority of the Administrator to determine the availability of excess or surplus real property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b).

(2)(A) Subject to subparagraph (C), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this Act governing the utilization of excess property and the disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(ii) all regulations in effect on the date of the enactment of this Act governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(B) The Secretary, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

(C) The authority required to be delegated by paragraph (1) to the Secretary by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

(D) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this part, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

(E) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this part, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(c) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President, the Commission, and, except as provided in paragraph (2), the Department of Defense in carrying out this part.

(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this part (i) during the process of property disposal, and (ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

(B) In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall not have to consider—

(i) the need for closing or realigning the military installation which has been recommended for closure or realignment by the Commission;

(ii) the need for transferring functions to any military installation which has been selected as the receiving installation; or

(iii) military installations alternative to those recommended or selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of any act or failure to act by the Department of Defense during the closing, realigning, or relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought more than 60 days after the date of such act or failure to act.

(d) WAIVER.—The Secretary of Defense may close or realign military installations under this part without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act; and

(2) sections 2662 and 2687 of title 10, United States Code.

SEC. 2906. ACCOUNT

10 USC 2687 note.

(a) IN GENERAL.—(1) There is hereby established on the books of the Treasury an account to be known as the "Department of Defense Base Closure Account 1990" which shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

(C) proceeds received from the transfer or disposal of any property at a military installation closed or realigned under this part.

(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2905(a).

(2) When a decision is made to use funds in the Account to carry out a construction project under section 2905(a) and the cost of the project will exceed the maximum amount authorized by law for a minor military construction project, the Secretary shall notify in writing the congressional defense committees of the nature of, and justification for, the project and the amount of expenditures for such project. Any such construction project may be carried out without regard to section 2802(a) of title 10, United States Code.

(c) REPORTS.—(1) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part, the Secretary shall transmit a report to the congressional defense committees of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 2905(a) during such fiscal year.

(2) Unobligated funds which remain in the Account after the termination of the Commission shall be held in the Account until transferred by law after the congressional defense committees receive the report transmitted under paragraph (3).

(3) No later than 60 days after the termination of the Commission, the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

(A) all the funds deposited into and expended from the Account or otherwise expended under this part; and

(B) any amount remaining in the Account.

10 USC 2687 note.

SEC. 2907. REPORTS

As part of the budget request for fiscal year 1993 and for each fiscal year thereafter for the Department of Defense, the Secretary shall transmit to the congressional defense committees of Congress—

(1) a schedule of the closure and realignment actions to be carried out under this part in the fiscal year for which the request is made and an estimate of the total expenditures required and cost savings to be achieved by each such closure and realignment and of the time period in which these savings are to be achieved in each case, together with the Secretary's assessment of the environmental effects of such actions; and

(2) a description of the military installations, including those under construction and those planned for construction, to which functions are to be transferred as a result of such closures and realignments, together with the Secretary's assessment of the environmental effects of such transfers.

10 USC 2687 note.

SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT

(a) TERMS OF THE RESOLUTION.—For purposes of section 2904(b), the term "joint resolution" means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under section 2903(e), and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President on ———", the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: "Joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission.".

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 2903(e), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as

the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

10 USC 2687 note.

SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY

(a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on the date of the enactment of this Act and ending on December 31, 1995, this part shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States.

(b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to the Department of Defense may be used, other than under this part, during the period specified in subsection (a)—

(1) to identify, through any transmittal to the Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(2) to carry out any closure or realignment of a military installation inside the United States.

(c) EXCEPTION.—Nothing in this part affects the authority of the Secretary to carry out—

(1) closures and realignments under title II of Public Law 100-526; and

(2) closures and realignments to which section 2687 of title 10, United States Code, is not applicable, including closures and realignments carried out for reasons of national security or a military emergency referred to in subsection (c) of such section.

SEC. 2910. DEFINITIONS

10 USC 2687 note.

As used in this part:

(1) The term "Account" means the Department of Defense Base Closure Account 1990 established by section 2906(a)(1).

(2) The term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

(3) The term "Commission" means the Commission established by section 2902.

(4) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility.

(5) The term "realignment" includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances.

(6) The term "Secretary" means the Secretary of Defense.

(7) The term "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

SEC. 2911. CLARIFYING AMENDMENT

Section 2687(e)(1) of title 10, United States Code, is amended—

(1) by inserting "homeport facility for any ship," after "center,"; and

(2) by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jurisdiction of the Department of Defense, including any leased facility,".

Part B—Other Provisions Relating to Defense Base Closures and Realignments

SEC. 2921. CLOSURE OF FOREIGN MILITARY INSTALLATIONS

10 USC 2687 note.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the termination of military operations by the United States at military installations outside the United States should be accomplished at the discretion of the Secretary of Defense at the earliest opportunity;

(2) in providing for such termination, the Secretary of Defense should take steps to ensure that the United States receives, through direct payment or otherwise, consideration equal to the fair market value of the improvements made by the United States at facilities that will be released to host countries;

(3) the Secretary of Defense, acting through the military component commands or the sub-unified commands to the combatant commands, should be the lead official in negotiations relating to determining and receiving such consideration; and

(4) the determination of the fair market value of such improvements released to host countries in whole or in part by

the United States should be handled on a facility-by-facility basis.

(b) RESIDUAL VALUE.—(1) For each installation outside the United States at which military operations were being carried out by the United States on October 1, 1990, the Secretary of Defense shall transmit, by no later than June 1, 1991, an estimate of the fair market value, as of January 1, 1991, of the improvements made by the United States at facilities at each such installation.

(2) For purposes of this section:

(A) The term "fair market value of the improvements" means the value of improvements determined by the Secretary on the basis of their highest use.

(B) The term "improvements" includes new construction of facilities and all additions, improvements, modifications, or renovations made to existing facilities or to real property, without regard to whether they were carried out with appropriated or nonappropriated funds.

(c) ESTABLISHMENT OF SPECIAL ACCOUNT.—(1) There is established on the books of the Treasury a special account to be known as the "Department of Defense Overseas Military Facility Investment Recovery Account". Any amounts paid to the United States, pursuant to any treaty, status of forces agreement, or other international agreement to which the United States is a party, for the residual value of real property or improvements to real property used by civilian or military personnel of the Department of Defense shall be deposited into such account.

(2) Money deposited in the Department of Defense Overseas Military Facility Investment Recovery Account shall be available to the Secretary of Defense for payment, as provided in appropriation Acts, of costs incurred by the Department of Defense in connection with facility maintenance and repair and environmental restoration at military installations in the United States. Funds in the Account shall remain available until expended.

SEC. 2922. MODIFICATION OF THE CONTENT OF BIANNUAL REPORT OF THE COMMISSION ON ALTERNATIVE UTILIZATION OF MILITARY FACILITIES

(a) USES OF FACILITIES.—Section 2819(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2119; 10 U.S.C. 2391 note) is amended—

(1) in paragraph (2), by striking out "minimum security facilities for nonviolent prisoners" and inserting in lieu thereof "Federal confinement or correctional facilities including shock incarceration facilities";

(2) by striking out "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph (4):

"(4) identify those facilities, or parts of facilities, that could be effectively utilized or renovated to meet the needs of States and local jurisdictions for confinement or correctional facilities; and".

10 USC 2391 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to the first report required to be submitted under section 2819 the National Defense Authorization Act, Fiscal Year 1989, after September 30, 1990.

SEC. 2923. FUNDING FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS SCHEDULED FOR CLOSURE INSIDE THE UNITED STATES

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense Base Closure Account for fiscal year 1991, in addition to any other funds authorized to be appropriated to that account for that fiscal year, the sum of $100,000,000. Amounts appropriated to that account pursuant to the preceding sentence shall be available only for activities for the purpose of environmental restoration at military installations closed or realigned under title II of Public Law 100-526, as authorized under section 204(a)(3) of that title.

(b) EXCLUSIVE SOURCE OF FUNDING.—(1) Section 207 of Public Law 100-526 is amended by adding at the end the following:

10 USC 2687 note.

"(b) BASE CLOSURE ACCOUNT TO BE EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—No funds appropriated to the Department of Defense may be used for purposes described in section 204(a)(3) except funds that have been authorized for and appropriated to the Account. The prohibition in the preceding sentence expires upon the termination of the authority of the Secretary to carry out a closure or realignment under this title.".

(2) The amendment made by paragraph (1) does not apply with respect to the availability of funds appropriated before the date of the enactment of this Act.

(c) TASK FORCE REPORT.—(1) Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the findings and recommendations of the task force established under paragraph (2) concerning—

10 USC 2687 note.

(A) ways to improve interagency coordination, within existing laws, regulations, and administrative policies, of environmental response actions at military installations (or portions of installations) that are being closed, or are scheduled to be closed, pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526); and

(B) ways to consolidate and streamline, within existing laws and regulations, the practices, policies, and administrative procedures of relevant Federal and State agencies with respect to such environmental response actions so as to enable those actions to be carried out more expeditiously.

(2) There is hereby established an environmental response task force to make the findings and recommendations, and to prepare the report, required by paragraph (1). The task force shall consist of the following (or their designees):

(A) The Secretary of Defense, who shall be chairman of the task force.

(B) The Attorney General.

(C) The Administrator of the General Services Administration.

(D) The Administrator of the Environmental Protection Agency.

(E) The Chief of Engineers, Department of the Army.

(F) A representative of a State environmental protection agency, appointed by the head of the National Governors Association.

(G) A representative of a State attorney general's office, appointed by the head of the National Association of Attorney Generals.

(H) A representative of a public-interest environmental organization, appointed by the Speaker of the House of Representatives.

10 USC 2687 note.

SEC. 2924. COMMUNITY PREFERENCE CONSIDERATION IN CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

In any process of selecting any military installation inside the United States for closure or realignment, the Secretary of Defense shall take such steps as are necessary to assure that special consideration and emphasis is given to any official statement from a unit of general local government adjacent to or within a military installation requesting the closure or realignment of such installation.

SEC. 2925. RECOMMENDATIONS OF THE BASE CLOSURE COMMISSION

(a) NORTON AIR FORCE BASE.—(1) Consistent with the recommendations of the Commission on Base Realignment and Closure, the Secretary of the Air Force may not relocate, until after September 30, 1995, any of the functions that were being carried out at the ballistics missile office at Norton Air Force Base, California, on the date on which the Secretary of Defense transmitted a report to the Committees on Armed Services of the Senate and House of Representatives as described in section 202(a)(1) of Public Law 100-526.

(2) This subsection shall take effect as of the date on which the report referred to in subsection (a) was transmitted to such Committees.

(b) GENERAL DIRECTIVE.—Consistent with the requirements of section 201 of Public Law 100-526, the Secretary of Defense shall direct each of the Secretaries of the military departments to take all actions necessary to carry out the recommendations of the Commission on Base Realignment and Closure and to take no action that is inconsistent with such recommendations.

10 USC 2687 note.

SEC. 2926. CONTRACTS FOR CERTAIN ENVIRONMENTAL RESTORATION ACTIVITIES

(a) ESTABLISHMENT OF MODEL PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall establish a model program to improve the efficiency and effectiveness of the base closure environmental restoration program.

(b) ADMINISTRATOR OF PROGRAM.—The Secretary shall designate the Deputy Assistant Secretary of Defense for Environment as the Administrator of the model program referred to in subsection (a). The Deputy Assistant Secretary shall report to the Secretary of Defense through the Under Secretary of Defense for Acquisition.

Reports.

(c) APPLICABILITY.—This section shall apply to environmental restoration activities at installations selected by the Secretary pursuant to the provisions of subsection (d)(1).

(d) PROGRAM REQUIREMENTS.—In carrying out the model program, the Secretary of Defense shall:

(1) Designate for the model program two installations under his jurisdiction that have been designated for closure pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) and for which preliminary assessments, site inspections, and Environmental Impact Statements required by law or regulation have been completed. The Secretary shall designate only those installations which have satisfied the requirements of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526).

(2) Compile a prequalification list of prospective contractors for solicitation and negotiation in accordance with the procedures set forth in title IX of the Federal Property and Administrative Services Act (Public Law 92-582; 40 U.S.C. 541 et seq., as amended). Such contractors shall satisfy all applicable statutory and regulatory requirements. In addition, the contractor selected for one of the two installations under this program shall indemnify the Federal Government against all liabilities, claims, penalties, costs, and damages caused by (A) the contractor's breach of any term or provision of the contract; and (B) any negligent or willful act or omission of the contractor, its employees, or its subcontractors in the performance of the contract.

(3) Within 180 days after the date of enactment of this Act, solicit proposals from qualified contractors for response action (as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) at the installations designated under paragraph (1). Such solicitations and proposals shall include the following:

(A) Proposals to perform response action. Such proposals shall include provisions for receiving the necessary authorizations or approvals of the response action by appropriate Federal, State, or local agencies.

(B) To the maximum extent possible, provisions offered by single prime contractors to perform all phases of the response action, using performance specifications supplied by the Secretary of Defense and including any safeguards the Secretary deems essential to avoid conflict of interest.

(4) Evaluate bids on the basis of price and other evaluation criteria.

(5) Subject to the availability of authorized and appropriated funds to the Department of Defense, make contract awards for response action within 120 days after the solicitation of proposals pursuant to paragraph (3) for the response action, or within 120 days after receipt of the necessary authorizations or approvals of the response action by appropriate Federal, State, or local agencies, whichever is later.

(e) APPLICATION OF SECTION 120 OF CERCLA.—Activities of the model program shall be carried out subject to, and in a manner consistent with, section 120 (relating to Federal facilities) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620).

(f) EXPEDITED AGREEMENTS.—The Secretary shall, with the concurrence of the Administrator of the Environmental Protection Agency, assure compliance with all applicable Federal statutes and regulations and, in addition, take all reasonable and appropriate measures to expedite all necessary administrative decisions, agreements, and concurrences.

(g) REPORT.—The Secretary of Defense shall include a description of the progress made during the preceding fiscal year in implementing and accomplishing the goals of this section within the annual

report to Congress required by section 2706 of title 10, United States Code.

(h) APPLICABILITY OF EXISTING LAW.—Nothing in this section affects or modifies, in any way, the obligations or liability of any person under other Federal or State law, including common law, with respect to the disposal or release of hazardous substances or pollutants or contaminants as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3101. OPERATING EXPENSES

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1991 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,795,381,000, to be allocated as follows:

(A) For research and development, $1,092,218,000.

(B) For weapons testing, $437,268,000.

(C) For weapons safety, $160,000,000, to be derived from funds available under subparagraph (A) or (B) or both.

(D) For production and surveillance, $2,161,180,000.

(E) For program direction, $104,715,000.

(2) For defense nuclear materials production, $1,892,770,000, to be allocated as follows:

(A) For production reactor operations, $811,457,000.

(B) For processing of defense nuclear materials, including naval reactors fuel, $628,969,000.

(C) For supporting services, $292,043,000.

(D) For uranium enrichment for naval reactors, $117,801,000.

(E) For program direction, $42,500,000.

(3) For verification and control technology, $181,484,000.

(4) For nuclear materials safeguards and security technology development program, $83,934,000.

(5) For security investigations, $65,000,000.

(6) For new production reactors, $134,900,000.

(7) For naval reactors development, $569,200,000.

SEC. 3102. PLANT AND CAPITAL EQUIPMENT

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1991 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized

in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project GPD-101, general plant projects, various locations, $27,100,000.

Project GPD-121, general plant projects, various locations, $36,350,000.

Project 91-D-122, short range attack missile tactical (SRAM-T) production facilities, various locations, $15,000,000.

Project 91-D-123, production assurance transformer replacement, Kansas City Plant, Kansas City, Missouri, $2,600,000.

Project 91-D-124, safeguards and security upgrades, Phase III, Mound Plant, Miamisburg, Ohio, $1,100,000.

Project 91-D-126, health physics calibration facility, Mound Plant, Miamisburg, Ohio, $1,000,000.

Project 91-D-127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $9,600,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, $8,500,000.

Project 89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $488,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $72,547,000.

Project 88-D-122, facilities capability assurance program, various locations, $106,806,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $18,244,000.

Project 88-D-124, fire protection upgrade, various locations, $1,481,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, $8,840,000.

Project 88-D-126, personnel radiological monitoring laboratories, various locations, $1,600,000.

Project 87-D-104, safeguards and security enhancement II, Lawrence Livermore National Laboratory, Livermore, California, $1,150,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, $8,634,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $2,360,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $4,242,000.

(2) For materials production:

Project GPD-146, general plant projects, various locations, $36,994,000.

101st Congress
2d Session

HOUSE OF REPRESENTATIVES

Report
101-665

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

REPORT

OF THE

COMMITTEE ON ARMED SERVICES HOUSE OF REPRESENTATIVES

ON

H.R. 4739

together with

ADDITIONAL AND DISSENTING VIEWS

[Including cost estimate of the Congressional Budget Office]

August 3, 1990.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
33-022 WASHINGTON : 1990

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proved by the full house for fiscal year 1990. In a related action the committee would direct that the Boost Surveillance and Tracking System (BSTS) be transferred to the Air Force and that full scale development of the system be delayed until fiscal year 1992 to allow adequate time for the new requirements from the Air Force to be evaluated.

V-22 AIRCRAFT

The committee would also continue the research and development on the V-22 aircraft at an authorization of $238 million.

ICBM MODERNIZATION

In a major action, the committee agreed to combine the Rail Garrison MX and Small ICBM into a generic category for ICBM modernization and reduce the request by $140 million. The committee agreed that there was a need for some R&D on mobile ICBMs, but that much uncertainty remains over the future of arms control, targeting requirements and efforts to ban MIRVed mobile missiles. Also, given the inability of Congress to come to any agreement over which system if either to deploy to modernize the present ICBMs, and the pressure of the growing deficit on the defense budget, the committee agreed that funds could not be obligated until 90 days after the President reports to Congress on how he proposes to allocate the funds.

Actions Taken in Other Areas

OPERATION AND MAINTENANCE

Civilian personnel

In January, 1980, the Department of Defense began a hiring freeze on civilian personnel. The committee estimates savings of $1,092 million from this freeze moratorium, including carrying the freeze into fiscal year 1991 with a selective re-hire policy for critical needs.

Real growth

The budget request included $1,858 million in real growth. At the same time, most other DOD accounts have declined in real terms. The committee recommends a $926 million reduction in recognition of reduced operation and overhead requirements.

Support savings

The committee recommends reduction of $800 million from the budget request for support costs that correspond with the force structure reductions. Other force structure-related reductions included $92 million from DOD overseas schools, and $72 million from recruiting and advertising.

Inventories

In recognition of large inventories of unneeded spare parts in DOD warehouses, the committee recommends reducing the budget

request for spare parts procurement by $900 million and for war reserve materiel by $565 million.

Financial management

The committee recommends legislation aimed at major reforms to antiquated and inaccurate financial management systems that have distorted the financial condition of the Department of Defense and have impeded effective management and accountability.

Host nation support

In order to obtain increased host nation support for U.S. bases overseas, the committee recommends reducing the amount available for foreign national labor by $324 million, and calls for more host nation support in other areas.

Real property maintenance

The committee recommends a reduction of $915 million from the budget request for real property maintenance.

Drug interdiction

The committee recommends $938 million for drug interdiction funding. The committee deleted from the Over-the-Horizon-B radar program all but $25 million for system management and long lead items. Increases were made in three other drug related programs: National Guard; Civil Air Patrol; and law enforcement assistance. The committee identified specific assistance the military may provide local, state and federal law enforcement agencies.

Environment

The committee recommends an additional $183 million for environmental restoration in the Department of Defense.

MILITARY PERSONNEL

Active duty end strength

The committee recommends reducing active end strength by 129,500 below fiscal year 1990 levels—a reduction of 91,895 below the President's budget request.

European troop ceiling

The committee recommends reducing the statutory ceiling on the number of troops that can be stationed in Europe at the end of fiscal year 1991 from 311,855 to 261,855—a reduction of 50,000.

Flag and general officers

The committee recommends a 21 percent reduction in the number of flag and general officers—from 1073 to 845—by the end of fiscal year 1995. The 21 percent cut in flag and general officers parallels the 21 percent active force reduction by fiscal year 1995 recently proposed by the Secretary of Defense as a part of the ongoing budget summit deliberations.

Pay raise

The committee recommends a 4.1 percent military pay raise effective January 1, 1991—a .6 percent increase above the budget request.

Transition assistance

To assist service members being released from active duty as a result of the force drawdown, the committee recommends a comprehensive package of transition benefits to assist separating personnel and their families in readjusting to civilian life. The committee's recommendations include separation pay, continued medical coverage, preseparation counseling, employment assistance and job training information, continued use of commissaries and exchanges, the opportunity for a dependent child to complete the school year in a Department of Defense overseas dependents school, the option to elect coverage in the Montgomery G.I. Bill, and post-separation transportation of household goods to home of choice, rather than home of record.

DEFENSE MANAGEMENT

M accounts

The Congress appropriates funds annually and provides appropriations for different purposes with varying periods of obligational availability, ranging from one year (for example, military personnel funding) to five years (for example, funds for shipbuilding). When the obligational availability of an appropriation expires, unused budget authority (obligated or unobligated) ultimately ends up in the "M" accounts.

The M accounts were established in 1956 by Congress (Public Law 84-798) to streamline the method used by agencies to pay obligations associated with activities for which no current, unexpired appropriation exists. The "M" stands for "merged," which is what happens to funds added to the M accounts. There is essentially one M account for every appropriation made for the same general purpose (for example, Army aircraft procurement). All federal agencies have M accounts.

Department of Defense M accounts contain a mixture of old, unexpended funds, currently totaling nearly $50 billion. They include balances to pay for things ordered (for which payment is not yet due), and funds deemed to be excess that are no longer needed.

The committee believes that it is somewhat of an exaggeration to think of the M accounts as a "slush fund." There are rules governing the use of M account funds. Information available to the committee suggests that M account spending authority is largely used to finance legitimate costs to the government. Nevertheless, there are examples of misuse by the Department of Defense of M account spending authority.

Furthermore, the committee is aware that not all the claims against the M accounts are valid. The committee is unable to determine the last time the accounts were audited. Based on this evidence, the committee believes that the obligated M account balances desperately need to be audited, and the unobligated balances

ought to be made inaccessible to the Department of Defense. Sections 1302 and 1303 would clean up the controversial M accounts.

The effect of section 1302 would be to wipe out about $38 billion in old spending authority, about three-fourths of the total and to prevent future, unchecked growth of M account spending authority. Section 1303 would require the Secretary of Defense to conduct a long-overdue audit of M account balances and report to Congress on the results. Section 1303 would also require the Comptroller General to review the audit upon its completion.

Joint requirements oversight council

As part of its continuing work on DOD reorganization the committee recommends strengthening the Joint Requirements Oversight Council (JROC), a body tasked with overseeing equipment requirements for the DOD. The committee provision would give the JROC chairman substantial authority to act in his own right and direct the staff.

Independent investigating boards

As a result of its investigation into the tragic turret explosion onboard battleship Iowa the committee recommends an improved investigative approach. When a military service investigates and clears itself, it has little credibility with the public. On the other hand, if outside investigators find fault with a service, that service is likely to resist adopting any proposed reforms. This provision would authorize the Secretary of Defense to set up a DOD—instead of a service—board for controversial investigations. The chairman would have to be a civilian with no ties to the service under investigation. The vice chairman would have to come from the service under investigation.

MILITARY CONSTRUCTION

Domestic vs. foreign structures

The committee bill would reduce overseas military construction substantially in favor of domestic projects.

Base closures

The committee bill would prohibit actions that would prejudice the case for closing a particular base in favor of a fair, impartial base closure process.

Crotone air base in Italy

The bill would prohibit the use of DOD or NATO funds to transfer the 401st Tactical Fighter Wing to the base at Crotone, Italy.

HEARINGS

Committee consideration of the Defense authorization bill for fiscal year 1991 gave full weight to the changing national security situation in light of recent world events. The committee believes it has given full and deliberate consideration to this critically important subject.

a building at the United States Military Academy, now known as the Science Research Laboratory, as the Thomas Hawkins Johnson Science Research Laboratory. $25,000 would be authorized to be appropriated each year to fund the visiting scholar program, and a like amount would be authorized to be appropriated each year to fund the lecture series.

Colonel Thomas H. Johnson was Professor of Applied Physics and Director of the Science Research Laboratory until his death at age 46 on June 27, 1990. A noted physicist and gifted teacher, Colonel Johnson taught philosophy, literature, mathematics and political science. His many achievements include service as a Special Assistant to the President's Science Advisor, as Special Assistant to the Secretary of Energy, and as Chairman of the Free Electron Laser Technical Advisory Group. Colonel Johnson was a member of numerous Defense Science Board and Energy Research Advisory Board panels, authored many technical articles and was a published poet. In recognition of his interdisciplinary talents, achievements and broad interest in public policy, the visiting scholar program would bring to West Point one or two scholars each school term with interests and talents similar to Colonel Johnson's. The lecture series would bring to the National Defense University guest speakers to lecture on the subjects of public policy, national security and science.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

PURPOSE

The purpose of Division B is to provide military construction authorizations and related authority in support of the military departments during fiscal year 1991. As approved by the committee, Division B would authorize $8,473,167,000 in appropriations for construction in support of the active and reserve components, including military family housing, the Defense Agencies, and the NATO Infrastructure Fund.

A brief summary of the authorizations provided in Division B follows:

FY 1991 MILITARY CONSTRUCTION
AUTHORIZATION OF APPROPRIATIONS
RECAPITULATION
[In thousands of dollars]

	BUDGET REQUEST	CHANGE TO REQUEST HOUSE	SUBCOMMITTEE RECOMMENDATION
ARMY	774,900	(122,513)	652,387
NAVY	1,113,300	(23,174)	1,090,126
AIR FORCE	1,364,200	(453,157)	911,043
DEFENSE AGENCIES	787,500	(222,172)	565,328
NATO INFRASTRUCTURE	420,400	(245,400)	175,000
BASE REALIGN & CLOSURE	916,500	100,000	1,016,500
ARMY NATIONAL GUARD	66,400	142,498	208,898
AIR NATIONAL GUARD	66,500	53,120	119,620
ARMY RESERVE	59,300	7,692	66,992
NAVY RESERVE	50,200	13,100	63,300
AIR FORCE RESERVE	37,700	0	37,700
TOTAL MILITARY CONSTRUCTION	5,656,900	(750,006)	4,906,894
FAMILY HOUSING, ARMY	1,554,200	25,000	1,579,200
PORTION APPLIED TO DEBT REDUCTION	250	0	250
FAMILY HOUSING, NAVY	904,500	24,019	928,519
FAMILY HOUSING, AIR FORCE	971,900	23,994	995,894
FAMILY HOUSING, DEFENSE AGENCIES	21,100	(400)	20,700
HOMEOWNERS ASSISTANCE FUND	5,100	51,610	56,710
TOTAL FAMILY HOUSING	3,457,050	124,223	3,581,273
TOTAL MILITARY CONSTRUCTION & FAMILY HOUSING	9,113,950	(625,783)	8,488,167

OVERVIEW

The fiscal year 1991 military authorization construction budget request was introduced as H.R. 4244.

The Department of Defense requested authorization of $9,113,950,000 for fiscal year 1991 for military construction and family housing.

The request included 735 individual projects in 48 states and 16 foreign countries. The committee carefully assessed each proposal and project to ensure that only those items essential to United States national security would be approved.

BASE CLOSURE

The size of the American military will likely decline by 25 percent over the next five years. Fewer troops means fewer bases will be required. The committee recognizes the need to close military bases.

Base Closure: The Right and the Wrong Way

The last two years have provided examples of both the right way and the wrong way to close bases. The establishment of the Defense Secretary's Commission on Base Realignment and Closure in 1988 is an example of the right way to close bases. Under this plan, a highly respected, bipartisan commission recommended bases for realignment or closure based on a number of neutral and widely endorsed criteria. Congress had the opportunity to accept or reject the recommendations as a whole. Once Congress failed to reject the recommendations of the Commission, their implementation was automatic.

Secretary Cheney's announcement of candidates for base closure on January 29, 1990, was an example of the wrong way to close

bases. The Secretary's list focused on bases in the United States. The sharpest reductions in American forces are likely to be overseas. It is hard to justify a large number of domestic base closures unless overseas bases are closed at the same time.

Base Closure Legislation

The rational way to select bases for closure is to make the selections based on a clear and firm plan to reduce force structure. To achieve this goal, the bill contains language that would:

(1) Require the Secretary of Defense to produce, and provide with the budget submitted in January 1991, a force structure plan that details the numbers and types of military units needed over the next five years, based both on the threat and on anticipated funding levels. This plan would list overseas bases slated for closure, but would not identify any specific domestic bases for closure. Overseas base closures could be implemented immediately;

(2) Require the Secretary of Defense to submit a legislative proposal with the budget submitted in January 1991 containing a fair process for selecting domestic bases for closure based on objective criteria designed to meet the force structure plan;

(3) Require the Secretary of Defense to submit a legislative proposal with the budget submitted in January 1991 for worker retraining and economic conversion in communities in the United States adversely affected by closures or realignments;

(4) Prohibit the closure or preparation of new studies necessary for the closure of any base until Congress has passed a new base closure process (whether or not it is the specific proposal proposed by the Secretary of Defense) or until January 1, 1992, whichever comes first. This prohibition would not apply to base closures under the 1988 Base Closure Commission or base closures or realignments that do not meet the current statutory threshold (300 civilian employees for closures, or 1,000 civilian employees or 50 percent of the workforce for realignments); and

(5) Prevent efforts to constrain real property repair and maintenance funds to bases proposed for closure by requiring that all domestic bases receive at least 75 percent of the average amount of such funds received by the base over the last five fiscal years.

Base Closure Commission List

The committee has assiduously protected the 1988 base closure process in the face of numerous attempts to undermine it. Some of those attempts have come in Congress from those interested in keeping open a base recommended for closure. Other attempts have come from the Department of Defense. A new base closure process will not be credible unless the 1988 base closure process remains inviolate.

Norton Air Force Base

The committee recommends two provisions directly relating to the 1988 base closure process. One of these, section 2307, would require the Secretary of the Air Force to carry out the recommendations of the Base Closure Commission with relation to Norton Air Force Base. The Air Force has announced plans to move functions of the Ballistic Missile Office from Norton, despite the Commission's clear recommendation not to do so.

Environmental Restoration

The other provision deals with environmental restoration at bases slated for closure. The Base Closure and Realignment Act (Public Law 100-526) provides that environmental restoration costs not be considered in the calculation of whether the closure would pay for itself in six years. The law also provides that environmental restoration costs can, but need not, be paid for out of the base closure account. The Department of Defense determined that no environmental restoration at closed bases would come out of the base closure account. This decision was made because the construction costs of replacement facilities exceeded initial calculations and estimates of income from the sale of property from closed bases were reduced.

Forcing environmental restoration costs to be paid out of the Defense Environmental Restoration Account (DERA), for sites on the National Priority List, and from Operation and Maintenance funds, for other bases, created a new complication. The general policy of the department is to focus clean-up dollars on the worst environmental damage. Although some of the facilities to be closed were quite polluted, others were less so. As a result, some would not be cleaned up for years under the "worst first" criterion.

To alleviate this problem, the committee recommends increasing authorization for the base closure account by $100 million and earmarking that additional funding for environmental restoration. Further, the legislation would provide that the base closure account be the exclusive source of funding for environmental restoration projects. In this way, closed bases would be cleaned so they could be sold or transferred to beneficial use by the community.

MILITARY CONSTRUCTION ABROAD

In view of the sharply reduced resources available for military construction and recognizing the likelihood that American basing abroad will be reduced over the next few years, the committee decided to fund very little overseas military construction this year. The committee is well aware of the poor living and working conditions that exist at many overseas posts. These deficiencies will be addressed promptly when a clearer picture of the overseas military commitments of the United States emerges.

The existing American overseas basing scheme was developed in response to a threatening Soviet Union. As detailed elsewhere in this report, the Soviet military threat has largely subsided. Soviet military capacity is either being torn down or is becoming atrophied. Soviet allies in Eastern Europe have shed their commit-

101st Congress
2d Session

HOUSE OF REPRESENTATIVES

Report
101-923

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

CONFERENCE REPORT

TO ACCOMPANY

H.R. 4739

October 23, 1990.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1990

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TITLE XXIX—DEFENSE BASE CLOSURES AND REALIGNMENTS

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Sec. 2903. Procedure for making recommendations for base closures and realignments.
Sec. 2904. Closure and realignment of military installations.
Sec. 2905. Implementation.
Sec. 2906. Account.
Sec. 2907. Reports.
Sec. 2908. Congressional consideration of Commission report.
Sec. 2909. Restriction on other base closure authority.
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Sec. 2922. Modification of the content of biannual report of the Commission on alternative utilization of military facilities.
Sec. 2923. Funding for environmental restoration at military installations scheduled for closure inside the United States.
Sec. 2924. Community preference consideration in closure and realignment of military installations.
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Sec. 3139. Payments for injuries believed to arise out of atomic weapons testing program.
Sec. 3140. Repeal.

(c) EXCEPTION.—Nothing in this part affects the authority of the Secretary to carry out—

(1) closures and realignments under title II of Public Law 100-526; and

(2) closures and realignments to which section 2687 of title 10, United States Code, is not applicable, including closures and realignments carried out for reasons of national security or a military emergency referred to in subsection (c) of such section.

SEC. 2910. DEFINITIONS

As used in this part:

(1) The term "Account" means the Department of Defense Base Closure Account 1990 established by section 2906(a)(1).

(2) The term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

(3) The term "Commission" means the Commission established by section 2902.

(4) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility.

(5) The term "realignment" includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances.

(6) The term "Secretary" means the Secretary of Defense.

(7) The term "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

SEC. 2911. CLARIFYING AMENDMENT

Section 2687(e)(1) of title 10, United States Code, is amended—

(1) by inserting "homeport facility for any ship," after "center,"; and

(2) by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jurisdiction of the Department of Defense, including any leased facility,".

PART B—OTHER PROVISIONS RELATING TO DEFENSE BASE CLOSURES AND REALIGNMENTS

SEC. 2921. CLOSURE OF FOREIGN MILITARY INSTALLATIONS

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the termination of military operations by the United States at military installations outside the United States should be accomplished at the discretion of the Secretary of Defense at the earliest opportunity;

(2) in providing for such termination, the Secretary of Defense should take steps to ensure that the United States receives, through direct payment or otherwise, consideration equal to the fair market value of the improvements made by the United States at facilities that will be released to host countries;

(3) the Secretary of Defense, acting through the military component commands or the sub-unified commands to the combatant commands, should be the lead official in negotiations relating to determining and receiving such consideration; and

(4) the determination of the fair market value of such improvements released to host countries in whole or in part by the United States should be handled on a facility-by-facility basis.

(b) RESIDUAL VALUE.—(1) For each installation outside the United States at which military operations were being carried out by the United States on October 1, 1990, the Secretary of Defense shall transmit, by no later than June 1, 1991, an estimate of the fair market value, as of January 1, 1991, of the improvements made by the United States at facilities at each such installation.

(2) For purposes of this section:

(A) The term "fair market value of the improvements" means the value of improvements determined by the Secretary on the basis of their highest use.

(B) The term "improvements" includes new construction of facilities and all additions, improvements, modifications, or renovations made to existing facilities or to real property, without regard to whether they were carried out with appropriated or nonappropriated funds.

(c) ESTABLISHMENT OF SPECIAL ACCOUNT.—(1) There is established on the books of the Treasury a special account to be known as the "Department of Defense Overseas Military Facility Investment Recovery Account". Any amounts paid to the United States, pursuant to any treaty, status of forces agreement, or other international agreement to which the United States is a party, for the residual value of real property or improvements to real property used by civilian or military personnel of the Department of Defense shall be deposited into such account.

(2) Money deposited in the Department of Defense Overseas Military Facility Investment Recovery Account shall be available to the Secretary of Defense for payment, as provided in appropriation Acts, of costs incurred by the Department of Defense in connection with facility maintenance and repair and environmental restoration at military installations in the United States. Funds in the Account shall remain available until expended.

SEC. 2922. MODIFICATION OF THE CONTENT OF BIANNUAL REPORT OF THE COMMISSION ON ALTERNATIVE UTILIZATION OF MILITARY FACILITIES

(a) USES OF FACILITIES.—Section 2819(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2119; 10 U.S.C. 2391 note) is amended—

(1) in paragraph (2), by striking out "minimum security facilities for nonviolent prisoners" and inserting in lieu thereof "Federal confinement or correctional facilities including shock incarceration facilities";

(2) by striking out "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph (4):

"(4) identify those facilities, or parts of facilities, that could be effectively utilized or renovated to meet the needs of States and local jurisdictions for confinement or correctional facilities; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to the first report required to be submitted under section 2819 the National Defense Authorization Act, Fiscal Year 1989, after September 30, 1990.

SEC. 2923. FUNDING FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS SCHEDULED FOR CLOSURE INSIDE THE UNITED STATES

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense Base Closure Account for fiscal year 1991, in addition to any other funds authorized to be appropriated to that account for that fiscal year, the sum of $100,000,000. Amounts appropriated to that account pursuant to the preceding sentence shall be available only for activities for the purpose of environmental restoration at military installations closed or realigned under title II of Public Law 100-526, as authorized under section 204(a)(3) of that title.

(b) EXCLUSIVE SOURCE OF FUNDING.—(1) Section 207 of Public Law 100-526 is amended by adding at the end the following:

"(b) BASE CLOSURE ACCOUNT TO BE EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—No funds appropriated to the Department of Defense may be used for purposes described in section 204(a)(3) except funds that have been authorized for and appropriated to the Account. The prohibition in the preceding sentence expires upon the termination of the authority of the Secretary to carry out a closure or realignment under this title.".

(2) The amendment made by paragraph (1) does not apply with respect to the availability of funds appropriated before the date of the enactment of this Act.

(c) TASK FORCE REPORT.—(1) Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the findings and recommendations of the task force established under paragraph (2) concerning—

(A) ways to improve interagency coordination, within existing laws, regulations, and administrative policies, of environmental response actions at military installations (or portions of installations) that are being closed, or are scheduled to be closed, pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526); and

(B) ways to consolidate and streamline, within existing laws and regulations, the practices, policies, and administrative procedures of relevant Federal and State agencies with respect to such environmental response actions so as to enable those actions to be carried out more expeditiously.

(2) There is hereby established an environmental response task force to make the findings and recommendations, and to prepare the report, required by paragraph (1). The task force shall consist of the following (or their designees):

(A) The Secretary of Defense, who shall be chairman of the task force.

(B) The Attorney General.

(C) The Administrator of the General Services Administration.

(D) The Administrator of the Environmental Protection Agency.

(E) The Chief of Engineers, Department of the Army.

(F) A representative of a State environmental protection agency, appointed by the head of the National Governors Association.

(G) A representative of a State attorney general's office, appointed by the head of the National Association of Attorney Generals.

(H) A representative of a public-interest environmental organization, appointed by the Speaker of the House of Representatives.

SEC. 2924. COMMUNITY PREFERENCE CONSIDERATION IN CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

In any process of selecting any military installation inside the United States for closure or realignment, the Secretary of Defense shall take such steps as are necessary to assure that special consideration and emphasis is given to any official statement from a unit of general local government adjacent to or within a military installation requesting the closure or realignment of such installation.

SEC. 2925. RECOMMENDATIONS OF THE BASE CLOSURE COMMISSION

(a) NORTON AIR FORCE BASE.—(1) Consistent with the recommendations of the Commission on Base Realignment and Closure, the Secretary of the Air Force may not relocate, until after September 30, 1995, any of the functions that were being carried out at the ballistics missile office at Norton Air Force Base, California, on the date on which the Secretary of Defense transmitted a report to the Committees on Armed Services of the Senate and House of Representatives as described in section 202(a)(1) of Public Law 100-526.

(2) This subsection shall take effect as of the date on which the report referred to in subsection (a) was transmitted to such Committees.

(b) GENERAL DIRECTIVE.—Consistent with the requirements of section 201 of Public Law 100-526, the Secretary of Defense shall direct each of the Secretaries of the military departments to take all actions necessary to carry out the recommendations of the Commission on Base Realignment and Closure and to take no action that is inconsistent with such recommendations.

SEC. 2926. CONTRACTS FOR CERTAIN ENVIRONMENTAL RESTORATION ACTIVITIES

(a) ESTABLISHMENT OF MODEL PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall establish a model program to improve the efficiency and effectiveness of the base closure environmental restoration program.

(b) ADMINISTRATOR OF PROGRAM.—The Secretary shall designate the Deputy Assistant Secretary of Defense for Environment as the Administrator of the model program referred to in subsection (a). The Deputy Assistant Secretary shall report to the Secretary of Defense through the Under Secretary of Defense for Acquisition.

(c) APPLICABILITY.—This section shall apply to environmental restoration activities at installations selected by the Secretary pursuant to the provisions of subsection (d)(1).

(d) PROGRAM REQUIREMENTS.—In carrying out the model program, the Secretary of Defense shall:

(1) Designate for the model program two installations under his jurisdiction that have been designated for closure pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) and for which preliminary assessments, site inspections, and Environmental Impact Statements required by law or regulation have been completed. The Secretary shall designate only those installations which have satisfied the requirements of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526).

(2) Compile a prequalification list of prospective contractors for solicitation and negotiation in accordance with the procedures set forth in title IX of the Federal Property and Administrative Services Act (Public Law 92-582; 40 U.S.C. 541 et seq., as amended). Such contractors shall satisfy all applicable statutory and regulatory requirements. In addition, the contractor selected for one of the two installations under this program shall indemnify the Federal Government against all liabilities, claims, penalties, costs, and damages caused by (A) the contractor's breach of any term or provision of the contract; and (B) any negligent or willful act or omission of the contractor, its employees, or its subcontractors in the performance of the contract.

(3) Within 180 days after the date of enactment of this Act, solicit proposals from qualified contractors for response action (as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)) at the installations designated under paragraph (1). Such solicitations and proposals shall include the following:

(A) Proposals to perform response action. Such proposals shall include provisions for receiving the necessary authorizations or approvals of the response action by appropriate Federal, State, or local agencies.

(B) To the maximum extent possible, provisions offered by single prime contractors to perform all phases of the response action, using performance specifications supplied by the Secretary of Defense and including any safeguards the Secretary deems essential to avoid conflict of interest.

(4) Evaluate bids on the basis of price and other evaluation criteria.

(5) Subject to the availability of authorized and appropriated funds to the Department of Defense, make contract awards for response action within 120 days after the solicitation of proposals pursuant to paragraph (3) for the response action, or within 120 days after receipt of the necessary authorizations or approvals of the response action by appropriate Federal, State, or local agencies, whichever is later.

(e) APPLICATION OF SECTION 120 OF CERCLA.—Activities of the model program shall be carried out subject to, and in a manner consistent with, section 120 (relating to Federal facilities) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620).

(f) EXPEDITED AGREEMENTS.—The Secretary shall, with the concurrence of the Administrator of the Environmental Protection Agency, assure compliance with all applicable Federal statutes and regulations and, in addition, take all reasonable and appropriate measures to expedite all necessary administrative decisions, agreements, and concurrences.

(g) REPORT.—The Secretary of Defense shall include a description of the progress made during the preceding fiscal year in implementing and accomplishing the goals of this section within the annual report to Congress required by section 2706 of title 10, United States Code.

(h) APPLICABILITY OF EXISTING LAW.—Nothing in this section affects or modifies, in any way, the obligations or liability of any person under other Federal or State law, including common law, with respect to the disposal or release of hazardous substances or pollutants or contaminants as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3101. OPERATING EXPENSES

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1991 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,795,381,000, to be allocated as follows:

(A) For research and development, $1,092,218,000.

(B) For weapons testing, $437,268,000.

(C) For weapons safety, $160,000,000, to be derived from funds available under subparagraph (A) or (B) or both.

(D) For production and surveillance, $2,161,180,000.

(E) For program direction, $104,715,000.

(2) For defense nuclear materials production, $1,892,770,000, to be allocated as follows:

(A) For production reactor operations, $811,457,000.

(B) For processing of defense nuclear materials, including naval reactors fuel, $628,969,000.

Henderson Hall, Arlington, Virginia (sec. 2863)

The House bill contained a provision (sec. 2843) that would amend the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189) to alter the authorized size of a facility being constructed at Henderson Hall, Virginia.

The Senate amendment contained no similar provision.

The Senate recedes.

Lease purchase of facility for Uniformed Services University of the Health Sciences (sec. 2864)

The House bill contained a provision (sec. 2844) that would amend current law (10 U.S.C. 2112) to permit the Secretary of Defense to enter into a lease purchase arrangement for the construction of a teaching, research, and administrative facility at the Uniformed Services University of the Health Sciences at Bethesda, Maryland.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 2842 of title 10, United States Code, to include the authority for the Department of Defense to enter into lease purchase agreements for facilities serving as classrooms and laboratories. The conferees intend that the Uniformed Services University of the Health Sciences use the authority under 10 U.S.C. 2842 to acquire a new training and research facility.

The conferees continue to believe that this authority represents a useful option for facility development and, under some circumstances, can be more cost effective than military construction or long term leases. They are concerned that the Department of Defense has failed to move forward with any initiative under this authority since its enactment last year. The conferees reiterate their view that development of the Sparkman Center at Redstone Arsenal, Alabama, and the modernization of the Aeronautical Systems Division at Wright Patterson Air Force Base, Ohio, are excellent candidates for this approach to meeting facility shortfalls.

Sale of aggregate, Naval Air Station, Miramar, California (sec. 2865)

The House bill contained a provision (sec. 2845) that would authorize the Secretary of the Navy to sell embedded rock and gravel aggregate from Naval Air Station Miramar, California, and use the proceeds to acquire land or construct military family housing in the San Diego area.

The Senaet amendment contained no similar provision.

The Senate recedes with an amendment that would direct the disposition and use of the proceeds of aggregate sales to the purposes outlined in section 2805 of this bill.

Study to evaluate joint military-civilian use of military airfields (sec. 2866)

The Senate amendment contained a provision (sec. 2814) that would direct the Secretaries of Defense and Transportation to conduct an evaluation of military airfields to identify those which hold

potential for civilian reuse, or, assuming continued military activity, joint military-civilian use.

The House bill contained no similar provision.

The House recedes with an amendment that would ensure that all interested authorizing committees of Congress receive copies of the aircraft evaluation.

Negotiations for joint civilian and military use of the airfield at Wheeler Air Force Base, Hawaii (sec. 2867)

The Senate amendment contained a provision (sec. 2827) that would direct the Secretary of the Navy to enter into negotiations with the state of Hawaii to develop an agreement for joint military and civilian use of the aviation facilities at Barbers Point Naval Air Station, Hawaii.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Defense to enter into negotiations with the state of Hawaii to develop an agreement for joint military and civilian use of Wheeler Air Force Base, Hawaii, instead of Barbers Point Naval Air Station, Hawaii.

Extension of termination date for land conveyance at Eglin Air Force Base, Florida (sec. 2868)

The conferees agree to a provision that would extend for three years the authority of the Secretary of the Air Force Base, Florida, which will clarify the installation's boundaries and settle associated claims.

TITLE XXIX—BASE CLOSURES AND REALIGNMENTS

PART A—DEFENSE BASE CLOSURES AND REALIGNMENT COMMISSION

LEGISLATIVE PROVISIONS ADOPTED

Defense Base Closure and Realignments (secs. 2901-2911)

The House bill contained a provision (sec. 2831) that would direct the following:

1. The Secretary of Defense would formulate a five-year force structure plan for the armed forces based upon the prospective threat and funding levels, and a plan to implement the associated reductions and closures of overseas military installations.
2. As a part of the defense budget request for fiscal years 1992 and 1993, the Secretary would provide the Congress the force structure plan, a list of overseas installations to be reduced or closed, and legislative proposals to establish a fair process of selecting military installations within the United States for closure or realignment, as well as proposals for the mitigation to communities and individuals adversely affected economically by such closures.
3. The Defense Department would be precluded from studying or implementing base closures or realignments of installations within the United States (excluding those being carried out under Public Law 100-526 or those which do not meet the thresholds contained in section 2687 of title 10, United States

Code) until January 1, 1992, or until specifically authorized by Congress during the 102nd Congress, whichever occurs first.

4. The Defense Department would be directed to maintain the level of funding for facility repair and maintenance of military installations within the United States at no less than 75 percent of the average funding level for these installations between fiscal years 1985 and 1989.

5. The Secretary of Defense would be directed not to use the list of closure and realignment proposals which was transmitted to Congress on January 29, 1990, as the basis for any decisions concerning mission, personnel, or resource allocations. To the extent that the missions at installations on this list have been reduced or facility development and maintenance have been curtailed, the Secretary would be directed to remedy this damage.

6. Alter the current statute concerning base closures and realignments (10 U.S.C. 2687) to establish a two-year period in which to determine personnel reduction thresholds, and to clarify the applicability of this statute to defense agency activities being conducted in leased facilities.

The Senate amendment contained a provision (sec. 2805) that would amend section 2687 of title 10, United States Code, regarding the process of closing and realigning military installations. In codifying several of the streamlining provisions of the Base Closure and Realignment Act of 1988 (Public Law 100-526), the provision would establish a base closure account, direct the delegation of property disposal authority from the Administrator of General Services to the Secretary of Defense, and make the National Environmental Policy Act inapplicable to the decision to close installations.

The House recedes with an amendment that would establish a new process to deal with the closure and realignment of military installations within the United States. This process would be used biennially and remain in effect for six years. It would include public and Congressional review of the criteria used by the Secretary of Defense to select bases to propose for closure or realignment, and an independent commission which will publicly evaluate these closure and realignment proposals and report its findings to the President. The conferees expect the Secretary to justify any closure or realignment proposal made to the Commission with detailed analysis such as is currently required under section 2687 of title 10, United States Code, as well as a close linkage between the closure or realignment proposal and both the force structure plan and the criteria. Under the new process, both the President and the Congress would have opportunities to accept or reject the Commission's recommendations in their entirety under expedited procedures.

Any congressional disapproval of either the proposed criteria or the Commission's recommendation must be accomplished through a joint resolution, which requires the signature of the President or a two-thirds majority of both Houses of Congress in the case of a Presidential veto.

The conferees agree to clarify current base closure law to specifically apply to Department of Defense activities which occupy

leased facilities. They also adopt the Senate provisions regarding the establishment of a base closure account, delegation of property disposal authority from the Administrator of General Services to the Secretary of Defense, and the streamlining of the environmental impact analysis process associated with closure and realignment actions.

The conferees prescribe a new base closure process because closures and realignments under existing law have two failings. First, closures and realignments take a considerable period of time and involve numerous opportunities for challenges in court. Second, the list of bases for study transmitted by Secretary Cheney on January 29, 1990, raised suspicions about the integrity of the base closure selection process. A new process involving an independent, outside commission will permit base closures to go forward in a prompt and rational manner.

The conferees expect the Department to begin anew in its base selection process, grounded in the programmed force structure and the criteria approved under this process. While bases which appeared on the January 29, 1990 list may reappear on a new proposed list, the conferees expect that the Department will consider all bases in the United States on an equal footing. The conferees further expect that bases on the January 29th list will be properly operated and maintained while this base closure process is implemented.

The test for the Commission to apply to bases recommended by the Secretary for closure and realignment is whether the Secretary deviated substantially from the force structure plan and the final criteria in making the recommendations.

The process established in this bill only covers military installations in the United States. The conferees expect the Secretary of Defense to move aggressively to cease or reduce U.S. operations at bases overseas where U.S. national security interests no longer require the current level of permanently stationed U.S. forces. The credibility of the domestic base closure and realignment process depends in no small measure on the closure of bases overseas.

The conference agreement provides that the Secretary of Defense shall make available to the Commission and to the Comptroller General of the United States all information used by the Department in making its recommendations to the Commission. As it relates to the General Accounting Office (GAO), this provision is intended to permit the staff of GAO to monitor the activities, while they occur, of the Services and the Department of Defense in selecting bases for closure and realignment. Through this monitoring, GAO will be able to report to the Commission and to Congress on how the process was conducted and whether it met the statutory requirements. The conferees do not intend that GAO staff be permitted to attend meetings or interfere, in any way, in the deliberative process. GAO is expected to fulfill its statutory responsibilities under this process through its normal methodology of interviewing officials and analyzing documents.

The base closure process contained in this bill clearly avoids the constitutional pitfall of excessive delegation of legislative authority. First, Congress is not really delegating its authority. Both the content of the criteria by which bases will be selected for closure and

realignment and the final list of closures and realignments are subject to Congressional review. Second, while Congress obviously has a major role in the opening and closing of military installations, the decision to close a base is not so clearly a legislative power as to make Congress' determination to seek the help and advice of the Department of Defense and an independent commission a delegation of legislative authority. Third, by providing considerable Congressional involvement in the development of the governing criteria, and ensuring a clear power to disapprove, the conferees intend that Congress establish an intelligible principle for the Department and the Commission to use in making their decisions.

The current law providing procedures for base closures and realignments (10 U.S.C. 2687) contains a provision which makes those procedures explicitly inapplicable to closures or realignments made by the President for reasons of national security or military emergency. In that the base closure procedures provided in this bill only apply to closures and realignments which would otherwise be subject to section 2687 of title 10, United States Code, by definition, closures or realignments which could be carried out by the President without regard to section 2687 can be carried out by the President without regard to the procedures in this act. The conferees note, with approval, that the President has not abused this discretion. Accordingly, this provision would not affect the President's authority to undertake base closures or realignments on the basis of national security or military emergency.

The Federal Advisory Committee Act (Public Law 92-463) provides a sunset for boards which exist to provide advice to executive agencies. The Commission established by this legislation is not an advisory committee because it does not fall within the definition of that Act. Also, this legislation provides the sort of explicit sunset for the Commission to which the advisory committee was addressed. Hence, none of the provisions of the Federal Advisory Committee Act should be applied to this Commission.

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The rulemaking (5 U.S.C. 553) and adjudication (5 U.S.C. 554) provisions of the Administrative Procedures Act (5 U.S.C. 551 et seq.) contain explicit exemptions for "the conduct of military or foreign affairs functions." An action falling within this exception, as the decision to close and realign bases surely does, is immune from the provisions of the Administrative Procedures Act dealing with hearings (5 U.S.C. 556) and final agency decisions (5 U.S.C. 557). Due to the military affairs exception to the Administrative Procedures Act, no final agency action occurs in the case of various actions required under the base closure process contained in this bill. These actions therefore, would not be subject to the rulemaking and adjudication requirements and would not be subject to judicial review. Specific actions which would not be subject to judicial review include the issuance of a force structure plan under section 2903(a), the issuance of selection criteria under section 2803(b), the Secretary of Defense's recommendation of closures and realignments of military installations under section 2803(d), the decision of the President under section 2803(e), and the Secretary's actions to carry out the recommendations of the Commission under sections 2904 and 2905.

The conferees note that the new procedures would considerably enhance the ability of the Department of Defense to promptly implement proposals for base closures and realignment. While the conferees are confident that these innovative procedures would create significant advantages for the Executive Branch over current law, the conferees recognize that there might be a need for further changes once the procedure has been implemented. The conferees encourage the Department to promptly advise the Congress of any implementation issues that need to be addressed in subsequent legislation.

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In making proceedings, information, and deliberations of the Commission open to designated members of Congress, the conferees understand that should the Members of Congress be unable to attend any part of any closed Commission meeting, the Chairman of the Commission shall insure that full access to meeting proceedings is provided to appropriate staff of such member.

PART B—OTHER PROVISIONS RELATING TO BASE CLOSURES AND REALIGNMENTS

LEGISLATIVE PROVISIONS ADOPTED

Residual value of closing overseas bases (sec. 2921)

The House bill contained a provision (sec. 2832) that would express the sense of Congress that the United States ought to receive consideration equal to the fair market value of improvements made by the United States to military bases overseas which are being vacated. The provision would also require a report from the Secretary of Defense that would advise the Congress of the estimated fair market value of each overseas installation which will be vacated.

The Senate amendment contained a provision (sec. 1245) that would express the sense of Congress regarding the closure of U.S. military installations outside the United States.

The Senate amendment contained a provision (sec. 2811) that would express the sense of the Senate that the Department of Defense should be the lead agency in negotiations with host governments regarding the residual value of vacated overseas military installations; that the residual value be as high as possible; and that under no circumstances should the cost to the United States of environmental cleanup exceed the residual value of a closing overseas installation.

The Senate amendment contained another provision (sec. 2812) that would direct that the residual value from closing overseas military bases accruing to the United States be returned to the Department of Defense. Subject to appropriation, these sums could be used only for real property maintenance or environmental restoration of military facilities within the United States.

The House recedes with an amendment that would consolidate these four provisions into a single section. The section would contain no reference to environmental restoration costs because the conferees believe that the environmental restoration of bases used by the United States in foreign countries is a host nation responsibility.

Foreign ★

Modification of the content of the biennial report of the Commission on Alternative Utilization of Military Facilities (sec. 2922)

The Senate amendment contained a provision (sec. 2813) that would clarify section 2819 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456) and broaden the scope of the mandate of the Commission on Alternative Utilization of Military Facilities. By including consideration of requirements for all kinds of incarceration facilities at the federal and other levels of government, the provision would improve the potential effectiveness of the Commission as a clearinghouse for the consideration of priority governmental needs for facilities no longer needed by the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Source of funds for environmental restoration at closing installations (sec. 2923)

The House bill contained a provision (sec. 2834) that would provide an additional $100 million to the base closure account and make this additional authorization the exclusive source of funds for environmental restoration activities at military installations closed under title II of Public Law 100-526. In addition, subsection (c) would create a task force to identify ways to improve, consolidate, and streamline the coordination of laws, regulations, policies, and procedures relevent to environmental restoration at closing bases.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees agree that environmental restoration at bases to be closed is a priority for the Department of Defense, the affected communities, and Congress. Current law requires that bases must be cleaned up before they are sold or otherwise transferred. The addition of $100 million to the base closure account, to be the exclusive source of funding for these closing bases, should expedite the cleanup so that the bases may be promptly sold or otherwise transferred. This should ensure the return of the surplus property to beneficial use of the communities affected by the base closure at the earliest possible time. The conferees support the concept of setting priorities that would expedite cleanup at the most seriously contaminated bases.

Community preference consideration in closure and realignment of military installations (sec. 2924)

The House bill contained a provision (sec. 2835) that would provide that the Secretary of Defense should assure that in selecting military installations for closure or realignment, special consideration be given to any official statement from a unit of general local government adjacent to or within the installation requesting such action.

The Senate amendment contained no similar provision.

The Senate recedes.

Mandate to carry out recommendation of the Base Closure Commission (sec. 2925)

The House bill contained a provision (sec. 2307) that would preclude the Air Force, until September 30, 1995, from relocating from Norton Air Force Base, California, any functions of the Ballistic Missile Office that existed at that site on the date that the Secretary of Defense transmitted to Congress his endorsement of the recommendations of the 1988 Commission on Base Realignment and Closure.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense, absent any statutory relief, to proceed with the closures and realignments recommended by the 1988 Commission on Base Realignment and Closure that were approved by the Secretary of Defense.

The conferees note with concern recent actions by the Department of the Army with respect to Fort Devens, Massachusetts. The Army has postponed the awarding of contracts for construction of facilities needed to accommodate a realignment of functions to Fort Devens, which the Commission had directed.

The conferees view the relocations and realignments recommended by the Commission as binding until September 30, 1995. Should changes in force structure or other considerations cause the Secretary of Defense to reconsider these realignments, the conferees would expect the Secretary to request a statutory waiver of these actions. Accordingly, in the absence of any such request and subsequent action by the Congress, the conferees direct the Secretary of the Army to cease all delays in implementing the realignment of Fort Devens called for in the Commission report.

Model base closure environmental restoration program (sec. 2926)

The House bill contained a provision (sec. 345) that would create a model base closure program at two closing installations to improve the efficiency and effectiveness of the base closure environmental restoration program. Under this provision, contracts entered into by Department of Defense contractors, pursuant to the model program, would require the contractor to indemnify the federal government against all liabilities, claims, penalties, costs, and damages caused by the contractors' breach of any contract provisions, or as a result of any negligent or willful act or omission of the contractors' employees or subcontractors.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the contractor at one of the closing installations to indemnify the federal government. The contractor at the second installation would conform to the current prevailing contractor practices. The conferees believe that this model program will allow DoD to review a wider variety of options to streamline environmental restoration.

The requirement for contractors to indemnify the federal government for response action under the Comprehensive Environmental Restoration Compensation and Liability Act (CERCLA) is a departure from prevailing practice. A review of this indemnification requirement should be included in the report required by section (g)

of this provision and undertaken in conjunction with the contractor liability study required elsewhere in this statement of managers.

In the model program, the conferees hope to achieve a "real-life" analysis of the impact that indemnification has on the contract procurement process for environmental restoration activities. By requiring contractor indemnification in one project under the model program while not requiring it in the other, the managers expect DoD to draw a direct analysis of the impact of indemnification on the contract costs, competition, and contractor liability.

The conferees also direct DoD to award all contracts entered into under the model base closure program in compliance with competitive contracting practices. To the maximum extent possible, no contract may be awarded unless there are at least two qualified bidders for that contract. The conferees want to ensure that bidders or proposers that bid on the contract requiring indemnification are qualified and prepared to provide meaningful indemnification.

J	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	H+/-S	CONFERENCE AGREEMENT
0	ALABAMA	ARMY	ANNISTON ARMY DEPOT	AMMUNITION DEMIL MAINTENANCE FACILITY	10,200	10,200	10,200	0	10,200
1	ALABAMA	ARMY	ANNISTON ARMY DEPOT	AMMUNITION DEMILITARIZATION FACILITY	54,300	4,900	13,900	(9,000)	4,900
2	ALABAMA	ARMY	REDSTONE ARSENAL	PHYSICAL SCIENCES RESEARCH CENTER	14,400	14,400	14,400	0	14,400
3	ALABAMA	ARMY	FORT RUCKER	FLIGHT SIMULATOR BUILDING	3,400	3,400	3,400	0	3,400
4	ALABAMA	AIR FORCE	GUNTER AFB	ADD TO/ALT SENIOR NCO ACADEMY	8,200	8,200	8,200	0	8,200
5	ALABAMA	AIR FORCE	GUNTER AFB	STUDENT DORMITORY	3,100	3,100	3,100	0	3,100
6	ALABAMA	AIR FORCE	GUNTER AFB	STUDENT DORMITORY	8,800	8,800	8,800	0	8,800
7	ALABAMA	AIR FORCE	MAXWELL AFB	ALTER STUDENT DORMITORIES	2,750	2,750	2,750	0	2,750
8	ALABAMA	AIR FORCE	MAXWELL AFB	COMMUNICATIONS GROUP COMPLEX	5,300	5,300	5,300	0	5,300
9	ALABAMA	AIR FORCE	MAXWELL AFB	JUDGE ADVOCATE GENERAL ACADEMIC FACILITY	7,700	7,700	7,700	0	7,700
10	ALABAMA	AIR FORCE	MAXWELL AFB	SECURITY POLICE OPERATIONS FACILITY	1,750	1,750	1,750	0	1,750
11	ALABAMA	AIR FORCE	MAXWELL AFB	STUDENT DORMITORY	5,000	5,000	5,000	0	5,000
12	ALABAMA	DEFENSE AGENCIES	DEF RETAIL AND WHTG OFC ANNISTON	OPERATIONS FACILITY/OPEN STORAGE	2,370	2,370	2,370	0	2,370
13	ALABAMA	ARMY NAT GRD	BREWTON	ARMORY	0	903	903	(903)	903
14	ALABAMA	ARMY NAT GRD	MARION	ARMORY	0	764	764	(764)	764
15	ALABAMA	ARMY NAT GRD	SELMA	ARMORY	1,447	1,447	1,447	0	1,447
16	ALABAMA	ARMY NAT GRD	SELMA	ORGANIZATIONAL MAINTENANCE SHOP20	587	587	587	0	587
17	ALABAMA	AIR NAT GRD	BIRMINGHAM MAP	UPGRADE TAXIWAY	520	520	520	0	520
18	ALABAMA	ARMY RESERVE	MOBILE	ARMY RESERVE CENTER W/MAINTENANCE FACILITY	3,188	3,188	3,188	0	3,188
19	ALABAMA	AIR FORCE RESERVE	MAXWELL AFB	SURVIVAL EQUIPMENT/LIFE SUPPORT SHOP	1,025	1,025	1,025	0	1,025
20	ALASKA	ARMY	FT J M WAINWRIGHT	CONSOLIDATED FUEL FACILITY	2,300	2,300	2,300	0	2,300
21	ALASKA	ARMY	FT J M WAINWRIGHT	SCHOOL	0	0	8,300	(8,300)	8,300
22	ALASKA	ARMY	FT J M WAINWRIGHT	UTILITIES EXPANSION	3,300	3,300	3,300	0	3,300
23	ALASKA	NAVY	ADAK NAVAL AIR STATION	BARRACKS	0	9,500	0	9,500	0
24	ALASKA	NAVY	ADAK NAVAL AIR STATION	SOLID WASTE DISPOSAL FACILITY	4,250	4,250	4,250	0	4,250
25	ALASKA	NAVY	ADAK NAVAL SECURITY GROUP ACTIVITY	OPERATIONS BUILDING ADDITION	3,000	3,000	3,000	0	3,000
26	ALASKA	NAVY	ANCHITKA ISLAND FLEET SURVEILLANCE	ELECTRONIC INSTALLATION	31,000	0	31,000	(31,000)	31,000
27	ALASKA	AIR FORCE	CLEAR AFS	ALTER DORMITORY-PHASE II	5,000	5,000	5,000	0	5,000
28	ALASKA	AIR FORCE	EIELSON AFB	UPGRADE SEWAGE TREATMENT PLANT	12,400	12,400	12,400	0	12,400
29	ALASKA	AIR FORCE	ELMENDORF AFB	DORMITORY	0	8,900	(8,900)	0	8,900
30	ALASKA	AIR FORCE	GALENA AIRPORT	VEHICLE MAINTENANCE FACILITY	8,700	8,700	8,700	0	8,700
31	ALASKA	AIR FORCE	KING SALMON AFB	VEHICLE REFUELING SHOP	2,500	2,500	2,500	0	2,500
32	ALASKA	AIR FORCE	SHEMYA AFB	ADD/UPGRADE BASE ENGINEER COMPLEX	6,300	6,300	6,300	0	6,300
33	ALASKA	AIR FORCE	SHEMYA AFB	ALTER DORMITORY	7,800	7,800	7,800	0	7,800
34	ALASKA	AIR FORCE	SHEMYA AFB	BASE ENGINEER MAINTENANCE SHOP	3,700	3,700	3,700	0	3,700

for it, because the legislation now in effect does not benefit the community. What I am proposing changes that, converts from what is a loss to an opportunity.

I cannot agree with my distinguished managers of the bill who says that this does not provide an opportunity. If that were the case, if this was not providing an opportunity to the local community, then why would the Conference of Mayors strongly endorse my proposal?

The fact is whether we like it or not we are going to see base closings in the future. This is a changing situation. There is going to be less money available. What we are trying to do is to seize this situation and make it an opportunity rather than a tragedy.

For that reason, I urge my colleagues to suport this legislation, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The Chair recognizes the Senator from Delaware for 30 minutes.

AMENDMENT NO. 2525

(Purpose: To amend section 2687 of title 10, United States Code, relating to the closure and realignment of military installations—

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 2525.

Mr. ROTH. Mr. President, I ask unanimous consent that 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 the bill, insert the following new section:

SEC. . MODIFICATION OF REQUIREMENTS FOR NOTICE AND WAIT.

Section 2687(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "300" and inserting in lieu thereof "1,000"; and

(2) in paragraph (2), by striking out "1,000" and inserting in lieu thereof "2,500".

Mr. ROTH. Mr. President, the purpose of this amendment is to grant the Secretary of Defense an increased measure of flexibility in closure and realignment of military installations, especially smaller installations. In 1985 the Congress provided the Secretary of Defense with limited authority to close or realign certain installations. Under this authority the Secretary, without notice to the Congress, controlled an installation if it employed fewer than 300 civilians.

Additionally, the Secretary could realign an installation if the realignment involved fewer than 1,000 citizens or less than 50 percent of the number of civilian employees.

If the Secretary proposed to close an installation that employed more than 300 civilian employees or if he proposed a realignment that involved more than 1,000 civilian employees, the Secretary was required to give notice to the Congress and wait 60 days.

I think you will agree, Mr. President, that this authority was reasonable in face of the conditions that existed in 1985.

But the situation that existed in 1985 has changed. Today the Director of Intelligence is forecasting a greatly deceased chance of conflict in central Europe between the Warsaw Pact and NATO. As a result of this change in the threat, the deficit and other related conditions, the Secretary of Defense has proposed another round of base closures and realignment.

Most of us believe that the expected build down in the size of our military establishment will require even more closures and realignment. Now my amendment would provide more flexability to the Secretary of Defense for dealing with smaller installations and permit us to concentrate on the closure and realignment of major installations. It would do so by allowing the Secretary of Defense to close installations that enploy fewer than 1,000 Federal workers without notice to the Congress. It would also allow the Secretary to realign installations so long as the realignment involved fewer than 2,500 civilian employees.

The change I propose does not surrender congressional control over base closure and realignment and will primarily affect smaller installations. The Secretary will be able to close them without a notice and wait period. For example, the 19 realignments and closures listed on the Secretary's February 1990 list could have been closed under this proposal. I believe that this is a step in the right direction.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The chair recognizes the Senator from Illinois.

Mr. DIXON. My distinguished friend from Arkansas is going to speak against this amendment. I wonder how we can accommodate him? How much time does he need?

Mr. BUMPERS. How about 10 minutes on the Senator's side?

Mr. DIXON. We have a total of 15 minutes.

Mr. BUMPERS. Mr. President, will the Senator yield me, say, 6 minutes?

Mr. DIXON. May I inquire of the Chair? I was told there were 30 minutes equally divided.

The PRESIDING OFFICER. That is correct.

Mr. DIXON. I yield 6 minutes to the Senator from Arkansas.

Mr. ROTH. I do not think that is correct. The base conversion was 30 minutes, 15 minutes on a side. And on this one and the first one were 20 minutes equally divided.

The PRESIDING OFFICER. The Chair's impression is that this amendment has 30 minutes equally divided.

Mr. ROTH. That was not what was stated by the Senator at the time the unanimous consent was agreed to.

Mr. DIXON. Mr. President, perhaps we can accommodate our colleague. I do not think I am going to take any time. My friend from Arkansas wishes to have 6 minutes. If the other manager does not want more than 4, we will take more than 10.

The PRESIDING OFFICER. Is that satisfactory?

Mr. ROTH. That is satisfactory. We changed the order.

Mr. DIXON. I yield 6 minutes to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I thank the distinguished floor manager. I want to say, first of all, everybody in this body knows that bases have to be closed. But that is not the debate here. The debate is, No. 1, are those bases going to be closed in accordance with a 5-year projected force structure which the bill now requires? Are they going to be similiarly closed by the Secretary, or what kind of equity and fairness is there going to be?

Mr. President, I have the utmost respect for the Secretary of Defense, but when the Senator from Delaware says that the Secretary of Defense ought to have the right to close bases that will cost 1,000 people their jobs or realign a base that could cost 2,500 people their jobs, that is a lot of power in one man.

You might trust Dick Cheney to do that but you might not trust Caspar Weinberger or vice versa. And everybody in this body knows that when a base closes in his State, as the Senator from Illinois suffered last year, it is a traumatic event. You are dealing with human lives and people's livelihood. I think it is too much power to put in one person.

And if I were the Secretary, I would not want it. I would want the right to submit to Congress some input into it. The Base Closing Commission under Secretary Carlucci did not work to the advantage of the Senator from Illinois but it worked to my advantage because a base in my State that we were worried about was not closed. But I will say this, if Eaker Air Force Base had been on the list, I would have been upset because of the economic and environmental impact of the closing of the base, but at least I could have said, these are honorable men.

My distinguished former colleague, Tom Eagleton, was on that Base Closing Commission, Abe Ribicoff was on it, whose integrity was unimpeachable. I could at least say this is not a political decision. This is not a decision to punish a Member of Congress.

You cannot close a base anywhere at all and keep a Senator or a Congressman whose district or State that base is located happy. Scoop Jackson used to say to me "I wish I did not have a military base in my State. You get no credit for getting one. You take all the flak if you lose one."

Do you know that the ordinary standard size air base has 300 civilian employees and 3,500 airmen. So you are giving the Secretary carte blanche on a lot of air bases and other bases in this country. I do not want him to have it.

I would ask my distinguished friend from Delaware how he would, if he were me—and I ask this not as a rhetorical question but a question that I would like for the Senator from Delaware to respond to—when I go to Blytheville, AR, I would like to take the Senator from Delaware with me. It is a city of 25,000-30,000 fine citizens, where Eaker Air Force Base is located. Secretary Cheney announced earlier this year he wanted to close it. We have discovered of the 21 bases affecting 44,000 employees that the Secretary sent us earlier this year, 99 percent of the jobs lost are in Democratic districts. I can tell you that mathematically the chances of that happening by coincidence is 244 to 1.

Let me further say to my distinguished friend from Delaware that of the 14 bases that have realignments, all of those jobs, 88 percent of those realignments where they take men and airplanes and equipment from these bases in Democratic congressional districts and move them, 88 percent of them go to Republican districts.

So I ask the Senator from Delaware, how would he answer the folks in Mississippi County about whether there was any politics involved in this base-closing proposal or not? Could the Senator answer that?

(Ms. MIKULSKI assumed the chair.)

Mr. ROTH. Well, of course, I would point out to my distinguished friend, I think we all agree that the closing of bases should not be done on a political basis. But I would have to point out that I suppose in today's world, because there are more Democratic congressional districts than Republicans, it is natural that in a close-down more Democratic districts would be involved.

Mr. BUMPERS. Senator, not 99 to 1.

Mr. ROTH. Well, of course, the other side is that, traditionally, more money went into those districts.

But let me say this to the distinguished Senator. If we find the criteria collected by the Secretary to be reasonable and in the best interest of the Government, we should be willing to accept the fair application of that criteria across the length and breadth of the Department of Defense. If we find the criteria to be lacking, then we should demand that they be reviewed and reconsidered.

Mr. BUMPERS. Let me ask the Senator this question. Secretary Cheney is a Republican; he is a former Republican House Member. That is just hunky-dory with me. He was appointed by the President. I thought he was a very able House Member, and I think he is an able Secretary of Defense. We have our diffeences, naturally.

But when he came before the Appropriations Subcommittee, I asked him, I said, "Mr. Secretary, let us change positions. Let us put me down there as Secretary of Defense, as a Republican, and you as a Democratic Senator sitting in my position, and I will tell you that I just got through announcing the closing or realignment of 35 bases, 99 percent of the 44,000 jobs lost will be in Republican congressional districts, and 8 percent of the realignments will go to Democratic districts. Would you have any trouble believing that that had been determined by a computer programming system or something?"

He just smiled. He did not answer that. There is not any answer to that. And as I say, I really hate to put this on this basis. But I think the Base Closing Commission, for all of its flaws, at least gave somebody a little cover.

The answer to the question I asked you a moment ago, I say to the Senator, is when you go to Mississippi County and when you tell those people, where not hardly a house has sold since the announcement that base would be closed because their total economy is dependent on that base, the answer is you cannot tell them anything, except, yes, it is blatantly probably political and I am certainly sorry about it, but there is nothing I can do about that. There is not anything I can do. But I can tell you there is something I am going to try to do. I am going to try to get this body to adopt the same amendment that the House has adopted to try to do this in a fair, equitable, military, economic, environmental basis.

I have to resist, strongly resist, the amendment of the Senator from Delaware for whom I have the utmost respect. He is a man of immense integrity. Yet, as they say, figures do not lie but liars can figure. And here we have unassailable statistics on the base-closing proposal that has already been made this year that is absolutely, absolutely unfair and cannot be accepted without a fight. So, I must resist.

I helped the distinguished Senator from Illinois last night on the amendment on Crotone, Italy. Again go to Blytheville, AR, and say we are going to dry this town up. It is already one of the 10 poorest counties in America, but "you ain't seen nothing yet," one of the 10 poorest counties in America and the unemployment rate will go to 30 percent when you close that base.

Yet, you say, we have to have this F-14 base in Crotone, Italy, at a cost of $1 billion.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Delaware controls 6 minutes and 40 seconds.

Who yields time?

Mr. DIXON. I am prepared to yield 4 minutes to the Senator from Mississippi on our time, Madam President. Then we are not going to use the rest of ours because we agreed to yield it back.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired. The Senator from Illinois has no time.

Mr. DIXON. That had to be a miscalculation, I yielded only 6 minutes to the Senator from Arkansas. But, in all due deference, I do not care about the time, if my colleague has no problem.

Mr. ROTH. I will yield 2 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. LOTT. Thank you, Madam President.

I especially thank the Senator for yielding that time since I am going to oppose his amendment. But the Senator from Arkansas was about to talk me out of it.

The Department of Defense supports this amendment. But on behalf of the managers of this side of this bill, we are opposed to this amendment. I am opposed to it personally.

But I have total confidence in the Secretary of Defense, Secretary Cheney. I served in the House with him. I am confident that he is trying to do the best possible job with a very bad situation.

I might point out to the Senator from Arkansas, all these closures are not occurring just in Democratic districts or Democratic States. There are a lot of statistics which show that maybe that occurs because maybe more of them are in urban areas and urban Congressman or Senators represent those areas. I will bet we could go back and show a set of statistics in the Carter administration or the Nixon administration. But I think if we check around, a lot of the Senators here on this side of the aisle have installations being closed in their State. I am one of them. I do not like it at all. I feel the same way the Senator from Arkansas feels.

I think it is unfair to say this is just being done on a partisan basis. Maybe it has been in the past. Maybe that is a factor. But let us get to this particular amendment.

The Congress has an absolute right—in fact I think a responsibility—to be involved in this decision process. It is a tough process. I do not want the Secretary of Defense or the administration to just be able to make a decision without us being involved. When we raise these numbers up to 1,000 or 2,500 civilian employees, that is a large number of people.

In the next few years, as the numbers are reduced, we are going to have serious problems. There are going to be closures. And Congress should be involved in that process. We should leave these numbers alone, leave them where they are and work with the administration.

I urge Senators to oppose this amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Madam President, on behalf of the managers, I ask unanimous consent that I may be permitted to make a motion to table, at one time, all three of the amendments.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator's request is agreed to.

Mr. DIXON. If I may have unanimous consent to simply remind the Senators now of what is transpiring so they know. I want to remind all my colleagues, if there is no objection to that, that we have three stacked votes here. The first one is an amendment offered by the Senator from Delaware, a prohibition of land transfers to the Department of Defense for 1 year. The managers oppose that and move to table. The second one is an amendment that changes the property disposal process for closing bases. The managers oppose that and move to table. The third changes the civilian personnel thresholds at which congressional review of base closures occurs. This would allow the Defense Department to close additional bases without oversight. We also move to table that.

My recollection is we had agreed to 15 minutes on the first rollcall and 10 on each succeeding rollcall.

The PRESIDING OFFICER. The Senator from Delaware has 4 minutes remaining.

Mr. ROTH. Madam President, I will be very brief. First I want to point out, already the Secretary of Defense has the authority to close down bases where there are 300 or less civilian employees. We have proposed increasing that to 1,000 as a step toward expediting the necessary savings and actions that are going to be taken, or have to be taken, if this country is going to meet the reductions of deficits that both parties want.

I reemphasize what the distinguished Senator from Mississippi said. I have every confidence in the Secretary of Defense. He is a very bright, a very able, and a very fair man. I believe he is seeking to act in that fashion in his actions as Secretary.

Madam President, I urge the Senate adopt my amendment. I yield the remainder of my time.

Mr. DIXON. We yield back any time we have.

VOTE ON MOTION TO TABLE AMENDMENT 2523

The PRESIDING OFFICER. All time has been yielded back. The question is on the motion to table the amendment No. 2523. All in favor, signify by saying "aye."

Mr. DOLE. Madam President, I ask unanimous consent I may ask for the yeas and nays on all three motions with a single show of seconds.

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

Mr. DOLE. Madam President, I ask for the yeas and nays on all three.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the motion of the Senator from Illinois.

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

The assistant legislative clerk called the role.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in the family.

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

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—93

Adams	Garn	McClure
Akaka	Glenn	McConnell
Armstrong	Gore	Metzenbaum
Baucus	Gorton	Mikulski
Bentsen	Graham	Mitchell
Bond	Gramm	Moynihan
Boren	Grassley	Murkowski
Boschwitz	Harkin	Nickles
Bradley	Hatch	Nunn
Breaux	Hatfield	Packwood
Bumpers	Heflin	Pell
Burdick	Heinz	Pressler
Burns	Helms	Pryor
Byrd	Hollings	Riegle
Coats	Inouye	Robb
Cochran	Jeffords	Rockefeller
Cohen	Johnston	Rudman
Conrad	Kassebaum	Sanford
Cranston	Kasten	Sarbanes
D'Amato	Kennedy	Sasser
Danforth	Kerrey	Shelby
Daschle	Kerry	Simon
DeConcini	Kohl	Simpson
Dixon	Lautenberg	Specter
Dodd	Leahy	Stevens
Dole	Levin	Symms
Domenici	Lieberman	Thurmond
Durenberger	Lott	Wallop
Exon	Lugar	Warner
Ford	Mack	Wilson
Fowler	McCain	Wirth

NAYS—6

Biden	Chafee	Reid
Bryan	Humphrey	Roth

NOT VOTING—1

Bingaman

So the motion to lay on the table the amendment (No. 2523) was agreed to.

Mr. DIXON. Madam President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 2524

The PRESIDING OFFICER. The question is now on agreeing to the motion to table amendment 2524. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in the family.

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—81

Adams	Ford	Metzenbaum
Akaka	Fowler	Mikulski
Baucus	Glenn	Mitchell
Bentsen	Gore	Moynihan
Bond	Gorton	Murkowski
Boren	Graham	Nickles
Boschwitz	Gramm	Nunn
Bradley	Grassley	Packwood
Bryan	Harkin	Pell
Bumpers	Hatfield	Pryor
Burdick	Hollings	Reid
Burns	Humphrey	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Rudman
Cohen	Kasten	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Stevens
Dixon	Levin	Thurmond
Dodd	Lieberman	Wallop
Domenici	Lott	Warner
Durenberger	Mack	Wilson
Exon	McCain	Wirth

NAYS—18

Armstrong	Hatch	McClure
Biden	Heflin	McConnell
Breaux	Heinz	Pressler
Coats	Helms	Roth
Dole	Kassebaum	Specter
Garn	Lugar	Symms

NOT VOTING—1

Bingaman

So the motion to table the amendment (No. 2524) was agreed to.

Mr. DIXON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. NUNN. Madam President, I ask unanimous consent that the yeas and nays be vitiated on the third Roth amendment on which the yeas and nays had been ordered.

The PRESIDING OFFICER. Is there objection? Without objection, the yeas and nays are now vitiated.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The motion to table the amendment (No. 2525) was agreed to.

Mr. DIXON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2526

(Purpose: Relating to the conveyance by the Secretary of the Army of Fort A.P. Hill, VA)

Mr. WARNER. Madam President, I send to the desk a technical amendment to the bill and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Hearing none, the clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. Warner] proposes an amendment numbered 2526.

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

The Navy testers failed to inform the panel of major limitations in the testing and "significant" unresolved testing issues concerning the jammer, Vander Schaaf said.

According to Vander Schaaf, the transmittal of misleading information about the test results did not stop with the Navy. Instead, the panel of Pentagon communications experts informed the DAB before its decision that the Navy's top operational tester "fully supported" a decision to produce low quantities of the jammer, Vander Schaaf said.

But when questioned by IG investigators, the test commander said he did not back a low-rate production decision, Vander Schaaf said.

Despite the rosy test assessment, DAB members were aware of the ASPJ's problems when they decided to allow production of the first 100 systems, Vandar Schaaf said. The decision led to the award of $420 million in contracts to ITT Avionics and Westinghouse Electric Systems Group.

Internal Pentagon documents reveal that weeks before the DAB decision, two board participants, Deputy Secretary of Defense Donald Atwood and then-acting Under Secretary for Acquisition Michael Stone, considered killing the 14-year-old program.

Atwood recommended July 31, 1989 that the jammer be canceled if it did not demonstrate by this summer it can protect pilots in combat, according to an internal memo.

Atwood wrote to Stone, who is now secretary of the Army, that it was difficult to envision how the jammer could within a year demonstrate its effectiveness "given that the system has been in development [since 1976] and as yet has not proven out." Atwood also wrote it was mandatory that the program be canceled this year if it did not demonstrate its performance and reliability.

But according to the Navy's operational testing schedule it will be difficult to meet Atwood's deadline because the next round of exercises are not scheduled to begin until August 1991 and run through April 1992.

Navy Secretary Lawrence Garrett testified that he was confident in the service's ability "to manage satisfactorily the ASPJ program and successfully fulfill our requirement." Garrett said that the contract for the first 100 jammers "is always under scrutiny" and that the Navy was considering delaying award of a second contract for up to 127 more jammers until additional testing is completed.

Garrett said that ASPJ performance demonstrated during the early operational tests "was superior to any existing system in terms of the number and types of threats to which it responds. The performance can only improve from there."

In contrast. Stone warned Atwood last year: "There is clearly no doubt that the ASPJ has not satisfactorily met the criteria to proceed to low rate production . . . Despite a program that now goes back almost 13 years, system progress has been extremely slow and many enemy threats cannot be satisfactorily handled."

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, July 31, 1989.

Memorandum for Mike Stone.

Subject: Airborne Self Protection Jammer (ASPJ).

This is in response to your memorandum of July 25, 1989, relative to the Airborne Self Protection Jammer.

Your memorandum indicates that the program has been in development since March 1976, and to date it has not satisfactorily passed the tests established relative to cost, performance and reliability. This is a clear case of not meeting the exit criteria established for transition from the Full Scale Development Phase to the Production Phase. Therefore, it appears mandatory that one of two actions be taken:

1. Cancel the program.

2. Discontinue all production efforts and relegate the program to an effective test and evaluation activity. If the system demonstrates the required performance and reliability and is cost effective, then a production program could be initiated.

There is one alternative to the above which could be considered. This is based on the fact that the services feel that the system is essential and that it will ultimately meet the performance and reliability targets. If this is the case and can be demonstrated within a reasonable period (i.e. one year), then in order to maintain program continuity, it might be acceptable to proceed with a very *limited* production phase while test and evaluation is conducted.

However, it is difficult to see how this is realistic given that the system has been in development for 13 years and as yet has not proven out. If, in spite of this you decide to go ahead with a very limited production, then it must be mandatory that full demonstration of the performance and reliability be demonstrated within one year. If it is not, then the program must be cancelled.

DONALD J. ATWOOD.

Mr. PRYOR. Mr. President, I want to take a personal opportunity at this time to thank Kirk Robertson, on the Governmental Affairs staff who, for a period of 1 year, has tracked this system, who has found the savings of several million dollars in this system and who has also, in working with the minority and majority staffs, come up, we think, with a very good solution.

I want to thank Kirk Robertson, and I want to thank both of the managers for accepting what I believe to be acceptance of this amendment.

Mr. President, I have nothing further. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2549) was agreed to.

AMENDMENT NO. 2550

(Purpose: To Improve the Process for Base Closures and Realignments)

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

The PRESIDING OFFICER. Without objection the pending amendments are set aside.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] (for himself, and Mr. FORD, Mr. CRANSTON, Mr. MCCONNELL, Mr. LAUTENBERG, and Mr. SHELBY), proposes an amendment numbered 2550.

Mr. BUMPERS. 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 appropriate place in the bill, insert the following:

CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS

(a) FORCE-STRUCTURE PLAN AND TERMINATION OF OPERATIONS INSTALLATIONS OUTSIDE THE UNITED STATES.—(1) The Secretary of Defense shall formulate a force-structure plan for the Armed Forces of the United States based on an assessment by the Secretary of the probable threats to the national security in the five-year period ending September 30, 1996, and of the anticipated levels of funding that will be available for national defense purposes during such period. Such plans shall include, without any reference directly or indirectly to military installations inside the United States that may be closed or realigned under such plan—

(A) a description of such assessment;

(B) a description (i) of the anticipated force structure during and at the end of such period for each military department (with specifications of the number and type of units in the active and reserve forces of each such department), and (ii) of the units that will need to be forward based (with a justification thereof) during and at the end of such period;

(C) a description of the anticipated implementation of such force-structure plan; and

(D) the plan described in paragraph (2).

(2) The Secretary shall formulate and implement a plan for reducing and terminating military operations by the United States at installations outside the United States.

(b) REPORTING REQUIREMENT.—(1) As part of the request for authorizations of appropriations for fiscal year 1992, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the force-structure plan formulated pursuant to subsection (a)(1);

(B) a description of the actions carried out and to be carried under subsection (a)(2), including a list of the installations outside the United States at which military operations by the United States will be reduced or terminated and an estimate of the extent of each such reduction;

(C) a legislative proposal containing (i) a fair process, as described in paragraph (2)(A), by which military installations inside the United States could be selected for closure and realignment as part of the implementation of the force-structure plan referred to in subsection (a)(1), and (ii) the policy referred to paragraph (2)(B); and

(D) a proposal for assistance (including worker retraining and economic conversion assistance) for individuals and communities that will be adversely affected economically by the closure or realignment of military installations inside the United States under such force-structure plan, including recommendations for any legislative action that the Secretary determines is needed to provide such assistance.

(2) The legislative proposal referred to in paragraph (1)(C) shall provide—

(A) administrative procedures and a methodology which result in a fair and non-partisan process for selecting military installations inside the United States for closure or realignment solely on the basis of objective criteria designed to achieve effectively and efficiently the military objectives of the Department of Defense contained in the force-structure plan transmitted under paragraph (1). The Secretary is urged to consult with Congress on a bipartisan basis as he develops his legislative proposal.

(B) A policy ensuring the prompt environmental restoration of all property that will become excess to the needs of the Department of Defense as result of a military in-

stallation inside the United States being selected for closure or realignment.

(3) The proposal for economic assistance referred to in paragraph (1)(D), in addition to providing for economic assistance generally to individuals and communities adversely affected economically by the closure or realignment of a military installation, shall provide for appropriate economic assistance to State and local governments that made expenditures in reliance on, and in support of, Federal plans to establish or continue to operate a military installation that was not opened or was selected for closure.

(c) MILITARY INSTALLATIONS INSIDE THE UNITED STATES.—(1) None of the funds available to the Department of Defense may, except as provided in paragraph (4), the expended (whether obligated before the date of enactment of this act or not) to—

(A) identify, through any transmittal to the Congress or through any other public announcement or notification, any military installation inside the United States as a installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(B) close or realign any military installation inside the United States.

until specifically authorized by law during the 102nd Congress or until September 30, 1991, whichever occurs first.

(2) None of the funds appropriated pursuant to authorizations in this Act may be obligated or expended, except as provided by paragraph (4), to initiate any study necessary to meet the requirements of section 2687 of title 10, United States Code, or the National Environmental Policy Act that are applicable to the closure or realignment of military installations.

(3) In providing for the repair and maintenance of facilities at military installations inside the United States during fiscal year 1991, the Secretary of Defesne and the Secretaries of the military departments shall, except as provided in paragraph (4), expend an amount during such fiscal year, with funds appropriated for operation and maintenance pursuant to authorizations made by this Act and with other funds that may be available for such purpose for such fiscal year, for repair and maintenance at each such installation equal to not less than 50% of the average annual amount expended for repair and maintenance of facilities at the installation concerned during fiscal years 1985 through 1989.

(4) Paragraphs (1), (2), and (3) shall not apply to—

(A) Closures and realignments carried out under title II of Pubic Law 100-256; and

(B) closures and realignments to which section 2687 of title 10, United States Code, is not applicable.

(d) PROHIBITION AND REMEDIAL ACTION.—(1) The provisions of the transmittal to the Congress by the Secretary of Defense, dated January 29, 1990, identifying certain military installations as candidates for closure, and the provisions of any other proposal (whether transmitted to the Congress or not) developed during the year ending on the date of the enactment of this Act with respect to identifying military installations for closure, shall not be used as the basis for any decision concerning the assignment of mission, personnel, or resources to any installation identified in such provisions.

(2) The Secretary of Defense—

(A) shall review all actions taken during the year ending on the date of the enactment of this Act with regard to any installation identified in any provision referred to in paragraph (1); and

(B) shall take such steps as may be necessary to remedy the damage to such installations that has resulted from any such action.

(e) DEFINITIONS.—(1) For purposes of this section—

(A) the term "military installation" means a base, camp, post, station, yard, center, homeport facility or any ship, or any other activity under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility, except that such term shall not include any facility used primarily for civil works, rivers and harbor projects, or flood control projects;

(B) the term "United States" means the several States and the District of Columbia; and

(C) the term "realignment" has the meaning given such term by section 2687(e)(3) of title 10, United States Code.

(2) Section 2687 of title 10, United States Code, is amended—

(A) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) any realignment with respect to any military installation referred to in paragraph (1) that would result, during any two-year period, in a reduction of more than 1,000 in, or by more than 50 percent of, the number of civilian personnel authorized to be employed at such military installation at the beginning of the two-year period concerned; or"; and

(B) in subsection (e)(3), by striking out "includes" and inserting in lieu thereof "means".

(3) For the purpose of making determinations with respect to closures and realignments carried out on or after the date of the enactment of this Act, the amendment made by paragraph (2)(A) shall be applied to include reductions of civilian personnel occurring during any two-year period beginning after the date that occurred two years before the date of the enactment of this Act.

(E) CLARIFYING AMENDMENT.—Section 2687(e)(1) of title 10, United States Code, is amended by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jursdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility,".

Mr. BUMPERS. Mr. President, this is the so-called base closing amendment.

Mr. NUNN. Mr. President, would the Senator yield? Do we have a time agreement?

Mr. BUMPERS. We have 40 minutes equally divided. That is not a matter of record.

Mr. WARNER. Mr. President, I urge our colleague from Arkansas to reduce that amount of time.

Mr. BUMPERS. Perhaps we can. I would like to be accommodating. I may be able to yield time back, but I have two or three people who want to speak.

Mr. WARNER. Could we start with 30 minutes equally divided in the hopes that could be efficiently used and then determine in the course of the amendment if a few minutes are additionally required?

Mr. BUMPERS. I would rather do it the other way. We are going to spend 10 minutes here arguing.

Mr. NUNN. May I suggest we have a 30-minute time agreement with 20 minutes on his side and 10 minutes on the opposition.

Mr. BUMPERS. I will buy that in a New York minute.

Mr. NUNN. I ask unanimous consent there be a period for 30 minutes on the Bumpers amendment, 20 minutes managed by Mr. BUMPERS, and 10 minutes managed by the managers of the bill, with no second-degree amendments, and with a vote to occur on expiration of the time on or relation to the amendment.

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

Mr. BUMPERS. This amendment is characterized as the base closing amendment. I hope that a number of colleagues who are not on the floor are watching this debate because I consider it a very serious one. I hope they do too.

Most people know that back in January of this year, Secretary Cheney sent us a list of bases that he proposed to close. On the face of it, there is absolutely nothing wrong with that. He was complying with the law. He did what he had the authority to do.

Under present law, he would come back after the first of the year and formalize these, along with an environmental statement, and say these are the bases I am going to close.

Nobody, we have debated this in a small way earlier in the day, no Senator, no Congressman likes to get a military establishment closed in his State.

As I said earlier today, the late Senator JACKSON used to say he wished he did not have any bases in his State because he got no credit for getting them, and he got all the flak for losing them.

But I will tell you something. Having said that, you are dealing with human trauma. You are dealing with people's jobs, their livelihood. This is not an amendment that says you cannot close bases. Everybody in this audience, everybody in the Senate, and the Congress knows we have to close bases.

What we are talking about is how are we going to close them? What kind of an environmental impact statement, what kind of criteria?

Mr. President, after Secretary Cheney submitted his list of bases that he proposed to close over here, a study was done. I invite your attention to the results of that study. The study showed that 99 percent—I repeat 99 percent—of the 44,000 civilian jobs that would be lost happened to be in Democratic congressional districts.

Mr. President, I cannot speak for Navy and Marine Corps or Air Force, but 60 percent of the Army bases in this country are in Democratic districts; 59 percent of the membership of the U.S. House of Representatives is Democratic; and here we have 99 percent of 44,000 jobs to be eliminated under the Secretary's base closing proposal in Democratic districts.

Some people came up to me today and said, "maybe there are just more bases there." I just gave the statistics showing you that the number of Army bases is almost identical to the number of percentage Democrats in the House. Do you know what the statistical chances of that happening by coincidence are? One in 244. Do you want to hear the rest of the story? I invite my friends on the other side of the aisle to indulge me in something that is not meant in any way as a reflection on them. I am not sure if the Secretary of Defense were a Democrat, it would not have turned out the very opposite.

But in addition to 21 base closures, there are 14 realignments. What is that? That is where you take men, planes, tanks, airplanes, from one base and transfer them to another. So we find that not only in the 21 bases closures are 99 percent of the jobs in Democratic districts, but how many of these people who are being transferred to other bases do you think are going to bases where it is a Republican district? You guessed it, Mr. President; 87 percent.

Some of us may not be "broke out with brilliance," as we say back home, but you do not have to be a rocket scientist to know this did not happen by coincidence.

So, Mr. President, what this amendment does is say, Mr. Secretary, we have a problem with this. We are not really shaming you or anything like that. And I know that you are going to say, Mr. Secretary, there they go again; they say they want to cut defense spending, but you try to cut a little military base in their State, and they squeal like a pig under a gate.

Do you know what? Since that list was submitted to Congress, President Bush has said that three times. Well, yes, I am squealing like a pig under a gate. If I am going to lose a base, I want to lose it on the criteria that Congress has set up, on an environmental impact statement, on an economic impact statement; but, above all, Mr. President—and this is where I invite my distinguished friends from the other side of the aisle to join me on this, and forget politics for a moment—the U.S. Congress is entitled to know in these very dramatic times when we are cutting down on manpower, cutting down on weaponry, the people of the Congress and people of the United States are entitled to know what is our force posture going to be: what is our force structure going to be for the next 5 years? And then once you tell us that, Mr. Secretary, you can go back, and on September 30 of next year you can submit another list of bases. But we do not want a list from you, Mr. Secretary, that is highly suspect on a political basis, without us even being privy to what our force structure is going to be over the next 5 years.

People may come in here and they may defeat this. But I will tell you one thing, the people of this body, you take the politics out of it and assume there is not a single base in a single Senator's district being closed, and this amendment which says do not go running off and closing bases that we may want left open because we think they make good military sense. So give us your force structure, then submit us a list, and we will consider it.

Mr. President, incidentally, I ask unanimous consent that Senator HOLLINGS be added as a cosponsor.

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

Mr. BUMPERS. Mr. President, I am not trying to slow down the process. Speed is just fine with me, if we are going to do this. But I want this to be done in a fair and impartial manner.

I have some other things I want to say on this amendment later on. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. SHELBY. Mr. President, I rise today in support of the amendment of the Senator from Arkansas. I believe that this amendment would place an element of fairness into the current base closure process.

While Secretary Cheney is certainly within his rights to propose or recommend the closure or realignment of military facilities, it seems to this Senator that the list that was received as part of the fiscal year 1991 defense budget was put together in a haphazard fashion, with little thought to economic or environmental effect. Moreover, this latest list was put together without any real coordination within the services.

Fort McClellan, in my home State, is a perfect example of such an activity. I have found through many conversations with DOD and Department of Army officials, as well as through testimony before the Readiness Subcommittee of the Armed Services Committee that little or no thought was given to the environmental impact of the closure of this military facility. Instead, a decision seems to have been based solely on the size of the base.

The Alabama delegation came in possession of the memo that was the basis by which a decision was made. When asked, however, who was the author of such a memo, no officials within the Department of the Army would claim authorship. What we were left with was a decision to propose closure, but no one willing to tell us who made the decision.

The Bumpers amendment would put some sanity into this process. It allows for a more coordinated effort to be made before any further actions are taken on this or any new list that might be presented to Congress. I would have preferred a 2-year moratorium, instead of a moratorium of 1 year. However, the House has a similar provision in its bill that calls for 2-year period. Thus, adoption of this amendment would allow for a much better position in conference with the House than we currently maintain.

Mr. BUMPERS. Mr. President, I yield 3 minutes to my distinguished colleague from Kentucky, Senator FORD.

Mr. FORD. Mr. President, I rise in strong support of the Bumpers amendment on base closure and realignment. We have to bring some order to these proceedings, Mr. President, we must have a set and impartial procedure for establishing candidates for closure—if for no other reason than to avoid the air of capriciousness that surrounds the Cheney list of January.

I want to give you one case in point, that of the Louisville Naval Ordnance Station [NOSL], which embodies two of the major criticisms of the Cheney list. First, there have been allegations, backed up by headcounts, that over 90 percent of the installations targeted for closure are in Democratic districts. Such is true of the Naval Ordnance Station; it is in the district of my friend RON MAZZOLI who, as a Democrat, has represented his district since 1970. Congressman MAZZOLI had a hard primary this year from which he emerged victorious, but the inclusion of the NOSL on the new closure list played a role in his opponent's attack against him.

Second, other than for reason of politics, there is no apparent justification for the NOSL even being considered for closure. As Acting Secretary of the Navy for Shipbuilding and Logistics, Frank Swofford said, "I find Naval Ordnance to be a gold mine of skills and opportunity that doesn't exist elsewhere." It is a unique installation which performs work done nowhere else in the world. When the guns on Navy ships run into trouble, as in the cse of the USS *Iowa*, the Navy calls the Navy Ordnance Station. The NOSL is also the sole provider of overhaul and maintenance support for the Phalanx system, which is scheduled to remain in the Navy inventory for years to come, as well as for other weapons which will remain in use even though our active duty forces are being drawn down. Finally, the workforce at the NOSL is top flight and highly skilled; its performance is absolutely beyond reproach.

I do not see how the Navy can honestly justify closing the Louisville Naval Ordnance Station. In fact, through an internal Navy document obtained a few months ago by a House defense subcommittee, we have already seen evidence that it cannot. That document indicated it would cost the Government $201.8 million to close down the NOSL, while only $1 million a year would be saved in the closure process. What kind of a hot deal is it that would take over 200 years to be realized?

The case of the Louisville Naval Ordnance Station is precisely why, Mr. President, we are so in need of the Bumpers amendment. We need a proc-

ess which will guarantee that the next round of candidates for closure and realignment is politically impartial and that these bases really are no longer needed in the new defense environment. The Bumpers amendment will provide just that and I urge my colleagues to support it.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, I rise in strong opposition to this amendment. Every night, just about, the Secretary of Defense is on national television trying to defend his actions in cutting back military personnel. The proposed plan by the President is 25 percent over 5 years, many of them being forced out against their will.

Every night, the Secretary is explaining how he has to cancel this contract and that contract. And now we are about to handcuff him and not allow him in an orderly way of managing, sizing down the Department of Defense and to leave all of the bases and installations in the various States of the Members of Congress.

Mr. President, the Senate Armed Services Committee, in its bill this year, carefully laid down some 12 pages here of guidelines by which base closures, installations, and the like should be eliminated from the future defense budgets.

I hope that the Members will not slip into this trap, as I call it, with no disrespect to my good friend, to really obviate the necessity of even putting this section in our bill. It would basically postpone it for 2 years, and allow us to stand back here and get the criticism from the American public that we are beginning to protect our own interests because we cannot face up to the fact that a reasonable management of this department requires at the same time we reduce people, the same time we reduce contracts, the same time as we reduce O&M and steaming hours and flying hours, and today we were able to curtail a pay raise, all of these steps to, in an orderly way, reduce the size of our Defense Establishment and sit back here and preserve as hallowed ground the bases and installations until the Members of Congress can cease to quarrel about it.

I hope the Members of this body will see through this amendment and it will not be accepted.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, while the Senator from Virginia is still on his feet, first of all I would like to say this does not postpone anything for 2 years. This amendment is not precisely the amendment that is in the House version. This says that the Secretary will submit a 5-year force structure to us, and that he will on September 30, 1991, just a little over a year from now, or when the 102d Congress changes the law and dictates otherwise; whichever is first, submit his base closures.

I want to correct the record on this. It is not a 2-year delay or moratorium for 2 years. I have two questions for the Senator from Virginia.

On page 295 of the committee report, the last paragraph, it says that:

> The committee anticipates that the Department will be providing the Congress a number of base closure decisions next year with the submission of the fiscal year 1992-1993 budget request. The committee expects that these decisions will be accompanied by a full description of the Department's 6-year force structure and basing plan for fiscal years 1992-1997. This long term force and base structure plan, addressing both domestic and overseas installations, will be essential to Congressional review of the Secretary's closure decisions. The committee serves notice that, absent a long term force and base structure plan accompanying recommended base closures, it will be impossible for the committee to adequately assess closure recommendations by the Department.

That is in the committee report. I ask the Senator, does he agree with that?

Mr. WARNER. Mr. President, it is important, and I agree with it.

Mr. BUMPERS. The Senator should vote for my amendment, because all it does is codify what he said. The words, there is nothing mandatory here. You say the committee anticipates; the committee expects; the committee serves notice. The Secretary can thumb his nose at that, and you are powerless to do anything about it.

I am saying to the Secretary, you will do these things because they make good military sense; they make good economic sense.

Mr. WARNER. Mr. President, the time is short, and I will defer to the chairman momentarily.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield myself time.

The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. WARNER. The schedule laid down in the proposed amendment by the Senator from Arkansas simply would not enable many of these things to be accomplished for a period of 2 years. I say to my good friend, I just think it is a management handcuff that the Secretary of Defense does not need at this critical time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I agree with some of the points the Senator from Arkansas has made. I think the Secretary would have been well advised instead of announcing a list of bases to be closed to have formed another commission, which worked so well on the last commission where Congress was basically in on the act and was assured that the commission that was going to look at these bases was going to be a nonpartisan commission composed of people who had the respect of both sides of the aisle so that we could take politics out of it.

That is the reason that Base Closing Commission report was approved by the Congress, even though there was some 88 bases closed, or something of that nature. There were a lot of people who got hurt in that, a lot of communities that got hurt, but Congress accepted it. It was not even a close vote, because they thought it was fair and impartial.

The Secretary of Defense and I had a conversation last November. My advice to him was then when he told me he knew there were going to more bases that had to be closed, I agreed with him that there would be and advised him to go back to the same route we did before with the Base Closing Commission. I am sure for his own good reasons he thought that was not the way to go, and he went the other direction.

The result is we have a whole lot of communities now that think their bases are going to be closed, with a whole list of bases being closed, and with charges of tremendous bias and partisanship in the entire exercise.

I have to say, frankly, that I have not looked at the details of the list. I have not looked at whether it is a Democratic district or Republican district. I know the Senator from Arkansas has taken a closer look at this, and I trust his analysis is correct.

Our committee is going to have to get into this, but I urge all of our colleagues, do not tie the hands right now of the Secretary of Defense to the point that we are saying to the whole country: We are going to reduce defense force structure 25 percent over the next 5 years, but for the next 2 years we are putting a moratorium on, and you cannot do anything about military bases.

We all know that certain installations have to be closed, but as I understand the Bumpers' amendment, it would not allow any kind of identity or identify through any transmittal to Congress, or any other public announcement or notification to any military installation of the United States as an installation to be closed or realigned.

It would not allow the closing or realignment of any military installation, and it would not even allow the study, initiating a study necessary to meet the requirements of the National Environmental Policy Act. That is the way I read it.

Mr. President, I just believe this amendment goes too far. I think we would be putting the situation in almost an absurd position where we know we are reducing force structure; we know we are reducing expenditures in the military; we know we are pulling back forces in bases around the world. And we simply have to be willing to make some changes.

I hope this amendment will not be agreed to. I just think our colleagues ought to recognize the things the Secretary already has to do under existing law. Under existing law, the bases that he wants to close, he first has to send

up in a budget. He has done that. Then he has to send up in a subsequent budget six reports. That means next year, he will have to send up six reports relating to these bases. He cannot do anything before that.

It is not like anything is going to happen in the next 6 months; it is not. He has to send up an economic report as to the economic affect; he has to send up an operational report; he has to send up an environmental report; he has to send up a local fiscal report; he has to send up a budgetary report; and he has to send up a strategic report.

After that, Congress has 30 calendar days, or 60 legislative days—30 days or 60 days—to react. So Congress has the ability to react in that time. In addition to all of that, the only way you can close any bases is to seek appropriations from the Congress to close the base. We would have to fund the base closures.

There is no appropriation being requested now to close these bases. That will come next year. If the Secretary does not change his mind on these bases, he will ask for appropriations. Without the money, he cannot close the bases.

So setting up this additional 2-year or 1-year—whatever it is—moratorium saying they cannot initiate or even study it just seems to me goes too far. We are going to be in conference on this proposal because the House has passed something very similar to this, and I would say that in the conference we are going to have some time to work on it and perhaps to come up with something more like a commission.

So the Senator raises a legitimate point, but if this provision is put on the Senate bill tonight, there will not be any flexibility in Congress. This will be the law. We are basically going to be saying to the Secretary of Defense and executive branch: Reduce military expenditures by billions of dollars. We are cutting your budget $25, $26 billion, but you cannot even study closing a base.

I think that would be not only counterproductive, I think it would really send a signal to the American people that the Congress has a lot of rhetoric in terms of cutting defense expenditures, but when it comes down to the base structure, we are not willing to make any adjustments.

I would have to close by saying that, while I am against this amendment, I can assure the Senator from Arkansas that whatever we come out of conference with will be aimed to prevent bias and partisanship in any kind of final package of bases to be closed. I can assure him that we will not be permitting that in any kind of base package that comes out of our committee. I am sure it will not be permitted on the appropriations bill; and I am sure it will not be permitted when we have an appropriation requested for base closure. We are not going to see a Secretary of Defense under a Republican administration pinpoint Democratic bases all over the United States and exempt Republican bases and close Democratic bases. I am not charging he is doing that because I have not been able to analyze it. I have not, frankly, had time. But I can assure you that is not going to happen in the final analysis.

I urge this amendment be defeated.

Has all time expired?

The PRESIDING OFFICER. The managers have 30 seconds. The Senator from Arkansas has 6 minutes, 13 seconds.

Mr. NUNN. Mr. President, when the Senator from Arkansas is prepared, we will yield back the remainder of our time.

Mr. BUMPERS. Mr. President, I want to point out to the Senator, and I think he already knows this, the Senator from Georgia heard my statistics on what we consider to be the political aspects of this, did he not?

Mr. NUNN. I did.

Mr. BUMPERS. Can the Senator tell me whether or not he could go with me to Blytheville, AR, and speak to roughly 25,000 people there with those statistics and say to them that this has been a very closely studied proposition and we have decided that our force structure, which we do not know yet what it is going to be, demands that we close and realign these bases, and it is a sheer coincidence that 99 percent of these jobs just happen to be in Democratic districts and the fact that 87 of the jobs in realignment go to Republican districts. Please do not think that is political now; I am sorry about your getting hurt in this.

Do you think you could go do that with a straight face, I ask the Senator?

Mr. NUNN. No, I do not and I would not.

MR. BUMPERS. I thank the Senator for that.

Let me make one additional observation.

Incidentally, I ask unanimous consent that my colleague, Senator PRYOR, be added as a cosponsor.

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

Mr. BUMPERS. We are not just handcuffing the Secretary. Incidentally, contrary to what the Senator from Georgia has said, we are not prohibiting him from studying this. We are prohibiting him from transmitting the list prior to September 30, 1991, just a little over a year away. I am telling you the reason we are doing this is precisely the reason the Armed Services Committee asked for the same thing in their committee report.

All in the world this amendment does is codify almost precisely the language of the committee report of the Armed Services Committee saying we expect the Secretary to do this, we anticipate the Secretary will do this, and we are serving notice on the Secretary that if he does not, we are going to have a close look at it and we will say, in light of the numbers that are so palpably suspicious, we are telling you to do it, we are not giving you any option.

And if we do not do that, Mr. President, we are the ones, Congress is the one that is handcuffed. We are saying Mr. Secretary, you can make the most blatantly political decision you want, but we are going to stick with the law which gives you the right to do that. We are going to handcuff ourselves and say, Mr. Secretary, do it to us again as often as you want because we are not going to change the law. We love it.

Mr. President, when it comes to handcuffing people we are handcuffing ourselves. We should say to the Secretary of Defense, Mr. Secretary, this just smells too badly.

Now, this does not cost anything, Mr. President. The money for closing bases has to be appropriated, as the chairman has correctly said. But we all know that you save nothing from closing a base. For example, at Eaker Air Force Base in my State, you do not save a dime until 5 years after you close it. And the truth of the matter is not a single base on the Secretary's list saves a dime in less than 2 to 3 years, none of them, and some of them much longer.

Mr. President, I am saying here is a fair way to address this. I want to say to all good friends on the other side of the aisle, please be patient. This is not meant as any reflection on you. But I can promise you that if you were in our shoes, you would be raising the same kind of Cain I am raising here tonight.

I want to say to all of you who breathed a sign of relief because your base was not on there, this is just the tip of the iceberg. If you let the Secretary get by with this tonight, you will get another list next year and another list the next year. So do not anybody think because you dodged the bullet this time you are going to dodge another.

Does the Senator from Delaware wish to speak?

Mr. BIDEN. Yes.

Mr. BUMPERS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has remaining 1 minute and 45 seconds.

Mr. BUMPERS. I yield to the Senator from Delaware for 1 minute.

Mr. BIDEN. Mr. President, I strongly support the efforts of the Senator from Arkansas.

Mr. BUMPERS. Mr. President, mea culpa. I made a mistake and I apoligize to the Senator from Georgia. This does include a study—

None of the funds appropriated pursuant to authorizations in this Act may be obligated or expended, except as provided by paragraph (4), to initiate any study necessary to meet the requirements.* * *

I am prepared to modify the amendment. I will tell you that it is too late to do that, but I am prepared to tell

the Senator from Georgia that he certainly, if this should prevail, has my permission, and I hope the permission of the Senate, to strike that part of the provision because I think he certainly ought to have a right to have a study before he could make a decision.

Mr. NUNN. I would say that is in conflict. Does the Senator from Arkansas want him to make this study?

Mr. BUMPERS. Absolutely.

Mr. NUNN. I always felt it probably almost unconstitutional, if not unconstitutional, if not unenforceable, to tell anybody in the executive branch that they cannot study something.

Mr. BUMPERS. That is like telling somebody they cannot pray.

Mr. President, I hope the Members of the Senate will not misunderstand anything I said or consider it a reflection on any one of them, but I think we will be making a very bad mistake if we allow this proposal of the Secretary to stand.

Mr. WARNER. Mr. President, I think in fairness we ought to allow the Senator to modify the amendment.

Mr. BUMPERS. Mr. President, all of our time is up.

Mr. WARNER. I am quite certain the managers will prevail in the vote.

Mr. BUMPERS. If the managers are willing, I ask unanimous consent that we have a quorum call for, say, 2 minutes in order to allow me to modify that part of the amendment.

Mr. NUNN. I have no objection to that.

The PRESIDING OFFICER. Is there objection. Hearing none, it is so ordered.

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

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

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

Mr. HEFLIN. Mr. President, I rise in support of Senator BUMPERS' amendment on base closing.

In my own State, Fort McClellan, the home of the U.S. Army Chemical School, is on Secretary Cheney's list. Even though it is the only facility in the United States where live agent training may be performed, the Department of Defense recommended this base be closed without considering alternative locations for its mission.

Mr. President, the Department of Defense did not use a rational plan when determining which bases to close. When I questioned Secretary Cheney and asked him for a copy of the study used, he could not provide one.

Mr. President, I believe this course of action is foolish. Though I certainly hope tensions in the Middle East will ease, we must continue to be prepared for the worst. In the past, Iraq has used chemical weapons, not only against Iran, but also against members of their own population. I am certain they will not hesitate to use these chemical weapons again. In view of our vital interest in the area, I am proud soldiers in our Army have been training to meet this treat. They received this vital training at Fort McClellan. But in its rush to close bases, the Defense Department suggested the fort without investigating whether it would be feasible to move this training facility to another location.

I am sure this is just one case out of many. We must take action to ensure the DOD takes time to review its decisions on base closure before it takes action. I therefore urge my colleagues to support Senator BUMPERS' amendment. Thank you Mr. President.

BASE CLOSINGS

Mr. CRANSTON. Mr. President, I rise today as a cosponsor of this amendment which would create a more equitable process for base closings, a process which would be driven by the changes we will be making in our force structure.

As one who has called for deep cuts in defense spending over the next decade, I am well aware that bases in this country, and perhaps even in my State, will be closed.

However, I am deeply troubled by the political way in which Secretary Cheney has proceeded with this next round of potential closures and realignments. Rather than proceeding with an independent commission, as we had in the last round of closures, the Defense Department leaked a list of candidate bases for closure to deflect attention from the fiscal year 1991 budget.

I understand that there were some questions about the last base closure commission and the criteria it used to close bases. Those bases were to be closed primarily on cost savings grounds. Although cost savings are always a primary consideration, we are now closing bases for very different reasons. We are closing bases as a result of changes in our force structure and reductions which make many of our bases irrelevant.

We need a base closure process which is based on broader assessments about our force structure needs. We need a process which looks at all of our bases, not just the few that may have been considered during a previous round, as I suspect is how this latest list was put together. And we need a process which is nonpartisan.

Eleven of the twenty one bases proposed for closure are from my State of California—over 50 percent of the bases on the list, yet only 12 percent of all domestic bases are actually in California. Eight of these facilities are Navy facilities. If we actually go through with these closures, and there are rumblings from the Navy would be pulling out of northern California. We would be closing one of the most efficient and profitable naval shipyards, the Long Beach Naval Shipyard. And we would be leaving many unanswered questions.

I have noted a common theme in many of the communities around the bases in California, "We understand why bases are being closed, we just don't understand: why this particular base?" When I asked Secretary Cheney and Navy Secretary Garrett this question, their answers were sorely lacking: DOD said that the Navy chose the bases, and the Navy said that DOD made them put together a list. We need a process which can provide answers to these questions for the dedicated men and women who serve in these facilities.

Mr. President, one final word to my colleagues who do not have bases on the latest list, and who may be disinclined to support a process to close bases. This is only the beginning. There are more closures down the road. it is imperative that we step back and set in place a process to ensure that bases are closed in a manner which reflects our defense needs and is implemented in a nonpartisan fashion.

Mr. BIDEN. Mr. President, I strongly support the Bumpers amendment regarding future base closures. His amendment is a common sense approach to the base closure process.

This amendment is not designed to prevent base closures; far from it. Everyone recognizes that more base closures are coming—no one doubts that. Given the major troop reductions that will be made over the next few years, it is obviously logical that base closures will follow.

But let's not kid ourselves—the process of closing military installations in this country has long been a political football—in both Democratic and Republican administrations. That's why we couldn't close any bases for over a decade until we created the commission in 1988.

The amendment before us is a sound approach to this difficult problem. It defers base closures until the Secretary of Defense formulates a force-structure plan for the next 5 years. It directs the Secretary to submit a proposal for a process by which domestic bases could be closed. And it prevents the Pentagon from "bleeding" bases—not spending construction money that Congress has appropriated—which it is only considering for closure.

I commend the Senator from Arkansas for his amendment. I urge my colleagues to support it.

Mr. BUMPERS. Mr. President, I modify my amendment. I hope this is consistent. I believe it is. I modify my amendment to strike paragraph (c)(B)(2); to strike that paragraph. Under the title "Military Installations Inside the United States."

The PRESIDING OFFICER. The amendment is so modifed.

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following:

CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS

(a) FORCE-STRUCTURE PLAN AND TERMINATION OF OPERATIONS, INSTALLATIONS OUTSIDE THE UNITED STATES.—(1) The Secretary of Defense shall formulate a force-structure plan for the Armed Forces of the United States based on an assessment by the Secretary of the probable threats to the national security in the five-year period ending September 30, 1996, and of the anticipated levels of funding that will be available for national defense purposes during such period. Such plan shall include, without any reference directly or indirectly to military installations inside the United States that may be closed or realigned under such plan—

(A) a description of such assessment;

(B) a description (i) of the anticipated force structure during and at the end of such period for each military department (with specifications of the number and type of units in the active and reserve forces of each such department), and (ii) of the units that will need to be forward based (with a justification thereof) during and at the end of such period;

(C) a description of the anticipated implementation of such force-structure plan; and

(D) the plan described in paragraph (2).

(2) The Secretary shall formulate and implement a plan for reducing and terminating military operations by the United States at installations outside the United States.

(b) REPORTING REQUIREMENT.—(1) As part of the request for authorizations of appropriations for fiscal year 1992, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the force-structure plan formulated pursuant to subsection (a)(1);

(B) a description of the actions carried out and to be carried under subsection (a)(2), including a list of the installations outside the United States at which military operations by the United States will be reduced or terminated and an estimate of the extent of each such reduction;

(C) a legislative proposal containing (i) a fair process, as described in paragraph (2)(A), by which military installations inside the United States could be selected for closure and realignment as part of the implementation of the force-structure plan referred to in subsection (a)(1), and (ii) the policy referred to paragraph (2)(B); and

(D) a proposal for assistance (including worker retraining and economic conversion assistance) for individuals and communities that will be adversely affected economically by the closure or realignment of military installations inside the United States under such force-structure plan, including recommendations for any legislative action that the Secretary determines is needed to provide such assistance.

(2) The legislative proposal referred to in paragraph (1)(C) shall provide—

(A) administrative procedures and a methodology which result in a fair and non-partisan process for selecting military installations inside the United States for closure or realignment solely on the basis of objective criteria designed to achieve effectively and efficiently the military objectives of the Department of Defense contained in the force-structure plan transmitted under paragraph (1). The Secretary is urged to consult with Congress on a bipartisan basis as he develops his legislative proposal.

(B) A policy ensuring the prompt environmental restoration of all property that will become excess to the needs of the Department of Defense as the result of a military installation inside the United States being selected for closure or realignment.

(3) The proposal for economic assistance referred to in paragraph (1)(D), in addition to providing for economic assistance generally to individuals and communities adversely affected economically by the closure or realignment of a military installation, shall provide for appropriate economic assistance to State and local governments that made expenditures in reliance on, and in support of, Federal plans to establish or continue to operate a military installation that was not opened or was selected for closure.

(c) MILITARY INSTALLATIONS INSIDE THE UNITED STATES.—(1) None of the funds available to the Department of Defense may, except as provided in paragraph (4), be expended (whether obligated before the date of enactment of this Act or not) to—

(A) identify, through any transmittal to the Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(B) close or realign any military installation inside the United States,

until specifically authorized by law during the 102nd Congress or until September 30, 1991, whichever occurs first.

(2) In providing for the repair and maintenance of facilities at military installations inside the United States during fiscal year 1991, the Secretary of Defense and the Secretaries of the military department shall, except as provided in paragraph (4), expend an amount during such fiscal year, with funds appropriated for operation and maintenance pursuant to authorizations made by this Act and with other funds that may be available for such purpose for such fiscal year, for repair and maintenance at each such installation equal to not less than 50 percent of the average annual amount expended for repair and maintenance of facilities at the installation concerned during fiscal years 1985 through 1989.

(3) Paragraphs (1), (2), and (3) shall not apply to—

(A) closures and realignments carried out under title II of Public Law 100-526; and

(B) closures and realignments to which section 2687 of title 10, United States Code, is not applicable.

(d) PROHIBITION AND REMEDIAL ACTION.—The provisions of the transmitted to the Congress by the Secretary of Defense, date January 29, 1990, identifying certain military installations as candidates for closure, and the provisions of any other proposal (whether transmitted to the Congress or not) developed during the year ending on the date of the enactment of this Act with respect to identifying military installations for closure, shall not be used as the basis for any decision concerning the assignment of mission, personnel, or resources to any installation identified in such provisions.

(2) The Secretary of Defense—

(A) shall review all actions taken during the year ending on the date of the enactment of this Act with regard to any installation identified in any provision referred to in paragraph (1); and

(B) shall take such steps as may be necessary to remedy the damage to such installation that has resulted from any such action.

(e) DEFINITIONS.—(1) For purposes of this section—

(A) the term "military installation" means a base, camp, post, station, yard, center, homeport facility or any ship, or any other activity under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility, except that such term shall not include any facility used primarily for civil works, rivers and harbor projects, or flood control projects;

(B) the term "United States" means the several States and the District of Columbia; and

(C) the term "realignment" has the meaning given such term by section 2687(e)(3) of title 10, United States Code.

(2) Section 2687 of title 10, United States Code, is amended—

(A) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) any realignment with respect to any military installation referred to in paragraph (1) that would result, during any two-year period, in a reduction of more than 1,000 in, or by more than 50 percent of, the number of civilian personnel authorized to be employed at such military installation at the beginning of the two-year period concerned; or"; and

(B) in subsection (e)(3), by striking out "includes" and inserting in lieu thereof "means".

(3) For the purpose of making determinations with respect to closures and realignments carried out on or after the date of the enactment of this Act, the amendment made by paragraph (2)(A) shall be applied to include reductions of civilian personnel occurring during any two-year period beginning after the date that occurred two years before the date of the enactment of this Act.

(f) CLARIFYING AMENDMENT.—Section 2687 (e)(1) of title 10, United States Code, is amended by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility,".

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

The Senator from Virginia.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. NUNN. Does the Senator from Arkansas desire the yeas and nays?

Mr. BUMPERS. Yes, I do, Mr. President.

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.

Mr. WARNER. Mr. President, I move to table.

Mr. BUMPERS. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays are now ordered on the motion to table by the Senator from Virginia. The question is on agreeing to the motion of the Senator from Virginia.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN] is absent on official business.

I also announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in the family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

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

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—43

Baucus	Fowler	McClure
Bond	Garn	Murkowski
Boschwitz	Gorton	Nickles
Bradley	Grassley	Nunn
Bryan	Harkin	Packwood
Burns	Hatch	Pressler
Chafee	Hatfield	Robb
Coats	Helms	Roth
Cochran	Humphrey	Rudman
Cohen	Jeffords	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Wallop
Dixon	Lott	Warner
Durenberger	Lugar	
Exon	Mack	

NAYS—54

Adams	Graham	Mikulski
Akaka	Gramm	Mitchell
Bentsen	Heflin	Moynihan
Biden	Heinz	Pell
Breaux	Hollings	Pryor
Bumpers	Inouye	Reid
Burdick	Johnston	Riegle
Byrd	Kennedy	Rockefeller
Conrad	Kerrey	Sanford
Cranston	Kerry	Sarbanes
Daschle	Kohl	Sasser
DeConcini	Lautenberg	Shelby
Dodd	Leahy	Simon
Dole	Levin	Simpson
Domenici	Lieberman	Specter
Ford	McCain	Thurmond
Glenn	McConnell	Wilson
Gore	Metzenbaum	Wirth

NOT VOTING—3

Armstrong	Bingaman	Boren

So the motion to lay on the table the amendment (No. 2550), as modified, was rejected.

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

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

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Georgia [Mr. NUNN].

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Arkansas [Mr. BUMPERS].

Mr. NUNN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been previously ordered. The question is on agreeing to the amendment of the Senator from Arkansas.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in the family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

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

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—43

Akaka	Heinz	Moynihan
Biden	Hollings	Pell
Breaux	Inouye	Reid
Bumpers	Johnston	Riegle
Burdick	Kennedy	Rockefeller
Byrd	Kerrey	Sanford
Conrad	Kerry	Sarbanes
Cranston	Kohl	Sasser
Daschle	Lautenberg	Shelby
DeConcini	Leahy	Simon
Dodd	Levin	Specter
Ford	Lieberman	Thurmond
Glenn	McConnell	Wilson
Gore	Metzenbaum	
Heflin	Mikulski	

NAYS—54

Adams	Durenberger	Mack
Baucus	Exon	McCain
Bentsen	Fowler	McClure
Bond	Garn	Mitchell
Boren	Gorton	Murkowski
Boschwitz	Graham	Nickles
Bradley	Gramm	Nunn
Bryan	Grassley	Packwood
Burns	Harkin	Pressler
Chafee	Hatch	Robb
Coats	Hatfield	Roth
Cochran	Helms	Rudman
Cohen	Humphrey	Simpson
D'Amato	Jeffords	Stevens
Danforth	Kassebaum	Symms
Dixon	Kasten	Wallop
Dole	Lott	Warner
Domenici	Lugar	Wirth

NOT VOTING—3

Armstrong	Bingaman	Pryor

So the amendment (No. 2550) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The manager, the Senator from Georgia, is recognized.

Mr. NUNN. Mr. President, I am about to propound a unanimous-consent request on the SDI amendments, and I hope the Senate will give me their attention.

Mr. President, I yield the floor. We can go ahead with the Moynihan dialog. I do not want to hold him up.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2551

(Purpose: To require the publication as parts of the President's annual budget statement an unclassified aggregate figure for expenditures on intelligence activities)

Mr. MOYNIHAN. Mr. President, on behalf of myself and Mr. SPECTER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself and Mr. SPECTER, proposes an amendment numbered 2551.

Mr. MOYNIHAN. 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 appropriate place insert:

Section 1105(a) of title 31 of the United States Code is amended to add at the end thereof—

(27) a separate, unclassified statement of the aggregate amount of budget outlays for the prior fiscal year for national and tactical intelligence activities. This figure shall include, without limitation, outlays for activities carried out under the Department of Defense budget to collect, analyze, produce, disseminate or support the collection of intelligence.

Mr. MOYNIHAN. Mr. President, the Founders of the United States were very emphatic when they came to the subject of money. The Congress would dispose of public funds and the public would monitor expenditures. Article I, section 9, clause 7 of the Constitution states:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; *and a regular Statement and Account of all Receipts and Expenditures of all public Money shall be published from time to time.*

There were many things that we sacrificed during the cold war. We compromised our commitment to international law by mining harbors. We compromised our commitment to free speech by excluding foreigners with "dangerous" opinions. But we also compromised our constitutional obligation to provide the American people with "a regular statement and account of the receipts and expenditures of all public money." Mr. President, the American people have never been told how much they are spending on intelligence activities. The figure for 1989 is just one of the literally 6,796,501 secrets created by the United States last year, and not shared with the American people according to the annual report of the Information Security Oversight Office.

Mr. President, I speak of the secrecy system. It withholds information from the American people. It protects intelligence errors, it protects officials from criticism. Even with the best of intentions the lack of public information tends to produce errors; the natural correctives—public debate, academ-

funds appropriated for National Guard counterdrug activities pursuant to a plan developed by the Governors of Southwestern States.

(4) The feasibility of coordinating National Guard activities and civilian law enforcement activities though the command, control and intelligence center of the United States Customs Service at Riverside, California.

(b) INTERAGENCY COORDINATION.—The Secretary shall carry out the study required by subsection (a) in consultation with the Commissioner of the United States Customs Service.

(c) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report containing the results of the study required by subsection (a) not more than 180 days after the date of the enactment of this Act. The Secretary shall include in the report the conclusions of the Secretary based on the the study together with such comments and recommendation as the Secretary considers appropriate.

MILKULSKI AMENDMENT NO. 2545

Mr. LEVIN (for Ms. MIKULSKI) proposed an amendment to the bill S. 2884, supra, as follows:

On page 302, line 25, strike out "$124,530,000" and insert in lieu thereof "$131,830,000".

DOLE AMENDMENT NO. 2546

Mr. GORTON (for Mr. DOLE) proposed an amendment to the bill S. 2884, supra, as follows:

FINDINGS.—The Senate makes the following findings:

(1) The United States and the Soviet Union are engaged in the Strategic Arms Reduction Talks (START).

(2) In the Joint Statement on the Treaty on Strategic Offensive Arms signed in June 1990, the two sides reaffirmed their determination to have the treaty completed and ready for signature by the end of this year.

(3) Under the provisions of a START Treaty, both sides will carry out significant reductions in strategic offensive arms.

(4) In the Joint Statement on Future Negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability, the United States and the Soviet Union agreed to pursue new talks on strategic offensive arms, and on the relationship between strategic offensive and defensive arms.

(5) The objectives of these negotiations will be to reduce further the risk of outbreak of war, particularly nuclear war, and to ensure strategic stability, transparency and predictability through further stabilizing reductions in the strategic arsenals of both countries.

(6) The President's effort to negotiate such agreements is dependent upon the maintenance of a vigorous research and development and modernization program as required for a prudent defense posture.

(7) The soviet Union has maintained a robust strategic modernization program throughout the course of the START negotiations which continues today.

It is the sense of the senate that—

(1) The Senate fully supports United States efforts to enhance strategic stability.

(2) The United States should pursue stabilizing strategic arms reduction agreements while maintaining a vigorous research and development and modernization program for United States strategic forces.

KERRY (AND OTHERS) AMENDMENT NO. 2547

Mr. KERRY (for himself, Mr. SIMON, and Mr. BUMPERS) proposed an amendment to the bill S. 2884, supra, as follows:

On page 16, between lines 14 and 15, insert the following new section:

SEC. 225. LIMITATION ON FUNDS FOR THE KINETIC ENERGY ASAT PROGRAM

Of the amounts appropriated pursuant to section 201, not more than $77,000,000 may be obligated for research, develoment, test, and evaluation in connection with the kinetic energy anti-satellite (ASAT) program.

CRANSTON (AND OTHERS) AMENDMENT NO. 2548

Mr. CRANSTON (for himself, Mr. KENNEDY, Mr. PELL, Mr. SANFORD, and Mr. SIMON) proposed an amendment to the bill S. 2884, supra, as follows:

At the end of title XI, add the following new section:

SEC. 1103. ANDEAN ANTI-DRUG EFFORTS.

(a) The Congress finds that—

(1) support for democratic process and civilian governance in Andean countries of Peru, Boliva, and Colombia, the first two of which have only recently emerged from periods of military rule, is a necessary precondition for the successful fight against narcotics production and traffic and long-term stability in that region;

(2) separation of military and civilian law enforcement functions has historically been a critical element in democracies around the world, including the United States;

(3) there is a need to determine whether existing U.S. policies unduly emphasize assistance to military entities rather than civilian law enforcement entities in the Andean antidrug effort and whether such policies might tend to undermine the dual long-term policy goals of the United States of stopping the traffic of drugs at their sources and the preservation of civilian control over the newly established democracies of this region; and

(4) there is a need to assess the impact that United States assistance in the Andean anti-drug effort will have on reducing drug activity and supporting democratic processes in this region.

(b)(1) Not later than 90 days after the date of enactment of this Act, the Secretary of State and the Secretary of Defense shall, in consultation with the Director of the Office of National Drug Control Policy, jointly submit a report to the Senate and the House of Representatives dealing current United States policies, anti-narcotics enforcement activities and associated training programs in the Andean region.

(2) Such report shall also include an analysis of the impact of the Andean countries' militaries' role in counternarcotics enforcement on democratic institutions in the region and how civilian institutions might be strengthened in order to assure the successful pursuit of antinarcotics strategy.

(3) Such report shall contain specific legislative recommendations as may be necessary to clarify and streamline United States assistance activities in order to avoid unnecessary duplications and contradictions in meeting United States policy goals in the Andean region.

PRYOR AMENDMENT NO. 2549

Mr. PRYOR proposed an amendment to the bill S. 2884, supra, as follows:

On page 7, between lines 6 and 7, insert the following:

SEC. 113. PROCUREMENT OF THE AIRBORNE SELF PROTECTION JAMMER.

(a) PROHIBITION ON USE OF FUNDS.—Funds appropriated pursuant to this Act may not be obligated or expended for the procurement of the Airborne Self Protection Jammer or of any component or spare part for the Air-borne Self Protection Jammer.

(b) BUDGET LINE ITEM REQUIRED.—If the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for fiscal year 1992 includes funds for the Airborne Self Protection Jammer program, the President shall specify in such budget the amount included for such program.

(c) LIMITATION RELATING TO MILESTONE III DECISIONS.—A decision to proceed with low-rate production of a second or subsequent lot of the Airborne Self Protection Jammer, or to proceed beyond low-rate production of the Airborne Self Protection Jammer, may not be made until the Director of Operational Test and Evaluation has certified to the Committees on Armed Services of the Senate and the House of Representatives that the Airborne Self Protection Jammer—

(1) has undergone thorough and effective operational testing; and

(2) has met or exceeded all operational test criteria.

BUMPERS (AND OTHERS) AMENDMENT NO. 2550

Mr. BUMPERS (for himself, Mr. FORD, Mr. CRANSTON, Mr. MCCONNELL, Mr. LAUTENBERG, Mr. SHELBY, Mr. PRYOR, and Mr. HOLLINGS) proposed an amendment, which was subsequently modified, to the bill S. 2884, supra, as follows:

At the appropriate place in the bill, insert the following:

CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS

(a) FORCE-STRUCTURE PLAN AND TERMINATION OF OPERATIONS INSTALLATIONS OUTSIDE THE UNITED STATES.—(1) The Secretary of Defense shall formulate a force-structure plan for the Armed Forces of the United States based on an assessment by the Secretary of the probable threats to the national security in the five-year period ending September 30, 1996, and of the anticipated levels of funding that will be available for national defense purposes during such period. Such plan shall include, without any reference directly or indirectly to military installations inside the United States that may be closed or realigned under such plan—

(A) a description of such assessment;

(B) a description (i) of the anticipated force structure during and at the end of such period for each military department (with specifications of the number and type of units in the active and reserve forces of each such department), and (ii) of the units that will need to be forward based (with a justification thereof) during and at the end of such period;

(C) a description of the anticipated implementation of such force-structure plan; and

(D) the plan described in paragraph (2).

(2) The Secretary shall formulate and implement a plan for reducing and terminating military operations by the United States at installations outside the United States.

(b) REPORTING REQUIREMENT.—(1) As part of the request for authorizations of appropriations for fiscal year 1992, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and

the House of Representatives a report containing—

(A) the force-structure plan formulated pursuant to subsection (a)(1);

(B) a description of the actions carried out and to be carried under subsection (a)(2), including a list of the installations outside the United States at which military operations by the United States will be reduced or terminated and an estimate of the extent of each such reduction;

(C) a legislative proposal containing (i) a fair process, as described in paragraph (2)(A), by which military installations inside the United States could be selected for closure and realignment as part of the implementation of the force-structure plan referred to in subsection (a)(1), and (ii) the policy referred to paragraph (2)(B); and

(D) a proposal for assistance (including worker retraining and economic conversion assistance) for individuals and communities that will be adversely affected economically by the closure or realignment of military installations inside the United States under such force-structure plan, including recommendations for any legislative action that the Secretary determines is needed to provide such assistance.

(2) The legislative proposal referred to in paragraph (1)(C) shall provide—

(A) administrative procedures and a methodology which result in a fair and non-partisan process for selecting military installations inside the United States for closure or realignment solely on the basis of objective criteria designed to achieve effectively and efficiently the military objectives of the Department of Defense contained in the force-structure plan transmitted under paragraph (1). The Secretary is urged to consult with Congress on a bipartisan basis as he develops his legislative proposal.

(B) A policy ensuring the prompt environmental restoration of all property that will become excess to the needs of the Department of Defense as the result of a military installation inside the United States being selected for closure or realignment.

(3) The proposal for economic assistance referred to in paragraph (1)(D), in addition to providing for economic assistance generally to individuals and communities adversely affected economically by the closure or realignment of a military installation, shall provide for appropriate economic assistance to State and local governments that made expenditures in reliance on, and in support of, Federal plans to establish or continue to operate a military installation that was not opened or was selected for closure.

(c) MILITARY INSTALLATIONS INSIDE THE UNITED STATES.—(1) None of the funds available to the Department of Defense may, except as provided in paragraph (4), be expended (whether obligated before the date of enactment of this Act or not) to—

(A) identify, through any transmittal to the Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(B) close or realign any military installation inside the United States,

until specifically authorized by law during the 102nd Congress or until September 30, 1991, whichever occurs first.

(2) In providing for the repair and maintenance of facilities at military installations inside the United States during fiscal year 1991, the Secretary of Defense and the Secretaries of the military department shall, except as provided in paragraph (4), expend an amount during such fiscal year, with funds appropriated for operation and maintenance pursuant to authorizations made by this Act and with other funds that may be available for such purpose for such fiscal year, for repair and maintenance at each such installation equal to not less than 50 percent of the average annual amount expended for repair and maintenance of facilities at the installation concerned during fiscal years 1985 through 1989.

(3) Paragraphs (1), (2), and (3) shall not apply to—

(A) closures and realignments carried out under title II of Public Law 100-526; and

(B) closures and realignments to which section 2687 of title 10, United States Code, is not applicable.

(d) PROHIBITION AND REMEDIAL ACTION.—The provisions of the transmitted to the Congress by the Secretary of Defense, date January 29, 1990, identifying certain military installations as candidates for closure, and the provisions of any other proposal (whether transmitted to the Congress or not) developed during the year ending on the date of the enactment of this Act with respect to identifying military installations for closure, shall not used as the basis for any decision concerning the assignment of mission, personnel, or resources to any installation identified in such provisions.

(2) The Secretary of Defense—

(A) shall review all actions taken during the year ending on the date of the enactment of this Act with regard to any installation identified in any provision referred to in paragraph (1); and

(B) shall take such steps as may be necessart to remedy the damage to such installation that has resulted from any such action.

(e) DEFINITIONS.—(1) For purposes of this section—

(A) the term "miliary installation" means a base, camp, post, station, yard, center, homeport facility or any ship, or any other activity under under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility, except that such term shall not include any facility used primarily for civil works, rivers and harbor projects, or flood control projects;

(B) the term "United States" means the several States and the District of Columbia; and

(C) the term "realignment" has the meaning given such term by section 2687(e)(3) of title 10, United States Code.

(2) Section 2687 of title 10, United States Code, is amended—

(A) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) any realignment with respect to any military installation referred to in paragraph (1) that would result, during any two-year period, in a reduction of more than 1,000 in, or by more than 50 percent of, the number of civilian personnel authorized to be employed at such military installation at the beginning of the two-year period concerned; or"; and

(B) in subsection (e)(3), by striking out "includes" and inserting in lieu thereof "means".

(3) For the purpose of making determinations with respect to closures and realignments carried out on or after the date of the enactment of this Act, the amendment made by paragraph (2)(A) shall be applied to include reductions of civilian personnel occurring during any two-year period beginning after the date that occurred two years before the date of the enactment of this Act.

(f) CLARIFYING AMENDMENT.—Section 2687 (e)(1) of title 10, United States Code, is amended by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility,".

MOYNIHAN (AND SPECTER) AMENDMENT NO. 2551

Mr. MOYNIHAN (for himself and Mr. SPECTER) proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place insert—

Section 1105(a) of Title 31 of the United States Code is amended to add at the end thereof—

(27) a separate, unclassified statement of the aggregate amount of budget outlays for the prior fiscal year for national and tactical intelligence activities. This figure shall include, without limitation, outlays for activities carried out under the Department of Defense budget to collect, analyze, produce, disseminate or support the collection of intelligence.

GLENN AMENDMENT NO. 2552

Mr. GLENN proposed an amendment to the bill S. 2884, supra, as follows:

On page 321, beginning on line 4, strike out all down through line 19 on page 323.

Redesignate sections 2811 through 2814 as sections 2809 through 2812, respectively.

THURMOND (AND OTHERS) AMENDMENT NO. 2553

Mr. THURMOND (for himself, Mr. LEVIN, Mr. SIMPSON, Mr. GRASSLEY, Mr. MACK, Mr. HELMS, Mr. DOMENICI, Mr. BUMPERS, Mr. DANFORTH, Mr. EXON, Mr. BURNS, Mr. HATFIELD, Mr. LUGAR, Mr. CONRAD, Mr. MCCONNELL, Mr. SIMON, Mr. D'AMATO, Mr. GRAHAM, Mr. NICKLES, Mr. PRYOR, Mr. PRESSLER, Mr. SPECTER, Mr. HEINZ, Mr. FOWLER, Mr. COATS, Mr. STEVENS, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. WILSON, Mr. MCCAIN, Mr. KASTEN, Mr. RIEGLE, Mr. DODD, Mr. LAUTENBERG, Mr. DURENBERGER, Mr. LEAHY, Mr. BAUCUS, Mr. BENTSEN, Mr. DIXON, Mr. BURDICK, Mr. FORD, Mr. BRYAN, Mr. HELFIN, Mr. MOYNIHAN, Mr. SASSER, Mr. ROTH, Mr. DOLE, Mr. KERREY, Mr. CRANSTON, Mr. DASCHLE, Mr. REID, Mr. ROCKEFELLER, and Mr. DECONCINI) proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place, add the following:

That chapter 11 of title 18, United States Code, is amended by—

(1) inserting between sections 219 and 223, the following new section:

"§ 220. Contingency fees in lobbying.

"(a)(1) It shall be unlawful for any person to make, with intent to influence, any oral or written communication on behalf of any other person other than the United States, to any department, agency, court, House of Congress, or commission of the United States, for compensation if such compensation has knowingly been made dependent—

"(A) upon any action of Congress, including but not limited to actions of either the House of Representatives or the Senate, or any committee or member thereof, or the

Do we want to be dependent upon foreign countries for our supply of textiles entirely? This is where we will be if the trend continues. We know where we are when we are so dependent on our oil supply. Let Members not let this happen to the textile industry. I urge my colleagues to support the textile bill next week.

HEISMAN TROPHY CANDIDATE AT BYU

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Madam Speaker, in 1984, when Brigham Young University captured the national football championship there were questions raised whether or not the Cougars were for real. One sportscaster referred to BYU at that time as "Bo-Diddily Tech." Even though they had beaten Pittsburgh, Texas, Air Force, and Michigan.

Even this year with Miami on the BYU schedule they figured the Hurricanes, with their legendary offense and defense, would cloud up and blow the Cougars all over the field. They figured the only question would be which quarterback would give a Heisman-type performance.

Madam Speaker, it was the Ty Detmer Show last Saturday on national prime time television. Ty and his no-name teammates put on a vintage BYU passing and defensive exhibition for the world to see and I simply want to say that I am proud of them all. Proud of the team, of their coaches, and of the school where I taught for 25 years.

Madam Speaker, the Brigham Young University Cougar football team is for real. Quarterback Ty Detmer is for real and I wholeheartedly endorse his candidacy for the Heisman Trophy this season.

□ 1010

THE BANK ACCOUNT SAFETY AND SOUNDNESS ACT

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute.)

Mr. ANNUNZIO. Madam Speaker, the crisis facing the bank insurance fund protecting deposits at our Nation's banks is rapidly reaching the point of no return.

I have been deeply troubled by the condition of the bank insurance fund. In the last 2 years, the fund suffered $5.1 billion in losses. Since 1986, the fund's reserves has declined by almost 40 percent. The FDIC could easily lose another $2 billion this year.

Yesterday, the GAO released a report echoing my concerns that the fund does not have enough money. The GAO warns that a recession "could exhaust the fund and require a taxpayer bailout." With economic indicators weakening, a recession is a very real possibility.

Madam Speaker, we must act to avert this catastrophe. The taxpayer should not be saddled with another bill for financial institution failure.

That's why I am introducing the Bank Account Safety and Soundness Act. This bill will require banks to put and maintain 1 percent of their deposits into the bank insurance fund. This bill will pump an immediate $25 billion into the bank insurance fund, and protect the American taxpayer by placing banks' money between the fund and the taxpayer. The inflow of money will also reduce the deficit by $25 billion in the process.

Madam Speaker, the time for the Bank Account Safety and Soundness Act is now.

DEFENSE SPENDING MUST BE CUT TO GET BUDGET AGREEMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, pensions are underfunded, savings and loans are belly-up, and the General Accounting Office has now warned that with one major bank failure, the Federal deposit insurance of this Nation will be wiped out.

I am hearing all this fancy talk, and Madam Speaker, let me say to the Members that the Reagan experiment is over. America is technically bankrupt today, and Congress must cut defense spending.

Let us tell it like it is. Let us not make Hussein into something he is not. Let us let the world protect the world from Hussein, we will help, but let us not let Hussein become another reason for a glut for the Pentagon.

Everybody in this country can see it. It is awfully bad when the economic analysts say that the bookkeeping system at the Pentagon is best described as "multiple choice."

Madam Speaker, let us cut defense spending. That is what it is going to take to get the President that budget agreement.

INTRODUCTION OF THE COLA EQUITY ACT

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Madam Speaker, I have been notified by the military coalition that a proposal is circulating in the budget summit that would eliminate any cost-of-living adjustment for military retirees under age 62, while maintaining a COLA for recipients of Social Security.

COLA policy should be equitable, but this discriminatory proposal singles out one group of retirees which is patently unfair. The same basic COLA policy should apply to those who retire under all Government-sponsored retirement programs, whether they are Federal/military retirees or Social Security recipients.

I oppose a COLA freeze that singles out any particular group.

There is no reason why we can't design a budget resolution that will treat all retirees equitably while achieving the Gramm-Rudman deficit target at the same time.

I have introduced legislation that would ensure fair treatment for military and civilian Federal retirees. The COLA Equity Act—H.R. 5403—would provide equitable cost-of-living adjustments across the board for both 1990 and 1991.

SUPPORT URGED FOR FIVE-POINT PLAN ON BASE CLOSING

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Madam Speaker, last night, in this Chamber, President George Bush spoke some common sense to the joint session of Congress and the American people. He said:

> The world is still dangerous. Surely that is now clear * * * This is no time to risk America's capacity to protect her vital interests.

The President is right. This is no time to risk America's capacity to protect her vital interests by gutting the military bases and defense installations of this country. And this is no time to risk America's capacity to protect her vital interests for partisan politics.

Today, on this floor, we will see a fight over a section of the 1991 Defense authorization bill, the five-point plan, which outlines a fair base closing and realignment process based on rational defense strategy. There will be an effort to support a partisan plan developed by the Secretary of Defense without any basis in rational defense strategy. That plan targets 95 percent Democratic districts and 99 percent Democratic civilian jobs. That plan would close Fort McClellan, AL, in my district—the home of the Army's chemical school and the only place in the country where our soldiers can train with live chemical agents such as those that Saddam Hussein is aiming at our young men and women in the Middle East.

I would like to point out that nowhere have I called for saving Fort McClellan because of its importance to our community, and at no time have we complained because the budget cuts, which we know are coming, will affect Alabama. What I do maintain is that Fort McClellan and the other bases should get a fair hearing, and that the base-closing process should be based on rational defense strategy.

Many of us have formed what we call "The Fairness Network" to fight

for those objectives, and you will be hearing from them this morning and throughout this debate.

Madam Speaker, I ask our colleagues to heed the President's request—"This is no time to risk America's capacity to protect her vital interests." Reject gutting our bases. Reject partisan politics. Vote for a rational defense strategy and fairness. Support the five-point plan in the Defense authorization bill.

THE END DOES NOT JUSTIFY THE MEANS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Madam Speaker, in June President Bush announced plans to defer oil and gas development in certain environmentally sensitive waters off Florida's coast. That decision reflected a reasonable balance between protecting our national security and preserving our national resources.

With the volatile situation continuing to unfold in the Middle East, there has been speculation that the balance has changed—that national security needs dictate that we open up even the most environmentally sensitive waters to look for oil. In this case, they say, the end justifies the means.

But what end will we really be achieving?

Will we end dependency on foreign oil if we drill off the coast of southwest Florida? No. Most likely we end up with only a few days' supply of oil.

Will we be closer to a national strategy for conserving energy and developing alternate energy sources if we expand drilling along the Florida coast of the Gulf of Mexico? No. On the contrary, a search for more oil will most likely just increase our national appetite for it—at a time when President Bush has asked us to conserve.

It seems to me that we can count on only one thing if we change course in Florida waters at this point—and that is the enormous potential for destruction of some of our Nation's most treasured coastal resources.

Madam Speaker, we don't need bad environmental policy—what we need is to develop sound energy policy. It's time we got on with it.

PRISON EMPLOYMENT ACT OF 1990

(Mr. NEAL of Massachusets asked and was given permission to address the House for 1 minute.)

Mr. NEAL of Massachusetts. Madam Speaker, I am today introducing a measure designed to address problems posed by the rapidly growing Federal prison population. This bill—The Prison Employment Act of 1990—will maximize the number of jobs created for Federal prisoners and thus help to avoid discipline problems that accompany idleness among prison inmates.

This measure will insure that Federal prison industries, which employs Federal inmates and manufactures goods for sale to the Federal Government, only enter to expand production in labor intensive industries, so that it can create the maximum number of new jobs for Federal prisoners. In the past, Congress has mandated that FPI create jobs in labor intensive industries. This measure helps define labor intensive.

My goal is to create guidelines for UNICOR, the Federal Prison Industries Co., which will help that agency create jobs for prisoners without putting workers and companies out of business. Many companies across this country depend on Federal Government contracts to survive. A great many of us in this House are concerned about the possibility of UNICOR cornering the market in some areas and doing damage to companies, both small and large. My bill will direct UNICOR to enter and expand in labor intensive industries and only to a reasonable level.

Madam Speaker, I believe this legislation will go a long way toward ending the conflict between UNICOR and private industry. It is a reasonable approach that will create jobs for prisoners while protecting the jobs of many working Americans. I urge all of my colleagues to take a look at this measure and join me by cosponsoring this important bill.

□ 1020

IN OPPOSITION TO JUDICIARY COMMITTEE CRIME BILL

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Madam Speaker, do you believe that the death penalty should be an option for a jury when someone kills through the mailing of a bomb intended for some unhesitating recipient? I do. If you do, you cannot support the crime bill that is being brought to the floor by the Judiciary Committee. You can vote for that and not cover that situation.

Do you favor the death penalty for someone who throws a bomb into a mass of people at a railroad depot or an airport? If you do, you cannot vote for the crime bill that purports to provide the death penalty that is shortly coming to the floor. If you believe the death penalty should apply to these heinous crimes, then you must support the substitute that we are going to be offering which will cover the death penalty possibilities in all these very vicious serious cases about which we have been crying all these years.

So I ask you to look very carefully at this. The crime bill, although it says it has the death penalty, covers only such a modicum of circumstances as to be in opposition of the general application of the death penalty.

Support the Bush proposal substitute that we will be offering and then you will be on proper grounds.

THE PRESIDENT'S BUDGET POLICY

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Madam Speaker, we all know how important it is to reach a deficit agreement and how devastating sequestration would be. Most everyone in this body hopes that the leadership of Congress and the White House can come to a real agreement on the deficit. That is why the President's speech was troubling.

Despite the muffling effect of conciliatory words, what the President said sets back, not forward, the cause of reaching an agreement. The President seemed to feel the best way to reduce the deficit was to cut taxes on the wealthy, whether they be rich individuals or big oil companies. After all, tax rates on the rich have only gone down from 71 to 28 percent in the last 20 years.

The President seems to feel that despite the fact that the Saudis and others are paying for most of the costs of Desert Shield that we still need an increase in the defense budget. This is a budget where more than half of the spending, far more than half, goes to the increasingly obsolete notions of nuclear destruction and preventing the Warsaw Pact from invading Western Europe.

Finally, the President seems to feel that most of the cuts should come from such places as Medicare, programs that working and middle income people struggle for. These are the same people who are paying an increasing share of the tax burden.

Madam Speaker, much as many of us want an agreement and are willing to make concessions and compromises to get to it, if the President insists on the proposal he outlined last night, it is hard to see in good conscience how this side of the aisle can support it.

The President's speech, while sincerely issued, sets back the cause of a budget compromise.

INCREASING AMERICA'S COMPETITIVENESS

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Madam Speaker, last night the President said that first, the Congress should, this month, enact growth-oriented tax measures, to help avoid recession in the short term; and to increase savings, investment, productivity, competitiveness for the longer term. These measures include extending incentives for research and experimentation; expanding the use of individual retirement accounts for new

CREATION OF NONPARTISAN COMMISSION TO CLOSE MILITARY BASES NEEDED

(Mr. ATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINS. Madam Speaker, 2 years ago I supported legislation to create a nonpartisan commission to close obsolete military bases. I did so despite the fact that my district contains two major military installations and despite the fact that one of those installations, Fort Devens, has been targeted for closure on almost every single Pentagon hit list since the early 1970's.

Madam Speaker, I supported this legislation because I have always argued that we could achieve savings by reducing the number of military bases. The base closing decision should be based on the merits of each individuals base and on a sensible force structure strategy rather than on the arbitrary whims on whoever controls the White House. I feel the same way today.

Madam Speaker, that is why I oppose Secretary Cheney's efforts to pick and choose which bases to close himself strictly on political criteria, and that is why I support the Aspin-Schroeder-Browder five point plan to close bases rationally.

There is far too much at stake to allow base closing decisions to be based on factors other than national security and cost effectiveness. Despite the crisis in the Persian Gulf, we can make major cuts in Pentagon spending, and we can continue to close obsolete bases at home and overseas. I am willing to take my chances again with the two bases in my district, but only if base closing decisions are made in a rational and objective manner and in keeping with a coherent defense strategy.

THE PRESIDENT'S ADDRESS TO CONGRESS

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Madam Speaker, the President of the United States spoke to Congress and the Nation last night. He defined with clarity his purpose and intentions for the benefit of America and the world. He clearly acknowledged, however, that our foreign policy, and our direction is clearly subservient to the will of the American people, and that any policies that we follow must meet with their approval. Whether or not we prevail in any confrontation is contingent upon the support of the citizens of this Nation. That is our constitutional process, and we must follow it.

The new thinking in the globe has allowed for a new world order in which the United States is a leader, but other nations must bear the burden of responsibility as well. We cannot afford to pay for all of the world's problems. We have enough problems with our domestic budget. Our own domestic economy is in difficulty, and we must come up with a sensible deficit reduction plan. Raising taxes, especially in these times when the economy is weakening, is not a prescription for growth and economic health. Our constituents have spoken, and they want us to take the President's advice and do what is right.

KEEP NEW BASE CLOSURE LANGUAGE IN THE DEFENSE BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Madam Speaker, last night, just a few feet from where I am standing, the President of the United States came before us, and the world, and talked about a changing world order, a world order in which we might have prospects for greater peace, prospects for greater coordination and cooperation among the superpowers; and, where there are conflicts, they would be regional and be dealt with conventionally. That is exactly where the Naval Ordnance Station, Louisville, KY, comes in. Ironically, Naval Ordnance Station, which supplies many of the systems now being used by the Navy in the Persian Gulf, is on the Pentagon's hit list for possible closure or realignment.

Madam Speaker, this, I think, suggests the fallacy and the unfitness of the current existing law for base closure and realignment. We need a new law: one premised on a careful study of national defense; one carefully studying the force requirement; and, one which is fair and equitable.

That, Madam Speaker, is exactly the program put forth by the gentleman from Wisconsin [Mr. ASPIN], the gentlewoman from Colorado [Mrs. SCHROEDER], and the gentleman from Alabama [Mr. BROWDER] in their base closure amendment.

So, when the House deals with base closure later today, I ask my colleagues to oppose the amendment of the gentlewoman from Illinois, and support the Aspin-Schroeder-Browder amendment. That process will yield a fair and equitable procedure for base closure.

FORGIVING THE EGYPTIAN DEBT: WHAT WILL THE FOLKS AT HOME SAY?

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Madam Speaker, there is a proposal floating around the Halls of Congress to forgive the military debts of Egypt. As most of my colleagues know, Egypt's debt estimate ranges from $6.7 billion to over $8 billion by the end of fiscal year 1990 depending on applied interest and penalties.

I ask the Members of this Chamber, how will we be able to face the American people if we, the Congress, forgive this debt? The American people who have been asked to bail out the S&L's. The American military and Federal retirees who face a possible COLA freeze. The American people who are Federal workers facing possible furloughs. The working people of America who are having trouble making house payments. The waitress who is being hasseled by the IRS over her tips. The list goes on and on.

Mr. Speaker, I certainly recognize the role Egypt has played in the Persian Gulf crisis, but haven't we committed thousands of American lives in the gulf partially to save their bacon. How can we justify forgiving billions of dollars at the expense of United States jobs when we don't offer to forgive debts of the American people. We may find ourselves in a very precarious situation with other countries which owe the United States money. We can't afford this type of generosity. We must get our own house in order financially with prudent fiscal decisions. I ask my colleagues to make the right decision and not support forgiving Egypt's military debts.

SUPPORT FOR THE ASPIN FIVE-POINT PLAN

(Mr. ANDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON. Madam Speaker, I rise today in support of the Aspin-Schroeder-Browder base closing language in the 1991 defense authorization bill. Later today, an attempt will be made to strike this language from the bill and return us to the unfounded, partisan list of base closures released by Secretary of Defense Cheney in January. I urge my colleagues to vote against this approach.

The five-point plan contained in the defense bill is a sound, tested, and bipartisan approach to base closings. With the decline in the defense budget, there will have to be corresponding cuts in our base infrastructure. This language is the best way to approach these cuts fairly and effectively. The language in the defense authorization bill simply requires the Secretary of Defense to come forth with a long-range, 5-year force structure plan which will be the foundation for base closures. To this point, the Secretary of Defense has put the cart before the horse by suggesting base closings with no corresponding military strategy or force structure requirements.

The Aspin-Schroeder language places the decisionmaking process of base closing into the hands of a bipartisan commission that can examine this issue outside of the limelight and

political pressures. In 1988, we saw just how effective this method of base closures and realignment can operate. This expert and rational approach will best serve the Nation's base needs in the years to come. It is the only way bases will be closed in this country and the only way they will be closed in a smart, fair manner.

I urge your support of the five-point plan. Defeat the other proposal.

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AMERICANS ENTITLED TO KNOW HOW AND WHY OF IRAQI CRISIS

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Madam Speaker, last night President Bush did a masterful job of tapping the righteous outrage that we all feel toward Saddam Hussein's naked aggression. But over the last several days, facts have emerged that cast doubt on the accepted wisdom about events before and since the Iraqi invasion of Kuwait.

Fact: We were not blindsided by the Iraqi invasion. The CIA knew in early July that units of battle-ready Iraqi forces were amassing along the Kuwaiti border.

Fact: Despite Saddam Hussein's ominous actions before the invasion, the United States continued to take a friendly stance toward Iraq.

On July 25, our Ambassador responded to Saddam Hussein's threat that he would consider anything less than a rise in oil prices by Kuwait as a death threat of Iraq. The United States, knowing that he had amassed over 100,000 troops on the border, said, "We understand your need for new revenues."

It is time, Madam Speaker, that we deal with the facts, that on the same date the United States Ambassador to Iraq told the Iraqi Government that the United States was not interested in becoming enmeshed in an "Arab-Arab conflict."

Fact: In early and mid-July, President Bush and Saddam Hussein exchanged friendly cables, despite our knowledge of Iraqi troop movements along the Kuwaiti border.

Madam Speaker, did we really follow a policy of appeasement up until the invasion, only to have a change of heart immediately thereafter, after miscalculating just how far Hussein wanted to go? Did we set up Saddam Hussein, leading him to believe that we would not oppose his aggression and then pouncing on him? The costs of our involvement in the Persian Gulf are very likely to rise, both in human and economic terms.

Madam Speaker, it is time for the United States to raise the question whether or not we have pursued a diplomatic solution as rigorously as possible The American people are entitled to know just how and why we are involved in the crisis in the gulf.

WORKING PEOPLE POWER GROWTH ENGINE OF AMERICA

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Madam Speaker, a few moments ago a Member described the proposal to forgive [illegible] debt as if it was a congressional proposal. President Bush wants to forgive Egypt's debt. He said, let us forget it, $7 billion; let us just give it away.

Look, this country is choking on debt here at home. We cannot be giving away $7 billion abroad. We need our allies to start paying their fair share of defending the free world.

The President came to this Chamber last night and said, "Yes, we have got a debt problem here at home." And he said "Here is how I propose to solve it." He said, "What I want to do is increase defense spending, and I want to give tax cuts to the rich."

Madam Speaker, that is kind of a curious approach to solving this country's deficit problem. I wonder how one is going to reduce the Federal deficit by increasing the largest area of spending and by cutting tax revenues from those who earn the most in this country?

Mr. President, do you really think tax cuts for the richest of the rich, the millionaires and billionaires, are going to provide some stimulus to the American economy? Is their money now hidden in socks or under mattresses, that they will run and begin investing productively? Nobody believes that.

Mr. President, how about giving the working people in this country a little something to work with? America's economic engine is powered by the effort, the sweat, the daily commitment of the people in this country that work for a living. Growth economics does not rest on the shoulders of the rich. It is made possible by the efforts of the rest.

Mr. President, pay a little attention to the rest. Give us an economic policy that really works, an economic plan that really will reduce the Federal deficit. That is what will put America back on track.

AMERICAN ALLIES MUST CONTRIBUTE FAIR SHARE TO DESERT SHIELD

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Madam Speaker, our major allies are not assuming their share of responsibilities in carrying out Operation Desert Shield.

In a recent ABC news poll, 89 percent of Americans said U.S. allies should help pay at least part of the cost of our military operations in the Middle East. Eighty-nine percent is not just a majority, it is near unanimity.

Today I am introducing legislation to convince our allies that the Congress supports the American people in demanding more assistance from them. This measure would impose an additional 25 percent duty on imports from countries which the President determines are not contributing sufficiently to Desert Shield.

America has a direct interest in protecting the Middle East oil upon which we depend so greatly. However, our major allies, especially Japan, depend on Middle East oil just as much as we do. It is time for these nations to get off the sidelines and take part in defending their own interests, and this legislation will send this message loudly and clearly.

DEMOCRATIC LEADERSHIP SHOULD PERMIT SERIOUS DEBATE ON REMOVING BURDEN OF PAYING FOR DEFENSE OF EUROPE AND JAPAN

(Mr. BRYANT asked and was given permission to address the House for 1 minute and to revise and extene his remarks.)

Mr. BRYANT. Mr. President, Mr. Speaker, you and your designates are now busy in a budget summit to decide what taxes should be raised on the American people and how much their Medicare should be cut in order to lower the deficit. But the biggest single item in our budget is the $170 billion we are spending every year to subsidize the defense of Europe and Japan. Forty-five years after World War II, this is ridiculous, and it is unnecessary.

Now we read that the Japanese and the Europeans are not really willing to share the cost of defending their principal source of oil in the Middle East. It is time we woke up and started the budget balancing process by telling the Europeans and Japanese that it is time for them to pay for their own defense, and it is time for us to use the tax dollars of the American people for the benefit of the American people. It is time for the Democrats in this House to ask their own leadership, and I am talking about the Speaker of the House, this question: why will you not permit a serious debate on removing the burden of paying for the defense of Europe and Japan in this House and in this defense authorization bill that is coming up, rather than the 10-minute debate on watered-down substitute versions of burden sharing that we are going to be permitted to consider in the debate today?

CONGRESS SHOULD NOT COMPROMISE BASE CLOSING PROPOSALS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Madam Speaker, as we witness the continued dramatic changes occurring in Eastern Europe and the Middle East and other places around the world, we are also witnessing changes in our United States defense policy, changes that are calling for a rapid response, for more mobility among our troops, and for other changes that were not foreseen by defense planners in years past.

Madam Speaker, I want to applaud the foresight of the Committee on Armed Services in the bill that is going to be brought up to this House today, for its thoughtfulness, reasoned, and fiscally sound approach to the idea of base closings. There will be attempts made today to compromise that plan, I believe to be offered by the gentlewoman from Illinois [Mrs. MARTIN]. I hope that Members will resist that effort and support the process that has been brought forward by the Committee on Armed Services to address these all-important questions.

THANK GOODNESS FOR LOW BLOOD PRESSURE

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Madam Speaker, I really liked the President's speech last night, for two main reasons: first, because of its stunning candor; and, second, because it was good for my health.

In speaking about who is going to pay the price of our curious military adventure in the Mideast, the President said, "We shall pay our share, and more."

I admire him for acknowledging that painfully obvious fact.

Second, I was born with low blood pressure. But despite that, I would have had a heart attack last night if the President had not requested one more tax break for the oil industry. He did. So here I am.

VOTE FOR THE COMMITTEE DEFENSE BILL

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Madam Speaker, in light of what is going on in the Middle East and an obvious need to redirect our policy in Europe, it is ludicrous that we are even here today discussing the possibility of closing Myrtle Beach AFB or any other domestic military base without the slightest indication from the Pentagon of what our force structure needs will be.

Like most Members of Congress, I am concerned that we take a good hard look at what our true defense challenges will be before we dismantle any bases. Especially in light of the events of the past month.

If anything, these events lend a tremendous amount of credence to what the House of Representatives has proposed to combat the current reckless base closing process.

Our five-point plan, first and foremost calls for a Pentagon assessment of the real threats to American security, such as regional conflicts, and to produce a long-term strategic plan.

Our plan also calls for closing domestic bases according to realistic military necessities.

Perhaps the most important part of the House five-point plan is that it would place a moratorium on the current process.

I believe this is our only option because we are facing an unknown future in our conflict in the gulf.

We all know we need savings from our defense budget.

But now, more than ever, we must step gingerly.

If our threats are not of superpower magnitude, then we must obtain our savings from those weapons systems designed for a superpower conflict.

Now is the time to truly consider putting in perspective strategic weapons such as star wars ASAT's and MX missiles where cuts may be made without sacrificing our national security interest.

I urge Members to vote for the committee bill and reject the Martin amendment.

JAPAN—PAY UP

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Madam Speaker, the August recess is over. Momentous events have occurred.

The eyes of the Nation and the world are on us to see how we can resolve the budget crisis, and how we will support the President in his efforts to restore stability to the Middle East.

October 1, we face a $100 billion sequester, which will adversely affect our military, our Federal workers, and beneficiaries of many critical programs, and yet our continental NATO allies refuse to commit ground troops to Saudi Arabia to protect their oil, and Japan also refuses to bear a sufficient share of this burden.

Japan once again is restraining in its support, trying hard to sit this one out.

We defend their oil—they defend their right to Buy America.

Japanese banks buy our T-bills, and we pay interest; Japanese banks loan our cities money, and we pay interest. Japanese private interests buy American assets. In August, the Japanese teed off on the famed Pebble Beach golf course—paying as much for it as their total offer to relieve the Iraq build up—and now Sunday Silence, the racing horse, is riding into the rising sun.

When we consider the defense budget—and contemplate the budget deficit, we must reorder our priorities. We cannot carry the world alone. It is time Atlas shrugged, and threw off some of the hangers on.

PRESIDENTIAL LEADERSHIP NECESSARY FOR CONSERVATION

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, we all applauded the President's speech last night. He represented Americas' firm resolve, and determination to stick with and to accomplish the task of ridding the Mideast of Saddam Hussein. He mentioned our energy dependence on the gulf, and mentioned the word "conservation" twice. But he failed even to begin to spell out an energy program.

Mr. Speaker, energy conservation does not fall from the skies when the morning mist burns off. It is a creation of government and people, and it demands Presidential leadership.

I have here an article from last Monday's issue of the Wall Street Journal. It answers the question, "How Japan became so energy efficient." It leaned on industry. The Japanese Government made some demands upon their industry. The Wall Street Journal article continues, "One clear lesson to learn from Japan is that forcing core industries to become more energy-efficient is one thing that government can do well." That is a very simple but very important message.

And the government can do great things in encouraging individuals to engage in conservation in those millions of decisions that take place every day. From Her Majesty, the Queen, Department of the Environment, 1974, I have a poster exhorting us to, "Use the amazing 'off' switch. Easy to operate. Dramatic savings in electric bills. Simply switch off when not needed. Switch off unnecessary lights." That is the message that Her Majesty, the Queen, sent her subjects in Britain. That is leadership.

I hope very much that the President of the United States will come to understand that he ought to be in the bully pulpit calling upon Americans to pull in their belts just a hitch to engage in an energy conservation program that will vastly lessen our dependence on Persian Gulf oil.

If oil, that black, viscous fluid, is important enough to spend 1 billion dollars of the taxpayers' money on, to send 100,000 of our troops abroad to broil in 120-degree desert heat, if it is

out of this hole we have to do away with the denial of the past and not pretend that we are not responsible, and put together a comprehensive energy policy, a nonproliferation policy and arms proliferation policy that can sufficiently, adequately, intelligently deal with the challenges of the 1990's. Otherwise we are doomed to repeat the past over and over again.

BASE CLOSINGS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, today I join several of my colleagues in bringing to the Nation's attention the fact that our Secretary of Defense wishes to close bases with great discrimination, and with little foresight. Right now, at Fort Monmouth in New Jersey, in my congressional district, workers who have been targeted by the Army for eventual elimination are working overtime. That's right. The Army says these workers are unnecessary, and yet they are working overtime.

We need to close obsolete bases, certainly, wasteful bases. What we do not need to do is take aim at bases like fish in a barrel. We need a plan, Mr. Speaker.

To win a war, you need a plan. To solve a deficit, you need a plan. To modernize our Army, we also need a plan.

Mr. Speaker, today the defense authorization bill provides such a plan. It provides a fairness process as it is called, and it should not be amended.

I simply ask that the Secretary of Defense formulate the larger picture. These are delicate times as we all know, and without fairness and foresight our military will remain ill-equipped in this new world.

WHO IS PROPOSING NEW TAXES?

(Mr. SOLOMON asked and was given permission to address the House for one minute.)

Mr. SOLOMON. Mr. Speaker, I waited until the end because I wanted to hear all of the 1 minute speeches from the other side of the aisle, some of which turned out to be 5 or 6 minutes. But briefly, let me just say that Members have heard the gentleman from Connecticut and others on the Democratic side complain that George Bush wants to raise taxes.

Mr. Speaker, I think the summiteers had better come back to Capitol Hill so the Democrats will know who is proposing what. Just in case they do not know, it is the Democrats who are proposing to raise the income taxes of middle America up to 35 percent. It is the Democrats who want to raise energy taxes 9 cents on a gallon of gasoline. It is the Democrats who want to put on an oil import tax to raise the home heating fuel costs in my State. It is the Democrats who want to raise the taxes by 2 percent on all of the energy, gas, and oil that is consumed in this country. And it is the Democrats who want to tax alcohol, tobacco, life insurance premiums, and telephones for senior citizens.

Let us get it straight. A majority of Republicans are not going to vote to increase any taxes. So let us get together and we will side with you. No taxes. Let us get the spending cuts in this country that we need.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 461 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 461

Resolved, That during the further consideration of the bill (H.R. 4739) to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels of fiscal year 1991, and for other purposes, no further amendment to the bill or to the amendment in the nature of a substitute, as amended, shall be in order except as specified by H. Res. 457 or the amendments designated in section 2 of this resolution. Said amendments shall be considered in the order and manner specified and shall be considered as having been read when offered. Each amendment may only be offered by the Member designated for such amendment in the report of the Committee on Rules accompanying this resolution, or in this resolution, or by his designee. Debate on each amendment made in order by this resolution shall not exceed the time specified in this report of the Committee on Rules, to be equally divided and controlled between the proponent and an opponent. Any period of general debate specified in this resolution, unless otherwise specified, shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. No amendment shall be subject to amendment except as specified in the report of the Committee on Rules. No amendment printed in the report of the Committee on Rules shall be subject to demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are hereby waived.

SEC. 2. It shall be in order to continue consideration of amendments as follows:

(A)(1) When the Committee on the Whole begins its consideration of H.R. 4739 pursuant to this resolution, it shall be in order to debate the subject of base closures for a period not to exceed forty minutes. It shall then be in order to consider the amendments relating to base closures printed in part 1 of the report of the Committee on Rules in the following order: (1) by Representative Martin of Illinois; and (2) by Representative Aspin of Wisconsin. If more than one of said amendments is adopted, only the latter such amendment which is adopted shall be considered as finally adopted and reported back to the House.

(2) Following disposition of said amendments, it shall be in order to debate the subject of the B-2 bomber for a period not to exceed forty minutes. It shall then be in order to consider the amendment printed in part 1 of the report of the Committee on Rules relating to that subject by Representative Skelton of Missouri.

(3) Following disposition of said amendment, it shall be in order to consider en bloc the amendments printed in part 1 of the report of the Committee on Rules offered by Representative Dickinson of Alabama.

(4) Following disposition of said amendment, it shall be in order to debate the subject of economic adjustment for not to exceed forty minutes, with ten minutes to be controlled by Representative Aspin of Wisconsin, with twenty minutes to be controlled by Representative Dickinson of Alabama, and with ten minutes to be controlled by Representative Oakar of Ohio. It shall then be in order to consider the amendments pritned in part 1 of the report of the Committee on Rules relating to that subject; (A) by Representative Mavroules of Massachusetts; and (B) a substitute therefor offered by Representative Hopkins of Kentucky.

(5) Following disposition of said amendments, it shall then be in order to consider the amendments printed in part 2 of the report of the Committee on Rules in the order and manner specified in the report. It shall be in order for the chairman of the Committee on Armed Services to offer one amendment en bloc, consisting of amendments and modifications in the text of any amendment which are germane thereto, printed in part 2 of the report of the Committee on Rules. Such amendments en bloc shall be considered as having been read, shall not be subject to amendment, or be subject to a demand for a division of the question in the House or in the Committee of the Whole. Such amendments en bloc shall be debatable for not to exceed twenty minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The original proponents of the amendments offered en bloc shall have permission to insert statements in the Congressional Record immediately before the disposition of the amendments en bloc. It shall be in order for the chairman of the Committee of the Whole to postpone for up to one legislative day recorded votes, if ordered, on any amendment considered under this paragraph until the conclusion of consideration on all the amendments printed in part 2. The Chair may reduce to a minimum of five minutes the period of time within which a recorded vote may be taken on all said amendments following the first vote in that series.

(B) It shall be in order for the chairman of the Committee on Armed Services, after giving at least one hour notice, and after consultation with the ranking minority member of that committee, to request the Chair to recognize for the consideration of amendment groups in an order other than that prescribed by H. Res. 457 or by this resolution.

SEC. 3. At the conclusion of the disposition of all amendments printed in the report of the Committee on Rules accompanying this resolution, no further amendments shall be in order and the question shall occur on the amendment in the nature of a substitute as amended. The Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments

against the threat of a large scale intercontinental ballistic missiles [ICBM's] attack launched from the Soviet Union. The dramatic changes in the political landscape of Eastern Europe and the Warsaw Pact have greatly reduced that threat. In fact, the Director of the Central Intelligence Agency [CIA], Judge Webster, has stated that the threat posed by the Soviet Union and the Warsaw Pact has irreversibly declined.

SDI will not help the United States to deal with the threats posed by the post-cold war international order. There have been suggestions that SDI can protect the United States against an attack from ballistic missiles launched from Iraq and other Third World countries. Such a claim is outrageous. Gen. George Monahan, former head of the Strategic Defense Initiative Organization [SDIO], stated before Congress that latest SDI Design, the so-called Brilliant Pebbles concept, would be unable to stop Third World missiles because they fly too low and for too short a distance for a space-based SDI to intercept them.

What SDI will do is frustrate arms control negotiations, abrogate the ABM treaty, and devour a staggering sum of money. By continuing the current SDI Program, we would spend $60 billion on a program without a purpose and help to undermine negotiations to reduce the threat of nuclear war.

Mr. Chairman, I urge my colleagues to vote for the Dellums-Boxer amendment to terminate this extremely expensive, ineffective, unnecessary, and destablizing weapons system.

Mr. BRENNAN. Mr. Chairman, as we enter a new era of defense requirements, one weapons program we can do without on such a grand scale is star wars. We are asked to continue spending billions on a system that won't perform as originally advertised.

President Reagan envisioned an astrodome-type shield that would protect Americans from nuclear attack. Seven years later, and billions of dollars squandered, we now know the system will not protect people, but our nuclear missiles.

If we are hard pressed to justify scarce dollars for defense, why are we spending money for a system that won't work? With the likely response to star wars being the Soviets building more intercontinental ballistic missiles, and further escalating the nuclear arms race—I say let's not continue a spending race and start protecting the human race.

I will support the Dellums SDI amendment, that scales back the Star Wars Program and permits basic research into the technology. The era of spending billions of dollars on defense programs with little or no basis is over. We cannot waste tax dollars for a program that has thus far, only served to protect us from the reality of its true costs—trillions of dollars.

Vote yes on the Dellums amendment and stop this senseless spending.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired on this debate.

It is now in order to debate the subject matter of appropriate levels of funding in consideration of base closures. Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] or his designee will be recognized for 20 minutes, and the gentleman from Alabama [Mr. DICKINSON] or his designee will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BROWDER], a distinguished Member who has worked very hard on this issue.

Mr. BROWDER. Mr. Chairman, I think it is clear to everyone that we need to examine our infrastructure and that we need to close and eliminate obsolete facilities. But the question is one of whether we are going to do it the right way, whether we are going to look at this rationally, or whether we are just going to go in blindly or perhaps engage in some partisan politics.

I would like to discuss for just a minute the plan that has been proposed by the Secretary of Defense. The Secretary of Defense came out with a list earlier this year, without stating why the bases were on that list. We have had cases that have come up with Operation Desert Shield that have demonstrated the lack of wisdom in that list. Now we are being asked to give the Secretary of Defense an expedited process.

Mr. Chairman, I do not believe that is a fair nor wise thing to do. I think we should look at the defense authorization bill's five-point plan, which has a clear process laid out. That process requires a rational force structure plan.

It requires the Secretary of Defense to come forward with a base closure process proposal. It has a moratorium on any closures for the January 29 list or the subsequent list, and it has a provision to prohibit bleeding of those bases in the meantime. It then has a fifth part of that process, which provides for economic adjustment assistance.

Mr. Chairman, I urge this House to consider the portion of the defense authorization bill which takes a rational, fair approach to closing those bases. We know that it has got to be done, but the question is whether we are going to do it the right way.

Mr. Chairman, I urge the House to support the defense bill as presented and to reject the Martin amendment.

Mr. DICKINSON. Mr. Chairman, the gentleman from New York [Mr. MARTIN], the ranking member on the Subcommittee on Military Installations and Facilities, will control the time as soon as I conclude my remarks. In the meantime, I yield myself such time as I may consume.

Mr. Chairman, the base closure provisions in the bill, which are identical to those in the Aspin amendment, contain some of the most counterproductive language that I have seen in recent days. Here are some examples of the provisions that prohibit future base closures or realignments from taking place. We all remember the drill we went through to enable the administration and the Department of Defense to close any bases. We had not had a base closed for 12 years, because political forces would keep them from being closed.

Mr. Chairman, I admit there are some proposed base closures that I do not agree with at all, but this is the broad concept and the broad effect of what happened under the present bill.

The Secretary of Defense must provide a 5-year force structure plan on overseas bases. There is nothing wrong with that. I think he should.

The Secretary of Defense must submit a legislative proposal to enact base closure or realignment by January 1991.

The Secretary of Defense must submit a legislative proposal for worker retraining and economic conversion for adversely affected communities. But it prohibits any base closure or studies. You cannot even study a base closure until January 1992.

As we are building down our forces and creating our vacancies on bases, this thing says that you cannot even study a proposed base closure until 1992, or when base closure legislation is approved by the Congress.

It mandates domestic bases must receive at least 75 percent of the average funding received over the last 5 years.

Mr. Chairman, what we are proposing here is taking away most of the flexibility given to the administration and to the Department of Defense. The mandates and the provisions go on and on.

Congress has given Secretary Cheney the incredible task of reducing our national defense by 25 percent over the next 5 years. How can we expect the Secretary to even think about such force reductions if he is unable to close or realign unnecessary bases? If we continue to cut force structure like we do in this bill, we will have a Nation full of unmanned bases.

Mr. Chairman, I am not advocating that the Secretary of Defense should be allowed to pick and choose which bases to close, willy-nilly. I am saying that he ought to be able to function as the manager of the Department of Defense and to allocate his dwindling resources in the most efficient manner possible. Not to deny him the flexibility which he needs.

Mr. Chairman, the Martin amendment accomplishes this objective without giving up congressional oversight. The Martin amendment simply codifies the base closure and realignment procedures approved by the Congress in 1988, which state that the Secretary of Defense must include a base closure recommendation in his annual authorization request to Congress, and satisfactorily complete six impact studies on the fiscal, local economic, budgetary, environmental, strategic, and operational consequences of the closure or realignment.

Closing or realigning a base under such circumstances would be extraor-

dinary, but it will be downright impossible under the Aspin amendment, and that is the author's intent.

Mr. Chairman, this is a subterfuge, I would contend. It is couched in nice language, but the effect of what is in the bill now says that the Secretary of Defense cannot close a base. It flies in the face of what the Congress did 2 years ago. I think the Martin amendment corrects an inequity. I think it is a mistake not to pass the Martin amendment, and I urge Members, if they really want to affect the economy, as most claim they want to do. If you want to give the Secretary of Defense the ability to build down our force structure, pass the Martin amendment, and support it when it comes up later today.

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

□ 1440

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I want to salute the gentlewoman from Colorado and the gentleman sitting next to her, the gentleman from Alabama, for the excellent leadership they have shown along with the help and the cooperation of the chairman, the gentleman from Wisconsin [Mr. ASPIN], and in having the courage and the foresight to establish new rules of the road dealing with base closure.

Let me just first assure this House and the country that we know that base closures are coming, and we are happily looking forward to them. That suggests, obviously, that we have made a turn, as the President said last night from this very place, and that we are entering a new world order which promises greater chances of peace, a greater opportunity for cooperation with the other superpower, the U.S.S.R., and a greater opportunity to deal with our differences and conflicts on a regional basis using conventional arms. So we are in a new era which means that we will have less tension and less military need for some of the bases which we now possess here at home and abroad. Some of them should be closed. All we are saying is the current procedure for closure is not fair. It is not equitable. It does not identify those bases that ought to be kept open.

For example, I represent the city of Louisville in which Navy Ordnance Station Louisville, is located. Naval ordnance is on Secretary's Cheney's January hit list for closure or realignment. It just happens that Naval Ordnance Station Louisville is the only naval facility in the country which does overhauling of the Phalanx, computer-driven, close-in antimissile system which is on all of the ships bearing our flag, now operating in the Persian Gulf. Phalanx is a conventional weapon system. It is a system which naval ordnance station overhauls and maintains, and does very well, and does cost-effectively. Ironically, this facility of the Navy is on Secretary Cheney's list.

I would urge adoption of the Aspin-Schroeder-Browder base-closure language today, and I would urge my colleagues in the House to oppose the Martin amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

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

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the Armed Services Committee five-point plan on military base closures.

The bill adopts a logical, fair, and nonpolitical plan for deciding how to close domestic military bases. And, make no mistake about it, we should close domestic military bases.

Unfortunately, earlier this year, the administration adopted an upside-down process for closing bases.

First, the Secretary released a list of bases to be studied for closure. But there was no strategic vision for our future defense. There was no force reduction plan.

The administration's approach was also blatantly political. Is it an accident that 93 percent of the bases slated for closure sit in Democratic districts? Is it coincidence that 99 percent of the workers who will lose their jobs live in Democratic districts?

The strategy is clear: We have a Defense Department playing political football with our constituents—trying to intimidate us by threatening to close the bases where they work. Well, I'm not intimidated.

The Armed Services Committee bill makes more sense. First, come up with a comprehensive force reduction plan.

Then, considering that force reduction plan, close bases in a fair, objective, nonpolitical manner.

Let's talk about what the bill does not do.

It does not block bases closures. It does not handcuff the Secretary of Defense.

Should we close bases?

Absolutely.

But only in a fair, rational, strategic, and bipartisan manner. That's what the Armed Services Committee plan would do.

Vote no on the Lynn Martin amendment.

Mr. MARTIN of New York. Mr. Chairman, I yield 5½ minutes to the gentleman from Texas [Mr. ARMEY].

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

Mr. Chairman, I wanted to just take a few minutes in the general debate to talk about the whole concept of base closings. We have just gone through this a couple of years ago, and we did, in fact, pass a rather clearly defined package by use of an instrument for decisionmaking that a great many of us had difficulty accepting, the idea of a commission.

I well understand that a great many Members of Congress prefer not to use commissions. I myself prefer not to use commissions, but a couple of years ago when, in fact, it had been some 17 years since a base had been closed, it seemed to be a matter of impasse. It seemed necessary at that time and, of courst, Congress agreed that it was necessary to use a commission.

I am not sure that is the case now. The reason is I would suggest, one, and most importantly, as over and against conditions 2 years ago or 3 years ago, today we are in a period of time when clearly circumstances with respect to Eastern European potential threats of aggression have been reduced, and the fact of the matter is the U.S. Congress is repeatingly and pressingly calling upon the Secretary of Defense to live with reduced expenditures, even reduced troop strength, and, in fact, to make a major realignment, redefinition of our defense structure. If the Secretary is going to do that, and it is going to be a rational, sane, integrated redefinition of the manpower, the hardware, the technology and the deployment of our defense resources, he must have the freedom to integrate this very sensitive issue of base closings into the plan so that we can get effective integrated restructuring of defense.

I do not think the committee mark on this, as brought to the floor in this bill, accommodates very well to that need and that requirement. I think, on the other hand, that the amendment that will soon be offered by the gentlewoman from Illinois [Mrs. MARTIN] does accommodate to that need, and it is a very important need. At the same time, we cannot discount, and we never have discounted, the serious concern that many Members of Congress have in this body over the history of base-closing experiences throughout the post-World War II period, and that is the possibility that decisions will be made for something other than military-effectiveness reasons, reasons of parochial guardianship on the one hand which threaten, I think, the sanity of the process and, on the other hand, there is a threat that has been realized certainly by some Members here in historical experience of administrations using base closing or potential base closings as leverage against individual Members.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I understand the gentleman's point about political or other nonmilitary purposes interventing in the process of winnowing out which bases to leave open and which to close. That is why I thought

the gentleman's proposal for a commission 2 years ago had such a broad support in the body. I still do not understand what has changed that has caused the gentleman to drop that concept and now embrace one that gives almost total control to the Secretary of Defense to make these decisions with minimal input from this branch of government.

Mr. ARMEY. I appreciate the gentleman's point. I was moving to the point of what input we would have, because it is absolutely essential to us to know that we have an input.

If I can make the two points, one, what has changed is the fact that today we are undertaking a long-term, comprehensive redefinition, restructuring, and subsequently redeployment of our defense.

Mr. FAZIO. Mr. Chairman, if the gentleman will yield further, this bill, as drafted, emphasizes the need for a 5-year defense plan, the very kind of thing that the gentleman says is under way. Once that is in place, then we can move on and make some of these decisions.

Mr. ARMEY. I appreciate that, and I do want the gentleman to understand that I do appreciate the polemical stage-setting rhetoric in the bill, but when I get down to the line item, chapter and verse, I do not believe it lives up to that promise.

□ 1450

Mr. FAZIO. If the gentleman will yield, our concern is that we are making these decisions before this restructuring is completed.

Mr. ARMEY. I appreciate the gentleman's point. But the other point that I want to make is what protection do we as a body have for our prerogative. What we would like to see happen in this process is the elimination of the ability of an individual to obstruct the process while retaining, as the Martin amendment would, the ability of Congress as a body to adjudicate the case as brought by the Secretary of Defense or an individual that may be looking out for a parochial interest, and bring it to a vote for the body as a whole to decide on the basis of true defense needs.

Mr. FAZIO. We are asking the administration to submit to us a fair process that would mitigate against that individual standing in the way of what is best for all of us. So I would think the gentleman ought to support the bill as drafted. I really think it goes in the direction that his speech takes us.

Mr. Chairman, I rise in opposition to the Martin amendment.

A review of recent base closure history will reveal that Defense Secretary Cheney's state of potential base closings is not rooted in any rational plan for the future of the Nation's defense forces. For example, on January 29, Secretary Cheney released a list of 34 bases as potential candidates for closure. This list was prepared without the benefit of a 5-year defense plan laying out the future structure of U.S. military forces. When the sole purpose of military bases is to support U.S. military forces, it would be premature, at best, to decide which bases are to be closed before a determination is made as to what the future military force structure will be.

The Martin amendment would only serve to put in place a procedure where basing decisions can be made in an even more capricious manner. I find the Martin approach highly suspect when you consider that Secretary Cheney has been perhaps the most stalwart proponent of going slow in reducing defense budgets and restructuring our defense forces. Yet, for some reason, he is advocating moving full speed ahead with base closings.

There is very strong evidence to indicate that Secretary Cheney's base closing announcements are politically motivated. In the January list of potential base closings, fully 99 percent of the civilian job losses that would result from the closings were concentrated in congressional districts represented by Democratic Members of the House, even though 40 percent of all bases nationwide are in congressional districts held by Republican Members.

It is precisely these politically motivated and premature basing decisions that we can least afford. Just take a look at Fort McClellan in Alabama which was included on Mr. Cheney's list. Fort McClellan contains the only facility in the world where our troops can receive defensive training against live chemical agents. Our troops are already facing the possibility of being bombarded with chemical weapons in Saudi Arabia—one of the most gruesome and deadly weapons in existence. Imagine the devastation these weapons would wreak on our soldiers if they didn't have any defensive training for chemical weapons. In effect, this is what the Martin amendment advocates.

This is the type of situation that must be avoided.

The Armed Services Committee has developed a reasonable approach to ensure that base closings proceed in a rational manner. First, the Secretary of Defense must submit a force structure plan that details the number and kinds of military units needed over the next 5 years based on the new strategic requirements and on anticipated funding levels. Second, the Secretary must submit a legislative proposal creating a fair process for selecting bases for closure based on the force structure plan. Third, the plan prohibits any closures or planning of closures until Congress has approved a new base closure process, or until January 1, 1992. Fourth, the plan protects the "bleeding" of bases by requiring that all domestic bases receive at least 75 percent of the average amount of repair and maintenance dollars received over the last 5 years, so that they cannot be reduced to rubble before a fair base closure process is developed. Finally, the Secretary is required to develop and submit a proposal for worker retraining and economic conversion in communities hurt by base closures.

We all realize that reductions in defense are on the way and that a consequence of these reductions will be base closings. However, we should not rush into making these decisions. As we proceed in restructuring or defense forces to reflect changes in the world, this restructuring must be based on a strategy that is as clear and well defined as any defense strategy developed during the height of the cold war. We simply can't afford to let premature or politically motivated decisions undermine our future defense capabilities.

I strongly urge my colleagues to reject the Martin amendment and support fair, rational planning in military basing decisions.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. BROWN].

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I thank the gentlewoman for yielding me the 2 minutes.

Mr. Chairman, I wish to point out one glaring example of the errors contained in the list of base closures and realignments announced by Secretary of Defense Cheney on January 29, 1990: the Secretary's decision to deactivate the 63d Military Airlift Wing in California and send 20 of its giant C-141 military transport planes to the scrapyard. In addition and perhaps more importantly, the Secretary's action would cause the dissolution of a 4,300 person military airlift wing. That wing contains the personnel with the experience and skills needed to fly not only C-141's but the military transport planes of the future.

Mr. Chairman, if we have learned one thing from the Iraq crisis, it is that we need more air and sea lift, not less. In fact, we didn't even need the mobilization to the Middle East to tell us that; even an action as small as the Grenada invasion evidently caused strains and unveiled major shortcomings in the level of staffing and equipment in our Military Airlift Command. As many of us know, military transport and other "nuts and bolts" aspects of our military structure have typically received the short end of the stick compared to more glamorous weapons programs. Hopefully, the current mobilization will be a wake up call to us that such a practice must end.

Mr. Chairman, I speak from some degree of direct experience on the base closure issue: Norton Air Force Base in my district was recommended for closure by the 1988 Commission on Base Realignment and Closure. If any more bases are to be closed or military forces reduced or realigned, then Congress must ensure that the decision is made by a fair process which ensures that a long-term assessment of the nation's military needs is considered.

Unfortunately, the long list of base closures and realignments proposed by Secretary of Defense Cheney is January 1990 is not, in my opinion, either fair or forward-looking. While there are some actions on the Secretary's list that should be carried out, others make little sense when the Nation's military needs are fully considered. Our Nation's long-term military needs urgently require rethinking before we launch ahead with more base closings and realignments.

While Norton Air Force Base in my district is scheduled to close, the 1988 Base Closure Commission recommended that the 63d remain intact and merely transfer 20 miles away to March Air Force Base. However, Secretary Cheney's 1990 closure and realignment list calls for the 63d to be deactivated.

Mr. Chairman, I seriously question whether we should be going ahead with the deactivation of the 63d Military Airlift Wing, and I think that a comprehensive reassessment of our long-term military needs would support the retention of the 63d. Looking at the big picture, I wonder whether there are other base realignments and closures on the list that would also look highly suspect alongside a comprehensive assessment of our military needs in the post-cold war era.

I thus call on the Secretary of Defense to reconsider his decision to deactivate the 63d Military Airlift Wing in light of the new knowledge of our airlift needs, and I call on the House of Representatives to support a process which is fair and in line with comprehensive long-term military plan for deciding which, if any bases, should be closed.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, I thank the gentlewoman for giving me this time.

Mr. Chairman, this is not an argument for closing or for opening, it is simply to state very very briefly that the language in the committee's bill sets up a fair and orderly procedure to look at this whole question of base closing. I have none in my district so I am not advocating that you close yours but not mine.

I simply want to say given the fact that Secretary Skinner recently called for an expansion of the merchant marine fleet, given the crisis we face now in the seaways, it seems to me most appropriate for us to look at this, because I will cite Long Beach as an example of a facility which is threatened with closing, not to mention strategic interests of Long Beach. Another facility is the Air Force Research Center in the district of the gentleman from California [Mr. LEVINE]. If we close that center it means that the Air Force will not have access to the aerospace industry.

Mr. MARTIN of New York. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, our subcommittee, which has jurisdiction over the subject, went through a process 2 years ago with the Base Closure Commission. Some have suggested that we ought to do that again. As a very practical matter, I do not see any such commission passing this House again.

I am not sure that I can support the amendment by my colleague, the gentlewoman from Illinois, Mrs. LYNN MARTIN. But I do know one thing, I am certainly not confortable with the language that was provided for in our bill. We are in the process in this bill of talking about cutting something in the order of 130,000 uniformed personnel out of the Armed Forces over the course of the next year, and talking of reducing up to 500,000 uniformed personnel over the course of the next 5 years. Yet under the provisions that are in the committee bill the Secretary of Defense not only cannot propose closing any bases until 1992, he cannot even study it. We are telling the Secretary we are going to lay off probably 500,000 uniformed personnel, but he is not even allowed to think about closing bases.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of New York. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, on that point, just about the study, I heard the gentleman from Alabama [Mr. DICKINSON] say that, and the gentleman from New York has now said it, but there is nothing in this provision that would prohibit an internal study within the Department of Defense of base closure. I want to make that clear.

The problem, of course, is when the word gets out to communities all across the country that there is a study going on and we may close your base, economic problems occur within those communities, and I think that is the only reason, in fact I know that is the only reason that the language is there. So I want to reassure the gentleman from New York.

I have his same reservations about any commission, but I have to say I do not know another way to do it, and I think the way the committee has done it is the best way, and again I thank the gentleman for yielding.

Mr. MARTIN of New York. Reclaiming my time, the gentleman makes a good point as far as it goes. The gentleman makes the good point that he would hope that the Department of Defense would be making contingency plans if we are going to be cutting 500,000 personnel out of the armed services. The problem the gentleman points to is what would terrify the Pentagon, that plan would be leaked, and then that would cause his community, or my community, or other communities terrible problems. But in my reading of this, if it were to become the law, the Department of Defense ought to be very reluctant to even conduct an in-house study as to what they would do if they are going to cut 500,000 people out of the services.

Mrs. SCHROEDER. Mr. Chairman, I yield 30 seconds to a very distinguished member of the committee, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I have the privilege of serving on this subcommittee as the ranking majority member. I have never voted for any base closures, and there were very few of us around here about 3 years ago that voted against the Army proposal. But I do think what we have done in this bill is logical, reasonable, and we have had hearings on it. I do support what is in the committee provisions, and I hope that the Members will stay with the committee.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. TALLON].

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

Mr. TALLON. Mr. Chairman, I hope that people all over the country today who are listening to this debate do not think we are all losing our minds.

In light of what is going on in the Middle East and an obvious need to redirect our policy in Europe, it is ludicrous that we are even here today discussing the possibility of closing Myrtle Beach Air Force Base or any other domestic military base without the slightest indication from the Pentagon of what our force structure needs will be.

Like most Members of Congress, I am concerned that we take a good look at what our true defense challenges will be before we dismantle any bases. Especially in light of the events of the past month.

If anything, these events lend a tremendous amount of credence to what the House of Representatives has proposed to combat the current reckless base closing process.

Our five-point plan, first and foremost calls for a Pentagon assessment of the real threats to American security, such as regional conflicts, and to produce a long-term strategic plan.

Our plan also calls for closing domestic bases according to realistic military necessities.

Perhaps the most important part of the House five-point plan is that it would place a moratorium on the current process.

I believe this is our only option because we are facing an unknown future in our conflict in the gulf.

We all know we need savings from our defense budget.

But now, more than ever, we must step gingerly.

If our threats are not of superpower magnitude, then we must obtain our savings from those weapons systems designed for a superpower conflict.

Now is the time to truly consider putting in perspective strategic weapons such as star wars Asat's, and MX missiles where cuts may be made without sacrificing our national security interest.

I urge Members to vote for the committee bill and reject the Martin amendment.

□ 1500

Mr. MARTIN of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman from New York for yielding.

I am in favor of the Martin amendment, as I interpret this amendment it boils down to this: If you are looking out for your district, you say "no" to the Martin amendment; but if you look out for what is the best interest for our country, then you say "yes" to the Martin amendment.

We must codify the 1988 base closing guidelines. Now the Secretary of Defense needs six impact statements before he can close a base? Come on, it is ridiculous.

We have 300,000 troops in Europe. How long are you going to keep them in Europe? We have 50,000 troops left in Japan. How long are you going to keep them in Japan? I mean how long are we going to be able to afford this? We cannot. We cannot afford 3,000 bases for the United States of America. We do not need them.

You allow the Secretary of Defense to cut back the number of troops in uniform, but you do not give him any discretion to close bases. What do you want, every soldier to have his own base? It is getting to the point of being ridiculous and totally unreasonable.

Right now we have our budgeteers at Andrews tearing their hair out: Asking how are we going to balance the budget. Well, this is where we have to make some tough decisions. Decisions with American good in mind. We do not need 3,000 bases. This Congress cannot totally shackle the Secretary of Defense. He needs flexibility.

The Secretary of Defense needs flexibility in this area. That is all we proponents are saying.

I think Congress should set the policy, yes, but to get down to the nitty-gritty on every single base, we are going to vote on the floor of Congress on whether we are going to close 3,000 bases one at a time? Well, that is what you are looking for, yes, it is.

And that is why I think this amendment is so important. So, again, I must say this, as I intrepret this, what it boils down to is this: If you want to vote for your district, you vote against the Martin amendment; if you do what is in the best interest of the country, you vote for the Martin amendment.

Mr. TALLON. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from South Carolina.

Mr. TALLON. I thank the gentleman for yielding.

You know, I have a problem when we talk about parochialism. We have troops in the Middle East, we have 159 tanks chasing 1,500 Soviet-made Iraqi tanks. If you do not think we need the A-10's from Myrtle Beach Air Force Base and other A-10's from other bases that are studied for closure, then I think we really are not thinking and putting this thing into perspective. It is vitally important that we maintain these.

Mrs. SCHROEDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BUSTAMANTE].

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

Mr. BUSTAMANTE. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, later today we will be voting on the Martin base closure amendment.

With the fading Soviet threat and the dissolution of the Warsaw Pact, we will over time begin force draw downs and close military installations. No one disputes those facts.

At issue here is what procedures will be established to determine what, how many, and where U.S. military bases will be closed.

I believe a base closure policy should be consonant not only with our budgetary limitations but also with our total defense strategy and the shape of our force structure.

The Armed Services Committee, concerned about chaning defense requirements in a new world order, asked Defense Secretary Cheney to submit a force structure plan to fit a new defense strategy as a foundation to a base closure policy. He has not produced one, and we are still waiting.

The five-point plan on base closures contained in this bill is a rational way to go about identifying bases for deactivation.

It inspires confidence that base closure decisions will be based on sound defense strategy, not partisan politics.

For these reasons, I urge my colleagues to defeat the Martin Base closure amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, last evening, the House voted, 230 to 188, for the Molinari amendment which said do not close bases until a force structure plan is developed. That policy, which is contained in the committee bill, would be wiped out by the Martin amendment. The Martin amendment would permit the Secretary of Defense, at his sole discretion or whim, and without the benefit of any force structure plan, to close any base he pleases. I do not see how anyone who voted for Molinari can, in good conscience, explain a vote for Martin.

At bottom, the committee position and the Martin position aim at the same target: Closing bases. We need to close bases to save money. We need to close bases as the size of the force comes down. We need to close bases because the current basing structure is inefficient.

In terms of how bases are picked for closure, however, the House has a stark choice. We can adopt the Martin amendment which invests the Secretary of Defense with unbridled, unlimited power to close military bases in our districts or we can adopt the committee bill which requires a force structure plan and a fair process to select bases to be closed. The question is, when the jobs of thousands of your constituents are at stake, how much unrestrained power you want to give to a single political appointee.

What I want is a process which sets out the details of the military of the future, including how many planes tanks and ships we will operate, and then has a dispassionate, nonpartisan group decide on the most efficient base structure to house that military of the future. The five point plan in this bill accomplishes that objective.

For this scheme to work, the Secretary of Defense has to be a central player. That is why the provision leaves it to the Secretary of Defense to propose a fair way to select bases for closure. Some think another commission is the best way. I am not so sure. Maybe we should agree on objective criteria for closure and instruct the military services to make the decisions while GAO watches to make sure the criteria is rigorously followed. Whatever way the Secretary selects is fine as long as it is fair, nonpartisan and based on objective criteria.

But having the Secretary do it solo is not good enough. I like and respect Dick Cheney. But, the base closure list he submitted on January 29, 1990, shows the flaws with giving him unilateral power to pick bases for closure.

The flaw of the January 29 list is obvious: 91 percent of all military reductions and 99 percent of all civilian job losses occurred in Democratic districts. Maybe that wasn't intentional. Still, the January list was hardly one to inspire confidence in the fairness of the process.

The list was based on no force structure plan and no objective criteria. We held hearings and quizzed the services on how the list was developed. They had no answers. We asked what criteria they used. They had no answers. We asked why the list was so partisan. They had no answers.

The January 29 list reads like a sick joke in the wake of the Iraqi invasion of Kuwait. Consider:

Secretary Cheney proposed closing the only chemical weapons school in the Army, at Fort McClellan, AL. Had he gotten his way, Secretary Cheney would have eliminated the primary capacity we have to learn how to deal with a chemical weapons attack.

Secretary Cheney proposed deactivating the 2d Armored Division out of Fort Hood, TX. When Desert Shield began, the 2d Armored was the first to go because they were the best tank troops we have.

Secretary Cheney had RIF notices sent to the 5,000 employees of the Troop Support Command in St. Louis, MO. This unit provides needed logistical support to Army troops. Once Desert Shield started, the RIF notices were pulled and every employee was put on double shifts.

Secretary Cheney tried to close the Air Force Base at Myrtle Beach, SC, home of a unit of A-10 anti-tank attack aircraft. Today, A-10's are the most valuable piece of equipment we have in the Saudi desert.

Secretary Cheney tried to deactivate the C-141 aircraft at Norton Air Force Base, CA. For the last month, every transport plane in the inventory has been in virtually constant use bringing soldiers and equipment into Saudi Arabia.

Secretary Cheney proposed major reductions in combat and combat support units in the reserves in January. Today, many of the units he proposed for elimination have been called up to support operation Desert Shield.

The last 9 months have proven that no one individual is smart enough, fair enough, and respected enough to have the unchecked power to close military bases. The committee proposal on base closure provides the checks necessary to ensure that the base closure process commands respect. At the same time, the committee proposal guarantees that bases will be closed and the taxpayers will save money.

Reject the Martin amendment. Support the committee plan.

Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MATSUI].

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

Mr. MATSUI. Mr. Chairman, I really would like to comment on the gentleman from Wisconsin, Mr. ROTH's statement and also the statement of Mr. ARMEY.

First of all, with respect to Mr. ARMEY's statement, I really did not understand why all of a sudden now he is changing from supporting a base closing commission 2 years ago and now coming up with a proposal to allow the Secretary to have full discretion. It really makes no sense.

Frankly, his argument with Mr. FAZIO raised really did not bring out his rationale except he wants to support the President and the administration.

With respect to Mr. ROTH, there is no question we have 3,000 bases. Times have changed, and we have to close some military bases. One of my bases, one of the 86 under Mr. ARMEY's proposal, I supported its closure, after seeing the rational way in which the Base Closing Commission operated.

The problem is that the Secretary has come up with a list of about 46 bases. We do not know how rational that list is.

I have been trying for the last 9 months to get at least some documents from the Secretary's office giving an explanation why the Army depot in Sacramento was on his list. We have not seen anything at all.

I think my other colleagues who have bases that are being proposed to be closed, have the same problem.

I mean if you talk about rationality, the Schroeder-Aspin proposal is the way to go. We need a force structure for 5 years, and then what we need also is to come up with a rational way to close bases.

All we are asking in this proposal is for Mr. Cheney to come up with a proposal. We are not mandating anything on him.

You talk about discretion. Give him discretion, have him come up with a proposal to give himself some discretion. I do not know what you people are afraid of on this particular matter.

We all acknowledge that military bases will be closing. The question is making sure that it is done in a way that in the year 2000 those bases that we closed should not have to be reestablished again.

Second, put an element of fairness in this particular process. That is all we are asking.

That is why I cannot understand why there is no support for the Schroeder-Aspin measure.

Mr. Chairman, I rise in strong support of the base closure language contained in the bill and to urge my colleagues to oppose the Martin amendment.

The bill language was carefully crafted by the distinguished chairman of the Armed Services Committee, LES ASPIN, and the respected chairwoman of the committee's Installations and Facilities Subcommittee, PAT SCHROEDER in complete consultation with the House membership.

The predominant theme running throughout the debate on almost all parts of this year's defense authorization is a genuine commitment to restructuring our force structure. Certainly, those reductions will necessitate the closure of some military bases at home and abroad. Yet there are many strategic questions that need to be answered regarding that restructuring that have nothing to do with dollars.

The issue simply comes down to this: should we develop a plan to close military bases in response to a long-range strategic plan, as the Aspin-Schroeder plan recommends, or should we close military bases first, and then determine our strategy, as the Martin amendment would allow.

For over 40 years, we have been posturing our military primarily to do one thing—defend the United States from nuclear attack by the Soviet Union. The events in the Middle East and the United States-Soviet cooperation in dealing with that threat are proof that our defenses need to be redirected. Those events will also set the tone for the future of modern warfare, and, combined with the changes in Eastern Europe, will hopefully result in a new military vision, which concentrates on low-intensity conflict and conventional mobile forces.

To date, however, we have no such direction, and until we have a force structure plan in place which reflects the rapid changes in what we define as a security threat, it is simply premature to talk about closing domestic bases, much less providing the Secretary of Defense with an expedited process for carrying out base closures.

The Aspin-Schroeder proposal provides the Pentagon with the proper direction to come to Congress with a base closure process which we can all support. Placing the onus upon the Secretary—to put base closures within the broader context of force restructuring and taking steps to assure that the Department will not bleed individual bases to death by withholding repair and maintenance funds is the most responsible approach to take with respect to the base issue.

Furthermore, directing the Secretary to submit a plan for retraining displaced workers forces the Department and Congress to consider the impacts of base closures on individual employees. Seeing to the well-being of potentially affected employees is the only responsible way to address this issue and must be an integral part of any base closure proposal.

Base closures will undoubtedly be a consequence of our search for a peace dividend. We should make them a rational consequence, however, rather than a case of putting the cart before the horse. I urge you to support the Aspin-Schroeder proposal on base closures and reject the Martin amendment.

Mr. MARTIN of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I would like to redirect the discussion just a minute away from the base closure issue to an issue that I think is extremely important that has not been discussed today.

There was a letter sent by the chairman of the Committee on Armed Services to every Member of Congress. In that letter, second paragraph, he says:

> Although the committee did not anticipate Saddam Hussein's invasion of Kuwait, we did recognize that historic changes require a general reorientation of our defense priorities away from the fading confrontation with the Soviet Union in Europe, now that we have won the cold war.

He says we won the cold war.

Then he says in another section, "We should fund forces for new threats over redundant cold war nuclear forces." He wants to do away with much of our nuclear deterrence and not fund that.

Now, I did a little research after I read this letter from Chairman ASPIN. I found that Mr. Gorbachev, just before he came over and signed the Intermediate Range Nuclear Disarmament Treaty with President Reagan a few years ago, that he made this speech to the Supreme Soviet, and in the speech, the last paragraph of the speech reads this way:

> In October 1917 we irreversibly departed the Old World. We are heading to a New World, the world of Communism. We shall never deviate from that path.

Now, everybody says, well, that has changed. Mr. Gorbachev is our old buddy, we do not have to worry, Communism is a thing of the past.

Well, we all hope so. There are changes taking place in the Soviet Union and in Eastern Europe which are very heartening, and we hope that communism is on its death throes.

But the fact of the matter is, six times since the Bolshevik Revolution, this sort of thing has happened. The first glasnost—remember that word—happened in 1921, when Lenin came up with a new economic policy. [NEP]

which was a reversal of communism. It had an implicit message, that we were moving away from communism in the Soviet Union and toward capitalism. We all know that that did not happen. It was a ploy to get investment and capital from the West. And he was successful.

The second glasnost was in 1936 to 1937 under Stalin. Stalin said he was returning to a western-style constitutional government, and he called for radical reform, or perestroika. Have you heard that word before?

We first heard that in 1936 and 1937 when he called for profits and incentives. He said that he wanted to see an openness in the society. That ended with the Communist purge that killed millions of people in the Soviet Union in 1937 and 1938.

□ 1510

And perestroika, so-called, turned into what was called the great terror. The third glasnost was 1941 to 1945. Again, under Stalin, necessitated because of the invasion of Russia by Hitler. And Stalin said there was going to be manifest change, and he opened his arms to the West, but that was because he had to because of the defense of his nation. The fourth glasnost took place in February 1956, this time under Krushchev, and he said he was going to have political and economic reforms, openness. There was going to be freedom of assembly of the speech and meetings, and so forth. All we all know how that ended. The fifth glasnost was under Brezhnev, 1970 to 1975. Members remember the word "détente?" That was part of the fifth glasnost. There was a new constitution. Again, freedom of speech again, freedom of assembly and so forth. They even signed the Helsinki accord, and we found that this was all baloney in 1976 when our CIA found out, instead of them having 100 or so missiles pointed at the United States, nuclear missiles, we found that there was well over 1,000, and that Brezhnev had been lying to the United States.

Now we have Mr. Gorbachev. We all hope Mr. Gorbachev is a change from the past, but his mentor was Andropov, who was the head of the KGB, who lined up the 100 freedom fighters, after he said he was going to give them amnesty, then he came in and shot them down. His pride and joy was Mr. Gorbachev.

Now, we all hope that there have been changes in the Soviet Union, and we hope these are true changes, and they are going to move toward capitalism and away from communism. However, we must not let down our defenses. We must not lose sight of the fact they have lied to the United States in the past. It is my view that we must keep our nuclear deterrent, that Chairman ASPIN is right, there should be some changes in our structures. But we must not let our guard down because they have lied to the United States five times in the past, and this could be the sixth, and the worst of all.

Mr. COLEMAN of Texas. Mr. Chairman, if the gentleman will yield, is it the gentleman's position that the Martin amendment lets our guard down, or the committee bill does?

Mr. BURTON of Indiana. I deviated from the discussion because this is the only time I could get, and I apologize for that.

Mrs. SCHROEDER. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Arkansas [Mr. ALEXANDER], a member of the Committee on Appropriations.

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

Mr. ALEXANDER. Mr. Chairman, I thank the gentlewoman for yielding time to me. I am compelled to add to the statement that was just previously made. I got a letter from someone in my district not long ago, after a meeting between the President and Secretary Gorbachev. He told me that next time I met with the President to warn him that Mr. Gorbachev was soft on communism, and do not believe anything he says.

I am here today, though, to talk about base closings. Some years ago, one of the bases in my district was recommended for closure. I checked it out, and it was true that it was not needed. So we closed it. Some bases simply are not needed. However, I appreciate the work of the Committee on Armed Services, headed by the gentlewoman from Colorado [Mrs. SCHROEDER] for a reasonable, rationale, fiscally responsible bipartisan approach to base closings. It is a process that everyone can be comfortable with, can be confident about, and can be proud to be a part of in order to address this question of bases that are needed and not needed in this post-cold war era that we are now in.

Unfortunately, the Pentagon took action last January which was in search of a policy. What the committee has done is to develop a policy that we can all be proud of. Now, the gentleman from Alabama [Mr. DICKINSON] said 1 minute ago that the process that is set up by the committee even prevents studies. That is not correct. In the bill, on page 430, it says that studies, of course, can be initiated. Any study necessary to meet the requirements of the National Environmental Policy Act are applicable to the closure or realignment of milkitary installations. Additionally, that the funds cannot be used to identify bases that are being considered in a public announcement, or to close or realignment any military installation until specifically authorized by the 102d Congress, or until January 1, 1992, whichever comes first.

I am here today to oppoose the Martin amendment. I urge my colleagues to join in supporting the committee amendment which is a rationale, fair process for base closure.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the very distinguished gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR. Mr. Chairman, I rise in opposition to the Martin amendment, an amendment that will give the Secretary of Defense the power to close any military base.

Before we vote on this amendment, I would encourage my colleagues on both sides of the aisle to read article I, section 8 of the U.S. Constitution. The section of our Constitution that gives the Congress the authority to declare war, to rise and support armies, to provide and maintain a Navy, to make rules for the Government, and regulation of land and naval forces. I will remind the proponents of this measure that the Constitution very clearly gives this power, this responsibility, and above all, this duty to provide for the common defense, to the Congress of the United States, not to some appointed bureaucrat in Washington.

I urge my colleagues to honor the wisdom of our Founding Fathers. I urge them not to shirk their duty, and above all, I urge them to defeat the Martin amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentlewoman from Colorado [Mrs. SCHROEDER] has 2 minutes remaining and the gentleman from Alabama [Mr. DICKINSON] has 1 minute remaining.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. Mr. Chairman, it is my understanding that if there is any time remaining, that I could not then be recognized for a motion to strike the requisite number of words. It is my intent, and I have discussed this with the gentlewoman from Colorado, to acquire 5 additional minutes, but I cannot do that as long as I am retaining any time. Therefore, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] yields back the balance of his time, and the gentlewoman from Colorado [Mrs. SCHROEDER] now has 2 minutes remaining.

Does the gentleman from Alabama [Mr. DICKINSON] wish to strike the last word at this time?

Mr. DICKINSON. Mr. Chairman, if it is permissible, I move to strike the requisite number of words, and I yield to the gentlewoman from Illinois, [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Chairman, in response to what we can all agree have been very profound and positive changes in the world, the Committee on Armed Services has brought to the floor a defense bill that anticipates very deep and lasting reductions in our Nation's defense force.

Right off the bat it cuts $24 billion from the President's budget request—a full 10-percent cut from CBO baseline for defense. It cuts the procurement account by over 20 percent and it cuts troop strength by 129,000.

Over 5 years, the committee anticipates a 25-percent reduction in overall force structure. From 18 Active Army divisions we could go to 12. From 36 Air Force fighter wings, we could go to 25. We would reduce the size of our naval force from 566 ships to 455 ships. We would cut manpower by an additional 300,000 troops.

To the vast majority of Americans, Mr. Chairman, it would seem logical that cuts of this magnitude in combat forces would argue for a proportionate reduction in the military base structure. Why pay for a three tank garage—so to speak—when you have only got two tanks and you are going broke. What this legislation actually says about base structure, however, is hands off.

H.R. 4739 tells the Secretary of Defense to formulate a 5-year force structure plan and submit it to Congress with the 1992 DOD budget request. It also tells him that the plan may not make either direct or indirect reference to military installations inside the United States that may be closed or realigned under that plan.

In addition, the committee provision states that none of the moneys appropriated to DOD through January 1, 1992 may be used to close or realign any bases other than those identified under the 1988 base closing process, and that no moneys shall be used to even identify, through a message to Congress or, indeed, any public announcement, military installations that the Secretary might want to consider for closure.

The committee's provision reads like a gag order. The only thing that the committee has not said is that the Secretary cannot think about closing a base, and one get's the impression that if such things could be legislated the committee would have included such a restriction.

If the committee believed that it was impossible to make reasonable decisions on base structure absent a "5-year force structure plan," then how can the committee believe it reasonable to cut nearly $25 billion from the President's budget—cut $25 billion out of force structure and readiness accounts—prior to having such a formal guidance document in place?

The argument that with respect to base structure we need to proceed on a whole different basis is clearly hogwash. It is a transparent attempt to protect congressional pork while at the same time shouting from the mountain about the need to cut defense spending and give American a peace dividend. It is the Congress of the United States at its worst.

The chairman of the Senate Armed Services Committee, Senator NUNN, expressed very strong and successful opposition to the inclusion of a similar provision in the Senate's Defense authorization bill, saying that it was absurd to be proposing cuts of the magnitude that we are talking about while at the same time telling the Secretary of Defense that he cannot even consider closing a military base for 2 years. I think that the Senator's characterization applies very well to what the committee is attempting to do.

Later in the day, Mr. Chairman, I will introduce an amendment that will replace the committee language with an effective base closing provision—the same provision, in fact, that the Senate—with the leadership of majority Members, has included in its Defense authorization. I urge all of my colleagues, Republicans and Democrats, to review my amendment and to support it when it comes to the floor.

□ 1520

Mr. Chairman, this is tough. These could be your bases, and, yes, I thought even one in my district would have been included the last time, although it was not. But a lot from my State were included, and as I look around among the Members, the possibility is that bases could be closed for each Member on the floor. But how do we ever talk about cutting defense if we are never going to cut bases, especially if they are in our districts. The American people do not believe that.

Even as much as we want to protect what is in our districts, it is time to put the greater good of America ahead. If we need to cut foreign and domestic bases, we must do so. I look forward to this and hope that we will rise above petty parochialism and do the right thing when my amendment comes along.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentlewoman from Colorado [Mrs. SCHROEDER] has 2 minutes remaining.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the balance of my time.

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, I would like to respond by saying that I think the pork charge around on this floor is very unfair. If we really want to do that and get down to the dirt, there are a lot of Members on the other side of the aisle who voted for a little pork yesterday vis-a-vis the brand-new opening of a naval base when we do not have any homeless ships. So it is kind of interesting how we change our tune, depending on the day.

This has nothing to do with not closing bases. This debate is about whether we are going to unilaterally give to a person who is not elected or appointed by the President the right to close any base and waive a lot of the environmental laws or whether we are going to put together a process with that person i.e. the Secretary of Defense that we all think is nonpartisan and will be taking into account very critical things.

How do we know which bases to close if we do not know what the force structure is going to be? That is the first thing to consider. Let us get the force structure. Then we invite the Secretary of Defense to propose what he thinks is fair, and then we come up with a bill that we promise will do it.

Attacking this committee and saying that they have not been closing bases is absolutely wrong. This committee has moved forward with the 86 bases that were on the closure list. Not a single one has fallen off the list that came up under the Commission proposal that this Congress backed. This committee also put into the bill $100 billion to expedite the closing of those 86 bases.

What we are saying is that the difference between those 86 bases selected by the Commission and these recent bases that were done by the President's appointee, the Secretary of Defense, is very apparent. We had long hearings looking at the January list that came over to us. These were done unilaterally and not done in a bipartisan fashion. We asked the Services, "How did you get these names? Where did you get these bases? How did you make these decisions?"

Their answer to every one of those questions was "We don't know. We don't know. We don't know."

So obviously the decisions about which of the bases were put on the closure list that came out this January did not come from the services; they came from the Secretary of Defense.

Mr. Chairman, I think the fair way is to stay with the committee. This is the best way to close bases, and that is the way we want to go, the best way and the most frugal way.

Mr. BROWN of Colorado. Mr. Chairman, I rise in support of the Martin amendment, which would allow the Secretary of Defense to identify, and with congressional consent, close obsolete foreign and domestic bases through the same expedited procedure provisions that were in the 1988 base closing bill and that are in the defense authorization passed by the Senate.

The bill we are considering today reduces military procurement by 21 percent and military manpower levels by 129,000. Over 5 years, the committee anticipates a 25 percent reduction in overall force structure. This would mean that the 18 Active Army divisions, could be reduced to 12, and that manpower would be reduced over 5 years by an additional 300,000. Our naval forces would be reduced from 566 ships to 455 ships, and the 36 Air Force fighter wings would be reduced to 25.

H.R. 4739 forbids the Secretary of Defense to identify directly or indirectly military installations that might be closed or realigned in the 5-year force structure plan he is required to submit under the bill. It also forbids the Secretary from identifying bases that are under construction for closure or realignment until 1992.

How can we propose these enormous cuts in our force structure without allowing for proportionate reductions in our base structure?

With a projected $232.3 billion deficit, we simply cannot afford to maintain underutilized or obsolete bases.

The amendment would not give the Secretary of Defense authority to singlehandedly shut down bases. Under existing law, the Secretary has to take several steps before he can close a base. He must first send Congress a budget with base closure and realignment recommendations, and then prepare for Congress six separate reports on the economic, operational, environmental, local fiscal, budgetary and strategic affects of the closure and realignment recommendations. After that, Congress has 30 legislative or 60 calendar days to react. Ultimately, the only way that any bases could be closed is if Congress passes an appropriation for this purpose.

Mr. Chairman, it is hypocritical to advocate sharp defense cuts and at the same time forbid the consideration of closing obsolete bases. The Martin amendment would simply make permanent the streamlining procedures we adopted in 1988, on a one time basis, to allow the Secretary of Defense and Congress to close bases that are no longer needed. We have an obligation to the American taxpayer to ensure that their hard earned tax dollars are not being wasted on unnecessary military installations.

Ms. PELOSI. Mr. Chairman, I rise in support of the Browder base closing amendment provisions of H.R. 4739, the 1990 Defense authorization bill. The Browder amendment would establish a fair, bipartisan process to close U.S. military bases. I commend Mr. BROWDER, Mr. ASPIN, and Mrs. SCHROEDER for their leadership and commitment to this important issue.

The Browder amendment represents the Aspin-Schroeder five point base closure plan and is the result of months of discussion and hard work. It would prevent closures which do not reassess American military strategy or force structure in light of both events in Eastern Europe and the crisis in the Middle East.

Mr. Chairman, in order to structure our military in a way which addresses genuine national security concerns, we must establish a base closing process which is based on a prudent analysis of future military needs. I urge my colleagues to vote for the Browder amendment and a rational base closing process.

The CHAIRMAN pro tempore. (Mr. DURBIN). Under the rule, all time for general debate on the topic of base closures has now expired.

It is now in order to debate the subject of economic adjustment. Pursuant to House Resolution 461, the gentleman from Wisconsin [Mr. ASPIN] or his designee will be recognized for 20 minutes, the gentleman from Alabama [Mr. DICKINSON] or his designee will be recognized for 10 minutes, and the gentlewoman from Ohio [Ms. OAKAR] will be recognized for 10 minutes.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. Mr. Chairman, I was just wondering if I misunderstood or if the Chair misspoke.

It was my understanding that this gentleman had 20 minutes and the time for the other side was split, 20 minutes, 10 and 10. That was our agreement.

The CHAIRMAN pro tempore. The Chair will recheck the rule.

The gentleman from Alabama is correct. Ten minutes is allocated to the gentleman from Wisconsin [Mr. ASPIN] or his designee, 10 minutes is allocated to the gentlewoman from Ohio [Ms. OAKAR] or her designee, and 20 minutes is allocated to the gentleman from Alabama [Mr. DICKINSON].

The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES].

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

Mr. MAVROULES. Mr. Chairman, I am proud to offer our economic adjustment amendment to the defense authorization bill today. The crafting of this economic adjustment, diversification, conversion, and stabilization program represents months of work by many members. Under the leadership of the majority leader RICHARD GEPHARDT, we were able to achieve consensus on a pragmatic $200 million plan to expand community adjustment and worker retraining programs. Our package relies heavily on existing programs and organizations as well as the enhancement of the President's Economic Adjustment Committee to coordinate and implement necessary community planning and worker assistance efforts.

Representatives OAKAR, GEJDENSON, and WEISS—in particular, worked for months along with the majority leader and myself developing the elements of our core adjustment program. Quite frankly, I wish we could have done more. However, the amendment before us is a solid beginning. It is a beginning that will send a signal of reassurance to workers and communities hard hit by the downturn in defense spending.

Over the past 2 days we have heard a considerable amount of debate on the importance of sustaining high levels of defense spending in the wake of the Iraqi aggression. However, despite the current funding requirements of Operation Desert Shield, I can assure you that the scope and magnitude of spending cuts in defense procurement programs over the next several years will be very significant.

Make no mistake about it. The fading Soviet threat and end of the cold war in Europe portend substantial economic dislocation throughout this country. Conservative estimates of defense budget reductions over the next 5 years of 10 to 25 percent could result in over 1 million lost defense jobs. That is 1 million laid-off Americans in less than 5 years.

Putting in place a defense adjustment and diversification program is not only a responsible step. It is an essential step. At present, we do not have sufficient resources to meet a potential explosion of demand for such economic assistance. That is why passage of this amendment is so important.

The amendment I am offering today was coauthored by myself and Congresswoman MARY ROSE OAKAR and introduced last February. Since that time, both the Banking and Armed Services Committees have held hearings. Every effort has been made to accomodate the committees of jurisdiction in drafting the amendment before us today.

Specifically, the amendment would provide a statutory basis for the President's Economic and Stabilization Council and require development and implementation of an economic adjustment program to assist industry civilians—$100 million would be earmarked for community planning assistance through the Commerce Department's Economic Development Agency and the Pentagon's Office of Economic Adjustment. Another $100 million would be funneled into the Labor Department's Jobs Training and Partnership Act. Additional initiatives which do not require funding authorizations are specified for small business export enhancement and venture capital development program.

Mr. Chairman, funding for this amendment will be provided through a cut in the funding requested by DOD for its general purpose automated information systems. This cut will in no way impact our operations in the Gulf.

Finally, Mr. Chairman, I want to reiterate my gratitude to the majority leader for the timely leadership he demonstrated in making it possible to bring this amendment to the floor today. I also want to express thanks to SAM GEJDENSON, TED WEISS, and MARY ROSE OAKAR—all of whom deserve credit for today's amendment.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Sept. 10, 1990.

SUPPORT DEFENSE ECONOMIC ADJUSTMENT INITIATIVE

DEAR COLLEAGUE: Despite the current funding requirements of operation Desert Shield on the Arabian Peninsula, the scope and magnitude of anticipated spending cuts in defense procurement programs over the next several years remain very significant.

While deep cuts in the defense budget are a welcome byproduct of the fading Soviet threat and the end of the Cold War in Europe, the potential economic dislocation for workers and communities resulting from these spending reductions could become very disruptive on the local level. In our judgment, it makes sense to establish a modest and effective Defense Economic Adjustment program to assist communities, workers and businesses in coping with large scale economic dislocations. This program would rely heavily on existing programs and organizations as well as enhance the ability of the President's Economic Adjustment Committee to coordinate and implement necessary community planning and worker assistance efforts.

The amendment which will be offered to the DOD Authorization bill by Congressman Nick Mavroules is based on H.R. 3999, legislation crafted by a coalition of House Members who have worked over the years

in the Pacific area, at an additional cost, according to CBO, of up to $1.5 billion.

Finally, since 1988, South Korea has begun to pay an increasing share of support for the cost of United States troops. In 1991, those payments will be in excess of $140 million, and South Korea has agreed to assume the $1 billion to $3 billion cost of moving United States headquarters.

I urge my colleagues to vote against this amendment. The existing plan for United States troop withdrawal need not be rushed. Haste often makes waste, and the United States experience in Korea has been that waste is often measured in United States lives. I urge my colleagues to oppose the Mrazek amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MRAZEK. Mr. Chairman, I yield myself such time as I may consume, and I would point out that the situation is changed on the Korean Peninsula. The Soviet Union is certainly not ready to come to the assistance of North Korea when it is normalizing relations with South Korea. There are 44 million South Koreans, and there are a little over 20 million North Koreans. There are 545,000 Reservists ready to get into uniform in South Korea to join the active duty forces. There is a qualitative advantage of the South Korean forces over North Korea as things now stand.

This is not a dangerous amendment. It is simply a reflection, an accurate reflection, of the way this planet is rapidly changing, and how $3 billion over the next 5 years could be better spent in terms of our own national security needs. I would ask for an aye vote on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. MRAZEK].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MRAZEK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 157, noes 265, not voting 10, as follows:

[Roll No. 326]

AYES—157

Ackerman
Alexander
Andrews
Annunzio
Applegate
Atkins
Bates
Bellenson
Bereuter
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Cardin
Chapman
Clay
Clement
Collins
Condit
Conte
Conyers
Costello
Crockett
Darden
DeFazio
Dellums
Dingell
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Flake
Foglietta
Ford (MI)
Frank
Frost
Gaydos
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hall (TX)
Hawkins
Hayes (IL)
Hefley
Henry
Hertel
Hochbrueckner
Holloway
Hubbard
Jacobs
Jenkins
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kildee
Kleczka
Kolter
Kostmayer
Lehman (CA)
Lehman (FL)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Manton
Markey
Matsui
McCloskey
McDermott
McMillen (MD)
McNulty
Mfume
Miller (CA)
Moakley
Moody
Morella
Mrazek
Murphy
Nagle
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Owens (NY)
Owens (UT)
Panetta
Payne (NJ)
Pease
Pelosi
Perkins
Petri
Pickle
Poshard
Rahall
Rangel
Regula
Roe
Rohrabacher
Rostenkowski
Roybal
Russo
Sabo
Sangmeister
Savage
Scheuer
Schneider
Schroeder
Schumer
Sharp
Sikorski
Skaggs
Slaughter (NY)
Stark
Stokes
Studds
Synar
Tallon
Tauke
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Walgren
Washington
Weiss
Wheat
Williams
Wilson
Wolpe
Wyden
Yates
Yatron

NOES—265

Anderson
Anthony
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Broomfield
Browder
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Clarke
Clinger
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Derrick
DeWine
Dickinson
Dicks
Dixon
Dornan (CA)
Douglas
Dreier
Dwyer
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flippo
Frenzel
Gallegly
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Gejdenson
Gekas
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefner
Herger
Hiler
Hoagland
Hopkins
Horton
Houghton
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Jones (GA)
Jones (NC)
Kasich
Kennelly
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LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
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Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McEwen
McGrath
McHugh
McMillan (NC)
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Miller (WA)
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Morrison (WA)
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Neal (NC)
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Pallone
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Penny
Pickett
Porter
Price
Pursell
Quillen
Ravenel
Ray
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sarpalius
Sawyer
Saxton
Schaefer
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Schulze
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Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stump
Sundquist
Swift
Tanner
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weldon
Whittaker
Whitten
Wise
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—10

AuCoin
Ford (TN)
Gephardt
McDade
Miller (OH)
Morrison (CT)
Serrano
Smith, Denny (OR)
Udall
Watkins

□ 1808

Mrs. BENTLEY and Mrs. PATTERSON changed their vote from "aye" to "no."

Mr. JENKINS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DURBIN). Pursuant to House Resolution 461 and the requisite notice given by the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN] earlier today, it is now in order to consider the amendments printed in part 1 of House Report 101-693 relating to base closures as follows: first, by the gentlewoman from Illinois [Mrs. MARTIN]; second, by the gentleman from Wisconsin [Mr. ASPIN].

Said amendments are not subject to amendment, are considered as read, may be offered only by the Members designated, or their designees, and are debatable for 10 minutes each, equally divided and controlled by a proponent of the amendment and a Member opposed thereto.

If both amendments are adopted, only the last amendment adopted shall be considered as finally adopted and reported back to the House.

AMENDMENT OFFERED BY MRS. MARTIN OF ILLINOIS

Mrs. MARTIN of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MARTIN of Illinois:

Strike out section 2831 (page 426, line 15 through page 433, line 20) and insert in lieu thereof the following (and redesignate the subsequent sections accordingly):

SEC. 2831. BASE CLOSURE AND REALIGNMENT.

(a) MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.—The Secretary of Defense

shall formulate and implement a plan for reducing and terminating operations by the United States at installations outside the United States and shall transmit a copy of such plan to the Congress as soon as practicable after the date of the enactment of this Act.

(b) BASE CLOSURE AND REALIGNMENT.—Section 2687 of title 10, United States Code, is amended—

(1) by striking out subsection (d);

(2) by redesignating subsection (e) as subsection (i); and

(3) by inserting after subsection (c) the following new subsections:

"(d) IMPLEMENTATION.—(1) The Secretary of Defense may, subject to the provisions of this section—

"(A) take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

"(B) provide—

"(i) economic adjustment assistance to any community located near a military installation being closed or realigned, and

"(ii) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation,

if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

"(C) carry out activities for the purposes of environmental restoration and mitigation, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for environmental restoration and mitigation; and

"(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees.

"(2) Nothing in this section restricts the authority of the Secretary of Defense or the Secretary of the military department concerned to obtain architectural and engineering services under section 2807 of this title.

"(e) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property and facilities located at a military installation closed or realigned under the procedures established by this section—

"(A) the authority of the Administrator to utilize excess property under section 202 of the Federal Property and Administrative services Act of 1949 (40 U.S.C. 483);

"(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484); and

"(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

"(2)(A) Subject to subparagraph (B), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

"(i) all regulations in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991 governing the utilization of excess property and the disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

"(ii) all regulations in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991 governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

"(B) The Secretary of Defense, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

"(C) The authority required to be delegated by paragraph (1) to the Secretary of Defense by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

"(D) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this section, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

"(E) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this section, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

"(3)(A) Except as provided in subparagraph (B), there shall be deposited into the Account all proceeds—

"(i) from any transfer under paragraph (2)(D); and

"(ii) from the disposal of any property or facility made as a result of a closure or realignment under this section.

"(B) In any case in which the Secretary of Defense requests assistance from the General Services Administration in the management or disposal of property or facilities under this section, the Secretary of Defense shall reimburse the Administrator of General Services in accordance with section 1535 of title 31 for any expenses incurred in such activities.

"(f) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to—

"(A) the actions of the Secretary of Defense in selecting a military installation for closure or realignment;

"(B) in selecting a military installation to receive functions from an installation to be closed or realigned; or

"(C) in the preparation of the notification and evaluation required by subsection (b).

"(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this section (i) during the process of property disposal, and (ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected, but before the functions are relocated.

"(B) In applying the provisions of the National Environmental Policy Act of 1969 to actions referred in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall not have to consider—

"(i) the need for closing or realigning the military installation which has been selected for closure or realignment by the Secretary of Defense or the Secretary of the military department concerned;

"(ii) the need for transferring functions to the military installation which has been selected as the receiving installation; or

"(iii) military installations alternative to those selected.

"(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable, of any act or failure to act by the Department of Defense or the military department concerned during the closing, realigning, or relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), or of any act or failure to act by the Department of Defense or the military department concerned under this section, may not be brought more than 60 days after the date of such act or failure to act.

"(g) INAPPLICABILITY OF OTHER LAW.—The Secretary of Defense may close or realign military installations pursuant to the procedures set forth in this section without regard to—

"(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act enacted before the date of the enactment of the National Defense Authorization Act for Fiscal year 1991; and

"(2) section 2662 of this title.

"(h) BASE CLOSURE AND REALIGNMENT ACCOUNT.—(1) There is established on the books of the United States Treasury an account to be known as the 'Department of Defense Base Closure and Realignment account' which shall be administered by the Secretary of the Treasury as a single account.

"(2) The Account shall be composed of—

"(A) funds appropriated to the Account;

"(B) any funds transferred to the Account by the Secretary of Defense from funds appropriated to or for the use of the Department of Defense, other than funds appropriated to the Account, after the Secretary of Defense transmits to the appropriate committees of Congress written notice of, and justification for, such transfer; and

"(C) proceeds described in subsection (e)(3)(A);

"(3) The Secretary of Defense may use the funds in the Account only for the purposes described in subsection (d).

"(4) When funds in the Account are used to carry out a construction project under subsection (d)(1), and the cost of the project will exceed the maximum amount authorized by law for a minor construction project, the Secretary of Defense shall notify, in writing, the appropriate committees of Congress of the nature of, the justification for, and the amount of the expenditures for the project. Any such construction project may be carried out without regard to secton 2805 of this title.".

(c) CONFORMING AMENDMENT.—Subsection (i) of such section, as redesginated by subsection (a), is amended by adding at the end the following new paragraphs:

"(5) The term 'Account' means the Department of Defense Base Closure and Realignment account established by subsection (h).

"(6) The term 'appropriate committees of Congress' means the Committees on Armed Services and the Committees on Appropria-

tions of the Senate and the House of Representatives.".

SEC. 2832. COMMUNITY PLANNING ASSISTANCE.

Section 2391(b) of title 10, United States Code, is amended—

(1) by striking out paragraphs (3), (4), and (6);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) In the case of a publicly announced planned reduction in Department of Defense spending, the cancellation or termination of a Department of Defense contract, or the failure to proceed with a previously approved major defense acquisition program, assistance may be made under paragrpah (1) only if the reduction cancellation, termination, or failure will have a direct and significant inpact on a community and will result in the loss of—

"(A) not less than 2,500 jobs, in the case of an urban area;

"(B) not less than 1,000 jobs, in the case of a rural area; or

"(C) a number of jobs equal to or greater than 1 percent of the employed labor force in either such area.".

In section 2832, strike out paragraph (1) of subsection (b) (page 434, lines 12 through 16) and insert in lieu thereof the following:

(1) The Secretary of defense shall include, as part of the plan required by section 2831(a), an estimate of the fair market value of the improvements made at the installations at which the plan provides for a termination of military operations by the United States.

The CHAIRMAN pro tempore. Under the rule, the gentlewoman from Illinois [Mrs. MARTIN] will be recognized for 5 minutes in support of the amendment.

Mrs. SCHROEDER. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Illinois [Mrs. MARTIN].

The CHAIRMAN pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 5 minutes in opposition.

Mrs. MARTIN of Illinois. Mr. Chairman, the amendment in question strikes language from the bill which would most assuredly prevent the Secretary of Defense from closing a single military installation in the United States for at least 3 years. Like many, I have talked about how we must lower defense costs, but I have also argued the reality is difficult. We cannot lower force strength without closing bases, and grief in any district where that happens is real and complete.

Nonetheless, Mr. Chairman, it is time for the Congress to do what it knows it must do.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY] who was such an important figure in the last debate.

□ 1810

Mr. ARMEY. Mr. Chairman, I thank the gentlewomen for yielding. Let me just make some points that I think are important here. I have had an opportunity to study the provisions of the bill as brought to the floor and the provisions of the amendment brought by the gentlewoman from Illinois [Mrs. MARTIN]. If in fact we want as a body to close additional military bases in a sane and rational manner, with defense preparedness as our supreme criteria, this can be done with the amendment by the gentlewoman from Illinois [Mrs. MARTIN]; it cannot be done by the committee mark.

If we need to avoid unilateral decisions that are punitive in nature by the administration, or parochial decisions to block the closing of bases by individual Members of Congress, this can be achieved with the Martin amendment; it cannot be achieved with the committee mark.

If we want and need to have flexibility in a build-down in modernization and redeployment of our military by the Secretary of Defense, we can achieve that with the Martin amendment; we cannot achieve that with the mark of the committee.

If we charge the Secretary to do these things on behalf of the security needs of our children and our Nation, and at the same time retain the right of Congress as body to make a final decision on the closure of individual bases or a package of base closures, we can achieve that result with the Martin amendment; we will not achieve that result with the committee mark.

I ask all Members who believe it is necessary and desirable to eliminate wasteful unnecessary basing of scarce military resources to support the Martin amendment and oppose the mark of the committee.

Mrs. MARTIN of Illinois. Mr. Chairman, if I may just finish, and I would hope the gentlewoman from Colorado [Mrs. SCHROEDER] would hear this, because I think it is of some interest to her, I recognize that the gentlewoman has some particular concerns. We all understand that base closing is important. I also understand the calls that have been made to Members on the other side of the aisle.

This is not an amendment for political mischief. Therefore, understanding the role of the Committee on Armed Services and of the Committee mark from the Senate, rather than make the long speech about either hypocrisy or who is doing what, I will ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Pursuant to House Resolution 461 and the requisite notice given by the chairman of the Committee on Armed Services earlier today, it is now in order to consider the amendment to be offered by the gentleman from Wisconsin [Mr. ASPIN] of the issue of base closure. That amendment is not subject to amendment and is considered as read.

Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 5 minutes in support of the amendment, and a Member in opposition to the amendment will be recognized for 5 minutes.

Mr. ASPIN. Mr. Chairman, the Member I designate to offer the amendment is the gentleman from Alabama [Mr. BROWDER].

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. BROWDER] will control 5 minutes in support of the amendment.

AMENDMENT OFFERED BY MR. BROWDER

Mr. BROWDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWDER:

Page 426, strike out line 14 and all that follows through line 20 on page 433 and insert the following:

SEC. 2831. CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS.

(a) FORCE-STRUCTURE PLAN AND TERMINATION OF OPERATIONS AT INSTALLATIONS OUTSIDE THE UNITED STATES.—(1) The Secretary of Defense shall formulate a force-structure plan for the Armed Forces of the United States based on an assessment by the Secretary of the probable threats to the national security in the five-year period ending September 30, 1996, and of the anticipated levels of funding that will be available for national defense purposes during such period. Such plan shall include, without any reference directly or indirectly to military installations inside the United States that may be closed or realigned under such plan—

(A) a description of such assessment;

(B) a description (i) of the anticipated force structure during and at the end of such period for each military department (with specifications of the number and type of units in the active and reserve forces of each such department), and (ii) of the units that will need to be forward based (with a justification thereof) during and at the end of such period;

(C) a description of the anticipated implementation of such force-structure plan; and

(D) the plan described in paragraph (2).

(2) The Secretary shall formulate and implement a plan for reducing and terminating military operations by the United States at installations outside the United States.

(b) REPORTING REQUIREMENT.—(1) As part of the request for authorizations of appropriations for fiscal year 1992, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the force-structure plan formulated pursuant to subsection (a)(1);

(B) a description of the actions carried out and to be carried under subsection (a)(2), including a list of the installations outside the United States at which military operations by the United States will be reduced or terminated and an estimate of the extent of each such reduction;

(C) a legislative proposal containing (i) a fair process, as described in paragraph (2)(A), by which military installations inside the United States could be selected for closure and realignment as part of the implementation of the force-structure plan referred to in subsection (a)(1), and (ii) the policy referred to paragraph (2)(B); and

(D) a proposal for assistance (including worker retraining and economic conversion assistance) for individuals and communities

that will be adversely affected economically by the closure or realignment of military installations inside the United States under such force-structure plan, including recommendations for any legislative action that the Secretary determines is needed to provide such assistance.

(2) The legislative proposal referred to in paragraph (1)(C) shall provide—

(A) a fair process for selecting military installations inside the United States for closure or realignment solely on the basis of objective criteria designed to achieve effectively and efficiently the military objectives of the Department of Defense contained in the force-structure plan transmitted under paragraph (1); and

(B) a policy ensuring the prompt environmental restoration of all property that will become excess to the needs of the Department of Defense as result of a military installation inside the United States being selected for closure or realignment.

(3) The proposal for economic assistance referred to in paragraph (1)(D), in addition to providing for economic assistance generally to individuals and communities adversely affected economically by the closure or realignment of a military installation, shall provide for appropriate economic assistance to State and local governments that made expenditures in reliance on, and in support of, Federal plans to establish or continue to operate a military installation that was not opened or was selected for closure.

(c) MILITARY INSTALLATIONS INSIDE THE UNITED STATES.—(1) None of the funds available to the Department of Defense may, except as provided in paragraph (4), be expended (whether obligated before the date of enactment of this Act or not) to—

(A) identify, through any transmittal to the Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(B) close or realign any military installation inside the United States,

until specifically authorized by law during the 102nd Congress or until January 1, 1992, whichever occurs first.

(2) None of the funds appropriated pursuant to authorizations in this Act may be obligated or expended, except as provided by paragraph (4), to initiate any study necessary to meet the requirements of section 2687 of title 10, United States Code, or the National Environmental Policy Act that are applicable to the closure or realignment of military installations.

(3) In providing for the repair and maintenance of facilities at military installations inside the United States during fiscal year 1991, the Secretary of Defense and the Secretaries of the military departments shall, except as provided in paragraph (4), expend an amount during such fiscal year, with funds appropriated for operation and maintenance pursuant to authorizations made by this Act and with other funds that may be available for such purpose for such fiscal year, for repair and maintenance at each such installation equal to not less than 75 percent of the average annual amount expended for repair and maintenance of facilities at the installation concerned during fiscal years 1985 through 1989.

(4) Paragraphs (1), (2), and (3) shall not apply to—

(A) closures and realignments carried out under title II of Public Law 100-526; and

(B) closures and realignments to which section 2687 of title 10, United States Code, is not applicable.

(d) PROHIBITION AND REMEDIAL ACTION.—(1) The provisions of the transmittal to the Congress by the Secretary of Defense, dated January 29, 1990, identifying certain military installations as candidates for closure, and the provisions of any other proposal (whether transmitted to the Congress or not) developed during the year ending on the date of the enactment of this Act with respect to identifying military installations for closure, shall not be used as the basis for any decision concerning the assignment of mission, personnel, or resources to any installation identified in such provisions.

(2) The Secretary of Defense—

(A) shall review all actions taken during the year ending on the date of the enactment of this Act with regard to any installation identified in any provision referred to in paragraph (1); and

(B) shall take such steps as may be necessary to remedy the damage to such installation that has resulted from any such action.

(e) DEFINITIONS.—(1) For purposes of this section—

(A) the term "military installation" means a base, camp, post, station, yard, center, homeport, facility or any ship, or any other activity under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility, except that such term shall not include any facility used primarily for civil works, rivers and harbor projects, or flood control projects;

(B) the term "United States" means the several States and the District of Columbia; and

(C) the term "realignment" has the meaning given such term by section 2687(e)(3) of title 10, United States Code.

(2) Section 2687 of title 10, United States Code, is amended—

(A) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) any realignment with respect to any military installation referred to in paragraph (1) that would result, during any two-year period, in a reduction of more than 1,000 in, or by more than 50 percent of, the number of civilian personnel authorized to be employed at such military installation at the beginning of the two-year period concerned; or"; and

(B) in subsection (e)(3), by striking out "includes" and inserting in lieu thereof "means".

(3) For the purpose of making determinations with respect to closures and realignments carried out on or after the date of the enactment of this Act, the amendment made by paragraph (2)(A) shall be applied to include reductions of civilian personnel occurring during any two-year period beginning after the date that occurred two years before the date of the enactment of this Act.

(f) CLARIFYING AMENDMENT.—Section 2687(e)(1) of title 10, United States Code, is amended by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility,".

The CHAIRMAN pro tempore. Is there a Member in opposition to the amendment?

The Chair recognizes the gentleman from Alabama [Mr. BROWDER].

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

Mr. Chairman, we have had a good bit of discussion of this amendment today. I think everyone agrees that we have got to do something about our military infrastructure. We are going to close bases, and we are going to realign our forces. The question before us tonight is whether we are going to do it the right way.

We have a process before us presented by the Secretary of Defense. I would like before I talk about the Secretary of Defense's proposal, to repeat a statement made by the President in these Chambers last night, in which the President said:

> The world is still dangerous. Surely that is now clear. This is no time to risk America's capacity to protect our vital interests.

Mr. Chairman, I think there is good sense to that. But if we had followed the plan of the Secretary of Defense, let me tell you what would be happening to us in our defense, in our deployment in Desert Shield. Fort McClellan, AL, the only facility in the world where our troops can receive defensive training against live chemical agents, may be closing. Fort Hood, TX, home of the 2d Armored Division, which had been designated for deactivation and which is now being deployed for Desert Shield, we would have been deprived of those forces. Troop Support Command, St. Louis, MO, in early August the Army issued 5,000 reduction in force notices. Within days of those RIF's, the same employees were told to report for double shifts in order to keep up with troop needs.

At Myrtle Beach, SC, the A-10's were deployed to the Middle East in mid-August. The A-10 tank killers are among our frontline air forces ready to repel an invasion of Saudi Arabia.

Mr. Chairman, we have a five-point plan which first requires a rational defense strategy and force structure. Second, it requires the Secretary of Defense to prepare a proposal to us for a bipartisan base closure plan. Third, it establishes a moratorium until January 1992, 1 year. If the Secretary comes prior to that time and Congress authorizes, bases can be closed.

Fourth, it prevents bleeding of those bases. Fifth, it has an economic adjustment assistance provision.

Mr. Chairman, we have a choice. I urge this House to vote for a fair proposal, to vote for a rational defense strategy, and support this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

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

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding. I just take this time as a sponsor of this amendment to congratulate the gentleman from Alabama [Mr. BROWDER] for his leadership and work on the committee for a reasonable, rational, bipartisan approach to base closing.

Mr. BROWDER. Mr. Chairman, I yield such time as he may consume to

the gentleman from Kentucky [Mr. MAZZOLI].

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

Mr. MAZZOLI. Mr. Chairman, I thank my friend, the gentleman from Alabama [Mr. BROWDER], for yielding. I salute him on his outstanding work on behalf of this amendment. I rise in support of this amendment and am proud to work with the gentleman.

Mr. BROWDER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. PANETTA].

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

Mr. PANETTA. Mr. Chairman, as chairman of the Budget Committee, no one is more aware of the need to reduce defense costs than I. But my commitment, and the commitment of the citizens I represent, to reasonable reductions in defense spending does not necessitate a headlong, reckless rush into across-the-board base closures and reductions.

Mr. Chairman, that January 29 list released by the Secretary of Defense was compiled over 2 or 3 weeks exactly 1 year ago. My colleagues may recall that just 1 year ago the Berlin Wall had not yet fallen and Vaclav Havel was still an outsider in Czechoslovakia. The small teams of hit men charged with developing the Secretary's base-closure list had no idea what the Department of Defense's grand strategy, force structure, budget plans and basing plans would entail today, much less 4 years from now. We cannot allow the Department of Defense to substitute quick strike, quickly obsolete base-closure schemes for rational planning. We cannot allow the Department of Defense to throw entire economic regions into chaos willy-nilly. There simply has got to be some kind of rationality built into the process. There has got to be a process, period.

Thus, it has been clear from day one that the Defense Department's current base closure process is not based on the slightest bit of defense strategy or fiscal planning in response to the tumultuous world events of the last year. The Secretary of Defense's unprecedented and unofficial release of a list of bases he considers candidates for closure has thrown communities across the Nation into disarray and raised the specter of very damaging defense cuts being implemented without relation to strategy, policy and planning. What happens to our preparedness? Where is the ultimate focus on our national security? I do not see that leading light, Mr. Chairman. We are blundering headlong in the darkness of ignorance—ignorance of our final goals and our final base structure in the new world order.

It is astonishing, in my view, that the Department of Defense is attempting to close military posts within the United States before taking a hard look at our bases in Europe and in East Asia. It would seem to be indisputable that the defense of the United States should be our first priority, that the cost of bases abroad is far higher than at home, that the need for our current number of troops in Europe and in Korea is diminished and that the disruption caused by base closures abroad is insignificant relative to that felt at home. Yet, again, the Department is not only attempting to foist this specious list on the Congress, we are now asked to swallow hard and accept a permanent codification of this practice.

Let us show a little mettle here: We have seen the Martin amendment before, in the form of the administration's base closure list released last January; it does not comport with the real world. Moreover, and perhaps more important, the Cheney-Martin strategy would deprive the Congress of its constitutionally mandated responsibility to authorize the expenditure of funds for the disposition of military posts and defense civilian personnel.

In my own district, the Department of the Army has recommended the relocation of the 7th Light Infantry Division to Fort Lewis, WA, and the closure of Fort Ord. You remember the 7th Division, Mr. Chairman. That's the division that was developed pursuant to former President Carter's order to create a rapid deployment force for contingencies much like Operation Desert Shield. That's the division that was deployed just last December to fight with great success and extraordinary skill in Panama. That's the division that has the best training facilities, best housing and one of the most flawless deployment records in the U.S. Armed Forces.

Yet, Office of the Secretary of Defense's September 1989 team decided that the division should be moved and that Fort Ord should be closed. I formed a community task force on Fort Ord, led by retired military experts, to conduct a study of the Defense Department's proposal. In March 1990, the task force issued its report on the military and budgetary issues of the relocation of the division. The defense report, the result of several weeks of painstaking analysis of all the issues involved, concludes that the Defense Secretary's proposal is completely unjustified in every respect. Having studied the issue carefully for 8 months now, I must tell you in all candor that I am at a loss to explain the Department's original recommendation to close Fort Ord.

The Committee on Armed Services, in consultation with many of our colleagues, has recommended a bill that clearly and wisely sets forth the requirements for a rational base closure process: first review our defense strategy and force structure needs, then develop a rational base closure process and, finally, institute necessary base closures along with a fair assistance program to smooth out the rough bumps dislocated defense personnel are sure to face.

The Martin amendment would not only harm our national security, it would represent another blow to the Constitution by wrenching yet another authority away from the Congress. Stand up for the congressional prerogative and a fair, American system. Vote against the Martin amendment.

Mr. BROWDER. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, this bill, the amendment that the gentleman from Alabama [Mr. BROWDER] offers, is really the only way that we have to really close bases. It does it in a rational way, it does it in a bipartisan way.

The gentleman from Alabama has done a lot of work on this. He is absolutely right. If you were in favor of closing bases before, if you want to make sure your base is protected by a rational process before it, if you want to make sure your base is protected by a bipartisan system before it, vote for the Browder amendment.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. BROWDER. I yield to the gentleman from Ohio.

Mr. PEASE. Mr. Chairman, I appreciate the gentleman yielding. I was interested in the comments of our chairman, the gentleman from Wisconsin [Mr. ASPIN]. I thought we already had a base closing procedure in the law that we worked very hard to get a couple of years ago. I must say to me this looks like a retreat from that procedure. Am I wrong about that?

Mr. ASPIN. Mr. Chairman, no, this is the same procedure we had in the bill. This last procedure we had 2 years ago has run out. It was only a one-shot base closing process. What this would do would be to create the Commission again and to do it again.

Mr. PEASE. Mr. Chairman, if the gentleman will yield further, does this amendment pertain to the group of bases that were cited last year pursuant to the law we passed 2 years ago?

Mr. ASPIN. No, it covers any bases.

Mr. PEASE. Including those?

Mr. ASPIN. No. Anything that was ordered closed by the Base Closing Commission, the Carlucci Commission of a couple of years ago, that is a done deal and that will continue.

Mr. PEASE. Mr. Chairman, I thank the gentleman.

□ 1820

Mr. BROWDER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). If there is no Member seeking time in opposition to the amendment, the question is on the amendment offered by the gentleman from Alabama [Mr. BROWDER].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ASPIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 287, noes 134, not voting 11, as follows:

[Roll No. 327]

AYES—287

Ackerman	Bilbray	Bustamante
Alexander	Bilirakis	Byron
Anderson	Boehlert	Callahan
Andrews	Boggs	Campbell (CO)
Annunzio	Bonior	Cardin
Anthony	Borski	Carper
Applegate	Bosco	Chandler
Aspin	Boucher	Chapman
Atkins	Boxer	Clarke
Ballenger	Brennan	Clay
Barnard	Brooks	Clement
Bates	Broomfield	Coble
Bennett	Browder	Coleman (MO)
Bentley	Brown (CA)	Coleman (TX)
Berman	Bruce	Collins
Bevill	Bryant	Condit

Conyers
Cooper
Costello
Coughlin
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frost
Gallo
Gejdenson
Gekas
Geren
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Holloway
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Machtley
Madigan
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Richardson
Rinaldo
Robinson
Roe
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schuette
Schulze
Schumer
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

NOES—134

Archer
Armey
Baker
Bartlett
Barton
Bateman
Bellenson
Bereuter
Bliley
Brown (CO)
Buechner
Bunning
Burton
Campbell (CA)
Carr
Clinger
Combest
Conte
Courter
Cox
Craig
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Frenzel
Gallegly
Gibbons
Gillmor
Gingrich
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Herger
Hiler
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Kasich
Kennedy
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lent
Lewis (CA)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morella
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Paxon
Pease
Petri
Porter
Pursell
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Ros-Lehtinen
Roth
Saiki
Schaefer
Schneider
Sensenbrenner
Shaw
Shays
Shumway
Skeen
Slattery
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Solomon
Stearns
Stump
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Wilson
Wolf
Wylie
Young (AK)

NOT VOTING—11

AuCoin
Ford (TN)
Gaydos
Gephardt
Goodling
Miller (OH)
Morrison (CT)
Serrano
Smith, Denny (OR)
Stangeland
Watkins

□ 1842

Messrs. DONALD E. "BUZ" LUKENS, GUNDERSON, and KENNEDY, and Mrs. JOHNSON of Connecticut changed their vote from "aye" to "no."

Mr. BATES changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. FASCELL. Mr. Chairman, there are several important developments related to chemical weapons and arms control that I would like to note for my colleagues during the debate today of the fiscal year 1991 Department of Defense authorization. I feel confident that these developments mark the beginning of the end for chemical weapons around the world.

The developments, simply put, are these: There are no production funds for new chemical weapons in this DOD authorization bill nor in the Senate version. The United States and U.S.S.R. have agreed to destroy all their chemical weapons and stop all future production of chemical weapons. Progress in Geneva brings closer to reality the opportunity to achieve a worldwide ban on chemical weapons.

The House of Representatives has played an active role in these developments. The House has opposed new production of chemical weapons by our country while promoting bilateral and multilateral negotiations to solve the chemical weapons problem.

An Iraqi sanctions bill was passed by the House 2 years ago due to Iraqi use of chemical weapons against Iran. Last year, the House passed a chemical weapons sanctions bill applicable to all countries, companies, and individuals using or proliferating chemical weapons. That bill had strong bipartisan support and was precedent setting because it had administration support. And, last month, another Iraqi sanctions bill passed the House.

Our colleague, MARTIN LANCASTER, is an observer to the chemical weapons negotiations in Geneva. He has visited those negotiations three times; the last time he organized an exchange there with Soviet legislators to discuss the destruction and nonproduction of CW agreement. He has made some excellent recommendations on policy and negotiating strategy to President Bush and to the Department of State. And other Members have given careful attention, exercised legislative oversight, and authorized increased funding for our chemical weapons destruction and defensive programs.

The total cuts in chemical weapons production amount to $224 million—$124 million for production of the 155mm artillery shell, $67 million for the Bigeye bomb, $28 million for the multiple-launch rocket system [MLRS], and $5 million for development of a new binary munition.

The larger estimate of savings in past years and future years for termination of the Bigeye bomb is $1.5 billion. This is a GAO estimate using the total projected production numbers for Bigeye adjusted to current-year dollars. Adding the 155mm artillery shell and MLRS program terminations, the grand total savings accrued by stopping this program amount to at least $2 billion. The Senate bill also cuts out the binary chemical weapons production programs.

It has been a long, hard 8-year struggle for the House to finally convince the executive branch of the foreign policy logic, arms control rationale, and good common sense of its position opposing the production of new binary chemical weapons.

That struggle is over; we won; and this year I do not have to offer an amendment to the DOD bill to cut chemical weapons production funds. It seemed foolish to produce new chemical weapons designed to counter the Soviet chemical threat which could not be based in Europe where they were needed because the Europeans did not want them and saw no military need for them. New U.S. production of chemical weapons contradicted stated U.S. arms control policy of wanting to stop chemical weapons proliferation and achieve a worldwide ban.

It never made any practical sense to approve a multibillion-dollar purchase of these new "modern, safe" chemical weapons when the General Accounting Office [GAO] proved that the weapons had continually failed tests. The Pentagon could never convince enough people of the military utility of these weapons. Contrary to the Pentagon's contention that these chemical weapons would add to U.S. security, the only thing that they added to was the Federal deficit. Consequently, House actions stopped a new generation of these weapons and saved several billion dollars.

Because Vice President Bush broke two tie votes in the Senate in favor of new binary chemical weapons production and because the requests for new funding of the weapons continued from the Reagan to the Bush presidency, the sincerity of the U.S. support for a worldwide ban and for a halt to chemical weapons proliferation was always questioned. The United States-U.S.S.R. agreement to halt chemical weapons production and begin destruction staked out new credibility and leadership for the United States on this issue.

The United States-U.S.S.R. agreement is an historic arms control achievement. It signals the beginning of the end for chemical weapons. This arms control achievement is a great confidence-building measure both between

Document Separator

PUBLIC LAW 102-190

SYNOPSIS:

An Act

To authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

DEC. 5, 1991 -- PUBLIC LAW 102-190

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Years 1992 and 1993".

PART B -- DEFENSE BASE CLOSURE AND REALIGNMENT

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Sec. 2821. Defense Base Closure and Realignment Act of 1990 amendments.
Sec. 2822. Consistency in budget data.
Sec. 2823. Eligibility of Department of Defense employees and members of the Armed Forces for homeowners assistance in connection with base closures.
Sec. 2824. Environmental plan for Jefferson Proving Ground, Indiana.
Sec. 2825. Disposition of credit union facilities on military installations to be closed.
Sec. 2826. Report on employment assistance services.
Sec. 2827. Funding for environmental restoration at military installations to be closed and report on environmental restoration costs at such installations.

PART B -- DEFENSE BASE CLOSURE AND REALIGNMENT

SEC. 2821. DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990 AMENDMENTS.

(a) Appointment of Commission.
Section 2902(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

"(C) If the President does not transmit to Congress the nominations for appointment to the Commission on or before the date specified for 1993 in clause (ii) of subparagraph (B) or for 1995 in clause (iii) of such subparagraph, the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.".

(b) Employment of Staff by Commission.
Section 2902(i) of such Act is amended --

(1) in paragraph (3) --

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraphs:
"(B)(i) Not more than one-fifth of the professional analysts of the Commission staff may be persons detailed from the Department of Defense to the Commission.
"(ii) No person detailed from the Department of Defense to the Commission may be assigned as the lead professional analyst with respect to a military department or defense agency.
"(C) A person may not be detailed from the Department of Defense to the Commission if, within 12 months before the detail is to begin, that person participated personally and substantially in any matter within the Department of Defense concerning the preparation of recommendations for closures or realignments of military installations.
"(D) No member of the Armed Forces, and no officer or employee of the Department of Defense, may --
"(i) prepare any report concerning the effectiveness, fitness, or efficiency of the performance on the staff of the Commission of any person detailed from the Department of Defense to that staff;
"(ii) review the preparation of such a report; or
"(iii) approve or disapprove such a report."; and

(2) by adding at the end the following new paragraph:

"(6) The following restrictions relating to the personnel of the Commission shall apply during 1992 and 1994:

"(A) There may not be more than 15 persons on the staff at any one time.
"(B) The staff may perform only such functions as are necessary to prepare for the transition to new membership on the Commission in the following year.
"(C) No member of the Armed Forces and no employee of the Department of Defense may serve on the staff.".

(c) Prohibition Against Restricting Communications With the Commission.
Section 2902 of such Act is amended by adding at the end the following new subsection:

"(m) Prohibition Against Restricting Communications. Section 1034 of title 10, United States Code, shall apply with respect to communications with the Commission.".

(d) Date for Completion of Selection Criteria.
Section 2903(b)(2)(B) of such Act is amended --

(1) by striking out "February 15" in the first sentence and inserting in lieu thereof "January 15"; and
(2) by striking out "March 15" in the second sentence and inserting in lieu thereof "February 15".

(e) Department of Defense Recommendations.
Section 2903(c) of such Act is amended --

(1) in paragraph (1), by striking out "April 15, 1993, and April 15, 1995," and inserting in lieu thereof "March 15, 1993, and March 15, 1995,";

(2) in paragraph (4), by inserting at the end the following new sentence:
"(4) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or member of Congress), the Secretary shall also make such information available to the Commission and the Comptroller General of the United States."; and

(3) by inserting at the end the following new paragraphs:
"(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense or the Commission concerning the closure or realignment of a military installation, shall certify that such information is accurate and complete to the best of that person's knowledge and belief.
"(B) Subparagraph (A) applies to the following persons:
"(i) The Secretaries of the military departments.
"(ii) The heads of the Defense Agencies.
"(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and

recommendations concerning the closure or realignment of military installations, as designated in regulations which the Secretary of Defense shall prescribe, regulations which the Secretary of each military department shall prescribe for personnel within that military department, or regulations which the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

"(6) In the case of any information provided to the Commission by a person described in paragraph (5)(B), the Commission shall submit that information to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and the House of Representatives within 24 hours after the submission of the information to the Commission. The Secretary of Defense shall prescribe regulations to ensure the compliance of the Commission with this paragraph.".

(f) Commission Recommendations.

Section 2903(d)(2) of such Act is amended --

(1) in subparagraph (B), by striking out "In making" and inserting in lieu thereof "Subject to subparagraph (C), in making"; and

(2) by adding at the end the following new subparagraphs:

"(C) In the case of a change described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if the Commission --

"(i) makes the determination required by subparagraph (B);

"(ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1);

"(iii) publishes a notice of the proposed change in the Federal Register not less than 30 days before transmitting its recommendations to the President pursuant to paragraph (2); and

"(iv) conducts public hearings on the proposed change.

"(D) Subparagraph (C) shall apply to a change by the Commission in the Secretary's recommendations that would --

"(i) add a military installation to the list of military installations recommended by the Secretary for closure;

"(ii) add a military installation to the list of military installations recommended by the Secretary for realignment; or

"(iii) increase the extent of a realignment of a particular military installation recommended by the Secretary.".

(g) Clarification of Congressional Consideration of Commission Report.
Section 2908(d) of such Act is amended in the first sentence by striking out "the resolution (but" and all that follows through "do so)." and inserting in lieu thereof the following: "the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred.".

(h) Military Installation Defined.
(1) Section 2910(4) of such Act is amended by inserting at the end the following new sentence: "Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.".

(2) The amendment made by paragraph (1) shall take effect as of November 5, 1990, and shall apply as if it had been included in section 2910(4) of the Defense Base Closure and Realignment Act of 1990 on that date.

(i) No Authority To Withhold Information.
Nothing in this section or in the Defense Base Closure and Realignment Act of 1990 shall be construed to authorize the withholding of information from Congress, any committee or subcommittee of Congress, or the Comptroller General of the United States.

SEC. 2822. CONSISTENCY IN BUDGET DATA.

(a) Military Construction Funding Requests.
In the case of each military installation considered for closure or realignment or for comparative purposes by the Defense Base Closure and Realignment Commission, the Secretary of Defense shall ensure, subject to subsection (b), that the amount of the authorization requested by the Department of Defense for each military construction project in each of the fiscal years 1992 through 1999 for the following fiscal year does not exceed the estimate of the cost of such project (adjusted as appropriate for inflation) that was provided to the Commission by the Department of Defense.

(b) Explanation for Inconsistencies.
The Secretary may submit to Congress for a fiscal year a request for the authorization of a military construction project referred to in subsection (a) in an amount greater than the estimate of the cost of the project (adjusted as appropriate for inflation) that was provided to the Commission

if the Secretary determines that the greater amount is necessary and submits with the request a complete explanation of the reasons for the difference between the requested amount and the estimate.

(c) Investigation.

(1) The Inspector General of the Department of Defense shall investigate each military construction project for which the Secretary is required to submit an explanation to Congress under subsection (b) if the Inspector General determines (under standards prescribed by the Inspector General) that the difference between the requested amount and the estimate for the project is significant.

(2) With respect to each military construction project investigated under paragraph (1), the Inspector General shall determine --

(A) why the amount requested to be authorized in the case of that project exceeds the estimated cost of the project that was submitted to the Commission by the Department of Defense; and

(B) whether the relevant information submitted to the Commission with respect to that project was inaccurate, incomplete, or misleading in any material respect.

(3) The Inspector General shall submit a report to the Secretary describing the results of each investigation conducted under paragraph (1). The Secretary shall forward a copy of the report to the congressional defense committees.

SEC. 2823. ELIGIBILITY OF DEPARTMENT OF DEFENSE EMPLOYEES AND MEMBERS OF THE ARMED FORCES FOR HOMEOWNERS ASSISTANCE IN CONNECTION WITH BASE CLOSURES.

(a) Expanded Eligibility.

Subsection (b) of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended by striking out the matter above the first proviso and inserting in lieu thereof the following:

"(b)(1) In order to be eligible for the benefits of this section, a civilian employee or a member of the Armed Forces --

"(A) must be assigned to or employed at or in connection with the installation or activity at the time of public announcement of the closure action, or employed by a nonappropriated fund instrumentality operated in connection with such base or installation;

"(B) must have been transferred from such installation or activity, or terminated as an employee as a result of a reduction in force, within six months prior to public announcement of the closure action; or

"(C) must have been transferred from the installation or activity on an overseas tour within three years prior to public announcement of the closure action.

"(2) A member of the Armed Forces shall also be eligible for the benefits of this section if the member --

"(A) was transferred from the installation or activity within three years prior to public announcement of the closure action; and

"(B) in connection with the transfer, was informed of a future, programmed reassignment to the installation.

"(3) The eligibility of a civilian employee and member of the Armed Forces under paragraph (1) and a member of the Armed Forces under paragraph (2) for benefits under this section in connection with the closure of an installation or activity is subject to the additional conditions set out in paragraphs (4) and (5).".

(b) Conforming Amendments.

(1) Subsection (a) of such section is amended --

(A) in paragraph (1), by striking out "servicemen" and inserting in lieu thereof "member of the Armed Forces of the United States"; and

(B) in paragraph (2), by inserting before the semicolon the following: "or, in the case of a member of the Armed Forces not assigned to that base or installation at the time of public announcement of such closing, will prevent any reassignment of such member to the base or installation".

(2) The first proviso of subsection (b) of such section is amended --

(A) by striking out "Provided, That, at" and inserting in lieu thereof the following: "(4) At";

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(C) by striking out the colon at the end and inserting in lieu thereof a period.

(3) The second proviso of subsection (b) of such section is amended --

(A) by striking out "Provided further, That as" and inserting in lieu thereof the following: "(5) As"; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(4) Subsection (1) of such section is amended by striking out "the second proviso of subsection (b)" and inserting in lieu thereof "subsection (b)(5)".

SEC. 2824. ENVIRONMENTAL PLAN FOR JEFFERSON PROVING GROUND, INDIANA.

(a) Plans Required.
The Secretary of Defense shall prepare a proposed and final plan containing the environmental response actions and corrective actions required for the environmental restoration and cleanup of the entire 55,000 acres of the Jefferson Proving Ground, Indiana, including all areas north and south of the firing line.

(b) Content of Plans.
The plans required under subsection (a) shall include the following information:

(1) An identification of the categories of potential alternative uses, including unrestricted use, for the entire installation following closure.

(2) For each of the potential use categories identified pursuant to paragraph (1), the following information:

(A) An identification and detailed description of the environmental response actions and corrective actions required for the environmental restoration and cleanup of the installation to a condition suitable for the uses in such category.

(B) A schedule (including milestones) for completing such environmental response actions and corrective actions.

(C) The total estimated cost of completing such activities and the estimated cost of such environmental response actions and corrective actions for each fiscal year through fiscal year 1998.

(D) A description of any impediments to achieving successful completion of such environmental response actions and corrective actions.

(c) Proposed Plan.

Within 180 days after the date of the enactment of this Act, the Secretary shall --

(1) prepare the proposed plan required under subsection (a);

(2) publish simultaneously in the Federal Register and in at least 2 newspapers of general circulation in Madison, Indiana, and the surrounding area a notice of the availability of the proposed plan, including the Secretary's request for comments on the proposed plan from the public; and

(3) provide copies of the proposed plan to appropriate State and local agencies authorized to develop and enforce environmental standards.

(d) Opportunities for Public Comment.

(1) There shall be a period of at least 60 days for public comment on the proposed plan.

(2) The Secretary shall hold at least 1 public meeting on the proposed plan in the area of the Jefferson Proving Ground not earlier than 45 days after the date of the publication of the notice in the Federal Register required by subsection (c). The public may submit comments on the proposed plan at the meeting. The comments may be in either oral or written form.

(e) Availability of Public Comments.

The Secretary shall make available to the public all comments received by the Secretary on the proposed plan.

(f) Final Plan.

(1) At the same time that the President submits the budget to Congress for fiscal year 1994 pursuant to section 1105 of title 31, United States Code, the Secretary shall submit the final plan required by subsection (a) to Congress.

(2) The final plan shall include the Secretary's recommendations for uses of the Jefferson Proving Ground, the environmental response actions and corrective actions required to permit such uses, and the Secretary's specific responses to each comment received on the proposed plan pursuant to subsection (d).

(g) Effect on Other Laws.

Nothing in this section shall be construed as preempting, limiting, superseding, affecting, or modifying any Federal, State, or local law or regulation, including the Solid Waste Disposal Act (42 U.S.C. 3251 et seq.) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2825. DISPOSITION OF CREDIT UNION FACILITIES ON MILITARY INSTALLATIONS TO BE CLOSED.

(a) Authority to Convey Facilities.

(1) Subject to subsection (c) and notwithstanding any other provision of law, the Secretary of the military department having jurisdiction over a military installation being closed pursuant to a base closure law may convey all right, title, and interest of the United States in a facility located on that installation to a credit union that --

(A) conducts business in the facility; and

(B) constructed or substantially renovated the facility using funds of the credit union.

(2) In the case of the conveyance under paragraph (1) of a facility that was not constructed by the credit union but was substantially renovated by the credit union, the Secretary shall require the credit union to pay an amount determined by the Secretary to be equal to the value of the facility in the absence of the renovations.

(b) Authority to Convey Land.
As part of the conveyance of a facility to a credit union under subsection (a), the Secretary of the military department concerned shall permit the credit union to purchase the land upon which that facility is located. The Secretary shall offer the land to the credit union before offering such land for sale or other disposition to any other entity. The purchase price shall be not less than the fair market value of the land, as determined by the Secretary.

(c) Limitation.
The Secretary of a military department may not convey a facility to a credit union under subsection (a) if the Secretary determines that the operation of a credit union business at such facility is inconsistent with the plan for the reuse of the installation developed in coordination with the community in which the facility is located.

(d) Base Closure Law Defined.
For purposes of this section, the term "base closure law" means the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

SEC. 2826. REPORT ON EMPLOYMENT ASSISTANCE SERVICES.

(a) Report Required.
Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the availability of employment assistance services for civilian employees of the Department of Defense who may be affected by reductions in defense employment as a result of the closure and realignment of military installations under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1808; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note). The Secretary shall prepare the report in coordination with the Secretary of Labor.

(b) Content of Report.
The report required by subsection (a) shall include the following:

(1) A detailed description of plans to reduce the work force, including specific timetables, at military installations currently designated for closure or realignment under those Acts.

(2) A description of the availability of all current Federal, State, and local programs and efforts to provide training and reemployment assistance to involuntarily separated personnel in each community affected by base closure or realignment.

(3) A description of any plans by the Department of Labor and the Department of Defense to expand existing job training programs for civilian employees of the Department of Defense affected by base closure and realignments and the estimated cost of such program expansions.

(4) A description of any specific Army, Navy, or Air Force programs which provide job training and reemployment assistance to civilian workers affected by current base closure and realignment actions, the current cost of these programs, and any plans to expand these programs to meet future job training and reemployment requirements.

SEC. 2827. FUNDING FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED AND REPORT ON ENVIRONMENTAL RESTORATION COSTS AT SUCH INSTALLATIONS.

(a) Exclusive Source of Funding.

(1) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1815; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(d) Account Exclusive Source of Funds for Environmental Restoration Projects. Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the termination of the authority of the Secretary to carry out a closure or realignment under this part.".

(2) Section 2905(a)(1)(C) of such Act (Public Law 101-510; 104 Stat. 1813; 10 U.S.C. 2687 note) is amended --

(A) by striking out "may" and inserting in lieu thereof "shall"; and

(B) by striking out "or funds appropriated to the Department of Defense for environmental restoration and mitigation".

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) Report on Environmental Restoration Costs for Installations To Be Closed Under 1990 Base Closure Law.

(1) Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to Congress a report on the funding needed for the fiscal year for which the budget is submitted, and for each of the following four fiscal years, for environmental restoration activities at each military installation described in paragraph (2), set forth separately by fiscal year for each military installation.

(2) The report required under paragraph (1) shall cover each military installation which is to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510).

Document Separator

102D CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
102-60

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

REPORT

OF THE

COMMITTEE ON ARMED SERVICES HOUSE OF REPRESENTATIVES

ON

H.R. 2100

together with

ADDITIONAL AND DISSENTING VIEWS

[Including cost estimate of the Congressional Budget Office]

MAY 13, 1991.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1991

42-760

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mends a total additional authorization of $65 million to improve chemical warfare protective clothing and defensive equipment for both the Army and Marine Corps.

MILITARY PERSONNEL

Active duty endstrength

The committee recommends approval of the administration request to draw down the force by over 106,000 personnel to a new total of 1,886,400 active duty personnel. This represents a five percent reduction and continuation on the path toward a 20 percent reduction over five years.

Guard and reserve endstrength

The committee recommends revision of the budget request, reducing both Guard and reserve endstrength by 37,580 instead of 107,526 as requested by the administration. The committee also called for an independent study of existing and projected active and reserve endstrengths, with recommendations for changes for the future force structure.

Pay raise

The committee recommends approval of the request for a 4.2 percent military pay raise.

Desert Storm benefits

The committee recommends making permanent increased in Imminent Danger Pay and Family Separation pay that were enacted in connection with Operation Desert Storm.

DEFENSE MANAGEMENT

Defense business operations fund

The Administration proposed the establishment of a Defense Business Operations Fund (DBOF) to change the way the Department of Defense accounts for the use of certain support services. As reflected in the President's fiscal years 1992/1993 budget request, the DBOF appears to have three basic components:

(1) the establishment of a new Defense Business Operations Fund;

(2) the introduction of capital budgeting; and

(3) the expansion of the current revolving fund concept to include a larger number of defense support activities.

The primary goal of the DBOF proposal is to "provide a management structure that allows a larger number of DOD managers and employees to provide the best support at the lowest cost." The concept is predicated on the idea that the cost of doing business will go down if those who use DOD support services are given the opportunity to see the full cost of the services made available to them. With this increased emphasis on business operations, DOD "customers" (the operating forces) would be charged for the cost of industrial and commercial-type services by the "providers" (that is, the DOD support establishment).

The committee is generally supportive of DOD efforts to identify more fully the cost of any given support activity. More complete cost information will assist decision-makers at all levels. The committee is aware that efficiencies may be achieved when the users of DOD support services are forced to pay full price for services made available to them.

The committee is concerned, however, about the lack of information on policies and procedures governing the fund and the methods for maintaining congressional oversight and control over the fund. The committee recommends that the Department of Defense not implement any of the elements of the proposal to establish a Defense Business Operations Fund, including the element relating to capital budgeting and the expansion of the functions to be funded through the revolving fund concept. The committee looks forward to working closely with the department in the interest of addressing the committee's concerns.

MILITARY CONSTRUCTION

Base closures—1991

The committee recommends two steps to avoid prejudicing the actions of the ongoing base closure process. First, the committee recommends authorization of projects for bases on the Secretary of Defense's April 12, 1991 base closure list. But the committee also recommends a provision that would cancel construction projects at bases ultimately chosen for closure.

NATO infrastructure fund

The committee recommends a reduction in the request for the U.S. contribution to the NATO Infrastructure Fund.

Military construction pause

The committee rejects the administration proposal for a military construction pause in fiscal year 1993 based on its concern for the quality of life and working conditions for military personnel.

HEARINGS

Committee consideration of the Defense authorization bill for fiscal years 1992/1993 gave full weight to the changing national security situation in light of recent world events. The committee believes it has given full and deliberate consideration to this critically important subject.

The bill is the result of extensive hearings that began on February 5, 1991 and that were completed on May 8, 1991. The full committee conducted 5 sessions, including markup meetings. In addition, a total of 98 sessions were conducted by 7 different subcommittees and 4 panels of the committee on various titles of the bill.

CONSIDERATION OF AMENDMENTS SUBMITTED TO THE COMMITTEE

In an attempt to improve and expedite the process for consideration of the defense authorization bill on the floor, the Rules Committee encouraged all Members contemplating amendments to the

WISCONSIN			
RICHLAND CENTER			
ARMORY/MOTOR VEHICLE STORAGE BUILDING	159	159	4,350
OVERSEAS			
CLASSIFIED LOCATION	3,500	3,500	4,350
TOTAL, MILITARY CONSTRUCTION		40,193	
TOTAL ADDITIONAL FY 1991 AUTHORIZATION		4,663,133	

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

PURPOSE

The purpose of Division B is to provide military construction authorizations and related authority in support of the military departments during fiscal years 1992 and 1993. As approved by the committee, Division B would authorize $10,065,628,000 in appropriations for construction in support of the active and reserve components, including military family housing, the Defense Agencies, and the NATO Infrastructure Fund for fiscal year 1992. A brief tabular summary of the authorizations provided in Division B for fiscal year 1992 follows:

The authorizatio
are set out in the fc

10-May-91

FY 1992 MILITARY CONSTRUCTION
AUTHORIZATION OF APPROPRIATIONS
RECAPITULATION
[In thousands of dollars]

	BUDGET REQUEST	CHANGE TO REQUEST HOUSE	COMMITTEE RECOMMENDATION
ARMY	851,300	580,520	1,431,820
NAVY	657,800	632,279	1,290,079
AIR FORCE	1,061,900	461,030	1,522,930
DEFENSE AGENCIES	571,600	193,218	764,818
NATO INFRASTRUCTURE	358,800	(200,000)	158,800
BASE REALIGN & CLOSURE, 1988	633,600	25,000	658,600
BASE REALIGN & CLOSURE, 1991	100,000	0	100,000
ARMY NATIONAL GUARD	50,400	115,886	166,286
AIR NATIONAL GUARD	131,800	72,114	203,914
ARMY RESERVE	57,500	58,410	115,910
NAVY RESERVE	20,900	25,476	46,376
AIR FORCE RESERVE	20,800	11,540	32,340
FY '91 DEAUTHORIZATION	0	(87,580)	(87,580)
TOTAL MILITARY CONSTRUCTION	4,516,400	1,887,893	6,404,293
FAMILY HOUSING, ARMY	1,534,300	25,270	1,559,570
PORTION APPLIED TO DEBT REDUCTION	125	0	125
FAMILY HOUSING, NAVY	879,900	13,240	893,140
FAMILY HOUSING, AIR FORCE	1,081,500	16,800	1,098,300
FAMILY HOUSING, DEFENSE AGENCIES	26,200	0	26,200
HOMEOWNERS ASSISTANCE FUND	84,000	0	84,000
TOTAL FAMILY HOUSING	3,606,025	55,310	3,661,335
TOTAL MILITARY CONSTRUCTION & FAMILY HOUSING	8,122,425	1,943,203	10,065,628

REAL PROPERTY MAINTENANCE ACCOUNT	[1,296,681]
MINOR CONSTRUCTION (O&M)	[290,116]
DEFENSE BUSINESS OPERATIONS FUND ADJUSTMENT	[420,230]
	[2,007,027]

Calendar No. 169

102D CONGRESS
1st Session

SENATE

REPORT
102-113

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

REPORT

[TO ACCOMPANY S. 1507]

ON

AUTHORIZING APPROPRIATIONS FOR FISCAL YEARS 1992 AND 1993 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE, FOR MILITARY CONSTRUCTION, AND FOR DEFENSE ACTIVITIES OF THE DEPARTMENT OF ENERGY, TO PRESCRIBE PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR FOR THE ARMED FORCES, AND FOR OTHER PURPOSES

TOGETHER WITH

ADDITIONAL VIEWS

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

JULY 19 (legislative day, JULY 8), 1991.—Ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
44-927 WASHINGTON : 1991

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so that this project will be ready for construction in fiscal year 1994.

LIBBY ARMY AIRFIELD, FORT HUACHUCA, ARIZONA

Libby Army Airfield is a multiple use airport which serves the mobility needs of Fort Huachuca, Arizona, Air Force training requirements generated from other locations in the region, and civilian aviation needs through a joint use agreement. In the early 1980s, the runway was substantially upgraded in order to support Air Force fighter training from the Tucson area. Unfortunately, due to an apparent design deficiency, the runway is rapidly deteriorating and requires substantial reconstruction. The committee understands that the Department of Defense is pursuing reimbursement of damages from potentially liable parties.

In its report (S. Rept. 101-384) accompanying the National Defense Authorization Bill for Fiscal Year 1991, the committee directed that some of the additional authorization for appropriations provided to the Air National Guard be used to design this reconstruction. This design effort is underway; however, it is not far enough along to prudently proceed with the runway reconstruction in fiscal year 1992.

In light of the dependence by the Army, Air Force, Air National Guard, and civilian community upon Libby Army Airfield, the committee recommends $1.2 million in fiscal year 1992 to upgrade the lighting and visual landing aids of the cross runway which will be the only operational runway during the period of reconstruction. This project will permit reconstruction of the primary runway to commence early in fiscal year 1993 without having to await completion of the companion lighting project. To that end, the committee recommends $15.3 million in fiscal year 1993 for the reconstruction of the main runway at Libby Army Airfield.

HAWK TRAINING SITE, RIO PUERCO, NEW MEXICO

The National Defense Authorization Act for Fiscal Year 1991 authorized three Army National Guard projects supporting the fielding of a Hawk training mission at Rio Puerco, New Mexico. Out of this overall authorization and the companion appropriation, the committee directs that $1.6 million be allocated to constructing the final portion of this mission change, a Hawk training facility.

TITLE XXVIII—GENERAL PROVISIONS

PART A—DEFENSE BASE CLOSURE AND REALIGNMENT

DEFENSE BASE CLOSURE AMENDMENTS

The Defense Base Closure and Realignment Act (title XXIX of the National Defense Authorization Act for Fiscal Year 1991) established a procedure to govern the complex and difficult issue of base closures and realignments. The procedure applies to the closure or realignment of those military activities in the United States covered by section 2687 of title 10, United States Code.

Pursuant to the Act, the President nominated and the Senate confirmed members of the 1991 Defense Base Closure and Realignment Commission. The Secretary of Defense, as required by the Act, developed, circulated for comment, and published criteria for selecting military installations. In addition, the Secretary developed a long-term force structure plan, as required by the Act. On April 12, 1991, the Secretary published his recommendations, which called for the closure of 43 installations and the realignment of 28 others.

The Commission, assisted by the General Accounting Office, analyzed the Secretary's list. After a series of installation visits and public hearings, the Commission identified additional installations and activities for consideration for closure or realignment.

In its report to the President on July 1, the Commission recommended the closure of 34 installations and the realignment of 48 others. The President subsequently approved the Commission's report and forwarded it to Congress. If a resolution of disapproval is not enacted within the 45-day period specified in section 2904(b) of the Act, the closure and realignment recommendations of the Commission will have the force and effect of law.

The process followed by the Department and the Commission has come under intense public scrutiny. The committee has monitored this process closely. The Commission has worked hard to encourage public participation. All Commission hearings have been open, and many were extensively covered by the media. Although the committee reserves judgment on the merits of the Commission's recommendations, the committee believes that the process, in general, has operated in a manner consistent with the intent of the Act.

The experience of the last several months has highlighted a number of areas which call for improvement in the implementation of that process. The committee recommends the following improvements in the operation of the Act in the event that the Secretary of Defense recommends additional installations for closure or realignment in 1993 or 1995:

1. The time available to the Commission and to the General Accounting Office to analyze and make recommendations concerning the closures and realignments recommended by the Secretary of Defense would be increased by one month. This would be accomplished by establishing earlier deadlines for the Department of Defense to develop closure criteria, publish a long-term force structure plan, and for the Secretary to make his recommendations to the Commission. The revised deadline for the Secretary's recommendations would be March 15, rather than April 15.

In order to insure that the Commission has sufficient time to organize itself prior to receiving the Secretary's recommendations, the legislation would require the President to submit to the Senate a complete slate of nominees for the Commission within the statutory deadlines in January 1993 and January 1995 as a precondition for using the base closure procedures under the Act.

2. The legislation would clarify the procedures the Commission must use in considering for closure or realignment any installations or activities outside the list recommended by the Secretary. The Commission would be required to identify such installations and activities in the Federal Register at least 30 days prior to the submission of the Commission's report to the President, and to hold public hearings concerning these additional installations. The legis-

lation would make it clear that the Commission can add installations to the Secretary's list of recommended actions only if the Commission determines that the Secretary deviated substantially from the published force structure plan and final criteria. Any additions to the Secretary's list by the Commission must be consistent with the Department's force structure plan and the final criteria.

3. The legislation would provide that in 1992 and 1994 (the years in which the base closure process does not operate), no staff could be employed until October 1. At that time, the outgoing Chairman could appoint a staff of not more than 10 administrative personnel, whose sole function would be to perform such administrative functions as are necessary to prepare for the transition to new membership on the Commission in the following year.

4. Under current law, no more than one-third of the Commission's staff may be detailed from DOD. To further strengthen the independence of the staff, the legislation would provide the following additional limitations: (a) no more than one-third of the Commission's research and analysis staff could be detailed from DOD; (b) DOD personnel who had been personally involved in the development of Department closure and realignment initiatives during the previous 12 months could not be detailed to the Commission; and (c) no employee of the Department could render performance reports on Commission staff detailed from the DOD for the period of their service to the Commission.

5. To underscore the importance of base closure and realignment information submitted to the Secretary of Defense or to the Commission, the legislation would require persons in a position of responsibility with respect to such submissions to certify the accuracy and completeness of the information. In addition, the legislation would require that the Department, in the presentation of a military construction request, use the same estimates that were used by the Department during the base closure and realignment process for that project. In the event that there are any differences in project cost estimates (other than adjustments for inflation), the Department would be required to explain such differences in the budget justification material. In addition, the DOD Inspector General would investigate any project involving a significant difference between the estimates submitted to the Commission and the estimates in the budget request, to determine the reasons for the differences, including a determination as to whether any of the information submitted to the Commission was inaccurate, incomplete, or misleading in any material respect.

6. A key element to public support for the base closure process is the prompt disclosure to the Commission, GAO, and Congress of all information used by the Department in making its recommendations, including information about installations not on the list used for comparative purposes. The legislation would expressly set forth the Department's obligation to respond to any request from Congress, including a request from a committee or a Member of Congress, for any such information. Similarly, the legislation would encourage communications with the Defense Base Closure and Realignment Commission by expanding the applicability of prohibitions against interference with communications by members of the

armed forces contained in section 1034 of title 10, United States Code.

7. The legislation would establish the Department of Defense Base Closure Account as the sole source of funds for the environmental restoration of installations being closed under the Act.

8. The legislation would make it clear that Congress intended, in enacting the Defense Base Closure and Realignment Act, to exclude from the Act's coverage those facilities used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction of the Department of Defense. This aspect of the recommended legislation has retroactive effect, ensuring that the Corps of Engineers civil works activities on the Commission's 1991 list are not subject to closure or realignment under the Act. This action would not have any effect on the balance of the Commission's recommendations, which are subject to review by Congress under section 2904(b) of the Act.

EXTENSION OF BENEFITS UNDER HOMEOWNERS ASSISTANCE PROGRAM

The committee recommends a provision (sec. 2803) that would amend section 1013 of Public Law 89-754 to expand the eligibility for benefits under the Homeowners Assistance Program to military and federal civilian employees who transferred within three years of the announcement of the closing of a military installation. This expansion would protect homeowners who retained primary residences near closing military bases, with the expectation of returning to serve at that location.

PART B—MILITARY CONSTRUCTION PROGRAM CHANGES

CONTRIBUTIONS TO STATES FOR ACQUISITION AND CONSTRUCTION OF JOINT-USE RESERVE COMPONENT FACILITIES

The committee recommends a provision (sec. 2821) that would amend section 2233(a)(2) of title 10, United States Code, to provide that the Secretary of Defense may contribute money to a state to acquire or construct facilities to be jointly used by a National Guard unit and a Reserve unit. Under current law, the Secretary may only contribute money to a state for the expansion, rehabilitation, or conversion of facilities owned by the state or the United States. This provision would encourage joint usage among Reserve components with potential operational and economic advantages.

INCREASED AUTHORITY FOR USE OF OPERATION AND MAINTENANCE FUNDS FOR ACQUISITION AND CONSTRUCTION OF RESERVE COMPONENT FACILITIES

The committee recommends a provision (sec. 2822) that would increase the threshold for operation and maintenance-funded minor construction projects for Reserve components from $200,000 to $300,000. This change would adjust the threshold for inflation, and keep it parallel to the threshold applicable under separate legislation in this bill for regular components.

Document Separator

102D CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
102-311

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

CONFERENCE REPORT

TO ACCOMPANY

H.R. 2100

NOVEMBER 13, 1991.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1991

48-506

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TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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Sec. 2804. Increased authority for use of operation and maintenance funds for acquisition and construction of reserve component facilities.
Sec. 2805. Long-term facilities contracts.
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void if, in the opinion of the Secretary, the owner of the housing fails to maintain a satisfactory level of operation and maintenance;

"(12) may provide in the agreement for the rental of a child care center, civic center building, and similar type buildings constructed for the support of family housing;

"(13) may provide that utilities, trash collection, snow removal, and entomological services will be furnished by the Federal Government at no cost to the occupant to the same extent that these items are provided to occupants of housing owned by the Federal Government; and

"(14) may require that rent collection and operation and maintenance services in connection with the housing be under the terms of a separate agreement or be carried out by personnel of the Federal Government.

"(d) CONDITIONS ON OBLIGATION OF FUNDS.—An agreement entered into for a project pursuant to subsection (a) shall include the following provisions:

"(1) A statement that the obligation of the United States to make payments under the agreement in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that project.

"(2) A commitment to obligate the necessary amount for each fiscal year covered by the agreement when and to the extent that funds are appropriated for such project for such fiscal year.

"(3) A statement that such a commitment entered into under the authority of this section does not constitute an obligation of the United States.

"(e) COMPETITIVE PROCESS.—An agreement under subsection (a) shall be made through the use of publicly advertised, competitively bid, or competitively negotiated, contracting procedures as provided in chapter 137 of this title. In accordance with such procedures, the Secretary of a military department, or the Secretary of Transportation, as the case may be, shall solicit bids or proposals for a guaranty agreement for each military housing rental guaranty project authorized in accordance with subsection (b).

"(f) NOTICE AND WAIT REQUIREMENTS.—An agreement may not be entered into under subsection (a) until—

"(1) the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard, submits to the appropriate committees of Congress, in writing, an economic analysis (based upon accepted life cycle costing procedures) which demonstrates that the proposed agreement is cost effective when compared with alternative means of furnishing the same housing facilities; and

"(2) a period of 21 calendar days has expired following the date on which the economic analysis is received by those committees.

"(g) DISPUTES.—The Secretary concerned may require that disputes arising under an agreement entered into under subsection (a) be decided in accordance with the procedures provided for by the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).".

(2) The table of sections at the beginning of such subchapter is amended by adding after the item relating to section 2835 (as added by section 2806) the following new item:

"2836. Military housing rental guarantee program.".

(b) CONFORMING AMENDMENT.—Section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note) is repealed.

(c) APPLICATION OF AMENDMENTS.—Section 2836 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into under that section on or after the date of the enactment of this Act. The amendment made by subsection (b) shall not affect the validity of any contract entered into before that date under section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), as in effect on the day before that date.

PART B—DEFENSE BASE CLOSURE AND REALIGNMENT

SEC. 2821. DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990 AMENDMENTS.

(a) APPOINTMENT OF COMMISSION.—Section 2902(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

"(C) If the President does not transmit to Congress the nominations for appointment to the Commission on or before the date specified for 1993 in clause (ii) of subparagraph (B) or for 1995 in clause (iii) of such subparagraph, the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.".

(b) EMPLOYMENT OF STAFF BY COMMISSION.—Section 2902(i) of such Act is amended—

(1) in paragraph (3)—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraphs:

"(B)(i) Not more than one-fifth of the professional analysts of the Commission staff may be persons detailed from the Department of Defense to the Commission.

"(ii) No person detailed from the Department of Defense to the Commission may be assigned as the lead professional analyst with respect to a military department or defense agency.

"(C) A person may not be detailed from the Department of Defense to the Commission if, within 12 months before the detail is to begin, that person participated personally and substantially in any matter within the Department of Defense concerning the preparation of recommendations for closures or realignments of military installations.

"(D) No member of the Armed Forces, and no officer or employee of the Department of Defense, may—

"(i) prepare any report concerning the effectiveness, fitness, or efficiency of the performance on the staff of the Commission of any person detailed from the Department of Defense to that staff;

"(ii) review the preparation of such a report; or

"(iii) approve or disapprove such a report."; and

(2) by adding at the end the following new paragraph:

"(6) The following restrictions relating to the personnel of the Commission shall apply during 1992 and 1994:

"(A) There may not be more than 15 persons on the staff at any one time.

"(B) The staff may perform only such functions as are necessary to prepare for the transition to new membership on the Commission in the following year.

"(C) No member of the Armed Forces and no employee of the Department of Defense may serve on the staff.".

(c) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS WITH THE COMMISSION.—Section 2902 of such Act is amended by adding at the end the following new subsection:

"(m) PROHIBITION AGAINST RESTRICTING COMMUNICATIONS.—Section 1034 of title 10, United States Code, shall apply with respect to communications with the Commission.".

(d) DATE FOR COMPLETION OF SELECTION CRITERIA.—Section 2903(b)(2)(B) of such Act is amended—

(1) by striking out "February 15" in the first sentence and inserting in lieu thereof "January 15"; and

(2) by striking out "March 15" in the second sentence and inserting in lieu thereof "February 15".

(e) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Section 2903(c) of such Act is amended—

(1) in paragraph (1), by striking out "April 15, 1993, and April 15, 1995," and inserting in lieu thereof "March 15, 1993, and March 15, 1995,";

(2) in paragraph (4), by inserting at the end the following new sentence: "(4) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or member of Congress), the Secretary shall also make such information available to the Commission and the Comptroller General of the United States."; and

(3) by inserting at the end the following new paragraphs:

"(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense or the Commission concerning the closure or realignment of a military installation, shall certify that such information is accurate and complete to the best of that person's knowledge and belief.

"(B) Subparagraph (A) applies to the following persons:

"(i) The Secretaries of the military departments.

"(ii) The heads of the Defense Agencies.

"(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations which the Secretary of Defense shall prescribe, regulations which the Secretary of each military department shall prescribe for personnel within that military department, or regulations which the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

"(6) In the case of any information provided to the Commission by a person described in paragraph (5)(B), the Commission shall submit that information to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and the House of Representatives within 24 hours after the submission of the information to the Commission. The Secretary of Defense shall prescribe regulations to ensure the compliance of the Commission with this paragraph.".

(f) COMMISSION RECOMMENDATIONS.—Section 2903(d)(2) of such Act is amended—

(1) in subparagraph (B), by striking out "In making" and inserting in lieu thereof "Subject to subparagraph (C), in making"; and

(2) by adding at the end the following new subparagraphs:

"(C) In the case of a change described in subparagraph (D) in the recommendations made by the Secretary, the Commission may make the change only if the Commission—

"(i) makes the determination required by subparagraph (B);

"(ii) determines that the change is consistent with the force-structure plan and final criteria referred to in subsection (c)(1);

"(iii) publishes a notice of the proposed change in the Federal Register not less than 30 days before transmitting its recommendations to the President pursuant to paragraph (2); and

"(iv) conducts public hearings on the proposed change.

"(D) Subparagraph (C) shall apply to a change by the Commission in the Secretary's recommendations that would—

"(i) add a military installation to the list of military installations recommended by the Secretary for closure;

"(ii) add a military installation to the list of military installations recommended by the Secretary for realignment; or

"(iii) increase the extent of a realignment of a particular military installation recommended by the Secretary.".

(g) CLARIFICATION OF CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.—Section 2908(d) of such Act is amended in the first sentence by striking out "the resolution (but" and all that follows through "do so)." and inserting in lieu thereof the following: "the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred.".

(h) MILITARY INSTALLATION DEFINED.—(1) Section 2910(4) of such Act is amended by inserting at the end the following new sentence: "Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.".

(2) The amendment made by paragraph (1) shall take effect as of November 5, 1990, and shall apply as if it had been included in section 2910(4) of the Defense Base Closure and Realignment Act of 1990 on that date.

(i) NO AUTHORITY TO WITHHOLD INFORMATION.—Nothing in this section or in the Defense Base Closure and Realignment Act of 1990 shall be construed to authorize the withholding of information from

Congress, any committee or subcommittee of Congress, or the Comptroller General of the United States.

SEC. 2822. CONSISTENCY IN BUDGET DATA.

(a) MILITARY CONSTRUCTION FUNDING REQUESTS.—In the case of each military installation considered for closure or realignment or for comparative purposes by the Defense Base Closure and Realignment Commission, the Secretary of Defense shall ensure, subject to subsection (b), that the amount of the authorization requested by the Department of Defense for each military construction project in each of the fiscal years 1992 through 1999 for the following fiscal year does not exceed the estimate of the cost of such project (adjusted as appropriate for inflation) that was provided to the Commission by the Department of Defense.

(b) EXPLANATION FOR INCONSISTENCIES.—The Secretary may submit to Congress for a fiscal year a request for the authorization of a military construction project referred to in subsection (a) in an amount greater than the estimate of the cost of the project (adjusted as appropriate for inflation) that was provided to the Commission if the Secretary determines that the greater amount is necessary and submits with the request a complete explanation of the reasons for the difference between the requested amount and the estimate.

(c) INVESTIGATION.—(1) The Inspector General of the Department of Defense shall investigate each military construction project for which the Secretary is required to submit an explanation to Congress under subsection (b) if the Inspector General determines (under standards prescribed by the Inspector General) that the difference between the requested amount and the estimate for the project is significant.

(2) With respect to each military construction project investigated under paragraph (1), the Inspector General shall determine—

(A) why the amount requested to be authorized in the case of that project exceeds the estimated cost of the project that was submitted to the Commission by the Department of Defense; and

(B) whether the relevant information submitted to the Commission with respect to that project was inaccurate, incomplete, or misleading in any material respect.

(3) The Inspector General shall submit a report to the Secretary describing the results of each investigation conducted under paragraph (1). The Secretary shall forward a copy of the report to the congressional defense committees.

SEC. 2823. ELIGIBILITY OF DEPARTMENT OF DEFENSE EMPLOYEES AND MEMBERS OF THE ARMED FORCES FOR HOMEOWNERS ASSISTANCE IN CONNECTION WITH BASE CLOSURES.

(a) EXPANDED ELIGIBILITY.—Subsection (b) of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended by striking out the matter above the first proviso and inserting in lieu thereof the following:

"(b)(1) In order to be eligible for the benefits of this section, a civilian employee or a member of the Armed Forces—

"(A) must be assigned to or employed at or in connection with the installation or activity at the time of public announcement of the closure action, or employed by a nonappropriated fund instrumentality operated in connection with such base or installation;

"(B) must have been transferred from such installation or activity, or terminated as an employee as a result of a reduction in force, within six months prior to public announcement of the closure action; or

"(C) must have been transferred from the installation or activity on an overseas tour within three years prior to public announcement of the closure action.

"(2) A member of the Armed Forces shall also be eligible for the benefits of this section if the member—

"(A) was transferred from the installation or activity within three years prior to public announcement of the closure action; and

"(B) in connection with the transfer, was informed of a future, programmed reassignment to the installation.

"(3) The eligibility of a civilian employee and member of the Armed Forces under paragraph (1) and a member of the Armed Forces under paragraph (2) for benefits under this section in connection with the closure of an installation or activity is subject to the additional conditions set out in paragraphs (4) and (5).".

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by striking out "servicemen" and inserting in lieu thereof "member of the Armed Forces of the United States"; and

(B) in paragraph (2), by inserting before the semicolon the following: "or, in the case of a member of the Armed Forces not assigned to that base or installation at the time of public announcement of such closing, will prevent any reassignment of such member to the base or installation".

(2) The first proviso of subsection (b) of such section is amended—

(A) by striking out "Provided, That, at" and inserting in lieu thereof the following:

"(4) At";

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(C) by striking out the colon at the end and inserting in lieu thereof a period.

(3) The second proviso of subsection (b) of such section is amended—

(A) by striking out "Provided further, That as" and inserting in lieu thereof the following:

"(5) As"; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

(4) Subsection (l) of such section is amended by striking out "the second proviso of subsection (b)" and inserting in lieu thereof "subsection (b)(5)".

SEC. 2824. ENVIRONMENTAL PLAN FOR JEFFERSON PROVING GROUND, INDIANA.

(a) PLANS REQUIRED.—The Secretary of Defense shall prepare a proposed and final plan containing the environmental response ac-

tions and corrective actions required for the environmental restoration and cleanup of the entire 55,000 acres of the Jefferson Proving Ground, Indiana, including all areas north and south of the firing line.

(b) CONTENT OF PLANS.—The plans required under subsection (a) shall include the following information:

(1) An identification of the categories of potential alternative uses, including unrestricted use, for the entire installation following closure.

(2) For each of the potential use categories identified pursuant to paragraph (1), the following information:

(A) An identification and detailed description of the environmental response actions and corrective actions required for the environmental restoration and cleanup of the installation to a condition suitable for the uses in such category.

(B) A schedule (including milestones) for completing such environmental response actions and corrective actions.

(C) The total estimated cost of completing such activities and the estimated cost of such environmental response actions and corrective actions for each fiscal year through fiscal year 1998.

(D) A description of any impediments to achieving successful completion of such environmental response actions and corrective actions.

(c) PROPOSED PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary shall—

(1) prepare the proposed plan required under subsection (a);

(2) publish simultaneously in the Federal Register and in at least 2 newspapers of general circulation in Madison, Indiana, and the surrounding area a notice of the availability of the proposed plan, including the Secretary's request for comments on the proposed plan from the public; and

(3) provide copies of the proposed plan to appropriate State and local agencies authorized to develop and enforce environmental standards.

(d) OPPORTUNITIES FOR PUBLIC COMMENT.—(1) There shall be a period of at least 60 days for public comment on the proposed plan.

(2) The Secretary shall hold at least 1 public meeting on the proposed plan in the area of the Jefferson Proving Ground not earlier than 45 days after the date of the publication of the notice in the Federal Register required by subsection (c). The public may submit comments on the proposed plan at the meeting. The comments may be in either oral or written form.

(e) AVAILABILITY OF PUBLIC COMMENTS.—The Secretary shall make available to the public all comments received by the Secretary on the proposed plan.

(f) FINAL PLAN.—(1) At the same time that the President submits the budget to Congress for fiscal year 1994 pursuant to section 1105 of title 31, United States Code, the Secretary shall submit the final plan required by subsection (a) to Congress.

(2) The final plan shall include the Secretary's recommendations for uses of the Jefferson Proving Ground, the environmental response actions and corrective actions required to permit such uses, and the Secretary's specific responses to each comment received on the proposed plan pursuant to subsection (d).

(g) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed as preempting, limiting, superseding, affecting, or modifying any Federal, State, or local law or regulation, including the Solid Waste Disposal Act (42 U.S.C. 3251 et seq.) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2825. DISPOSITION OF CREDIT UNION FACILITIES ON MILITARY INSTALLATIONS TO BE CLOSED.

(a) AUTHORITY TO CONVEY FACILITIES.—(1) Subject to subsection (c) and notwithstanding any other provision of law, the Secretary of the military department having jurisdiction over a military installation being closed pursuant to a base closure law may convey all right, title, and interest of the United States in a facility located on that installation to a credit union that—

(A) conducts business in the facility; and

(B) constructed or substantially renovated the facility using funds of the credit union.

(2) In the case of the conveyance under paragraph (1) of a facility that was not constructed by the credit union but was substantially renovated by the credit union, the Secretary shall require the credit union to pay an amount determined by the Secretary to be equal to the value of the facility in the absence of the renovations.

(b) AUTHORITY TO CONVEY LAND.—As part of the conveyance of a facility to a credit union under subsection (a), the Secretary of the military department concerned shall permit the credit union to purchase the land upon which that facility is located. The Secretary shall offer the land to the credit union before offering such land for sale or other disposition to any other entity. The purchase price shall be not less than the fair market value of the land, as determined by the Secretary.

(c) LIMITATION.—The Secretary of a military department may not convey a facility to a credit union under subsection (a) if the Secretary determines that the operation of a credit union business at such facility is inconsistent with the plan for the reuse of the installation developed in coordination with the community in which the facility is located.

(d) BASE CLOSURE LAW DEFINED.—For purposes of this section, the term "base closure law" means the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

SEC. 2826. REPORT ON EMPLOYMENT ASSISTANCE SERVICES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the availability of employment assistance

services for civilian employees of the Department of Defense who may be affected by reductions in defense employment as a result of the closure and realignment of military installations under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1808; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627; 10 U.S.C. 2687 note). The Secretary shall prepare the report in coordination with the Secretary of Labor.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall include the following:

(1) A detailed description of plans to reduce the work force, including specific time tables, at military installations currently designated for closure or realignment under those Acts.

(2) A description of the availability of all current Federal, State, and local programs and efforts to provide training and reemployment assistance to involuntarily separated personnel in each community affected by base closure or realignment.

(3) A description of any plans by the Department of Labor and the Department of Defense to expand existing job training programs for civilian employees of the Department of Defense affected by base closure and realignments and the estimated cost of such program expansions.

(4) A description of any specific Army, Navy, or Air Force programs which provide job training and reemployment assistance to civilian workers affected by current base closure and realignment actions, the current cost of these programs, and any plans to expand these programs to meet future job training and reemployment requirements.

SEC. 2827. FUNDING FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED AND REPORT ON ENVIRONMENTAL RESTORATION COSTS AT SUCH INSTALLATIONS.

(a) EXCLUSIVE SOURCE OF FUNDING.—(1) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1815; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(d) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2905(a)(1)(C). The prohibition in this subsection shall expire upon the termination of the authority of the Secretary to carry out a closure or realignment under this part.".

(2) Section 2905(a)(1)(C) of such Act (Public Law 101-510; 104 Stat. 1813; 10 U.S.C. 2687 note) is amended—

(A) by striking out "may" and inserting in lieu thereof "shall"; and

(B) by striking out "or funds appropriated to the Department of Defense for environmental restoration and mitigation".

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(b) REPORT ON ENVIRONMENTAL RESTORATION COSTS FOR INSTALLATIONS TO BE CLOSED UNDER 1990 BASE CLOSURE LAW.—(1) Each year, at the same time the President submits to Congress the budget

for a fiscal year (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to Congress a report on the funding needed for the fiscal year for which the budget is submitted, and for each of the following four fiscal years, for environmental restoration activities at each military installation described in paragraph (2), set forth separately by fiscal year for each military installation.

(2) The report required under paragraph (1) shall cover each military installation which is to be closed pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510).

PART C—LAND TRANSACTIONS

SEC. 2831. ACQUISITION OF LAND, BALDWIN COUNTY, ALABAMA.

(a) ACQUISITION OF LAND.—The Secretary of the Navy may acquire the fee simple interest in a parcel of real property consisting of approximately 60 acres within the runway clear zones located at Outlying Landing Field Barin, Baldwin County, Alabama.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary of the Navy.

(c) TERMS AND CONDITIONS.—The Secretary of the Navy may require any terms or conditions in connection with the acquisition under this section that the Secretary determines appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, LOMPOC, CALIFORNIA.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of the Army may convey to the City of Lompoc, California (in this section referred to as the "City"), without consideration, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 41 acres located at the United States Disciplinary Barracks, Lompoc, California, together with any improvements on such land.

(b) CONDITION.—The conveyance authorized by subsection (a) shall be subject to the condition that the City use the real property conveyed for—

(1) educational purposes; or

(2) the purposes provided for in section 834 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1526).

(c) REVERSION.—If the Secretary of the Army determines at any time that the City is not complying with the condition specified in subsection (b), all right, title, and interest in and to the property conveyed pursuant to subsection (a), including improvements on the property, shall revert to the United States and the United States shall have the right of immediate entry on that property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require any additional terms and conditions in connec-

Military housing rental guarantee program (sec. 2809)

The Senate amendment contained a provision (sec. 2831) that would extend the test authority contained in section 2821 note of title 10, United States Code, to September 30, 1993. The provision would also require the Services to submit with their annual budget requests, the number of projects, as well as the location and scope, that they plan to pursue under this authority in the budget year. It would also direct the solicitation of projects under this authority which were authorized for that purpose.

The House bill contained no similar provision.

The House recedes with an amendment that would make this authority permanent.

The conferees believe that contracts under this authority are neither leases nor lease purchases, but rather a government assurance that housing to be constructed under such contracts will be occupied at a level not to exceed historical occupancy rates in the area, usually 97 percent. All costs of constructing and maintaining the housing will be covered by the rent collected from individual housing occupants, rather than from the government. Since the government has no financial liability to the contractor other than its contingent liability should occupancy levels fall below the prescribed guaranteed level, the committee believes that the scoring requirements of the Budget Enforcement Act of 1990 are met.

PART B—DEFENSE BASE CLOSURE AND REALIGNMENT

LEGISLATIVE PROVISIONS ADOPTED

Amendments to the Defense Base Closure and Realignment Act of 1990 (sec. 2821)

The Senate amendment contained a provision (sec. 2801) that would amend the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510) in the following ways:

(1) The time available to the Commission and to the General Accounting Office to analyze and make recommendations concerning the closures and realignments recommended by the Secretary of Defense would be increased by one month. This would be accomplished by establishing earlier deadlines for the Department of Defense to develop closure criteria, publish a long-term force structure plan, and for the Secretary to make his recommendations to the Commission. The revised deadline for the Secretary's recommendations would be March 15, rather than April 15.

In order to insure that the Commission has sufficient time to organize itself prior to receiving the Secretary's recommendations, the provision would require the President to submit to the Senate a complete slate of nominees for the Commission within the statutory deadlines in January 1993 and January 1995 as a precondition for using the base closure procedures under the Act.

(2) The provision would clarify the procedures the Commission must use in considering for closure or realignment any installations or activities outside the list recommended by the Secretary. The Commission would be required to identify such

installations and activities in the Federal Register at least 30 days prior to the submission of the Commission' report to the President, and to hold public hearings concerning these additional installations. The legislation would make it clear that the Commission can add installations to the Secretary's list of recommended actions only if the Commission determines that the Secretary deviated substantially from the published force structure plan and final criteria. Any additions to the Secretary's list by the Commission would have to be consistent with the Department's force structure plan and the final criteria.

(3) Under current law, no more than one-third of the Commission's staff may be detailed from the DoD. To further strengthen the independence of the staff, the legislation would provide the following additional limitations: (a) no more than one-fifth of the Commission's research and analysis staff could be detailed from DoD; (b) DoD personnel who had been personally involved in the development of Department closure and realignment initiatives during the previous 12 months could not be detailed to the Commission; (c) no employee of the Department could render performance reports on Commission staff detailed from the DoD for the period of their service to the Commission; and (d) no person detailed from the DoD could be assigned as the lead professional analyst with respect to a military Service or defense agency.

(4) During 1992 and 1994, the Commission could retain a staff of no more than 15 individuals whose tasks would be limited to those needed to prepare for the transition to the Commission's new membership in the following year. Members of the armed services and DoD civilian employees would be prohibited from serving on such transition staffs.

(5) A key element to public support for the base closure process is the prompt disclosure to the Commission, the General Accounting Office, and Congress of all information used by the Department in making its recommendations, including information about installations not on the list used for comparative purposes. The provision would expressly set forth the Department's obligation to respond to any request from Congress, including a request from a committee or a Member of Congress, for any such information. Similarly, the provision would encourage communications with the Defense Base Closure and Realignment Commission by expanding the applicability of prohibitions against interference with communications by members of the armed forces contained in section 1034 of title 10, United States Code.

(6) The provision would make it clear that Congress intended, in enacting the Defense Base Closure and Realignment Act, to exclude from the Act's coverage those facilities used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction of the Department of Defense. This aspect of the provision would have retroactive effect, ensuring that the Corps of Engineers civil works activities in the Commission's 1991 list are not subject to closure or realignment under the Act. This action would not have any effect on the balance of the Commission's recommen-

dations, which are subject to review by Congress under section 2904(b) of the Act.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the parliamentary procedure by which the House of Representatives would consider a resolution of disapproval of the Commission's recommendation.

In recommending these amendments to the Base Closure and Realignment Act of 1990, the conferees reaffirm the view, expressed in the statement of the managers (H. Rept. 101-923) accompanying the Defense Base Closure and Realignment Act of 1990, that actions taken under the Act "would not be subject to the rulemaking and adjudication requirements [of the Administrative Procedures Act] and would not be subject to judicial review."

This conference agreement would make it clear that Congress, in enacting the Defense Base Closure and Realignment Act of 1990, did not intend to include facilities used primarily in the civil works function of the U.S. Army Corps of Engineers. Facilities used primarily for that function include district and division offices of the Corps of Engineers and any other facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not directly supporting the Department of Defense. This aspect of the provision would have retroactive effect, ensuring that the Corps of Engineers civil works activities referred to in the Commission's July 1991 list would not be subject to closure or realignment under the Act. It is the conferees' view that any realignment of Corps of Engineers functions which may be outside those described in section 2821(h) of this act should be undertaken only if the Secretary of Defense determines that such realignments or closures would not adversely affect the performance of the civil works function of the Corps of Engineers, and would otherwise be justified on the basis of other considerations, such as mission requirements and cost effectiveness.

Consistency of budget data (sec. 2822)

The Senate amendment contained a provision (sec. 2802) that would underscore the importance of base closure and realignment information submitted to the Secretary of Defense or to the Defense Base Closure and Realignment Commission. The provision would require persons in a position of responsibility with respect to such submissions to certify the accuracy and completeness of the information. In addition, the provision would require the Defense Department, in the presentation of military construction requests, to use the same estimates for such projects that were used by the Department during the base closure and realignment process. In the event that there are any differences in project cost estimates (other than adjustments for inflation), the Department would be required to explain such differences in the budget justification material. In addition, the DoD Inspector General would investigate any project involving a significant difference between the estimates submitted to the Commission and the estimates in the budget request, to determine the reasons for the differences, including a determination as to whether any of the information submitted to the

Commission was inaccurate, incomplete, or misleading in any material respect.

The House bill contained no similar provision.

The House recedes.

Eligibility for the homeowners assistance program in connection with base closures (sec. 2823)

The Senate amendment contained a provision (sec. 2803) that would amend section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754) to expand the eligibility for benefits under the homeowners assistance program to military and federal civilian employees who transferred within three years of the announcement of the closing of a military installation. This expansion would protect homeowners who retained primary residences near closing military bases, with the expectation of returning to serve at that location.

The House amendment contained no similar provision.

The House recedes with an amendment that would establish identical eligibility requirements for military and civilian DoD employees, and would limit eligibility to individuals who have been stationed at a closing base during a period no more than three years prior to its announcement for closure.

Environmental plan for Jefferson Proving Ground, Indiana (sec. 2824)

The Senate amendment contained a provision (sec. 2804) that would direct the Secretary of the Army to prepare an environmental plan for the environmental restoration and cleanup of the entire 55,000 acres of the Jefferson Proving Ground, Indiana.

The House bill contained no similar provision.

The House recedes with an amendment that makes clear that this study does not interfere with, supplant or in any way supercede any environmental laws applicable to the Jefferson Proving Ground.

Disposition of credit union facilities on military installations to be closed (sec. 2825)

The Senate amendment contained a provision (sec. 2805) that would authorize the Secretary of the military Service involved to convey to a credit union title to facilities on closing bases which were constructed with credit union funds. In such an event, the Secretary would provide the right of first refusal to such an institution to purchase the associated land, provided the retention of the credit union operation was consistent with the economic redevelopment plan developed by the local community.

The House bill contained no similar provision.

The House recedes with an amendment that would stipulate that (1) any such land sales be at no less than fair market value, and (2) that the Secretary be authorized to convey to such credit unions facilities which have been significantly modified at the credit union's expense for its own use. In this latter case, the Secretary may sell such a facility to the credit union at a cost determined by the Secretary which reflects the value of the facility prior to the credit union's renovation.

Report on employment assistance (sec. 2826)

The Senate amendment contained a provision (sec. 2807) that would direct the Secretary of Defense, in coordination with the Secretary of Labor, to provide the Congress a report regarding the availability of employment assistance for DoD civilian employees who are affected by base closures or realignments under the Defense Base Closure and Realignment Acts of 1988 and 1990.

The House bill contained no similar provision.

The House recedes.

Funding for environmental restoration at military installations to be closed under the Defense Base Closure and Realignment Act of 1990 (sec. 2827)

The House bill contained a provision (sec. 2832) that would establish the Base Closure Account (created by the Defense Base Closure and Realignment Act of 1990) as the exclusive source of funds for the environmental restoration of installations to be closed under this authority, beginning October 1, 1992. The provision would also direct the Department of Defense to provide the Congress, as part of its budget submission, a report outlining the environmental restoration costs projected for each such closing installation during the budget year and each of the succeeding four years.

The Senate amendment contained a similar provision (sec. 2801(f)) that would take effect upon enactment of this act.

The Senate recedes with an amendment that would make this provision effective immediately upon enactment of this act. The conferees agree to adjust the funding level of this account for fiscal year 1992 to accommodate its exclusive use for environmental restoration. The conferees agree that the cleanup activities at closing bases, although funded exclusively by the Base Closure Accounts rather than the Defense Environmental Restoration Account, are nevertheless part of the defense environmental restoration program and should be managed as part of that program.

LEGISLATIVE PROVISION NOT ADOPTED

Conveyance of closed bases to neighboring communities

The Senate amendment contained a provision (sec. 2806) that would direct the Secretary of Defense to convey the land and facilities constituting installations to be closed under the Defense Base Closure and Realignment Acts of 1988 and 1990 at no cost on a priority basis to local communities. This exception to the disposal procedures currently in effect would apply if such communities were to experience significant economic effects from such closures. The provision would also alter the procedures affecting the environmental restoration, and would provide the President limited authority to waive certain installations from being disposed of in this manner.

The House bill contained no similar provision.

The Senate recedes. The conferees are sympathetic to the economic turbulence encountered by communities that are adjacent to closing military installations. To minimize this hardship, base closure and related laws contain provisions to ease the burden of these closures on local communities.

While the Senate provision highlights a number of obstacles to timely redevelopment of closing military installations, its proposed solutions raise a number of problems. The no-cost conveyance of surplus properties would deprive the federal government of revenues which have been estimated at $3.5 billion over the next five years. The provision would also have overridden a number of laws which provide first consideration of surplus federal property to support such national priorities as the criminal justice system, substance abuse rehabilitation, and shelter for the homeless. Finally, the provision would have affected provisions of various environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act, and the Solid Waste Disposal Act.

Inasmuch as this provision was not considered by the committees of jurisdiction prior to its adoption by the Senate, the conferees believe that the issues it raises related to communities affected by closing military bases ought to be given careful scrutiny by these committees. The chairmen of the relevant communities of jurisdiction of the House of Representatives have therefore pledged to hold hearings on these matters, as soon as practicable in 1992, to examine legislative approaches to assist these communities.

PART C—LAND TRANSACTIONS

LEGISLATIVE PROVISIONS ADOPTED

Acquisition of interests in land, Baldwin County, Alabama (sec. 2831)

The Senate amendment contained a provision (sec. 2845) that would authorize the Department of the Navy to acquire interest in approximately 60 acres of land within the runway clear zones at Outlying Landing Field Barin, Baldwin County, Alabama.

The House bill contained no similar provision.

The House recedes. The conferees note that no authorization of appropriation is required for this acquisition because funds are being provided through a transfer of $600,000 from the General Services Administration under that agency's Relocation and Asset Management Program. These funds represent approximately half of the value of the sale of land which is not excess, but which is severely encroached from aviation activities associated with its current use as Outlying Landing Field Site 6, Naval Air Station Whiting Field, Alabama.

Land conveyance, Lompoc, California (sec. 2832)

The Senate amendment contained a provision (sec. 2847) that would authorize the Secretary of the Army to convey to the City of Lompoc, California, without consideration, approximately 41 acres located at the U.S. Disciplinary Barracks, together with any improvements on such property. This provision would extend a previous conveyance authority contained in the Military Construction Authorization Act for Fiscal Year 1985 (Public Law 98-407, 98 Stat. 1526), and require similar conditions regarding the use of the property for educational purposes.

The House bill contained no similar provision.

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distinguished chairman of the Armed Services Committee that I am ready to offer the amendment. We do not have a time agreement.

I think it is appropriate under the chairman's suggestion that if a time agreement is possible under the Wirth amendment, we would be willing to set this aside to take care of that matter under the time agreement and debate this until such time agreement on the other matter is reached, if I could offer it at this time.

Mr. NUNN. Mr. President, will the Senators prefer to have a long time agreement so we at least have some bounds on it and we could go ahead and propound that and we vote tomorrow and know that. If so, what is the time agreement? Would 3 hours accommodate both sides, evenly divided?

Mr. BREAUX. I would say from this Member's perspective that is more than an adequate amount of time. I think we can do it in less time than that.

Mr. GLENN. Mr. President, I think we can probably do it in less time than that, too. I am trying to protect other people indicating an interest to speak on it. I need 25 or 30 minutes max for myself. I would like to protect others. So I would like an hour and a half on this side.

Mr. JOHNSTON. Mr. President, I think we would have no problem at all in having the same amount of time the distinguished Senator from Ohio has, and if he is willing to shorten his time I am sure we would be willing to shorten ourselves to whatever length he says.

Mr. LAUTENBERG. Mr. President, reserving the right to object, I wonder whether the discussion we were having has been completed. I probably will not object. But I would just like to know that.

Mr. NUNN. We have not propounded a unanimous-consent request. I am waiting for the majority leader. I was inquiring. There is not pending a unanimous-consent request. I suggest the Senator get started on the debate, with the understanding I will not propound this as a request, with the understanding if we can work out a time agreement on the Wirth amendment that he offers we would be willing to set those aside.

AMENDMENT NO. 1034

(Purpose: To provide for the conveyance of closed military installations to the neighboring communities in certain cases)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX], for himself, Mr. ROTH, Mr. JOHNSTON, Mr. DECONCINI, and Mr. CONRAD, proposes an amendment numbered 1034.

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

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

The amendment is as follows:

On page 378, between lines 3 and 4, insert the following:

SEC. 2804. CONVEYANCE OF CLOSED BASES TO NEIGHBORING COMMUNITIES.

(a) Findings and Purposes.

(1) The Congress finds that—

(A) The Department of Defense has been directed to reduce the size and cost of the military and this can only be accomplished by closing military installations;

(B) A military installation is a part of the infrastructure of the community in which it is located and there is a long standing symbiotic relationship between a military installation and the community;

(C) The people in an impacted community have made substantial, long term investments of time, training, and wealth to support the military installations;

(D) The loss to an impacted community when a military installation is closed may be substantial and in such cases the Congress wishes to mitigate the damage to the impacted community;

(E) An impacted community knows best the needs of the community and the best way to use available resources to meet these needs consistent with existing national priorities; and

(F) Unfettered ownership of the real property associated with a closed military installation at the earliest possible time can partially offset the loss to a community which results when a military installation is closed.

(2) Therefore, it is the purpose of this section—

(A) To benefit communities impacted significantly when a military installation located in such communities is closed by authorizing the real and excess-related personal property on which the military installations are located to be conveyed to the impacted community as soon as possible after a decision to close the military installation is made but no later than 180 days after closure; and

(B) To provide significantly impacted communities a resource which will aid in mitigating the loss incurred by the community following a decision to close a military installation and which may be used by the impacted community, as the community deems appropriate, for industrial, commercial, residential, recreational, or public uses.

(b) IN GENERAL.—(1) Notwithstanding any other provision of law, the Secretary of Defense shall convey to an eligible political subdivision or subdivisions or State all right, title, and interest of the United States in the military installation closed pursuant to a base closure law in accordance with this section and the Comprehensive Environmental Response, Compensation, and Liability Act and the Solid Waste Disposal Act as determined by the Administrator of the Environmental Protection Agency.

(2) Even if the conditions set forth in paragraph (1) have been satisfied, the Secretary shall not convey such installation if the Secretary determines that the community or communities in the area of the real property to be conveyed are not experiencing or will not experience a significant adverse economic impact as a result of the closure of that military installation.

(c) DETERMINATIONS.—(1) The Secretary must make the determination referred to in subsection (b) in the case of a military installation as soon as practicable after the installation has been identified for closure, but in any event not later than the date on which the installation is closed.

(2) In determining whether a community is experiencing or will experience a significant adverse economic impact as a result of the closure of a military installation, the Secretary shall consider such objective evidence as the following:

(A) Declining real estate values.

(B) Increasing unemployment.

(C) Loss of revenue to the State and the community.

(D) Increasing rate of business failures.

(E) Significant decreases in total personal income.

(d) ADVANCE NOTICE TO ELIGIBLE STATES AND POLITICAL SUBDIVISIONS.—As soon as practicable after a military installation has been identified for closure, but in any event not later than the date on which the installation is closed, the Secretary shall transmit to the appropriate political subdivision, communities, counties and State to which property at such installation may be conveyed pursuant to this section advance notification of the Secretary's intention to make a conveyance of that property.

(e) ELIGIBLE STATES AND POLITICAL SUBDIVISIONS.—Property at a military installation that is to be conveyed pursuant to the requirement in subsection (b) shall be conveyed to a political subdivision or subdivisions or State in the following order of priority:

(1) To a political subdivision of a State that is designated in State law to receive the conveyance of such property and accepts the conveyance.

(2) If there is no political subdivision that satisfies the criteria in paragraph (1), then to the State in which the property is located if the law of that State designates the State to receive the conveyance of such property and the State accepts the conveyance.

(3) In the case of any real property for which neither a State nor a political subdivision of a State satisfies the criteria in paragraph (1) or (2), then to one or more political subdivisions of a state which the Secretary determines, after consultation with appropriate local officials, would best serve the interests of the residents of such subdivision or subdivisions and of the State in which the property is located, providing such subdivision or subdivisions accept such conveyance.

(4) In the case of any real property for which no subdivision or subdivisions or State accept such conveyance, then the Secretary shall offer the property to other departments and agencies of the Federal government.

(f) PROPERTY TO BE CONVEYED.—In addition to the conveyance of real property to a community or State pursuant to this section, the Secretary shall convey any related personal property that the Secretary determines is appropriate for use by the recipient in connection with the recipient's use of the real property.

(g) CONVEYANCE DEADLINE.—Except as provided in subsection (h), all property to be conveyed pursuant to this section in connection with the closure of a military installation shall be conveyed within 180 days after the date on which the installation is closed.

(h) PROPERTY NOT SUITABLE FOR CONVEYANCE.—The Secretary shall sever from the real property of a closed military installation to be conveyed pursuant to subsection (b) that real property which is not suitable for conveyance and make such transfers over a period longer than that which would otherwise be permitted under subsection (g). Property is not suitable for conveyance under the following conditions:

(1) When the political subdivision or state will not accept conveyance of a part of the

real property of a closed military installation; or

(2) If the administrator of the Environmental Protection Agency determines that such conveyance does not comply with the requirements of either the Comprehensive Environmental Response Compensation and Liability Act of 1980 or the Solid Waste Disposal Act; or

(3) When necessary to ensure completion of environmental restoration and mitigation projects.

(i) CONSIDERATION NOT TO BE REQUIRED.—No consideration may be required for a conveyance of property pursuant to this section.

(j) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive in whole or in part the requirement to convey property at a military installation under subsection (b) if the President—

(A) determines that the continuation of the United States interest in such property—

(i) is vital to national security interests; or

(ii) the value of the base is so high that a conveyance to the political subdivision or state would constitute an undue windfall to the community and would not be necessary for the economic recovery of the region, provided that the number of waivers exercised under this Act do not exceed a cumulative total of five military installations for each package of closures approved by a commission under the Base Closure law. Provided further, a waiver in part shall not count against this limit if the value oif the property reserved does not exceed 25% of the total value of such installation or if the appropriate political subdivision or state agrees with the reservation; and

(B) transmits to the Committees on Armed Services of the Senate and the House of Representatives a certification of such determinations together with the reasons for such determinations.

(2) A determination and certification in the case of the closure of any military installation shall be effective only if made before the earlier of—

(A) the date on which the installation is closed; or

(B) December 31 of the year following the later of the year in which the closure of that installation is approved by the President.

(3) The President may extend the deadline for making a determination and certification under paragraph (2) for not more than two successive periods of 90 days by transmitting to the congressional defense committees a notification of the extension before the end of the deadline or extended deadline, as the case may be.

(4) The President may withdraw a waiver under paragraph (1) in the case of any military installation. Not later than 180 days after the withdrawal of the waiver, the Secretary of Defense shall make the conveyance required by subsection (a) in accordance with this section.

(k) Continuing Responsibility of the Department of Defense.—Prior to and after any conveyance of real property of a closed military installation pursuant to this section, the Secretary of Defense in consultation with the political subdivision or state shall be responsible for the following matters:

(i) To provide economic adjustment and community planning assistance including assistance in conducting public hearings to decide the appropriate use of a closed military installation to communities near the closed military installation until such time as the economic stability of such communities is achieved, as determined by the Secretary.

(ii) To comply with the Comprehensive Environmental Restoration Compensation Liability Act of 1980 and the Solid Waste Disposal Act in consultation with the Administrator of the Environmental Protection Agency.

(iii) To continue to carry out environmental restoration and mitigation activities relating to uses made of such installation before closure.

(l) SOURCES OF FUNDING.—The Secretary may expend any funds in the Base Closure Account to caryr out the responsibilities referred to in subsection (k) and the Secretary shall notify the congressional defense committees in advance of the obligation of funds for such purpose.

(m) IMPROVEMENT OF PROPERTY PENDING CONVEYANCE.—(1) Notwithstanding any other provision of law, the Secretary of Defense and the head of any other department or agency of the Federal Government may continue, on and after the applicable date referred to in paragraph (2), to obligate funds (to the extent available) for making improvements to the property that has not been conveyed that will facilitate the conveyance of the property and are consistent with the use to be made of the property by the recipient of the conveyance.

(2) Paragraph (1) applies in the case of property at a military installation on and after the later of the date on which the closure of that installation is approved by the President.

(n) DEFINITIONS.—In this section:

(1) The term "military installation" has the meaning given such term in section 2687(e)(1) of title 10, United States Code.

(2) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(3) The term "base closure account" means the following:

(A) The Department of Defense Base Closure Account established by section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Department of Defense Base Closure Account 1990 established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1815; 10 U.S.C. 2687 note).

In section 2(b), amend the table of contents by inserting after the item relating to section 2803 the following new item:

Sec. 2804. Conveyance of closed bases to neighboring communities.

Mr. BREAUX. Mr. President, just briefly, because I have my colleagues who want to be heard on this, I would like to outline what we are attempting to do here.

Mr. President, we all know that the House, I think yesterday, agreed to the proposal of the President of the United States to close 35 military installations in the United States and also to realign something like 43 more. For those States—and there are about 23 or more States that are directly affected by these base closures—there is a great deal of pain and suffering that they are going to experience in the very near future. For these 23-plus States that are faced with these 35 military bases that are going to be closed, the future is very uncertain. It is like an economic atomic bomb has been dropped on these communities as they worry about the future, their jobs, their families, and what the future in fact is going to hold.

Mr. President, under the current law the way the military property is disposed of once it is declared surplus under this commission's procedures, that military installation is first of all transferred or offered to any other Federal department, any other Federal agency in the Government that thinks they may have a use for this property and could come in and get that property from the Department of Defense.

Mr. President, only after every single Federal agency says we do not want it or we do not need it, then under the current law is any public body, State and local governments, allowed to come in and make a request and show a need and a use for that property.

Mr. President, the bill that is now at the desk does something very simple. Senator ROTH offered a bill in the Senate a number of weeks ago. I cosponsored it. Senator JOHNSTON has been working on an approach. I think what we have here tonight is a combination of those efforts.

What we simply do is to say that those who suffer the most are going to be helped the most by their Federal Government. Those citizens who are going to be the most greatly adversely affected, those citizens who are going to lose their jobs are going to be put in the first tier, not the last tier, as to who is going to be helped.

This amendment, Mr. President, simply says that, in considering how that property is going to be handled, the local public bodies are going to be put at first priority, and let them have the first opportunity to use those facilities, to use that property, for the best benefit of that local community and that local government.

We have an obligation to help those who we hurt the most, and certainly it is not other departments in the Federal Government. Certainly, it is not the Department of Commerce or the Department of the Interior or the Department of the Treasury, or any other Federal installation. First priority is to help those who indeed are offended and hurt the most by this transfer.

So, Mr. President, this amendment simply reverses the order, allows the local communities, counties, and States to form a coalition to come in and make the request for use of those surplus Federal properties. And I think that is very clear. I know in our own State of Louisiana, we have an installation that is going to be closed. Ninety-five percent of the property the Federal Government owns right

now was donated by the local government. It was donated for an Air Force base. And now, under the current law, without this amendment, the Federal Government is going to say: We do not need it for an Air Force base anymore, but we do not care if that is why you donated it to us; we are going to keep it, and we are going to find another use for it.

Instead of saying to those citizens that donated that property in the first place, who gave it free of charge to the Federal Government to be used as an Air Force base, instead of saying, "You are entitled to have it back now that we do not need it;" no, the current law would say: No, we are going to offer it to some other Department of the Federal Government.

Mr. President, that is wrong. Our amendment that is at the desk tonight corrects that inequity, and it does it in a way that I think is balanced, and one that makes a great deal of sense. I will have other things to say at a later date on the amendment, but I wanted to outline it at this time.

I yield the floor.

Mr. JOHNSTON. Mr. President, the substance of this amendment is to require, with respect to those bases that are closed, that there will be an obligation to the Department of Defense to convey the property of that base to the local community as soon as possible, but in no event later than the date of actual closure.

We require, Mr. President, as a trigger for the entitlement to receive that land, that there be an adverse economic impact on behalf of that community. The adverse economic impact in most instances is perfectly plain. And we determine what that significant adverse economic impact, which is the word of art that is used in this amendment, we define that as being such things as real estate values going down, unemployment going up, lost revenues to the local communities, increased bankruptcies, personal income going down. In most instances, it is perfectly obvious that the impact on the local communities will be dire, direct, substantial, and overwhelming.

For example, in central Louisiana, where England Air Force Base is located, which is due to be closed, there is a loss of 12,000 jobs; there is a loss of $228 million in sales; there is a loss of over $257 million in household income; there is a loss of State and local revenue, which is overwhelming to the local businesses; and there are bankruptcies wholesale.

In any event, Mr. President, we require as a trigger to receive this property that the local community be adversely impacted. We require that the President make findings as to that, if their really is no adverse impact, then his findings will so state and will state the facts of that.

We next deal with the question of to whom the property is to be conveyed. We provide that the first order of priority is that where State law designates a local subdivision—it may be a city; it may be a town; it may be a county; it may be a newly created local subdivision, as is the case in Louisiana—the designated party, under State law, would be the one to receive the property.

If there is no designated party under State law, then the second order of priority is the State, and if it is not appropriate for the State to determine, then the Department of Defense shall determine among the various local subdivisions which subdivision or which combination of subdivisions, including the State, is appropriate.

We provide, Mr. President, that the conveyance must be made within 180 days of closure. We had found that in many instances—for example, the distinguished Senator from Alabama, Mr. HEFLIN, was telling me that a base in his State has been closed for over a decade, and they are still trying to get the property and they cannot get it. It is tied up, I do not know, in redtape. It is tied up in, perhaps, appraisals. But in any event, they cannot get it. We require that that conveyance be made within 180 days of closure.

We also provide that, in certain instances, conveyance would not be suitable. For example, where the local community is not willing to accept the property, or where there are environmental problems, or where there must be environmental restoration.

We do provide for a waiver. And this is very important. It is a Presidential waiver. The President may waive the requirements of making the conveyance where, first, there is an instance of national security; and second, where the value of the property is such that a conveyance of that property to the local community would constitute a windfall on behalf of the community, and would also not be necessary in order to have economic recovery for that community.

So, in those instances that you have—and there are a few that we are acquainted with—where the property is extremely valuable, then the President can make a finding simply on the basis of the high value of the property.

We also provide, Mr. President, that there may be a waiver in part. That is, the President may say that, for example, well, we will give two-thirds of the base back to the local community, but one third must be reserved for, for example, a Federal purpose, such as the National Guard using the runway, or the National Guard using the armory, or any kind of Federal use that would require a partial Federal use, partial national security use.

We do provide, Mr. President—and this is a very important exception—we provide that the total number of waivers made by the President with respect to any group of closures—by a group of closures, of course, we mean those that were just announced recently, or the second wave would be another separate group—that with respect to a group of closures, the President may not use this waiver authority for more than five bases.

We provide, however, that partial waivers do not count against the five limit. So that, for example, if the President said in England Air Force Base that we need the runway because we want to put an air guard unit in England Air Force Base, that they could reserve either the runway or the use of the runway, or the hangar or the use of the hangar, and thereby not count against the five limit, provided the value of the reserved property does not exceed 25 percent of the value of the base.

So that the President has unfettered authority on economic grounds, as I pointed out, as well as on national security grounds, to waive the requirement of having to convey these bases, provided that he can use it with only five bases, for the total base; or he can use it in addition to that, for partial waivers, provided that the reservation by the President does not exceed 25 percent of the value of the base.

We also provide, Mr. President, that the President must make clear—we set dates in this amendment for the President to make his findings and to exercise his waiver, and that if he fails to make the waiver in the time specified, then it is final.

The reason for that, and the whole thrust of this amendment, is to make it clear that this property must be conveyed, must be conveyed promptly—except in those cases where the authority is reserved. But, where that authority is reserved, the President, in effect, must make up his mind, make up his mind promptly, state the reasons, so the local community can then get on with the business of either planning for the use of that base or attempting to, for example, attract industry in to use the base, which we hope to do at England Air Force Base.

I hope this amendment will be enthusiastically accepted. To say that our local communities are adversely impacted is an understatement. We think it was outrageous what was done in central Louisiana with England Air Force Base. This would be one way to help us begin to plan to provide against the terrible impact that that has created.

Mr. WARNER. Mr. President, will the Senator entertain some questions?

Mr. JOHNSTON. Of course.

Mr. WARNER. I must say this is a fairly voluminous piece of legislation to propose at this hour on this bill, and this manager has had but a few minutes to examine it. But I must say at first glance, I think it is not a wise piece of legislation, but I will await the response of the Senator to several specific questions.

First, the Secretary is to determine (A), (B), (C), (D), and (E). That listing does not restrict him to the various factors that he can take into consider-

ation. I presume it merely recites suggestions; is that correct?

Mr. JOHNSTON. What page is the Senator on?

Mr. WARNER. That would be page 4. "The Secretary shall consider such objective evidence as the following." He is not limited to those factors?

Mr. JOHNSTON. That is correct.

Mr. WARNER. Down to "Eligible States and Political Subdivisions." "To a political subdivision of a State that is designated in State law to receive the conveyance of such property and accepts the conveyance." How many of the 50 States now have on the books a law that would meet this provision?

Mr. JOHNSTON. Well, I do not know. I know the State of Louisiana does. Where the State legislature has acted, and the State of Louisiana Legislature acted with respect to England Air Force Base, to form a special subdivision that is composed of representatives from the City of Alexandria and representatives from Rapides parish, and where the State has acted and thought about this problem, then they ought to be the one to do it.

Where they have not, then the conveyance should be to the State if the law of the State designates the State to receive the conveyance of such property and the State accepts conveyance.

Mr. WARNER. Yes, Mr. President, I have tracked that down. But what concerns me is if there are a great many States that do not have laws that would take care of No. 1, we could end up with a situation where States would be receiving property of significant value, rather than the general taxpayer.

Mr. JOHNSTON. It says, "then to the State in which the property is located if the law of that State designates the State to receive the conveyance of such property. . . ."

Mr. WARNER. Well, I am certain most States have an omnibus statute saying they can take property, I suppose.

Mr. JOHNSTON. It does not say they can, it says if they designate the State as the one to receive the property.

Mr. WARNER. My point being there may be some communities that are deserving of receiving these properties, and could meet (A), (B), (C), (D), and (E), but there is no State law by which those communities can receive the property and the property simply leapfrogs a deserving community and goes into the State treasury.

Mr. JOHNSTON. If the Senator will read on page 5, No. 3, where the State law does not provide for someone to receive it, "then to one or more political subdivisions of the State which the Secretary determines"——

Mr. WARNER. That is the Secretary of Defense?

Mr. JOHNSTON. Right. "After consultation with appropriate local officials, would best serve the interests of the residents of such subdivision or subdivisions of the State. * * *"

Mr. WARNER. Let us stop right there. I rather imagine there would be a number of localities within the State that would be very anxious to get a valued piece of Federal property and he would be thrust into some stiff competition, would he not?

Mr. JOHNSTON. Well, the idea here is to encourage the State to make its determination. And if it does not, then the Secretary of Defense should make that. Somebody has to decide.

Mr. WARNER. Mr. President, I do not doubt the Senators from Louisiana have a serious problem with respect to a small community somewhere in their State. But what we are doing is enacting—that is, looking at a law, hopefully it will not be enacted—that would apply to all 50 States, all base closures, deprive the Federal taxpayers of some, I think, estimated here 3.5 billion dollars' worth of Federal property.

I think out of a care for, perhaps, a needy situation, we are creating a miriad of problems all across the country.

For example, let us say there is a State law that allows a political subdivision of a State that is designated to receive it. Suppose that is a small town, consisting of two bars and a dance hall. Does that get a whole Air Force base that happens to be in the political subdivision?

Mr. JOHNSTON. First of all, Mr. President, the Senator from Virginia, I think, misstated what this is. It is not a community that is eligible. It is the community or subdivision which is designated by State law to receive it.

Mr. WARNER. Then I must confess not to be able to get a grasp of this. Does the Senator mean there is State law in my State now, I have no knowledge of it, that says each of the communities would get each of the military institutions should they be closed?

Mr. JOHNSTON. I am saying according to this amendment it would be up to the State legislature to determine what is the appropriate subdivision or combination of subdivisions, or if it is the State which would be designated to receive the property.

Mr. WARNER. Then what my colleague is suggesting, for each closing, a legislature has to pass a specific law and make a finding?

Mr. JOHNSTON. No. If the Senator will listen——

Mr. WARNER. I am trying to listen and trying to understand.

Mr. JOHNSTON. All right. With respect to each base that is closed, the State legislature would have the option to designate a political subdivision or group of subdivisions or, indeed, create a subdivision to receive the property or designate the State as the appropriate subdivision.

Mr. WARNER. May I stop my colleague there? Is there any nexus between the location of the base and the likelihood of the subdivisions receiving this? They would have to be ones that suffered a declining real estate value, increasing unemployment?

Mr. JOHNSTON. I would say to my dear friend, the legislature of the State is not going to designate, as the Senator says, some little Podunk town 50 miles away that has a bar and 16 residents. State legislatures—this is part or our State. I am sure in Virginia, the legislature of the State of my colleague, in the case of a closed base would not designate some foreign, disparate town that has no connection with the military base. Surely the Senator from Virginia, a strong State's righter, graduate of Washington and Lee, would not think the legislature of Virginia would do such a foolish thing?

Mr. WARNER. Mr. President, I do not wish to denigrate any State legislature, but I certainly have been witness to lot of crazy things done by State legislatures all over America.

Mr. JOHNSTON. It has never been done in Louisiana.

Mr. WARNER. Somehow it seems to me the political history of Louisiana has been getting a great deal of consideration nationwide, worldwide, in the last 2 years.

Mr. BREAUX. Will my colleague from Louisiana yield? If I could have the attention of the Senator from Virginia, maybe I can help him. Under current law, this is already done. Under current law when a military base is closed right now, the first option is the Federal Government, but if the Federal Government does not want it, then it goes to a public body as worked out by the State.

I would say to the Senator from Virginia, we have had a number of bases that have in fact been closed under the old laws that have gone ultimately to the local government, and it is a very simple thing the local country and State works out as to how it is going to be handled. Our State of Louisiana has already formed a county and State commission consisting of the local government and county and State, which would be a commission which would operate it if they were able to get it.

That is the current law right now. So we are not envisioning any change in how the local people who acquire title would be handling it. What we are trying to do is insist those who are hurt the most will have first priority of getting it. It is not a complicated process.

Mr. WARNER. Mr. President, I accept the Senator's explanation. I do have a feeling, however, that there is a close tailor between this legislation and what will soon exist by way of laws in the State of Louisiana. This is a hand-in-glove situation. I am concerned about other jurisdictions.

I see on the floor the distinguished Seantor from Ohio. Maybe he has a far better grasp on this situation than the Senator from Virginia.

Mr. JOHNSTON. If the Senator will yield.

Mr. WARNER. I yield the floor.

Mr. JOHNSTON. I just tell my friend from Virginia, there may be some objections to this. I believe I can assure him that the designation in State law of a political subdivision to receive it is surely not a reason to opose this amendment.

The PRESIDING OFFICER (Mr. DASCHLE.) The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. Mr. President, I support the pending amendment and after listening to the colloquy between the distinguished Senator from Virginia and the distinguished Senator from Louisiana, I would like to raise my voice in support of what the Senator from Louisiana has had to say.

I believe that the base closures are going to cause tremendous impact in many communities across the country, especially in the State of Pennsylvania. I believe legislation of this type is very appropriate to try to give some relief to enable the localities to acquire this property and provide an economic base for job opportunities.

Earlier this evening, the distinguished Senator from Maine addressed the body on a related matter.

Mr. President, earlier this evening Senator COHEN of Maine spoke about changes in the pending legislation as a result of problems and inappropriate action on the Base Closing Commission. As he spoke, a number of the issues which had troubled the State of Maine were duplicated in the Commonwealth of Pennsylvania with respect to the Philadelphia Navy Yard and the Naval Air Development Center in Warminster, PA.

With respect to the navy yard, not only was there stonewalling, a characterization used by the Senator from Maine earlier this evening, but there was an actual concealment of relevant documents with memoranda from Admiral Clamon and Admiral Hekman urging the retention of the navy yard, concealed from the members. Then Under Secretary of the Navy Howard had urged Admiral Hekman not to testify before the Base Closing Commission.

Those matters are of such a serious nature that they are now part of ligitigation pending in the United States District Court for the Eastern District of Pennsylvania.

The Naval Air Development Center at Warminster, PA, was acted upon by the Base Closing Commission even before the Advisory Commission on Laboratories reacted. The statute provides for that action in September. The Base Closing Commission took action in July. Hardly sensible.

So, in the face of what had happened, there will be opportunity later for a fuller exposition on the failures of the Base Closing Commission on the resolution for disapproval, which I filed on July 10 shortly after the President approved the Base Closing Commission, that the kind of legislation offered this evening to give the localities an opportunity for industrial development for job opportunities is most appropriate.

I have an amendment which has been filed, Mr. President, which would call for extra job training for those localities as well. But I think this is a very important amendment. I urge my colleagues to support it. I thank my colleague from Ohio for yielding.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to oppose the amendment before us. Let me put this in the proper perspective. This takes existing Federal law that has been working, and working well, for some 43 years. The law was passed in 1949, the Federal Property Administrative Services Act. For over 40 years, it has prescribed the way we dispose of Federal property, whether it is a military base or whether it is a building, or whatever it is.

Mr. President, it includes real estate, it includes whatever Federal property is to be disposed of. There is a regular procedure under the Act and the procedure that has worked well for over 40 years says when the Federal Government owns a piece of property, it if is going to dispose of that property, that it first canvasses other Federal agencies to see whether there is any other Federal agency that has a use for that property.

Mr. President, that makes a lot of sense. That makes sense because there may be another use and if we are about to buy property, about to spend taxpayers' money for a certain purpose, it is foolish to be selling one piece of property so you can turn right around and buy another or, giving the property away, as this would propose, so we then would be required to spend who knows how much money to buy similar property to do something else the Federal Government is interested in doing. So that is the first call—other Federal use.

Only when no other Federal use is determined do we then go to the States and say does the State want this property, and we give the States priority with respect to homeless use, with a few exceptions. If they do not want it, we give the counties priority, then local communities and then, if it still is not used by a Government entity or wanted by a Government entity, the Federal Government can sell it off on an individual sale, if someone will buy it.

Mr. President, this absolutely turns that procedure upside down, this procedure that has worked for over 40 years. It says first we will just give property to the local community, and if there is not anybody there suitable to take it, the State will designate someone to take it. Does this make any sense? I think it would make a great deal more sense if my distinguished colleague from Louisiana was saying that we provide for expedited procedures to run through this so that we do not have the normal months and months of delay, because I think it would be absolutely ridiculous for the Federal Government to give up this property on such a scale to just give it up and upset the procedure that has worked well for 40 years through many base closures.

As an example, the DOD estimates it could realize, some $1.8 billion from 1988 Federal base closure sales.

Mr. President, I appreciate what goes on around these bases. I have a major base in Ohio, Rickenbacker, in Columbus which is closing. Would I like to see somebody get a gift of that? Of course. I do not see how we do that, the people of other States, the people who paid for that property, developed that property and developed that base and then turn around and say we will give it to them after this whole thing is over and upset the usual procedure.

I realize there is a great deal of unhappiness about the way the base closure action occurred and there are still people trying to take legislative action to prevent some of those things from occurring. Mr. President, there will always be concern when a base closes. We also have to realize that those States and communities reap years and years of benefit by that base being in that particular area, also.

Mr. President, the amendment would essentially turn over at no cost entire bases to local communities without first going through the procedure that I mentioned.

In fact, it just reverses the whole thing. It says you give it to the local communities first. The Feds would be out of it completely except—now except—and I know the distinguished majority leader has some concerns about this, too. As I see it, this would circumvent the CERCLA legislation, also. I do not see how it could help but do that. Because what it does, it says that on these bases where there are hot spots or toxic problems or whatever the difficulty is there, somehow we keep that under Federal control. We address that separately. And it is a rare base these days—perhaps England Air Force base in Louisiana does not have any toxic problems, but I can guarantee my friend from Louisiana at other places around the country, most of these bases do have some sort of environmental problem for which the Federal Government is still going to be responsible.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. GLENN. I will yield.

Mr. JOHNSTON. Does the Senator understand that under the amendment the Secretary has the obligation to convey the real property except as provided in subsection (h). Subsection (h) in turn defines property not suitable for conveyance, and such conditions are when it is necessary to comply with the requirements of

CERCLA and the Solid Waste Disposal Act.

So that the idea here is that the Secretary of Defense now has the duty to clean the property up, and that it is not suitable for conveyance where you would have to comply with that law. So our intent here is to keep the responsibility on the Department of Defense to do the cleanup.

And I think the distinguished Senator from Maine would like for EPA to make that determination. I think we are working on an amendment to make that clear, that EPA makes the determination.

So it is not our desire at all to change either the responsibility for the cleanup or to convey property that is not certified by EPA as being clean. But that property which is not affected by the pollution or the cleanup would have to be conveyed. In other words, you have a dump out back on the edge of the air base. The rest of the property would have to be conveyed and that would not be conveyed but, rather, would remain the responsibility.

I thank the Senator for allowing me to interrupt.

Mr. GLENN. I understand.

Mr. President, I repeat what I started. The Federal Property and Administrative Services Act of 1949 set up a very specific procedure that has worked well for over 40 years. It has worked well through previous base closures and other property disposal, and I see no reason why we should upset this thing and turn it right smack on its head. We start now by giving whole bases to local communities, and then work up the ladder to States or to State designees to receive the property and in effect give up whatever money might be brought back into the Federal Treasury for other purposes if we go ahead and dispose of property as has been our custom in the past.

Mr. President, there are other possible uses and they include any and all other Federal uses. We have legislation already passed that allows homeless assistance programs to apply for property on these bases. We have Red Cross donation programs, drug rehabilitation programs, prisons, many other purposes that are written into Federal law that would be violated if we passed this amendment.

Mr. President, I do not believe that adequate rationale has been given for this drastic change, and it is a drastic change, in how we dispose of our current surplus property. I am especially concerned that this matter has not been fully studied or examined by the Congress.

The effect of the amendment will be, first, to waive the Federal Property and Administrative Services Act of 1949—that is the body of laws and regulations that has controlled property disposal for over 40 years—waives the Stewart McKinney Homeless Assistance Act. It denies DOD the chance for significant land sale proceeds in the billions of dollars. We are just going to give that away. The proceeds from which could have been used for environmental restoration, closing bases, or whatever. In fact, as I said a moment ago, DOD estimates that it could realize $1.8 billion from the sale of property associated with 1988 base closings.

If this amendment is agreed to, it requires the conveyance of even personal property. I suppose that would mean the equipment on the base, wheelbarrows, cots, blankets. I do not know exactly what would be included in that. It is not spelled out.

But I am, of course, very sensitive to and understand fully the concerns of many communities around the country about current economic difficulties, and there is an impact when a base closes. It does require a lot of readjustment. There is no denying that. Many cities and towns in my own State of Ohio are struggling under the burden of this recession. I also appreciate that base closings can prove greatly disruptive to a local community.

However, I do not think the solution to those problems is to gut the entire Federal property disposal procedure that we have operated under for so long, and more specifically to change the rules on base closure property disposal right in the middle of the game. In fact, I suspect that would only be counterproductive of the very goal we seek to achieve. What we are trying to do is save dollars. That is the overall purpose of this whole base closure episode we are going through, to save money, at the same time trying to recoup some of that back into the Federal Treasury.

As I read this particular amendment, too, there is no requirement that the community hold on to the property. The community could be designated to receive this property, and if they so desired they could sell it off. They could put it into subdivisions that could be used then by the local community to do anything they wanted.

Mr. President, these are valuable properties. These are not little fly-by-night pieces of real estate. These are major chunks of real estate. And we are just going to give them, apparently, with this amendment to the local communities to do as they see fit, or to sell off if they choose to do so.

Mr. JOHNSTON. Will the Senator yield at that point.

Mr. GLENN. Let me finish now. I yielded before. I thank the Senator. I will be done in just a moment.

So I am very sensitive to and I understand fully these concerns of the communities, but we are trying at the same time to get some money back into this Federal Treasury of ours, not give more of it away, which is in effect what we would be doing here.

Now, let me briefly outline the general reasons why I believe adopting this amendment would be a mistake in addition to what I have already mentioned. I believe my sentiment is shared by DOD in a letter to the chairman of the Senate Armed Services Committee concerning Senator ROTH's proposal, S. 1300, which I understand is virtually identical to this bill. I believe that is correct. It is a bill much like the one we are debating. I understand it is almost identical.

Here is DOD's General Counsel says, and I quote:

> The Federal Property and Administrative Services Act of 1949, as amended, which stipulates the process and sequence of events to be followed when disposing of real property gives ample opportunity for local communities to acquire surplus property for redevelopment, subsequent to a base closure. The fact that Federal or State agencies have the opportunity to acquire the property or a portion thereof first, would not be a serious roadlock to the community since the redevelopment of a base is usually a cooperative effort undertaken in accordance with the reuse plan developed at the local level.

Mr. President, I agree entirely with this statement. Very sophisticated reuse plans and efforts are underway in communities across the country. These plans will require integration and coordination throughout the local community. To suddenly simply turn over these properties is unfair. It sends the completely wrong signal, and I think sets an extremely bad precedent.

Such a precedent flies directly in the face of what Congress intended in both the base closure laws and the McKinney Act.

Disposal of closed base property is governed by Section 204(b) of the Base Closure Act. The Secretary of Defense is delegated GSA's authority to utilize excess property and dispose of surplus property pursuant to the Federal Property Act, and grant approvals and make determinations under that surplus property act.

DOD is required to follow the Federal Property Act procedures and is expressly not permitted to "prescribe general policies and methods for using excess property or disposing of surplus property." In other words, DOD has to follow the normal GSA procedures. They are not permitted to go out on their own. Moreover, this authority is expressly limited by the McKinney Act, Title V, surplus property program over which the committee I chair has jurisdiction.

Mr. President, the law is unambiguous. Congress clearly and fully intended that the disposal of base closure property be handled in the same way it would be handled under longstanding and well-understood property act rules and procedures.

It cannot be disputed that the proposal before us would fundamentally alter this method of property disposal. It is a method that has operated well for over 40 years.

I mentioned earlier I am also concerned that other legitimate uses for such properties would be shunted com-

pletely aside in this manner. Let us say, let us suppose NIH or HHS or the Department of Agriculture needs some base closure proeprty for some very important programs—research lab on AIDS, scientific laboratory, or one of an infinite number of other kinds of facilities.

Mr. President, could we have order in the Chamber? I am having trouble talking over the other conversations?

THE PRESIDING OFFICER. The Senate will be in order.

Mr. GLENN. As far as the process currently in place is concerned, the law explicitly defines specific steps that must be taken in order to screen excess and surplus property for such uses.

Under this amendment, no such opportunity would be provided. Right from the word go, these other very important Federal uses would not have a chance to even be considered, not to even be considered. We will end up with the debt-ridden Federal Government having to pay greatly to build or lease new facilities.

Mr. President, that is just not in the best interest of the American taxpayer, including those who reside in the affected local communities; I would submit even those who live within Louisiana.

As chairman of the Governmental Affairs Committee with jurisdiction over the McKinney homeless assistance surplus property program, I am especially concerned about the effect of this amendment on the priority which Congress has for years now attached to facilities to assist the homeless. The title V surplus property program under the McKinney Act requires the publication of surplus real property that is suitable and available for homeless use.

Already I would say some base closure property has been reported and published under this program. We had a hearing held before the Governmental Affairs Committee last year, and James Forsberg, of the Department of Housing and Urban Development, testified that:

> We have received property already under the Base Closure Act. Back in late March and early April 1990 we published, I think, around 1500 to 2000 properties that were coming on line as a result of the base closures—and we have found around 80 percent of that property suitable since many of the properties were in fact family housing.

In a conversation with my staff this week, one HUD official characterized HUD's relationship with DOD as "very good." Not long ago apartment buildings were turned over to nonprofit homeless provided. These buildings were part of the base closure listing of the associated housing for a base in Virginia.

In addition, at New Hampshire's Pease Air Force Base, HUD in cooperation with DOD has worked at least to see that property there is channeled fully and properly through the McKinney procedures. I do not want to see this progress stopped. That will be the effect of this amendment.

As I noted earlier, there are numerous other possible uses for base closure property which will effectively be barred by the approach of this amendment. Among these very important uses are such things that we have passed legislation on, on this floor, regarding prisons, drug rehab centers, public hospitals, homeless facilities, educational facilities, numerous others. Of course, if all of these possible public uses have been forestalled, DOD would otherwise have the opportunity to sell this property.

DOD estimates the revenues from the sale of 1988 base closure property alone already are $1.8 billion. That is money which would be returned to directly offsetting the costs of base closure, especially the expected huge environmental cleanup costs that we discussed very briefly a little while ago.

Mr. President, apart from any of the other reasons I have cited, I am opposed to this amendment on the simple grounds that we have not examined it closely, have not looked at it, it came up suddenly, and about a day ago we first heard about it. I fully recognize that the base closures have caused an enormous problem for many hard-pressed communities and the economic viability issues are very compelling. However, such a radical proposal to change base closures property disposal——

Mr. ROTH. Will the Senator yield for a moment?

Mr. GLENN. For a moment, without losing my right to the floor.

Mr. ROTH. I would like to say to my distinguished chairman that on the Roth proposal, I did testify before the subcommittee of the Senate Arms committee. The legislation was referred to the Armed Services, and I also did appear before the base commission. So the matter has come up before. The chairman is correct. It did not go before our committee.

Mr. GLENN. Fine. I appreciate the comment. Thank you.

However, such a radical proposal to change base closure property disposal rules in the middle of the first round of closures should not be made without much further study and a real solid evidentiary record. If there have been hearings, they have been held on this subject only in a very brief way, and we have certainly not fully explored this issue after the base closure commission final list came out.

As far as I know, there have been no extended hearings before my committee, and I would certainly be glad to accommodate those if that was referred to my committee. I would be glad to hold those hearings jointly with the Armed Services Committee if necessary, and as early as possible.

Mr. President, in conclusion, I must oppose this amendment not just because it seeks a change which is undoubtedly negative with respect to base closure property, but also because it is simply not fair. It is not fair to other potential users, both local and Federal. It is not fair because these other local or Federal entities would be shut out from even applying to use these facilities and to the communities where considerable efforts have been made already to plan for integrated reuse.

Once we begin down this path, Mr. President, where do we stop? Does this mean that all surplus property now, including foreclosed FHA property, RTC properties will forever now be free of any other possible legitimate uses? Will homeless uses simply be consigned to the lowest possible rung? I cannot support taking such precipitous action with such far-reaching implications in this manner.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from DOD on S. 1300, the Roth bill.

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

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, DC, July 30, 1991.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN. This is in response to your request for the views of the Secretary of Defense on S. 1300, 102d Congress, a bill "To minimize the adverse effects on local communities caused by the closure of military installations."

S. 1300 is intended to benefit the local community impacted when an installation is closed by authorizing the installation's real property to be conveyed to that community as soon as possible after a decision is made to close the installation.

This legislation would significantly change the disposition process for real property associated with a closed military installation. It would require the Administrator of the General Services Administration (GSA) to offer to transfer title to the property to the local community concerned first, then to county, State, and finally Federal agencies. If the property is not requested by any of these agencies, it can than be sold to the highest bidder. The bill does not state specifically that such transfers would be without consideration but it is assumed that such is the case.

The Department of Defense opposes the legislation. The Federal Property and Administrative Services Act of 1949, as amended, which stipulates the process and sequence of events to be followed when disposing of real property, gives ample opportunity for local communities to acquire surplus property for redevelopment, subsequent to a base closure. The fact that Federal or State agencies have the opportunity to acquire the property or a portion thereof first, would not be a serious roadblock to the community since the redevelopment of the base is usually a cooperative effort undertaken in accordance with a reuse plan developed at the local level. It is highly unlikely that a Federal or State agency would acquire a portion of a base and use it for something that the local community strongly opposes. By not specifying that transfers of property will be at fair market value, it is assumed otherwise, that transfers will be without consideration. This subverts the intent of Congress in both base closure acts,

P.L. 100-526 and P.L. 101-510. The proceeds from the sale of base closure property are to be placed in the Base Closure Account and used to finance ongoing base closure costs. Without this infusion of funds, additional appropriations would be required which could delay closure schedules and realization of savings. The Department of Defense has invested considerable sums of money in these installations and it would not be in the taxpayers' best interest to give away these valuable assets. The legislation is also silent on other statutes that affect the disposal of real property, such as the Stewart B. McKinney Homeless Assistance Act. This Act requires that suitable and availabe surplus property be made available to providers of assistance to the homeless when such a request is made. S. 1300 also does nothing to resolve environmental problems. These issues take the longest to clear up and therefore slow down the disposal process.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

TERRENCE O'DONNELL.

Mr. GLENN. I will quote from parts of that letter. It starts out:

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The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Mr. President, I summarize by saying, as I did when I started out, this literally takes our procedures for disposal of Federal property, as covered under the Federal Property and Administrative Services Act of 1949, and it exactly reverses the procedures. It stands the whole thing right on its head.

Instead of giving other Federal agencies first call on this property, then making States next in line, counties, local communities, and then individual sales, it starts by giving it to local communities with absolutely no restrictions, and it could not be sold off in other parcels. In other words, we give up all claim on this for any Federal use whatsoever.

Mr. President, I think this is wrong for the taxpayer, as spelled out in Terrence O'Donnell's letter that I just read into the RECORD. I think it is wrong from a taxpayer's standpoint and wrong for the use of this property, and I urge my colleagues to vote against this amendment.

I reserve the remainder of my time.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, exactly 1 year ago I came to this floor to introduce what I believed was a very important piece of legislation given the twilight of the cold war. The purpose of the legislation was to facilitate the closing of military bases deemed no longer necessary by the Department of Defense. My proposal was to make the closing of these bases easier by providing an opportunity to convert unneeded military installations into useful, even profitable community and State resources.

This would be done by reversing the order of priority for disposition of these bases, giving communities the first opportunity to take ownership of them, the State next and finally the Federal Government.

Mr. President, I was happy to hear the chairman of the Government Affairs Committee say that he would be willing to hold hearings on this important matter, along with the Armed Services Committee, because that is something I have been seeking for the last year or more.

As I mentioned, I did testify before the Armed Services Committee in 1990 on this matter, and before the Defense Base Closure and Realignment Commission in May of this year. I think it is worthwhile pointing out what the Defense Base Closure and Realignment Commission said in its 1991 report to the President.

On page 6-1 it noted that full economic recovery from base closure is dependent upon timely disposition of the facilities and land vacated by the services. The Secretary of Defense should do everything in his power to ensure a timely transfer of these valuable assets to the local community.

It goes on to say that "Reusing former military base property offers communities the best opportunity to rebuild their economies. The buildings and facilities can fill residential, commercial, and industrial needs and, thus, can replace jobs and income loss."

Air Force bases are especially marketable because of the national shortage of available hangar space.

Several communities that lost bases as a result of the 1988 Base Closing Commission have taken advantage of this opportunity for a quick economic turnaround. Attracting permanent tenants for the property once closure occurred is for economic recovery.

The Defense Base Closure and Realignment Commission continues to say "Successes can result from two things: early creation of an organization to plan and implement a suitable base reuse strategy; an aggressive marketing of base assets and available facilities."

It concludes this part, "that each community will have unique opportunities and constraints. The successful implication of any base reuse strategy hinges upon harnessing the energy and creativity present in the community."

For the first time in more than 50 years, we have the chance to safely but significantly cut military expenditures. The threat from abroad—especially from the Eastern bloc—has been diminished. Democracy is on the march throughout the world.

On the other hand, we are challenged by sincere and immediate needs here at home—needs that will require our best thinking and the most efficient use possible of our limited resources.

And frankly, I believe the Roth-Johnston-Breaux proposal to convert surplus military bases by providing them first to our communities—to use for their own economic well-being—is a prototype of the kinds of creative programs we need to meet our domestic agenda.

For example, Mr. President, many of the military installations that have been closed thus far have been successfully converted into economic boons for their respective communities. According to a recent Department

of Defense study, 75 closed installations are now industrial parks. Another 42 have been converted into commercial airports. And 57 sites have been turned into colleges and vocational schools that enroll 160,000 people. Jobs have been created that more than compensate for those lost by the Federal Government packing its bags and leaving the area.

What our legislation proposes is to facilitate in this conversion process, to assist our communities in this time of transition. What it does is quite simple. It provides the communities—on a completely voluntary basis—the first opportunity to assume control of the closing installations—once they have been cleaned by the Department of Defense and found to be environmentally safe. If the community decides it does not want the base, the State government is given the next opportunity.

And finally, if both local and State governments determine the base does not meet their needs—that the installation cannot be changed into a viable economic entity, education or service facility—ownership will remain with the Federal Government.

By giving communities the first opportunity to receive the land we will also mitigate some of the negatives associated with closing bases. It is easy for any compassionate person to understand how hard it is for communities to let defense installations shut down—installations that are sometimes the sole revenue sources for those communities. It's easy to understand why our colleagues so ardently come to the defense of bases targeted for closing in their States and districts.

The key to minimizing this resistance is in maximizing the future economic potential of these areas—to literally turn the community's weakness—its reliance on an exclusive source for its economic well-being—into its strength.

This can be done. For example, of 100 defense installations that were closed between 1961 and 1990, more than 158,000 civilian jobs have been created by State and local redevelopment—158,000 jobs that more than compensates for the 93,000 positions that were lost. This bill will not only encourage but increase the potential for similar results by facilitating and accelerating the transition period and providing for the community's long-term needs—creating a real and lasting economic foundation.

The communities that receive the lands and buildings will be able to use them for whatever purpose they deem necessary. Even if their desire is to sell the real estate, they can do so with a fair and adequate compensation to the Federal Government. Such compensation is only right as money for such lands that are desired to be developed professionally should be returned to the taxpayers who held the land in the first place. Local government and municipal development would not require compensation at the Federal level because the land would continue to serve the taxpayers.

Mr. President, the Federal Government must see to it that these unnecessary bases—and the consequent unnecessary drain on the Federal purse—are shut down. However, we have a very real obligation to the families of these special communities who have so diligently supported our defense effort—some of these communities dating back to the days of the Pony Express. The welfare and future of these families are very real concerns to me and my colleagues. These families are hard working, skilled men and women. They are the children who will be this Nation's future. And this bill takes their concerns to heart.

This bill will help provide them the capital assets they need to keep and even improve their standards of living. It will help them remain anxiously engaged in productive and even profitable careers and service.

It's a simple bill in its conception, but profound in its impact. I'm encouraged that it has attracted the attention of distinguished colleagues who share my concern. Like I said, it is an idea whose time has come.

I yield back the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. MITCHELL. Mr. President, will the Senator yield.

Mr. BUMPERS. I yield to the majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague for his courtesy.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, following consultation with the distinguished Republican leader, the managers, and a large number of Senators interested in this amendment and several others, I am about to propound an agreement which will govern disposition of the pending amendment and several succeeding matters.

Accordingly, Mr. President, I ask unanimous consent that there be unlimitd debate tonight on the Breaux amendment No. 1034, with no amendment to the amendment; that when the Senate resumes consideration of S. 1507 on Friday, August 2, at 9:30 a.m., there be 30 minutes remaining for debate on the Breaux amendment, with the time equally divided and controlled between Senators GLENN and BREAUX; that when the time is used or yielded back, the Senate, without intervening action or debate, proceed to vote on or in relation to the Breaux amendment; that upon disposition of the Breaux amendment, Senator EXON be recognized to offer an amendment regarding SRAM-T, on which there be 30 minutes of debate equally divided and controlled in the usual form, with no second-degree amendments in order; that when the time is used or yielded back, the Senate, without intervening action or debate, proceed to vote on or in relation to the Exon SRAM-T amendment; that upon disposition of the SRAM-T amendment, Senator DOLE be recognized to offer an amendment regarding Iraq, on which there be 30 minutes for debate, equally divided and controlled in the usual form, with no amendment to the amendment in order;

That when all time is used or yielded back, the Senate, without intervening action or debate, proceed to vote on or in relation to the Dole amendment; that upon disposition of the Dole amendment, Senator WIRTH be recognized to offer an amendment regarding military base abortions; that upon disposition of the Wirth amendment, Senator METZENBAUM be recognized to offer an amendment regarding Intelligence Committee budget savings on wich there be 1 hour for debate, equally divided and controlled in the usual form, with no second-degree amendments in order, and that when all time is used or yielded back, the Senate, without intervening action or debate, proceed to vote on or in relation to the Metzenbaum amendment; further, that no motion to recommit be in order during the pendency of this agreement, nor there be any amendments in order to any language that may be stricken.

Mr. BREAUX. Mr. President, reserving the right to object, I do so only to ask the majority leader if he knows there have been discussions on an amendment that the staffs have been working on in the back. I think we have an agreement. That is being typed right now.

A lot of us will offer that amendment, which has an agreement on it.

Mr. MITCHELL. Mr. President, I ask that the amendment be modified to permit Senator BREAUX, as the author of amendment No. 1034, to modify his own amendment.

Mr. LAUTENBERG. Mr. President, reserving the right to object, and I shall not object, I just want to, while Senator BREAUX is still on the floor, be assured that the discussion that we have had has an agreement, and it is subject only to the writing of it, which seems to be a relatively uncomplicated task, to convey the meaning.

Is that the case, if I may ask?

Mr. BREAUX. The Senator is correct. It is being typed. We have an agreement.

Mr. GLENN. Mr. President, reserving the right to object, I think the rest of us would like to know what this private agreement is that is going to be written in this; what occurs on this bill concerns us.

Mr. BREAUX. If the majority leader will yield, we have to offer the amendment and it still has to be discussed, debated on, and voted.

Mr. GLENN. I thought the Senator said agreement was written into this.

Mr. LAUTENBERG. Agreement language that will be as part of the amendment.

Mr. GLENN. What I meant is, what is that agreement? We do not know if it is going to be part of the amendment.

Mr. BREAUX. I have the right to amend my own amendment. Certainly, that is subject to debate and questioning before it is voted on. It will not be voted on tonight.

Mr. GLENN. That means we cannot agree tomorrow morning, not knowing what would be in the final version of the amendment. I disagree with the unanimous-consent amendment. We debated an amendment now to a different amendment, tomorrow morning, and we are asking unanimous consent, 15 minutes on a side, if there is something I disagree with. I will not agree to the time agreement; I object.

Mr. JOHNSTON. Will the Senator yield?

Mr. MITCHELL. I have the floor. I am happy to yield to the distinguished Senator.

Mr. JOHNSTON. There has been drafting. I do not think we have agreement as to the words as yet. Perhaps the Senator from New Jersey and my colleague have, but there is clearly an agreement as to the substance, which is this: That we provide that where the property or parts of the property are not in compliance with RCRA and environmental laws, that that part of the property cannot be conveyed.

That is the clear intent of the language. It is just a question of drafting. But that is all it does. I do not think anybody disagrees with that.

Mr. LAUTENBERG. That is that. If the Senator from Louisiana will yield, if it was indicated there was a private agreement that affected just the particular interest, not at all. I approached this from the standpoint of the Environment Committee, and that is that any conveyance made by the Federal Government shall be subjected to——

Mr. GLENN. Again, if we can get a copy of this, look at it tonight, maybe we can debate it now. How does it affect State law under EPA? I do not know. Does it break down toxic waste? A lot of things are to be considered on this. Cost might be involved to the Federal Government. I find it difficult to agree to something we have not even seen.

Mr. MITCHELL. Mr. President, if I might have the attention of the junior Senator from Louisiana, it is my understanding that the discussions that have been occuring have had as their objective that stated by the senior Senator from Louisiana, which is to make clear that any property which is not in compliance with environmental laws, and specifically this Superfund law and the Resource Conversion Recovery Act, cannot be conveyed and that the modification to be proposed by the Senator from Louisiana will accomplish that objective. Based upon what I have heard of this debate, I assume, from the standpoint of the Senator from Ohio, he would welcome that amendment, which is a modification which makes the Breaux amendment less objectionable.

Mr. GLENN. If the majority leader will yield, I indeed would welcome that. But I think we all have been around here long enough to know what a difference one or two words can make in legislation. If it is that simple, I am willing to stay here and debate it tonight. I just do not want to have a vote here without knowing what is going on.

Mr. MITCHELL. May I suggest that the Senator from Louisiana give the Senator from Ohio a copy of the modification?

Mr. GLENN. We do not have it yet. That is the problem.

Mr. MITCHELL. It was too good to be true that we could get an agreement covering four or five amendments at one time.

Mr. President, may I inquire of the junior Senator from Lousiana whether he is satisfied with the language that has been worked up to the point where he can give it to the Senator from Ohio and he can look at it for a few minutes, in which case it would be worth staying and pursuing this agreement.

Mr. GLENN. If the majority leader would, yield, would it be all right if, rather than trying to do all that tonight at this hour, would it be just as well if we had a slightly extended time in the morning, let us say one-half hour on each side, instead of 15 minutes. That would give us plenty of time if it is OK, and we can probably give most of that time back.

Mr. MITCHELL. I think since we initially intended to come in at 9 and vote at 9:30 and changed that to come in at 9:30 and vote at 10, why do we not get back to the original starting time of 9 and have an hour and have the vote at the same time. Is that agreeable to the Senator from Ohio?

Mr. CONRAD. Reserving the right to object.

Mr. GLENN. With the provision we have a copy of the changes.

Mr. JOHNSTON. If we can have about 15 minutes to all go off and talk about it, I think we could maybe resolve it quickly.

Mr. DOLE. Let us get the agreement.

Mr. MITCHELL. I would be pleased to yield to the Senator from North Dakota for a question.

Mr. CONRAD. Mr. President, I have an amendment that I am attempting to get worked out on both sides, and hopefully that can be done. But I do not want to be frozen out, so I would just like to be added to the agreement.

Mr. MITCHELL Might I respond to the Senator that this does not foreclose anyone. This is not an exclusive list or a limitation upon any other amendments. This is an effort to line up some amendments so that we can transact business efficiently in the morning.

Mr. CONRAD. I appreciate that. If you get to the point of having a list that becomes an exclusive list, I would just like to have this amendment, which I think has the potential to be noncontroversial.

Mr. MITCHELL. I will ask the managers to make note of this.

The PRESIDING OFFICER. Is there ojection?

Mr. MITCHELL. Mr. President, I am sorry, but the Senator from Louisiana has left the floor, and I am reluctant to proceed with an agreement on an amendment which he has a great interest in his absence unless we are certain that he is agreeable to it.

Mr. President, the Senator from Arkansas has been so gracious in yielding.

Might I ask the Senator if he would be willing to proceed with the understanding that in just a few moments we could interrupt again if we could get the agreement?

Mr. BUMPERS. As much as I hate to be interrupted, how can I deny the majority leader the right to interrupt me?

Mr. President, I do not know how long the consultations are going to take. I will be happy to yield to the majority leader again in a few moments if an agreement can be reached along the lines of the unanimous-consent request which he has just propounded.

Mr. President, first I commend my very distinguished colleague and good friend, Senator JOHNSTON of Louisiana, for bringing this amendment before this body.

I have more than a passing interest in this amendment for a very simple reason; that is, that my State takes the biggest hit, takes the biggest hit on a per capita basis, of any State in the Nation by these base closings.

Mississippi County, the First Congressional District of Arkansas, is one of the 10 poorest districts in America. Mississippi County, which is the center of the First Congressional District, or at least one of the centers, has not had less than a 10-percent unemployment rate in the past 10 years.

Now, you think of this. Mississippi County is the home of Eaker Air Force Base. The economy of that county, Mr. President, the only way on Earth that Mississippi County can survive is for that base to be conveyed to the people of that county and for that base to be put to some kind of civilian use to employ all of the people who are going to lose their jobs as a result of that base closing.

Mr. President, some people see human misery in abstract terms. I see human misery in real terms, because I grew up with it. I have seen the hollow faces of unemployed fathers, who had to look across the breakfast table at their families, unemployed, unable to make a car payment, unable to make a house payment, unable to even feed their families, let alone clothe them and educate them.

One of the members of the Base Closing Commission was asked this question—and I am reluctant to say this because I am not interested in denigrating members of that Commission who had a very difficult chore. But he was asked: Are economic considerations a factor in your determination? He said, no, we are really not concerned with that. We are concerned with the military value of these bases.

That went over big in Mississippi County, which has an unemployment rate of 10 percent and an unemployment rate, after Eaker Air Force Base is closed, projected to be 30 percent. You think about a county which has not had less than a 10-percent unemployment rate in 10 years and whose unemployment rate will go to 30 percent when the base is finally closed, and the cynicism, the arrogance of a member of the Base Closing Commission to say, no, we are not considering economics in this decision, with all the human misery that is brought about.

So, Mr. President, I want to say I am going to vote for the Johnston amendment. If it is not adopted, I will propose my own, and I will keep proposing my own until we get that property and the opportunity to give those people who are going to be suffering unbelievable human misery, until we get somebody onto that base that will provide economic opportunity for some of the people there.

I spoke to the school superintendent in Blytheville, AR, this afternoon. He is concerned about how they are going to pay their bond issue. There is a little town of Gosnell, just outside the boundary of Eaker Air Force Base, there are 4,000 people in Gosnell. After the base closes, there will be 2,000 people in Gosnell.

In the city of Blytheville, the school system which depends on the assessed valuation of the property in that district cannot begin to pay the bonded indebtedness that they owe when that base closes, and will not be able to pay it, even after that, unless we get that base conveyed to those people and they in turn are able to get somebody in there to utilize that property and provide jobs and build the economic base of that community.

I disagree with one part of the bill of the Senator from Louisiana were he says the President ought to have a waiver right. I would not even give the President the waiver right. This property ought to be conveyed back to those people.

For people to sit around here in the evening, tonight and tomorrow, and talk about every little T being crossed and every I dotted, they do not know the magnitude of human misery that this base closing is causing all across America.

Every Senator here who comes out whole on this is going to vote for the base closings. They are going to be so relieved that they did not have a base closed. And to hell with those who did. Those of us who know the human misery this is causing have a quite different attitude about it. So I strongly support the amendment of the Senator from Louisiana. I do not want Eaker Air Force Base, if it has some toxic waste on it and some other problems. I do not want it to be conveyed. But otherwise we are entitled to it. I am going to support this amendment, and if it is not adopted I will support a dozen more until one is adopted.

I yield the floor.

THE C-17 PROGRAM

Mr. D'AMATO. Mr. President, today, the C-17 is 18 months behind schedule and as much as $2.6 billion over budget. The latest reports indicate that first flight is unlikely before the end of August and could slip to the end of the year.

Secretary Cheney made it clear with the termination of the A-12 that he does not suffer botched development programs gladly, though, in fairness to the manufacturers associated with that ill-fated aircraft, the design was revolutionary.

It is fortunate for the Air Force that the purely evolutionary C-17 has not been held to the same standards applied by Secretary Cheney to the A-12. The schedule slips and cost overruns experienced by the C-17 program are certainly as bad, if not worse, than those of the A-12 program when it was cancelled.

This was hardly the outcome anticipated when the fixed price development contract for the C-17 was signed in 1985. All of the major subsystems were flying or soon would be on other aircraft. As Brig. Gen. Elbert Harbour, then Deputy for airlift-trainer systems, said at the time, "I can't think of anything we're going to have to invent."

In fact, the Air Force was so confident about the C-17 that it proposed accelerating funding for the first 2 years of full-scale development in order to achieve significant R&D savings and permit early start on fabrication and risk reduction. By the end of 1987, however, the program had gone sour.

Fabrication and assembly of the first aircraft was delayed between December 1987 and August 1988. Major subcontractors were replaced or the work brought in house. By 1989, it became obvious that the original schedule was hopelessly unachievable and the entire program was rebaselined. The new schedule, however, could not prevent the latest first flight date, slipped from February 1989 to June 1991, from being missed yet again. Whether in reaction, or coincidentally, it was recently announced that C-17 work would be shifted from California to Missouri. How this will impact cost and schedule is unknown.

Incredibly, delays and overruns, while ominous, may not be the biggest problems associated with the C-17. It appears that at least three times since the fixed price development contract for the C-17 was signed in 1985 that the Air Force waived performance specifications guaranteed by warranty in return for concessions. No explanation has been offered as to why these waivers were required and granted, what performance versus mission requirement tradeoffs were considered, and what concessions were gained for the relief granted.

Most recently, the Air Force is reported to have dropped event-based contracting, a form of discipline that I am happy to say the Senate Armed Services Committee has sought to restore in its mark. More disturbing is the apparent handling, and possible linking, by the Pentagon of contractor requests for deferral of repayment of $1.35 billion associated with the A-12 and the creation of a $1 billion advanced payment pool and negotiations concerning C-17 contract options. This, combined with the aforementioned waivers which released the contractor from financial responsibility for meeting guaranteed performance specifications, hints at both a contractor and a program in dire straits.

Congress has supported the C-17 on the basis of its unique mixture of capabilities. If, in fact, those capabilities will not be achieved, or have been seriously compromised, it may behoove us to consider other options to C-17 production before we are in too deeply to pull out. For example, the exorbitant cost of the C-17 has been justified, and accepted, on the basis of its advantages over the C-5. Without those advantages, the vastly less expensive C-5 becomes a very appealing solution to addressing our long-standing airlift shortfall.

The Senate Armed Services Committee has taken an important step in the direction of bringing order to this program. I invite colleagues who share my commitment to modernizing the airlift capability of this country to question, to explore, and to exercise their oversight privileges over the C-17, a program that seems to have run amok.

DASCHLE-WOFFORD BURDEN-SHARING

Mr. WOFFORD. Mr. President, every year, the United States spends more than $130 billion to subsidize the defense of our most prosperous and economically competitive allies. To put it in perspective, that's six times more than the Federal Government spends on educating America's young people each year.

Our deployment of hundreds of thousands of American troops across the globe was a reaction to events of the post World War II and cold war world. It made sense for our Nation to position vast armies in Western Europe when vast armies of Soviet and Warsaw Pact troops were lined up against us in the East. But the Warsaw Pact has dissolved. The Berlin Wall has fallen. The Soviet Union is breaking apart. And just yesterday, Presidents Bush and Gorbachev signed the first United States-Soviet

there be 60 minutes remaining for debate on the amendment.

Mr. President, I withhold my request. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I thank my colleagues for their patience and cooperation. There will be no further rollcall vote this evening. Senators should anticipate a rollcall vote on the pending measure at approximately 10 a.m. tomorrow.

Under the agreement there will be an unlimited period for debate this evening. Any Senators who wish to address this measure further this evening are free to do so, and there will be 1 hour for debate on this amendment tomorrow, between 9 a.m. and 10 a.m.

I thank, especially the managers for their diligence in this matter.

Mr. NUNN. Will the leader yield for a brief question just to make absolutely clear, no other amendments will be permitted tonight?

Mr. MITCHELL. That is correct. To make it clear, on that, I ask unanimous consent that for the remainder of the session tonight, or for however long it goes, if it goes into the early morning hours of tomorrow, that there be debate only on the pending amendment and that there be no other action on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I ask the majority leader and also the President, am I correct it would be in order, under the unanimous consent to now modify the amendment as the leader just said?

Mr. MITCHELL. Yes.

AMENDMENT NO. 1034, AS MODIFIED

Mr. BREAUX. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 1034), as modified, is as follows:

On page 378, between lines 3 and 4, insert the following:

SEC. 2894. CONVEYANCE OF CLOSED BASES TO NEIGHBORING COMMUNITIES.

(a) FINDINGS AND PURPOSES.

(1) The Congress finds that—

A. The Department of Defense has been directed to reduce the size and cost of the military and this can only be accomplished by closing military installations;

B. A military installation is a part of the infrastructure of the community in which it is located and there is a long standing symbiotic relationship between a military installation and the community;

C. The people in an impacted community have made substantial, long term investments of time, training, and wealth to support the military installations;

D. The loss to an impacted community when a military installation is closed may be substantial and in such cases the Congress wishes to mitigate the damage to the impacted community;

E. An impacted community knows best the needs of the community and the best way to use available resources to meet these needs consistent with existing national priorities; and

F. Unfettered ownership of the real property associated with a closed military installation at the earliest possible time can partially offset the loss to a community which results when a military installation is closed.

(2) Therefore, it is the purpose of this Section—

A. To benefit communities impacted significantly when a military installation located in such communities is closed by authorizing the real and excess-related-personal-property, on which the military installations are located to be conveyed to the impacted community as soon as possible after a decision to close the military installation is made but no later than 180 days after closure; and

B. To provide significantly impacted communities a resource which will aid in mitigating the loss incurred by the community following a decision to close a military installation and which may be used by the impacted community, as the community deems appropriate, for industrial, commercial, residential, recreational, or public uses.

(b) IN GENERAL.—(1) Notwithstanding any other provision of law, the Secretary of Defense shall convey to an eligible political subdivision or subdivisions or State all right, title, and interest of the United States in the military installation closed pursuant to a base closure law in accordance with this section and the Comprehensive Environmental Response, Compensation, and Liability Act and the Solid Waste Disposal Act as determined by the Administrator of the Environmental Protection Agency.

(2) Even if the conditions set forth in paragraph (1) have been satisfied, the Secretary shall not convey such installation if the Secretary determines that the community or communities in the area of the real property to be conveyed are not experiencing or will not experience a significant adverse economic impact as a result of the closure of that military installation.

(c) DETERMINATIONS.—(1) The Secretary must make the determination referred to in subsection (b) in the case of a military installation as soon as practicable after the installation has been identified for closure, but in any event not later than the date on which the installation is closed.

(2) In determining whether a community is experiencing or will experience a significant adverse economic impact as a result of the closure of a military installation, the Secretary shall consider such objective evidence as the following:

(A) Declining real estate values.

(B) Increasing unemployment.

(C) Loss of revenue to the State and the community.

(D) Increasing rate of business failures.

(E) Significant decreases in total personal income.

(d) ADVANCE NOTICE TO ELIGIBLE STATES AND POLITICAL SUBDIVISIONS.—As soon as practicable after a military installation has been identified for closure, but in any event not later than the date on which the installation is closed, the Secretary shall transmit to the appropriate political subdivision, communities, counties and State to which property at such installation may be conveyed pursuant to this section advance notification of the Secretary's intention to make a conveyance of that property.

(e) ELIGIBLE STATES AND POLITICAL SUBDIVISIONS.—Property at a military installation that is to be conveyed pursuant to the requirement in subsection (b) shall be conveyed to a political subdivision or subdivisions or State in the following order of priority:

(1) To a political subdivision of a State that is designated in State law to receive the conveyance of such property and accepts the conveyance.

(2) If there is no political subdivision that satisfies the criteria in paragraph (1), then to the State in which the property is located if the law of that State designates the State to receive the conveyance of such property and the State accepts the conveyance.

(3) In the case of any real property for which neither a State nor a political subdivision of a State satisfies the criteria in paragraph (1) or (2), then to one or more political subdivisions of a State which the Secretary determines, after consultation with appropriate local officials, would best serve the interests of the residents of such subdivision or subdivisions and of the State in which the property is located, providing such subdivision or subdivisions accept such conveyance.

(4) In the case of any real property for which no subdivision or subdivisions or State accept such conveyance, then the Secretary shall offer the property to other departments and agencies of the Federal government.

(f) PROPERTY TO BE CONVEYED.—In addition to the conveyance of real property to a community or State pursuant to this section, the Secretary shall convey any related personal property that the Secretary determines is appropriate for use by the recipient in connection with the recipient's use of the real property.

(g) CONVEYANCE DEADLINE.—Except as provided in subsection (h), all property to be conveyed pursuant to this section in connection with the closure of a military installation shall be conveyed within 180 days after the date on which the installation is closed.

(h) PROPERTY NOT SUITABLE FOR CONVEYANCE.—The Secretary shall sever from the real property of a closed military installation to be conveyed pursuant to subsection (b) that real property which is not suitable for conveyance and make such transfers over a period longer than that which would otherwise be permitted under subsection (g). Property is not suitable for conveyance under the following conditions:

(1) When the political subdivision or state will not accept conveyance of a part of the real property of a closed military installation; or

(2) If the Administrator of the Environmental Protection Agency determines that such conveyance does not comply with the requirements of either the Comprehensive Environmental Response Compensation and Liability Act of 1980 or the Solid Waste Disposal Act; or

(3) When necessary to ensure completion of environmental restoration and mitigation projects.

(i) CONSIDERATION NOT TO BE REQUIRED.—No consideration may be required for a con-

veyance of property pursuant to this section.

(j) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive in whole or in part the requirement to convey property at a military installation under subsection (b) if the President—

(A) determines that the continuation of the United States interest in such property—

(i) is vital to national security interests; or

(ii) the value of the base is so high that a conveyance to the political subdivision or state would constitute an undue windfall to the community and would not be necessary for the economic recovery of the region, provided that the number of waivers exercised under this Act do not exceed a cumulative total of five military installations for each package of closures approved by a commission under the Base Closure law. Provided further, a waiver in part shall not count against this limit if the value of the property reserved does not exceed 25% of the total value of such installation or if the appropriate political subdivision or state agrees with the reservation; and

(B) transmits to the Committees on Armed Services of the Senate and the House of Representatives a certification of such determinations together with the reasons for such determinations.

(2) A determination and certification in the case of the closure of any military installation shall be effective only if made before the earlier of—

(A) the date on which the installation is closed; or

(B) December 31 of the year following the later of the year in which the closure of that installation is approved by the President.

(3) The President may extend the deadline for making a determination and certification under paragraph (2) for not more than two successive periods of 90 days by transmitting to the congressional defense committees a notification of the extension before the end of the deadline or extended deadline, as the case may be.

(4) The President may withdraw a waiver under paragraph (1) in the case of any military installation. Not later than 180 days after the withdrawal of the waiver, the Secretary of Defense shall make the conveyance required by subsection (a) in accordance with this section.

(k) CONTINUING RESPONSIBILITY OF THE DEPARTMENT OF DEFENSE.—Prior to and after any conveyance of real property of a closed military installation pursuant to this section, the Secretary of Defense in consultation with the political subdivision or state shall be responsible for the following matters:

(i) To provide economic adjustment and community planning assistance including assistance in conducting public hearings to decide the appropriate use of a closed military installation to communities near the closed military installation until such time as the economic stability of such communities is achieved, as determined by the Secretary.

(ii) To comply with the Comprehensive Environmental Restoration Compensation Liability Act of 1980 and the Solid Waste Disposal Act in consultation with the Administrator of the Environmental Protection Agency.

(iii) To continue to carry out environmental restoration and mitigation activities relating to uses made of such installation before closure.

(l) SOURCES OF FUNDING.—The Secretary may expend any funds in the Base Closure Account to carry out the responsibilities referred to in subsection (k) and the Secretary shall notify the Congressional defense committees in advance of the obligation of funds for such purpose.

(m) IMPROVEMENT OF PROPERTY PENDING CONVEYANCE.—(1) Notwithstanding any other provision of law, the Secretary of Defense and the head of any other department or agency of the Federal Government may continue, on and after the applicable date referred to in paragraph (2), to obligate funds (to the extent available) for making improvements to the property that has not been conveyed that will facilitate the conveyance of the property and are consistent with the use to be made of the property by the recipient of the conveyance.

(2) Paragraph (1) applies in the case of property at a military installation on and after the later of the date on which the closure of that installation is approved by the President.

(n) DEFINITIONS.—In this section:

(1) The term "military installation" has the meaning given such term in section 2687(e)(1) of title 10, United States Code.

(2) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(3) The term "base closure account" means the following:

(A) The Department of Defense Base Closure Account established by section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Department of Defense Base Closure Account 1990 established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1815; 10 U.S.C. 2687 note).

In section 2(b), amend the table of contents by inserting after the item relating to section 2803 the following new item:

Sec. 2804. Conveyance of closed bases to neighboring communities.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. BREAUX. Mr. President, I ask unanimous consent the Senate be in a period of morning business.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BREAUX. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 287: Joyce E. Tucker, to be a member of the Equal Employment Opportunity Commission

Calendar 290: The following persons to be members of the Board of Directors of the Commission on National and Community Service:

For a term of 1 year:
Gayle E. Wilson;
George W. Romney;
Karen S. Young;
William J. Byron;
Glen W. White.
For a term of 2 years:
Richard F. Phelps;
Alan Khazei;
Paul N. McCloskey, Jr.;
Reatha C. King;
Shirley S. Sagawa;
Wayne W. Meisel.
For a term of 3 years:
Daniel J. Evans;
Maria H. Ferrier;
Frances Hesselbein;
Patricia T. Rouse;
Joyce M. Black.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed, en bloc, are as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Joyce Elaine Tucker, of Illinois, to be a member of the Equal Employment Opportunity Commission for a term expiring July 1, 1996. (Reappointment.)

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

The following-named persons to be members of the Board of Directors of the Commission on National and Community Service for the terms indicated:

For terms of 1 year:
Gayle Edlund Wilson, of California.
George Wilcken Romney, of Michigan.
Karen Susan Young, of California.
William J. Byron, of the District of Columbia.
Glen W. White, of Kansas.
For terms of 2 years:
Richard Frederick Phelps, of Indiana.
Alan Khazei, of Massachusetts.
Paul N. McCloskey, Jr., of California.
Reatha Clark King, of Minnesota.
Shirley Sachi Sagawa, of Virginia.
Wayne W. Meisel, of Minnesota.
For terms of 3 years:
Daniel J. Evans, of Washington.
Maria Hernandez Ferrier, of Texas.
Frances Hesselbein Jul 31, 91 Patricia Traugott Rouse, of Maryland, Joyce M. Black, of New York; Mr. Kennedy, Committee on Labor and Human Resources, without printed report.

STATEMENT ON THE NOMINATION OF THE COMMISSION ON NATIONAL SERVICE

Mr. KENNEDY. Mr. President, today I am pleased to recommend the confirmation of 16 Board Members of the Commission on National Service. The President nominated the mem-

Document Separator

Senate

FRIDAY, AUGUST 2, 1991

(Legislative day of Monday, July 8, 1991)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Thus the heavens and the earth were finished, and all the host of them. And on the seventh day God ended his work which he had made; and he rested on the seventh day from all his work which he had made.—Genesis 2:1, 2.

Eternal God, infinite and unchangeable, Creator of all that is, the Senators and their staffs have been laboring long hours under great pressure—as have all the support staffs. They need rest, despite which inordinate demands will persist in making their relentless claims upon them during the August recess.

As Almighty God rested, so should they. Gracious Father, grant to Your servants wisdom and grace to finish their business today and help them to discipline themselves, order their priorities, and make time for You, their families, and themselves—that they may be restored to fullness of health and strength in mind and body.

In the name of Him who said, "Come unto me all ye that labour and are heavy laden, and I will give you rest." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 2, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 1507, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1507) to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense; for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Breaux Modified Amendment No. 1034, to provide for the conveyance of closed military installations to the neighboring communities in certain cases.

The ACTING PRESIDENT pro tempore. The pending business is the amendment offered by the Senator from Louisiana. There is, under the previous order, 1 hour allocated for debate on this amendment divided in the customary manner.

Who seeks recognition?

The time is controlled by the Senator from Ohio [Mr. GLENN] and the Senator from Louisiana [Mr. BREAUX].

Who yields time?

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be allowed to proceed, under the time of the proponents of the amendment, for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, the amendment which we propose very clearly states the obligation of the Federal Government, of the Secretary of Defense, to convey property of bases closed to the communities which are impacted, if they are substantially adversely impacted by the closing of that base.

There is a fundamental question here presented by this amendment, and it is, on the one hand, whether we should create another RTC to be a repository of all of this property, to have GSA take title to all of the property of the closed bases, and to retain it probably for interminable lengths of time while they shop it throughout the Federal Government, determining whether or not they can make homes for the homeless, or drug rehab centers, or other Federal uses; or whether, on the other hand, as our amendment says, the local communities ought to get this property. This amendment says very clearly, Mr. President, that the Secretary has the obligation to convey this property to the local communities. Moreover, we state very clear deadlines as to when this action must be.

The Secretary must make a determination as soon as possible as to this adverse economic impact, and file his findings as soon as possible, but in no event later than the closure of the base. We define what adverse economic impact is, and it is the usual things: Real estate values, unemployment,

NOTICE

In an effort to facilitate timely delivery of the Congressional Record each morning, the Senate will send copy to the Government Printing Office at 4 p.m. each day of session, and every hour thereafter. This procedure will apply to all introduced bills, amendments, and other routine morning business.

Copy will be available for 2 hours for review by Senators and their staff prior to submission to the Government Printing Office. The 2-hour review period will apply to floor proceedings as well as routine morning business.

Joint Committee on Printing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

lost revenues, bankruptcies, declining personal income. Those things, in most cases, will be self-evident. You would be able to tell the effect by just driving through town. In Louisiana, where England Air Force Base is being closed, the predicted impact is a loss of 12,000 jobs, a loss of $228 million in sales, a loss of $257 million in household income, a loss of State and local revenue, and increased bankruptcies. This is in an already very very poor section of our State. So, Mr. President, it will be easy, simple and self-evident, in most cases, as to what the impact is.

We provide in this legislation the party to whom the conveyance will be. That is, it will be to the local subdivision of the State, or to the State as designated by State law or, failing in that, to the appropriate party as determined by the Secretary of Defense.

Mr. President, we set very clear guidelines on when this conveyance must be made—180 days after closure, with the requirement that the local community be informed as soon as possible, before that conveyance is made.

Mr. President, there has been a suggestion that some of these bases are so valuable that it would constitute a windfall to the local community to grant the title to the property to them. Therefore, we provide for a Presidential waiver, if the President, either on grounds of national security, or on the grounds of windfall—that is, that the value of the property is so valuable that it would constitute a windfall to the local community—and that the conveyance of the property to the local community is not essential for the recovery of that community, and in that event, the President may waive the requirement of conveying the property to them, with the limitation that not more than five waivers in any one base closure package may be made by the President.

Further, we provide that waivers, in part—that is, where certain functions or property will be reserved to the Federal Government—he may do that an unlimited number of times, that it not count against the total of five, but that the value of those waivers in part cannot exceed 25 percent of the property. Otherwise, they could count against the five. What we have in mind there, Mr. President, is those instances where a base might be closed, but the National Guard might want to use an armory or runway or a hangar or some other property.

It need not be necessary that the reservation include the fee title to the property, but that would be decided by the Secretary of Defense. He could, for example, keep an easement over the runway as appropriate.

Mr. President, we provide that the waiver determination by the President must be made in the earlier of December 31, in the year following the Presidential approval of closure, or closure, whichever is earlier, with two 90-day extensions.

In other words, if a President wants to exercise this waiver power he must make up his mind and do it early on.

Now, why this emphasis on all the deadlines? It is because of the sad experience of working with the Federal Government. The Federal Government does a lot of things well, like efficiently collecting taxes. They do not get rid of the property very well. If you look at the situation in the RTC, the Federal Government has had hundreds of billions of dollars' worth of property for years and they have not gotten rid of 10 percent of it yet. They have not sold it. They have not negotiated. They are just owning it and letting it deteriorate.

I think my colleagues can talk about many, many examples, Mr. President, of where this property has been kept and cannot be obtained from the Federal Government in spite of the very best efforts. I personally can testify to that. If we give this property, as under present law, no deadlines to GSA, it is going to stay there while the economies of these closed base communities die on the vine, which they are, and are in very bad shape.

Mr. President, the regular law simply does not accommodate to the situation which we have at present. I hope that the Senate will resoundingly approve of this amendment which we have proposed today.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if my colleague will yield to me 1 minute to introduce two bills, as if in morning business.

The ACTING PRESIDENT pro tempore. Who yields time?

Without objection, the Senator from Alaska has 1 minute in morning business.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1624 and S. 1625 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. I thank the Chair and my colleagues, and wish them a good day.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GLENN. Mr. President, has the distinguished Senator from Alaska concluded?

The ACTING PRESIDENT pro tempore. The Senator from Alaska has concluded.

AMENDMENT NO. 1034, AS MODIFIED

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, the basics of what is being proposed here are that it changes law that has served us well for some 40 years. It changes the Federal Property Administrative Services Act of 1949 by saying that instead of a regular progression of disposal of Federal property, that has a regular procedure hooked up with it for the potential for other Federal uses first, if there are none then the States have first call on this property.

At that point, the same disposition of property could be made if it gets to that point, as my distinguished colleague from Louisiana is talking about. Or at that point, if the States do not want it, the counties have a claim on it if they want it, then local communities, and then individual sales.

Mr. President, this would stand that procedure exactly on its head. It would reverse it 100 percent. It would say that local communities have first call and that everyone else gets in line after that.

The impact on local communities is not something that I dispute in any way, shape, or form. We experience that in Ohio, just as well as other States. We have a base being closed up there, too, a major base. The impact on the local community is severe. I wish I could do something for those people, also.

But, Mr. President, there is another issue here that we did not bring up last night or debate on the floor, and that is the cost to the Federal Government if we do this.

I ask my distinguished colleague from Louisiana if he has made any estimate on the amount of money that it will cost to close the bases, what this will reduce in the way of sales or revenue to the Government—not revenue, but value to the Government—if this bill passes, because it means we will not sell this property, and we still have the cost of base closure. Have estimates been made in that regard?

Mr. JOHNSTON. I would say to my friend from Ohio, first of all, that this will have no budgetary impact because there are no allocations of budget authority or outlays that have been ascribed to the property. We do understand that there are particularly a few bases that are of very high value, and for that reason we have put in the waiver so that in any package the President may waive five bases, either for national security or on windfall grounds. It is up to him, not reviewable, not appealable. So the really valuable bases will be preserved.

Moreover, he has an unlimited ability to exercise a partial waiver of up to 25 percent of the value of these bases.

I do not believe that the cost to the Federal Government will be very much because of the experience with RTC. RTC has this huge property which initially was worth billions of dollars and the property values are going down very rapidly because it overwhelms the ability of the Federal Government to convey the property out. We are much better off, for example, in our base rather than to shop it around and determine whether it ought to be a place for the homeless, to try to avoid having people be homeless by getting them jobs.

What we want to do in central Louisiana is try to bring in some jobs and industry. We are losing 12,000 jobs, and under the act, as I understand it, there is no provision, under the present law, for conveyance out for industrial development purposes. I mean, as I look at the law here it says, public parks, historic monuments, public health, wildlife, public airports and negotiated sales, but nothing in there that seems to authorize a conveyance out for.

Mr. GLENN. Let me get back to the cost, because we do have a case history here, recent case history, that I think is illustrative of what I am talking about.

As far as the 1988 base closures, it is estimated by the Pentagon that the costs of those base closures will be about $3.38 billion. We are not talking about small money here. It is estimated also that the sales, revenue or the money that will come in as a result of shutting down these bases, is going to be about $1.8 billion. I cannot say that the figures in this case would be exactly the same. These are different bases, different locales.

But that means that the delta here, the total difference is not only the $1.8 billion, but $3.38 billion it is going to cost us, which comes up to $5 billion expense under the 1988 act if this same type procedure was applied to it. Otherwise, that $1.876 billion in sales or revenues realized off the base closure before would come down to only a cost of somewhere around $1.5 billion or $1.89 billion, grand total, to get the cost to get the bases closed. This is under the 1988 act now, which means over a period of time then you amortize that out by savings as you do not have to provide money for those bases in the future.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. GLENN. We are talking about a $5 billion delta here, talking about a $5 billion net to the Government off the 1988 bill. I presume we have something of that order in this bill, if the Senator's amendment prevails.

Mr. JOHNSTON. Will the Senator yield at that point for a question?

Mr. GLENN. Yes.

Mr. JOHNSTON. I am informed that under the 1988 act, they closed a number of bases. I am informed that the total amount of sales since 1988, this is 1991, obviously, has been $300,000.

I ask the Senator if he knows whether that is correct or whether it seems to be correct and whether he would expect better results under this closure package?

Mr. GLENN. I do not have any figures. The law permits some 6 years for base closure, and I know that they estimate that the total revenue received from this when it is all completed will be on the order of $1.8 billion. Whether it was actually what has been sold so far is $300,000, I do not know. That may be absolutely correct.

Mr. President, I think we could accomplish this same thing under existing law by putting in expedited procedures of how we dispose of Federal property so it does not take so long. That concerns me also. I agree with my distinguished colleague from Louisiana in that particular situation.

It does take a long time because if there are other Federal agencies that might want to use this property for quite legitimate purposes and purposes we would want them to use it for, it does take a while to canvass them, it takes a while to canvass the State and county before it gets to the local communities, and I agree with that. But notwithstanding that, this law for some 40 years has worked very, very well, and here we are now in our second base closure operation changing the laws in the middle of the game. I just think that would deal very unfairly with the people that have already been through this whole procedure.

With regard to the costs—let me get back to that again—in the base closure report they specify, as I understand it, the sale of property near the El Toro Marine Corps Station in California, at the Tustin Marine Corps facility out there, they specify that base be closed and they specify that it would be sold and the money out of that would be used to finance the move to other areas. Now the estimated sale of that property to whomever they are going to sell it to is estimated to gain about $600 million from that single property; very valuable property in Orange County, CA.

I lived on that base at one time for about 6 months, so I am very familiar with the value of that base. It is a very key location for business and industry.

They expect to realize some $600 million from that sale. This is supposed to finance some of the moves to other areas. That will be lost if this amendment passes. I would presume there are similar installations at other bases all over the country where a similar thing would occur.

Mr. President, it also bothers me a bit that we have specified, "notwithstanding any other provision of law" as leading this off, because that means that whatever State law, local law, or Federal law that may apply that we have not even had the opportunity to look at yet is required to be waived. I am not sure that that is a good idea. I think we need more time to look at that one also.

Perhaps another irony here is that, although the stated purpose of this amendment is to benefit the neighboring communities, those immediately impacted, the bill does not guarantee that those neighboring communities are the winners because the first priority will go to whoever the State designates. Now, I grant that the likelihood is the State will cooperate with the local area, but that certainly is not guaranteed in this and there is nothing in the law, nothing in this proposed amendment, that would prohibit the State from designating somebody else to receive the benefit from this base.

Mr. President, we have had this proposed before. I would point out to my colleagues that last year we went through basically this same debate and basically the same provision.

This changes very little from what was proposed last year. And last year 81 Senators soundly rejected the proposal. In principal, what we stated last year did the same thing the Johnston amendment will do now. We defeated that effort last year by a vote of 81 to 18. So if people want to see what their vote was last year before they cast their vote on this, they might want to look back into last year's RECORD. The vote last year was on August 3. I was looking through the list. In fact, Senator JOHNSTON voted in favor of defeating that proposal last year—I just happened to notice that; I had not noticed that before—and. Senator BUMPERS, and several others, too.

Mr. JOHNSTON. I would tell the Senator this is not the same proposition as last year.

Mr. GLENN. Almost.

Mr. JOHNSTON. No, it is not. There was no waiver last year. There were no dates. The Secretary of Defense is to make this conveyance out. There was no finding relative to substantial adverse economic impacts. There was no waiver in part last year. There was no reservation as I understand it for environmental purposes. It is a fundamentally different proposal than the one last year. And I might say that it is also a fundamentally different economic situation because we have had these devastated communities.

Mr. GLENN. I do agree it is a different economic situation. I would concur with that, but I would disagree it is that much different. There are some of these, I believe, small points that are different from last year, but I would urge people to look at their vote of last year. In fact, get it out and read the debate of last year and I think you will find most of the same points that were made last year are being made this year. And the vote of last year is listed in the CONGRESSIONAL RECORD of August 3, 1990, in case people want to check last year's voting record.

Mr. President, I think this is just bad law. As much as I am in agreement with the fact that there is much hurt out there around these bases, there also is a way that we dispose of Federal property that has worked well for 40 years and I see no reason to change that now.

I reserve the remainder of my time.

Mr. BREAUX. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 22 minutes and 27 seconds remaining. The Senator from Ohio has 16 minutes and 48 seconds.

Mr. BREAUX. Mr. President, I yield myself 5 minutes.

Mr. President, I think that many people back home must look at the Congress sometimes and come to the conclusion that we all speak "Washingtonese." And I would describe "Washingtonese" as words that are spoken that make no sense.

We have a situation here in which almost 25 States around the country are directly affected by action of the Federal Government, in this case the Department of Defense, which had come in and shut down bases, put people out of work, literally threatened to destroy communities. And here we are debating on the floor of the U.S. Senate as to how perhaps it may not be a good idea to in fact have the local community be given the opportunity to get back the property which in most cases they gave in the first place to the Federal Government.

England Air Base in Louisiana is not atypical of what has occurred in most communities around the United States. When the military came in and said we need property for the U.S. Government for a military installation, most communities donated the property to the Federal Government. In the case of England in Louisiana, 95 percent of the property that the Air Force got to build an airbase was given to the military free of charge by the people in the local community to use for the purpose of an airbase. And they were happy they were there.

But now that the military has come in and said, "we're out of here folks, we're gone."

Is it not proper and appropriate, is it not logical, is it not fair, is it not equitable to have the people who gave the property free of charge to the military for a particular use, that, when the Federal Government does not need it any more, perhaps the people who gave it in the first place should have the right to get it back? That is all this amendment says, Mr. President. It says that the local people do not have to wait behind every other Federal agency to get a shot at getting back what they gave in the first place.

Why should we say that, if the Air Force does not need it, we should have to check with every other Federal installation—Fish and Wildlife, HUD, FAA, any kind of Federal agency in the Government—and let them have an opportunity to get the property before the local people who owned it in the first place have the right to come in and receive that property?

Mr. President, it is time we quit speaking Washingtonese and start speaking common sense. It is time we start caring for the local people whose lives have literally been potentially destroyed by a military quickly moving out of an area, never to return again.

I think it is horribly wrong for the Federal Government to do that to a community and say, "we're out of here, but we are going to keep the property anyway. We do not care that you gave 95 percent of it to the Federal Government free of charge when the Federal Government needed your help. Now that you need our help, we are out of here, folks."

That is not the American way of doing things. It is not the way it should be done in this case. Our amendment today would correct it. It corrects it by putting the local community in the first priority, in the first place, to get their property back in most cases.

It is truly interesting when we talk about how much is this going to cost—it is not going to cost anything. When the Federal Government, under the current law, offers the property for sale to other Federal agencies, who do we think is paying for it? If DOD sells the property, say, to the Department of the Interior, where is the money coming from? It is coming from us.

It is like the Pogo statement, "We have met the enemy and they are us." DOD is not making money by selling the property to the Department of the Interior. They are just taking money out of the Interior budget and putting it over in the DOD budget. It is still the same Treasury funds. The Federal Government is not making money when we sell property to ourselves, and that is what happens when the Department of Defense, through the Federal Government, offers it to be sold to the Department of Transportation or the Department of the Interior or the Department of Commerce. That is not new money that they are making. It is money from the same Treasury. It is money from the same Department. If you rob Peter to pay Paul, is anybody any richer? Of course not.

When the Department of Defense offers to sell the property to another Federal agency we are buying it from ourselves. We are not making money. To insinuate that, as the Department of Defense does, that somehow by letting the local government get back what they owned in the first place we are losing out on $3.5 billion in sales is a ludicrous argument.

Mr. GLENN. Will the Senator yield?

Mr. BREAUX. I suggest we are only saying we are not going to take money from one Federal department to give it to another Federal agency.

I will be happy to yield.

Mr. GLENN. Will the Senator yield on that point?

What we have under the Property Disposal Act is the idea that if a Federal entity is looking for a property for a quite legitimate purpose, whatever it is, and there is Federal property that comes available for that purpose, we should not, then, go out and be buying new property. That is the theme behind all of this property disposal law.

Mr. BREAUX. I understand that. If the Federal Government is going out and buying property from a private agency or private individual, that is a cost. But when the Federal agency is buying property from another Federal agency, the Federal Government is not making money or losing money.

Mr. GLENN. But you are saving the purchase of new land that would otherwise be involved if you were buying new property.

Mr. BREAUX. I would say if the Department of Defense sells property to the Department of Interior they may collect $1 million by selling it to the Department of Interior but Interior is going to find the $1 million from the same Treasury the Department of Defense goes to for those funds.

Mr. GLENN. I think the Senator misses my point. The point is we would not have to go to out the Treasury for the money to buy another brand new $1 million piece of property. Interior should not have to go out and about to buy it and use appropriated funds to buy property when there is excess property they can get and use.

Mr. BREAUX. Where the Department of Defense sells the property to another Federal agency, that does not earn the U.S. Treasury any money, by that sale. It is just going to cost another agency the price of that property and they have to pay it to the Department of Defense. The bottom line, as far as the U.S. Government is concerned, is it does not make any difference. It is certainly not any new revenue to the Federal Government.

The most important point of what we have here, Mr. President, is this is an opportunity to give some genuine help to the local communities who have been hurt. I daresay every other Member who has a situation similar to ours in Louisiana is thinking what are we going to go back and tell the people of our State when we have to tell them that the military is moving out? Oh, by the way, the property that you gave to the military for an air base or a military base, you are not getting it back even though they do not need it anymore. They are going to go look for somebody else to give it to. They are going to look for another Federal agency to give it to or sell it to.

The people will not buy that kind of answer when we try to tell the people what we have done. "What, Mr. Senator, have you done to help alleviate the misery that has been caused by the base moving out of our local community?"

Are we going to be able to go back and tell them we are going to think about giving it or selling it to the Interior Department, Commerce Department, FAA, Fish and Wildlife Service, Department of Justice?

"By the way, if nobody else in the Federal Government wants it, we might let you take a look at it."

Are my colleagues going to sell that back in their local communities in 20-some-odd States around the country? Not only are they going to be getting rid of military bases, they are going to be getting rid of Members of Congress

because that logic is illogical and that Washington talk does not make sense back home.

It may make sense in a committee hearing, it may make sense on the Senate floor. I doubt it. But it is not going to sell back in our respective States.

What we have at the desk is a simple procedure that gives some equity and some balance in how the Government tries to help local communities and local individuals. We are talking about lives. We are not talking about agencies. We are not talking about bureaucracies. We are not talking about bureaucrats in Washington. We are talking about real people back home who are losing their jobs, closing their stores, packing their goods and having to get out of town because the Government has gotten out of town.

The least we can do is to allow us to give those local communities some help and some hope. That is why the legislation is incredibly important.

Mr. President, I reserve the remainder of my time, but I yield to our distinguished colleague, Senator ROTH, 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Delaware [Mr. ROTH] is recognized.

Mr. ROTH. Mr. President, it is time for the Senate to speak out on how it will address the needs of the families and communities impacted by base closures. It is clear that military bases and installations must be closed as the Defense Department shrinks.

Unfortunately, people working at bases selected for closure will lose their jobs, and there will be some economic impact on the surrounding community. I believe that Congress has an obligation to assist them by adopting policies that turn base closings into economic opportunities for the individual, opportunities for the community, and opportunities for the country.

The arguments against the Roth-Breaux-Johnston amendment suggest that the current procedures for disposing of bases are fine. Mr. President, the data do not support that conclusion. The current process for closing bases is painful, slow, and benefits no one. Local communities have little voice in what happens to bases slated for closure. The Base Closure and Realignment Commission has said that the process needs to be expedited and that communities should get the first opportunity to receive the property.

Mr. President, the key to minimizing the impact of base closures is to turn them into an economic opportunity for the affected community. Historical data that shows that converting military bases to community uses has created 158,000 jobs, more than enough to replace the 93,000 jobs at the bases closed between 1961 and 1990. Our legislation would speed the recovery process by more rapidly transferring the land and empowering communities in the disposal process.

Our amendment is important to local communities affected by base closures because it involves communities early on, and transfers ownership, free of charge, to the local community.

Let me reemphasize that the Defense Base Closure and Realignment Commission in its report to the President found that: "Reusing former military base property offers communities the best opportunity to rebuild their economies." Moreover, the Commission found that expediting the transition is critical to those affected by the closure: "Full economic recovery from base closure is dependent upon timely disposition of the facilities and land vacated by the services."

Mr. President, some have made it sound as if this amendment were a fast moving train heading west with no clear destination. That is not true. In May 1987, I introduced legislation with Congressman DICK ARMEY to make the base closing process work more smoothly. I recognized the fact that families and communities would be adversely affected unless a method could be found that would convert a closed base into an economic opportunity.

So last year, I first introduced the base conversion bill to accomplish that, and I testified on this bill in front of the Armed Services Committee. As Senator GLENN pointed out, I offered it as an amendment just a year ago on the Defense authorization bill, and many who voted against it then are now speaking in favor of it. In May of this year, I testified in front of the Base Closure Commission on behalf of my base conversion concept. In June, I reintroduced the bill.

In the 6 years that I have been studying the issue of base closings, I have realized that much is yet to be learned. I believe that Congress will have to revisit this issue as further bases are closed. I want to make it very clear that, regardless of the vote on today's amendment, I very much appreciate the offer of the chairman of the Governmental Affairs Committee to hold joint hearings with the Armed Services Committee. Even so, this amendment takes a large step forward in addressing the needs of America's families and communities, and it should be adopted by the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Indiana.

Mr. COATS. Mr. President, I wonder if one of the managers will yield me time to speak in favor of the legislation.

Mr. JOHNSTON. How much time does the Senator need?

Mr. COATS. Five minutes; if not, 3 or 4.

Mr. JOHNSTON. Mr. President, how much time is left?

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has 8 minutes remaining.

Mr. JOHNSTON. Mr. President, I yield, in the absence of Senator BREAUX, 3 minutes to the Senator from Indiana.

Mr. COATS. I thank the Senator for yielding.

Mr. President, having read through the amendment, I want to commend the authors of the amendment. All of us—not all of us, but most of us are faced with a painful process on base closing. It is a necessary one if we are ever going to reconcile the changing world threat and the tremendous budget pressures on the Department of Defense with the need to close bases. We have to make some very tough choices. There is no doubt these choices result in a significant impact, in many cases adverse impact, on the communities involved.

In my own case in the State of Indiana, we are closing both a large SAC base, Fort Harrison, in Indianapolis, and Jefferson Proving Grounds in the southern part of Indiana. Each of the surrounding communities associated with those bases are facing some pretty tough transition times.

The one thing that we have been able to hold out to them is that other communities have successfully gone through the base closing process, acquired the property, and put it on the tax rolls as a way of alleviating and mitigating the disruption that occurs when you close a base and the impact on a particular community.

This will expedite that process significantly, and it offers, I think, a great hope to the people in the communities affected by base closing that, within a relatively brief and certain period of time, 180 days, they will be able to acquire title to the property and then develop it for industrial, commercial, recreational, residential, or other appropriate uses, put it on the tax rolls and make that painful transition to a private sector economy that is going to be necessary to restore economic health to these communities.

I am also pleased that the legislation provides for continuing environmental responsibility on the part of the Department of Defense. In particular, Jefferson Proving Grounds in southern Indiana faces an astounding environmental problem. The amendment of mine that the Senate adopted less than 24 hours ago to force the Department of Defense and the Department of Army to face up to the reality of that environmental restoration at Jefferson Proving Grounds will be very helpful in that process. So we need to go forward with that.

This legislation also maintains the responsibility of the Department of Defense in terms of not just turning over a piece of property with environmental problems, but staying involved and cleaning up those problems.

For a lot of reasons, it is important that the Senate adopt the amendment.

offered by the Senators from Louisiana and the Senator from Delaware.

I heartily support their efforts and look forward to the adoption of this important legislation.

Thank you, Mr. President. I thank the sponsors for yielding time.

The PRESIDING OFFICER pro tempore. Who yields time?

Mr. GLENN. Mr. President, I yield myself such time as I require.

Mr. President, what is at issue is are we going to have a Federal policy of disposal of Federal property or are we not? The Federal policy has worked for 40 years.

I say to my colleague from Louisiana that I agree completely that there is a devastation around the bases when a base closes up. But I say also if we have a relocation of a major Social Security facility or agricultural facility or whatever facility, the devastation to individual lives is just as great. We do not propose in other law that every time someone's life is devastated, and we are concerned about that, that we give them the property that they were involved with. That is basically what we are proposing to do; to turn Federal property disposal on its head and do exactly that.

Let me say that we have a new letter dated this morning to the President of the Senate, the Honorable DAN QUAYLE, from the general counsel of the Department of Defense. Let me read this, because the Department of Defense, I say to my colleagues, is solidly against this amendment. They do not want to do it this way. They want to stick with the procedure that has worked well and is working well for those bases that have been disposed of since 1988 under that closure operation. That is still going on. Let me read this letter:

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, DC, August 2, 1991.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: This provides the Department's position on the proposed amendment, Section 2804 to S. 1507, entitled "Conveyance of Closed Bases to Neighboring Communities."

The Department opposes the amendment. It would undermine the existing property disposal procedures established by the Federal Property and Administrative Services Act of 1949 as implemented by General Service Administration Regulations.

Concurrent property disposal procedures for the base closure process work very well to the benefit of communities. The amendment could actually harm communities' interests. DoD has and will continue to work diligently within the existing property disposal procedures to ensure economic revitalization at closing bases wherever possible.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report.

Signed Terrence O'Donnell, general counsel of the Department of Defense.

So the administration is solidly opposes to this. That letter is dated as of today, August 2.

Mr. President, this is basically the same proposal that was made last year. This proposal this year changes a few minor things but does not change the basic thrust of what is being attempted here. The vote last year, I say to my colleagues, was 81 to 19 against this proposal. We very soundly defeated this last year.

I want to cooperate in every way possible with helping alleviate the suffering and the difficulty when a base closes. The people do suffer out there at those places. But I want to make sure, too, that the Federal Government goes through its processes that are of best benefit to all the taxpayers and that means that we do not have to give up what revenue might come in from sales of property and we do not have to go to the expense of buying other property that other Government agencies might need.

Under our property disposal law, Federal use, property that may be sought by another Government agency may be declared surplus by a different Government agency. What this says is we do not have to buy other property if there are other Federal entities looking for facilities, and those facilities can be for a great variety of purposes, whether it is Social Security, Agriculture, Interior; they may be looking for some place to put an AIDS research lab; there may be a VA cemetery or hospital.

I understand part of Fort Sheridan is going to be used as a Federal cemetery. We do not have to go out and buy that property now. That is one of the purposes of the Federal Property Disposal Act, to make sure we do not have excess Government expenditures.

If we follow logically the process that is being proposed today, it would mean that no matter what the Federal property, whatever the purpose of it is, we never can dispose of it for any profit for the Federal Government and get the taxpayers back their money. We would have to give that property to the local people whose lives are impacted when that facility is closed. Let us say we have a big major Federal building, and we are going to close that function; we are going to move out. Should we say that Federal building, wherever it is and for whatever purpose it is being used now, becomes the property of the people whose lives are affected in the Social Security Administration or VA, or whatever? Their lives, those individual lives, are just as much affected in closings like that as are the lives of people around a base that closes.

Everyone would think that, obviously, that was ridiculous, and it would be if I proposed that, if that is what is being proposed here today. And I say that with every bit of compassion I can muster in my heart for people around these bases whose lives are impacted.

But we have a property disposal procedure that has worked very well, and that usually takes care of people in that local community. Quite often, the local community does wind up with this property. I see no reason to change. I would hope that we have a similar vote this year to the one last year, where similar legislation was turned down by 81 to 19.

Mr. President, I read the letter from the General Counsel of the Department of Defense stating the Department's solid opposition to this. They make no bones about it. They state: "The Department opposes the amendment." Period.

Mr. BREAUX. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has 5 minutes remaining. The Senator from Ohio has 10 minutes remaining.

Who yields time?

Mr. BREAUX. I yield a minute to the Senator from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. ROTH. Mr. President, at this time I wish to insert into the RECORD a copy of a letter from the Administrator of the Environmental Protection Agency, Mr. Reilly. This letter describes the procedure the EPA has pursued at an Air Force Base in New Hampshire to ensure consistency with section 120(h) of the Comprenhensive Environmental Response Compensation and Liability Act.

I ask unanimous consent that that letter be printed.

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

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, July 12, 1991.

Hon. WARREN B. RUDMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR RUDMAN: I appreciated the opportunity to meet with you on June 27 to address the issues surrounding the proposed transfer of a portion of Pease Air Force Base to Deutsche Airbus. We are fully committed to working with the New Hampshire delegation, the State of New Hampshire, and the Air Force to enable the base to be redeveloped in an environmentally sound manner. EPA is equally committed to the timely remediation of the contamination at the base.

EPA has examined the information currently available from the Air Force. As we discussed with you during our meeting, EPA believes that a transfer of Building 227 (the hangar) by deed, together with the leasing of the fifty-acre parcel including the ground beneath the building, is the best way to ensure consistency with Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability act (CERCLA), 42 U.S.C. § 6920(h)(3). This would in no way impair the obligation of the Air Force to complete any necessary cleanup at this NPL site.

Under the terms of Section 120 of CERCLA and the Interagency Agreement (IAG) with EPA and the State of New Hampshire dated April 24, 1991, the Air Force will remain responsible for the ongoing Remedial Investigation/Feasibility Study (RI/FS) activity. Upon completion of the RI/FS, the Air Force will propose a CERCLA remedial action. Pursuant to the IAG, EPA will then either concur in the

remedy proposed or select a remedy that will be implemented by the Air Force.

We believe that, in light of the unique circumstances at Pease, approach outlined above addresses the respective interests and statutory obligations of the involved parties at Pease Air Force Base. Thank you for the opportunity to present EPA's views.

Sincerely yours,

WILLIAM K. REILLY.

The ACTING PRESIDENT pro tempore. Who yields time?

If no one yields time, time will run equally on both sides.

Mr. BREAUX. Mr. President, I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. BREAUX. Mr. President, this debate boils down to a simple question, in my opinion. Whose interests are we representing? Do we represent the interests of Washington or do we represent the interests of our constituents?

The argument is made that somehow we ought to put the Washington bureaucrats and the bureaucracies in the departments ahead of the people we represent. We are talking about not post offices and Social Security offices that have been closed. Those properties were bought from the local government.

Of course, the Federal Government has a right to keep those properties. It paid for those. But in most cases, in military installations, the property was donated from our local constituents to the Federal Government for use as a military base. We are suggesting that when a military base closes up shop and throws away the key and moves out of town, we have an obligation to the people who elected us and put us here in the first place. We have an obligation not to represent Washington, but to represent our constituents in Washington.

I suggest that it is totally appropriate and proper that when the military turns its back—maybe necessarily so, but when they turn their back and move out of a community, we have an obligation to help those people in that community. They should be a first priority, not the last priority, not the people that we take care of after everybody else has said we do not want the property.

This is property that was donated. This is property, by and large, in our case, 95 percent was given to the Air Force for a military base. And when they close the military base, it is not appropriate to say they should not get their property back. That is what this amendment simply does. It sets up a priority, and we have taken care of the constituents and the people back home before we are trying to take care of the rest of the bureaucracy in Washington. I think it is appropriate and proper.

This amendment is totally different from what our colleagues voted on last year. That program, as Senator JOHNSTON said, set up training programs. It turned the property over to the General Services Administration—totally different, night and day, black and white. This legislation is right on target. We are going to have a chance to tell our constituents that we put them on first priority instead of putting the Federal Government at the first priority. It is just that simple.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Why yields time? If no one yields time, time will run simultaneously on both sides.

Mr. GLENN. Mr. President, I believe my distinguished colleague from Louisiana has represented that most bases have been donated. But I do not know of any statistics on that. If there are statistics, I would like to have them, because it was not my impression that most bases had been donated.

Are there any statistics to back up that statement?

Mr. FORD. Mr. President, will the Senator yield? I can give the Senator some statistics. They came to my State, bought land for $87 an acre, promised the people that they bought the land from if they ever closed the base, they would have first opportunity. They turned around and sold it for $2,700 an acre, kept the mineral rights, and the original landowners have not seen it yet. There ought to be a little fairness, and I think this is the beginning.

Mr. GLENN. I say to my good friend from Kentucky, if the promises were made that the land would be resold, then I presume that is part of the regular contract and it should go back just exactly like that if that was part of the agreement going in.

The major point I wanted to make is the fact if we make this change now—this applies to military bases—I see no reason why the same change would not apply every time Federal property is to be disposed of that affects a number of lives. That would include closing Federal buildings, moving jobs to one place or another, the property there, where lives are impacted, just as much in those cases as they are by a base closing. Then that property should go to the people involved. We do not think we want to set that as a precedent for disposal of property.

I say to my distinguished colleague from Kentucky, I know that things have changed in the last year with the base closures and the adding on of additional bases to those that were slated to be closed in 1988, but last year my distinguished colleague from Kentucky voted with us that we should not change the base closure procedure. And I think his vote last year was the proper vote.

Mr. FORD addressed the Chair.

Mr. GLENN. It is the same proposal all over again.

Mr. FORD. Mr. President, since my name has been used, or my position has been used, may I respond to the Senator a minute?

The ACTING PRESIDENT pro tempore. The Senator from Ohio controls the time.

Mr. GLENN. The Senator may make a limited response on my time.

Mr. FORD. Mr. President, I will take about 15 seconds. This post I was referring to was the one that was closed years ago. They have already sold the property, kept the mineral rights, and taken the money from selling the minerals.

We have been trying to get this institution to do something to help those people, and I think we are going to have to bring it to this Congress. It is not something under base closing. It is something from a long time ago.

Mr. GLENN. OK. I may well be working on the side of the Senator from Kentucky when that is brought to the floor. I do not know. I think the property disposal law has served us very well through the years, and it has worked for base closures in the past. It is working on the base closures in 1988.

This proposal was basically the same proposal as was made last year. It was defeated in the Senate 81 to 19 last year. This is basically the same vote. I urge Senators to go back and look at the debate of last year before they come to the floor to vote in a few minutes.

The issues are mostly the same as they were last year. I, too, feel great compassion for those people whose jobs have been affected.

But I see no reason to change the whole Federal Property Disposal Act at this point when it is working well, and has been working well for 40 years. We do not want to set a precedent that every time a Federal property, military or whatever, is to be closed and it affects jobs, we wind up giving that property to the people whose jobs are affected.

I reserve the remainder of my time.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I yield 1 minute to the Senator from Arkansas.

Mr. BUMPERS. I thank the Senator very much. Mr. President, I will just take a minute because I spoke on this amendment last night. But I would like to say to my very good friend from Ohio that I wish he could come to my State and see Aker Air Force base, which that county has depended on almost totally for their economic survival. That base is going to be closed, and the people up there have never had less than a 10-percent unemployment rate even with the base in 10 years.

You talk about a disaster. The closing of that base is a disaster. Even the base closing commission admits that the unemployment rate is likely to go to 30 percent, and the only prayer we have, the only hope we have right now of immediate relief is to get that facility and get something on it. How on Earth could the people of this body or

the Congress or the President or the Pentagon suggest that we are going to blow this magnificent facility to lie idle when we need it and it will help alleviate unbelievable problems that this Base Closing Commission has caused.

Mr. DECONCINI. Mr. President, will the Senator yield for 1 minute?

Mr. BREAUX. I only have 1 minute left. I am sorry.

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

The PRESIDING OFFICER. Five minutes forty seconds.

Mr. GLENN. How much time do I have?

The PRESIDING OFFICER. The Senator from Louisiana has 1 minute; the Senator from Ohio has 5 minutes, 40 seconds.

Mr. GLENN. I will grant 1 minute.

Mr. DECONCINI. I thank the Senator, my friend from Ohio. I particularly appreciate it because I support the amendment offered by the Senators from Louisiana. We have a base in Arizona near Chandler and Mesa, Williams Air Force Base, and it is targeted and will be closed now. There are a multitude of uses for this base as well as 50 years ago the city of Mesa donated this base to the Air Force for $1.

If I understand this amendment correctly, it means that there would be a preference for these communities to receive these bases. Rightfully they should. It is bad enough to have this base closed for the economic loss as well as the loss to the military's strategical training and training for Air Force pilots. So I hope that people will realize the significance of this amendment and will support it because it is fair and equitable.

I thank the Senator from Ohio.

Mr. GLENN. Mr. President, I give myself such time as I may require. I repeat, the Department of Defense does not want this. They are concerned as anybody about these people who have been long, loyal employees in these communities around the bases to be closed. General counsel for the Department of Defense sent us a letter this morning, sent to the President of the Senate, the Honorable DAN QUAYLE. After the opening paragraph, which just says what they are speaking about, the second paragraph says:

> The Department opposes the amendment. It would undermine the existing property disposal procedures established by the Federal Property and Administrative Services Act of 1949 as implemented by General Services Administration Regulations.
>
> Concurrent property disposal procedures for the base closure process work very well to the benefit of communities. The amendment could actually harm communities' interests. DOD has and will continue to work diligently * * *.

And so on. That is from the general counsel, Department of Defense. I entered this in the RECORD earlier.

To my distinguished colleague from Arkansas, who spoke eloquently a moment ago, as he always does, he should be advised that these procedures that would give title to the base are not likely to occur much faster than under the Federal property disposal law as we have right now, as I see it, because most State legislatures have not passed the enabling legislation which would permit this to happen.

Mr. President, I think we have pretty well illuminated this particular issue. I hope my colleagues will agree that the Federal property disposal procedures we have now that have worked well for over 40 years and are operating very well right now under the base closures ordered in 1988 are the best way to make certain that the taxpayers and the people in local communities and everywhere are given the best shake possible. That is what the Federal Property Disposal Act does.

My distinguished colleague from Virginia is here. Does he desire to speak? Time is very limited. How much time do I have left?

The PRESIDING OFFICER. Two minutes, twenty seconds.

Mr. WARNER. Mr. President I may take a minute to strongly reinforce what the Senator from Ohio has said. Of course, the Senate is aware that last year basically the same issue was rejected resoundingly by 81 Senators. This year, the base closure legislation, in which I had a role, together with Senator DIXON—not one single instance during the course of deliberations of our committee in the hearings and the like was this issue ever raised. It is an issue that should have the benefit of hearings, careful consideration, and not a late night review that we have had thus far.

Clearly, there is a problem in Louisiana. It would have been my hope that they could have resolved this problem on an individual basis with that one situation down there. Maybe it is not too late to get that done. Let us not jostle the entire structure as it relates to base closures nationwide to take care of this one situation in that State.

With all due respect, perhaps there is another means with which we can solve the problem and at the same time leave in place the law which worked very well and the new base closure statute which was adopted by our committee.

Mr. President for that reason, I register my strongest opposition and associate myself with the remarks of the Senator from Ohio.

Mr. GLENN. Mr. President I give myself such time as remains.

Mr. President I indicated earlier the best procedure, I believe, is to stick with the existing Federal property disposal procedures. That permits the Federal Goverment to use surplus Federal property for other Federal uses, which means we do not have to buy property for those other Federal uses. If there are no other Federal uses, the property is offered to the States, and the States could basically at that point do exactly the thing that the Senator from Louisiana is proposing to do if they wanted to. If the States do not want it, then excess Federal properties are offered to the counties and then local communities.

The sales of the property under the ADA act have not all been realized yet. It is a 6-year closure procedure. But sales are estimated to be about $1.8 billion. The costs of closing these bases are estimated, under the ADA procedure, at $3.3 billion. If we just toss all of that out, that is a difference to the Federal Government of about $5 billion. What is that money to be used for? It is basically to be used for environmental cleanup. That is a very major factor. I do not think we should ignore that. The vote on this last year was 81 to 19. I hope we will have a similar vote this year. I yield the floor.

Mr. BREAUX. I yield the remaining time to the senior Senator from Louisiana.

Mr. JOHNSTON. Mr. President, there are 34 devasted communities whose bases have been closed under the 1990 Commission. There are another 86 bases with the same situation from the ADA Commission. We need help. We do not need the Federal Government to tell us, as the Department of Defense has, that the amendment could actually harm communities' interests. Here communities are wanting their property back, in most instances given to the Federal Government. They want it back so they can try to recoup, in our case, those 12,000 jobs that were lost.

Mr. President, we do not want another RTC where we have months and years of bureaucratic delays, snafus where we cannot get this property to try to develop it for the people who gave it to the Federal Government in the first place. We need help. It is time for the Senate to understand that bureaucracy cannot solve this problem. We need to give the property back to the local communities. We have waivers here for the Federal Government in the case of windfalls so that the President can say you cannot have this valuable property back. But we need this property, Mr. President. I am asking our colleagues to help those who need help and do it now.

I am asking our colleagues to help those who need help, and do it now.

Mr. LAUTENBERG. Mr. President, as chairman of the Subcommittee on Superfund, Ocean and Water Protection, I was concerned about the impact of the original amendment on our environmental laws. Consequently the amendment's authors agreed to modify their amendment. I have reviewed the environmental provisions of this modified amendment, and believe that it is designed to assure full compliance with both the Superfund law and the Solid Waste Disposal Act. The amendment is designed to assure such compliance, and to assure an EPA determination of such compliance. This means that both the Federal environmental laws and State laws

will apply through the mechanisms in both Superfund and the Solid Waste Disposal Act, which guarantee the application of such State laws. In addition, the State role in applying these laws is fully protected by virtue of the provisions both in Superfund and the Solid Waste Disposal Act, which define the role of States in applying these laws and in participating in EPA and other Federal compliance determinations.

Mr. BAUCUS. Mr. President, the Senator from New Jersey, the distinguished chairman of the Superfund, Ocean and Water Protection Subcommittee, makes a good point, and is correct in his assessment of the application of both Federal and State roles as defined by the Solid Waste Disposal Act, and Superfund. As chairman of the Environmental Protection Subcommittee, which has jurisdiction over the Solid Waste Disposal Act, I agree States play a key role in the application of these statutes and the language in this amendment assures that such State laws and roles will be fully protected.

The PRESIDING OFFICER. All time has expired.

Mr. GLENN. Mr. President, I move to table the amendment of the Senator from Louisiana, and 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 motion to table.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

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

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—30

Bond	Gorton	Pell
Boren	Graham	Pressler
Chafee	Grassley	Robb
Cochran	Harkin	Sarbanes
Cranston	Jeffords	Seymour
Danforth	Kasten	Simon
Dixon	Mack	Simpson
Dole	Metzenbaum	Smith
Durenberger	Moynihan	Wallop
Glenn	Murkowski	Warner

NAYS—67

Adams	Bryan	Craig
Akaka	Bumpers	D'Amato
Baucus	Burdick	Daschle
Bentsen	Burns	DeConcini
Bingaman	Byrd	Dodd
Bradley	Coats	Domenici
Breaux	Cohen	Exon
Brown	Conrad	Ford
Fowler	Kohl	Riegle
Garn	Lautenberg	Rockefeller
Gore	Leahy	Roth
Gramm	Levin	Rudman
Hatch	Lieberman	Sanford
Hatfield	Lott	Sasser
Heflin	Lugar	Shelby
Helms	McCain	Specter
Hollings	McConnell	Symms
Inouye	Mikulski	Thurmond
Johnston	Mitchell	Wellstone
Kassebaum	Nickles	Wirth
Kennedy	Nunn	Wofford
Kerrey	Packwood	
Kerry	Reid	

NOT VOTING—3

Biden	Pryor	Stevens

So, the motion to table the amendment (No. 1034), as modified, was rejected.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1034), as modified, was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, it is my understanding that the Senate will now move to the consideration of an amendment to be sponsored by the Senator from Nebraska [Mr. EXON] and that there is a time agreement of one-half hour, equally divided. Therefore, Senators can anticipate a vote in the area of 11 o'clock.

I now see the Senator from Nebraska on the floor.

I yield the floor.

Mr. EXON. Mr. President, what is the pending business?

The PRESIDING OFFICER. Under the order, the Senator is to be recognized to offer an amendment on the SRAM-T.

AMENDMENT NO. 1037

(Purpose: To prohibit the use of funds for the short range attack missile tactical (SRAM-T) program)

Mr. EXON. Mr. President, I send an amendment to the desk on behalf of myself, Mr. LEVIN, Mr. ROTH, Mr. WELLSTONE, Mr. WIRTH, Mr. DECONCINI, Mr. ROBB, Mr. GLENN, Mr. KERREY, and Mr. BRYAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself, Mr. LEVIN, Mr. ROTH, Mr. WELLSTONE, Mr. WIRTH, Mr. DECONCINI, Mr. ROBB, Mr. GLENN, Mr. KERREY, and Mr. BRYAN, proposes and amendment numbered 1037.

Mr. EXON. 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:

On page 56, between lines 15 and 16, insert the following:

SEC. 231. SHORT RANGE ATTACK MISSILE TACTICAL (SRAM T).

(a) PROHIBITION.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1992 or fiscal year 1993 may be expended for the short range attack missile tactical (SRAM T) program.

(b) REDUCED AUTHORIZATIONS OF APPROPRIATIONS.—(1) Notwithstanding section 201(3)(A), the amount authorized to be appropriated for the Air Force for fiscal year 1992 for research, development, test, and evaluation is $14,638,908,000.

(2) Notwithstanding section 201(3)(B), the amount authorized to be appropriated for the Air Force for fiscal year 1993 for research, development, test, and evaluation is $10,387,865,000.

(3) Notwithstanding section 3101(1), the amount authorized to be appropriated for the Department of Energy for fiscal year 1992 for operating expenses for weapons activities is $3,944,450,000 of which—

(A) the amount authorized to be allocated for research and development is $1,093,600,000;

(B) the amount authorized to be allocated for weapons testing is $463,500,000; and

(C) the amount authorized to be allocated for production and surveillance is $2,220,050,000.

(4) Notwithstanding section 3102(1) no funds are authorized to be appropriated for plant and capital equipment for weapons activities for project 91-D-122, short range attack missile tactical (SRAM T) production facilities.

(c) ELIMINATION OF GENERAL REDUCTION IN AUTHORIZATIONS.—Section 3105 of this Act shall not take effect.

Mr. EXON. Mr. President, as I understand it, there is one-half hour, equally divided, on this amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. EXON. Mr. President, I yield myself 5 minutes.

Mr. President, on behalf of myself, Senators LEVIN, ROTH, KERREY, WELLSTONE, WIRTH, DECONCINI, ROBB, GLENN, and BRYAN, I propose an amendment to terminate the short-range attack missile-tactical, or SRAM-T, nuclear missile program. We should save $96 million in proposed funding in 1992 and an additional $2 billion in follow-on spending if we take this action.

The SRAM-T is designed as an air-launched nuclear missile with a range of 250 miles to be deployed in Europe on the wings of F-15E bomber aircraft. The original mission of this new missile, scheduled for European deployment in 1996, was to strike airfields and command posts of the now-defunct Warsaw Pact.

I propose the termination of the SRAM-T nuclear missile for five compelling reasons:

First, the SRAM-T nuclear missile is a missile without a legitimate mission. Eastern Europe has broken free of communism and is no longer under

States Naval Academy. The provision cites guidelines provided by the American Association of University Professors [AAUP] concerning faculty participation in the appointment/reappointment process and further recommends a system similar to the current practice at the Naval Postgraduate School in Monterey.

The Naval Academy has always been sensitive of the need to solicit the faculty views on major decisions affecting the nature and staffing of our curriculum. The mixed nature of our faculty, about 60 percent civilian and 40 percent military instructors and professors, makes us unique among the service academies, and often requires different procedures and structures to address certain academic issues. The appointment/reappointment of the Academic Dean and Provost is one such issue.

I understand and appreciate the proposal made by the Committee regarding a structure to accomplish our mutual goals, and I have established the objectives review board [ORB] to achieve this end. This board, as part of its charter, reviews all significant academic issues and is comprised of both facility and administration representation. Because this board is now institutionalized and meets the intent of the committee language, I would appreciate action by the Committee to remove the provision addressing the Academic Dean and Provost at the U.S. Naval Academy. I would be pleased to provide you or your staff more information on this matter if desired.

I thank you and the committee for bringing this matter to my attention, and for your support of the Brigade of Midshipmen.

Sincerely,

T.C. LYNCH,
Rear Admiral, U.S. Navy,
Superintendent.

AMENDMENT NO. 1051

(Purpose: To strike out section 508, relating to the academic dean and provost of the Naval Academy)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1051.

Mr. BYRD. 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:

On page 88, beginning on line 10, strike out all that follows through the matter before line 11 on page 89.

In section 2(b), amend the table of contents by striking out the item relating to section 508.

Mr. DIXON. Mr. President, this side supports the amendment by the distinguished President pro tempore and urges the support of the amendment by the Democratic colleagues on this side.

Mr. WARNER. Mr. President, we, likewise, support the amendment. And may I say to my good friend and teacher from the great State of West Virginia that I am hopeful that that letter will find its way back to not only the United States Naval Academy, but to the other two academies. I had the opportunity, when I was in the Department of the Navy, to work very closely with Annapolis, West Point, and the Air Force Academy; and I think it is very helpful that the superintendents, as they come and go, are aware that there are certain Members of Congress that will take that additional time to assist them.

I was particularly struck by that phrase in there that these institutions should never depart from the original mission for which they were established, not to let emphasis on other extracurricular matters detract from the teachings of these young men and women in these academies.

I am certain that our distinguished colleague is knowledgeable of the fact that Admiral Lynch was formerly the legislative liaison of the Secretary of the Navy and the Chief of Naval Operations to the U.S. Senate. I daresay that Admiral Lynch—then Captain Lynch—had the opportunity from time to time to get to know the President pro tempore of the U.S. Senate.

So I express appreciation for the Senator taking the added time here to appear in person to state his letter in full. It is my hope that all three service academies heed the advice contained therein.

Mr. BYRD. Mr. President, I thank my distinguished friend, the Senator from Virginia [Mr. WARNER].

I thank the managers for accepting the amendment. It has always been my belief that the purposes of these institutions, basically, is to educate the mind of the students, and that athletics are secondary—although important, and I congratulate Rear Admiral Lynch for his letter and for carrying out the purposes for which the language in the amendment was devised.

I think we are making progress. It is a delight to me that the ranking member of the Armed Services Committee has addressed the Senate in the light that he has, and that he supports this effort. I hope that in the future we will see the fruits of the effort.

I thank both managers again, and I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 1051) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the Senator from Virginia [Mr. WARNER].

AMENDMENT NO. 1052

Mr. WARNER. Mr. President, on behalf of the Senator from Pennsylvania [Mr. SPECTER] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SPECTER (for himself and Mr. LAUTENBERG), proposes an amendment numbered 1052.

Mr. WARNER. 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:

Insert at the appropriate point in title XXVIII, part A:

SEC. 17. REPORT ON EMPLOYMENT ASSISTANCE SERVICES.

Not later than 90 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Labor, shall submit to Congress a report setting forth the availability of employment assistance services for civilian employees of the Department of Defense who may be affected by reductions in defense employment associated with the 1988 or 1991 Base Closure Commission. The report shall include the following: 1) a detailed description of plans to reduce the work force, including specific time tables, at defense facilities designated for closure or realignment by the 1988 or 1991 Base Closure Commission; 2) descriptions of the availability of all current federal, state, and local programs and efforts to provide training and reemployment assistance to involuntarily separated personnel in each community affected by base closure; 3) descriptions of any plans by the Department of Labor and the Department of Defense to expand existing job training programs for Defense civilian personnel affected by base closure and realignments and the estimated cost of such program expansions; and 4) a description of any specific Army, Navy, or Air Force programs which provide job training and reemployment assistance to civilian workers affected by the 1988 or 1991 base closure and realignment actions, the current cost of these programs, and any plans to expand these existing programs to meet future job training and reemployment requirements.

Mr. WARNER. Mr. President, the amendment requires the Secretary of Defense to report to Congres the plans of the Secretary of Defense for assisting in retraining of civilian personnel who lose their jobs as a result of base closures.

The amendment is cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Is there additional debate?

Mr. DIXON. Mr. President, this side enthusiastically supports the amendment offered by the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1052) was agreed to.

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

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

The motion to lay on the table was agreed to.

Document Separator

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Air National Guard construction, Truax Field, Wisconsin.
Sec. 2603. National Guard Armory, Virginia.
Sec. 2604. Reductions in certain prior year authorizations of appropriations for Air Force Reserve military construction projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1990 projects.
Sec. 2703. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Promotion of energy savings at military installations.
Sec. 2802. Authority to construct replacement family housing units.

Subtitle B—Defense Base Closure and Realignment

Sec. 2821. Use of proceeds of the transfer or disposal of commissary store and other facilities and property.
Sec. 2822. Demonstration project for the use of a national relocation contractor to assist the Department of Defense.
Sec. 2823. Change in date of report of Comptroller General to Congress and Defense Base Closure and Realignment Commission.
Sec. 2824. Availability of certain Federal property for application for use to assist the homeless.
Sec. 2825. Revision of requirements relating to budget data on base closures.
Sec. 2826. Consideration of community ability to compete for the relocation of finance and accounting activities.
Sec. 2827. Overseas Military Facility Investment Recovery Account.

Subtitle C—Land Transactions

Sec. 2831. Modification of land exchange, San Diego, California.
Sec. 2832. Land acquisition and exchange, Myrtle Beach Air Force Base and Poinsett Weapons Range, South Carolina.
Sec. 2833. Land conveyance, Pittsburgh, Pennsylvania.
Sec. 2834. Leases of property, Naval Supply Center, Oakland, California.
Sec. 2835. Grant of easement at Naval Air Station, Miramar, San Diego, California.
Sec. 2836. Land conveyance, Naval Reserve Center, Santa Barbara, California.
Sec. 2837. Land conveyance, Forest Glen Annex, Walter Reed Army Medical Center, Maryland.
Sec. 2838. Land conveyance, Williams Air Force Base, Arizona.
Sec. 2839. Modification of land exchange, Burlington, Vermont.
Sec. 2840. Conveyance of waste water treatment plant, Fort Ritchie, Maryland.
Sec. 2841. Acquisition of interests in land, Naval Radio Station, Jim Creek, Washington.
Sec. 2842. Real property conveyance, Naval Station Puget Sound, Everett, Washington.
Sec. 2843. Conveyance of Hastings Radar Bomb Scoring Site, Nebraska.
Sec. 2844. Land conveyance, Abbeville, Alabama.
Sec. 2845. Extension of time in which to enter into lease at Hunters Point Naval Shipyard, San Francisco, California.
Sec. 2846. Termination of lease and sale of facilities, Naval Reserve Center, Atlanta, Georgia.
Sec. 2847. Land conveyance, Fort Chaffee, Arkansas.
Sec. 2848. Modification of land conveyance, Fort A.P. Hill Military Reservation, Virginia.

Subtitle D—Other Matters

Sec. 2851. Clarification of authority to lease non-excess property.
Sec. 2852. Storage of hazardous materials on arsenal property in conjunction with third-party contracts.
Sec. 2853. Report on continued military need for Bellows Air Force Station, Hawaii.

"(B) the Secretary determines that the improvement project is no longer cost-effective after a review of post-design or bid cost estimates;

"(C) the Secretary submits to the committees referred to in subsection (b)(1) a notice containing—

"(i) an economic analysis demonstrating that the improvement project would exceed 70 percent of the cost of constructing replacement housing units intended for members of the armed forces in the same pay grade or grades as those members who occupy the existing housing units; and

"(ii) if the replacement housing units are intended for members of the armed forces in a different pay grade or grades, a justification of the need for the replacement housing units based upon the long-term requirements of the armed forces in the location concerned; and

"(D) a period of 21 days elapses after the date on which the Secretary submits the notice required by subparagraph (C).

"(2) The amount that may be expended to construct replacement military family housing units under this subsection may not exceed the amount that is otherwise available to carry out the previously authorized improvement project.".

(b) CONFORMING AMENDMENT.—Section 2822(b) of such title is amended by adding at the end the following new paragraph:

"(5) Replacement housing units constructed under section 2825(c) of this title.".

Subtitle B—Defense Base Closure and Realignment

SEC. 2821. USE OF PROCEEDS OF THE TRANSFER OR DISPOSAL OF COMMISSARY STORE AND OTHER FACILITIES AND PROPERTY.

(a) BASE CLOSURES UNDER 1988 ACT.—(1) Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following new subparagraph:

"(C)(i) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this title, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in a reserve account established in the Treasury to be administered by the Secretary. The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(I) commissary stores; and

"(II) real property and facilities for nonappropriated fund instrumentalities.

"(ii) The amount deposited under clause (i) shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

Regulations.

"(iii) As used in this subparagraph:

"(I) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

"(II) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

"(III) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(2) Section 209 of such Act is amended by striking out paragraph (10).

10 USC 2687 note.

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out subsection (d), as added by section 344(b)(1)(B) of Public Law 102–190, and inserting in lieu thereof the following new subsection:

"(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(4)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

"(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

Regulations.

"(3) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(A) commissary stores; and

"(B) real property and facilities for nonappropriated fund instrumentalities.

"(4) As used in this subsection:

"(A) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

"(B) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

"(C) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the

comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(c) CLOSURE OF FOREIGN MILITARY INSTALLATIONS.—Section 2921(d)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended in the first sentence by striking out "the value of the improvements carried out" and inserting in lieu thereof "the depreciated value of the investment made".

10 USC 2687 note.

SEC. 2822. DEMONSTRATION PROJECT FOR THE USE OF A NATIONAL RELOCATION CONTRACTOR TO ASSIST THE DEPARTMENT OF DEFENSE.

(a) USE OF NATIONAL RELOCATION CONTRACTOR.—Subject to the availability of appropriations therefor, the Secretary of Defense shall enter into a one-year contract with a private relocation contractor operating on a nationwide basis to test the cost-effectiveness of using national relocation contractors to administer the Homeowners Assistance Program. The contract shall be competitively awarded not later than 30 days after the date of the enactment of this Act.

(b) REPORT ON CONTRACT.—Not later than one year after the date on which the Secretary of Defense enters into the contract under subsection (a), the Comptroller General shall submit to Congress a report containing the Comptroller General's evaluation of the effectiveness of using the national contractor for administering the program referred to in subsection (a). The report shall compare the cost and efficiency of such administration with the cost and efficiency of—

(1) the program carried out by the Corps of Engineers using its own employees; and

(2) the use of contracts with local relocation companies at military installations being closed or realigned.

SEC. 2823. CHANGE IN DATE OF REPORT OF COMPTROLLER GENERAL TO CONGRESS AND DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2903(d)(5)(B) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "May 15 of each year" and inserting in lieu thereof "April 15 of each year".

SEC. 2824. AVAILABILITY OF CERTAIN FEDERAL PROPERTY FOR APPLICATION FOR USE TO ASSIST THE HOMELESS.

(a) AVAILABILITY OF PROPERTY AFTER HOLDING PERIOD.—Section 501(c)(4)(C) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(c)(4)(C)) is amended to read as follows:

"(C) For purposes of subparagraph (A), property shall not be considered to remain available for application for use to assist the homeless after the 60-day holding period provided under subsection (d) if—

"(i) an application for or written expression of interest in the property is made under any law for use of the property for any purpose; or

"(ii) the Administrator receives a bona fide offer to purchase the property or advertises for the sale of the property by public auction.".

(b) TECHNICAL CORRECTION.—Section 501(f)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(f)(2)) is amended by inserting "or" after "Unutilized".

SEC. 2825. REVISION OF REQUIREMENTS RELATING TO BUDGET DATA ON BASE CLOSURES.

(a) COVERED FUNDING REQUESTS.—(1) Subsection (a) of section 2822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1546; 10 U.S.C. 2687 note) is amended—

(A) by striking out "each military construction project" and inserting in lieu thereof "military construction relating to the closure or realignment of the installation"; and

(B) by striking out "the cost of such project" and inserting in lieu thereof "the cost of such construction".

(2) Subsection (b) of such section is amended—

(A) by striking out "of a military construction project" and inserting in lieu thereof "of military construction"; and

(B) by striking out "the project" and inserting in lieu thereof "the construction".

(b) INVESTIGATION BY INSPECTOR GENERAL.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "each military construction project" and inserting in lieu thereof "the military construction"; and

(B) by striking out "the project" and inserting in lieu thereof "such construction"; and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following new paragraph (2):

"(2) The Inspector General shall submit to the congressional defense committees a report describing the results of each investigation conducted under paragraph (1).". Reports.

SEC. 2826. CONSIDERATION OF COMMUNITY ABILITY TO COMPETE FOR THE RELOCATION OF FINANCE AND ACCOUNTING ACTIVITIES.

(a) CONSIDERATION OF FACTORS.—In evaluating and selecting communities as sites for the relocation of financial and accounting activities under the management of the Defense Finance Accounting Service, the Secretary of Defense shall ensure that consideration is provided to the ability of States and communities to compete for the relocation based upon their relative size and potential to make offers of incentives for the relocation.

(b) REPORT.—The Secretary of Defense shall, with respect to the relocation described in subsection (a) and not later than February 28, 1993, submit to the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of using competitive procedures among communities to acquire property (through lease or otherwise) and other incentives without providing reimbursement to the community for such property or incentives.

Defas

SEC. 2827. OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT.

(a) USE OF ACCOUNT AT OVERSEAS FACILITIES.—Subsection (c) of section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in the first sentence of paragraph (2), by striking out "in connection with facility maintenance and repair and environmental restoration at military installations in the United States." and inserting in lieu thereof the following: "in connection with—

"(A) facility maintenance and repair and environmental restoration at military installations in the United States; and

"(B) facility maintenance and repair and compliance with applicable environmental laws at military installations outside the United States that the Secretary anticipates will be occupied by the Armed Forces for a long period.";

(2) by striking out the second sentence of paragraph (2); and

(3) by adding at the end the following new paragraphs:

"(3) Funds in the Department of Defense Overseas Facility Investment Recovery Account shall remain available until expended.".

(b) PAYMENTS-IN-KIND.—Such section is further amended by adding at the end the following new subsection:

"(e) NEGOTIATIONS FOR PAYMENTS-IN-KIND.—Before the Secretary of Defense enters into negotiations with a host country regarding the acceptance by the United States of any payment-in-kind in connection with the release to the host country of improvements made by the United States at military installations in the host country, the Secretary shall submit a written notice to the congressional defense committees containing a justification for entering into negotiations for payments-in-kind with the host country and the types of benefit options to be pursued by the Secretary in the negotiations."

(c) ANNUAL REPORT ON OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT.—Such section is further amended by adding after subsection (e), as added by subsection (b), the following new subsection:

"(f) REPORT ON STATUS AND USE OF SPECIAL ACCOUNT.—Not later than January 15 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the operations of the Department of Defense Overseas Military Facility Investment Recovery Account during the preceding fiscal year and proposed uses of funds in the special account during the next fiscal year. The report shall include the following:

"(1) The amount of each deposit in the account during the preceding fiscal year, and the source of the amount.

"(2) The balance in the account at the end of that fiscal year.

"(3) The amounts expended from the account by each military department during that fiscal year.

"(4) With respect to each military installation for which money was deposited in the account as a result of the release of real property or improvements of the installation to a host country during that fiscal year—

"(A) the total amount of the investment of the United States in the installation, expressed in terms of constant dollars of that fiscal year;

"(B) the depreciated value (as determined by the Secretary of a military department under regulations to be prescribed by the Secretary of Defense) of the real property and improvements that were released; and

"(C) the explanation of the Secretary for any difference between the benefits received by the United States for the real property and improvements and the depreciated value (as so determined) of that real property and improvements.

"(5) A list identifying all military installations outside the United States for which the Secretary proposes to make expenditures from the Department of Defense Overseas Facility Investment Recovery Account under subsection (c)(2)(B) during the next fiscal year and specifying the amount of the proposed expenditures for each identified military installation.

"(6) A description of the purposes for which the expenditures proposed under paragraph (5) will be made and the need for such expenditures.".

Subtitle C—Land Transactions

SEC. 2831. MODIFICATION OF LAND EXCHANGE, SAN DIEGO, CALIFORNIA.

Section 837 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1529) is amended—

(1) in subsection (a) by striking out "or the San Diego Energy Recovery Project, a joint powers agency of the city and county of San Diego (hereinafter in this section referred to as 'SANDER'),";

(2) by striking out subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (e) and (f);

(4) by inserting after subsection (b) the following new subsections:

"(c) ALTERNATIVE CONSIDERATION.—(1) In lieu of the 120 acres of land referred to in subsection (b) as consideration for the conveyance under subsection (a), the Secretary of the Navy may permit the City to convey to the Secretary—

"(A) other real property suitable for use, as determined by the Secretary, for military family housing;

"(B) an amount equal to the fair market value of the parcel conveyed under subsection (a), as determined by the Secretary; or

"(C) a combination of real property and cash.

"(2) The Secretary may permit the alternative conveyance under paragraph (1) only if the Secretary determines that the City will use the 120 acres of land for purposes associated with the clean water program of the City that are compatible with the mission and operations of the adjacent Naval Air Station, Miramar.

"(d) FAIR MARKET VALUE; USE OF PROCEEDS.—The total value of the consideration to be provided to the United States under subsections (b) and (c) shall be at least equal to the fair market value of the lands conveyed under subsection (a), as determined by the Secretary of the Navy. The City shall pay any difference to the United States. Subject to the availability of appropriations for this purpose, the Secretary may use any amounts paid under this section solely for the purpose of acquiring in the San Diego area a suitable site for, or constructing or acquiring by direct purchase, military family housing. Any funds received by the Secretary under this section and not used within 30 months after receipt shall be deposited into the special account established pursu-

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102D CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
102-527

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

REPORT

OF THE

COMMITTEE ON ARMED SERVICES HOUSE OF REPRESENTATIVES

ON

H.R. 5006

together with

ADDITIONAL AND DISSENTING VIEWS

[Including cost estimate of the Congressional Budget Office]

MAY 19, 1992.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

55-380 ⇆ WASHINGTON : 1992

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OVERVIEW

The military construction authorization request for fiscal year 1993 was introduced as H.R. 5022 on April 29, 1992.

The Department of Defense requested authorization of $10,183,492,000 for fiscal year 1993 for military construction and family housing.

The committee carefully assessed each proposal and project to ensure that only those items essential to United states national security would be approved.

DECLINING FORCE STRUCTURE AND MILITARY CONSTRUCTION

Continued Need for Military Construction

The military construction budget is designed to provide decent and efficient living and working facilities for members of the military and their families and for civilian personnel of the military departments and agencies. Certain projects in the budget provide new capabilities. But most of the military construction budget goes toward maintaining or upgrading existing facilities and for correcting deficiencies in existing facilities. There is a large backlog of these deficiencies. Many of these facilities have long since exceeded their projected life, and are in dire need of replacement.

The planned reduction in the force structure, discussed elsewhere in this report, and the closures and realignments of military installations do not eliminate the need for an ample military construction budget. Many military bases will remain open. These bases should have modern, efficient and attractive facilities and be maintained in a proper manner.

Base Closures

The base closure process, established by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), will begin again in 1993. The process established by this Act created fair and expedited procedures for closing military installations in the United States.

ENVIRONMENTAL RESTORATION

The base closure laws provide that the base closure accounts would be the exclusive source of environmental restoration funds related to the bases closed pursuant to the recommendations of the base closure commissions. The committee reaffirms its strong commitment to cleaning up closing bases as soon as possible. The committee expects the department to program the funds needed to environmentally restore closing bases.

The committee remains concerned about the state of bases slated for closure under the Base Realignment and Closure Commission II (BRAC II). The committee recognizes that funding appropriated for BRAC II environmental work and the Administration's request for fiscal year 1992 of $100 million fall far short of what is required to meet the task at hand. The committee is concerned that the department has exacerbated the problem by releasing very little of

its available funding from the fiscal year 1992 BRAC II account. The Air Force, for example, has stopped funding of restoration activities at a number of its sites, putting on hold even originally planned activities. This lack of action threatens current contracts, hinders efforts to expedite clean ups, and damages the ability of communities to recover and plan for a future without an active military installation. The committee urges the department to meet current environmental requirements by expediting release of BRAC II funding and to prevent such delays in the future.

APPROPRIATE MAINTENANCE

During the period that a base is being closed, the department has an obligation to keep the base in good repair, with adequate maintenance. During this period, the department has an obligation to be a good landholder and to maintain fair value for the subsequent user of the base. The committee expects the department to program funds necessary to keep closing bases in decent repair.

ALTERNATE USES OF CLOSED BASES

The committee directs the department to identify and examine specific closing military bases to determine which can be utilized by the American educational community to promote cross-cultural and global understanding. The department should examine and recommend the alternative use of military facilities worldwide for use as international learning centers for American colleges and secondary schools. The committee directs the Secretary of Defense to report findings and recommendations to the Committees on Armed Services of the Senate and House of Representatives after consultation with appropriate professional educational organizations.

HOMEOWNERS ASSISTANCE

The Homeowners Assistance Program was established to minimize real estate losses suffered by military and civilian employees affected by base closures and realignments. In support of this program, the committee recommends an authorization of appropriations of $133,000,000, an increase of $49,000,000 to reflect the increasing number of closing bases. In section 2821, the committee also recommends a test program to determine the cost effectiveness of using nationwide relocation contractors to administer this program.

AMERICAN MILITARY PRESENCE ABROAD

Force Structure Abroad

The world situation has changed dramatically since the committee considered the authorization request for fiscal year 1992. Most notably, the Soviet Union dissolved, replaced by a Commonwealth of Independent States that no longer represents the monolithic threat of the Cold War. As General Colin Powell testified before the committee, "the principal threat which has guided our military planning over the past 45 years—a Soviet onslaught into the heart

existing ANG training airspace as well as sharing airspaces with other branches of the military will dramatically undermine the ability of the ANG to perform its mission.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

LEGISLATIVE PROVISION

SECTION 2701—EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

This section would provide that authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, contributions to the North Atlantic Treaty Organization infrastructure program, and guard and reserve projects will expire on October 1, 1995 or the date of enactment of an act authorizing funds for military construction for fiscal year 1996, whichever is later. This expiration would not apply to authorizations for which appropriated funds have been obligated before October 1, 1995 or the date of enactment of an act authorizing funds for these projects, whichever is later.

TITLE XXVIII—GENERAL PROVISIONS

SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES

SECTION 2801—DEFINITION OF MILITARY CONSTRUCTION

This section would amend section 2801 of title 10, United States Code to redefine "military construction" to include alteration, repair, and minor construction projects that cost over $15,000 that extend the useful life of the facility. This change is required to reflect the realignment of the operations and maintenance funded repair and minor construction to the military construction account.

Any facility work over $15,000 that extends the useful life of a facility and is not recurring work will be considered military construction and will be funded from the military construction account. Facility work under $15,000 that extends the useful life of a facility, and work over $15,000 that is routine or recurring work necessary to preserve the physical structure of a facility or its support systems is considered an expense and funded from the operation and maintenance account. These changes will more clearly differentiate between military construction investment and routine, recurring expenses.

SECTION 2802—UNSPECIFIED MINOR CONSTRUCTION AND REPAIR

This section would amend section 2805 of title 10, United States Code to authorize minor military construction not otherwise authorized by law up to $1,500,000 for a single undertaking. This section would also authorize repair projects costing more than $15,000 that extend the useful life of the facility. This change is required to reflect the realignment of the operation and maintenance funded repair and construction to the military construction account. These limitations would not apply to minor construction and repair

projects at facilities funded by working capital funds established pursuant to section 2208 of title 10, United States Code, which may be funded by working capital.

This section would also repeal section 2811 of title 10, United States Code relating to renovation of facilities. This change reflects the realignment of the operation and maintenance funded repair and construction to the military construction account, which eliminates the need for this section.

Further, this section would amend section 2853 of title 10, United States Code to exempt from reporting requirements minor construction and repair projects authorized by section 2805 of title 10, United States Code.

SECTION 2803—REDUCED AUTHORITY FOR USE OF OPERATION AND MAINTENANCE FUNDS TO CARRY OUT SMALL PROJECTS INVOLVING RESERVE COMPONENT FACILITIES

This section would amend section 2233a of title 10, United States Code to limit minor construction and repair projects with operation and maintenance funds to $15,000. This change reflects the realignment of the operation and maintenance funded repair and construction to the military construction account.

SECTION 2804—NOTICE AND WAIT REQUIREMENTS FOR EMERGENCY CONSTRUCTION

This section would amend section 2083 of title 10, United States Code by reducing the current 21 day congressional review period to 5 days for emergency construction in cases vital to national security. This change would retain congressional oversight while allowing rapid responses in emergency situations vital to the national security. The time limit in cases involving protection of health, safety, or environmental quality would remain unchanged. Emergency construction would remain limited to $30 million per year, carried out from the total amount appropriated but not yet obligated.

SECTION 2805—AUTHORITY TO CARRY OUT ENERGY CONSERVATION CONSTRUCTION PROJECTS

This section would amend section 2865 of title 10, United States Code to allow the Secretary to carry out energy conservation construction projects not previously authorized. The committee expects the Secretary to report annually, by March 1 of each year, to the appropriate committees of the Congress on projects carried out under this section.

SUBTITLE B—DEFENSE BASE CLOSURE AND REALIGNMENT

SECTION 2821—DEMONSTRATION PROJECT FOR THE ADMINISTRATION OF THE HOMEOWNERS ASSISTANCE PROGRAM

This section would create a one-year demonstration project to test the cost effectiveness of using nationwide relocation contractors to administer the Homeowners Assistance Program (HAP). The committee recommends an authorization of appropriations of

$133,000,000 for the entire program, which provides assistance to homeowners selling their home when a installation is closed or realigned.

Under this section, the Secretary of Defense would be required to execute a contract with a national relocation company to assist the Secretary in administering HAP. Under the contract, the selected company would carry out the management and disposal functions of one or more approved HAPs selected by the Secretary. Upon completion of the contract, the Comptroller General shall prepare a report for Congress comparing the costs of management and disposal by a national relocation company with the costs of providing the same services by a Federal agency or through a local relocation company.

In 1990, the Corps of Engineers contracted for a feasibility study to explore utilizing a national contractor to manage and administer HAP. The report indicated that use of a nationwide relocation firm could result in considerable savings to the government. The committee believes that a test of a nationwide relocation contractor is warranted to determine if this option is cost effective.

SECTION 2822—CHANGE IN THE DATE OF THE REPORT OF THE COMPTROLLER GENERAL TO CONGRESS AND THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

This section would amend section 2903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to change the date from May 15 to April 15 when the Comptroller General is required to report to Congress and the Base Closure Commission, to give the Comptroller General's independent analysis of the Secretary's recommendations.

In section 2821 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), Congress enacted similar changes to give the Commission another month to review the recommendations of the Secretary of Defense. The amendment made by this section would make the base closure process consistent with its original statutory framework, where the Comptroller General's analysis was submitted one month after the Secretary made his recommendations.

SUBTITLE C—LAND TRANSACTIONS

SECTION 2831—EXCHANGE OF CERTAIN REAL PROPERTY FOR REPLACEMENT FACILITIES, TUSTIN, CALIFORNIA

This section would authorize the Secretary of the Navy to enter into agreements to exchange approximately 1250 acres of the operations portion of Marine Corps Air Station (MCAS) Tustin in exchange for suitable replacement facilities at Camp Pendleton or Marine Corps Ground Combat Center, Twentynine Palms.

SECTION 2832—MODIFICATION OF LAND EXCHANGE, SAN DIEGO

This section would amend the Military Construction Authorization Act of 1985 (Public Law 98-407) to modify a land exchange between the City of San Diego and the Navy. The modification would permit the City to convey to the Navy other real property, an

amount equal to the fair market value of the parcel, or a combination of real property and cash, only for use with the clean water program of the City.

SECTION 2833—LAND ACQUISITION AND EXCHANGE, MYRTLE BEACH AND POINSETT WEAPONS RANGE, SOUTH CAROLINA

This section would allow the Secretary of Defense to convey to the State of South Carolina Myrtle Beach Air Force Base in exchange for the Poinsett Weapons Range, which is currently being leased by the United States from the State of South Carolina. The range is used for training by aircraft from Shaw Air Force Base, Pope Air Force Base, Seymour Johnson Air Force Base, the South Carolina Air National Guard, the Ohio Air National Guard, Cherry Point Marine Corps Air Station, and Beaufort Marine Corps Air Station.

SECTION 2834—LAND CONVEYANCE, PITTSBURGH, PENNSYLVANIA

This section would permit the Secretary of the Army to convey the Hays Army Ammunition Plant (HAAP) to the Urban Redevelopment Authority of Pittsburgh after the Secretary has issued a statement of condition certifying that HAAP is environmentally clean and safe for non-military use. The conveyance would be at no cost.

The HAAP has not been in operation since 1970 and has remained in a layaway status for over 20 years. It has been in a steady state of deterioration and has become an eyesore, hindering local economic development efforts. This conveyance would save the government $400,000 annually in operation and maintenance costs.

SECTION 2835—LEASE OF PROPERTY AT THE NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA

This section would authorize the Secretary of the Navy to lease, at fair market rental, 15 acres of land and improvements to the Union Pacific Railroad Company for the purpose of rerouting railroad track. The lease would be for a period of 25 years with an option to extend the lease for an additional 25 years. In addition to fair market rental, the Navy would receive a negotiated amount for relocation and replacement costs.

SECTION 2836—GRANT OF EASEMENT AT NAVAL AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA

This section would authorize the Secretary of the Navy to convey at fair market value an easement over approximately 120 acres of land at Miramar Naval Air Station to the San Diego Gas and Electric Company for the purpose of constructing an electric transmission substation and associated electric transmission lines. The Navy may accept an alternate 12 kilovolt power source for NAS Miramar and improvements to the electrical distribution system of the Air Station for up to half of the consideration for the easement.

Document Separator

Calendar No. 582

102D CONGRESS 2d Session	SENATE	REPORT 102-352

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

REPORT

[TO ACCOMPANY S. 3114]

ON

AUTHORIZING APPROPRIATIONS FOR FISCAL YEAR 1993 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE, FOR MILITARY CONSTRUCTION, AND FOR DEFENSE ACTIVITIES OF THE DEPARTMENT OF ENERGY, TO PRESCRIBE PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR FOR THE ARMED FORCES, AND FOR OTHER PURPOSES

TOGETHER WITH

ADDITIONAL AND MINORITY VIEWS

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

JULY 31 (legislative day, JULY 23), 1992.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
56-252 ⇆ WASHINGTON : 1992

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BASE CLOSURE AND REALIGNMENT ACCOUNTS

The committee recommends authorization of the $440.7 million in fiscal year 1993 requested for the Base Realignment and Closure Account which supports the recommendations of the 1988 Base Realignment and Closure Commission. It also recommends authorization of the $1,743.6 million in fiscal year 1993 requested for the Base Closure Account 1990, which was established to fund the costs of closing and realigning bases under the provisions of the Defense Base Closure and Realignment Act of 1990.

In light of the large number of construction projects included within these two accounts, the committee directs the Defense Department to continue to carefully monitor the justification for these projects to insure that the need for and scope of each project is directly related to the closure or realignment of military installations directed by the Defense Base Closure and Realignment Commission. The committee intends to continue to use the assistance of the Comptroller General to perform spot audits of these requests.

In evaluating the administration's amended budget request, the committee believes that the NCO Academy building which the Air Force plans to construct at Andrews Air Force Base, Maryland, may require a larger facility in order to accommodate students currently trained at Norton and Bergstrom Air Force Bases, both of which are closing.

Specific expenditures of funds from either account which are above the amount authorized by law for minor construction projects require notification of the congressional defense committees. While not specifically limited to projects identified in its budget justification, the administration identified the following construction projects for fiscal year 1993 that it planned to fund from these two accounts:

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it planned to fund

FY93 BRAC CONSTRUCTION PROJECTS

STATE	LOCATION	PROJECT	COST ($000)	CLOSURE/REALIGNMENT	BRAC
Alabama	Anniston Depot	Warehouse	2,400	Pueblo Depot Activity	88
	Redstone Arsenal	Armament Support Annex	42,000	Rock Island Arsenal	91
		Radar Stand	4,650	Lexington-Bluegrass Depot	88
Arizona	Davis-Monthan AFB	12 AF HQ Facility	5,200	Bergstrom AFB	91
		ADAL TACCS & TIS Fac	4,650	Bergstrom AFB	91
	Fort Huachuca	AC-Heat Plant	2,350	Fort Devens	88
		Applied Inst Bldg-II	16,000	Fort Devens	88
		Central Heat	910	Fort Devens	88
		Hospital Renovation	6,150	Fort Devens	88
		Operations Building	6,300	Fort Devens	88
		UPH	2,650	Fort Devens	88
		Utilities	3,900	Fort Devens	88
	Luke AFB	ADAL 73 TCS Fac	2,850	Myrtle Beach AFB	91
		AGE Parts Store	1,300	MacDill AFB	91
		Munitions Facility	1,000	MacDill AFB	91
	Yuma Proving Ground	Ammunition Prep Facility	16,500	Jefferson Proving Ground	88
		Ammunition Test Facility	990	Jefferson Proving Ground	88
		Firing Range	5,000	Jefferson Proving Ground	88
		Maintenance Facility	14,000	Jefferson Proving Ground	88
		Mortar Range	8,500	Jefferson Proving Ground	88
		Operations Center	7,400	Jefferson Proving Ground	88
		Vibration Test Facility	1,500	Jefferson Proving Ground	88
California	CBC Port Hueneme	Warehouse	6,402	NCBC Davisville	91
	Edwards AFB	ADAL AGE Maintenance Facility	1,300	Richenbacker ANGB	91
		ADAL Life Spt Fac	1,000	Richenbacker ANGB	91
		ADAL Ramps and Pads	6,200	Richenbacker ANGB	91
		ADAL Research Lab	3,000	Richenbacker ANGB	91
		Alter Back Shop Area	600	Richenbacker ANGB	91
		Alter Jet Eng Test Cell	3,100	Richenbacker ANGB	91
		Alter Large A/C Maint Hanger	1,200	Richenbacker ANGB	91
		Alter PMEL	1,500	Richenbacker ANGB	91
		ARIA Eng/Maint Fac	3,900	Richenbacker ANGB	91
		Covered Wash Rack	3,900	Richenbacker ANGB	91
		Fuel Sys Maint Dock	3,600	Richenbacker ANGB	91
		Hydrant Fuel System	2,000	Richenbacker ANGB	91
		Supply Warehouse	1,400	Richenbacker ANGB	91

FY93 BRAC CONSTRUCTION PROJECTS

STATE	LOCATION	PROJECT	COST ($000)	CLOSURE/REALIGNMENT	BRAC
California	March AFB	ADAL Squadron Ops	1,250	Richenbacker ANGB	91
		Add To Engine/Spt Shops	350	Richenbacker ANGB	91
		Alert Acft Project	6,600	George AFB	88
	Mather AFB	ADAL Composite Med Fac	2,650	Mather AFB	88-91
	McClellan AFB	Alter Composite Trg Fac	3,200	Mather AFB	88-91
		Alter Maint Spt Fac	5,800	Mather AFB	88-91
		Composite Maint Fac	4,350	Mather AFB	88-91
		Fuel Sys Maint/Corr Fac	6,000	Mather AFB	88-91
		Hydrant Refueling System	13,000	Mather AFB	88-91
		Squad Ops/Alert Facility	6,400	Mather AFB	88-91
	NAVSTA San Diego	Pier 2 Dredging	1,540	NAVSTA Long Beach	91
		Pier 3 Dredging	3,900	NAVSTA Long Beach	91
		Pier 3 Upgrade	3,500	NAVSTA San Francisco	88
	Norton AFB	Alt BMO Cantonment Area	10,700	Norton AFB	88
	NOSC San Diego	Elec Sys Eng Staging Fac	6,400	MCCDAC San Diego	91
		In-Service Eng Lab	11,000	MCCDAC San Diego	91
		Marine Sciences Pier	590	MCCDAC San Diego	91
	Travis AFB	Administration Bldg.	1,050	Presidio of San Francisco	88
	Vandenburg AFB	Alter Base Printing Fac	890	Chanute AFB	88
		Alter Dining Hall	1,500	Chanute AFB	88
		Alter Missile Maint Trg Complex	2,550	Chanute AFB	88
		Dormitory	4,500	Chanute AFB	88
		Vehicle Storage	510	Chanute AFB	88
Colorado	Buckley ANG	Relocate AFOSI	300	Lowry AFB	91
		Relocate District OSI	1,550	Lowry AFB	91
	Fort Carson	Aviation Maint Hanger	3,200	Hamilton AAF	88
	Lowry AFB	Cantonment Area	1,600	Lowry AFB	91
	Peterson AFB	Aeromedical Evac Trg Fac	870	Richards-Gebaur ARS	91
		AGE Shop/Storage	1,700	Richards-Gebaur ARS	91
		Alter Aerial Port Trg Fac	1,040	Richards-Gebaur ARS	91
		Area Dental Lab	3,000	Lowry AFB	91
		Navy Pers Spt Det	460	Lowry AFB	91
		USAF Trial Judiciary	680	Lowry AFB	91
DC	Walter Reed AMC	Hospital Alt/Clinic Add	14,600	Presidio of San Francisco	88

STATE	LOCA
Florida	Eglin AFB
	Eglin AFB
	MacDill AFB
	NAS Jacksonv
	Orlando Naval
Hawaii	NAS Barbers P
	NAVSTA Pearl
Idaho	Boise Air Terr
	Mountain Home
Illinois	Fort Sheridan
	NDRI Great Lakes

URE/REALIGNMENT	BRAC
Rickenbacker ANGB	91
Rickenbacker ANGB	91
George AFB	88
Mather AFB	88-91
Mather AFB	88-91
Mather AFB	88-91
Mather AFB	88-91
Mather AFB	88-91
Mather AFB	88-91
Mather AFB	88-91
AVSTA Long Beach	91
AVSTA Long Beach	91
AVSTA San Francisco	88
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COSC San Diego	91
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idio of San Francisco	88

FY93 BRAC CONSTRUCTION PROJECTS

STATE	LOCATION	PROJECT	COST ($000)	CLOSURE/REALIGNMENT	BRAC
Florida	Eglin AFB	Acft Maint Dock	3,200	England AFB	91
		ADAL Aircraft Parking Apron	1,100	England AFB	91
		ADAL Weapons Release Shop	810	England AFB	91
		Combat Munitions Unit Fac	1,050	England AFB	91
		ECM/Pave Penny Pod Shop	1,000	England AFB	91
	Eglin AFB	Munitions Trailer Maint/Insp	590	England AFB	91
		Ops/Logistics Fac	2,500	England AFB	91
	MacDill AFB	Perimiter Fence & Utilities	1,250	MacDill AFB	91
	NAS Jacksonville	BEQ Facility	4,065	NAS Moffett Field	91
		BOQ Facility	4,485	NAS Moffett Field	91
		Maintenance Hangar	3,800	NAS Moffett Field	91
		Parking Apron	2,870	NAS Moffett Field	91
		Trainer Facility	3,500	NAS Moffett Field	91
	Orlando Research Lab	Simulator Research Facility	4,400	Williams AFB	91
Hawaii	NAS Barbers Point	Renovate Hangar	3,270	NAS Moffett Field	91
		WINGSPAC Building	3,320	NAS Moffett Field	91
	NAVSTA Pearl Harbor	Applied Instruction Fac	1,650	NAVSTA San Francisco	88
Idaho	Boise Air Terminal	ADAL Munitions Complex	1,700	George AFB	88
		ECM Pod Maint/Storage	570	George AFB	88
		Weapons Release Sys Shop	2,100	George AFB	88
	Mountain Home AFB	Acft Engine Shop	4,700	George AFB	88
		ADAL Fire/Crash Res Fac	610	George AFB	88
		Alter Large Acft Dock	1,700	George AFB	88
		Alter Operations Fac	2,500	George AFB	88
		Arm/Dearm Pads/Taxiways	4,200	George AFB	88
		Combat Munitions Unit	2,500	George AFB	88
		Munitions Storage/Roads	1,300	George AFB	88
		WRSK/Air Transp Ropp Storage	1,100	George AFB	88
Illinois	Fort Sheridan	USARC Building	2,100	Fort Sheridan	88
	NDRI Great Lakes	Dental Research Lab	2,980	Project Reliance	91

FY93 BRAC CONSTRUCTION PROJECTS

STATE	LOCATION	PROJECT	COST ($000)	CLOSURE/REALIGNMENT	BRAC
Kentucky	Fort Knox	Renovate Admin Fac	21,000	USA Recruiting Command	91
		Warehouse Bldg	170	USA Recruiting Command	91
Louisianna	Fort Polk	Admin Facility Renov	390	Fort Polk	91
		Control Center	4,550	Fort Polk	91
		Forward Landing Strip	3,600	Fort Polk	91
		Road	3,800	Fort Polk	91
		Theater Renovation	1,750	Fort Polk	91
Maine	Bangor IAP	ANG Alert Complex	7,900	Loring AFB	91
Maryland	Aberdeen Proving Ground	Record Range	2,050	Fort Meade	88
	Andrews AFB	NCO Academy	7,900	Norton AFB	88
	DTRC Bethesda	Composite Materials Lab	3,500	Naval Surface Warfare Ctr	91
		Ships Materials Tech Fac	23,000	Naval Surface Warfare Ctr	91
	Fort Meade	DIMFOS Facility	9,600	Fort Benjamin Harrison	91
	NATC Patuxent River	Aircraft Technical Lab	12,000	Naval Air Warfare Ctr	91
	NNMC Bethesda	Applications Lab	4,000	Project Reliance	91
	Patuxent River	Science/Engineering Fac	54,100	Naval Air Warfare Ctr	91
Michigan	Phelps-Collins ACS	OCA-RAPCON Spt Complex	2,250	Wurtsmith AFB	91
Mississippi	CBC Gulfport	Warehouse	7,900	NCDC Davisville	91
	Keesler AFB	ADAL USAF Clinic	2,000	Lowry AFB	91
		Alter Dormitory	1,250	Lowry AFB	91
		Alter FMEL	7,200	Lowry AFB	91
		Alter Tenant Spt Fac	3,400	Lowry AFB	91
		Dining Facility	3,150	Lowry AFB	91
		Space Systems Facility	2,750	Lowry AFB	91
		Visual Infor Trng Fac	6,400	Lowry AFB	91
Missouri	Whiteman AFB	Acft Maint Hangar/Shops	11,230	Richards-Gebaur ARS	91
		Alter Fac for Mg Ops & Trg	2,050	Richards-Gebaur ARS	91
		Alter Sqdn Ops & Trg	570	Richards-Gebaur ARS	91
		Composite Maint Fac	4,460	Richards-Gebaur ARS	91
		Extend Utilities	1,800	Richards-Gebaur ARS	91
		Munitions Maint/Storage	3,080	Richards-Gebaur ARS	91
		Special Purpose Facility	8,750	Richards-Gebaur ARS	91
New Jersey	McGuire AFB	NCO Academy	1,400	Bergstrom AFB	91
	NAEC Lakehurst	Alter Admin Fac	1,370	NAVSTA Philadelphia	91

LOSURE/REALIGNMENT	BRAC
Recruiting Command	91
Recruiting Command	91
Polk	91
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rqstrom AFB	91
VSTA Philadelphia	91

FY93 BRAC CONSTRUCTION PROJECTS

STATE	LOCATION	PROJECT	COST ($000)	CLOSURE/REALIGNMENT	BRAC
New Mexico	Cannon AFB	ADAL Base Supply Complex	1,500	George AFB	88
		ADAL Ops & Tng Fac	3,450	George AFB	88
		Child Development Ctr	1,200	George AFB	88
		Dormitory	4,950	George AFB	88
		Maintenance Complex	10,600	George AFB	88
		Maintenance Support Fac	1,900	George AFB	88
		Roads and Parking	870	George AFB	88
		Utilities	870	George AFB	88
New York	NAVSTA Staten Is.	BOQ	9,000	NAVSTA New York	88
		Storage Facilities	1,600	NAVSTA New York	88
North Carolina	Pope AFB	ADAL Logistics Fac	1,100	Myrtle Beach AFB	91
		Dormitory	3,400	Myrtle Beach AFB	91
		Munitions Storage Complex	6,233	Myrtle Beach AFB	91
		Ops & Logistics Complex	2,800	Myrtle Beach AFB	91
		Parts Warehouse	1,300	Myrtle Beach AFB	91
		Weapons/Gun Shop	1,100	Myrtle Beach AFB	91
North Carolina	Seymour Johnson AFB	FMSE	470	Myrtle Beach AFB	91
		FMSE	5,576	MacDill AFB	91
North Dakota	Minot AFB	Alter Flight Simulator	440	Carswell AFB	91
Ohio	Wright-Patterson AFB	ADAL General Purpose Shops	2,350	Rickenbacker ANGB	91
		AFRES Aerial Port/Veh Ms	1,100	Rickenbacker ANGB	91
		Alter Ops and Tng Fac	700	Rickenbacker ANGB	91
		Alter Sec Police Fac	1,300	Rickenbacker ANGB	91
		Alter Squad Ops Fac	570	Rickenbacker ANGB	91
		Composite Support Fac	2,550	Rickenbacker ANGB	91
		Dining Hall	1,600	Rickenbacker ANGB	91
		Fuel Systems Maint Dock	720	Rickenbacker ANGB	91
		Maint Hanger & Shops	6,850	Rickenbacker ANGB	91
		POL Ops	420	Rickenbacker ANGB	91
		Temporary Facilities	1,000	Rickenbacker ANGB	91
Oklahoma	Tinker AFB	Alter ADWS Facility	500	Carswell AFB	91
Pennsylvania	NAVHOSP Philadelphia	Alter for Engineers	6,300	NAVHOSP Philadelphia	88
Rhode Island	NUSC Newport	Electronic Systems Lab	13,900	Naval Undersea Warfare Ctr	91

FY93 BRAC CONSTRUCTION PROJECTS

STATE	LOCATION	PROJECT	COST ($000)	CLOSURE/REALIGNMENT	BRAC
South Carolina	Fort Jackson	Barracks	12,800	Fort Benjamin Harrison	91
		Warfighting Center	26,000	Fort Benjamin Harrison	91
	Shaw AFB	COB Comm Trng Fac	400	Myrtle Beach AFB	91
Texas	Bergstrom AFB	ADAL Munitions Area	560	Bergstrom AFB	91
	Carswell AFB	ADAL Base Supply	650	Carswell AFB	91
		ADAL BCE Shop	1,950	Carswell AFB	91
		Alter Cantonment Fac	2,550	Carswell AFB	91
		Alter Medical Trng Fac	650	Carswell AFB	91
Texas	Carswell AFB	Util/Fence/Wash Rack	2,670	Carswell AFB	91
	Dyess AFB	ADAL Tech Trng Fac	5,400	Carswell AFB	91
		TV Production Studio	2,050	Carswell AFB	91
	Fort Hood	ASOC Facilities	4,500	Bergstrom AFB	91
	Fort Sam Houston	Veterinary Lab	2,200	Presidio of San Francisco	88
	Goodfellow AFB	Seismic Sensor Trng Fac	550	Lowry AFB	91
	Lackland AFB	Alter Tech Trng Spt Fac	6,800	Lowry AFB	91
		Disaster Prep Res Ctr	440	Lowry AFB	91
		Rehab Correction Fac	3,200	Lowry AFB	91
		Student Officer Qtrs	11,600	Lowry AFB	91
		Veh Maint/Transp Fac	20,000	Chanute AFB	88
	Randolph AFB	Academic Facility	5,900	Mather AFB	88-91
		Alter Ramp and Taxiway	9,430	Mather AFB	88-91
		COMBS Warehouse	1,250	Mather AFB	88-91
		Flight Simulator (T-43) Fac	5,300	Mather AFB	88-91
		Physiological Trng Fac	1,350	Mather AFB	88-91
		Replace Athletic Fields	600	Mather AFB	88-91
		Student Dormitory	9,800	Mather AFB	88-91
	Sheppard AFB	Acft Armament Trng Fac	18,000	Lowry AFB	91
		ADAL Avionics Trng Fac	9,400	Lowry AFB	91
		ADAL Hospital	1,950	Chanute AFB	88
		ADAL USAF Clinic	2,500	Lowry AFB	91
		Add to Wing Hq Fac	1,500	Lowry AFB	91
		Alter Tech Trng Facs	620	Lowry AFB	91
		Alter Utility Systems	2,950	Lowry AFB	91
Texas	Sheppard AFB	Dining Hall	4,400	Lowry AFB	91
		Dormitory	36,000	Lowry AFB	91

FY93 BRAC CONSTRUCTION PROJECTS

STATE	LOCATION	PROJECT	COST ($000)	CLOSURE/REALIGNMENT	BRAC
Texas	Sheppard AFB	Fuels Training Complex	14,600	Chanute AFB	88
		Munitions Training Fac	5,200	Lowry AFB	91
		Nuclear Weap Trng Fac	7,800	Lowry AFB	91
		Physical Fitness Ctr	5,600	Lowry AFB	91
Virginia	Fort Belvoir	Headquarters Complex	40,500	Cameron Station	88
	NSWC Dahlgren	Sewage Treatment Plant	33,000	Naval Surface Warfare Ctr	91
Washington	Camp Murray ACS	ADAL Comm/Elec Trng Fac	570	England AFB	91
	Fairchild AFB	Combat Crew Trng School	7,800	Castle AFB	91
		Flight Simulator Fac	24,000	Castle AFB	91
	Fort Lewis	Battalion	10,000	Fort Ord	91
		Brigade C&C	1,600	Fort Ord	91
		Company Hdqtrs	17,000	Fort Ord	91
		Hospital Addition	5,800	Presidio of San Francisco	88
		OPS ISC	30,000	Sacramento Army Depot	91
		Readiness Support Site	3,400	NAVSTA Puget Sound	91
		Reserve Training Center	6,700	NAVSTA Puget Sound	91
	McChord AFB	ADAL Aircraft Parking Apron	2,000	England AFB	91
		ADAL Taxiway	950	England AFB	91
		Alter AMU Facility	430	England AFB	91
		Alter Corr Control Fac	410	England AFB	91
		Base Supply Warehouse	1,100	England AFB	91
	NAVSTA Everett	Access Roads	8,220	NAVSTA Puget Sound	88
		Auto Hobby Shop	1,370	NAVSTA Puget Sound	88
Washington	NAVSTA Everett	BOQ	6,400	NAVSTA Puget Sound	88
		Chapel/Religious Svcs	1,700	NAVSTA Puget Sound	88
		Commissary/Exchange	12,400	NAVSTA Puget Sound	88
		Family Svcs Ctr	2,340	NAVSTA Puget Sound	88
		Firing Range	880	NAVSTA Puget Sound	88
		Fleet Parking Area	2,900	NAVSTA Puget Sound	88
		Hobby Shops	1,520	NAVSTA Puget Sound	88
		Land Acquisition	500	NAVSTA Puget Sound	91
		Library/Educ Svcs	2,150	NAVSTA Puget Sound	88
		Playing Fields	1,760	NAVSTA Puget Sound	88
		Site Improvements	16,300	NAVSTA Puget Sound	88
	NSB Bangor	COMNAVBASE Admin Bldg	3,200	NAVSTA Puget Sound	[illegible]
		Total:	1,217,013		

While the committee recognizes that certain alterations in the long-term lease and guaranteed rental authorities may make them less attractive to prospective contractors, it believes that these permanent authorities continue to offer opportunities to remedy severe shortages of affordable housing at many important military installations. The Department's failure to even attempt to award contracts for projects previously authorized raises doubt about its resolve to address this major morale issue, and flies in the face of the legal obligation to do so.

Absent the Department's willingness to vigorously pursue the authority already provided to address its family housing shortage, the committee sees no compelling reason to permit the obligation of additional authorization for new military construction of family housing units. This provision would not preclude the obligation of military construction authorizations which serve to replace housing stock which can no longer be economically repaired and modernized.

Reflecting the continuing need to expand and modernize military family housing in areas of high cost or chronic shortage, the committee recommends the authorization of additional projects under both the build-to-lease and guaranteed rental authorities.

IMPROVEMENTS TO MILITARY FAMILY HOUSING

The committee recommends a provision that would amend 10 U.S.C. 2822 and 2825. These changes would provide the military services and defense agencies with additional flexibility in making determinations whether to proceed with previously authorized renovations to military family housing or, if unforeseen circumstances dictate such an approach as uneconomic, permit the use of authorization authority to construct replacement housing up to the authorized funding level.

When unforeseen circumstances cause the statutory cost per unit for improvements to be exceeded, or when they would cause improvement strategies to no longer be cost-effective (usually more than 70 per cent of replacement cost), the military services would be authorized to proceed with replacement construction 21 days after the congressional defense committees have been so notified. These amendments would preclude the need to delay badly needed renovation until a subsequent budget request when replacement construction could be requested. Inasmuch as such construction would be pursued within the funding levels previously authorized the services for military family housing, these provisions would have no budgetary effect.

BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY

The committee recommends a provision that would modify the base closure accounts which were established in the Base Closure and Realignment Acts of 1988 and 1990. The amendment would authorize the transfer of funds between these accounts, in order to permit proceeds accruing from earlier closures to be applied to the costs of later closures, and, by extending the expiration dates of both accounts, to permit these funding mechanisms to be used to

finance ongoing environmental restoration, community impact assistance, and property disposal expenses.

USE OF PROCEEDS FROM THE TRANSFER OR DISPOSAL OF COMMISSARY STORE FACILITIES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS

The committee recommends a provision that would amend the Base Closure and Realignment Acts of 1988 and 1990 by altering the formula by which the Defense Commissary Service and nonappropriated fund instrumentalities are reimbursed for investments made in facilities on closing bases. Rather than receiving the total amount of funds received from the sale of such facilities, the provision would authorize the reimbursement of an amount no greater than the depreciated value of such facilities.

HOMEOWNERS ASSISTANCE PROGRAM

The committee recommends a provision that would allow the Secretary of Defense to use limited, one-way transfer authority to provide funds from other available appropriations to the Homeowners Assistance Fund, Defense, to cover the expenses to the fund associated with personnel dislocations resulting from base closures and realignments. This authority would recognize the difficulty which the Defense Department faces in anticipating the calls upon the Fund and in adjusting its annual budget submissions to reflect such requirements. In light of the current and anticipated levels of personnel turbulence from increasing numbers of base closures and realignments, this flexibility would insure that sufficient funds are available to support this important program.

HOMEOWNERS ASSISTANCE PROGRAM DEMONSTRATION CONTRACT

The committee recommends a provision that would direct the Secretary of Defense to contract with a nationwide relocation firm to provide a one-year demonstration project for the management and disposal functions of one or more approved homeowners assistance programs selected by the Secretary. At the completion of the one-year demonstration, the provision would direct an evaluation by the Comptroller General and a report to the Committees on Armed Services of the Senate and the House of Representatives on the results of the demonstration and the relative costs of contract versus in-house management approaches. A recent study contracted by the Corps of Engineers suggests that substantial savings could be realized through contract management of this program. The committee hopes that this demonstration project will determine whether this is an appropriate approach and provide the basis for future decisions regarding management of the program.

CONSISTENCY OF BUDGET DATA

The committee recommends a provision that would amend section 2822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 by refocusing the analysis of the construction costs of closing bases from specific military construction projects, to the overall costs of construction associated with such closures. The amendment would also streamline the process by which the De-

fense Department Inspector General provides such analysis to the congressional defense committees.

TIMING OF GENERAL ACCOUNTING OFFICE EVALUATION OF CLOSURE RECOMMENDATIONS

The committee recommends a provision that would amend section 2821 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 by establishing April 15 as the date by which a report by the Comptroller General is to be provided to the Congress and the Base Closure Commission. This report evaluates the basis for the base closure and realignment recommendations by the Secretary of Defense to the Commission.

In the original structure of the six-year base closure and realignment process contained in the National Defense Authorization Act for Fiscal Year 1991, the report of the Comptroller General regarding the Defense Secretary's proposals was set at May 15, one month after the deadline for the Secretary's submission of his recommendations to the Congress and the Commission. In amendments to this provision in the National Defense Authorization Act for Fiscal Years 1992 and 1993, the Secretary's submission was accelerated to no later than March 15, but the Comptroller General's reporting deadline remained unchanged. This provided the General Accounting Office (GAO) an additional thirty days to prepare its report.

The recommended provision would reestablish the GAO reporting date as approximately one month after the Secretary's submission. This will provide the Commission with an early indication of the Comptroller General's views on the adequacy of the analysis supporting the Secretary's recommendations, and permit the Commission to use the additional time to perform its independent review and analysis prior to making its own recommendations to the President.

DEFENSE FINANCE AND ACCOUNTING SERVICE

DFAS

The committee recommends a provision that would exclude the realignment or establishment of major functions of the Defense Finance and Accounting Service (DFAS) from the provisions of the Defense Base Closure and Realignment Act of 1990.

In 1990, the Department of Defense established DFAS as a management initiative to consolidate the accounting and finance functions of the military services and defense agencies which were then established in five central offices and in smaller field offices located at most major military installations. The objective of this consolidation was to reduce costs through centralization and the elimination of duplication, while at the same time downsizing this function as the overall size of the military force was reduced. The committee supports this initiative.

However, early in 1992, prior to determining the specific shape of this consolidation, DFAS initiated a process of soliciting private proposals to locate its centralized functions. Through a request for proposals published in the Federal Register, DFAS requested communities and individuals to propose sites for its new consolidated functions, based upon the capability to support either 4,000 or 7,000

employees. Respondents were asked to provide, at no cost or subsidized rates: office space, utilities, maintenance, land use, and equipment and services such as employee parking, office furniture, child care, and health and fitness centers.

The committee has significant reservations with this approach to selecting locations for new defense activities. While such solicitations may narrowly benefit the cost-effectiveness of DFAS and, in the process, tend to justify further consolidation of administrative functions, the committee questions whether such private solicitations for the siting of government activities are in the overall best interest of the Defense Department or the federal government.

The solicitation of local subsidies which was pursued in the 1980s as part of the Navy's strategic homeport program resulted in state and local capital expenditures supporting the new homeports which later could not be justified as service force structure and basing plans changed. Such solicitations substantially favor large, financially capable communities over those which might most benefit from the infusion or retention of the jobs associated with the DFAS centers. The practice also raises the question whether the Department plans to compete communities against one another to retain existing military functions in cases where the operational utility of bases is virtually identical. In light of the downsizing of the Department's installation infrastructure, it appears particularly inequitable to be soliciting local subsidies to retain or attract new defense missions.

Finally, in the face of substantial numbers of base closures, the Department is disposing at little or no return to the federal taxpayer substantial capital investments, while at the same time asking local communities to shoulder the burden of capital improvements needed to support DFAS. Since the Department intends to include its recommendations for DFAS site selections in its 1993 base closure and realignment proposal, communities adversely affected by other closure recommendations in this package will not be able to make proposals to reuse surplus DOD facilities in their area. Similarly, communities adjacent to underutilized bases which are retained by the Department are not able to easily incorporate the use of excess DOD property in their proposals.

The committee believes that in establishing a competition for the siting of its new centers, DFAS has focused merely on cost-effectiveness, and has not fully considered the benefits of remaining at current DFAS locations or failing that, moving to underutilized or surplus DOD facilities. These options could use the Department's available capital inventory and mitigate the economic dislocation resulting from the closure of military bases or the relocation of existing DFAS centers. The committee urges DFAS to consider these issues in making its selection decisions.

The committee also recognizes that more than 100 communities have provided over 200 responses to the DFAS solicitation. Consequently, the committee directs that the issues outlined above be considered as fully as possible without biasing the competition which DFAS established.

The analysis and justification for the siting of any new DFAS centers will require very careful analysis and justification. The committee believes that the base closure process was not envi-

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102D CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
102-966

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

CONFERENCE REPORT

TO ACCOMPANY

H.R. 5006

OCTOBER 1, 1992.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1992

59-624

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Sec. 2842. Real property conveyance, Naval Station Puget Sound, Everett, Washington.
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(4) The Deputy Assistant Secretary of Defense shall assign the fellows to an agency, office, or other entity (other than the Office of the Deputy Assistant Secretary of Defense for Environment) that is responsible for the implementation of the Legacy Resource Management Program in the Department of Defense. Upon assignment, the fellow shall assist the agency, office, or entity in carrying out the purposes of the Legacy Resource Management Program.

(d) FUNDING.—Of the funds authorized to be appropriated in fiscal year 1993 for the Department of Defense and made available for the Legacy Resource Management Program, $100,000 may be used for the Legacy Fellowship Program. Such funds shall be available for obligation without fiscal year limitation.

SEC. 329. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

In addition to the amounts otherwise authorized to be appropriated for fiscal years 1992 and 1993 in this Act there is authorized to be appropriated for such fiscal years—

(1) for Environmental Restoration, Defense, the total amount of $447,500,000; and

(2) for the Department of Defense Base Closure Account 1990 the total amount of $35,000,000.

SEC. 330. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY.

(a) IN GENERAL.—(1) Except as provided in paragraph (3) and subject to subsection (b), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in paragraph (2) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any military installation (or portion thereof) that is closed pursuant to a base closure law.

(2) The persons and entities described in this paragraph are the following:

(A) Any State (including any officer, agent, or employee of the State) that acquires ownership or control of any facility at a military installation (or any portion thereof) described in paragraph (1).

(B) Any political subdivision of a State (including any officer, agent, or employee of the State) that acquires such ownership or control.

(C) Any other person or entity that acquires such ownership or control.

(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).

(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

(b) CONDITIONS.—No indemnification may be afforded under this section unless the person or entity making a claim for indemnification—

(1) notifies the Department of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Department of Defense;

(2) furnishes to the Department of Defense copies of pertinent papers the entity receives;

(3) furnishes evidence or proof of any claim, loss, or damage covered by this section; and

(4) provides, upon request by the Department of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(c) AUTHORITY OF SECRETARY OF DEFENSE.—(1) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this section for any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage referred to in subsection (a)(1), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(2) In any case described in paragraph (1), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this section.

(d) ACCRUAL OF ACTION.—For purposes of subsection (b)(1), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in subsection (a) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any military installation (or portion thereof) described in subsection (a)(1).

(e) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) DEFINITIONS.—In this section:

(1) The terms "facility", "hazardous substance", "release", and "pollutant or contaminant" have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, respectively (42 U.S.C. 9601 (9), (14), (22), and (33)).

(2) The term "military installation" has the meaning given such term under section 2687(e)(1) of title 10, United States Code.

(3) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any provision of law authorizing the closure or realignment of a military installation enacted on or after the date of the enactment of this Act.

SEC. 331. EXTENSION OF AUTHORITY TO ISSUE SURETY BONDS FOR CERTAIN ENVIRONMENTAL PROGRAMS.

(a) CERCLA.—(1) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619) is amended—

(A) in subsection (e)(2)(C), by striking out "January 1, 1993" and inserting in lieu thereof "January 1, 1996,"; and

(B) in subsection (g)(5), by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

(2) Subsection (g)(1) of such section is amended—

(A) by striking out "the Miller Act, 40 U.S.C. sections 270a-270f," and inserting in lieu thereof "the Act of August 24, 1935 (40 U.S.C. 270a-270d), commonly referred to as the 'Miller Act',";

(B) by inserting after "response action contract" the following: "and are not waived pursuant to the Act of April 29, 1941 (40 U.S.C. 270e-270f)"; and

(C) by striking out "in accordance with 40 U.S.C. sections 270a-270d." and inserting in lieu thereof "in accordance with such Act of August 24, 1935.".

(b) TITLE 10.—(1) Section 2701(j) of title 10, United States Code, is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

(2) Such section is further amended—

(A) by inserting "(1)" after "APPLICABILITY.—"; and

(B) by adding at the end the following new paragraph:

"(2) Subsections (h) and (i) shall not apply to bonds to which section 119(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 applies (42 U.S.C. 9619(g)).".

SEC. 332. REPORT ON INDEMNIFICATION OF CONTRACTORS PERFORMING ENVIRONMENTAL RESTORATION.

(a) REPORT.—The Secretary of Defense, in consultation with the Attorney General, the Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget, shall conduct a review and report on the following:

(1) All existing statutory authorities and regulations thereunder available to the Department of Defense that allow the Secretary of Defense or the Secretaries of the military departments to indemnify and hold harmless contractors performing environmental restoration at current military installations, former military installations, and formerly used defense sites pursuant to the Defense Environmental Restoration Program under chapter 160 of title 10, United States Code.

(2) The extent to which the authorities referred to in paragraph (1) are available to ensure adequate competition and qualified contractors for actions not governed by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the extent to which additional authority to ensure adequate competition and qualified contractors is necessary for such actions.

(3) The extent to which the indemnification authority provided in section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is necessary to ensure adequate competition and qualified contractors to perform remedial actions at military installations listed on the National Priorities List or removal actions pursuant to such Act.

(4) The extent to which contractors performing environmental restoration work at installations and sites referred to in paragraph (1), other Federal sites, and private sites have been exposed to, or involved in, litigation, claims, and liability related to such environmental restoration work since 1980.

(5) The type of indemnification, if any, currently provided to environmental restoration contractors by Federal agencies, by State agencies, and by private entities at sites other than installations and sites referred to in paragraph (1).

(6) The availability, the coverage, the cost, and the type of insurance commercially available to environmental restoration contractors at current and former military installations and formerly used defense sites.

(7) The extent to which the Secretary of Defense and the Secretaries of the military departments have used existing indemnification authority for environmental restoration work.

(8) The potential costs of any additional indemnification authority, if any, recommended by the Secretary of Defense in the report required under this section.

(b) DEADLINE.—Not later than May 15, 1993, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the report required by subsection (a).

Subtitle D—Defense Business Operations Fund

SEC. 341. LIMITATIONS ON THE USE OF DEFENSE BUSINESS OPERATIONS FUND.

(a) EXTENSION OF LIMITATION ON PERIOD OF MANAGEMENT.—Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1338; 10 U.S.C. 2208 note) is amended—

(1) by striking out "April 15, 1993" and inserting in lieu thereof "April 15, 1994"; and

(2) by inserting "(in this section referred to as the 'Fund')" before the period at the end of the first sentence.

(b) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—Section 316 of such Act is amended by adding at the end the following new subsection:

"(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—For purposes of accounting, financial reporting, and auditing, the Secretary of Defense shall maintain—

electric utilities to design and implement cost-effective demand and conservation incentive programs (including energy management services, facilities alterations, and the installation and maintenance of energy saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

"(4)(A) If an agreement under paragraph (3) provides for a utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repayed by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

"(B) Subject to the availability of appropriations, repayment of costs advanced under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

"(C) An agreement under paragraph (3) shall provide that title to any energy-saving device or technology installed at a military installation pursuant to the agreement vest in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.".

(b) ENERGY CONSERVATION CONSTRUCTION PROJECTS.—Such section is further amended by inserting after subsection (d), as added by subsection (a)(3), the following new subsection:

"(e) ENERGY CONSERVATION CONSTRUCTION PROJECTS.—(1) The Secretary of Defense may carry out a military construction project for energy conservation, not previously authorized, using funds appropriated or otherwise made available for that purposes.

"(2) When a decision is made to carry out a project under paragraph (1), the Secretary of Defense shall notify in writing the Committees on Armed Services and Appropriations of the Senate and House of Representatives of that decision. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees.".

(c) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking out "paragraph (3)(B)" and inserting in lieu thereof "subsection (d)(2)".

(d) TECHNICAL AMENDMENT.—Subsection (f) of such section, as redesignated by subsection (a)(2), is amended by striking out "Beginning with fiscal year 1991 and by no later than December 31, 1991, and of each year thereafter," and inserting in lieu thereof "Not later than December 31 of each year,".

(e) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "ENERGY PERFORMANCE GOAL AND PLAN.—" after "(a)";

(2) in subsection (b), by inserting "USE OF ENERGY COST SAVINGS.—" after "(b)";

(3) in subsection (c), by inserting "SHARED ENERGY SAVINGS CONTRACTS.—" after "(c)"; and

(4) in subsection (f), as redesignated by subsection (a)(2), by inserting "ANNUAL REPORT.—" after "(f)".

SEC. 2802. AUTHORITY TO CONSTRUCT REPLACEMENT FAMILY HOUSING UNITS.

(a) AUTHORITY TO CONSTRUCT REPLACEMENT UNITS.—Section 2825 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) The Secretary concerned may construct replacement military family housing units in lieu of improving existing military family housing units if—

"(A) the improvement of the existing housing units has been authorized by law;

"(B) the Secretary determines that the improvement project is no longer cost-effective after a review of post-design or bid cost estimates;

"(C) the Secretary submits to the committees referred to in subsection (b)(1) a notice containing—

"(i) an economic analysis demonstrating that the improvement project would exceed 70 percent of the cost of constructing replacement housing units intended for members of the armed forces in the same pay grade or grades as those members who occupy the existing housing units; and

"(ii) if the replacement housing units are intended for members of the armed forces in a different pay grade or grades, a justification of the need for the replacement housing units based upon the long-term requirements of the armed forces in the location concerned; and

"(D) a period of 21 days elapses after the date on which the Secretary submits the notice required by subparagraph (C).

"(2) The amount that may be expended to construct replacement military family housing units under this subsection may not exceed the amount that is otherwise available to carry out the previously authorized improvement project.".

(b) CONFORMING AMENDMENT.—Section 2822(b) of such title is amended by adding at the end the following new paragraph:

"(5) Replacement housing units constructed under section 2825(c) of this title.".

Subtitle B—Defense Base Closure and Realignment

SEC. 2821. USE OF PROCEEDS OF THE TRANSFER OR DISPOSAL OF COMMISSARY STORE AND OTHER FACILITIES AND PROPERTY.

(a) BASE CLOSURES UNDER 1988 ACT.—(1) Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following new subparagraph:

"(C)(i) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this title, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in a reserve account established in the Treasury to be administered by the Secretary. The Secretary may use amounts in the account (in such an aggregate

amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(I) commissary stores; and

"(II) real property and facilities for nonappropriated fund instrumentalities.

"(ii) The amount deposited under clause (i) shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(iii) As used in this subparagraph:

"(I) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

"(II) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

"(III) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(2) Section 209 of such Act is amended by striking out paragraph (10).

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out subsection (d), as added by section 344(b)(1)(B) of Public Law 102-190, and inserting in lieu thereof the following new subsection:

"(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(4)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

"(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(3) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(A) commissary stores; and

"(B) real property and facilities for nonappropriated fund instrumentalities.

"(4) As used in this subsection:

"(A) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

"(B) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

"(C) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(c) CLOSURE OF FOREIGN MILITARY INSTALLATIONS.—Section 2921(d)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended in the first sentence by striking out "the value of the improvements carried out" and inserting in lieu thereof "the depreciated value of the investment made".

SEC. 2822. DEMONSTRATION PROJECT FOR THE USE OF A NATIONAL RELOCATION CONTRACTOR TO ASSIST THE DEPARTMENT OF DEFENSE.

(a) USE OF NATIONAL RELOCATION CONTRACTOR.—Subject to the availability of appropriations therefor, the Secretary of Defense shall enter into a one-year contract with a private relocation contractor operating on a nationwide basis to test the cost-effectiveness of using national relocation contractors to administer the Homeowners Assistance Program. The contract shall be competitively awarded not later than 30 days after the date of the enactment of this Act.

(b) REPORT ON CONTRACT.—Not later than one year after the date on which the Secretary of Defense enters into the contract under subsection (a), the Comptroller General shall submit to Congress a report containing the Comptroller General's evaluation of the effectiveness of using the national contractor for administering the program referred to in subsection (a). The report shall compare the cost and efficiency of such administration with the cost and efficiency of—

(1) the program carried out by the Corps of Engineers using its own employees; and

(2) the use of contracts with local relocation companies at military installations being closed or realigned.

SEC. 2823. CHANGE IN DATE OF REPORT OF COMPTROLLER GENERAL TO CONGRESS AND DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2903(d)(5)(B) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "May 15 of each year" and inserting in lieu thereof "April 15 of each year".

Moratorium on obligation of funds for construction or acquisition of military family housing

The Senate amendment contained a provision (sec. 2804) that would prohibit the obligation of funds authorized in fiscal year 1993, as well as unobligated funds that were previously authorized, for the expansion of the family housing stock at military installations. This moratorium would remain in effect until the Department of Defense has solicited bids or proposals for the long-term lease and guaranteed rental initiatives authorized in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The House bill contained no similar provision.

The Senate recedes. The conferees support the continued use of the long-term lease and guaranteed rental programs for military family housing where validated needs can be more economically met through these programs than through military construction. Last year, the authorities for these programs were codified after several years of experimentation and legislative modification. While the Budget Act of 1990 required certain changes to these authorities that may make these programs less attractive to entrepreneurs, the Department has failed to even solicit bids for the badly needed housing projects that were authorized in the National Defense Authorization Act for Fiscal Years 1992 and 1993. Without such solicitations, it is unclear whether the housing industry will favorably respond to pressing needs for military family housing within these authorities.

The conferees note that there has apparently been progress in developing guidance to proceed with solicitations under the 802 guaranteed lease program, as well as the long-term lease authority under section 2809 of title 10, United States Code. The conferees encourage the Secretary of Defense to proceed expeditiously with the solicitation of projects previously authorized under these authorities, as well as projects previously authorized under the build-to-lease authority. Several additional projects under these authorities are authorized in this act for fiscal year 1993.

Base closure account management flexibility

The Senate amendment contained a provision (sec. 2821) that would modify the two base closure accounts which were established in the Base Closure and Realignment Acts of 1988 and 1990. The provision would authorize the transfer of funds between these two accounts in order to permit proceeds accruing from earlier closures to be applied to the costs of later closures. By extending the expiration dates of both accounts, the provision would permit these funding mechanisms to be used to finance ongoing environmental restoration, community impact assistance, and property disposal expenses.

The House bill contained no similar provision.

The Senate recedes. The conferees believe that the Senate provision has merit but is not needed prior to fiscal year 1995. The Secretary of Defense is therefore encouraged to resubmit this proposal in the fiscal years 1994/1995 budget request.

Authority to transfer funds to homeowners assistance program

The Senate amendment contained a provision (sec. 2823) that would allow the Secretary of Defense to use limited, one-way transfer authority to provide funds from other available appropriations to the Homeowners Assistance Fund, Defense, to cover the expenses to the fund associated with personnel dislocations resulting from base closures and realignments.

The House bill contained no similar provision.

The Senate recedes.

Prohibition on expansion of certain military operations areas

The Senate amendment contained a provision (sec. 2863) that would direct the Secretary of the Air Force to limit expansion of military operations areas for reserve component tactical training to within the geographic boundaries of areas already approved for such training.

The House bill contained no similar provision; however similar concerns are expressed in the House report (H. Rept. 102-527).

The Senate recedes. The conferees agree with many of the concerns raised in the Senate and House reports regarding the potential environmental impact of modernizing reserve component units with high performance aircraft such as F-15 and F-16 aircraft, and the apparent lack of sensitivity to these issues in making basing decisions and training airspace modification proposals.

The conferees recognize that there are existing statutory authorities such as the National Environmental Policy Act and the Clean Air Act through which adverse environmental impacts must be identified and mitigation measures assessed. However, these statutes do not directly focus on the requirements behind proposed federal actions and often do not provide a forum to fully explore alternatives. Thus, in the case of proposals to expand military training areas to support reserve component fighter units that are receiving F-15 and F-16 aircraft, the baseline for discussion is generally the aircraft modernization action proposed by the military Service, and the training airspace modifications which then are needed.

Alternative mission locations and revised training requirements tend to become subordinated to concerns about preserving reserve component units within an era of reduced force structure, and a desire to secure training areas which will permit the highest state of readiness, even if the foreseeable threat and the training resources of such units do not currently support such high levels of training.

In the post-Cold War period of diminished threats and reduced reserve component forces, the conferees believe that decisions to introduce more capable, but environmentally intrusive weapons systems must receive substantially greater scrutiny at the beginning of the base selection process, rather than afterwards.

Finally, the conferees note that in negotiations regarding the introduction of F-16 aircraft in the northeastern United States and the associated alterations to supporting military operations areas, the Air National Guard has developed a number of mechanisms that may serve as models in designing mitigation strategies else-

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Secretary of the Navy shall designate that part a protected tract. The protected tract, or any part thereof, may not be disposed of in any way that would allow commercial development to take place on it. If the protected tract, or any part thereof, is ever conveyed to an entity which uses it for commercial development, ownership of the protected tract shall revert to the United States.

SEC. IV. DESCRIPTION OF THE CALVERTON PINE BARRENS.

The Calverton Pine Barrens is the land of not less than 3234 acres located on Department of Defense land surrounding the Naval Weapons Industrial Reserve Plant in Calverton, New York.

SASSER (AND OTHERS) AMENDMENT NO. 2918

Mr. SASSER (for himself, Mr. BUMPERS, Mr. JEFFORDS, Mr. LEVIN, Mr. JOHNSTON, Mr. ROBB, Mr. DECONCINI, Mr. SARBANES, Mr. MOYNIHAN, Mr. DASCHLE, Mr. RIEGLE, and Mr. SIMON proposed an amendment to the bill S. 3114, supra, as follows:

On page 58, strike out line 18 and all that follows through page 60, line 3, and insert in lieu thereof the following:

(a) TOTAL AMOUNT.—Of the amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1993, not more than $3,900,000,000 may be obligated for the Strategic Defense Initiative.

BUMPERS (AND OTHERS) AMENDMENT NO. 2919

Mr. BUMPERS (for himself, Mr. SASSER, Mr. LEVIN, and Mr. JEFFORDS) proposed an amendment to amendment No. 2918 proposed by Mr. SASSER (and others) to the bill S. 3114, supra, as follows:

On page 58, strike out line 18 and all that follows through page 60, line 3, and insert in lieu thereof the following:

(a) TOTAL AMOUNT.—Of the amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1993, not more than $3,301,000,000 may be obligated for the Strategic Defense Initiative.

SPECTER AMENDMENT NO. 2920

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 3114, supra, as follows:

At the appropriate place, insert:

SECTION 1. EMERGENCY ASSISTANCE FOR REFUGEES OF CROATIA, SLOVENIA, AND BOSNIA-HERCEGOVINA.

There are authorized to be appropriated $25,000,000 to provide emergency temporary housing assistance for refugees and displaced persons from Croatia, Slovenia, and Bosnia-Hercegovina.

SPECTER (AND OTHERS) AMENDMENT NO. 2921

(Ordered to lie on the table.)

Mr. SPECTER (for himself, Mr. WOFFORD and Mr. SEYMOUR) submitted an amendment intended to be proposed by him to the bill S. 3114, supra, as follows:

On page 33, between lines 13 and 14, insert the following new section:

SEC. 810. EXPANSION OF NON-DEPARTMENT PARTICIPANTS IN DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.

Section 2371(b) of title 10, United States Code (as redesignated by section 802(a)(2)), is amended by inserting "federally owned or operated industrial facilities," after "Federal laboratory or laboratories,".

In section 2(b), insert after the item relating to section 809 the following new item:

SEC. 810. EXPANSION OF NON-DEPARTMENT.

Subparagraph (b) of section 2523 of title 10, United States Code, is amended by striking the "," after "laboratory" and inserting the following: "federally owned industrial facilities,".

SPECTER AMENDMENT NO. 2922

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 3114, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. 2833. COMPTROLLER GENERAL REVIEW OF THE COSTS OF A BASE CLOSURE OR REALIGNMENT.

(a) REVIEW REQUIRED.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by inserting after section 2903 the following new section:

"SEC. 2903A. CONSIDERATION OF COSTS OF CLOSURE OR REALIGNMENT.

"(a) REVIEW OF PRECEDING CLOSURE AND REALIGNMENT RECOMMENDATIONS.—In the report of the Comptroller General of the United States required under section 2903(d)(5)(B) to be submitted to the Commission, the Comptroller General shall review the direct and indirect costs of carrying out the closure or realignment of each military installation recommended for closure or realignment by the Commission in the preceding report transmitted by the President to the Congress under section 2903(e).

"(b) RECONSIDERATION OF RECOMMENDATIONS BY COMMISSION.—If the Comptroller General determines from the review required by subsection (a) that the direct and indirect costs of carrying out the closure or realignment of a military installation previously recommended for closure or realignment is likely to exceed by 50 percent or more the cost cited in the materials transmitted by the Secretary of Defense that were used to justify the closure or realignment of that military installation, the Commission shall—

"(1) reconsider, as part of its review under section 2903(d), the cost-effectiveness and continued desirability of the closure or realignment of that military installation in light of the most recent available cost data; and

"(2) transmit its conclusions and recommendations following that reconsideration to the President as part of the report required by section 2903(d)(2).

"(c) USE OF CLOSURE AND REALIGNMENT CRITERIA.—In reconsidering the closure or realignment of a military installation pursuant to subsection (b), the Commission shall reconsider each such military installation on a separate and individual basis, and not as a part of any grouping of military installations, based on the final criteria prepared by the Secretary pursuant to section 2903(b)(2).

"(d) INFORMATION.—The Secretary of Defense and Comptroller General shall assist the Commission, to the extent requested, in the Commission's reconsideration under subsection (b) of the closure of realignment of a military installation and review of cost data made available relating to such closure or realignment.

"(2) Nothing in this subsection shall be construed to permit the Secretary of Defense to make information available to the Commission which is not also made immediately available to the Congress and the Comptroller General.

"(3) The Commission shall provide the Comptroller General an opportunity to comment on any information provided by the Secretary to assist the Commission to carry out this section.

"(4) The Commission shall provide any interested Member of Congress an opportunity to comment on any information provided by the Secretary to assist the Commission to carry out this section and any comments of the Comptroller General regarding the information.".

"(b) EFFECT ON CURRENT CLOSURES AND REALIGNMENTS.—The report of the Comptroller General of the United States required by the Department of Defense Appropriations Act, 1992 (Public Law 102-172) and evaluating the costs of the closure or realignment of certain military installations shall be submitted to the Commission as part of the report of the Comptroller General required in 1993 under section 2903(d)(5)(B) of the Defense Base Closure and Realignment Act of 1990.

ENTERPRISE ZONE TAX INCENTIVES ACT

SPECTER AMENDMENT NO. 2923

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill (H.R. 11) to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes, as follows:

On page 885, line 20, insert "OR NEW AUTOMOBILES" after "HOMES".

On page 886, line 5, insert "OR NEW AUTOMOBILE" after "HOME".

On page 886, line 14, strike "or".

On page 886, line 18, strike the period and quotation marks and insert "; or".

On page 886, between lines 18 and 19, insert:

"(iii) to the extent such distributions are made during 1992 and 1993 and are used within 60 days to purchase a new automobile".

On page 892, line 11, insert ", distributions during 1992 and 1993 which are used within 60 days to purchase a new automobile," before "or".

On page 892, line 21, insert ", for distributions during 1992 and 1993 which are used within 60 days to purchase a new automobile," before "or".

NORTHERN CHEYENNE WATER RIGHTS SETTLEMENT ACT

DANFORTH AMENDMENT NO. 2924

Mr. SIMPSON (for Mr. DANFORTH) proposed an amendment to the bill (S. 1607) to provide for the settlement of the water rights claims of the Northern Cheyenne Tribe, and for other purposes, as follows:

On page 36, strike line 8 and insert the following:

SEC. 12. APPLICATION OF PROVISIONS REGARDING ALLOCATION OF WATER RESOURCES.

(a) FINDING.—Congress finds that the allocation of water resources to the Tribe under

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Edwards (TX)
Emerson
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Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Zeliff
Zimmer

NAYS—14

Armey
Ballenger
Crane
DeLay
Goodling
Goss
Hancock
Hyde
Kolbe
Lewis (CA)
Lowery (CA)
Petri
Quillen
Young (FL)

NOT VOTING—7

Bustamante
Campbell (CA)
Hefner
Hopkins
Oberstar
Savage
Yatron

□ 1559

Mr. PETRI changed his vote from "yea" to "nay."

Mrs. KENNELLY and Messrs. McHUGH, NUSSLE, COX of California, DOOLITTLE, and GILCHREST changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION DISAPPROVAL

Mr. ASPIN. Mr. Speaker, pursuant to section 2908(d) of Public Law 101-510, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (House Joint Resolution 308) disapproving the recommendations of the Defense Base Closure and Realignment Commission, as submitted to the President on July 10, 1991.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Wisconsin [Mr. ASPIN].

The motion was agreed to.

□ 1601

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 308, with Mr. MFUME in the chair.

The Clerk read the title of the joint resolution.

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

The CHAIRMAN. Pursuant to section 2908 of Public Law 101-510, debate on the joint resolution shall not exceed 2 hours.

The text of the joint resolution is as follows:

H.J. RES. 308

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the recommendations of the Defense Base Closure and Realignment Commission as submitted by the President on July 10, 1991.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ASPIN] will be recognized for 60 minutes in opposition to the joint resolution, and a Member in favor of the joint resolution will be recognized for 60 minutes.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the joint resolution.

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 60 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I ask unanimous consent to yield 30 minutes of my time to the gentleman from Alabama [Mr. DICKINSON], the ranking member of the Committee on Armed Services, and that he may yield blocks of time.

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

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, of my 60 minutes, I ask unanimous consent to yield 30 minutes, to the distinguished gentleman from Michigan [Mr. DAVIS], and that he be allowed to yield portions of that 30 minutes to other Members.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

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

Mr. Chairman, let me briefly recap where we are today on base closures. Basically, we're now at the tail end of a process that began 1½ years ago.

Back in January 1990, the Secretary of Defense sent forth to Congress a list of proposed base closures in the United States. He did this before writing a new 5-year defense plan, and without the kind of objective justification materials any junior analyst would expect to see.

It was clear to me then—and it remains clear to me now—that the substance of closing domestic bases is right. As we reduce our military forces by 25 percent over the next 5 years, we should close bases that are no longer necessary for our national security. But the way the Secretary went about the business of trying to close bases was all wrong. So Congress wrote a new law to get the process back on track.

This new law was part of last year's defense authorization bill and it contained certain key parts.

First, it said we need a force structure plan so that we know what kind and how many forces we need for the future.

Second, it required a set of objective criteria—like cost savings, for example—against which closure decisions could be analyzed and judged.

Third, it established a new bipartisan commission to review the Pentagon's proposed closure list to ensure that it flowed from the force structure plan and the objective criteria. No partisan politics allowed.

Fourth, it required the process to be completely open and accessible—for Members of Congress, local communities, the military, GAO—everyone that had a view could be heard.

Fifth, it gave the President and the Congress a final period to review and reject the Commission's work if either saw fit. The President has already approved the package before us. It will soon go into effect automatically unless both Houses of Congress pass a resolution of disapproval rejecting the package in its entirety.

And sixth, it streamlined current law on base closures to allow for the expeditious closure of bases once the decision to close had been fully reached under the process.

Today we are on step five. After 2½ months of hearing extensive testimony from many witness, visiting each base recommended for closure and reviewing alternative closure possibilities, the Base Closure Commission announced its final recommendations for closure and realignment. In all, 34 bases are recommended to cease operations and 48 others are recommended for realignment. There is a one-time cost of $4.1 billion associated with the package, with annual savings thereafter of $1.5 billion.

During the course of this debate, you will no doubt hear from various members that the Commission made a mistake in the case of one base or another. I certainly would not rule out the possibility that some mistakes were made—and certainly the Commission would be the first to admit that some of its decisions were extremely close judgment calls.

The key question for today's debate is whether the overall process fulfilled its promise of fairness and whether it produced a reasonable result. The answer, I believe, is yes.

In a few minutes, we will all be asked to vote on the Resolution of Disapproval before us. If you support the work of the Commission, you should vote "no." If you wish to reject the work of the commission, you should vote "aye."

I urge my colleagues to vote "no."

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

Mrs. SCHROEDER. Mr. Chairman, I yield myself 2 minutes.

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, I rise in support of House Joint Resolution 308, disapproving the recommendations of the Defense Base Closure Commission.

Mr. Chairman, we made a lot of progress between base closure I and base closure II in making the process fair; but we overlooked some very important issues that in my opinion contribute to a flawed process. Taking out the ability to look at foreign bases meant there is no overview.

I really feel very strongly there are other serious questions surrounding the Commission's work and the law as we wrote it. I would like to share with you some of the problems.

No. 1, we did not clarify whether whistleblower protection extended to those who could have contributed to the process. The commission made everyone testify in public, and whistleblowers just could not talk without guaranteed protection. This is an outrage because those of lower rank could not explain the pressure from the top to change numbers.

No. 2, I am very concerned about the problems GAO outlined with the Navy recommendations and I question whether the Commissioners took the criticisms seriously enough. The Navy has now escaped two closings, thumbing their noses at the process.

No. 3, GAO told us they did not have adequate time to analyze the issues in depth. It was really a rush procedure and lengthening the process would allow GAO to go beyond the package given them by Defense.

No. 4, one of the big problems that emerged was that one-third of the staff for the Commission came from the Department of Defense and ended up in supervisory roles. The military detailees should have been in support roles only and not in charge. We had not anticipated they would be in charge and certainly did not intend it. There were a lot of questions raised—especially in regard to Maine and Colorado—concerning whether we ever got any real information past the Air Force colonel in charge. The DOD detailees were only assigned to the Commission staff for a short period of time after which they would go back to the military where their promotions would be dependent on the people who put the closure list together in the first place. Obviously, it was hard for them to objectively and publicly criticize their superiors. This should be changed before the next round of closures.

No. 5, the Commission told my city not to put on pep rallies, just deal with the facts. Then some Commissioners said they voted for another base than Denver because they put on a 10,000-person pep rally.

And finally, we have gone through two of these base closure drills and have not yet established the priority of closing overseas bases. It seems to me if anyone looked at our overseas bases versus our domestic bases, there is absolutely no question where the real money would be saved. I find it ironic that the only way we seem to be able to close overseas bases is to have a volcano go off.

When you realize that we still have 220 active installations in Germany that probably cost more to maintain than almost all the installations in the United States put together, one has to wonder why we are closing domestic bases first.

But, we have not been able to include overseas bases in the base closure process because, until today, we were unable to get the votes.

In addition to my concerns, Jim Courter, Chairman of the Base Closure Commission, indicated in testimony before the committee that the Commission itself will have recommendations for further improvement of the base closure process later this fall.

I can assure you we will be looking at all of these issues in an effort to perfect the process before 1993.

Mr. Chairman, we have made it better, but we are not there yet. For this reason, I intend to vote "aye" for the resolution of disapproval.

□ 1610

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

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

Mr. DICKINSON. Mr. Chairman, we all acknowledge the need to close some military bases. As we reduce our military structure by 25 percent, including reductions of approximately half a million active duty personnel over the next 5 years, we must also confront the need to reduce the military bases both at home and abroad.

Closing bases is painful for the families and the communities involved, and we do not have much practice at it. Up until the 1988 Commission's recommendations, Congress had actively prevented the Department of Defense from closing a domestic base for 17 years.

This was why we had to come up with the concept of a commission.

Unfortunately, when Secretary Cheney proposed additional base closures in 1990, Congress returned to form and rejected the proposal by calling it partisan. Personally, I did not find this to be the case, but this was the general hue and cry that we heard here on Capitol Hill. So we reinvented the wheel by creating another Base Closure Commission.

Those of us involved in drafting the new Commission's charter were mindful of the need to make this latest round of closure recommendations as fair and open as possible. I think we succeeded. We created an independent Commission and charged it with draw-

ing up a base closure list that was based on a publicly announced set of specific criteria.

I believe beyond a shadow of a doubt that the Courter Commission acted in conformance with the process created by Congress for reviewing and finally selecting bases for closure and realignment. The same is true of a large bipartisan majority of members of the House Committee on Armed Services.

Last week, by a vote of 17 to 2, the Subcommittee on Military Installations and Facilities approved the Commission's work and its recommendations to close 34 bases and to realign 48 others. Support for the Commission was reaffirmed the next day by a full committee vote of 46 to 8.

Mr. Speaker, like many of my colleagues, I anticipate that some additional fine tuning of the base closure process will occur. Lessons learned from the 1988 Commission were incorporated into the charter of the Courter Commission, and as has been pointed out, I am sure that what we learned this year will result in improvements to the 1993 Commission. However, fine tuning the process must not stand in the way of our shutting down or realigning the military bases in question today.

Mr. Speaker, before closing let me comment briefly on this issue of overseas bases I have heard a number of people talk about the need to close overseas bases. No one denies that this is the case. What I cannot understand is why these same people continually suggest that no overseas bases have been closed. Up until today, there were 235 overseas bases affecting 97,000 U.S. military and civilian personnel that the Secretary of Defense had proposed for closure or realignment. Today. an additional 79 overseas bases were announced which means 314 overseas bases have now been identified and proposed for closure or substantial realignment by the Secretary of Defense.

I think the Secretary of Defense is getting a bum rap when we say that he has not been working on closing bases overseas. Despite all of our hand wringing, most of them are governed by treaties, memorandum of understanding, and status of forces agreements with foreign countries that the Congress is not well equipped to deal with. Let the record show that 314 have been proposed for closure, and more are coming.

Let me say in closing, Mr. Speaker, that I endorse the recommendations of the 1992 Defense Base Closure and realignment Commission. I think that it has been a fair and open process. I strongly urge my colleagues to join me in voting against the resolution of disapproval.

Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. MARTIN] be allowed to control the balance of my time, and that he be able to yield blocks of time at his discretion.

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

There was no objection.

Mr. DAVIS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY].

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

Mr. ARMEY. Mr. Chairman, I rise in strong opposition to the resolution.

Mr. Chairman, I rise in strong opposition to the resolution and in favor of the proposed base closures and realignments.

Mr. Chairman, our purpose here today is not to decide whether or not we like the proposed closures or are enthusiastic about the dislocations they will undoubtedly cause; certainly none of us is. I myself am quite concerned about the proposed closure of Carswell Air Force Base near my district. Thousands of people are employed directly or indirectly by the base. I am very aware of the pain that this will cause many of them.

Our purpose, rather, is to judge whether or not the decision to close these bases was made reasonably.

In this procedure—which is very similar to the one contained in a bill I first introduced in 1987 and which is successfully leading to the closure of some 86 installations—we agreed to remove these decisions from the realm of politics and to abide, within broad limits, by the judgment of a nonpartisan body. We did so for very good reasons.

For several decades before 1987, base closing decisions were often contaminated by unworthy political considerations. Although it was certainly necessary to close many older installations as military circumstances changed, various administrations and the Congress proved incapable of making these decisions on objective military grounds. Too often, bases were closed or kept open in order to reward or punish the Members of Congress representing them.

This lead to some unfortunate results. During the late seventies, several statutes were enacted that made it effectively impossible for the Defense Department to close even the most wasteful large installations. By reading the legislative history, I am convinced that this legislation was passed precisely to prevent bases from being closed for political—or at least nonmilitary—reasons. As a result, no major base was closed for over 12 years.

This unusual procedure is the answer to this problem. Under it, a nonpartisan Commission is permitted to review base closing recommendations. If it approves them, the protective statutes inhibited base closures are waived or modified. Congress' and the administration's ability to amend the recommendations are sharply limited.

This is a simple matter of good government. Just as a municipality may choose to have city contracts awarded or utilities directed by a professional manager rather than the city council in order to limit the possibility of favoritism, we have decided—again, within broad but important limits—to allow a nonpartisan body to make this type of decision subject to our oversight.

Having so decided, it is our task today to decide only whether or not there was a glaring error in the Commission's work or if we have some other overriding reason to doubt the Commission's judgment.

I believe that if one reads the Commission report, studies the analysis done by the GAO, and the report accompanying this resolution of the Armed Services Committee, one will find that there is no overriding reason to stop this process. The correct vote on the resolution is then to vote "no."

Let me add that one huge advantage to this base closing procedure is that it allows a base closing decision to be made with some finality. In the past, proposed base closings were often disputed for year before a final verdict was rendered. That was the worst of all possible worlds. Even if the base was eventually saved from closure, the businesses around the base were greatly harmed by the persistent uncertainty.

Under this procedure, however, all the communities affected had a chance to thoroughly make their case for their base. Now, this time of deliberation will come to an end and the decision will be made. At this point, communities can roll up their sleeves, pull together, and find the best way to adjust to the base closure.

I have no boubt that many, if they are hard-working and skillful, will do quite well. In the past, communities have often responded to base closures by turning the closed facilities into airports, schools and community colleges, industrial parks. Often they have ultimately employed more people and offered a larger tax base than the community enjoyed when the military was operating the property. There is hope after a base closure.

As difficult as this issue is, I am absolutely convinced that no one can truly benefit by maintaining installations that could and should be closed.

I urge the House to reject this resolution.

Mr. DAVIS. Mr. Chairman, I yield 6 minutes to the gentleman from Pennsylvania [Mr. WELDON], a member of the Committee on Armed Services.

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

Mr. WELDON. Mr. Chairman, I rise in strong support of the resolution of disapproval today. Lest someone label me a member of the Sour Grapes Caucus, let me say at the outset, No. 1, I have consistently disagreed with the 5-year defense cuts that have been projected by the Committee on Budget and by the Department of Defense. I think we are cutting too fast, and we will have damage far beyond what we understand today.

No. 2, I supported the base closing process in the legislation. I supported it because I wanted to remove politics of the process of closing bases, and I think to a large extent, we have done that from the standpoint of Republican versus Democratic politics.

What we have not done is remove the internal service politics that has played such an important role in deciding which facilities to close.

Finally, let me say that I was one of the only Members in this Congress that offered a base for closure in my former home town, where I was the

mayor. I have tried for 4 years, including offering an amendment accepted as part of the base closing legislation, to give communities preference to close facilities where they want to shut them down. So I have tried to close a facility, and I was turned down by the Base Closing Commission as well as the Department of Defense.

My problem, Mr. Chairman, and other problems that Members will hear during this debate today, lies totally with the Navy.

□ 1620

The Navy's process was flawed. In fact, the process the Navy used was nonexistent. It was a sham. It was a rubber stamp process from the beginning. I tried my darnedest to find that rubber stamp in the Pentagon and, Mr. Chairman, I finally found it and here it is.

During the entire process the Pentagon used this rubber stamp to push through a process that was in fact totally flawed.

As a matter of fact, 2 months prior to the actual listing of the regulations and requirements for the base closing process, we were able to obtain a memo from Admiral Hekman, who up until May 1 was responsible for naval shipbuilding nationwide. That memo was dated December 19, 1990.

I would like to submit it for the RECORD at this point:

DEPARTMENT OF THE NAVY,
NAVAL SEA SYSTEMS COMMAND,
Washington, DC, December 19, 1990.

From: Commander, Naval Sea Systems Command.
To: Chief of Naval Operations (OP-04).
Subject: Realignment Data for Philadelphia Naval Shipyard.
Ref: (a) COMNAVSEA ltr 5000 OPR 07FB/FO373 Ser: 00/6224 of 20 Nov 90. (b) CINCLANTFLT ltr 4700 Ser N436/007378 of 14 Sep 90.

1. In reference (a), I provided information relative to the proposed realignment of Philadelphia Naval Shipyard, while maintaining the propeller shop and foundry, the Naval Shipyard Systems Engineering Station (NAVSSES) and the Naval Inactive Ship Maintenance Facility (NISMF). While I realize that the Secretary has been briefed and has concurred with the proposal to mothball Philadelphia Naval Shipyard, I strongly recommend that this decision be reconsidered. It is more prudent to downsize Philadelphia Naval Shipyard to approximately the size of a Ship Repair Facility (SRF) in order to support Navy ships in the New York and Earle homeport areas. In reference (b) CINCLANTFLT outlined the history of Atlantic Fleet depot maintenance problems with marginal ship repair contractors. A Navy industrial capability is required in Philadelphia area to provide a safety valve when a private sector shipyard is unable to complete awarded ship work.

2. Further, recommend that the drawdown of Philadelphia Naval Shipyard to an SRF-size shipyard not be done until FY 93, as the shipyard is required to support scheduled workload until that time.

P.M. HEXMAN, JR.

DEPARTMENT OF THE NAVY,
NAVAL SEA SYSTEMS COMMAND,
Washington, DC, March 15, 1990.

From: Commander, Naval Sea Systems Command.
To: Chief of Naval Operations (OP-04).
Subject: Realignment Date of Philadelphia Naval Shipyard.
Ref: (a) CNO ltr Ser 431F/1U596399 of 11 Jan 91. (b) NAVSEA ltr Ser OC/6312 of 19 Dec 90.

1. In reference (a), you indicated that my recommendation that Philadelphia Naval Shipyard be downsized rather than closed was not accepted by the Base Closure/Realignment Advisory Committee. The fleet needs the capability of a naval shipyard to provide a credible repair capability able to service the Newport, Philadelphia, New York and Earle areas, as well as to provide a source of repair when a private sector shipyard is unable to complete the assigned work in the areas, as stated in reference (b).

2. Under the closure option and in interest of clarification, the 30 people mentioned in reference (a) were an estimate of the number of people required to man the drydock in a mothball status. In addition to this, 255 people would be required to man the remaining facilities: 155 to provide residual facilities support and 100 to run the propeller shop and foundry. This compares with approximately 1,200 personnel under the "small repair facility" option: 155 residual facility support, 100 to run the propeller shop and approximately 945 to perform repair work for the fleet. Any required additional support for this facility would be from another large naval shipyard such as Norfolk Naval Shipyard.

3. I continue to take the position that retention of a credible repair capability at Philadelphia for naval ships homeported in the Northeast area is the most cost effective solution:

(1) It provides the fleet with low cost, reliable repair capability.

(2) It helps spread the effects of the costs to Navy Programs of the other repair facilities (foundry, utilities, etc.).

Further, the workload distribution for naval shipyards in the 90's supports full operations at Philadelphia through mid FY 95. As previously briefed, executing a realignment of Philadelphia Naval Shipyard in FY 93 will cause significant perturbations to carrier overhauling yard assignments and could result in an East Coast CV overhauling on the West Coast.

P.M. HEKMAN, JR.

NAVAL SHIPYARD, PHILADELPHIA, PA

(FOUO) The Advisory Committee recommends Philadelphia Naval Shipyard, Philadelphia, PA, for realignment.

(FOUO) The primary work requirement of Philadelphia Naval Shipyard (PNSY) is the maintenance and modernization of nonnuclear aircraft carriers. This extensive modification and modernization program is collectively known as the Service Life Extension Program (SLEP). As part of the projected force level reduction, it was determined that SLEP overhauls would be longer be necessary as PNSY. Since workload associated with non-nuclear aircraft carriers will decline, PNSY was identified for a significant drawdown. The shipyard production shops and drydocks would be maintained in caretaker status such that they could be reactivated and put into operation in the event of emergent need. Philadelphia possesses 50 percent of the carrier capable drydocks on the east coast. Closure of these facilities reduces the carrier drydock capability to two drydocks (one under government control and the other under private ownership).

(FOUO) Due to their unique characteristics and requirements, three field activities will remain when the shipyard is mothballed: the Naval Ship Systems Engineering Station (NAVSSES), the Philadelphia Naval Shipyard Propeller Shop and Foundry, and the Naval Inactive Ship Maintenance Facility (NISMF). Additionally, one Naval Reserve Unit will remain.

(FOUO) Total Costs/Savings (SM)

Conversion Costs:	
MILCON/O&M,N	301.8
Environmental Cleanup	50.0
Total Costs	351.8
Annual Savings (BOS only)	6.0

(U) The major (over 100 personnel) tenants of this shipyard include:

NAVSSES (will stay on site)
NAVAL HOSPITAL
Two NAVAL RESERVE UNITS

(FOUO) Tenants to be moved as a result of this action:

Integrated Logistics Office Program (ILOP)
One Naval Reserve Unit
Navy Damage Control Training Center

(FOUO) Tenant relocation sites for this action include:

Norfolk Area Facilities: NAVSTA Norfolk, NAS Norfolk, Norfolk Naval Shipyard, and St. Juliens Creek Annex.

(FOUO) Tenants to be disestablished as a result of this action:

Naval Audit Service Office
Defense Reutilization Management Office
Navy Publications & Printing Service Office
Reserve Readiness Command Reg 4 Cryptological Office
ROICC NAVFAC
Naval Dental Clinic
Naval Hospital

(FOUO) The following obstacles and constraints pertain to this action:

MILCON of an estimated $19M is required to build and equip a repairable Depot Overhaul Point in Norfolk.

Strong political opposition expected.

That memo in fact says, and I will quote from that memo from Admiral Hekman, the Chief of Naval Operations:

While I realize that the Secretary has been briefed and has concurred with the proposal to mothball Philadelphia Naval Shipyard, I strongly recommend that this decision be reconsidered. It is more prudent to downsize Philadelphia Naval Shipyard to approximately the size of a Ship Repair Facility (SRF) in order to support Navy ships in the New York and Earle homeport areas.

So 2 months prior to the regulations being issued, the Navy has already made up its mind, close Philadelphia.

We talked about eight specific criteria the Navy would use that were agreed to in the law. Forget about the criteria. Throw them out the window, because the Navy did what it set out to do, and that was to close Philadelphia right from the get-go.

This rubber stamp was used by the Navy. DOD had approximately 1 month to consider the Navy's recommendations, and they used the same rubber stamp.

The GAO, as a matter of fact, on May 15 in their report, says the Navy had no process. The Navy's process was absent of criteria that would allow

the GAO to ascertain whether or not they were fair.

The GAO also then used this rubber stamp.

The Base Closing Commission then got the list. What did they say? They said, "We didn't have adequate time."

But what incensed me most was a specific request to talk to Admiral Hekman; the Base Closing Commission did not bring him in and did not allow him to state for the record that the Navy's facts and figures were in fact wrong.

Then the President had 8 days to consider the process, and he, too, used this stamp, this rubber stamp, to say that we are going to jump onboard and we are going to support this process.

Now, if I were a cynic, I would say why aim at Philadelphia? If I would look at the Navy's 2-year project, as provided to the Senate, in the second year they won $800 million of long-lead money to do an aircraft carrier, at a cost of $6 billion in 1995.

What would be the only objection you could throw in the way of that aircraft carrier in 1995? Well, it is obvious, sloughing an aircraft carrier for a cost of less than $1 billion at the only yard that does that, the Philadelphia Naval Shipyard.

It is now down to us, Mr. Chairman. We have to make our decision. Many say, "I'm safe. My case is down the list. I don't have to worry."

Let me remind my colleagues, on the back of this rubber stamp are the dates 1993 and 1995.

We will not forget that, if you support the process today. We will not forget, if you agree to a process that is so flawed as has been reported by the GAO and by everyone who has looked at what the Navy did in recommending to close Philadelphia and ignoring the recommendations of its senior NAVSEA official.

Mr. Chairman, to my colleagues I say now is the time to stand up and do what is right. I supported the law. The process that was used is not in compliance with the law that we passed.

I say to my colleagues, we will remember your vote today. We will remember it in 1993. We will remember it in 1995, so do not come back then and tell us the process is flawed at that point in time. Support us today. Support my colleagues on the committee. Support those who feel that this Base Closing Commission base process did not live up to the letter of the law, and do what I think all of us have to do, and that is the priority of Congress, and that is to reject the resolution, to allow the Defense Department to close these facilities and to reject the Base Closing Commission recommendations.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], for the purpose of entering into a colloquy.

Mr. HOYER. Mr. Chairman, the Base Closure Commission in its report reversed the Department of Defense recommendation to relocate the naval electronic systems engineering activity [NESEA] from St. Inigoes, MD, to Portsmouth, VA.

In taking this action, as the Chairman knows, the Commission found that the Department had substantially deviated from two criteria, that is the availability of land, facilities, and airspace and the cost and manpower implications.

NESEA, in southern Maryland, owns 852 acres of Government property and has another 400 acres available for expansion. The site at which they were to be relocated in Portsmouth has only 100 leased acres, from what I understand.

Further, the Commission found that:

> Development in the Portsmouth area could affect the Navy's ability to conduct tests on RADRAS and communications equipment.

My question to the chairman is: What is the committee's position with regard to this specific Commission recommendation? In light of this recommendation, do you agree that no action should be taken to relocate the NESEA facility without further action by the Congress?

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, let me be very clear to the gentleman on this point. The President supports the Commission's work in its totality by virtue of the fact that he approved the Commission's package and transmitted it to Congress under the law. I personally support the Commission's work in full. The committee, by reporting the resolution of disapproval adversely, supported the Commission's work in its totality. And now the House will have the opportunity to support all or none of the Commission's recommendations when we vote on House Joint Resolution 308.

Assuming the House votes down the Resolution of Disapproval, all of the Commission's recommendations will go into effect. No one—not the Navy, not DOD, and not the Congress—is permitted to pick and choose which recommendations they wish to respect and which they wish to ignore. That is the process under the law and we are all bound to uphold it. Neither the Navy nor DOD should take any action to undermine this process by unnecessarily reducing functions at bases the President and the Commission have ordered to remain open.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his diligence and for his consideration of this issue.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA], the distinguished author of the resolution and one of its cosponsors.

Mr. FOGLIETTA. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, today, closing military bases is as popular as apple pie. It is hard to fight such a popular movement. Our defense budget is declining, and I support that. Military bases will be closed, and I support that, too.

Nevertheless, I urge my colleagues to support the Foglietta-Snowe resolution to disapprove the Base Closure Commission's list. This process was supposed to be fair and objective. But it was not fair. How was it unfair? Regarding the Philadelphia Navy Yard, let me count the ways.

It was not fair because the facts were ignored. We proved that the yard's workers are the most efficient and most cost effective in the Nation. Chairman Courter acknowledged this fact on various occasions. But efficiency and cost savings were disregarded.

We proved that the yard was necessary for reasons of national defense. That is because, among other reasons, the Navy needs the yard's drydocks for work on aircraft carriers, and other large conventional ships. But these facts go buried in the process.

It was unfair because the Navy hid the facts and muzzled its officials. It hid the fact, for example, that closing the Navy yard will cost $1 billion, $900 million more than what the Navy told the Commission. It tried to hide memos from Adm. Pete Hekman, the former Commander of Naval Sea Systems Command. He urged keeping the navy yard open.

It was unfair because the Commission stacked its staff with detailees from the Pentagon. The Commission then ordered this staff to independently review the recommendations of their former and future bosses. That is like asking Saddam Hussein to conduct an independent review of America's military.

It was unfair because it was biased and subjective. The Navy's own controller almost bragged that, of course, the process was subjective. He said that a subjective—and thus illegal—plan was necessary because if they went by the numbers, quote, they would have closed the wrong bases, unquote.

It was unfair because the pain of base closure was not shared equitably. Some States got off scot-free. But Pennsylvania took a beating—35 percent of all civilian jobs will be lost by Pennsylvanians; 65 percent of all Navy jobs will be lost by Pennsylvanians. Is that equity?

It was unfair because the proposal calls for the navy yard to be mothballed. Thus, not only will 47,000 people lose their jobs, but there's no environmental cleanup, no economic conversion, no way to develop new jobs, and no way for the city to start earning tax revenues from this 2-mile, priceless waterfront property.

This litany of unfairness must be rejected. The men and women at the Philadelphia Navy Yard have made

their contribution to our national defense.

Please tell them that their work has not been in vain. Vote for the Foglietta-Snowe resolution.

Mr MARTIN. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida, [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, in my testimony to the defense base closure and Realignment Commission, as well as in a working meeting with Chairman Courter and a member of that Commission, I spoke about the possible impacts upon the Tampa Bay area of the proposed closure or realignment of MacDill Air Force Base in Tampa, FL.

I was—and, to a large degree, still am—concerned that the Commission's recommendation to realign MacDill could result in loss of the runways at that important military facility.

In fact, as far as MacDill is concerned, I beleive that this could wind up defeating the entire purpose of this exercise, which is to cut costs to the taxpayer by closing obsolete or unnecessary military bases. MacDill is neither.

In Operation Desert Storm, America's special forces played absolutely crucial roles in bringing the conflict to a rapid and successful conclusion. MacDill serves not only as the home of General Schwarzkopf's central command, but also as the headquarters of Special Operations Command, and, thus, it was intrinsically involved in the role our special forces played in the Kuwait theater.

Also, notwithstanding MacDill's proven value in international force projection, its strategic location in the midst of the Caribbean Basin makes it a very valuable regional asset as well.

Under the Commission's recommendation to the President, the tactical fighter training operation will be transferred to Luke Air Force Base in Arizona and the airfield will be closed. However, special operations command will remain at MacDill, and I believe it would be a mistake to tear out the runways there—if that is in fact the ultimate objective.

It can accommodate almost any aircraft type, and two of the largest military actions in recent memory—Operation Desert Shield/Storm and Operation Just Cause in Panama—were staged through MacDill. Furthermore, it seems to me that having runway and aviation facilities at MacDill certainly facilitate the full and effective functioning of Special Operations Command.

Mr. Chairman, I believe it would be a grave mistake to remove the runways from MacDill—some of the longest and widest in the entire Nation. I appreciate the necessity to alter the scope of our military in light of world events, and I support efforts in this regard and shall vote against the legislation to disapprove. However, I believe that forever destroying the proven capabilities of the important strategic and regional asset represented by the runways at MacDill Air Force Base would not serve this purpose.

I earnestly hope that the Department of Defense will bear this in mind in its realignment plans for MacDill in both the near and long term.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY]

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

Mr. MONTGOMERY. Mr. Chairman, I would like to say that I am the ranking majority member of the Subcommittee on Military Installations and Facilities chaired by the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. Chairman, I rise in support of the recommendations made by the Base Closure Commission because I think the process was fair and open. So I ask my colleagues to vote "no" on House Joint Resolution 303.

Mr. Chairman, I mainly want to comment about the Commission itself. The seven individuals on this panel in my opinion did an outstanding job. It is a very unpopular and thankless task to be involved in a situation that will result on the loss of jobs and the closing of installations that have been in communities for many years. This commission probably had one of the toughest assignments that has ever been given to any group in Federal service—but they did it with dignity, with compassion, and in my opinion with fairness.

Chairman Courter and the Commission members were very knowledgeable about the law governing base closures and about each individual base under consideration, and they conducted all of their business out in the open. There were never any secret meetings, no executive sessions. They were very careful not to go to lunch in groups of more than three to make sure there was never a quorum present.

Anyone who wanted to call the Commission or staff members could do so, and they returned your calls. These people were accessible at all times.

I also want to commend the staff for the very difficult job they had. The work required long hours but they handled it well.

Now, I would hope, Mr. Chairman, that we would not make major changes in the base closure law at this time. I think we should wait and hear from Members of Congress, from the Commission, and from the staff before we make any recommendations. We can look at this situation in 1992. I ask my colleagues to vote "no" on this resolution.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS], a distinguished member of our subcommittee.

Mr. EVANS. Mr. Chairman, I rise today in support of the resolution to disapprove the Base Closure Commission's recomendations.

I do so because I am deeply disturbed by the process. I believe in the rush to close installations we have not carefully exmained the facts. This despite the fact that our success in Desert Storm was due in large part to many of the installations now on the list.

GAO's role in the process should shed some light on its shortcomings. As you may remember, the law establishing the Base Closure Commission asked GAO to review closure and realignment data to insure its integrity. In essence, the GAO was supposed to be the honest broker of the process. Yet, GAO couldn't fulfill this role because it never had the time to take a careful look at the information. GAO's report is filled with references of time constraints. This should come as no surprise since GAO had only a month to look at the data. A prime example is how this affected GAO's work on the Rock Island Arsenal.

When Rock Island was identified as a target for realignment, I obtained the data on all of the realignments in Rock Island's superior command, the Army Materiel Command [AMC]. After reviewing it, I could see it was significantly flawed. It was clear that Rock Island was never considered as a recipient of AMC commodity functions. This happened despite the fact that Rock Island is the home of AMCCOM, a major commodity command. In addition, the data did not include the arsenal's large supply of unused office space.

GAO should have revealed these inconsistencies, but it did not have the time. A good example is the method on which the GAO reviewed Army data. GAO used the AAA [Army Audit Agency] to confirm installation data. Instead of checking the data itself, GAO only examined AAA's auditing methods. The failure to closely scrutinize the data is even more disturbing when you consider that the AAA reviewed data at only 16 Army bases. According to GAO, data on Rock Island was not reviewed by the AAA. In effect, significant inconsistencies were never checked.

So, Mr. Chairman, I urge my colleagues to take a close look at the Commission's recommendations and urge them to support the resolution to disapprove.

Mr. MARTIN. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jerey [Mr. SAXTON].

Mr. SAXTON. I thank the gentleman for yielding to me.

Mr. Chairman, this has not been an easy process. It has certainly been a long process. For this gentleman, this process has been going on now for 3 years. It has been consuming, it has been very difficult and, at some point, it has been almost all we have done with our lives.

At some point it has even gotten a little humorous. At one point one of the gentlemen from the other side of the aisle decided that my middle name was Fort Dix.

While we were successful in our efforts to convince the BRAC Commission to preserve Fort Dix, the result for other bases was not so fortunate. In particular, the Philadelphia Navy Yard.

□ 1640

Mr. Chairman, the Philadelphia Navy Yard is an important part of the Delaware Valley economy, and the result for other bases around the country, I am sure, was very difficult as well. The decision to close the Philadelphia Navy Yard is one that has caused consternation and concern throughout our entire area, and I commend the Philadelphia delegation, the Pennsylvania delegation and the gentleman from New Jersey [Mr. ANDREWS] for the fine work that they did in making the case of the Philadelphia Navy Yard.

Mr. Chairman, despite my personal feelings about the Navy Yard, I believe the commission carried out its mission in a fair and conscientious manner. It truly was an independent commission, void of any special interests or bias. Its deliberations were carried out in an open forum, which is a distinct difference from the 1988 Commission. This open forum was available, not only to Members of Congress, but to impacted citizens as well, and, unlike the previous Commission, at least one Member of the body visited each and every base under consideration.

Mr. Chairman, in my mind every possible step has been taken to insure that the report is fair and best satisfies our national security needs, and that is exactly the way Congress ordered the Commission to carry out its business. Unfortunately we all knew that the downsizing of our military would demand sacrifice.

Mr. Chairman, I also would like to take this opportunity to commend the individuals in the communities surrounding Fort Dix for their successful effort in gaining the base an opportunity to earn an important military mission. I hope everyone understands that for me to vote against this report today would be to rebuke the work of the many dedicated people in the Fort Dix community and the decision made on Fort Dix by the Commission. Our credibility would be placed in serious question, and those who paid heed to the case we made for Fort Dix, and so today I will vote to support the Commission's decision.

Mr. DAVIS. Mr. Chairman, I yield 10 minutes to the gentlewoman from Maine [Ms. SNOWE] who has followed this process diligently for the last few months.

Ms. SNOWE. Mr. Chairman, I thank the gentleman from Michigan [Mr. DAVIS] for being so generous in yielding this time. I also, Mr. Chairman and members of the committee, want to express my gratitude to the gentleman from Pennsylvania [Mr. FOGLIETTA] for his leadership and action on this resolution and to the gentlewoman from Colorado, the chairwoman of the subcommittee, the gentlewomann from Colorado [Mrs. SCHROEDER] for her leadership as well.

Mr. Chairman, let me just say to my colleagues at the very outset that, first of all, I understand how our efforts are going to be dismissed because somehow our bases were closed, and, therefore, this must be purely parochial. Well, let me just issue a cautionary word. Our experience with this process could be visited upon my colleagues and their constituents if they have a military facility or installation in their district, and there are two more rounds in 1993 and 1995 that are mandated, will be mandated, by law. So, I hope that my colleagues will listen very carefully.

Mr. Chairman, I know that some try to portray our comments as less than legitimate, and, therefore, we have no standing in this debate. To the contrary. My colleagues ought to listen very carefully.

A simple question: Why was this process established in the first place? Well, the assertion was that congressional politics blocked the closure of any base in the 1980's. Well, the very fact is the Reagan administration never made any requests for closing any bases in the 1980's. This process was intended to remove the supposed evil of congressional politics from the base closure process.

What was left after doing so? Well, we do not have a politics-free zone here. This is different. We now have a new substitute, and that is Pentagon politics. Pentagon politics drove this process from the word go.

Our experience in Maine with Loring Air Force Base provides a vivid example of this unfortunate reality, Mr. Chairman. There are nine basic criteria by which the commission and the Pentagon were to judge each base. We were told that the first four criteria were the ones that they were going to use to judge these bases exclusively. There were the key military and strategic criteria, essentially how well a base could be used to fight a war today, as well as into the future. We in the Maine delegation accepted that completely.

By that benchmark, Mr. Chairman, we were confident that a convincing case could be mounted for Loring. Our objection was not to close other bases, but our objective was to demonstrate that Loring should not be closed. We showed that Loring, for example, was the closest base in the continental United States to the Soviet Union east of the Urals, to Europe and to the Middle East. There are no restrictions on the air space. In fact, Secretary Don Rice said that this was a key consideration in evaluating the military importance of a particular base.

Loring is a megabase. It was built for fighting wars. It has enormous capacity, second in all of SAC. It has two runways, and only two other SAC bases have two runways. It has the largest capacity for weapon storage and for fuel storage in all of SAC. We have spent more than $300 million at Loring Air Force Base in this last decade.

My colleagues can understand why the Maine delegation thought we had a good case to make. If one out of the three SAC bases in the Northeast was to be closed, after all one would not close the one that has the most operational flexibility or the greatest expansion for the future beyond the turn of the century. In fact, it also has the best geostrategic location, but at every turn Loring's assets were downplayed or misrepesented by the Air Force, and flaws at other bases were overlooked.

For example, Mr. Chairman, SAC estimated that it would cost $144 million to upgrade Loring to code one. The base officials said, "No, it will only take $26 million." The base officials said that it would only take $1 million to upgrade the roads at Loring Air Force Base. Well, lo and behold, SAC officials said, no, it would take $4 million." The visiting Commissioners saw the roads, and they say they were immaculate and that this $34 million was absurd.

Meanwhile, costs to upgrade at other bases were low balled. The hospital at Pattsburgh Air Force Base; officials there said it would cost $40 million for upgrading. What did SAC give to the Air Force Base executive group? Two hundred sixty thousand dollars. That is Pentagon politics.

Now my colleagues might say the Commission was independent, so none of these Air Force machinations should have mattered. An independent commission, one would think, would be able to see the Air Force's manipulation and take appropriate action. We thought that way, too. But how independent could any commission be which was staffed by active duty Air Force officers? Far from providing objective expertise, these officers consistently championed Air Force positions. Do not forget, they had to return to their regular positions at the Pentagon.

The lack of neutrality is best illustrated by a comment of a senior Air Force officer on the Commission staff made during the meeting with the Maine delegation staff, he said:

> If Loring survives, I had better not see any military construction requests come over for Loring.

Mr. Chairman, that is Pentagon politics, and it did not stop with the Air Force's presence on the Commission. Air Force officials and the Secretary of the Air Force made numerous contacts with commissioners. In fact, it

got so bad that the Secretary of the Air Force issued a press release the day before the Commission's final deliberations calling for the closure of one base, Loring Air Force Base. He even recruited Gen. Colin Powell to press his case. Clearly the Secretary was worried that the facts did not support the conclusions or that the Commission was leaning toward Loring, as evidenced by their June 16 meeting. In fact, one Commissioner was suggesting expanding Loring.

What we have seen to everyone's shock and amazement on that final night of June 30 was a discussion that did not focus on Loring's strategic and military merits. No, it focused on something else that was a noncriterion, quality of life. Never mind that, as one Air Force official said, one cannot measure quality of life, never mind that the GAO had rejected that quality of life being used as a criterion, and never mind that Commissioner Duane Cassity, a retired Air Force general, noted in a June 6 meeting how nebulous the concept was. Yet on that night, the final night of deliberations, General Cassidy said that, if he had vacillated between Loring and Plattsburgh, and that, if everything else was equal, and I quote, he "couldn't find anything but quality of life as a discriminator" between the two bases. If General Cassidy and the Commissioners were trying to find the discriminating factor, other than military criteria, they should not have turned to one of their own making, but to one of the eight legitimate criteria, such as economic impact of the base closing on the community.

□ 1650

Instead General Cassidy went so far as to say that the devastating economic impact of Loring's closure, worst in the Air Force, was proof positive that the quality of life there was poor. He said, and I quote, "For the very reason that business won't go there, you are asking a GI to move there."

In effect, he turned what should have been a criterion supporting Loring, economic impact, into an argument for its closure. Pentagon politics.

This was the first time the Commission had publicly discussed quality of life as a determining factor. It was not in the Pentagon guidelines. It was not a criterion. No documentation and no data was assembled to prove that assertion.

In fact, the delegation had no opportunity to counter that claim as we most surely would. Again, Pentagon politics.

Then finally, I should say the question of air space. Secretary Rice told the Commission, and I quote:

> The one factor we focused on more heavily than anything else was air space and encroachment, not just the current situation but forward 10 or 20 years.

Loring's air space, as I have said, is unencumbered, in contrast to every other SAC base in the Northeast. This was not a consideration for the Air Force. In fact, a week and a half ago, they were up in northern Maine where Loring is located asking for 3,700 low-level military training flights flying at 300 feet. So obviously air space is very important to the Air Force, but not when it comes to considering the future value of Loring Air Force Base.

We have suggested that they take their flights elsewhere and they should not disturb the pristine quality of life in northern Maine.

Thus, in the final analysis, it appears that the Commission and the Air Force felt it was more important to have access to concerts than unencumbered air sapce. They felt it was more important to be close to Montreal and Lake Placid than the Soviet Union and the Middle East. They felt it was more important to provide off-base recreation than on-base expansion in the future.

Mr. Chairman, members of the committee, this is just an illustration of what the State of Maine went through in trying to mount our case before the committee. We found that there was a biased staff, illegitimate criteria and the failure to use accurate information by the Air Force. This could happen to you, and that is why I am urging members of this committee to vote for the Foglietta-Snowe resolution, because if we vote against it, we are embracing this process.

I might finally say to the members of this committee that I would hope that those who are anxiously embracing the Commission's work would also equally be anxious in embracing legislation to support economic conversion and to cleaning up the hazardous waste sites on these military installations. Our responsibility does not end with this legislation. It just begins.

Mr. Chairman, I submit for the RECORD the following report:

REPORT TO THE 1991 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION—LORING AIR FORCE BASE, MAINE, MAY 22, 1991

(From the Governor of Maine, the Maine Congressional Delegation and the Save Loring Committee)

INTRODUCTION

The Secretary of Defense, upon the recommendation of the Secretary of the Air Force, identified six Strategic Air Command (SAC) bases for closure. Loring Air Force Base, in Limestone Maine, is one of the six bases on the closure list.

The Air Force analysis upon which Senior Defense Department officials based their recommendations, contains numerous factual errors and is methodologically flawed. In the case of Loring AFB, the analysis fails to give sufficient weight to the strategic importance of the base's location, capacity, and operational flexibility. It also seriously misrepresents the condition of the base's facilities and grossly underestimates the devastating local economic impact of closure.

This report identifies errors in the Air Force analysis and provides accurate data concerning all pertinent aspects of Loring AFB. An accurate assessment must conclude that, given its strategic location and extraordinary capabilities, Loring AFB offers unparalleled flexibility and capability for meeting the national security challenges of the future.

This report clearly demonstrates that in selecting Loring AFB for closure, the Air Force substantially deviated from the Final Criteria established by the Defense Department for base closure.

COMMENTS ON GENERAL METHODOLOGY

"Front loading" base closures

Title XXIX of Public Law 101-510, entitled the "Defense Base Closure and Realignment Act of 1990", established the authority of the Commission to preside over base closures for three years, 1991, 1993, and 1995. This legislation clearly reflects Congressional intent that the base closure process take place in three intervals of two years each.

In making its 1991 recommendations to the Commission, the Air Force apparently ignored this intent and instead recommended all anticipated base closures in the first year (1991) of the process. In his testimony before the Commission on April 15th, Secretary of the Air Force Donald Rice confirmed that the Air Force had "front loaded" their recommendations for closures by putting them all before the FY91 Base Closure Commission. Secretary Rice stated:

> [W]e might only get one bite at this apple. The law says there will be three commissions, but whether the process will be able to swallow the egg a second time or not, who knows. So we just try to get as much as we can reasonably justify and see our way clear to understand into this first package, and that was the guidance our group operated under. . . . I do not anticipate that you would see more SAC bases and more SAC bases being affected beyond the ones that we see here.

This statement raises a serious question as to whether the Air Force complied with the spirit, if not the intent, of the legislation. Three rounds of base closures are intended between now and 1996. Decisions will be guided largely by military force structure concerns, but also are expected to take into account other factors such as economic impact. The Air Force has testified that no selection on its base closure list was affected by economic considerations. The Air Force did not take an approach which might have more evenly distributed the economic hardship resulting from its decisions. This is a matter of particular concern during a period of national economic recession.

Arbitrary determination to close six (6) SAC bases

The Air Force also testified that the recommendation to close 6 SAC bases was based on anticipated force structure reductions. According to General Eugene Habiger, Co-Chairman of the Air Force's Base Closure Executive Group, 240 SAC aircraft would be retired or otherwise removed from the Air Force's force structure. According to General Habiger, the Air Force "rule of thumb" is 40 aircraft per base, therefore a reduction of 240 aircraft justifies the closure of 6 bases.

The Force Structure Plan submitted to Congress, however, does not reflect a reduction of 240 SAC aircraft. The number reported by the Plan is substantially lower.

I. STRATEGIC LOCATION

Loring AFB occupies a unique and strategically significant location at the northeasternmost point of the United States. Originally constructed to accommodate B-36 bombers, Loring AFB was sited to take advantage of Maine's proximity to Europe and the Soviet Union.

Situated at the tip of the 600 mile New England promontory, Loring AFB is the

closest continental U.S. (CONUS) base to virtually every potential conflict area east of the United States.

Potential conflict area and closest CONUS base

Europe—Loring AFB, Maine.

Soviet Union (west of Urals)—Loring AFB, Maine.

Middle East—Loring AFB, Maine.

Persian Gulf—Loring AFB, Maine.

Mediterranean—Loring AFB, Maine.

Libya—Loring AFB, Maine.

Africa—Loring AFB, Maine.

When compared with the next closest bases along the shortest, great circle routes, Loring AFB is closer to these potential conflict areas by the following distances:

Next closest USAF bases	Additional distance (beyond Loring AFB) to Europe, Middle East, Soviet Union, Persian Gulf, Mediterranean, Libya	Equivalent U.S. distance
Plattsburgh AFB, NY	310 miles	Wash. D.C.—Niagara Falls, NY.
Griffiss AFB, NY	450 miles	Wash. D.C.—Montreal, Canada.
K.I. Sawyer AFB, MI	800 miles	Wash. D.C.—Minneapolis/St. Paul, MN.

Military importance of proximity to potential conflict areas

Loring AFB's proximity to all potential conflict areas east of the U.S. offers the following military advantages over all other CONUS bases:

Shortest response time from a CONUS base;

The ability to conduct sustained operations (e.g., conventional bombing, sea control) from CONUS;

Longest on-station time from CONUS;

Lowest roundtrip fuel requirements from CONUS;

Shortest roundtrip flight time from CONUS;

Last chance for maintenance/fuel/crew rest in CONUS;

First CONUS landfall on return trip.

Loring AFB is the ideal base for the following missions

1. Strategic Bombing (SIOP)

If strategic nuclear bombers were stationed at Loring AFB they could reach all targets west of the Ural Mountains first and with the lowest roundtrip fuel consumption.

2. Conventional Bombing

Coventionally armed, Loring AFB's bombers can conduct sustained operations against any potential target east of the United States (Libya, Middle East, Soviet Union, Africa, etc.) with the shortest flight times and lowest fuel consumption of any CONUS base.

3. Tanker Operations

Loring AFB straddles the primary great circle route for the entire eastern half of the United States to Europe, the Soviet Union, the Middle East, and the Persian Gulf. As the "last stop" along that route, Loring AFB is ideally situated to provide tanker support in both wartime and peacetime operations.

4. Sea Control

No CONUS base is better situated than Loring AFB to support sea control missions in the North Atlantic. B-52 aircraft, armed with Harpoon anti-ship missiles or with CAPTOR mines, can conduct sustained operations in the North Atlantic with greater on-station time and lower roundtrip fuel requirements from Loring AFB than from any other CONUS base.

[If Loring AFB is closed, the nearest B-52 base to the North Atlantic will be Griffiss AFB, NY. B-52's flying from Griffiss would have two hours less time in the operating area.]

". . . As a country separated from many of its allies and areas of interest by vast distances we will ensure we have those forces needed to control critical sea and air lines of communications in crisis and war."

PRESIDENT GEORGE BUSH,
National Security Strategy of the United States, 1990.

5. Staging for Fighters, Special Ops, etc.

Loring AFB is ideally situated to serve as a staging base for fighter aircraft, Special Operations units, special mission aircraft (e.g., JSTARS, AWACS, RC-135, TR-1, et al.), and other aircraft or units bound for Europe, the Middle East, the Persian Gulf, etc.

As the U.S. military strategy transitions from "forward defense" to "forward presence" the importance of forward bases such as Loring AFB becomes increasingly apparent. These bases can provide the "jump off" point for units deploying in response to contingencies. And just as our forces must be prepared for the next "come as you are" conflict, so must our base structure be best suited to support those forces.

6. NORAD

At the northeastern tip of the U.S., Loring AFB's location is both ideal and essential for continental air defense. Loring AFB is the first U.S. landfall along the most likely route for aerial attack from Europe/Asia, and therefore provides the earliest opportunity to intercept incoming aircraft or cruise missiles.

NORAD currently maintains F-15 fighters on alert at Loring AFB. These fighters routinely intercept Soviet reconnaissance aircraft and TU-95 Bear H aircraft capable of carrying cruise missiles. Loring AFB-based F-15's flew 420 sorties in FY90.

In the April 26 hearing before the Base Closure Commission, Chairman of the Joint Chiefs, General Colin Powell, acknowledged that concerns had been raised by NORAD regarding the proposal to close "a New England air base" (i.e., Loring AFB).

Wartime Operations From Loring AFB

The Air Force analysis properly recognized Loring AFB's strategic value in wartime. In the four wartime criteria established by the Air Force, Loring AFB rated all GREENS:

Tanker SIOP support—GREEN.

SIOP support—GREEN.

Mating—GREEN.

Survivability—GREEN.

Loring AFB's proximity to potential targets and to the preferred great circle routes to Europe, the Soviet Union, the Middle East, etc., make it an ideal location for wartime operation of bombers and tankers.

Peacetime operations from Loring AFB

For peacetime operations, Loring AFB's ratings were somewhat lower. This results from:

1. The observation that Loring AFB is located a considerable distance from the concentration of fighter aircraft (i.e. RECEIVERS) and from the live bombing ranges in Nevada and Utah; and

2. Distortions in the Air Force methodology which attempts to reduce all bases to a common "SAC base" for evaluation purposes. This approach focuses on training but ignores peacetime operational requirements.

CERT/Low Level

Loring AFB was ranked GREEN in two of the more important peacetime training missions:

CERT—GREEN.

Low Level—GREEN.

CERT (Conventional Enhanced Release Training) is a bombing range located adjacent to the runway on which B-52's can drop practice ordnance. Loring AFB is one of only four (4) SAC bases that have a CERT.

A major Low Level training area entry point lies just 165 miles from Loring AFB. This area contains several alternative routes and training opportunities, and provides varied training options throughout the year. The preponderance of bombing and navigation training is accomplished during Low Level flight activity.

Distance to live bombing ranges/RCVRS/Tanker Saturation

While Loring AFB's location is ideal for wartime, it has the disadvantage of being far from the western Strategic Training Route Complex (STRC), and the Nevada and Utah bombing ranges—the only U.S. ranges where B-52's may drop live munitions. Since SAC training requirements only require crews to drop ordnance on these ranges twice a year, this is a relatively minor inconvenience. Far more frequent training is conducted in the Low Level route structure adjacent to Loring AFB and on the CERT which is located at Loring AFB. Furthermore, since all eastern based B-52's must fly several hours to reach the STRC and live bombing ranges this problem is not unique to Loring AFB.

Loring AFB was rated RED for "distance to Receivers" and "Tanker Saturation". This is a function of Air Force planning that recognizes the wartime requirement for locating tankers in the northern half of the country (for SIOP purposes) while stationing fighters in the southern half. This peacetime criticism of the northern based tanker location is valid, however, the importance of having the tankers properly situated for wartime should continue to outweigh this concern. Therefore, Loring AFB should not be penalized because its wartime role creates minor inconveniences during peacetime.

The Air Force failed to consider peacetime operational missions

While focusing on the distance to the STRC and live bomging ranges, (relatively infrequent training missions for all SAC bomber crews) the Air Force analysis completely ignored the importance of peacetime operational missions.

For the purposes of the Air Force analysis, Loring AFB was treated as if it were as far inland as KI Sawyer AFB (Michigan). No credit whatsoever was given in the analysis for the importance of Loring AFB's operational transatlantic refueling missions or to the training value of those missions.

In fact, the air refueling performed by Loring AFB tankers for routine transatlantic traffic provides a rich, variable, and realistic training environment for both tanker crews and receivers. Loring AFB accounts for as much as 70% of the refueling provided for operational transatlantic traffic.

Desert Shield/Desert Storm

While maintaining a credible nuclear deterrent will remain one of our military's highest priorities, the recent Desert Shield/Desert Storm operation is a timely reminder of the more likely contingencies we will face during the next twenty years.

Desert Shield/Desert Storm underscored the continuing requirement for the United

States to be able to provide prompt, massive, intensive and decisive military power. Because of its geostrategic location, Loring AFB played a pivotal role in the conduct of Desert Shield/Desert Storm, and in the return of U.S. forces from the Persian Gulf.

During the contingency, Loring AFB bombers fought from forward bases, and some Loring AFB tankers supported the effort from forward bases. Tankers operating from Loring AFB served as force multipliers by refueling bombers, transports and fighters transiting the North Atlantic to the Persian Gulf. Loring AFB also provided a last-chance opportunity for maintenance, crew rest or ground refueling before crossing the ocean.

During the return of personnel and equipment from Desert Storm, Loring AFB's location again advantaged the effort. Tankers from the base were vital to the safe transit of the Atlantic, and permitted many aircraft to proceed non-stop to their destinations. As the nation's most northeastern military facility, Loring AFB also played a vital role for many aircraft that could not safely continue to their destinations. Numerous transport, fighter and bomber aircraft returning from the Persian Gulf landed at Loring AFB for maintenance, ground refueling, or personnel services.

Between August 2, 1990 and May 10, 1991 more than 1,700 aircraft in transit to or from Desert Shield/Desert Storm made technical or refueling stops at Loring AFB. These included C-141, C-5, C-130, C-21, A-4, A-10, Boeing 707, F-16, F/A-18, F-111, P-3, TR-1, U-2, B-52, KC-10, KC-135, E-3A, EA-6B, and E-8A aircraft.

II. CAPACITY AND FLEXIBILITY

Loring AFB was built in the 1950's to accommodate 100 B-36 bombers. Consequently, its ramps, parking areas, weapons storage, and fuel storage capacities all far exceed current requirements. Loring AFB's overall capacity ranks second among all 21 SAC bases. This capacity, coupled with Loring AFB's strategic location, provides defense planners with unparalleled flexibility for future expansion.

Runways

Loring AFB is one of only three (3) SAC bases which have two fully capable runways. The second runway was completed in 1985.

Ramp space

Loring AFB's ramp space exceeds 1.1 million square yards. It ranks 2nd among all SAC bases in total ramp space and 1st in excess ramp space.

No base is better suited than Loring AFB to accommodate transient or staging aircraft.

Weapons Storage

Loring AFB's weapons storage capacity is 10,247,832 NEW (Net Explosive Weight)—the highest in all of SAC. Plattsburgh AFB, NY—the nearest SAC base to Loring AFB which is slated to remain open—has less than 28% of Loring AFB's weapons storage capacity.

Further, Loring AFB has one of two fully capable conventional weapons storage facilities in CONUS maintained by SAC. This facility represents a significant warfighting capability.

Fuel Storage

Loring AFB ranks 1st in all of SAC in fuel storage capacity (9,193,374 gallons). The nearest SAC base to Loring AFB, Plattsburgh AFB, NY, has less than 35% of Loring AFB's fuel storage capacity.

Construction of a new, state-of-the-art aircraft refueling system will be completed at Loring AFB in September, 1991.

No SAC base is better equipped to support and sustain tanker operations than Loring AFB.

Land Area

At 14,300 acres, Loring AFB is the 2nd largest base in SAC. There is ample space to accommodate any number of new missions and there is no threat of encroachment from the surrounding community.

Utilities

Contrary to the Air Force analysis, Loring AFB's utilities facilities have sufficient excess capacity to double their current output of heat, potable water, sewage and waste water, and electricity (with the installation of an additional transformer: cost $300,000).

Troop Housing/Messing

Loring AFB has three modern troop dormitories constructed in the mid-1980's. A new troop dining facility was also constructed in the mid-1980's and the second dining facility (Alert Facility dining hall) was renovated.

Loring AFB's Troop Housing/Messing capacity ranks 3rd in all of SAC.

Aviation Maintenance

Loring AFB ranks 5th in all of SAC for Aviation Maintenance capacity.

A new composite maintenance facility with more than 100,000 sq. ft was completed in 1983.

Loring AFB is a warfighting base

In short, Loring AFB has what a warfighter needs: runways, ramp space, weapons storage, fuel storage, troop housing and dining facilities, maintenance facilities, and the capacity to increase utilities output by twice the current demand. These are the measures that count; and these are the measures in which Loring AFB excels.

Loring AFB was built for warfighting—not for golf tournaments.

III. CONDITION OF LORING AFB'S FACILITIES

The Air Force analysis reported the condition of the facilities at Loring AFB as "well below average." That conclusion and the data used to support it, are grossly inaccurate. In fact, the contrary is true. More than 75% of the facilities at Loring AFB have been renovated or were newly constructed since 1981, and are today in excellent condition.

Background

Loring AFB was first targeted for closure in 1976. The Air Force's primary rationale at that time was the poor condition of Loring AFB's facilities. In 1976 it was estimated that Loring AFB needed up to $300 million in facilities' improvements.

Between 1976 and 1979 considerable debate took place over the strategic importance of Loring AFB resulting in a reversal of the Air Force decision to close the base. When the decision to keep Loring AFB open was made in 1979, the Congress committed itself to upgrading the base facilities. Since 1981, nearly $300 million in military construction and operations and maintenance (O&M) funds have been spent to upgrade the facilities at Loring AFB. Several additional millions have been spent on self-help projects. Today, the condition and capacity of Loring AFB's facilities make it one of SAC's most capable and efficient bases.

Recently constructed facilities

Over the past eleven years the following major military construction projects were completed at Loring AFB:

New Composite Maintenance Facility—FY85—$11 million.

Three New Troop Dormitories—FY85—$14.4 million.

New Hospital—FY85—$24.9 million.

New Dining Hall—FY85—$3.5 million.

New Pre-Launch Survivability Runway (13,000 ft. x 175 ft.) FY85—$16 million.

New Commissary (47,000 sq. ft.)—FY86—$5.6 million.

New Waste Water Treatment Plant—FY83—$4.9 million.

All of these new facilities are now fully operational.

Recently improved facilities

In addition to the new construction projects, many existing facilities have been substantially upgraded. They include:

Remodeled Family Housing—$43.4 million.

Remodeled Alert Facility—$3.1 million.

Converted Maintenance Dock to Fuel Cell repair facility—$2.2 million.

Upgraded Weapons Storage Area—$4.1 million.

Upgraded Heat Plant—$3.7 million.

Converted Heat Plant—$19.7 million.

Upgraded Aircraft Refueling System "Taxi-on Taxi-off" (POL)—$13.3 million.

Remodeled Wing Headquarters and Command Post—$2 million.

Errors in the Air Force analysis

Errors in the methodology of the Air Force analysis resulted in the gross misrepresentation of the true condition and cost to upgrade the facilities at Loring AFB as well as at other bases. These errors include:

1. The complete and arbitrary elimination from consideration of several expensive and operational significant facilities.

According to the staff of the Air Force Executive Group, only the "big driver" (i.e., one major element) was considered under several of the Investment Categories (e.g., Aviation Operational Facilities, Aviation Maintenance Facilities, POL Supply/Storage, etc.) even though as many as 19 sub-elements were listed. As a result, several important subcategories were virtually ignored in the analysis.

Example: Aircraft Hydrant Refueling Systems.

In the case of aircraft hydrant refueling systems which are installed at all SAC bases and which may cost upwards of $20 million, the analysis virtually ignored them. They are listed under Aviation Operational Facilities (as a subcategory entitled Airfield Fuel Dispensing) the Air Force chose only to consider pavements under this category. Consequently, Loring AFB received no credit for its new, state-of-the-art $13.3 million hydrant refueling system (to be completed in just four months) while Dyess AFB was not identified as having a $17.5 million milcon requirement to upgrade its hydrant refueling system in FY93-94.

As a result of this shortcut approach to evaluating facilities, the following Aviation Operational Facilities were excluded from consideration:

Aircraft Hydrant Refueling Systems.

Navigation and Traffic Aids.

Navigation and Traffic Aids—Buildings.

Airfield Pavement Lighting.

Operational-Buildings.

Operational Facilities Other than Buildings.

The failure to include such high cost systems renders meaningless the Air Force analysis' projections for costs to upgrade base facilities to condition code 1.

2. Failure to account for onging construction projects.

According to the Air Force Executive Group staff, no credit was given for ongoing milcon projects.

No matter how great the cost of the project, no matter that the funds were already obligated or even expended, ongoing milcon projects were ignored.

The General Accounting Office (GAO) Report to the Congress and the Chairman, Defense Base Closure and Realignment Commission confirmed this methodological flaw: "* * * the Air Force did not consider the impact of ongoing military construction improvements when evaluating facilities at the bases." However, the Air Force was incorrect in asserting that consideration of such projects "would not have affected the rating".

This faulty approach led to several significant distortions of the true condition of Loring AFB's facilities. Here are just a few examples:

Example No. 1: POL Supply/Storage [Air Force analysis: Condition RED].

Here's the full story:

Loring AFB's tank farm storage facility received full cathodic protection in the summer of 1990 and a new administration building was completed in late 1990. Currently there are two ongoing projects to repair the interior of tank #3. Upon completing these projects, the tank farm will require only normal routine maintenance requirements and will have a GREEN rating. (Source: Infrastructure Assessment—Loring AFB, Maine, January 1991)

Example No. 2: Utilities Facilities (Heat) [Air Force Analysis: Condition Red].

Here's the full story:

During late 1990 and early 1991, system improvements were designed and awarded for new boilers #7 and #8. Currently, these changes are 90% complete on boiler #8 and a recently awarded contract on boiler #7 is scheduled for completion in the fall of 1991. Upon completing these ongoing projects, the heating plant will have a Green rating. (Source: Infrastructure Assessment-Loring AFB Maine, January 1991)

Example No. 3: Utilities Facilities (Water) [Air Force Analysis: Condition Red].

Here's the full story:

The potable water plant was in violation due to inadequate treatment of the discharge from the filter backwash and from the flocculation basin. A project to correct this problem is currently 95% completed. The new facility involves settling tanks, pump station and settling ponds. With these new changes, the rating for this facility is now a Green.

A contract was awarded in the fall of 1990 to correct some of the waste water treatment plant design deficiencies. This contract is presently 50% done and will be completed by November 1991. With these corrections, the rating of the treatment plant will be Green. (Source: Infrastructure Assessment-Loring AFB Maine, January 1991)

3. Gross inconsistencies in the Air Force data.

A review of the back-up materials (entitled "1991 Air Force Base Closure Report Back-Up Data, Flying Category Strategic Subcategory, Book 1 of 3") reveals numerous startling inconsistencies between what was reported in the base closure questionnaires and what was presented to the Air Force Executive Group.

Example No. 1: POL Supply/Storage.

For example, the back-up data for the POL Supply/Storage facility at Barksdale AFB reads as follows:

"Bulk storage containment berms and basins have deteriorated and no longer provide adequate protection to preclude a spill from contaminating soil and ground water. Estimate $1.4 million to repair containment berms and basins.

Astonishingly, the materials presented to the Air Force Executive Group described the POL Supply/Storage at Barksdale as 100% condition code 1 and 0 cost to upgrade.

[It is also worth noting that the condition of the hydrant refueling system at Barksdale AFB is described in the back-up materials as "extremely poor" with suspect reliability and requiring $20 million to replace it in FY95-96. Yet the materials presented to the Executive Group reported Barksdale's POL/Supply Storage as 100% Code 1 with 0 cost to upgrade, and Aviation Operations (under which the legend places the hydrant refueling system) as 99% coded 1 with a cost to upgrade of just $2.7 million. In other words, no where in the materials presented to the Executive Group, was the true condition of Barksdale's hydrant system ("extremely poor") identified, and no where in those materials was the cost to upgrade the system ($20 million) identified.]

When queried for an explanation of these and numerous equally striking inconsistencies, the Air Force replied, "We did not crosscheck the inputs from the major commands [e.g., SAC] with the base closure questionnaires."

[At Grand Forks AFB the back-up materials provide this unsettling description of the POL Storage and hydrant facilities: "Type II systems have exceeded design life and replacement parts are no longer available. The underground operating tanks are an environmental threat and explosion-proof electrical conduit has been damaged creating a fire and explosion hazard. Programming a $3.2 million hydrant replacement project". Incredibly, the materials submitted to the Executive Group described the POL Supply/Storage at Grand Forks as 100% Code 1, with 0 cost to upgrade; and the Aviation Operations as 100% Code 1 with 0 cost to upgrade.]

Example No. 2: Cost to upgrade Medical facilities to conditions code 1.

In the base closure questionnaries (contained in Book 1 of 3 of the Strategic Subcategory back-up materials) each SAC base was asked what it would cost to upgrade their Medical facilities to condition code 1. The deviations between what the bases reported and what was submitted to the Executive Group are dramatic:

COST TO UPGRADE MEDICAL TO CODE 1

[Dollar amounts in millions]

Base	Answer on questionnaire	Answer submitted to Executive Group
Barksdale AFB	$14.7	$.15
Beale AFB	15.0	.27
Dyess AFB	25.0	7.34
Ellsworth AFB	3.1	.07
F.E. Warren AFB	15.0	0
Plattsburgh AFB	40.5	.26

The Air Force was asked to provide an explanation for these extraordinary deviations. None was provided.

[Loring AFB, which completed construction of a new hospital in March 1989, was properly graded at 100% code 1, and 0 cost to upgrade.]

4. Inclusion of obsolete facilities or buildings for which no replacement is required or planned.

It appears from the materials submitted to the Executive Group that in some cases the analysis took into account both the condition and cost to upgrade existing facilities (i.e., buildings) which are obsolete and slated to be demolished, but instead treated them as if they were to be replaced.

Example: Troop Housing/Messing.

[Air Force Analysis: Condition Yellow].

Here's the full story:

There are three new troop dormitories at Loring AFB which were constructed in the mid-1980's at a cost of $14.4 million. A fourth is obsolete, unoccupied, and slated for demolition rather than replacement. The three new dormitories are modern, brick buildings that meet or exceed all Air Force habitability requirements. In fact, they serve as the model for Air Force dormitories throughout the country. The main dining hall was newely constructed in FY85 at a cost of $3.5 million and another $3.1 million was spent to remodel and upgrade the dining hall in the alert facility. In 1990, Loring AFB's dining facilities received the SAC's R.T. Rhiney Food Service Management Award, and placed 3rd overall in an Air Force-wide competition. Yet inexplicibly, Loring AFB's Troop Housing/Messing were rated at 45% Code 1 with a cost to upgrade of $18.1 million. Such numbers are utterly inconsistent with the true condition of Loring AFB's facilities unless one assumes the condition and cost to replace buildings slated for demolition.

Other discrepancies

Two additional areas in which this report takes strong exception to the Air Force analysis of Loring AFB's facilities are:

Aviation Maintenance

Major improvements and new construction projects have dramatically improved the condition of Loring AFB's Aviation Maintenance facilities during the past decade. These were apparently overlooked in the Air Force analysis. They include construction of a new 115,000 sq. ft. composite maintenance facility; conversion of the main dock to a fuel cell repair facility; and the complete remodeling and energy improvements to the jet engine shop.

What is true for the base as a whole, is true for the aviation maintenance facilities: almost every aviation maintenance facility on the base has been renovated or was newly constructed since 1981.

Utilities Facilities

Loring AFB's utilities facilities are in excellent condition, contary to the Air Force's rating of RED. More than $60 million has been invested during the past ten years to upgrade and modernize these facilities. These projects include: $23.4 million to convert the heating plant from oil to coal in the mid-1980's; $20 million for the installation of two new boilers in 1986; upgrading three existing boilers at a cost of $3.8 million; and modernization of the water sewage treatment facility.

These upgrades have produced direct and measurable improvements in energy efficiency of the base. Loring AFB's energy efficiency has improved more than 23% in five years—the second best improvement in all of SAC. Loring AFB's energy efficiency is the best among all regional SAC bases.

Energy efficiency (BTU/Sq. FL) FY90

Base:	
Loring AFB	163.4
Griffiss AFB	186.2
Plattsburg AFB	189.7

Recognition from Secretary of Defense

During the past decade, Loring AFB's facilities have undergone a dramatic transormation. Congress has kept its commitment, made in 1979, to upgrade those facilities.

While the Air Force overlooked these substantial improvements, the Secretary of Defense did not. In June 1990, in recognition of Loring AFB's outstanding facilities, Secretary of Defense Cheney presented Loring AFB with the Department of Defense Installation Excellence Award.

IV. AIRSPACE AVAILABILITY/ENCROACHMENT

Airspace availability is a crucial consideration for the operation of any airbase. Throughout the country, communities have grown up around airbases and airports,

crowding airfield operations and frequently leading to noise complaints. These complaints in turn often lead to restrictions on flight operations. Under extreme conditions, Quiet Hours are imposed limiting take-offs, approaches, landings, and maintenance ground runs on aircraft engines during specified hours.

At the April 15th Base Closure hearing, the following exchange took place between Chairman Courter and Secretary of the Air Force Donald Rice:

Chairman Courter: Was consideration given to future training needs, that is, expansion capability, additional air space requirements, the air space crunch that you have with the expanded East Coast plan and other types of plans with respect to the commercial use of air space on shore and offshore in the United States?

Mr. Rice: Mr. Chairman, we tried to look at that as thoroughly and as carefully as we could, and . . . while we took lots of factors related to military value and operational utility into account, probably the one factor we focused on more heavily than anything else was air space and air space encroachment, and our concerns about not just the current situation but trying to project forward 10 or 20 years as best we could.

Did the Air Force properly consider airspace availability and encroachment?

While Secretary Rice said the right words at the April 15th hearing, his philosophy is not reflected in the proposal to close Loring AFB.

The Air Force apparently did consider airspace to be a crucial consideration—it merited a separate back-up data. Here is what that back-up data reveals about the airspace availability at the three regional SAC bases (Loring AFB, Griffiss AFB, and Plattsburgh AFB):

Each base was evaluated on the basis of existing and future encumbrances on airspace or encroachment from the surrounding community. Using the Air Force scale of GREEN=5, YELLOW=3, RED=1, the three bases rank as follows:

Number of (each color)	Loring AFB	Griffiss AFB	Plattsburgh AFB
GREEN (x 5)	60	30	15
YELLOW (x 3)	3	24	30
RED (x 1)	1	0	1
Total (Max of 70)	64	54	46

Loring AFB received the highest rating (GREEN) in all but one category (access to bombing range, existing/future). Griffiss AFB and Plattsburgh AFB were both rated YELLOW for air space restrictions and encroachment.

In the Air Force Base Closure Executive Group's meeting minutes, Griffiss AFB, Plattsburgh AFB, and Castle AFB are all described as having "continuing" encroachment problems which are "extremely difficult" to adjust. (See Tab 16 and 23 of Executive Group minutes for February 26 and March 6.) Yet Loring AFB, which has no encroachment problem, has been proposed for closure while Griffiss AFB and Plattsburgh AFB are to remain open.

QUIET HOURS

The imposition of Quiet Hours (i.e., restrictions on flight operations and some ground maintenance) on a base is a clear indication of encroachment. Here is how the three regional bases stand:

Loring AFB: No Quiet Hours.

Griffiss AFB: Quiet Hours from 2200-0600.

Plattsburgh AFB: Quiet Hours from 2200-0600.

Loring AFB offers unrestricted airspace and virtually no encroachment

In its relatively remote location in northern Maine, far from congested metropolitan centers and commerical air traffic routes, Loring AFB offers an ideal environment for operational and training flights. Encroachment problems are virtually nonexistent.

No changes in either the airspace availability or encroachment situation are anticipated during the next twenty years.

V. COST/SAVINGS ANALYSIS

Air Force analysis

The Air Force ranked Loring AFB 1st for total savings over a 20-year period ($465 million) and 2nd for initial annual savings ($66.6 million) among all SAC bases. These figures are based on direct operations savings, direct military and civilian personnel savings, additional CHAMPUS costs, and some additional housing costs.

In fact, the Air Force's estimate of savings ($465 million over twenty years) from closing Loring AFB is grossly exaggerated.

Flaws in Air Force methodology and ranking

The methodology and conclusions in the Air Force estimates of savings that would accrue from the closure of Loring AFB are seriously flawed. First, the Air Force overstated savings to DOD by overestimatwing operating costs and underestimating closure costs. Second, it gave no consideration whatsoever to other significant costs to the federal government. When these additional federal costs are considered, extreme discrepancies emerge.

The Maine State Planning Office (SPO) produced alternative estimates of the net savings associated with closing Loring AFB. The SPO analysis incuded more accurate DOD savings and costs estimates, and examined other federal costs associated with the closing of Loring AFB. The results of this analysis indicate that the Air Force dramatically overestimated the net savings from closing Loring AFB as shown below.

[Dollar amounts in millions]

	Savings 1st year	Savings over 20 years
Air Force	$66.6	$465.0
State Planning Office	13.1	179.9

Estimates prepared by the Maine State Planning Office (SPO), described in the next section, demonstrate that the actual savings to be realized from closing Loring AFB are significantly less in absolute terms than was reported by the Air Force. The savings from closing Loring AFB would change its ranking with regard to the other SAC bases from second greatest to second lowest in the first year of closure. Overall, instead of yielding the greatest savings from closure among all SAC bases, 15 other SAC bases would yield higher net savings.

Net savings to the Department of Defense overestimated by the Air Force

The following identifies four areas in which the Air Force either overestimated savings or underestimated costs to the Department of Defense from the closure of Loring AFB. (Table 1):

1. Home Assistance Program (HAP): As noted by the General Accounting Office (GAO), the cost of HAP is excluded from Air Force calculations. Given the poor economic climate that would result from base closure, the SPO conservatively estimates that HAP costs for Loring AFB personnel will be at least $6.4 million.

Discrepancy/One Year: $6,400,000.

Discrepancy/Twenty Years: $6,400,000.

2. Military and Civilian Salary Savings: In calculating personnel savings from closing Loring AFB, the Air Force used average salary figures that are well above those provided at Loring AFB. Consequently, Air Force savings estimates are overstated. The Air Force estimates of average military salaries are 67 percent above Loring AFB's actual average gross military salary, and 590 percent above Loring AFB's average gross civilian salary. The SPO estimates assume that fringe benefits would increase personnel costs 40 percent over gross payroll.

Discrepancy/One Year: $4,132,000.

Discrepancy/Twenty Years: $82,624,000.

3. Radar Facility: Loring AFB currently provides radar coverage for the Northern Maine Regional Airport in Presque Isle. The loss of this coverage due to closure of Loring AFB will significantly jeopardize both the safety and economic viability of Northern Maine Regional Airport. Given the importance of this airport to the local economy, it is likely that the federal government will arrange to provide continuing radar coverage in the event of closing Loring AFB. Similar arrangements have been provided to local airports in New Hampshire as a result of the recent closing of Pease AFB in New Hampshire.

Discrepancy/One Year: $1,000,000.

Discrepancy/Twenty Years: $5,000,000.

4. Unemployment Benefits: The Air Force underestimated unemployment benefit costs. The SPO estimates that 360 civilian base employees will be unemployed for an average of 29 weeks, at an average cost per week of $218/person. The actual cost will be $2,276,000 in the first year, compared to the Air Force estimate of $198,000.

Discrepancy/One Year: $2,276,000.

Discrepancy/Twenty Years: $2,276,000.

TABLE 1.—COMPARISON OF SELECTED DOD COST/SAVINGS ESTIMATES FOR THE CLOSURE OF LORING AIR FORCE BASE [1]

[In thousands of dollars]

	Air Force	SPO	1st year	20 years
Air Force overestimated savings by:				
Civilian personnel [1]	13,950	12,299	1,651	33,020
Military personnel [1]	33,694	31,213	2,481	49,620
Subtotal	47,644	43,512	4,132	82,640
Air Force underestimated costs by:				
Unemployment [2]	198	2,276	2,078	2,078
Home assistance program [2]	0	6,404	6,404	6,404
Radar facility [1]	0	1,000	1,000	20,000
Subtotal	198	9,680	9,482	28,482
Total	47,842	53,102	13,614	111,122

[1] Annual average.
[2] One-time cost.

Significant costs to the Federal Government that the Air Force failed to consider

The following identifies ten areas of significant additional cost to the federal government resulting from the closure of Loring AFB which the Air Force failed to consider (Table 2):

1. Federal Income Tax Revenue: The Air Force did not include federal income tax revenues lost from closing Loring AFB. The SPO estimates that federal income tax revenues lost as a result of eliminationg Loring AFB personnel, combined with indirect jobs lost, are substantial.

Discrepancy/One Year: $9,252,000.

Discrepancy/Twenty Years: $103,226,000.

2. Small Business Administration (SBA) Loan Defaults: The closure of Loring AFB, the single largest employer in the region, will precipitate the failure of many small businesses. The SPO estimates that several

additional SBA loan defaults will occur in Aroostook County as a direct result of closing Loring AFB.

Discrepancy/One Year: $3,000,000.

Discrepancy/Twenty Years: $3,000,000.

3. Food Stamps: No account was taken by the Air Force of the additional demand for food stamps that would be created by closing Loring AFB. The SPO estimates that an additional 4,500 people (1,730 households) would require food stamps if Loring AFB were to close, a figure which is expected to decrease 10% each successive year.

Discrepancy/One Year: $3,240,000.

Discrepancy/Twenty Years: $29,209,000.

4. Farmers' Home Administration (FmHA) Loan Defaults: The SPO estimates a default rate of 15% on the outstanding Aroostook County FmHA debt of $48.3 million for residential and multi-family loans, should Loring close.

Discrepancy/One Year: $10,948,000.

Discrepancy/Twenty Years: $10,498,000.

5. Office of Economic Assistance/Economic Development Administration: The Air Force failed to take into consideration the amounts that would be expended by the Office of Economic Assistance and Economic Development Administration to assist the local communities in adjusting to the base closure. The SPO estimates that Maine will receive at least $15 million in defense impact aid if Loring AFB should close.

Discrepancy/One Year: $5,000,000.

Discrepancy/Twenty Years: $5,000,000.

6. U.S. Department of Labor: With the closure of Loring AFB, Maine would become eligible for base closure re-training assistance available through the Department of Labor. Given the magnitude of the economic loss resulting from closure of Loring AFB, Maine would receive a minimum of $4 million.

Discrepancy/One Year: $4,000,000.

Discrepancy/Twenty Years: $4,000,000.

7. Aid to Families with Dependent Children (AFDC): The SPO predicts an increase of 20%, (300 people) qualifying for AFDC benefits, with an average benefit level of $500/person as a result of closing Loring AFB. The total impact to the federal government is calculated using a 64% federal share of the costs, and assumes a reduction of 10% per year in caseload after the first year.

Discrepancy/One Year: $1,152,000.

Discrepancy/Twenty Years: $10,386,000.

8. Medicaid: No consideration was given to additional Medicaid costs in the Air Force analysis. The SPO estimates that closing Loring AFB would result in an increase of 20% in the Medicaid caseload, for a total cost of $953,000 in the first year, of which the federal share would be 64%.

Discrepancy/One Year: $610,000.

Discrepancy/Twenty Years: $5,499,000.

9. VA Benefits: VA loan guarantees for home mortgages would also be affected by closing Loring AFB. The SPO estimate applies a 10% default rate accepted by the Air Force in past economic impact assessments.

Discrepancy/One Year: $1,800,000.

Discrepancy/Twenty Years: $1,800,000.

10. Economic Development Administration (EDA): As with VA loans, the EDA loan default rate is calculated at 10%.

Discrepancy/One Year: $128,000.

Discrepancy/Twenty Years: $128,000.

TABLE 2.—ADDITIONAL FEDERAL COST (NON-DOD) [2]

[Dollars in thousands]

Federal program	Air Force	SPO estimate— 1 year	SPO estimate— 20 years
Federal Income Tax Revenue [1]	0	$9,252	$103,226
Aid to Families with Dependent Children [1]	0	1,152	10,386
Food Stamps [1]	0	3,240	29,209
MEDICAID [1]	0	610	5,499
Farmers' Home Administration [2]	0	15,747	15,747
Small Business Administration [2]	0	3,000	3,000
Economic Development Administration [2]	0	128	128
Veterans' Administration [2]	0	1,800	1,800
Office of Economic Assistance [2]	0	5,000	5,000
Total	0	39,929	173,995

[1] Annual average.
[2] One-time cost.

Air Force figures were misleading to the Executive Group

The total discrepancies listed above significantly reduce the Air Force estimates of the savings to be derived from closing Loring AFB. Applying the adjustment to savings estimated by the SPO to the Air Force's original estimated savings of $465 million yields a net 20-year savings of only $179.9 million, as summarized in Table 3. The Executive Group could not possibly make an informed decision to recommend closing Loring AFB given the magnitude of error in the Air Force analysis. Not only are the actual savings far lower than stated by the Air Force, but Loring's ranking relative to other SAC bases is significantly altered when all relevant factors are taken into consideration. In fact, consideration of all relevant costs lowers Loring AFB's cost savings ranking from 1st to 16th among all SAC bases.

TABLE 3.—SUMMARY OF AIR FORCE AND SPO COST SAVINGS ANALYSES

[Dollars in thousands]

	Air Force	SPO estimate— 1st year	SPO estimate— 20 years
Table 1 (DOD costs)	$47,462	$13,614	$111,122
Table 2 (Additional Federal costs)	0	39,929	173,995
Grand total	47,842	53,543	284,117
DOD net savings estimate		66,000	465,000
SPO net savings estimate (total SPO estimate minus DOD estimate)		13,100	179,900

Environmental Costs

Loring AFB is included on the "Superfund" National Priorities List. Civilian conversion and reuse will be greatly impeded by the presence of 42 hazardous waste sites on the base property. Toxic contamination includes waste oils, fuels cleaned from aircraft and vehicles, polychlorinated biphenyl (PCB's), and pesticides.

Until recently, clean-up for Loring AFB was estimated at $150 million; however, Federal and state authorities now believe this estimate to be greatly understated. The Strategic Air Command has informally advised the Maine State Department of Environmental Protection (DEP) that the correct range is now $300 to $900 million.

This new estimate was confirmed on April 22nd by Mr. Gary Vest, Deputy Assistant Secretary of the Air Force for the Environment, Safety, and Occupational Health, who advised Maine Congressional Delegation staff that it will require approximately $800 million to clean up Loring AFB to meet state standards.

In fact, no one can be sure just how much Loring AFB's clean-up will cost. A Remedial Investigation Feasibility Study (RI/FS) has yet to be conducted. The Maine State Department of Environmental Protection believes that environmental clean-up is likely to cost less if Loring AFB remains open as an operational military facility because a base with restricted access may not require the same kind of clean-up as will be necessary for commercial or residential property.

VI. ECONOMIC IMPACT ANALYSIS

While many communities and regions will face temporary economic dislocation as a result of base closures, the impact of closing Loring AFB on Aroostook County and Maine will be catastrophic and permanent. On two occasions, Deputy Assistant Secretary of the Air Force James Boatright, co-chair of the Air Force's Base Closure Executive Group, stated that "Loring was the single worst case of local economic impact of any Air Force base recommended for closure."

Since its inception, Loring AFB has been largely responsible for driving the local economy. In 1979, Senator Edmund Muskie observed that the remote area of Aroostook County where the base is located ". . . was a wilderness when the Department of Defense decided to build Loring . . . and it will be a wilderness when Loring leaves, leaving behind it the wreckage of people, mostly small business people, who have staked their lives there."

The Air Force minimized the devastating economic impact on the region from Loring AFB's closure by assigning inappropriate rankings to impact criteria; underestimating employment, income, and job losses through the use of flawed methodology; and disregarding the significant barriers to converting Loring AFB to civilian use. A comparison of Air Force and SPO economic impact estimates are summarized in Table 3 below.

TABLE 3.—COMPARISON OF AIR FORCE AND MAINE STATE PLANNING OFFICE ECONOMIC IMPACT ASSESSMENT OF THE CLOSURE OF LORING AFB [3]

[Dollar amounts in millions]

	Baseline	Air Force	Percent	ME SPO	Percent
Employment	44,600	−5,674	13	−8,500	19
Income	$1,049	−$103	10	−$152	14
Population	86,000	−11,450	13	−14,715	17
Net local government revenues	NA	−$2.6	NA	−$4.7	NA

Significance of Loring AFB to the local economy

Loring AFB is the single largest employer in Aroostook County, providing 4,600 federal jobs (including 3,300 military). Base military and civilian personnel make up 10% of total county employment. Moreover, because wage levels at Loring AFB are well above the county average, base payroll accounts for 19% of Aroostook County wage and salary income.

Loring AFB supports over 8,500 jobs (19% of the total), directly or indirectly, in Aroostook County and accounts for $152 million in earnings annually. Base expenditures in the county totaled $125.1 million in FY 1990. These expenditures included $87.4 million in military and civilian payroll, $17.7 million in construction projects, $11.9 million for services and an additional $8.1 million for materials, equipment and supplies.

Loring AFB's prominent position in the Aroostook County economy provides a critical measure of stability amidst the shrinking food processing and forest products industries. Located in remote Northern Maine, Aroostook County has a per capita income level that is only 81% of the State average, and 74% of the U.S. average. The county also suffers from the above-average

unemployment rates and a steady out-migration of 1,200 persons each year.

Economic impact of closing Loring AFB

Aroostook county's economy is in precarious balance, as indicated in figures 2 & 3. [Figs. 2 and 3 reproducible in the RECORD.] The stability offered by Loring AFB has allowed the county to strengthen job growth in recent years, despite the reduction in overall population. In the absence of the stable underpinning provided by Loring AFB, the Aroostook County economy would rapidly deteriorate into long-term decline.

The loss of Loring AFB would do more than merely eliminate many of highest paying jobs in the northern Maine economy. Within three years of closure, Aroostook County will suffer the loss of 20% of its economic base including 8,500 jobs, $152 million in annual earnings (1990$) and the exodus of 15,000 of its residents. Loring AFB's closure would shatter the budding revival of the regional economy and burden remaining residents and businesses with higher-cost services and fewer amenity resources.

Maine Public Service Company, Aroostook County's electric utility, estimates that electric rates could rise by as much as 12% as a result of the loss of revenue base provided by Loring AFB and the associated residents. In addition, the loss of residential and commercial taxpayers and the devaluation of existing property will result in municipal shortfalls of $4.6 million annually. This increase will have to be borne by a smaller base of tax payers holding property that is very likely to see continued significant depreciation. These rising costs will not only reduce the disposable income of residents but will weaken the position of the County's capital and energy intensive paper and food processing industries, which will bear the brunt of increases in electric and property tax rates.

Finally, the closure of Loring AFB would undermine important components of Aroostook County's economic infrastructure. Commercial air travel associated with Loring AFB now accounts for at least one-third of enplanements at Northern Maine Regional Airport. A loss of travel volume of this magnitude is likely to result in the elimination of service from two of the three commercial providers now serving Northern Maine Regional.

Rail freight service provided by the Caribou Line of the Bangor & Aroostook Railroad would be placed in severe jeopardy with the closure of Loring AFB. Now serving several Aroostook businesses from agriculture to forest products, the vast bulk of the revenue from this line comes from the transport of coal to Loring AFB. Loss of this business would likely cause the line to be abandoned.

Opportunities for redevelopment

The environmental contamination of Loring AFB is extensive and presents a formidable obstacle to its re-use. Even if the environmental factors of Loring AFB were properly addressed, Aroostook County would face nearly insurmountable odds in stabilizing its economy following the closure of Loring AFB.

Loring AFB's remote location poses a significant barrier to redevelopment. The impacted region is more than 65 miles from the northernmost terminus of the interstate highway system and 250 miles from a major metropolitan area (Portland). This isolation would be further intensified by the loss of air service and the escalating costs of utilities, services, and government precipitated by the closure of Loring AFB.

With two runways and ancillary facilities, Loring AFB is best suited as an aviation facility. However, past base closures in the proximity of Loring AFB preclude its conversion to civilian aviation use. In 1962, Presque Isle Air Force Base was converted to become Northern Maine Regional Airport, followed in 1968 by the closure of Dow AFB in Bangor, Maine, which became Bangor International Airport (BIA). BIA has since emerged as a transatlantic transit stop for scheduled and chartered flights to and from Europe. These facilities, particularly BIA's presence, negates any prospect for Loring AFB to provide similar service because the transatlantic traffic base simply is not large enough to support both of them.

The recent closure of Pease AFB in New Hampshire, directly across the border from Maine, further reduces Loring AFB's conversion prospects as a civilian aviation facility. Pease AFB's redevelopment will greatly affect the aviation market in northern New England. In fact, it is a source of concern for BIA's future. As a matter of overall transportation policy, it would be self-defeating for the State of Maine even to attempt to convert Loring AFB as a regional aviation facility.

The economic landscape beyond Aroostook County presents further difficulty. The closure of Loring AFB would come at a time when many of the forces that drove economic growth in Maine and New England have largely run their course. Maine has suffered a regional economic downturn for over two years and now finds itself in the midst of a protracted national recession. Since 1989, Maine employment has declined by over 20,000 jobs, or 4%. The long-term outlook indicates that job growth during the 1990's will slow to an average rate of just 1% per year, down from the 2.6% annual growth experienced during the 1980's.

On May 10, 1991, Deputy Assistant Secretary of the Air Force James Boatright testified to the Commission that Air Force bases "are not nearly as valuable to the private sector as they are to the Air Force. They aren't made, it has been said to be taken apart." A rural Air Force base" may not be attractive to potential buyers. It may be questionable if such bases can be disposed of at all."

Miscalculations in the Air Force Analysis

In some cases, the economic impact rankings assigned to Loring AFB by the Air Force were the result of either a failure to correct irregular data or an underestimate of the likely economic consequences of the closure of Loring AFB.

First, the Air Force made a procedural error in assessing the relative impact of income loss to Aroostook County. The Air Force failed to correct historic income data to account for an aberrant potato price spike in 1974 and subsequent price drop in 1975. The Air Force figure indicated that the impact of closing Loring would equal 45% of the historic high, a YELLOW rating, but in fact, the corrected income impact is equal to 233% of the historic high, a GREEN rating.

Second, the Air Force assigned an improper ranking of yellow to the fiscal impact results on local government. A net fiscal loss of $2 million was erroneously ranked as positive or neutral. Using a more accurate methodology, the real impact is $4.7 million, and therefore should be rated green.

These errors seriously understate the severe economic consequences of closing Loring AFB, and produced inaccurate ratings which were considered by the Executive Group in making its recommendations.

Category	Air Force analysis	Corrected ranking	Reason
Impact on local income	yellow	green	Corrected impact is 233%, not 45%
Fiscal impact on local government.	red	green	Impact will be $4.7m, not $2.6m.

Methodological flaws in the Air Force analysis

The Air Force committed a number of methodological errors in measuring the economic impact of closing Loring AFB.

First, they utilized an inappropriate estimating tool to gauge regional economic impact. The Economic Impact Forecasting System (EIFS) model is based on a simplistic application of "export base" theory. Consequently, it understates the economic effect of facility operations and is incapable of simulating the response of the local economy to the economic shock imposed by a base closure. As just one example, it fails to capture the effect of population out-migration on local spending and employment in years following closure.

As a result of the EIFS model structure, employment, income and fiscal impacts are underestimated. According to Daniel Spiegel of the University of Illinois, who maintains the model for the U.S. Army, "the analysis [provided by EIFS] is only an estimate of the impact of anticipated closure . . . and is not to be viewed as a substitute for thorough regional economic analysis".[4]

Second, the Air Force misapplied the EIFS model. It underestimated Loring AFB spending in the local economy for equipment, supplies and services by $9.6 million,[5] and failed to include $17.7 million in construction spending in FY 1990, and did not include all income components of military and civilian personnel as required by the model, resulting in an underestimate of direct income of about 15%.

As a result of these errors and omissions, the Air Force significantly underestimated the local economic impact of base closure. Utilization of an appropriate regional economic analysis tool,[6] combined with additional updated information, yields a dramatically different assessment of the economic impact of the closure of Loring AFB, particularly in view of the demographic base of Aroostook County.

Should Loring AFB close, the economic impact will, in fact, be catastrophic. It will have devastating effects on the people and the community that have supported Loring AFB. It will, as Senator Muskie predicted, become a wilderness, devoid of its economic lifeblood.

ENDNOTES

[1] Notes to Table 1.

Personnel: replaced "composite rate" with actual gross payroll.

Composite military salary = $36,564; actual mil = $21,879 (value used in EIFS = $21,181.)

Composite civilian salary = $32,518; actual = $20,479. (Value used in EIFS = $14,343.)

Unemployment: Air Force estimate = $198,000. State Planning Office estimate = $1,963,000. (360 civilian unemployed for 29 wks at $218/wk.)

Homeowner's Assistance Program: Air Force = $0; State Planning Office estimate = $6.4 million. 512 civilian and 128 military homeowners with average mortgage balance of $10,000, and an average sale price of $44,203.

Radar coverage for Northern Maine Regional Airport: Air Force = $0; State Planning Office estimate = $1 million/yr.

[2] Notes to Table 2.

Federal income tax: based on earnings lost as a result of closing. Includes direct and indirect jobs loss to base closing, but excludes Loring transfers.

AFDC: 20% rise in caseload (300), rise in benefit to $500/case. Federal share = 64%. Reduced by 10%/year after first year.

Food Stamps: 4500 people (1730 households), at $60/person. Reduced by 10%/year after first year.

MEDICAID: 20% increase in AFDC-MEDICAID load. AFDC-MEDICAID = $953,000; federal = 64%.

FMHA: 10% default rate on outstanding Aroostook County debt of $48.3 million in residential loans and $56.6 Million in multi-family loans.

SBA: SPO estimate based on Kilmarx report. 1988.

EDA: Based on $1,279,207 in outstanding loans and a 10% default rate.

VA: SPO estimate based on Kilmarx report. 1988.

OEA/EDA Defense impact aid: SPO estimate.

[a] Impacts include the loss of direct military and civilian jobs and indirect employment and associated income. Population impact includes base personnel and dependents and indirect outmigration associated with closure-related job loss.

[b] EIFS Paper of 1/11/89.

[c] EIFS local expenditures for equipment, supplies & services = $8.99 million; ERIS FY90 = $18.6 million.

[d] FS-53 Forecasting and Simulation Model for Maine. A product of Regional Economic Models, Inc.

The CHAIRMAN. The Chair will advise those Members controlling debate that the gentleman from Wisconsin [Mr. ASPIN] has 21 minutes remaining, that the gentlewoman from Colorado [Mrs. SCHROEDER] has 22½ remaining, that the gentleman from New York [Mr. MARTIN] has 19 minutes remaining, and that the gentleman from Michigan [Mr. DAVIS] has 14 minutes remaining.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

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

Mr. Chairman, it is with great reluctance that I lend my voice in support of the Base Closure and Realignment Commission's findings, and against House Joint Resolution 308. My reluctance stems from the loss of one of the finest naval bases in the country—the Long Beach Naval Station. Like many of my colleagues, I was dismayed by the Commission's initial closure list. The vital strategic importance of the Long Beach Naval Station, combined with the realities of lost jobs and relocated families in my district, compelled me to fight for its removal from the list.

From the beginning of this base closure process, however, I have stated my support for a logical and fair method of base evaluation that was based on future mission requirements, force flexibility, and overall efficiency. I want to commend the Base Closure Commission for adhering to these criteria and submitting recommendations that, although not pleasing to everyone, live up to that standard of fairness. I will have to answer to my constituents, some of whom will suffer from this decision, but I do so confident in the knowledge that I have supported a proposal which serves the best interest of this country, now and in the future.

The post-cold war era provides us the opportunity to reduce the size and scope of our military. The realization that some of our districts will be affected should not wither our resolve to responsibly cut back our Armed Forces. And though it will mean the loss of the Long Beach Naval Station, I will support the Base Closure and Realignment Commission's recommendations. I urge my colleagues to do likewise.

Mrs. SCHROEDER. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. PANETTA], the hard working chairman of the Committee on the Budget.

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

Mr. PANETTA. Mr. Chairman, I think most of us recognize the realities of what will happen today. Despite the opposition of those affected, the recommendations of the Commission are likely to be approved and the 36 affected communities will have to face the very difficult challenge of making a total readjustment. My community is obviously one of those that will be affected.

After 75 years of loyally supporting the military mission at Ft. Ord, division headquarters, and the training post, our community is the home of the 7th Light Infantry Division. A community task force was developed when the post was put on the list to make the defense and budgetary arguments to the Commission why the 7th Division ought not to be moved. In short, we have the best housing situation, the best family housing situation in the Army, bar none, and we also have the best training areas in the Army, bar none, with Ft. Hunter Liggett and Camp Roberts. It was there that the 7th Division became the best light infantry division in the Army.

Those arguments were rejected by the Secretary of Defense, the Secretary of the Army, and the Commission. I do not question the integrity of those that made the decision, but obviously we do question the process and the ultimate decision itself.

I also understand that all of us have to move beyond this vote. The challenge that now faces 122 communities in this country is only the beginning. In 1993 this process will repeat itself and in 1995 it will repeat itself again.

Let me remind Members that in the 5-year budget agreement we are looking at a 25-percent reduction in defense, and that means among personnel alone a cut of almost 435,000 and among civilian personnel a cut of about 133,000.

In these next 5 years Members and their communities will face the same fear, the same uncertainty, the same anxiety that ours face today. I am confident that my community and all Members' communities can face this adjustment successfully, and, indeed, we can develop even a more stable base for our communities if the administration and the Congress will give their support. Extremely important issues will determine whether this process results in triumph or tragedy.

There are two crucial issues involved. One is cleanup. Unless cleanup is expedited, those posts could remain white elephants in everyone's district, undeveloped and bringing no savings. We need to have laws changed so that we can expedite that process. If a base is a Superfund site, the entire base is locked up until the last portion is cleaned of toxic wastes. We must appropriate adequate funding to quicken this process, and we must ensure that environmental restoration is, at the same time, complete.

In addition, we need sufficient economic assistance. Base closures are the equivalent of natural disasters in these communities. They are economic disasters, and we need assistance for retraining, for businesses, for retirees, for the unemployed, for veterans that are affected and for homeowners.

The key here is that the military cannot walk away from these communities. This is not the end of the process of base closure and realignment. All Members understand that. This is the beginning. Regardless of how we vote today, our help will be needed.

There is a simple message here. Please do not abandon the communities who have given their loyalty to the military mission in their areas and have served this Nation well. Please do not abandon those communities.

If Members support us in this transition, let me assure them that we can be successful in the job of building a new America in a new and changing world.

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FOGLIETTA] be allowed to handle the rest of the time on my side.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

□ 1700

Mr. MARTIN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, our subcommittee has been involved in this process over the course of the last 3 years. While I rise in opposition to the resolution, I do so reluctantly. I say reluctantly, because, yes, I understand the pain in those communities, like the gentleman from California [Mr. PANETTA] just spoke about. But even more reluctantly because what drives this engine of base closure and realignment, both in this country and throughout the world, is the fact, again something alluded to by the gentleman from California, a fact overlooked by most people, that we in the next 5 years, we the Congress, we the administration, we this country, are going to in effect lay off 500,000 uniformed personnel, 1/435, give or take, from each one of our districts.

I lost my dad about 3 months ago. I think back to some of the things that he had to say, and, believe me, he had a lot to say, and particularly on these kinds of subjects.

He said how stupid Congress could be in laying off 500,000 troops. Here is a man who had fought in World War I and was a little bit upset in what we, the Congress, did to our military after the war, only to find ourselves in Europe again 20 years later. The same happened only 5 years later in Korea, and through the Vietnam experience. History repeats itself. Yes, Dad, we might be making the mistake again but having made that decision we must now make the decision to close bases.

That bothers me. I do not think this Congress of the country has focused on it, and that is part of the problem. But when you are laying off 500,000 people, you are going to have to close bases.

We are going to make the process better. We all understand that there are flaws in this process, no matter how much better than it was in the 1988 go-around. The process has to be changed. It will be made fairer, it will be made better. But let us not overlook the pain economically, and every other way, that it causes the communities that have been associated with these bases for so many years and have done such a great job to support our military personnel.

Mr. DAVIS. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding, and yield to my distinguished colleague, the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, I know the gentleman from Indiana [Mr. BURTON] is going to speak about the Army Finance Center in Indianapolis. The unique position it has with all these closings is it was not granted a hearing, in violation of the Commission's own rules. I commend the gentleman for what he has done so far to make some sense out of this, and I pledge to continue my cooperation with him.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for his cooperation.

Mr. Chairman, let me say we are here supposedly to save money. We have got a $350 to $400 billion deficit staring us in the face this year, so we are all concerned about that deficit and want to save money. But we must not be penny wise and pound foolish.

When the Commission looked at the Army Finance Center at Ft. Benjamin Harrison, they did a cursory check of the center. They were there about 45 minutes, and they did not do their homework.

It is going to cost this Government $85 to $90 million more to close that center than it will to keep it. I want to explain how I came to this conclusion.

There are 2,700 employees at that center. To replace them or relocate them someplace else will cost $120 million. But all of them will not move because their families live in Indianapolis and they work there. They estimate about 30 percent will move, or about 810 of them; 810 of them being relocated will cost $36 million.

Then we would have to hire 1,890 new personnel for the new finance center, wherever it is, and that will cost an estimated $50 to $100 million to train these people.

A new facility is going to cost $90 million, and it will not be anything like the facility we have at Indianapolis at the Army Finance Center at Ft. Benjamin Harrison. That building is built like the Rock of Gibraltar. It is second in size only to the Pentagon, and it will last 100 years.

The fact of the matter is we are talking about spending $90 million to replace it with an inferior product.

In addition to that, they are going to have to replace the communications system that they have that connects that Army Finance Center with every Army base in the world. It is estimated by Indiana Bell and the other facilities that deal with this communications system that it is going to cost tens of millions of dollars, roughly probably $30 to $40 million.

But if you add together the $36 million it will cost to relocate people, $50 million minimum to hire and train 1,890 new employees, $90 million for the new facility, and $30 million minimum for the new communications system, you are talking about $206 million.

To refurbish or update that center in Indianapolis, they tell us it will cost $125 million. You take $125 million from the $206 million it is going to cost to replace that facility and retrain those people, and you are talking about a deficit of $81 million. Eighty-one million dollars we are going to waste by closing this center down, a center that served us well and is already there.

It is penny wise and pound foolish. The American taxpayer is going to pay for this, and they did not do their research. It is a terrible tragedy, and I urge Members to reject this entire Commission report, because they did not do their homework.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

(Mr. ANDREWS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS of New Jersey. Mr. Chairman, I thank the gentleman for yielding, and thank him for his continued leadership on this issue.

Mr. Chairman, for the people who work at the Philadelphia Naval Shipyard, this issue is very simple: When you cut through all the political rhetoric and all the budget talk, they are going to lose their jobs. They are not going to have a job if this decision goes through.

For those of us in this institution, I suppose the issue is a bit different. We hear from some people that those of us that support this resolution do so for parochial reasons. That is an obvious point.

I think there is a broader issue here today though, Mr. Chairman. I think the issue is one of credibility. Is this a Government that keeps its word any more?

This Government gave its word to the people of the United States that this process would save money. In the case of the Philadelphia Naval Shipyard, that is just wrong.

There is nothing to substantiate the conclusion of the Commission that there would be an annual savings of $36 million. No document, no proof, no evidence. The Government gave its word to the people at the Philadelphia Shipyard that this would be a fair process.

What really happened in that process? The Navy predetermined the dicision. They looked at only one public shipyard, out of eight. Only one, the Philadelphia Naval Shipyard.

The GAO could find no basis for the Navy's conclusion. They went to the Commission and said, "We cannot figure out how they did what they did."

The Commission staff heard from the Comptroller of the Navy in a private meeting. His words, "The process was subjective. We didn't use numbers. We can't reconstruct the process, because if we had used numbers, we would have closed the wrong bases."

Testimony was suppressed. New evidence was introduced at the last minute. When they gave their word that the process would be fair, their word did not hold true.

Finally they gave their word that it is still true in this country that if you get up in the morning and work as hard as you can, you will have a job, as long as you do the best you can. That word is being broken for those people at the shipyard today.

Mr. Chairman, for that reason, I urge Members to join us in voting yes on the Foglietta-Snowe resolution.

Mr. MARTIN. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Chairman, I rise in opposition to the resolution. We are at this point today because we recognized last year that, due to budget constraints and the changes in the international environment, the size of our Armed Forces would be declining, requiring a smaller defense infrastructure. To help make the difficult political decision of which military bases are no longer needed and should be closed, an independent Base Closure Commission was established. The Commission has made its recommendations, they have been accepted by the President, and it is now time for Congress to take a stand by either accepting or rejecting the Commission's report.

To repudiate the base closure process at this point by voting for this disapproval resolution, would, in my view,

be a grave mistake. It would keep open bases which are no longer needed, and which will cost us billions to maintain. The Base Closure Commission has recommended the closure of 34 installations and the realignment of 48 others. These actions are expected to result in net savings of $2.3 billion between 1992 and 1997 and annual savings of $1.5 billion thereafter.

Approving the disapproval resolution would also reinforce the notion that Congress lacks the political will to make hard decisions that place national interests above parochial concerns. The base closure process is to take place again in 1993 and 1995. If we reject the process this time, we reinsert politics into the closure proceedings and seriously compromise the success of future base closure commissions. I strongly urge my colleagues to oppose this resolution.

□ 1710

Mr. DAVIS. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

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

Mr. HOLLOWAY. Mr. Chairman, I rise in support of the resolution to disapprove the recommendations of the Base Closing Commission. I plan to vote for the disapproval resolution and against the Commission's recommendations.

We all are going to speak on bases that are in our districts, in our area. But I hope as I make this statement Members will listen to a couple of things that I bring up as we go along, because there are things in the report and things that happened to me that I hope did not happen to other Members' bases, because it just shows that politics played a role in this. And in my opinion, that was not the intention of this Commission.

Mr. Chairman, I rise here today to assure my colleagues and those I represent: Yes, I certainly am angry that England Air Force Base in Alexandria, LA, will close. Although England was rated, by the Commission itself, sixth out of 15 Tactical Air Command bases, it will still close. Yes, I am angry that an inferior TAC base—Moody Air Force Base, in Valdosta, GA—will remain open while England Air Force Base closes its gates.

I voted in favor of the base closure law because I knew that force structure requirements needed to be met. Although I knew that single mission bases such as England Air Force Base would be closely scrutinized, I always knew England could withstand the process. I believed that in a fair, impartial, independent, nonpartisan review England would be deemed a great base and one to receive a second mission. Instead, the Commission played politics.

According to standards set forth by both the Air Force and the Commission, England Air Force Base was superior to Moody Air Force Base. Yet, England gets the knife. Anyway you look at it, the Commission played politics. The Commission took the easy way out. The Commission acted to protect itself. The Commission chose to protect its product. As a matter of fact, if you listen closely to the audio minutes after England was voted to close and Moody was voted to remain open, you hear a voice saying, "* * * You closed the wrong base." Yet, the process was flawed, and yes, I am angry and the people of Louisiana are angry. We have every reason to be angry. Instead of an impartial process, we got a bill of goods.

Some 3,042 military personnel and 697 civilians will be displaced not to mention the economic devastation the disabled economy of Louisiana will suffer.

I realize that the majority of Members of this House are not affected by the Commission's recommendations and consequently will vote to support the Commission list. But, you should heed our words and be wary of this unfair, partial process. Specifically, the Base Closure Commission was comprised of one-third Pentagon personnel—the same group of men and women who sat as the staffs of the Pentagon's own commissions, the same group of men and women who planned the closures that were submitted to the Commission. It is unbelievable that these same unbiased individuals were chosen to advise the Commissioners and comment on outside information. Do you realize that many of these men and women are going to return to the Pentagon as soon as the vote is completed in the House and Senate? No doubt, they will be praised for a job well done. Mr. Chairman, let me make my view clear: This was a job wrongly done.

You unaffected Members must also remember. In 2 years, you will be facing the same process again. If you decide to leave this unfair, political result in effect, without, at a minimum a protest vote, you may regret it later. In particular, I am speaking to those of you who narrowly were spared closures and realignments.

What more can I say? I am in support of the House Joint Resolution 308 and I will vote against the Commission's list. I urge my colleagues, in all fairness and good conscience, to do the same.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

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

This base closing process, like the one we followed in 1988, has not been politically driven. Each of us in Congress has had ample opportunity to express directly to Secretary Cheney and to the Commission our own strongly held views, and we've done just that.

While I believe the U.S. Navy has erred badly in nominating for closure the Philadelphia Naval Shipyard, the clear majority of bases joining the shipyard on this list merit being closed.

The summit taking place in Moscow this week reminds us that our world has changed dramatically in recent years. Today, President Bush has called again on the Soviets to join us in accelerating the dismantling of our military industrial complexes to join us in turning our swords into plowshares.

Today, the United States does not need all of its ships, its aircraft, its warheads and its divisions of troops. And, though it's difficult to acknowledge, neither do we need each of the hundreds of military bases that still dot America's landscape.

The consequences of that reality are painful ones, however, for the families whose lives will be disrupted, whose livelihoods may be imperiled, if we vote to permit these bases to close. There are steps that we can take to soften those blows—innovative tax policy and fully funded programs specifically designed to ease the pain of dislocation. If we vote today to permit these bases to close, we must be prepared to vote later on to deal with the suffering that today's votes regrettably may cause.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HUCKABY].

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

My colleagues, we are here today to ratify base closing decisions initially proposed by the Pentagon, then slightly modified by an ad hoc commission, decisions which will change the landscape, which will change the very essence of American communities for generations to come. Decisions made by a Commission that acted in haste. Decisions made by a Commission often with incomplete data. In Louisiana, the Air Force seemed not to know what the Army was planning to do. Decisions made by the Commission that was not acting independently of the Pentagon. Much of their staff was furnished by the Pentagon.

Decisions made not free of political influence. On the last day of the last meeting of the Commission, an unedited C-SPAN tape picked up a Commissioner saying, "England Air Force Base was the one we should have saved."

My friends, I would suggest decisions not made in haste would have resulted in a different makeup of what we are facing today. We do not have to be a rubberstamp. Let us tell the Commission to go back, to do the job right.

I ask for a "yes" vote on this resolution of disapproval.

□ 1720

Mr. MARTIN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I rise today to oppose House Joint Resolution 308, a resolution to disapprove the findings and recommendations of the Defense Base Closure and Realignment Commission. Let me say Mr. Chairman, however, that I do so with a great deal of reluctance, but also with a sense of what is good for our national interest and the future vitality of our defense posture. Clearly, a leaner military is the way to go as our national defense requirements shrink. A lighter military means greater performance, cost savings, reduced deficits, and the ability to focus diminishing defense dollars on our most urgent national security priorities. But, we must manage the transition process fairly, and with an eye toward preserving essential missions and capabilities. It is because I feel so strongly about how we go about streamlining defense bases that I have some reservations with regard to House Joint Resolution 308. Certainly the process is not perfect, but I believe it is the best we have.

My reservations stem from having had to carefully weigh two tradeoffs: One between a local and a national concern and the other which is imbedded in a package deal that pits one bad recommendation against a good set of recommendations. Clearly, Mr. Chairman, as the military say, I am between a rock and a hard spot. I have to choose between a singularly flawed decision process concerning the White Oak Laboratory, which is located in my congressional district in Silver Spring, MD, and between, what is on balance, a collectively fair process concerning the entire package of facilities slated for closure or realignment in this year's round. I do not like having to paint my decision in these terms, but it accurately reflects the culmination of an uphill battle I have fought to reverse the White Oak decision and pull it from the list we are voting on today.

As you know, on April 12, the Secretary of Defense forwarded to the Base Closure and Realignment Commission the Navy proposal to reduce and realign 70 percent of the White Oak Laboratory positions as part of its overall plan to consolidate 90 percent of the Navy research and development structure. I reviewed the proposal and criteria for White Oak Laboratory and found it to be an exceedingly flawed decision in search of a rationale. The criteria were easily disputed and the cost figures contrived. In short, the Navy plan was hastily conceived, ill-documented, and haphazardly analyzed for cost—which was confirmed by the GAO. I validated my assessment through a visit to the lab, consultations with top officials at the lab and in the Navy, a staff visit to the gaining facility, and through analysis of countless documents and letters pertaining to the realignment criteria and impact. I also worked with the Maryland delegation, my colleagues, and the employees and citizens of White Oak to evaluate the Navy plan.

In fact, Mr. Chairman, as I testified before the Base Closure and Realignment Commission on May 22, 1991, and again before my colleagues on June 3, 1991, the White Oak proposal will result in a net loss to the taxpayers, a hemorrhage of 70 percent of the talented scientists and engineers employed there, and a major upheaval in critical Navy technology warfare missions—chiefly mine warfare and surface ship ASW.

Moreover, Mr. Chairman, at every opportunity, I explained to the Commission, my colleagues, and my constituents that the Navy laboratory realignment proposal circumvented the policy process set up by Congress. In the 1991 DOD Authorization Act, Congress mandated that the DOD set up a separate commission to study the conversion and consolidation of defense laboratories and to recommend closures and realignments. This was done in recognition of the complexity and special nature of defense laboratories, their contribution to the technology base, and that their success depends largely on the body of highly skilled scientists and engineers who staff the labs and who perform missions that have long-term impact on the technical capabilities of the Armed Forces.

Today, Mr. Chairman, the set of base closures and realignments includes a package of 16 Navy RDT&E facilities slated for realignment. None of these facilities, to include White Oak Laboratory, was considered on a case-by-case basis. My own feeling is that a shining example of a laboratory of the future got lost in the shuffle. Today's vote further guarantees that these facilities will be lumped together.

The Base Closure and Realignment Commission has also recommended that the separate laboratory commission review their findings regarding the Navy labs and advise the Secretary of Defense how best to implement this consolidation plan. The lab commission report is not due out until September 30, 1991. Yesterday I had discussions with the chairman of the lab commission, Mr. Charles Adolph, and was advised by him that his commission would not audit the Base Closure and Realignment Commission's findings on a lab-by-lab basis. Thus, despite every effort to get a fair hearing for the White Oak Laboratory, and repeal the recommendation, I have yet to find a receptive ear.

My only hope is that the lab commission considers an alternative I proposed which would keep the mine warfare and surface ship ASW functions at White Oak. This would be a more cost effective and conceptually sound alternative. I firmly believe that there is no reason that a vote today to approve the package of recommendations before us should interfere with the independent recommendations of the lab commission who can still alter the outcome for White Oak Laboratory.

In the meantime, I will do everything I can to see that the needs and concerns of the employees of White Oak and their families are met and that the realignment process is implemented fairly and adequately to minimize disruption in service to the fleet.

Mr. Chairman, I believe it an untenable position to sacrifice the greater good of the national interest for the sake of an individual concern. Despite my misgivings on the White Oak Laboratory plan, I must support the overall plan for base closures and realignments. Mr. Courter is to be commended for the fairness, accessibility, and openness he displayed throughout this difficult and painful process. The country has been well-served and our military defense needs carefully balanced. In a time of shrinking budgets and threats, we are drawing down our military forces by 25 percent. Thus, we also need to reduce the bases that house those forces. The process is not perfect, but it is as close as we can come to achieving our goals in a balanced and thoughtful manner. For these reasons, Mr. Chairman, I will vote to oppose House Joint Resolution 308.

Mr. DAVIS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. MARTIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RIDGE].

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

Mr. RIDGE. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to clarify one point made by my distinguished colleague, the gentleman from Delaware [Mr. CARPER], in regard to the process of turning our swords into plowshares by realigning these bases; I might point out that of the 34 facilities recommended for closing, only one has been listed as not being able to be utilized, and that is the Philadelphia Naval Shipyard.

Some of us think that the reason that the Navy does not want the Philadelphia Shipyard to be utilized for other purposes is that there are 15 potential Superfund sites that have been identified within the Philadelphia complex.

In the case where we can utilize the property, that would be one thing, but that is not the case with Philadelphia.

Mr. RIDGE. Mr. Chairman, anyone who has followed the base-closing

debate knows it is a very difficult decision for all of the Members in this particular Chamber.

Having talked with my colleagues on both sides of the aisle representing two particular facilities in the southeastern part of Pennsylvania, I have decided to support this motion of disapproval. It is pretty clear that Pennsylvania will suffer unfairly, and I have assessed it disproportionately, because of the closing of the Philadelphia Naval Yard as well as the Bucks County Naval Air Development Center.

It would be one thing if they were to be closed because they were obsolete, wasteful, or unnecessary, but at no time has the Navy ever suggested that any of these criteria are accurate or pertain to either of these facilities.

Let us face it, the Navy has never made it a secret that they would like to close their facility in Philadelphia, so when the command is asked to compile a list for closure, the Philadelphia Naval Yard is equivalent to a first-round draft choice. It goes right to the top of the list. Here is the rub: This facility is the most efficient, cost-effective facility of its kind in the country. So much for standards and criteria.

Nearly 13,000 people directly and probably 13,000 people indirectly will lose their jobs not because of inefficiency or waste or no military mission, nor will they lose it because of the Commission's objective assessment of the criteria. They will lose it because the Navy failed to make full disclosure of information favoring its remaining open.

I suggest to the Members that unlike the Army and the Air Force, the Navy did not follow its own criteria, and in failing to do so, they have made one of the worst decisions, since they also failed to follow the signals leading up to the attack on Pearl Harbor, and that same analogy is true with regard to the Naval Air Development Center.

A lot of us get accused of being micromanagers. The Naval Air Development Center in Warminster, PA, is the Navy's only, and I say again, only center for aircraft systems research and development. It is the only one they have got.

Predictably, around this center there are now companies that work with the DOD and the Navy, and there is a technical infrastructure. Around that Warminster facility there has grown over the past several years technical, corporate, and educational infrastructure all very much a part of the avionics research, the aircraft research, that goes on at the Warminster facility.

None or very little of this is available in Patuxent, MD. They have not come in with any explanation to satisfy this gentleman or most of the members of the Pennsylvania delegation from that area that transferring this facility and the people at this facility from an area and a community that provides enormous infrastructure, meets infrastructure needs, to Patuxent, MD, that meets none, is a prudent, responsible, thoughtful decision.

It makes absolutely no sense at all. It is a multibillion-dollar gamble that ultimately pilots will pay for, the American taxpayers will pay for.

Mr. Chairman, I would encourage you to support this motion of disapproval. The closing of these two facilities in Pennsylvania has not met objective, realistic, responsible criteria.

The Navy will tell you that the Philadelphia Shipyard is the best that they have got; the Warminster facility is the only research facility they have honing in on that particular area, and they have not justified its removal.

So I request support for this motion for disapproval.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MATSUI].

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

Mr. MATSUI. Mr. Chairman, like many other Members of Congress I will be wrestling with the impact from a military base closure. The closure of the Sacramento Army Depot is very difficult for me to support. The base has been recognized as one of the premier Army facilities over the years: It received the 1989 Army Communities of Excellence Award, and a 1990 Governmentwide award for outstanding management. The 3,300 employees at the Sacramento Army Depot are among our community's finest assets. I am continually amazed by their skills, commitment to their jobs, and their devotion to their country. It is they who make closing this base so difficult.

However, last year, after the Sacramento Army Depot had already appeared on one DOD hit list and seemed to be headed toward another, the Sacramento business and political community came to a difficult, yet inescapable, conclusion. Our prospects for saving our base were slim at best. And so we decided to work with the Pentagon to achieve cost savings while preserving the Department's most valuable investment at the base—its civilian employees.

We proposed a simple, yet practical solution: It would be less expensive and less disruptive to move our depot's employees 10 miles to McClellan Air Force Base, which performs similar electronic repair work, than to move the operation to the opposite side of the country just to keep the workload at an Army base. Our plan advocated interservice consolidation as a means of achieving the greatest cost savings. We submitted the Sacramento plan as an alternative to the DOD plan. I am pleased to report that the Defense Base Closure and Realignment Commission considered it as such and the members and staff spent endless hours verifying the statistics and comparing them to the Army's proposal.

Validating the Sacramento plan went beyond the standard question of whether to close a base. But each Commissioner voiced a strong interest and willingness to give it a comprehensive study. Predictably, the Army tried to protect their turf and we had to deflect their criticisms with additional evidence demonstrating the higher savings and fewer worker transfers. The Commission endured the political and technical assaults from both sides. In fact, they encouraged the debate. The Commission briefed us on counter-arguments received from the branches of the military, and actively solicited data and the methodology underlying the Sacramento plan.

Ultimately, the Commission found it difficult to verify the costs and savings proposed in the Army plan. Thus it opted for an open competition exclusively between five Army bases and McClellan Air Force Base. The bidder that charges the lowest rate for repair work will get the Sacramento army depot workload.

While the outcome cannot be called decisive, the process and the Commission's openness was a welcome reprieve from the backroom decision-making we had been subjected to by the Army. The Commission provided supporters of the Sacramento plan with ample opportunity to make substantive points and I feel that in the final analysis, the decision to realign the workload was insulated from political pressures and the Army's strong-arm tactics.

As we all know, DOD will implement a 25-percent force structure reduction over 5 years. The Commission's base closing list reflects an excellent attempt to maintain our military strength while cutting the defense budget by $1.7 billion annually. In the case of Sacramento plan, the Commission provided an opportunity to realize even greater savings than projected by the Army. In addition, the Commission is promoting interservice consolidation, a necessary reorganization move which the military branches are reluctant to face.

During the Commission's deliberations, I found the Commission and staff knowledgeable and receptive to all possible cost-cutting options. Chairman Jim Courter and the other Commission members were charged with the difficult task of validating DOD's recommendations on 43 base closures and 28 realignments in only about 80 days. Under Chairman Courter's leadership, the Commission not only did the work, but operated as a truly independent review panel, neither a tool of the administration nor of Congress.

The base closure will undoubtedly cause great upheaval in local communities. But we must consider the need to convert our military infrastructure to other productive civilian uses. We must redouble our efforts to fight the

domestic problems, strengthen our economy, and cut back the budget deficit. I congratulate Chairman Courter and other Commission members for trying to maintain an objective viewpoint during this round of base closings, and they have my support on this vote.

□ 1730

Mr. FOGLIETTA. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, in 1988 I supported this House's decision to create a Base Closure and Realignment Commission which sought to remove partisan politics from the process, treat impacted communities sensitively, and preserve our national security.

Like most Americans, I believe that the global political changes of recent years demand that we reassess national spending priorities and that one of the first steps is to close and consolidate some of our military bases at home and abroad. As painful as it might be to me and those I represent, I would support the closure of bases in my own district if I were confident that the law was followed faithfully and the conclusion reached was in our Nation's best interest.

Sadly, I do not believe the report before us today meets those two simple tests.

I will not belabor my point by repeating all of the arguments made on behalf of Fort Devens in Ayer, MA to the Base Closure Commission by members of the Massachusetts delegation, the Lieutenant Governor, community leaders, military retirees, and citizens.

But let me raise one issue today, that should be of importance to this House and to each and every one of you—particularly those who have bases in their districts which were spared.

In 1988, Fort Devens was a prime target for closure by the first Base Closure and Realignment Commission. It was clear then, as it is today, that the hierarchy of the U.S. Army favored the closure of Fort Devens—the last remaining Army base in all of New England. The community in Massachusetts worked hard and made its best case to the Commission. And we prevailed. When the Commission issued its report, it recommended that Fort Devens have transferred from its command the Army Intelligence School. But, in its place, the Information Systems Command [ISC] was to be moved from Fort Huachuca to Fort Devens, capitalizing on the range of academic and industry expertise in high technology in Massachusetts. Not only was the base to remain open, but BRAC 1 selected Fort Devens for the largest growth of any base in the realignment process. It was good news for the community—not only was there a net gain of 1,420 jobs, but more importantly the specter of base closure had been put to rest. The Pentagon took its best shot, a nonpartisan panel had evaluated the base—and the conclusion was that Devens had an important role to play in our Nation's defense.

The Commission's recommendation was ratified by the President and by the Congress. It was the law of the land.

But a funny thing happened on the way to realignment. The Intelligence School began its move from Devens promptly. But for 3 years, the Army did more than drag their feet on moving the information systems command to Devens—they were openly belligerent. The Secretary of the Army publicly stated his opposition to the move of the ISC to Devens. The Pentagon ignored the law which called for the move when they froze the construction contracts for the ISC's facilities.

The end of the story is obvious. Fort Devens, with a depleted mission and no ISC in place, was like a piece of raw meat in shark-infested waters as this year's base closure process began anew.

I will vote for the resolution of disapproval today out of respect for the integrity of the process—integrity that was violated. To all of you whose bases were spared, I caution—beware of BRAC 3. For the sake of the communities you represent, I say—let us learn an important lesson today. No other community should have to ride the emotional and economic roller coaster that Fort Devens has—up 1 year and down the next.

The law is the law. Communities must abide by BRAC's recommendations. Member's of Congress must abide by BRAC's recommendations. Shouldn't the Pentagon?

I realize that the military situation may change in ways that can dictate an essential alteration in the base closure recommendations from one BRAC to another. But this can also become a Pentagon excuse to justify the result they desire. BRAC 2 reversed the Pentagon's recommendation to close Fort McLellan—will the Army now drag its feet and let Fort McLellan fall by the wayside in just 2 years during BRAC 3? Will the same happen to Moody Air Force Base, Orlando Naval Training Center, or Naval Air Station Whidbey Island?

Absent proof of a change in situation, the Pentagon must abide by the law if the process is to maintain any integrity. Absent that proof, it is clear to me that Congress is allowing the Pentagon to act unilaterally and with impunity—this is an egregious violation not just of the law itself, but also of the spirit of fairness and integrity that has led the Congress to endorse this unprecedented process in the first place.

For me, the immediate task ahead is how best to aid the communities affected by the closure of Fort Devens. I am confident that the people of Ayer, Shirley, Lancaster, and Harvard—will survive this closure—but not thanks to the Federal Government.

In 1917, the U.S. Army entered into a social contract with the communities in which Fort Devens is located. Today, by this vote, the House of Represenatives will authorize the abrogation of that contract. The community will be left with 54 toxic waste sites and an uncertain Federal commitment for their cleanup. They will remain home to thousands of retirees who will no longer have ready access to important medical services and hundreds of civilian employees who face unemployment. And, despite repeated commitments, the Army has still not told the community when they are leaving. Is this any way to treat a faithful partner of more than seven decades? I think not.

In the months ahead, I hope you will join me in fighting for fairness for the communities impacted by our decision today. I hope that in the coming years the Congress will be more vigilant in noting that the honor of the BRAC process can all too easily be willfully compromised by the implementing agency, the Pentagon.

Mr. MARTIN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the resolution of disapproval and in support of the actions of the Base Closure Commission.

I do this because I believe that this Commission has established a credibility of process that is very important to this body. I believe that when we created this Commission a couple of years ago the objective was to take some of the politics, and some, hopefully, all the politics out of it, out of the process of base closures, and to provide a method of an objective review that the Department of Defense made in the way of its decisions or recommendations on closing military installations in this country.

Having worked up close with this Commission over the past several months, I happen to believe that they have done precisely what they were charged with doing. I had in my district one of the major targets of the Defense Department's closure list, the Navy Training Center in Orlando. Through the process, the Commission spent hours working on this. Every one of the Commissioners were freely available to me, to my staff, and to others whenever they were called upon to listen to the arguments to be made, to find the latest data, and review the process. Not only that, but their staff was conscientious. An admirable job was done under adverse conditions by Paul Hirsch, as well as the chief analyst of the committee, Alex Yellin, handling the Navy functions.

and Jerry Vernon, who had the role of handling the Naval Training Center in Orlando. They were objective, worked long hours, worked very hard in trying to come up with the right answer in regard to this particular facility, and I think in the end their decisions, the Commission's decision unanimously to remove Orlando from the list was a correct decision and one based on that objective judgment.

It is for this reason, and because I have had that up-close experience that I come before my colleagues to advocate the position today of disapproving this resolution of disapproval. In other words, voting it down. We need to have this process. It will not always come out the way we want it, but I would be like a couple of other Members today had it gone the other way, having had the experience as the gentleman from California just a few minutes ago indicated, of working with these people who did the job this time, knowing how conscientious they were, how objective they were, knowing the number of hours they put in, and knowing the importance of making this process work, and knowing that they believe in making this process work and were dedicated to that cause. That even had their decision come the other way, as in my case, I would be here today before Members telling them precisely the same thing.

We need to vote down this resolution of disapproval. We need to reaffirm our belief in this particular system, this independent commission process, and we need to go on to the next two rounds established by statute in 1993 and 1995 with an independent commission intact and in place and with the support of this Congress in order for the Congress to have objective closings that we all know have to be made. I urge the resolution be defeated.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ASPIN] whose time is controlled by the gentleman from Mississippi [Mr. TAYLOR] has 14 minutes remaining, the gentlewoman from Colorado [Mrs. SCHROEDER] whose time is controlled by the gentleman from Pennsylvania [Mr. FOGLIETTA] has 13 minutes remaining, the gentleman from New York [Mr. MARTIN] has 7 minutes remaining, and the gentleman from Michigan [Mr. DAVIS] has 3 minutes remaining.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

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

Mr. AUCOIN. Mr. Chairman, I rise in opposition to the resolution of disapproval and in support of the findings of the Base Closing Commission.

A "no" vote on House Joint Resolution 308 would show that the Congress can make the hard choices, the difficult choices necessary to keep this country as a major superpower, both in the military sense, as well as in an economic sense. The estimates are that these base closures will save Americans $1.5 billion each year after the year 1998. That will be welcome news, it seems to me, to tired taxpayers who have been laboring through the years, maintaining bases that are surplus to our valid security needs, and have little or no national or military utility.

□ 1740

This Nation's enemies have changed. Now it seems to me what the Base Closure Commission was required to do and what we are required to do is to change to meet the new challenges of a New World.

In the 2 minutes given to me to make this statement, our Nation's debt will increase by over $800,000 in interest payments alone, in just that amount of time. That is the amount of excess spending this Nation is engaged in. That, my friends, is the new enemy. That is the enemy that threatens our economic security and ultimately our national security.

Walk around the streets of any town or city in the State of Oregon and you will see that we need more work force training in schools and colleges, not in obsolete military bases. We need targets of opportunity and hope for our inner-city youth, not redundant sites for target practice in military installations around the country. We need extra beds for homeless veterans and drug treatment centers, not excess beds in military barracks.

With all due respect to my colleagues who will lose bases in their districts, I am voting against this resolution. I am voting to save us some of the funds that we need to create a New World economic order beginning right here in the good old United States of America.

Mr. FOGLIETTA. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina [Mr. TALLON].

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

Mr. TALLON. Mr. Chairman, this is about the worst boondoggle that I have ever been involved in. If anybody in this Chamber thinks the President, the Pentagon, or the Base Closing Commission knows where we are going with this process, they are sadly mistaken.

The Pentagon had an explicit mandate to apply the established criteria impartially to all military bases, but the Pentagon ventured way out of the confines of fairness when it came to the Myrtle Beach Air Force Base. Unfortunately, the Commission and the President ignored the many flaws exposed in the Pentagon's rationale for closing that base.

I am also disturbed that the Department of Defense moved so quickly to close our domestic bases, while they did not include foreign bases in their recommendations.

I am wholeheartedly in accord with the concept of closing unneeded military installations as part of the effort to reduce our Federal budget deficit; however, I cannot abandon my responsibility to my constituents because the process was flawed from the beginning and Myrtle Beach Air Force Base deserved a fair shake; but now it is imperative for us to keep in mind that thousands of Americans are going to be adversely impacted by these decisions, dispossessed of their livelihoods.

As the curtains are closed on bases around the country, I strongly urge all my colleagues to help get these communities rolling again.

Mr. FOGLIETTA. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

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

Mr. GEJDENSON. Mr. Chairman, military installations on the base closure and realignment list must pass a 2-part litmus test. First, can national security goals be met without the facility? Second, will closure or realignment of the facility save money? I oppose the base closure recommendations because I believe the Navy's decision to realign the Naval Underwater Systems Center [NUSC] in New London, CT, will not only endanger its undersea warfare mission, but will not save money.

That is why, Mr. Chairman, I must rise in support of House Joint Resolution 308, the resolution to disapprove the 1991 base closure and realignment recommendations.

A number of factors associated with many of the Navy's realignment proposals are very disturbing. You don't have to take my word for it—read the report of the General Accounting Office [GAO].

First, the GAO reports that the Navy's process lacked sufficient supporting documentation for GAO to be able to determine the basis for military value ratings given to Navy installations. As GAO notes, the Navy provided "inadequate documentation" to support its decisions, relying mostly on a rather non-descriptive series of outline charts, nor did the Navy "establish [the] required internal controls to ensure the accuracy of the data used". (page 5, GAO/NSIAD-91-224) A quantum leap of faith is required to understand how the Navy chose several of the candidates for the base closure list.

Second, the GAO was unable to verify the accuracy of the economic model used to predict annual savings. According to GAO, the Cost Of Base Realignment Actions [COBRA] model does not account properly for inflation. Neither does COBRA include a realistic figure for its discount rate. A 10-percent discount rate is used, when the figure should be closer to the rate of government bonds, 6 percent or 7 percent. Rather than attempt to manipulate the inflation and discount figures, GAO used a very simple sensitivi-

ty test on the COBRA model—they postulated 50 percent and 100-percent increases in the costs of each closure and realignment, just to see whether the savings would pan out even if the costs were seriously underestimated. The savings associated with 20 percent of the installations on the list were extremely sensitive to the size of one-time costs incurred. That is, if the costs increased 50 percent, the payback period became incalculable; 100 years or more. NUSC/New London is one of the installations in that category. (page 58, GAO).

I understand the argument that COBRA should be used only to gauge a range of options; to compare the relative value of one prospective closing or realignment to another, and not as the basis for appropriations. However, if key figures are changed in the COBRA model to make it more realistic, it can yield very different results.

Mr. Chairman, I can't believe the costs associated with NUSC realignment are accurate. The most glaring evidence is that the Homeowners Assistance Program cost for NUSC employees is calculated at a big round zero in the Navy's COBRA model. Yet the proposed realignment would transfer about 800 civilian employees to NUSC/Newport and Dahlgren, VA. In the sluggish real estate market of Eastern Connecticut, NUSC employees facing transfer may be hard-pressed to negotiate prices at which they could afford to sell, particularly anticipating a move to the pricier Newport market. The GAO's 1989 report recommended that the costs of the Homeowners Assistance Program be included in COBRA. (page 56, GAO). That means more than a line of COBRA programming code; it means a real value should be placed there for COBRA to calculate. Mr. Chairman, if the Navy had done that, it would have shown that NUSC/New London doesn't belong on the base closure and realignment list.

In addition to the flawed economic assumptions behind it, the proposed realignment of NUSC will impair our ability to maintain the cutting edge in submarine technology, which is so vital to national security. The inherent stealthiness of submarine technology is critical to this Nation's superiority at sea. And it is the caliber of our people that really makes the difference in whether or not we retain our technological advantage. For that reason I am deeply concerned that severe reductions in NUSC/New London personnel will have unpredictable qualitative ramifications. Under Federal civil service regulations, the NUSC realignment proposal is classified as an adverse action. Under an adverse action, employees with 25 years service automatically become entitled to early retirement. The early retirement option could severely impact the Navy's ability to retain NUSC/New London's hundreds of world-class and senior scientists. Retirement-eligible individuals are usually reluctant to move to a more expensive area, such as Newport, and face increased mortgage payments at a time of life when most people look forward to mortgage-free living.

Likewise, journeyman-grade engineers and scientists at GS-12 are going to have a much harder time finding housing to purchase in the expensive Newport market, and with little time invested in their pension plans, may be tempted to leave government sevice. What savings will we have realized by losing our investment in the training of these individuals?

As I have said, NUSC/New London's personnel resources are of inestimable value to the development of U.S. submarine technology. Consider this: NUSC/New London is the only lab site where you can dock a Trident submarine, and the NUSC scientists can go aboard and work with the crew on research and improvements. The realignment proposal retains this facility, but it is just one example of the synergism which now exists between NUSC/New London, the New London Naval Submarine Base across the river, and the Electric Boat submarine construction yard downriver in Groton. How much synergism between transferred NUSC personnel and the rest of the submarine community will be lost as a result of the realignment proposal? It's impossible to put a monetary value on the loss of interaction between people.

Mr. Chairman, in these tough budget times, it is important that unnecessary and duplicative facilities be closed in order to save the taxpayers money. However, the Navy's realignment plan for NUSC is severely flawed and will not save money in the short term or the long run.

Military facilities must be carefully selected for their ability to contribute to national security in an era of declining defense dollars. Former Navy Secretary William Ball, the only member of the Base Closure Commission to visit NUSC, expressed his reservations about the Navy action and cited the crucial function that NUSC/New London serves.

With that, Mr. Chairman, I urge my colleagues to reject the base closure list. Realignment of NUSC will jeopardize the Navy's undersea superiority, and it will not produce cost savings for American taxpayers.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. PICKLE].

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

Mr. PICKLE. Mr. Chairman, I do not agree for 1 minute with the decision of the commission to close Bergstrom Air Force Base in Austin, TX. It is an excellent facility, strategically located, and able to support any mission the Air Force wants to hand it. But the Air Force has phased out its present mission—tactical reconaissance—and did not want to put a new mission at Bergstrom. All that I, and community leaders, in my district sought from the commission was a fair hearing to make the case that Bergstrom Air Force Base deserved a new mission. We got an open hearing from the commission, but our case did not carry. Our Austin task force did an excellent job, and we gave it our best shot. We have no apologies to make for our efforts.

Even though I do not agree with the commission or the Pentagon on my base, I do not think that that is enough for me to oppose closing any base at all. Congress set up the process under which the Base Closure Commission did its job, and I do not know of any widespread or systematic departures by the commission from the guidelines set out by Congress. I am aware that there are some Members who feel strongly that bases in their districts were treated unfairly, and those Members are pursuing ways to keep their bases open. But the commission, on the whole, operated within the law.

We in Austin have never wanted to keep Bergstrom open just for the sake of keeping it open. We recognize that we must downsize our military. We should be glad that world tensions have declined to the point where this country does not have to spend so much on the military. But you can not be for the peace dividend without voting for the peace dividend. This vote is part of the hard work of creating the peace dividend. For these reasons, I will oppose the resolution to disapprove the President's recommended list of base closures.

Closing a base is painful for a community. People lose jobs, retirees lose access to health care and other services they depend upon. We have the obligation to ease the blow for these people. But where there is pain there is also opportunity for growth. I have faith that my community, and others affected by base closings, will come out stronger than before as we put these facilities to new uses.

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

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

Mr. DAVIS. Mr. Chairman, we have heard a lot of talk today about the process and whether the process is flawed.

Certainly I think as I looked at the Commission, as many of us did and watched the way they performed, I think they did their job as well as they could with the time that we allotted. Perhaps the mistake was made when we passed the original bill which became law that set up the time span in which they were able to do their deliberations. I do not think we gave them enough time. I do not think, as an example, that we weighted enough

of the decisionmaking on economic impact in a particular area.

□ 1750

It seems to me that economic impact should have had a greater effect on their decision than it did. As an example, in my congressional district in the State of Michigan, there were only three full-time military installations in the entire State. All three were in my congressional district.

With the closing of Wurtsmith Air Force Base, this made the second base, two out of three bases, that were closed in my congressional district. I think we should have been a little fairer in making these determinations.

In the area where Wurtsmith Air Force Base is located it is a very small community, 3,000 people. The unemployment rate today, before the base closes, is 14 percent. Obviously, when the base closes, taking out $145 million from the local economy, the unemployment rate will probably double or may reach 30 percent.

I do not think that is fair. We should have looked at the economic impact much more than we did.

Be that as it may, I think all of us recognize that we are going to lose on this issue. Those of us who have bases are going to vote for the resolution, those that do not will very likely vote the other way. Probably in the next go-round, 1993, 1995, the rest of us will probably be voting the other way, and you folks that are going to have bases will find out what we are going through now.

One of the things that we have done, and I have to give credit to the people that I represent, they have taken a very positive attitude and are gearing up for what is going to happen when Wurtsmith Air Force Base does close.

I have introduced a piece of legislation. Now, one of the gentlemen, I think the gentleman from California [Mr. MINETA], talked about cleanup, making sure that the bases are cleaned up so that in fact they can be used for other purposes. That is very, very significant and important. But I have also introduced a piece of legislation that will be cosponsored, or is, by many other Members; with a companion bill to Senator ROTH's legislation on the other side. It was actually his idea. But right now the pecking order as to who gets what at a base that is closed works this way: First dibs go to the Federal Government or any Federal agency. Any of the assets, any of the furniture, any of the fixtures, any of the buildings are offered to a Federal agency. If they do not want any of these facilities, then they can next offer it to the State. In my case, the State of Michigan. If they choose not to use any of these facilities, then it is offered to the local community.

The bill that I have introduced reverses that pecking order and says that the community will have first opportunity to use these assets. To me that only makes sense because these communities are the communities that are hurt. These assets were paid for by the taxpayers and we have a responsibility, in my opinion, to do whatever we can to make it easy for these communities to be able to attract industry or whatever we can do to improve their local economy.

So I would hope that my colleagues, as we go on through this process, that we will take recognition of the fact that these communities have been hurt and we have a tremendous responsibility to help them out.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

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

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

Mr. Chairman, I rise in opposition to the resolution to disapprove the recommendations of the Base Closure and Realignment Commission.

It has not been a simple decision to support the Commission's recommendation to close dozens of military bases nationwide with resulting dislocations in the lives of tens of thousands of military and civilian personnel, nevertheless, in the final analysis it is a necessary step which we should take. The cold war is over. Those military bases and installations of yesterday must be made to face the reality of today's needs and means. The strategic threat which has hung over our Nation for over 40 years has been reduced. Consequently, the justification for maintaining a massive military establishment complete with hundreds of bases nationwide must be reevaluated. Many of these military bases are simply obsolete and all military bases are very costly to maintain. The past decade has seen national policy which significantly reduced Federal assistance to people in need of affordable housing, health care, education, and other urgent aid. As a public policy we cannot afford to support the same military base structure today which has been of questionable justification in the recent past.

The Base Closure Commission was directed by Congress to take on the very difficult task of determining which military bases should be closed or realigned. I know that the Commission, under the chairmanship of our former colleague, Jim Courter, has, in the short time available, done its best to produce this report. While I do not agree with all of the Commission's decisions, I believe that the Commission has attempt to perform its duties. During the past year, the Commission has visited dozens of military installations nationwide in an effort to gather information so that it could make reasonable and informed decisions about which bases should be closed or realigned. This has surely not been a perfect process. The Commission makeup did not have the cross section of the expertise and diversity of different points of view that should have been possible. The appointing authority did not provide the proper membership.

In my view, Congress should also have directed the Commission to assess the utility of maintaining foreign military installations from the start not as an afterthought. There is simply no sound reason why the Commission's mandate of finding ways to cut costs while maintaining a viable national defense should have been limited only to domestic military bases. In this regard, I have strongly supported efforts to expand the Commission's mandate along such lines in the past and in the future subject to congressional review.

Similarly, I am sorely disappointed that the Commission chose to assert questionable jurisdiction in one area where literally dozens of Members of Congress urged them to refrain. The Commission voted unanimously, on June 30, to adopt a reorganization plan for the U.S. Army Corps of Engineers despite the fact that this particular plan was never the subject of congressional or public hearings and had never received any thorough scrutiny by the House of Representatives Public Works and Transportation Committee which has jurisdiction over the civilian public works projects of the corps. The BRAC Commission, however, voted to delay the implementation of the reorganization plan for 1 year, until July 1, 1992, to permit Congress to review this issue and to pass legislation to implement either this or some alternative reorganization plan. This is small comfort and hardly makes up for the poor process and lack of authority in the basic law that created BRAC.

It does demonstrate the BRAC Commission on uncertain ground and in an effort to co-opt the process for any Corps of Engineers reorganization. Unfortunately, while there are apparently few Corps of Engineers district offices which do more military construction work than civilian public works projects, there are none which do only military construction. Most USACE offices do 70-80 percent even 100 percent civilian projects, C&M, and administrative tasks. Thus, any decision to implement a reorganization plan which significantly reduces the districts and divisions of the corps will necessarily have a very strong impact upon the corps' civilian public works projects. It will also have a very pronounced effect upon the corps' relationships with State and local governments across the Nation which work closely with the Corps of Engineers on costsharing for water projects, such as dams and floodwalls, as well as on environmental activities, such as the issuance of permits under provisions of the Clean Water Act. The St. Paul District Office of the corps, for exam-

ple, which is slated for closing under this last-minute plan, has forged valuable and special working relationships with Indian tribes in the upper Midwest as well as with Canadian officials regarding several river systems which flow jointly between the United States and Canada. Clearly, these USACE functions are beyond any specific or general mandate which Congress granted to the BRAC Commission when it was created to review military base closure.

It is my understanding that there is report language in the House 1992 Defense authorization bill as well as the Senate Defense 1992 authorization bill itself which will have the effect of limiting and curtailing the BRAC Commission's jurisdiction and clarifying the original authority if enacted. House and Senate appropriations initiatives for 1992 funding in the Water and Defense appropriations bills specifically would prohibit the Army from spending any funds to implement its reorganization plan for the Corps of Engineers. Congress must specifically provide such funding for such reorganization to become a reality. Furthermore I am hopeful that the chairman of the Committee on Public Works and Transportation, Mr. ROE, will soon move to schedule hearings on this issue and to prevent the implementation of the Army's reorganization plan for the corps by providing for a congressional mandate to streamline, reorganize, and reassign a few roles for the USACE in the future.

While it may be true that the Corps of Engineers is in need of reorganization, this last-minute plan hatched on May 24, 1991, after months of denial that such plan existed, should certainly not be the vehicle for implementing such a reorganization. This May 24 plan has not had the benefit of thorough public scrutiny, it is not surprising that it contains some very major flaws. For example, several highly ranked corps offices are slated for reductions or closure, while others which score significantly lower in the corps' own rankings are retained or even increased. The Army has not offered any convincing explanation for this anomaly nor does the Base Closure Commission.

Secretary of Defense Cheney had it right in the first instance when he deferred the reorganization of the USACE to the Congress and the Committee of Jurisdiction. The Commission decided on its own initiative, however, to examine the Corps of Engineers after Secretary Cheney had decided, on April 12, not to include the corps in his base closing recommendations and to defer to Congress on this issue. While most military facilities in the Commission's report were subject to many weeks and months of review, the Commission based its recommendation on the Corps of Engineers on a 6-week review, during which period it considered the numerous other recommendations of the DOD for base realignment and closing.

Mr. Chairman, despite these problems which I believe will be overcome through separate legislative actions identified and only because I believe that these deficiencies will be rectified do I urge my colleagues to join me in supporting the Commission's recommendations for base closures by rejecting the resolution of disapproval and continuing the process of reassessing yesterday's facilities and matching our military installations with our need and means for today and tomorrow.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BORSKI].

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

Mr. BORSKI. Mr. Chairman, first, I want to commend my colleague the gentleman from Philadelphia, TOM FOGLIETTA, for all his hard work on this issue. His leadership has been unfailing for years.

Mr. Chairman, the whole idea behind base closure is to save money. The defense budget is declining and excess bases should be eliminated. I understand and support that concept. However, I believe the Commission has made mistakes in their choices, mistakes that will not save money but cost money. We need to stop this list now, before we compound those mistakes.

Among the larger mistakes the Commission made was to agree with the Navy that the Philadelphia Naval Shipyard should be closed. They listed Philadelphia for closure despite the fact that the closure will save no money, and that the environmental and economic impacts of closing the shipyard should preclude that action.

Many of the conclusions the Navy made about Philadelphia, and which the Commission accepted, were wrong. They seriously misjudged the economic and environmental impacts of closing the shipyard. And they were wrong about the savings that would be realized by closing Philadelphia: there will be none.

The Navy claims that it will cost $130 million to close the Philadelphia Naval Shipyard and that annual savings over a 20-year period would be $36 million. I believe that both those figures are wrong.

The Navy's own environmental impact statement of December 1990 estimates construction and personnel costs of closing Philadelphia would be $284 million. That does not include the cost of preservation of facilities or equipment at Philadelphia or the cost of construction and wages for additional workers at other shipyards. In addition, the cost of environmental cleanup alone, as listed by the environmental impact statement, would be $162 million. That in and of itself is more than the Navy says it will cost to close Philadelphia.

The Navy also said it would cost $102 million in the first year to shift work from Philadelphia to other, more expensive shipyards. But it does not count additional costs for after the first year. Even at substantially lower costs, doing Philadelphia's work at other shipyards wipes out the claimed savings of $36 million a year.

Philadelphia is the only shipyard that does Service Life Extension Program [SLEP] overhauls on conventional aircraft carriers. The work the shipyard does on aircraft carriers and other Navy vessels proved its worth in the Persian Gulf war.

The resources available at Philadelphia are not available anywhere else. It will cost the Navy over $1 billion to replace the infrastructure, drydocks and engineering facilities available at the shipyard.

Philadelphia is the best naval shipyard in the United States. The workers at the shipyard are the most efficient in the Navy and cannot be replaced.

Finally, closing the shipyard would devastate Philadelphia's economy. Directly and indirectly; closing the shipyard means over 35,000 lost jobs, and a 26-percent growth in Philadelphia's unemployment rate, a catastrophic increase. The city would lose millions annually in tax revenue, at a time when Philadelphia can least afford it.

The distribution of closures in the Commission's list is unfair. Pennsylvania takes a bigger hit in civilian jobs than any other State with bases on the closure list; 35 percent of all civilian job losses come from Pennsylvania and New Jersey. Sixty percent of the Navy's civilian jobs cuts are from the Philadelphia Naval Shipyard and Naval Station.

It is unreasonable to require one area of the country to sustain that much economic damage while other areas are untouched.

On top of the direct devastation that this list will cause in Philadelphia is the Navy's plan for the shipyard. The Navy wants to mothball the shipyard in case they need it in a future emergency. That will eliminate any possibility that the shipyard can be used by the community for anything else.

The Navy is taking away the shipyard and its jobs and revenue and simultaneously preventing Philadelphia from developing the site to replace the lost jobs revenue.

The Navy's plan for the shipyard will remove from use a 1,500-acre waterfront property worth $3 billion. That is a double jeopardy for a city that is in poor shape financially.

Mothballing the shipyard also removes any incentive for the Navy to complete an environmental cleanup. This allows the Navy to underestimate the environmental costs of closing the Philadelphia Naval Shipyard.

I have had firsthand experience in my district with a military closure gone bad. In 1977, the Army closed the

Frankford Arsenal. For 6 years the arsenal site sat dormant, a federally abandoned ghost-town. First, the Army spent 2 years studying the site. Then, in 1979, a contract was awarded for the arsenal cleanup. After further study and documentation, clean up began in 1980.

In 1981, the Army certified that the arsenal met the criteria for unrestricted use and turned it over to the General Services Administration. However, PCB's, asbestos, and lead-based paint remain a problem to this day, almost 15 years after the Army closed the Frankford Arsenal. The arsenal was a blight on surroundings neighborhoods for 6 years after a private developer finally bought it.

The Frankford Arsenal is now an industrial and commercial facility that employs 3,000, with the potential for an additional 1,000 jobs. But the arsenal's ultimate success carried a high price and taught us a lesson: The Defense Department should be made to fully restore facilities it chooses not to use. DOD should not be allowed to abandon facilities, or, just as bad, mothball them and prevent their use by nearby communities.

I admit that I have a parochial interest here. Many of my constituents will lose jobs. But closing the Philadelphia Naval Shipyard will not save money. It will cost more to cleanup the shipyard than the Navy says it will cost just to close it. And if closing Philadelphia is not a money-saver, why force the economic devastation on Philadelphia that closure guarantees. If the Commission is wrong about Philadelphia, they may very well be wrong about other bases, too.

I urge my colleagues to reject the base closure Commission's list and support House Joint Resolution 308.

□ 1800

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. McMILLEN].

(Mr. McMILLEN of Maryland asked and was given permission to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Chairman, I rise today in support of the resolution of disapproval. My opposition to the recommendations agreed upon by the Defense Base Closure Commission is a result of the Commission's decision to include far-reaching proposals to restructure our defense research and development laboratories.

As many of you know, the Base Closure Commission voted to include as part of the base closure list the Navy's and Army's proposals to consolidate research and defense laboratories. The problem with this decision is that there has been very little review of these consolidation proposals. No congressional hearings were ever held specifically on the consolidation proposals, and the Commission clearly did not have the time nor the resources to adequately review the technical merits of the plan, nor to devote attention to each R&D facility affected.

Laboratories are different from bases and should not be realigned without a sound basis. Unfortunately, this basis—be it policy considerations or cost effectiveness—has not been clearly demonstrated. The proposal to realign the David Taylor Research Center in Annapolis epitomizes the flaws in the Navy's consolidation plan.

The proposal to realign David Taylor underestimates the costs, and gives little consideration to the impact on the future mission and national strategy of consolidating the functions currently handled in Annapolis.

The base closure report will implement the recommendations made by the Department of the Navy's report on base closure and realignment—Navy report—issued in April of this year. This will realign the DTRC Annapolis and NAVSSES Philadelphia with DTRC Carderock, as part of its overall plan to consolidate activities into four major RDT&E warfare centers. This will entail the movement of certain key functions affecting materials, submarine hull, and mechanical and electrical propulsion, along with the facilities to carry out such functions from Annapolis to Carderock.

COST EFFECTIVENESS ISSUES

According to the Navy report, the upfront costs of the DTRC Annapolis realignment is roughly $48 million, with an estimated annual return of $5.6 million.

The major savings envisioned by the Navy plan is equal to the savings associated with reductions in personnel already mandated by current law. As part of last year's defense authorization, there will be a 20-percent work force reduction, regardless of the restructuring. This would provide annual savings equal to the $5.6 million envisioned in the Navy report. Thus, a simple downsizing would achieve the same savings, without the loss of capability and without the costs of restructuring.

Furthermore, the DTRC Annapolis is a naval industrial fund [NIF] facility. This means that the laboratory must operate as a self-sustaining business in which all costs except military construction are paid through direct charges to specific projects. As a profit center, DTRC Annapolis has grossed an average of $80 million per year for the past 10 years. With the proposed realignment, this revenue would drop off.

The Navy report also assumes that 80 percent of the Annapolis employees to be transferred would retain their residence in Annapolis since DTRC Carderock is considered commuting distance. This is unrealistic, particularly as a long-term state of affairs. Consequently, this assumption has the effect of grossly underestimating the total relocation costs. A more realistic assessment of the move is in the $80 to $100 million region.

To put these figures in perspective, the General Accounting Office [GAO] notes that the initial return on the $49 million upfront costs will be 10 years, and that with a 50-percent increase in these costs, the payback period will be 100 years. Considering the fact that the Navy report also identifies $24 million in environmental cleanup costs, which is separate from the $48 million, any possible return on investment—according to table I.33 of the GAO report—would be negligible.

MATERIALS ISSUE

This last point raises another important issue. The proposed transfer of the hazardous materials process to Carderock would require the construction and approval of new environmental control systems in Carderock. This will raise the problem of transporting hazardous waste through the local community, and could result in lengthy court challenges. As the Navy report notes:

> DTRC Annapolis generates hazardous waste will be transferred to DTRC Bethesda to support the transferred activities. Not only will this increase storage problems at Bethesda, but it will also increase truck traffic of hazardous wastes through a residential area. This will cause increased safety risks and potential health hazards to those living in the community.

MACHINERY ISSUES

These last points highlight problems which do not appear to have been well thought out. And this goes to the heart of my concern over the consolidation proposals in general, and the proposed realignment of DTRC Annapolis in particular. Although the notion of consolidation appears beneficial at face value, the articulation of a future technological strategy remains absent.

DTRC Annapolis is the focus of the Nation's largest, most intensive R&D effort and capability for HM&E systems—including stealth characteristics—of ships, submarines, and other vehicles. It is also the primary national resource for ship and submarine machinery and materials R&D, and represents the primary U.S. capability for submarine and surface ship machinery electromagnetic and acoustic quieting technologies. And, according to the Navy report, DTRC Annapolis is the "key Navy resource for advanced intergrated electric drive technology."

After acknowledging these functions, and the priority of such functons, the Navy report then proposes separating several integrated functions, fragmenting important R&D programs. A prime example is separation of the electrical research from the mechanical research in Annapolis. This is extremely short sighted, and will deny the Navy of a technical capability to control risks and costs of its integrated electric drive program. I cannot underestimate the importance of this program, and the grave consequences should it be restructured.

The Navy is currently embarking on a radical departure from mechanical shaft-driven systems of the last 100 years. This program is the single most important development that will launch new, improved propulsion and ship arrangements capability for all future Navy ships. Annapolis is currently the key laboratory developing this emerging technology, and Carderock is not equipped to do it at all.

Essentially, the integrated electric drive program will link the central power system for both propulsion and ships-power for all other ship functions. Congress has also been pressing for a parallel program in superconducting machinery as the next generation of integrated electric drive to reduce weight by one half, and improve performance. DTRC Annapolis is the only lead laboratory for integrated electric drive and superconducting machinery in existence.

By moving the function, not only are we incurring new construction costs, but we will lose time in developing the technology, and risk losing expertise as well. This point highlights the lack of a strategic plan behind the laboratory restructuring.

It should be noted that DTRC Annapolis has sufficient space, buildings, and expertise to keep pace with these new naval and national thrusts. And in many cases, it is better suited than Carderock to continue many of these functions, particularly the integrated electric drive program. DTRC Carderock has unsuitable space/location for: First, land-based full scale models for integrated electric drive; second, acoustic test facilities for ship silencing; and third, accomodations for toxic metals/nonmetals work.

These points demonstrate the fact that the proposed realignment of DTRC will not be cost effective and does not make policy sense. It is important to remember that the Base Closure Commission is a product of declining defense budgets and the need to utilize our defense dollars wisely. We must be sure that the future defense infrastructure is cost effective and efficient. Realignment for the sake of realignment, particularly if the return on the upfront costs is nonexistent, is not acceptable. We need to be sure of the mission, the savings, and the benefits of the consolidation plans. Looking at the proposed realignment of DTRC Annapolis, I seriously question how well the overall consolidation plan has been thought out, for it is clear that the proposed realignment for DTRC Annapolis certainly is not.

Regarding the larger issue of including laboratories in the base closure process, the base closure list slates the vast majority of research laboratories—including 90 percent of all Navy labs—for closure or realignment. Essentially, the DOD tacked the consolidation proposals, originally developed as part of the defense management review, for the Army and Navy's research and development laboratories onto the base closure list.

My concern has always been that, by implementing these proposals through the 1991 base closure list, the DOD is effectively restructuring the entire Federal R&D system without sufficient oversight. The role of the Advisory Commission on the Consolidation and Conversion [CCC] of Defense Research Development Laboratories in the consolidation process has been nullified, and there is not even enough time for the General Accounting Office to provide an adequate cost analysis of the proposals.

I would note here that there is no separate cost estimate regarding the Navy's laboratory consolidation proposal either in the Navy report, or in the recent GAO study presented to the Commission last week. Furthermore, as the GAO noted in testimony before this Commission,

First, GAO did not have enough time to adequately review the numbers.

Second, it did not even begin to review the cost/benefits of the proposed laboratory consolidation proposals. There is no separate mention of the cost of the Navy and Army proposals to overhaul our R&D infrastructure.

Third, nor did GAO have enough time to analyze the actual source data fed into the Cobra model to determine its validity; GAO merely focused on the consistency of the data through the process.

Fourth, the Navy's numbers are suspect. As the report states:

"* * * the Navy had insufficient documentation to support its efforts, which precluded GAO from evaluating the Navy's process * * *" and

"The Navy did not establish required internal controls to ensure the accuracy of the data used." and

"GAO found cases where the services used inaccurate data in the [COBRA] model."

Fifth, "* * * since the Navy did not document the rationale for its decisions, GAO was unable to analyze its specific closure and realignment recommendations."

Considering the fact that the consolidation is aimed at saving taxpayer dollars, it would behoove us to ensure that this goal is achieved. Unfortunately, the report issued by GAO on this point is not reassuring.

Admittedly, much can be done to improve the current system to increase its efficiency, cost effectiveness, and to retain its personnel. However, to my knowledge, no congressional hearings have been held specifically on the consolidation proposals, and the timeframe of the base closure process precludes the kind of indepth analysis of the costs and benefits that such a major restructuring should require.

Furthermore, such an overhaul of our technological infrastructure should take into consideration a number of issues which are not addressed in the consolidation proposals. These include not just questions of infrastructure, but also personnel and regulatory matters. Wholesale statutory reform regarding payscales, management practices, future personnel trends, and regulatory exemption is necessary.

Moreover, the impact of the laboratory issue transcends the budgetary issues of consolidation, and raises questions about what the future mission of our R&D system will be, and who will carry it out. A recent article in "Washington Technology" highlights the future role the DOD R&D system will play in determining priorities in the use of the 75.6 billion dollars' worth of Federal R&D. The article highlights the consequences of the future consolidations.

The administration argues in a March 29, 1991, letter from former R&D director Charles Herzfeld that:

> The Department (of Defense) must conform to the dates established by Congress with regard to base closure. * * * the act also requires that the Department consider all military installations inside the United States equally. In order to comply with this legislation, the defense laboratories were not excluded from the Department's review of bases for closure or realignment.

Admittedly, Congress passed a law which had conflicting provisions. However, it is clear that by choosing to follow the base closure provisions exclusively, the laboratory restructuring proposals will be enacted without effective oversight.

The U.S. economy and our national defense are both technology-based, the cutting edge of development being done by the Federal R&D system. To allow Federal labs to continue to degenerate into second-rate facilities will ultimately have an adverse impact on the economy and our defense. Particularly in light of the future reliance upon technology to overcome numerically superior adversaries, it would behoove all concerned to ensure the restructuring is based on sound policy and is well thought out.

The commission did, however, delay implementation until after January 1, 1992. This delay was adopted so that the Federal Advisory Commission on the Consolidation and Conversion of Defense Research and Development Laboratories (Advisory Commission) would have time to review the recommended realignments and closures.

Given this action, it is apparent that the Base Closure Commission recognized that the Advisory Commission has a role to play in thoroughly reviewing the proposed consolidations of our military research and development laboratories. However, there remains some controversy about the exact role of the Advisory Commission. The Department of Defense would prefer that the Advisory Commission bypass any substantive review of the actual proposal, and focus solely on how best to implement the base closure recommendations. This would be a mistake.

Last year's Defense authorization—Public Law 101-510—which created the Advisory Commission provided a statutory charter to determine the feasibility and desirability of various means to improve the operations of DOD laboratories. To quote the actual language of the law, the Commission is charged with considering "conversion of some or all such laboratories to Government-owned, contractor-operated laboratories; modification of the missions and functions of some or all such laboratories; and consolidation or closure of some or all such laboratories." The Commission is also directed to determine "a proposed schedule for each consolidation, closure, or conversion of a laboratory considered appropriate." The action by the Defense Base Closure Commission in no way alters this legislative mandate.

My concern, which I have brought to the attention of this body in the past, has always been that the realignment of the Defense R&D system should be done in a manner which ensures the long-term viability and effectiveness of U.S. technological development. It is imperative, therefore, that the Advisory Commission on Laboratories fulfill its mandate and provide a thorough analysis of the overall consolidation proposals as well as of the proposed individual realignments. This is nothing more than the function of the Advisory Commission as defined by statute.

In summary, I will continue to oppose the base closure recommendations for the aforementioned reasons. I understand the problems associated with reducing the military infrastructure, and am not opposed to base closures. I do not even oppose the consolidation of Federal R&D laboratories. What I am opposed to is the way in which these proposals have been fast tracked through Congress. By supporting the Base Closure Commission's recommendations we are abdicating our responsibility and acquiescing in the circumvention of the proper policy process. This is unconscionable.

I would note that I have requested that the Armed Services Committee acknowledge the Advisory Commission's mandate, and I have further requested that the Armed Services Committee review the Advisory Commission recommendations when they are released at the end of September. Given the magnitude of the restructuring, a congressional oversight hearing would be in order, particularly in light of the fact that no congressional hearings have ever been held on the services' laboratory consolidation proposals. Our R&D infrastructure is too important to allow such a major restructuring to occur without sufficient oversight.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. JONTZ].

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

Mr. JONTZ. Mr. Chairman, I rise today in support of House Joint Resolution 308, disapproval of the base closing recommendations, because I believe the Base Closure and Realignment Commission has given greater weight to financial considerations than military factors in its recommendations. In doing so the Commission has made a proposal which treats my home State of Indiana, our communities, and the thousands of military retirees who live and work there, unfairly.

In the case of Grissom Air Force Base, located in my district, the Air Force's own data demonstrate that Grissom is militarily superior to several bases not included on the Commission's target list. Grissom's location deep in the interior of the country makes the base better able to survive cruise missile and submarine-launched missile attacks. Currently half of all SAC bases, mostly along the eastern and western seaboards, lie within the range of such weapons. Any design for a stronger defense system should take advantage of opportunities to transfer missions from more vulnerable bases along the coasts to safer facilities such as Grissom.

The fact is that Grissom's ratings are better than or comparable to at least four bases which the Commission did not target for closure but are also vulnerable to nuclear attack. It appears, then, the reason Grissom has been selected is its relatively low cost of closure and the projected short-term savings which would result. During the Commission's consideration of Grissom, Commissioner Robert Stuart, who visited the base, said "It's a fine base, but return on investment and savings—that's our mission." In other words, cost consideration were given greater weight than military factors by the Base Closure and Realignment Commission.

I think this is wrong, but at the same time, there is no question in my mind that the cost savings for closing Grissom that were estimated by the Pentagon are much too high, a problem exacerbated by the fact that the Commission has also recommended that Ft. Benjamin Harrison be closed.

In its May 15 report, the GAO identified several shortcomings in the COBRA model used to calculate the savings of a closed base, particularly as it related to future health care costs of military retirees paid by the Government. The report said: "the model ignores the cost of Medicare to the Federal Government * * * While not a DOD cost, Medicare increases costs to the Federal Government. DOD decided to continue exclusing Medicare costs, and the revised COBRA model only accounts for the patient load that is expected to transfer to military health insurance." The report concluded that "the associated Medicare costs will increase the total costs of closures."

Mr. Chairman, Indiana would be the only State to lose all of its active bases in this round of closures. The Chairman of the Joint Chiefs of Staff, Colin Powell, told the Commission that there was little coordination of targeted closures between branches and I believe the Commission has been insensitive to the consequnces of closing both bases. The result of the combined closures would not only have a severe economic impact on our State but it would also leave thousands of military retirees and dependents, many of whom came to Indiana to be near these facilities, without the services to which they are entitled. Certainly bases should not be kept open solely to provide services to military retirees, but our commitment to these retirees should not be ignored merely because it is financial expedient to do so.

There are good military reasons for keeping Grissom open and, in doing so, we would also be able to meet our obligations to retirees. Closing Grissom would result in a double loss to our country: the elimination of an effective and efficient facility and the continued erosion of benefits to those who have served our country so well.

The President, the Pentagon, and Congress all agree that new budget realities and security need mean that the United States can no longer afford and no longer requires military forces of the size we have maintained. It is for that reason that we must make sure that the force structure we do support is the most effective possible. The Commission's recommendations may leave us with a less expensive military force but it will also leave behind a less effective one.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes and 20 seconds to the gentleman from California [Mr. CONDIT].

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

Mr. CONDIT. Mr. Chairman, I rise today to speak on behalf of the one of the great Air Force bases in this country—Castle Air Force Base located in my district. After providing 50 years of distinguished service to this Nation's defense, Castle is slated for closure in 1995.

I know that we must cut the defense budget. The declining force structure dictates that we must do this. Bases are going to have to close. When the Defense Department announced its proposed closure list on April 12 of this year, I kept an open mind. I wanted to know the justification for their placing Castle on the closure list. I would not have opposed closing the base had they had solid ground for their decision. But as the discussion on Castle wound its way through the Base Closure Commission deliberations, I realized that closing Castle Air Force Base at this time would be a costly and serious military mistake.

The Defense Base Closure and Realignment Commission had a tall order before it. Commission Chairman Jim Courter is to be commended for making sure that he and the other Commissioners were accessible to us. But the evaluation of Castle Air Force Base, along with the other Strategic Air Command base proposed for closure, was flawed on a number of counts.

First, Castle was miscategorized by the Pentagon, and this fundamental methodological error was pertpetuated by the Base Closure Commission staff throughout the Commission's proceedings. Castle Air Force Base is the location of the Strategic Air Command's B-52/KC-135 Combat Crew Training School. Castle is a training facility. But neither did the Pentagon nor the Base Closure Commission staff treat is as such. Instead, they compared Castle with the 18 operational Strategic Air Command bases whose missions are fundamentally different than the one carried out by Castle.

Second, the proposed $100-million move of the Castle mission to Fairchild Air Force Base at this stage in the B-52 lifecycle will almost require a second costly move of the KC-135 Combat Crew Training School since the Air Force has proposed to place all strategic bombers in the 21st century in midcontinental locations after the B-52 leaves the inventory. Air refueling training will be hard to conduct in the Pacific Northwest if there are no bomber—receivers with which to train.

Third, the Strategic Air Command bases under consideration by the Base Closure Commission during its final hours of deliberations did not receive the same full and balanced discussion afforded to all other military installations which the Commission considered. Instead, there was an attempt to lump all SAC bases together as a package at 11 p.m. on June 30. Much to his credit, Chairman Jim Courter convinced the rest of his colleagues to take separate votes on each SAC base, but the procedural maneuvering cut into the time during which substantive discussion could have taken place on each base.

In addition, the Base Closure Commission staff introduced new data and arguments on each SAC base at the eleventh hour of deliberations. No community rebuttal was permitted, further clouding the discussion.

I realize that the House today will, in all probability, sustain the report of the Commission. I, reluctantly, will vote in favor of disapproving its report because I sincerely believe that the taxpayers of this country will be shortchanged by the closure of Castle Air Force Base at this time. I would like to thank all of those dedicated individuals who participated on Castle Air Force Base Task Force 2000 whose diligence and professionalism made a lasting impression during the Commission's deliberations. We must move on now to the next phase, so it is important that we maintain our unity and our strength.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Chairman, the House will vote today on the recommendations of the Commission on Base Closure and Realignment as submitted to the Congress on July 10 by President Bush. Like many of my colleagues, the Commission has recommended for closure a military installation in my home State. That installation, Fort Devens, located in Ayer, MA, currently employs 6,700 military and 2,600 civilian personnel, many of whom live in the north Worcester County portion of my district. If Fort Devens were to be closed, the economic impact this would have, particularly on the communities surrounding and servicing the base, would be devastating. This is the primary reason why I plan to vote to disapprove the recommendations of the Commission.

But I have another reason, one more personal. Three years ago, the very same Commission recommended that Fort Devens would remain open as a viable military installation. I was personally assured that the Information Systems Command, currently located at Fort Huachuca, AZ, would be transferred to Fort Devens.

Thousands of dollars were spent in anticipation of this exchange. Businesses relocated and homes were built to accommodate the expected influx of personnel. Like my constituents, I expected the Department of Defense to keep their word and honor the commitment made to the men and women of Fort Devens. Unfortunately, the DOD, using the same criteria it used in 1988, broke their promise and recommended that Fort Devens be closed. As I said in my testimony before the Commission last May, the decision to close Fort Devens represents, in my opinion, a deliberate breach of faith between the Department of Defense and the working men and women of Massachusetts.

By voting to disapprove the recommendations of the Base Closure Commission, I am honoring my commitment to the people of north Worcester County by doing everything I can to keep Fort Devens open.

In the end, Mr. Chairman, my constituents and I both learned a valuable lesson in this process, and that is when the Army says a base will be realigned, what they really mean is that its about to be closed.

□ 1810

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

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

Mr. FOGLIETTA. Mr. Chairman, I want to end my participation in this debate by observing that I have consistently argued against delegating this important job to a commission. The people elected us to make decisions—not to delegate the job to unelected, unaccountable unexperts.

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

It is flat wrong to say that we politicians never support the closure of military bases in their region. My colleague from Pennsylvania, CURT WELDON, has sought to close an Army Reserve facility in his region since he came to Congress. But the Army will not let him. Some of my colleagues from New York had the courage to support shutting down the Staten Island Homeport Project. Stopping Staten Island will save at least $35.5 million a year. But the Navy opposes this position, and the Commission decided not to save these millions of dollars.

Mr. Chairman, I say to the Members, let us do our jobs. Let us not hide behind political gimmicks and smoke and mirrors. Let us reassert our authority. Let us say no to a legacy of unfairness. I urge my colleagues to vote yes on Foglietta-Snowe.

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

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I ask my colleagues to vote no on this resolution. In my opinion, the Base Closure Commission has been fair. It has been impartial and it has certainly been thorough.

Most of my colleagues really generally agree that the President of the United States and the Secretary of Defense realize that the threat of the Soviet Union is not there any more and that we should cut our military by 25 percent. One of the ways, and it is a tough way, that we can save money is by making the hard decision today and support the Commission recommendations of base closure.

Mr. Chairman, if Members believe in the base closure process, I ask them to vote no on this resolution.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Pennsylvania.

Mr. MARTIN. Mr. Chairman, I thank the gentleman for yielding to me. I just wanted to engage in a colloquy with the gentleman because some of the Members who have been at other meetings on Capitol Hill might not understand. This is a motion of disapproval, so those who want to support the Commission's findings and recommendations will vote no; is that correct?

Mr. MONTGOMERY. Mr. Chairman, that is correct. And if Members do not support the Commission recommendations, they would vote aye.

Mr. DINGELL. Mr. Chairman, as a leader in congressional efforts to root out waste, fraud, and abuse in the defense industry, I firmly support the goal of the bipartisan Defense Base Closure and Realignment Commission [BRAC] to create a more efficient military operation by eliminating unnecessary expenditures and streamlining costs.

I, however, have significant reservations about the recommendations of the BRAC report as they relate to the U.S. Army corps of Engineers. The proposed reorganization of the corps for the Great Lakes region will violate the intent of the Commission by creating vast inefficiencies, frustrating international Great Lakes efforts, and damaging regional preservation and recreation goals.

Standing in strong, widespread, and bipartisan company, I have organized a coalition of 59 Great Lakes Members representing 5 States to request that congressional hearings on this important issue be held by the end of the year. Attached is a copy of the written request to Chairman ROBERT A. ROE, House Committee on Public Works and Transportation.

HOUSE OF REPRESENTATIVES,
Washington DC, July 24, 1990.

Hon. ROBERT A. ROE,
Chairman, Committee on Public Works and Transportation, Washington, DC.

DEAR MR. CHAIRMAN: Representing more than fifty Congressional Districts throughout five states in the Great Lakes Region, we are writing to you to express our deep concern over the U.S. Army Corps of Engineers' reorganization study proposing to eliminate the Detroit and Chicago Regional Offices and the St. Paul District Office, and to place jurisdiction over the vast majority of the Great Lakes region in the Buffalo District Office.

We are concerned that this proposal would create great inefficiencies and drastically undermine the ability of the Corps to provide planning, maintenance, and supervision to the Great Lakes Region. Consolidating the Great Lakes regional offices in the geographically Eastern-most corner of the region will present a significant impediment to providing supervision and oversight of the Corps' Great Lakes projects. Distancing major research institutions and agencies responsible for formulating Great Lakes preservation and management policies, and removing offices located closest to the most heavily concentrated Corps' Great Lakes projects will severely impede coordination and development. Additionally, closing the St. Paul District Office and moving its functions will jeopardize the Corps' close working relationship with officials in five upper Midwest States and Canada.

We share your view that the Corps' reorganization proposal demands careful congressional scrutiny by the Public Works and Transportation Committee and urge you to hold hearings on this important issue prior to the adjournment of the first session of the 102nd Congress. Congress must have the opportunity to review the Corps' recommendations which were conducted without any outside review or analysis. Furthermore, we believe that in choosing to ignore its own carefully conducted studies ranking the Detroit, Chicago, and St. Paul offices above the Buffalo office in every major category, the Corps has elevated the necessity of prompt and intensive Congressional review.

We thank you for your attention to this request and look forward to your response.

Sincerely yours,

John D. Dingell, David R. Obey, Philip R. Sharp, Bruce F. Vento, Sidney R. Yates, Barbara-Rose Collins, Robert H. Michel, Dan Rostenkowski, James L. Oberstar, Bob Traxler, William O. Lipinski, Frederick S. Upton, Les Aspin, William D. Ford.

Peter J. Visclosky, David E. Bonior, Carl D. Pursell, George E. Sangmeister, Frank Annunzio, F. James Sensenbrenner, Jr., Guy Vander Jagt, John Conyers, Jr., William S. Broomfield, Jim Moody, Henry J. Hyde, Dennis M. Hertel, Martin Olav Sabo, Marty Russo, Terry L. Bruce, Richard J. Durbin.

Robert W. Davis, Sander M. Levin, J. Dennis Hastert, Dale Kildee, Lane Evans, Vin Weber, John Edward Porter, Gus Savage, Toby Roth, Timothy J. Penny, Charles A. Hayes, Jill Long, Paul B. Henry, Bob Carr, Howard Wolpe, Steve Gunderson.

Glenn Poshard, Scott Klug, John W. Cox, Jr., Thomas W. Ewing, Gerry Sikorski, Andrew Jacobs, Jr., Tim Roemer, Dave Camp, Collin C. Peterson, Jim Ramstad, Jim Jontz, Cardiss Collins, Philip M. Crane.

Members of Congress.

Ms. MOLINARI. Mr. Chairman, I rise today to express my satisfaction with the Defense Base Closure and Realignment Commission's full review of our Nation's military installations.

As a Member with a Navy base in her district under consideration for possible closure in the base closure and realignment process, I worked very closely with the Commission and its staff. Throughout the deliberations, it was my experience that the Commission diligently sifted through the conflicting testimony and documentation, in order to make the best judgment for the good of our country. I applaud the work of the Commission which in every instance, handled itself in the fair, open, and impartial manner originally intended by the law.

While I am happy that the Commission decided not to close Naval Station New York, I am equally pleased that the evolution of base closings and realignment has moved forward in a positive, equitable, and nonpartisan manner. I am convinced that the decision to save my facility was based on a rational and fully capable system which ultimately worked according to plan.

I am totally convinced that while not without controversy, this process is far superior to the unfair closure attempts made in this body last year. As you'll recall, Mr. Chairman, there was an attempt by a few Members to single out the Staten Island homeport for closure last September. I stated to my colleagues during debate on that amendment, that micromanagement of installations by individual Members is no way to run the military. I asked that the Base Closure Commission be allowed to perform its duties, which it has done, fairly and objectively.

I have no illusions that Members whose bases were hit by the Commission's decision, will continue their vow to fight on. I know the pain to a local community through a closure can be devastating. There remains some kinds in the process which need to be fully worked out. For instance, I concur with my colleagues who believe that the Commission should consider a similar impartial process and study our overseas installations.

It is my opinion however, that in this year's base closure recommendations, there does not appear to be substantial deviation from the original force-structure plan and criteria. Based on my own experiences and a full review of the Commission's final analysis, I will join the administration and Department of Defense in opposing the resolution to reject the 1991 base closure recommendations. I can only hope that in 1993 and 1995, the evolution and impartiality of this process can continue in similar fashion.

Mr. COUGHLIN. Mr. Chairman, I rise today to express my support for the measure pending before us and my profound opposition to the recommendations to close the Philadelphia Naval Shipyard, the Philadelphia Naval Station, and to realign the Naval Air Development Center in Warminster.

There are a number of reasons why I object to the list that the Defense Base Closure and Realignment Commission has put forward.

First, I am deeply disturbed that the Commission did not choose to challenge the Navy's recommendations more thoroughly. Both the General Accounting Office and the Commission itself found the Navy's decisionmaking process to be both deficient and flawed in key respects.

The GAO found itself "* * * unable to conduct an extensive review of the process the Navy used to recommend bases for closure or realignment, because the Navy did not adequately document its decisionmaking process or the results of its deliberations. In addition," the GAO noted, "the Navy did not establish an internal control plan to ensure the validity and accuracy of information used in its assessment as required by OSD."

The Base Closure Commission came to a similar conclusion, noting on May 22, that "the Navy group employed a great deal of subjective judgment in drawing up their list of recommendations for closure and realignment." The Commission continued, "[t]he GAO and the Commission staff have pointed to an alarming lack of information about the Navy's decisionmaking process."

Because of these deficiencies in the Navy's decisionmaking process and flaws identified by the GAO and the Commission in the Navy's data inputs and calculations, the Commission asked that the Navy present additional information.

In the case of the Naval Air Development Center, I asked the Navy for this information, too, in order to present a balanced case to the Commission. But despite the fact that this was supposed to be an open process, a process in which Members could participate on behalf of facilities of importance to their constituency, I did not receive information that was repeatedly requested by my office until Friday, June 28, just 2 days before the Commission cast its final votes. By then it was too late to rebut the Navy's claims with any degree of effectiveness.

It is difficult for me to say this, as a former Marine captain, but I believe the Navy deliberately stonewalled me. I believe there was a conscious decision taken by Navy officials to keep this information from members of the Philadelphia area congressional delegation for as long as possible. I know that other members of the delegation received similar treat-

ment, and I assure you, Mr. Chairman, we are incensed about it.

I believe the net result of this process was that Navy facilities in the Philadelphia area got short shrift in the Commission's evaluation process. Though I have not studied them as closely, I expect this applies to Navy facilities in other areas, too.

Unlike other areas, however, I can tell the Members of this body that the Philadelphia area took the overwhelming hit on this list. According to the Navy, we will lose some 60,000 jobs in the Philadelphia area as a consequence of these recommendations, increasing overall unemployment by 2.1 percent. Local experts on the economy expect these totals to be even higher. Meanwhile, Philadelphia's economic state is already a precarious one.

Finally, I want to comment on the national security implications of the recommendations, which I expect Members will find to be the most critical factor of those that I would mention.

Naval Complex Philadelphia, located on a 1,425-acre site at League Island, is one of eight U.S. Navy shipyards nationwide and one of four located on the east coast. Throughout its history it has served our national security well. During World War II, the Philadelphia Naval Shipyard built 51 ships for our Nation's defense effort, including the battleships *New Jersey* and *Wisconsin*. It remains capable of building such ships today.

Since the early 1980's, Philadelphia Naval Shipyard has been renowned for its highly successful work on a number of key Navy programs. These include the aircraft carrier Service Life Extension Program [SLEP], which fully modernizes an existing carrier and provides it with another 15 to 20 years of life for one-fourth the cost of a new carrier; the New Theat Upgrade Program, which modernizes our older destroyers and cruisers to the state of the art in early warning and electronics capabilities; and the overhaul, modernization, and repair of CG-47 class Aegis cruisers, among our Nation's newest and most sophisticated surface combatants.

The Department of the Navy's own strategic and operational requirements for Naval shipyards mandate, among other things, that Naval shipyards:

a. Provide responsive, geographically dispersed, strike-free industrial capability in support of fleet readiness.

b. Ensure the availability of a qualified, ready work force whose priority of work can be controlled by the Navy to support changing operational commitments and emergent work.

c. Provide an immediate mobilization industrial base for rapid expansion to support combat operations.

These requirements further specify that the Navy maintain two shipyards on each coast capable of repairing aircraft carriers and three shipyards on each coast capable of installing, testing, and repairing current state of the art electronics and missile weapons sytems.

The Philadelphia Naval Shipyard's infrastructural assets remain critical to meeting these requirements and ensuring that our national security interests are preserved.

Philadelphia Naval Shipyard has two of the three east coast public drydocks capable of accommodating U.S. Navy aircraft carriers. The remaining public drydock is located at Norfolk Naval Shipyard in Virginia.

In recommending the closure of Philadelphia Naval Shipyard, the Navy has proposed that two private drydocks owned and operated by Newport News Shipbuilding Co. be utilized to meet the Navy's strategic and operational requirements.

This proposal is wholly inadequate for a number of reasons.

First, the two drydocks at Newport News Shipbuilding Co. will be occupied by the carriers CVN-74 and CVN-75, which are now being built, and by other carrier work, for years to come. It is unlikely that these drydocks will be available for emergent work.

Second, Newport News Shipbuilding Co.'s proximity to Norfolk does not provide for a geographically dispersed industrial capability, as the Navy's own requirements dictate. Aside from providing a virtually singular target to any potential adversary, the Navy would risk the possibility that a regional disaster, like a hurricane, might severely debilitate its ability to service aircraft carriers on the east coast.

In addition, as Newport News Shipbuilding Co. is privately owned, the requirement for a work force "whose priority of work can be controlled by the Navy" would not be met. Furthermore, Newport News' employee population is not a strike-free one.

Finally, current Navy plans call for Norfolk's aircraft carrier-capable drydock to be used for nuclear modernization efforts. If Newport News' drydocks are filled with CVN-74 and CVN-75 and the Navy is to be able to provide for emergent carrier work, the Norfolk drydock would have to be kept vacant. Scheduled modernization work for other carriers could not go forward.

In addition to providing a truly vital capability to drydock aircraft carriers, however, Philadelphia Naval Shipyard has three of the five east coast public drydocks capable of docking the Navy's larger combatants and auxiliaries. These include our CG-47 class Aegis cruisers, our LHD-1 and LHA-1 class amphibious assault ships, our DD-963 and DDG-993 class destroyers, and our AOE-1 class supply ships.

It is supremely instructive to observe that the Navy's own analysis notes that:

> While the Navy fleet in general is downsizing by 19 percent, the types of ships worked on by the Naval Shipyards is downsizing by only 1 percent, and in some cases is increasing (large Amphibious and Aegis ships). Thus, the need for certain facilities to accomplish this work is not diminished.

If we deactivate the drydocks at Philadelphia, we will be seriously undermining our ability to service these vessels.

America's network of public shipyards ensures that we retain the capabilities that are essential to our national security. The fact is that private shipyards, by their very nature, cannot be a substitute for an effective, reliable constellation of public shipyards.

If we allow Philadelphia Naval Shipyard's infrastructure to be closed down and its work force to be dispersed, this superb facility and its capabilities will simply cease to exist. The Navy's plan calls for mothballing the most important assets at the yard. But I can assure Members that the city of Philadelphia will seek to have these properties turned over for development. Meanwhile, the reconstitution of an equally capable facility, with a competent, well-trained work force, would require a monumental expenditure of funds and many years to complete.

For all of these reasons, Members of the House should reject the Base Closure Commission's recommendations.

But the fact is these are not the only reasons the House should reject the Base Closure Commission's recommendations. The recommendations also call for the total realignment of the Naval Air Development Center [NADC], located in Warminster, PA. NADC is the Navy's principal center for naval aviation research and development, and its role is to develop, simulate, and measure the performance of advanced systems and components proposed for future generations of naval aircraft and related technologies. This includes determining future aircraft configurations, developing products to meet naval aviation needs, and supporting these products up to and including the time of fleet usage. NADC conducts a full spectrum of systems and technology research and development.

The Navy's recommendations for base closure-realignment call for the consolidation of all R&D and test and evaluation [T&E] functions into four new warfare centers and a Navy corporate laboratory. Among the new warfare centers would be a new Naval air warfare center, which would represent a consolidation of R&D and T&E functions in the fields of aviation and air-delivered weapons.

Under this consolidation plan, NADC would be virtually closed, with some 1,845 positions relocated to the Naval Air Test Center [NATC] facility at Patuxent River, MD. According to the Navy, 1,702 of the relocated positions would be civilian employee positions.

I believe that the Navy's plan to relocate the NADC research and development mission to the NATC test and evaluation facility in Patuxent River, MD, is a serious mistake for a number of reasons.

First, I do not believe the Navy properly estimated the dollar costs of this proposed realignment. This is especially important in light of the General Accounting Office's calculation that a 50-percent increase in the one-time costs associated with NADC's realignment would increase the payback period to 100 years or more.

Second, I do not believe the Navy properly considered the Congress' requirement that a global analysis of the Department of Defense's laboratory structure be undertaken, as was set forth in section 246 of the National Defense Authorization Act for fiscal year 1991—Public Law 101-510. You will recall that this section called for the establishment of an Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories. In my view, the congressional intent was clearly that a panel with the expertise to consider the gamut of questions related to DOD labs, including the desirability of joint service facilities, review the entire lab network. I believe the Base Closure Commission exceeded its authority when it reviewed the lab complex.

Third, I do not believe the Navy used the proper determinants in evaluating NADC's military value, with the result that the Navy has severely underestimated the serious national security implications of its actions.

To assess military value and determine future needs, the Navy grouped similar facilities—like shipyards, naval air stations, naval

stations, et cetera—and conducted a capacity analysis for each of these categories of facilities. This process called for a pooling of data on the similar resources available at the facilities within the given category and for determining whether there was a surplus or deficit of these resources within the category or within a given facility. This information was then used to determine whether facilities in a given category could be closed without imperiling the Navy's ability to support its forces or its ability to fulfill its mission requirements.

In the case, however, of Navy facilities involved in R&D, like NADC, or T&E, this evaluation was problematic. This is because, as the Navy noted in its "Detailed Analysis of Base Closure and Realignment Recommendations" (p. F1),

[e]ach of the RDT&E activities have unique aspects which make them suited to do a specific range of RDT&E activities. Their missions, internal structure, mode of operation and facilities are different. For this reason, there are no metrics which can be used across the entire category to evaluate the activities.

In an effort to resolve this dilemma, the Navy devised a plan to consolidate these operations based on the type of platform that is the focus of the given R&D or T&E facility's work. The plan calls for the consolidation of the administrative functions of all these facilities under four warfare centers and the corporate laboratory. In some cases—as in the case of NADC—it also called for the realignment of technical functions.

In devising this plan, the Navy essentially relegated all of its R&D and T&E facilities to a generic lab category. It did so despite the quite different missions that these facilities have—differences that the Navy, as noted above, itself admits exist.

This point cannot be overstated, because implicit in this general categorization—and more specifically, in the proposal to move NADC's research and development functions to the NATC test and evaluation center—is a Navy perception that laboratory facilities are little more than the sum of their supporting structures.

An evaluation on this basis, however, fails completely to consider the impact of realignment on the specific current or future mission requirements of NADC or on the future operational readiness of the fleet. These are the real issues. They are first and foremost a function of the personnel at R&D facilities like NADC. It is these personnel—with their collective technical prowess and institutional memory—who ensure that our fleet's R&D needs are met.

I believe an administrative consolidation makes sense. There is no point in having duplicative administrative or support functions underway in the current budget environment.

What I object to is the empirically unwise decision to disrupt ongoing programs as a consequence of the realignment of technical functions—which is what has been called for in the case of NADC.

The Navy is seeking the relocation of some of the Navy's best scientists, engineers, and thinkers from a major metropolitan area that features the gamut of educational and cultural resources to a location in rural Maryland. In deference to my friends here from Maryland, the area around Patuxent River is indeed a quaint and rustic setting. But the fact is it offers little in the way of educational or cultural opportunities to scientists and engineers who have or are pursuing advanced degrees. Opportunities for spouse employment in St. Marys County, in which the Patuxent River facility is located and which has a population of 76,000, are limited.

Despite these considerations, the Navy at one point in this process predicted that "up to 80 percent" of the personnel at NADC invited to move to Patuxent River would do so—letter from Assistant Secretary of the Navy, Gerald Cann, to Hon. PETER KOSTMAYER, April 23, 1991. It was later conceded by the Navy that the 80-percent figure was unrealistic. Even so, in its COBRA model for NADC, the Navy calculated that an equally untenable 62.3 percent of the NADC personnel asked to move would do so.

This does not square with previous surveys which have found that a much lower percentage of affected employees move in the event of realignments and closures. In the case of the closure of the Rodman Laboratory at Rock Island, IL, in 1977 and the relocation of its functions to the Picatinny Arsenal in New Jersey, fewer than 100 of the 1,150 eligible employees elected to move. When the Frankford Arsenal in Philadelphia closed and its functions were transferred to Picatinny, a mere 7 percent of the scientific and engineering personnel involved opted to move. Importantly, the distance between Frankford and Picatinny is closer than that between NADC and NATC.

Moreover, the Navy's figures are for NADC employees. It must be considered that the NADC contractor base—some 1,500 employees in the NADC area—will also be significantly diminished in the event of realignment. Few of the contracting firms working with NADC have the resources to relocate all of their personnel and their families.

As the Navy's ability to meet its current and future mission requirements and to ensure the operational readiness of the fleet are dependent on preserving, to the maximum extent possible, this technical personnel base, this is a crucial factor in determining whether our national security needs will be met if NADC is moved.

This is a critical point. The current state of naval aviation should induce serious concern in any interested observor. In recent months the Navy's most important aviation programs have been canceled. These include the A-12 fighter-bomber, which was to be the Navy's premier carrier-based attack aircraft and follow on to the A-6 Intruder; the Naval Advanced Technology Fighter [NATF], which was to be the next generation fleet air superiority fighter and replacement for the F-14 Tomcat fighter; and the Advanced Tactical Support Aircraft [ATSA], which was to be a new common platform to replace EA-6B Prowler electronic warfare aircraft, E-2C Hawkeye fleet airborne warning control system [AWACS] aircraft, and S-3 Viking carrier-based antisubmarine warfare [ASW] aircraft. The Navy has also canceled the P-7 long-range ASW aircraft, which had been destined to replace the land-based P-3 Orion antisubmarine aircraft.

The result of these cancellations—affecting virtually every key fixed-wing naval aviation requirement—is that the Navy must improve its existing aircraft to meet its needs in the 1990's and beyond. Significant upgrades of both the F/A-18 and the F-14D have been requested to meet interim Navy needs, and the House fiscal year 1992 Defense authorization bill calls in addition for the development of an improved F-14 quickstrike variant and the full development of the V-22 Osprey tiltrotor aircraft. Additional Navy A-6 bombers likely will have to be rewinged and improved to provide a continued ability to offer surface target medium strike capabilities until the new A-X attack aircraft is available, sometime after the year 2000. The EA-6B, E-2C and S-3 will need improvements to give them continued life, while the budget request includes funds to initiate the upgrading of the P-3 ASW aircraft into an Orion II model. Every one of these programs will rely heavily on NADC for critical development and technical support.

The impact of NADC's realignment on the timetables for these projects cannot be anything but severely detrimental. For example, the F/A-18E/F Hornet, the next model in the F/A-18 series of highly successful Navy fighter-attack aircraft, is due to first fly in January 1995. The F/A-18E/F program involves lengthening the fuselage and increasing the size of the wings of the current F/A-18. These modifications, according to the Defense Department, will eventually enable the F/A-18E/F to replace older F-14 models in providing long-range air defense of our aircraft carriers. NADC which is responsible for critical development work on the F/A-18E/F, is due to move its R&D functions to Patuxent River in 1995 and its combat systems functions to China Lake in 1995. How could this proposed move of NADC functions have anything but severe negative impact on the timely development and deployment of this extremely important new aircraft?

In addition to strictly aviation work, NADC is also intimately involved in work on airborne ASW technologies like sonobuoys. Efforts to improve the LAMPS ASW helicopter are being undertaken at NADC, and all LAMPS ASW helicopters life-cycle software support is provided by NADC. These technologies are critical. Despite the recent decline in the Soviet threat, Soviet submarine systems have recently undergone a dramatic qualitative improvement and remain a principal concern of the Navy. Soviet SSBN's remain capable of destroying United States targets within minutes. The latest edition of the highly authoritative "Jane's Fighting Ships" termed the magnitude of the Soviet submarine program "frightening," especially in light of problems in the Soviet economy. A number of developing nations are also acquiring submarine capabilities that should be viewed as disconcerting, to say the least. What impact will NADC's realignment have on these crucial programs?

NADC is also intimately involved in research and development on the gamut of our most advanced naval aviation technologies. Highly advanced night vision capabilities, helmet-mounted and head-tracking technologies, laser eye-protection systems, advanced aircraft control and cockpit display technologies, sophisticated low observable aerodynamic design work, radar upgrades, efforts to achieve supermanueverability and to enable pilots to withstand the g-forces associated with such capabilities—up to 20 g's—all these projects and many more will be thrown into jeopardy if NADC is moved.

One has to ask how the Navy realistically expects to meet its current and future aviation requirements and preserve operational readiness if it is dismantling and moving its sole center for aviation development work at such a decisive time. Can it possibly be true that the technology base necessary to effect these modifications—the people of NADC and the contractors with whom they work—will be unaffected if current work relationships are broken up?

As we saw just months ago, America's clear edge in military technology can be parleyed into decisive military victory with, most critically, the minimal loss of U.S. and allied lives. The military superiority witnessed in Operation Desert Storm was directly related to the U.S. investment in military R&D and the excellence of our R&D laboratories. Our R&D facilities played not just a supporting role, but provided up-to-the-minute responses to critical requirements. During Operation Desert Storm, NADC was called upon and successfully arranged for the urgent delivery of nuclear-biological-chemical [NBC] crew protection suits to American aviators. What would occur if a second Desert Storm scenario arose in the 1994-95 timeframe, when NADC would be in a state of disarray, in the midst of a huge relocation? What straits would we find ourselves in as a nation if a new crisis unfolded and key R&D personnel, having moved on from NADC, were simply not available?

Mr. Chairman, I have laid out before the House the reasons why I believe the recommendations of the Base Closure Commission do not serve the Nation's interests. I am under no illusion that persuading the majority of this body on this issue will be an easy task. But I would ask my colleagues here today to take into consideration the arguments I have set forth, in particular with regard to the impact these recommendations would have on our national security. I believe an objective analysis will lead Members to vote in favor of this resolution.

Mr. EMERSON. Mr. Chairman, while I recognize that some of our domestic military bases will eventually need to be realigned or closed due to the downsizing of our military structure, I am greatly concerned about the Commission's recommendations to realign the Army Corps of Engineers. This Congress has not had adequate time to thoroughly explore all the ramifications of this aspect of the report. It is imperative that before we undertake a step of such magnitude that this legislative body have adequate time to review the implications and consequences of such a move, and to date, that simply has not happened. It is argued that we have prospective opportunity to fix the realignment, but I think that process is backward. We should do the job properly in the first instance.

If reorganizing the Army Corps of Engineers is to be pursued, this needs to be done as a separate matter from considering the issue of closure of domestic military bases. Each corps district office has special talents and a wealth of historical knowledge about each particular geographic area of this country that must be preserved and taken into account in addressing this Nation's vast infrastructure needs. While I do believe that efficiency and improvement are worthy goals and ones that should be pursued, I have strong reservations about the net effect of the quality of service to our local communities and to this Nation as a whole if the Army Corps of Engineers realignment is pursued as recommended.

Mr. RIDGE. Mr. Chairman, today I rise in strong support of House Joint Resolution 308, introduced by my colleague from Pennsylvania, Congressman TOM FOGLIETTA. This resolution disapproves the recommendations made by the Defense Base Closure and Realignment Commission.

In addition to the justified objections that have been raised regarding the unfair process followed to determine those bases to be closed, I would also like to take this opportunity to reiterate my concerns regarding the impact on the Commonwealth of Pennsylvania.

In the past several weeks and months since this process began, it has become apparent that Pennsylvania will shoulder a disproportionate share of the civilian job losses as a result of the Commission's recommendations. This comes at a particularly difficult time as the Commonwealth is already suffering from the downturn in the economy and from severe budgetary woes.

Mr. Chairman, the Philadelphia Naval Shipyard and Station as well as the Warminister Naval Air Development Center are both targeted on the Commission's list. The irony of the Commission's decision to include these facilities is that valid reasons exist for keeping both of these facilities open. It has become apparent to me—and to the other Members who have carefully scrutinized the record over the past several months—that a skilled and dedicated work force exists at these facilities. Moreover, Philadelphia is the Navy's most cost-effective and productive naval shipyard in the Nation.

The estimated impact on the commonwealth is staggering. The Philadelphia closure alone will cost the State 23,000 jobs. This number becomes even more significant when compared to that of other States. Pennsylvania bears the burden of 31 percent of the direct civilian job loss. This is the highest percentage reduction of all the States in the Nation; 52 percent of the direct civilian jobs the Navy would cut nationwide would be Pennsylvania jobs.

Despite these figures, I find it astonishing that the base closure and realignment report states: "While causing an oversupply of housing in an already slow market, no additional impacts are anticipated."

The author of this short-sighted statement fails to take into consideration the many costs that will be borne by the Commonwealth, including the $53 to $69 cost of unemployment compensation. In addition, the State will lose approximately $25 million in revenues from income taxes, sales receipt taxes and business taxes. The Governor's office has estimated that approximately $100 million of the Commonwealth's budget will be negatively impacted by Philadelphia's closure.

Any State would be hard-pressed to absorb such costs, yet Pennsylvania faces a more difficult challenge as a result of the State budgetary short-fall. The damage to State programs caused by budgetary constraints will only be exacerbated by the impact of closing these two valuable Pennsylvania facilities.

A long battle was fought to keep both Warminister and Philadelphia a part of the Nation's military future and a part of Pennsylvania's economy. This effort failed in part because of a review process that did not meet congressional intent—it was neither fair nor objective.

Mr. REED. Mr. Chairman, like many of my colleagues, I have reviewed very carefully the recommendations of the Base Closure and Realignment Commission. And although it was difficult to reach a decision on this matter, I decided to oppose this resolution and support the commission's recommendations.

The Naval Construction Battalion located in Davisville, RI, has been recommended for closure. I disagree with this decision because I feel closing CBC Davisville does not serve the goals of efficiency or the security of our Nation. In 1988 Naval Facility Insp. Gen. Capt. Warren M. Garbe, reported that he found "a team spirit and a unity not commonly seen * * * and that the facility is in many cases, a model for others." All areas surveyed by the inspector general were rated satisfactory, the highest grade possible. In 1989, the CBC facilities participated in a mobilization exercise. CBC Davisville ranked No. 1. The reason Davisville ranked No. 1 is simple—the Davisville work force is intensely proud, and has had a strong tradition of Yankee ingenuity and frugality since the facility's creation. Indeed, Port Heuneme was included on the proposed closure list in 1988, not Davisville. The base also has excellent transportation facilities including direct rail, interstate highway, and a deep water port.

Moreover, I am concerned with the future of the men and women who work at this base, and I plan to do all I can to minimize any disruption the closure of CBC Davisville causes.

Nevertheless, I will support the commission's recommendations for a number of reasons.

As a former military officer, I recognize the simple fact that our future strategic and military needs have changed. The cold war is over and our future defense strategies must recognize fundamental alterations in the international climate such as the reunification of Germany. Simply put—if we have fewer troops, we need fewer bases.

The second major reason I support the commission's decisions is the need to cut defense spending, especially in light of our present budget deficit. A strong national defense is crucial, however, we must work to build a strong domestic economy. True national security involves investing in the future of our Nation and channelling resources to needs here at home such as education and health care.

Thirdly, when I reviewed the entire report, including the recommendation to expand the Naval Underwater Systems Center in Newport, RI, I believe the overall objectives of the commission's decisions demonstrate that the Base Closure and Realignment Act of 1990 created a process which will serve the best interests of our Nation's defense.

I recognize that we had our day in court. I initially contacted the Commission and authorities at Department of Defense and the Navy to express my dismay at the proposal. I also testified, on behalf of myself and Senators PELL and CHAFEE, before the Commission here in Washington, and the employees of Davisville also presented their case in Boston. Our efforts on behalf of Davisville were thorough and exhaustive. But despite our arguments and the merits of our case the Commission made the decision to close Davisville.

At the same time, there are still ways we can make the process more equitable. I refer to the legislation chairman ASPIN has introduced and which I have cosponsored and will be considered on the floor today. This resolution would expand the scope of the current Base Closure and Realignment Act to include the examination of U.S. military installations overseas. We all recognize the changes in the international climate, the need to cut defense spending, and our planned reductions in forces. Therefore, the next round of base closings should include all bases, domestic and foreign, in the next round of closures.

Today's vote reflects concern for the security of the Nation and economic development at home. I hope my colleagues will support legislative efforts to help workers from these closed facilities adjust to the civilian job market. We must also realize that although the closure or realignment of a military installation can have short-term negative effects, in the long run civilian commercial uses of closed facilities create more prosperous and stable opportunities for economic growth and employment.

Mr. KOSTMAYER. Mr. Chairman, I rise today in reluctant support of House Joint Resolution 308, a resolution to disapprove the base closure list. I say reluctant support because I have for years now been a proponent of the base closure process and I continue to believe the general process has merit.

But let me say, Mr. Chairman, that while the general process has merit, the process this year has suffered from a series of fatal flaws.

The GAO lacked sufficient time to do the job we asked them to do.

The Base Closure Commission lacked the time to properly evaluate facilities on the list.

Proponents of individual facilities were unable to respond to Defense Department information that in many cases was delivered to the Base Closure Commission at the last minute.

Facilities proposed for closure or realignment simply didn't get the thoughtful hearing they were due.

My facility, the Naval Air Development Center, in Warminster, PA—a Navy laboratory that employs nearly 3,000 people—was never even mentioned by name the day the Base Closure Commission voted to relocate it to Maryland.

Instead, the NADC realignment was clumped together with more than a dozen other Navy laboratories and approved en bloc.

Adding insult to injury, on the very last day of its deliberations the Base Closure Commission added $60 million to the cost of the NADC transfer and extended its payback period from 9 to 29 years without even realizing it. They did so by voting to keep in place a St. Inigoes, MD, engineering activity the Navy planned to move to make way for NADC personnel.

It's hard to believe, but the Base Closure Commission apparently didn't know enough about the realignment of NADC to realize that it was part of chain reaction that had to include moving one activity out of St. Inigoes, MD, before the NADC could be moved in.

Unfortunately for America's taxpayers, the Base Closure Commission made these decisions—and presumably several others—without realizing their consequences. And so if this list is approved the Navy will begin a relocation of the Naval Air Development Center that won't save us one penny until at least the year 2025.

Mr. Chairman, I do not presume to speak with authority on the wisdom of all the closures and realignments on this list. But I am intimately familiar with the process that led to the inclusion of almost all the Navy's Research and Development Laboratories on the base closure list, and I can tell you that process was flawed almost from beginning to end. And I know for certain that the transfer of the Naval Air Development Center will neither save the taxpayers money nor enhance our national defense.

For that reason, I will support this resolution of disapproval, and I urge my colleagues to do the same.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the resolution.

Everyone recognizes that our current and future defense budgets simply cannot support our present military infrastructure. And, regardless of how painful base closings are for impacted communities, bases must be closed.

Many serious and legitimate concerns were raised as to the political nature of the base closure recommendations when Secretary Cheney released his first list in January 1990. Because of these concerns, Congress included legislation as part of the fiscal year 1991 Defense authorization bill which put in place a clear, objective, and fair process for closing bases. Under these provisions, a bipartisan commission was appointed to conduct a thorough review of the Defense Secretary's base closure recommendations.

The seven Commissioners, and particularly the Commission Chairman, our former colleague Jim Courter, are to be commended highly for the open, objective, and independent manner in which they approached this very difficult task. Each Member of Congress and each affected community were given full access to the Commission. The Commission listened to testimony, scrubbed the numbers, and made its recommendations on the merits of each base.

In my own district, the Sacramento Army Depot was included on Defense Department's list of proposed closures. Unlike other communities, though, the Sacramento community agreed that the Sacramento Army Depot should be closed when it went before the Commission. We also stated, however, that in order to achieve the greatest cost savings, bases must be closed in a businesslike manner. Interservice rivalries had to be overcome and the consolidation of facilities across service lines had to be a part of any serious effort to streamline our military base infrastructure. Cross-service consolidation and interservicing are the only ways to eliminate redundant, underutilized facilities throughout all three Military Departments.

During its deliberations, the Commission rejected conventional Pentagon rivalries and continued to be impressed by the notion of interservicing that the Sacramento community advocated. In its final report, while the Commission recommends the closure of the Sacramento Army Depot, the Commission also requires that the workload at the Army Depot be competed between the Sacramento Air Logistics Center at McClellan Air Force Base and five other Army facilities. This requirement rejects the original DOD plan which called for moving all of the Army depot's workload without any competition to other Army facilities around the country.

Rather than continue to separate logistics functions according to each military department, the Commission's recommendation tries to achieve even greater savings by eliminating DOD-wide duplication of maintenance activities and enhancing the interservicing of maintenance and logistics functions. In addition, and most importantly of all, the Commission's recommendation, with respect to the Sacramento Army Depot, will establish a real world competition to determine where the workload can be performed most effectively and at the least cost. Furthermore, it enables the Sacramento community, which already has the trained personnel and know-how, to compete for this workload to keep jobs in Sacramento, but move the work to McClellan Air Force Base.

In the final analysis, the Commission's recommendations will save money and is in the best interest of the Department of Defense and the American taxpayer. I urge my colleagues to support the Commission's recommendations and oppose the resolution of disapproval.

Mr. COLEMAN of Missouri. Mr. Chairman, I rise today to express my disapproval of a proposal wrongly included by Commission on Base Realignment and Closure in the Commission's recommendations regarding military bases. I am referring to the Commission's decision to exercise jurisdiction over the reorganization of the U.S. Army Corps of Engineers.

The Commission was created by Congress with the specific purpose of examining the proposed realignment and closure of military bases. Like many Members from both Houses and on both sides of the aisle, I submitted testimony to the BRAC Commission, arguing that the reorganization of the Corps of Engineers is not within the Commission's purview.

The U.S. Army Corps of Engineers has a significant civil works mission; in Kansas City, civil works projects include the management of numerous lakes throughout Missouri, Iowa, Kansas, and Nebraska, controlling the Missouri River flows, and continuing their important role in other water resource issues. When Secretary Cheney announced his intention to separate the reorganization of corps from the BRAC-91 process, it was my understanding that the committees with jurisdiction over the nonmilitary functions would determine if such a reorganization is necessary, and if so, assist in developing the criteria by which the Corps will be reorganized.

Something as important as the reorganization of the Corps of Engineers—which will affect not only the Corps' employees, but members of communities who depend on a strong working relationship with the corps—demands careful congressional scrutiny.

I have strong reservations about the inclusion of the corps reorganization plan in the BRAC process because such a decision is outside the Commission's jurisdiction. It is unfortunate that a decision as significant as this, in terms of its long-term impact, will be made in the absence of congressional ability to separate and address the issues surrounding the Corps of Engineers. Members who might oppose reorganization of the corps are now forced to base their vote on an unrelated decision regarding the closure and realignment of military bases.

It is also unfortunate that words to this effect in opposition to the exercise of jurisdiction by Commission have been ignored, but I feel it is important to continue my opposition to this part of this process.

Mr. FORD of Michigan. Mr. Chairman, as the House considers disapproving the Defense Base Closure and Realignment Commission's report, I would like to call to the attention of my colleagues a provision of that report which has not been adequately addressed in the uproar over the proposed base closures. This provision is BRAC's recommendation regarding the realignment of the Army Corps of Engineers. A part of this recommendation is the consolidation of all the Great Lakes Region Corps offices, including the Detroit office, into one office at Buffalo. While the BRAC report has delayed implementing this recommendation until next year, it asserts its plan to do so if the committees of jurisdiction in the House and the Senate do not undertake the appropriate review and achieve the passage of legislation reorganizing the corps in some form. I joined my friend Congressman JOHN DINGELL, along with 57 other Great Lakes regional colleagues, in urging Chairman ROE to heed BRAC's warning and lead his committee in studying this reorganization plan and coming up with a better one. I submit a copy of this letter for the RECORD.

The impact of eliminating all of the Great Lakes region Army Corps of Engineers offices will certainly be detrimental. Congress cannot abdicate its responsibility in this matter by allowing BRAC's unscrutinized recommendations to be implemented.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 1990.

Hon. ROBERT A. ROE,
Chairman, Committee on Public Works and Transportation, Washington, D.C.

DEAR MR. CHAIRMAN: Representing more than 50 Congressional districts throughout 5 States in the Great Lakes Region, we are writing to you to express our deep concern over the U.S. Army Corps of Engineers' reorganization study proposing to eliminate the Detroit and Chicago Regional Offices and the St. Paul District Office, and to place jurisdiction over the vast majority of the Great Lakes region in the Buffalo District Office.

We are concerned that this proposal would create great inefficiencies and drastically undermine the ability of the Corps to provide planning, maintenance, and supervision to the Great Lakes region. Consolidating the Great Lakes regional offices in the geographically Eastern-most corner of the region will present a significant impediment to providing supervision and oversight of the Corps' Great Lakes projects. Distancing major research institutions and agencies responsible for formulating Great Lakes preservation and management policies, and removing offices located closest to the most heavily concentrated Corps' Great Lakes projects will severely impede coordination and development. Additionally, closing the St. Paul District Office and moving its functions will jeopardize the Corps' close working relationship with officials in five upper Midwest States and Canada.

We share your view that the Corps' reorganization proposal demands careful congressional scrutiny by the Public Works and Transportation Committee and urge you to hold hearing on this important issue prior to the adjournment of the first session of the 102d Congress. Congress must have the opportunity to review the Corps' recommendations which were conducted without any outside review or analysis. Furthermore, we believe that in choosing to ignore its own carefully conducted studies ranking the Detroit, Chicago, and St. Paul offices above the Buffalo office in every major category, the Corps have elevated the necessity of prompt and intensive congressional review.

We thank you for your attention to this request and look forward to your response.

Sincerely yours,

John D. Dingell, David R. Obey, Philip R. Sharp, Bruce F. Vento, Sidney R. Yates, Barbara-Rose Collins, Robert H. Michel, Dan Rostenkowski, James L. Oberstar, Bob Traxler, William O. Lipinski, Frederick S. Upton, Les Aspin, William D. Ford.

Peter J. Visclosky, David E. Bonior, Carl D. Pursell, George E. Sangmeister, Frank Annunzio, F. James Sensenbrenner, Jr., Guy Vander Jagt, John Conyers, Jr., William S. Broomfield, Jim Moody, Henry J. Hyde, Dennis M. Hertel, Martin Olav Sabo, Marty Russo, Terry L. Bruce, Richard J. Durbin.

Robert W. Davis, Sander M. Levin, J. Dennis Hastert, Dale Kildee, Gus Savage, Toby Roth, Timonthy J. Penny, Charles A. Hayes, Jill Long, Paul B. Henry, Bob Carr, Howard Wolpe, Steve Gunderson.

Glenn Poshard, Scott Klug, John W. Cox, Jr., Thomas W. Ewing, Gerry Sikorski, Andrew Jacobs, Jr., Tim Roemer, Dave Camp, Collin C. Peterson, Jim Ramstad, Jim Jontz, Cardiss Collins, Philip M. Crane.

Members of Congress.

Mr. MARTIN. Mr. Chairman, I yield back the balance of my time.

Mr. FOGLIETTA. Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate has expired.

Pursuant to section 2908 of Public Law 101-510, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. DERRICK] having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 308) disapproving the recommendations of the Defense Base Closure and Realignment Commission, reported the joint resolution back to the House.

The SPEAKER pro tempore. Pursuant to section 2908 of Public Law 101-510, the question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MONTGOMERY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 60, nays 364, not voting 9, as follows:

[Roll No. 232]

YEAS—60

Alexander
Andrews (NJ)
Atkins
Bentley
Borski
Bruce
Burton
Camp
Campbell (CO)
Condit
Costello
Coughlin
Coyne
Davis
DeLauro
Donnelly
Durbin
Early
Emerson
Evans
Foglietta
Frost
Gaydos
Gejdenson
Geren
Gray
Hayes (LA)
Hertel
Holloway
Huckaby
Hughes
Jacobs
Jontz
Kennedy
Kennelly
Kolter
Kostmayer
McCloskey
McDade
McMillen (MD)
Murphy
Murtha
Myers
Natcher
Neal (MA)
Owens (NY)
Pallone
Panetta
Perkins
Rhodes
Ridge
Schroeder
Shuster
Snowe
Swett
Tallon
Thornton
Traficant
Traxler
Weldon

NAYS—364

Abercrombie
Ackerman
Allard
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bellenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Billirakis
Bliley
Boehlert
Boehner
Bonior
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bryant
Bunning
Byron
Callahan
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
Darden
de la Garza
DeFazio
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Dwyer
Dymally
Eckart
Edwards (OK)
Edwards (TX)
Engel
English
Erdreich
Espy
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kyl
LaPalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Nagle
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olin
Olver
Ortiz
Orton
Owens (UT)
Oxley
Packard
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi

Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Riggs
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Weber
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Bustamante
Campbell (CA)
Edwards (CA)
Hefner
Hopkins
Oberstar
Roemer
Waxman
Yatron

□ 1836

Mrs. LLOYD and Mr. ACKERMAN changed their vote from "yea" to "nay."

Messers. McMILLEN of Maryland, McDADE, and SWETT changed their vote from "nay" to "yea."

So the joint resolution was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 308, the joint resolution just considered, on the House Joint Resolution 313, the joint resolution passed earlier today.

The SPEAKER pro tempore (Mr. CONDIT). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken tomorrow.

HOLLYWOOD AND TELEVISION: THE WAR ON STANDARDS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORNAN of California. Mr. Speaker, this morning I would like to extend my remarks with two articles submitted for the RECORD, one from the Los Angeles Times by Robert Lichter that is entitled "Prime Time Goes Politically Correct."

Listen to this opening paragraph:

Hollywood, not content to entertain, pushes its liberal agenda on the masses; the result is advotainment.

The nation's television critics who descend on Los Angeles this month to preview the new prime-time offerings will see a fantasy world derived less from the lives of the viewing audience than from Hollywood's political agenda. Prime-time fare is mutating into a kind of "advotainment" that places entertainment in the service of political advocacy. Given the current political cast of the creative community there is no doubt about the new direction of prime time: TV is going PC.

That "PC" means "politically correct."

In addition to Mr. Lichter's article I would put in one from the American Legion magazine called "The War on Standards," by one of the best television and motion picture critics extant today, Michael Medved. The subtitle of the article is "Ugliness Has Been Enshrined as a New Standard as the Ability to Shock Becomes a Replacement for the Ability to Inspire."

The articles referred to are as follows:

PRIME TIME GOES POLITICALLY CORRECT

(By S. Robert Lichter)

Hollywood, not content to entertain, pushes its liberal agenda on the masses; the result is advotainment.

The nation's television critics who descend on Los Angeles this month to preview the new prime-time offerings will see a fantasy world derived less from the lives of the viewing audience than from Hollywood's political agenda. Prime-time fare is mutating into a kind of "advotainment" that places entertainment in the service of political advocacy. Given the current political cast of the creative community, there is no doubt about the new direction of prime time: TV is going PC."

Examples of "politically correct" programming are legion. Last season, viewers of "L.A. Law" learned that the U.S. Army indiscriminately butchered Panamanian civilians during the 1989 invasion. On "thirtysomething," angst-ridden Michael quit his advertising agency because it blacklisted an actor opposed to the Gulf War. Next season promises more of the same, as the "new history" filters down to the small screen. On "I'll Fly Away," a white district attorney and his black housekeeper will fight racism in the 1950s South. On "Home Front," returning World War II veterans and their wives will confront job discrimination, sexism and changing social mores.

Sometimes TV's PC sensibility is expressed in plot lines based on headlines. Thus, "Shannon's Deal" featured a CIA-run drugs-for-weapons scheme that recalled the Iran-Contra scandal. One of "My Two Dads" went to jail for dumping pollution into an oil company's toilets, to protest against the way they "treat our world like a toilet." Other times the producers' politics are built right into a lead character, like "Rosie O'Neill's" Establishment-fighting public defender. Finally, PC politics pop up in lines of dialogue. "Murphy Brown" calls Jesse Helms "an embarrassment to primates," and students on "Head of the Class" learn that the Reagan Administration was where "fact and fiction finally came together." Could anyone imagine similar cracks about, say, Jesse Jackson and Jimmy Carter turning up on prime time?

No longer content merely to entertain, television's creators increasingly seek to educate their audience. The stars of hit shows spend their nights battling social injustice on the tube and their days testifying before Congress on the issues they dramatize. Thus, a docudrama on Oliver North's career aired while the controversial colonel's trial was in progress. • • •

Prime time wasn't always like this. Until the late 1960's, television's alternate reality was dominated by the private lives of traditional families and the protection of society by high-minded law enforcers. Social institutions worked, moral codes were clear-cut, life's problems were manageable and the people in charge could usually be trusted to manage them pretty well. At that point television discovered a brand of left-wing populism that began to populate the airwaves with evil business executives and crooked cops, families buffeted by social inequities and maverick good guys who had to fight the system in order to make it work. These trends gradually intensified to produce the current prime-time social agenda, which features heavy criticism of social institutions from business to the justice system; endorsement of feminism, environmentalism and liberal sexual mores, and championing the victims of social prejudices from racism to homophobia.

There is much to be said for a genre of popular entertainment that engages real-world issues rather than running from them. The problem is that these issues are filtered through the prism of Hollywood's singular political consciousness. Television preaches a kind of Porsche populism that reflects the industry's socially liberal and cosmopolitan sensibility. Our survey of top writers, producers and studio executives found that three out of four place themselves on the political left and four out of five vote Democratic in presidential elections.

Even more telling is our finding that two-thirds of Hollywood's creative elite believe that TV entertainment should play "a major role in promoting social reform." Hollywood's insular political culture, combined with its increasing zeal for social activism, raises the possibility that issue-oriented programming will degenerate into political propaganda. Not everyone has qualms about this.

Feminist producer Linda Bloodworth-Thomason ("Designing Women") says bluntly, "It's 23 minutes of prime-time television . . . to address any topic I want. I'd be lying if I didn't say I put my personal opinions in. I do get my own propaganda in." Little wonder that producers have begun working closely with activist groups to integrate their messages in the prime-time schedule on a continuing basis.

Conspicuously absent from prime time's laundry list of "socially responsible" images are portrayals of such middle American concerns as religious faith, old-fashioned patriotism, and even occasional respect for au-

Document Separator

CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

JUNE 28, 1988.—Ordered to be printed

Mr. ASPIN, from the Committee on Armed Services, submitted the following

REPORT

[To accompany H.R. 4481 which on April 28, 1988 was referred jointly to the Committee on Armed Services, the Committee on Government Operations, and the Committee on Merchant Marine and Fisheries]

[Including cost estimate of the Congressional Office]

The Committee on Armed Services, to whom was referred the bill (H.R. 4481) to provide for the closing and realigning of certain military installations during a certain period, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Savings Act of 1988".

SEC. 2. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

The Secretary of Defense shall—

(1) close all the military installations that are recommended for closure by the Commission on Base Realignment and Closure in the report transmitted to the Secretary pursuant to the charter establishing such Commission;

(2) realign all the military installations that are recommended for realignment by such Commission in such report; and

(3) initiate all such closures and realignments no later than September 30, 1991, and complete all of them no later than September 30, 1995, except that no such closure or realignment may be initiated before January 1, 1990.

SEC. 3. CONDITIONS.

(a) IN GENERAL.—The Secretary may not carry out any closure or realignment of a military installation under this Act unless—

(1) no later than January 16, 1989, the Secretary transmits to the Committees on Armed Services of the Senate and House of Representatives a report containing a statement that the Secretary has decided to accept and implement all of

th[illegible] sures and realignments of military installations that were recommended by the Commission in the report described in section 2(1); and

(2) the installation is recommended for closure or realignment, as the case may be, by the Commission in the report described in section 2(1).

(b) JOINT RESOLUTION.—(1) The Secretary may not carry out any closure or realignment under this Act if, within the 45-day period beginning on March 1, 1989, a joint resolution described in paragraph (2) is enacted disapproving the recommendations of the Commission. The days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of such 45-day period.

(2) For the purpose of paragraph (1), the term "joint resolution" means only a joint resolution which is introduced after the date on which the report of the Secretary referred to in subsection (a)(1) is received by Congress and—

(A) which does not have a preamble;

(B) the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Commission on Base Realignment and Closure established by the Secretary of Defense as submitted to the Secretary of Defense on ————", the blank space being appropriately filed in; and

(C) the title of which is as follows: "A joint resolution disapproving the recommendations of the Commission on Buse Realignment and Closure.".

(3) A resolution described in paragraph (2) introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (2) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate.

(4) If the committee to which a resolution described in paragraph (2) is referred has not reported such resolution (or an identical resolution) by March 15, 1989, or within the 15-day period beginning on the date of its introduction, whichever, is later, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(5)(A) On or after the third day after the date on which the committee to which such a resolution is referred has reported, ~~or~~ has been deemed to be discharged (under paragraph (4)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House, on the next day after the day on which such Member gives notice to the presiding office thereof, to move to proceed to the consideration of the resolution, and all points or order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (2), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (2) shall be decided without debate.

(6) If, before the passage by one House of a resolution of that House described in paragraph (2), that House receives from the other House a resolution described in paragraph (2), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (2) of the House receiving the resolution——

(i) the procedure in that House shall be the same as if no re[illegible] had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(7) The procedures contained in paragraphs (3) through (6) are enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (2), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(c) SOCIO-ECONOMIC IMPACT PLAN.—(1) The Secretary may not initiate a closure or realignment of a military installation in the United States under this Act unless, before the first budget is submitted to the Congress which contains a request for funds which will be used to carry out the closure or realignment of such military installation, the Secretary—

(A) has completed a study of the socio-economic impact of such closure or realignment on the area in which the military installation is located; and

(B) has developed a plan to minimize such impact, including a statement of the amounts the Secretary plans to request (and the fiscal years for which they will be requested) to minimize such impact.

(2) A copy of each such plan shall be transmitted to the Committees on Armed Services of the Senate and the House of Representatives as soon as practicable after it is developed, subject to section 2(3).

(d) ENVIRONMENTAL RESTORATION PLAN.—(1) The Secretary may not initiate a closure or a realignment of a military installation in the United States under this Act unless, before the first budget is submitted to the Congress which contains a request for funds which will be used to carry out the closure or realignment of such military installation, the Secretary—

(A) has completed a study of the environmental restoration needed before the real property and facilities at such military installation can be disposed of by the Federal Government in accordance with applicable law; and

(B) has developed a plan to accomplish such restoration within 5 years (or within a longer period if the Secretary determines that such longer period is necessary because of the extraordinary circumstances involved), including a statement of the amounts the Secretary plans to request (and the fiscal years for which they will be requested) to accomplish such restoration.

(2) A copy of each such plan shall be transmitted to the Committees on Armed Services of the Senate and the House of Representatives as soon as practicable after it is developed, subject to section 2(3).

(e) TERMINATION.—The authority of the Secretary to carry out any closure or realignment under this Act shall terminate on October 1, 1995.

SEC. 4. THE COMMISSION.

(a) IN GENERAL.—The Commission—

(1) shall transmit the report described in section 2(1) to the Secretary no later than January 6, 1989, including a description of the Commission's recommendations of the military installations to which functions will be transferred as a result of the realignments and closures recommended by the Commission; and

(2) on the same date on which the Commission transmits such report to the Secretary, shall transmit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of such report; and

(B) a statement by which the Commission certifies that it has identified the military installations to be closed or realigned by reviewing all military installations inside and outside the United States, including those under construction or planned.

(b) PUBLIC HEARINGS.—On December 1, 1988, the Commission shall publish in the Federal Register a tentative list of the military installations it plans to recommend for closure or realignment, and shall conduct, during December 1988, public hearings for the purpose of obtaining comments on such list which the Commission shall take into consideration in making its final recommendations to the Secretary.

(c) [illegible].—The professional staff of the Commission should be selected on the basis of their training, experience, and attainments and in a manner that will assure the impartiality and independence of the Commission to the maximum extent feasible. Each such professional staff member should be nonpartisan and should be appointed on the basis of the individual's ability to perform the professional duties required by the Commission.

(d) DETERMINING COSTS AND SAVINGS.—(1) In determining whether to recommend the closure or realignment of any military installation, the Commission shall take into consideration the estimated costs of, and the feasibility of accomplishing, environmental restoration, removal of hazardous or toxic materials and ordnance, and historic preservation necessary to be carried out with respect to such military installation.

(2) In carrying out paragraph (1) and in making estimates of expenditures to be made and cost savings to be realized from closing or realigning a military installtion, the Commission shall take into consideration the estimated total costs to be expended by all agencies and instrumentalities of the Federal Government as a result of such closure or realignment.

(3) The Commission shall include in the report transmitted to the Secretary and the Congress under subsection (a) an accounting of the estimated expenditures to be made and savings to be realized by the Federal Government, as determined in the manner described in paragraph (2), from each such closure or realignment recommended by the Commission.

(e) OTHER FACTORS.—(1) In determining whether to recommend the closure or realignment of any military installation, the Commission shall take into consideration the potential to accommodate contingency, mobilization, and future force requirements at receiving locations.

(2) The Commission may not recommend the closure or realignment of any military installation unless it makes a determination that the estimated total cost savings realized from the closure or realignment will, by the end of the 6-year period beginning with the date of the completion of the closure or realignment of the military installation, exceed the amount expended to close or realign the base. for purposes of making this determination, estimated cost savings and estimated expenditures shall be discounted to a present value, using an appropriate discount rate to be selected by the Commission.

SEC. 5. IMPLEMENTATION.

(a) IN GENERAL.—In closing or realigning a military installation under this Act, the Secretary—

(1) subject to the availability of funds authorized and appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance, and the availability of funds in the Account established under section 8(a)(1), may carry out actions necessary to implement such closure or realignment, including acquiring land, constructing replacement facilities, relocating activities, and conducting advance planning and design as may be required to tranfer functions from such military installation to another;

(2) subject to the availability of funds authorized and appropriated to the Department of Defense for econmic adjustment assistance or community planning assistance and the availability of funds in the Account, shall provide—

(A) economic adjustment assistance (including grants for job retraining programs) to any community in the United States near an installation being closed or realigned; and

(B) community planning assistance to any community in the United States near an installation to which functions will be transferred as a result of such closure or realignment,

if the Secretary determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate; and

(3) subject to the availability of funds authorized and appropriated to the Department of Defense for environmental restoration and the availability of funds in the Account, may carry out activities for the purpose of environmental restoration, including reducing, removing, and recycling hazardous wastes and removing unsafe buildings and debris.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) Before any real property or facility under the control of the Department of Defense and located at a military installation to be closed or realigned under this Act is transferred to the General Services Administration, the Secretary shall notify all military departments, agencies, and other instrumentalities (including nonappropriated fund instrumentalities) within the Department of Defense of the availability of such property or facility and

may transfer, without reimbursement, such property or facility to any [illegible] department, agency, or instrumentality, except that the Secretary shall give a priority to any such department, agency, or other instrumentality that offers to pay fair market value for the property or facility. For purposes of this paragraph, fair market value shall be determined on the basis of the value of the propety as it is being used at the time of such notification.

(2) All proceeds—

(A) from any transfer under paragraph (1); and

(B) from the disposal of any property or facility that was transferred to the General Services Administration by the Secretary as a result of a closure or realignment under this Act,

shall be deposited into the Account established by section 8(a)(1), except that the General Services Administration shall be reimbursed from such proceeds for any expenses incurred in managing, maintaining, and disposing such property or facility.

(3) Real property that is under the control of the Department of Defense, located at a military installation to be closed or realigned under this Act, and in need of environmental restoration may not be transferred to the General Services Administration until it has been restored by the Secretary to a condition which would permit it to be disposed of by the Federal Government in accordance with applicable law.

(4) After the General Services Administration has accepted any real property or facility located at a military installation closed or realigned, or to be closed or realigned, under this Act, the Secretary may not expend funds to maintain, secure, or operate the property or facility unless such maintenance, security, or operation is carried out pursuant to an agreement entered into between the Secretary and the Administrator of the General Services Administration that provides for reimbursement by such Administration to the Department of Defense of all expenses incurred by the Department in providing such maintenance, security, or operation.

(c) APPLICABILITY OF OTHER LAW.—(1) The provisions of the National Environmental Policy Act of 1969 shall not apply to—

(A) the actions of the Commission, including selecting the military installations which it recommends for closure or realignment under this Act, selecting any military installation to receive functions from a installation to be closed or realigned, and making its report to the Secretary and the Congress under section 4(a); and

(B) the actions of the Secretary in establishing the Commission, in determining whether to accept the recommendations of the Commission, in selecting any military installation to receive functions from an installation to be closed or realigned, and in transmitting the report to the Congress under section 2(1).

(2) The provisions of the National Environmental Policy Act of 1969 shall apply to the actions of the Secretary (A) during the process of the closing or realigning of a military installation after such military installation has been selected for closure or realignment but before the installation is closed or realigned and the functions relocated, and (B) during the process of the relocating of functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated. In applying the provisions of such Act, the Secretary shall not have to consider—

(i) the need for closing or realigning a military installation which has been selected for closure or realignment by the Commission;

(ii) the need for transferring functions to another military installation which has been selected as the receiving installation; or

(iii) alternative military installations to those selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2) or with respect to any requirement of the Commission made by this Act, of any action or failure to act by the Secretary during the closing, realigning, or relocating referred to in clauses (A) and (B) of paragraph (2) or of any action or failure to act by the Commission under this Act may not be brought later than the 60th day after the date of such action or failure to act, except that, with respect to any such action or failure to act by the Secretary, if a party shows that he did not know of the act or failure to act by the Secretary and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action not later than the 60th day after the date such party acquired actual or constructive knowledge of such action or failure to act.

SEC. 6. WAIVER.

The Secretary may carry out this Act without regard to—

(1) section 1362 of the Department of Defense Authorization Act, 1987 (Public Law 99-661; 100 Stat. 3816);

(2) section 709 of the Military Construction Authorization Act, 1972 (Public Law 92-145; 85 Stat. 394);

(3) section 810 of the Military Construction Authorization Act, 1968 (Public Law 90-110; 81 Stat. 279); and

(4) the procedures set forth in sections 2662 and 2687 of title 10, United States Code.

SEC. 7. REPORTS.

As part of each annual request for authorization of appropriations, the Secretary shall transmit to the Committees on Armed Services of the Senate and the House of Representatives—

(1) a schedule of the closure and realignment actions to be carried out under this Act in the fiscal year for which the request is made and an estimate of the total cost savings to be achieved by each such closure and realignment and of the time period in which these savings are to be achieved in each case, together with—

(A) an assessment of the environmental effects of such actions; and

(B) an accounting of the amounts requested for economic adjustment assistance, community planning assistance, and environmental restoration to carry out the plans described in subsections (c) and (d) of section 3 during such fiscal year; and

(2) a description of the military installations, including those under construction or planned, to which functions will be transferred as a result of such closures and realignments, together with the Secretary's assessment of the environmental effects of such transfers.

SEC. 8. FUNDING.

(A) ACCOUNT.—(1) There is hereby established on the books of the Treasury the Department of Defense Base Closure Account which shall be administered by the Secretary and the Secretary of the Treasury as a single account.

(2) There shall be deposited into the Account—

(A) funds appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress; and

(C) proceeds described in section 5(b)(2).

(3) Not more than $300,000,000 is authorized to be transferred pursuant to paragraph (2)(B) to the Account in fiscal year 1989. No funds are authorized to be appropriated to the Account in such fiscal year. With respect to fiscal years beginning after fiscal year 1989, the amounts authorized to be appropriated or transferred to the Account shall be determined in annual authorization Acts.

(4) The Secretary may use the funds in the Account only for the purposes described in section 5(a). When a decision is made to use funds in the Account to carry out a construction project under section 5(a)(1) and the cost of the project will be greater than the maximum amount for a minor construction project, the Secretary shall notify in writing the appropriate committees of Congress of the nature of and justification for the project and the amount of expenditures for it.

(5) No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this Act, the Secretary shall transmit a report to the appropriate committees of Congress of the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount of other expenditures made pursuant to section 5(a) during such fiscal year.

(6) Unobligated funds which remain in the Account after the termination of the authority of the Secretary to carry out a closure or realignment under this Act shall be held in the Account until transferred by law after the appropriate committees of Congress received the report transmitted under paragraph (7).

(7) No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment under this Act, the Secretary shall transmit to the appropriate committees of Congress a report containing an accounting of—

(A) all the funds deposited into and expended from the Account or otherwise expended under this Act; and

(B) any amount remaining in the Account.

(b) USE OF FUNDS.—Funds which are appropriated or transferred to the Account or otherwise appropriated specifically for purposes of carrying out this Act or which may otherwise be used to carry out the closure or realignment of any military installation under this Act shall be available to the Secretary for the purpose of carrying out the closure or realignment under this Act of all military installations to be closed or realigned of this Act, subject only to the requirements of this Act. This subsection shall apply to all funds appropriated after the date of the enactment of this Act, and another provision of law does not supersede this subsection unless it does so by specifically referring to this subsection and stating that it supersedes this subsection.

SEC. 9. DEFINITIONS.

In this Act:

(1) The term "Account" means the Department of Defense Base Closure Account established by section 8(a)(1).

(2) The term "appropriate committees of Congress" means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

(3) The terms "Commission on Base Realignment and Closure" and "Commission" mean the commission established by the Secretary of Defense in the charter signed by the Secretary on May 3, 1988.

(4) The term "charter establishing such Commission" means the charter referred to in paragraph (3).

(5) The term "initiate" includes any action reducing functions or civilian personnel positions but does not include studies, planning, or similar activities carried out before there is a reduction of such functions or positions.

(6) The term "military installation" means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department.

(7) The term "realignment" means any action which both reduces and relocates functions and civilian personnel positions.

(8) The term "Secretary" means the Secretary of Defense.

(9) The term "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other Commonwealth, territory, or possession of the United States.

EXPLANATION OF AMENDMENT

The committee adopted an amendment in the nature of a substitute during its consideration of H.R. 4481. The amendment would require the Secretary of Defense to close or realign all of the military installations, both domestic and overseas, recommended by a commission on base realignment and closure appointed by the Secretary on May 3, 1988. If the Secretary decides to accept the commission's recommendations, he would be required to report his decision, along with a list of the bases to be closed or realigned, to Congress by January 15, 1989. All actions would have to be initiated no later than September 30, 1991, and completed no later than September 30, 1995. To preserve Congressional oversight prerogatives, the amendment contains a provision that would provide for a resolution of disapproval process with expedited procedures.

For the purpose of implementing the closures or realignments, a defense base closure account would be established by the committee amendment. Funding would be obtained by direct appropriations, transfers, and proceeds from the sale of property at the closed bases.

To expedite the closures and realignments, the Federal Property and Administrative Services Act of 1949 and the National Environmental Policy Act of 1969 would be modified on a one-time basis.

To mitigate any adverse impact on the local community, the committee amendment would provide for economic adjustment assistance (including job retraining grants) and community planning assistance to communities located near installations impacted by

such closures or realignments, if the Secretary determines such assistance is not available from other sources.

Under the committee amendment, the following issues would have to be considered before a base could be closed or realigned: (1) socio-economic impact; (2) future contingency, mobilization, and force requirements; (3) environmental impact; (4) all costs associated with the closure, including costs to be borne by other agencies of the federal government; and, (5) the extent and timing of potential cost savings including whether the total cost savings realized from the closure or realignment of the base would, by the end of the 6-year period beginning with the date of the completion of the closure or realignment, exceed the amount expended to close or relaign the base.

In addition, the committee amendment would require the Secretary to submit a plan, including an estimate of the associated cost, for accomplishing environmental restoration at the closed base. Such restoration would have to be completed in compliance with all applicable laws within five years after completion of the closure or realignment.

The committee amendment would require the Secretary to provide periodic reports to the appropriate committees of Congress on the deposits and disbursements from the base closures account.

Purpose

The purpose of H.R. 4481, as amended, would be to streamline procedures on a one-time basis to expedite the realignment and closure of unneeded military installations.

Background and Discussion

In testimony before the committee, Honorable Frank C. Carlucci, Secretary of Defense, stated that the Department of Defense is uanble to close or realign unneeded military installations because of impediments, restrictions, and delays imposed by provisions of current law. The Secretary further stated that savings from closing a base are significant and perpetual. Examples of cost savings calculated from a prior notional list of base closures were provided to the committee as follows:

Military mission disestablished

Net one-time costs: $12 Million.[1]
Annual recurring savings upon implementation: $6 Million.
One-time costs would be repaid in 2 years.

Military mission relocated

Net one-time costs: $240 Million.[1]
Annual recurring savings upon implementation: $40 Million.
One-time costs would be repaid in 6 years.

H.R. 4481, to provide for the closing and realigning of certain military installations during a certin period, was introduced by Congressman Richard K. Armey, for himself, Chairman Les Aspin,

[1] According to the Secretary's testimony, these costs do not include economic adjustment assistance grants or environmental clean-up costs.

and Congressman William L. Dickinson, Ranking Republican of the Committee on Armed Services, on April 28, 1988, and was jointly referred to the Committees on Armed Services, Government Operations, and Merchant Marine and Fisheries.

H.R. 4481, as introduced, would expedite procedures under which the Secretary of Defense could close or realign all military installations recommended by a commission on base realignment and closure appointed by the Secretary on May 3, 1988. If the Secretary decides to accept the commission's recommendations, he would be required to report his decision, along with a list of the bases to be closed or realigned, to Congress by January 15, 1989. Under H.R. 4481, as introduced, the following laws would be waived on a one-time basis:

(1) Any provision of the Federal Property and Administrative Services Act of 1949 that restricts the Secretary of Defense from disposing of real property;

(2) Any provision of law included in appropriations or authorization acts that restricts the use of appropriated funds for closing or realigning military installations;

(3) Section 2687 of title 10, United States Code, the Base Closures and Realignment Act, which establishes certain criteria and procedures for base closures and realignments;

(4) Section 2662 of title 10, United States Code, which provides for Congressional notification relating to the acquisition or disposal of real property by the Secretary of Defense; and

(5) The National Environmental Policy Act of 1969.

Finally, H.R. 4481, as introduced, would establish a Defense Base Closure Account for the purpose of implementing the Act that would be funded with direct appropriations, transfers, and proceeds from the sale of real property at the closed bases. Economic adjustment assistance and community planning assistance would be provided to communities located near installations being impacted by closures and realignments if the Secretary determines such assistance is required and is not available from other sources.

Committee Hearings

The Defense Policy Panel and the Subcommittee on Military Installations and Facilities, met jointly on May 18 and 19, 1988, to conduct hearings on H.R. 4481, as introduced. Testimony was received from the Honorable Frank C. Carlucci, Secretary of Defense; Lawrence J. Korb, former Assistant Secretary of Defense for Manpower, Installations and Logistics; Mr. Robert Pirie, former Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics; Dr. Robert M. Rauner, Director of the Office of Economic Adjustment, Department of Defense; Representative Richard K. Armey of Texas; and Representative Patricia Schroeder of Colorado.

Full committee markup of H.R. 4481 was held on June 8, 1988. In order to simplify the action of the committee, an amendment in the nature of a substitute was offered incorporating several amendments that had previously been offered informally by Members of the committee. The amendment in the nature of a substitute to H.R. 4481 was favorably reported, by voice vote.

With the exception of the following changes, the committee amendment includes the basic provisions of H.R. 4481, as introduced:

PROPERTY DISPOSAL

Real property disposal would be accomplished under the provisions of the Federal Property and Administrative Services Act of 1949 with the following exceptions: (1) after land is declared excess by the Secretary of Defense, the Administrator of the General Services Administration (GSA) would assume all costs for security and maintenance until the property is sold, at which time the Secretary would reimburse GSA for any expenses incurred in the sale of the property; and (2) all proceeds from the sale of the property would be deposited into the Defense base closures account.

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

The provisions of the National Environmental Policy Act of 1969 (NEPA) would apply with the following exception: (1) neither the commission nor the Secretary of Defense would have to comply with NEPA prior to recommending and selecting bases for closure or realignment; (2) the Secretary would not have to justify the need to close or realign particular installations and would not have to examine alternative bases for closure; and (3) to expedite the process, complaints would have to be filed in court within sixty days of the Secretary's final decision under NEPA.

OVERSEAS BASES

The commission would have to study overseas as well as domestic bases for closure or realignment; however, overseas bases recommended for closure would be exempt from certain provisions of the Act relating to domestic bases.

CONGRESSIONAL OVERSIGHT

The committee amendment would provide for a resolution of disapproval process with expedited procedures.

COMMISSION STAFFING

The committee amendment includes a provision stating that the staff of the commission should be non-partisan and selected on the basis of ability.

ECONOMIC ADJUSTMENT ASSISTANCE

Action could not be initiated before January 1, 1990, on any base recommended by the Secretary for closure or realignment on January 15, 1989. Grants for job retraining programs would be provided under economic adjustment assistance under provisions of the committee amendment.

ENVIRONMENTAL RESTORATION

The committee amendment requires that, prior to initiating the closure or realignment of a military installation, the Secretary of Defense would be required to complete a study of environmental restoration requirements at such installation, and develop a plan to accomplish such restoration within 5 years (unless he determines that extraordinary circumstances require a longer restoration). In addition, the plan would include a statement of the amounts the Secretary plans to request during each fiscal year to accomplish the environmental restoration.

In determining whether to recommend the closure or realignment of any military installation, the Commission on Base Realignment and Closure would be required to take into consideration the estimated costs of, and the feasibility of accomplishing, environmental restoration, and removal of hazardous or toxic materials and ordnance.

The committee amendment would further restrict the transfer of real property at a military base to be closed or realigned under this Act to the General Services Administration until environmental restoration has been completed and the property is in a condition that would permit its disposal by the Federal government in accordance with applicable law.

SOCIO-ECONOMIC IMPACT PLAN

Before any closure or realignment could occur under this Act, the Secretary would be required to complete a study of the socio-economic impact on the area, and develop a plan to minimize such impact.

COST-SAVINGS ANALYSIS

Under the committee amendment, the commission would be required to take into consideration the estimated total costs to be expended by all agencies and instrumentalities of the Federal government before recommending whether to close or realign a base. In addition, a report by the commission would be required to be submitted to the Secretary and to the Congress on the estimated expenditures and savings to be realized by such closure or realignment.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

Section 1 of the committee amendment would provide for the Act to be cited as the "Defense Savings Act of 1988".

SECTION 2—CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS

Section 2 would require that the Secretary of Defense close or realign all military installations recommended by the Commission on Base Realignment and Closure. All such actions would be initiated no later than September 30, 1991, and completed no later than September 30, 1995, However, no closure or realignment could be initiated before January 1, 1990.

SECTION 3—CONDITIONS

Section 3(a) would require that in order to close any base under this Act, the Secretary must report to Congress no later than Janu-

ary 16, 1989, that he has decided to accept and implement all of the closures and realignments recommended by the Commission.

Section 3(b) would provide that no action could be taken to close or realign any base if a joint resolution of disapproval is enacted within 45 legislative days beginning on March 1, 1989. This section also describes the nature of the resolution and the expedited procedures by which it would be considered.

Section 3(c) would require the Secretary of Defense to complete a study of the socio-economic impact of the closure or realignment on the area in which the installation is located and to develop a plan to minimize the impact.

Section 3(d) would require the Secretary of Defense to complete a study of the environmental restoration needed before the real property and facilities at such an installation could be disposed of by the Federal Government in accordance with applicable law and develop a plan to accomplish the restoration within 5 years.

The socio-economic impact plan and the environmental plan for an installation would be developed before the first budget submission request for funds for closure or realignment of the installation is made. All of these plans are to be submitted in time to meet the requirement that all closures and realignments are to be initiated under this Act by September 30, 1991.

Section 3(e) would provide that the authority of the Secretary to carry out this Act would terminate on October 1, 1995.

SECTION 4—THE COMMISSION

Section 4(a) would require the Commission on Base Realignment and Closure to transmit their report on closures and realignments to the Secretary of Defense no later than January 6, 1989. Along with the list of facilities to be closed or realigned, the report would contain a description of the installations that would receive functions as a result of the recommended closure or realignment. On the same date that the Secretary receives the report, he would transmit a copy to the Committees on Armed Services of the Senate and House of Representatives along with the statement from the commission certifying that it has identified the military installations to be closed or realigned by reviewing all military installations inside and outside the United States, including those under construction or planned.

Section 4(b) would provide for public hearings during December 1988, after a tentative list of bases recommended by the Commission to be closed or realigned is published in the Federal Register on December 1, 1988.

Section 4(c) states that the professional staff of the Commission should be selected on the basis of their training, experience, attainments, and in a manner that would assure the impartiality and independence of the Commssion. Each professional staff member should be nonpartisan.

Section 4(d) would require that the Commission take into consideration the following in determining whether to recommend a particular base for closure or realignment: 1) the estimated costs of, and the feasibility of accomplished, environmental restoration, removal of hazardous or toxic materials and ordnance, and historic

preservation; and 2) the estimated total costs to be expended by all agencies and instrumentalities of the Federal Government as a result of the closure or realignment. The Commission would include in the report provided to the Secretary and the Congress an accounting of the estimated expenditures to be made and savings to be realized by the Federal Government for each closure or realignment recommended by the Commission.

Section 4(e) would require that the Commission take into consideration the potential to accommodate contingency, mobilization, and future force requirements at receiving locations. Furthermore, the Commission could not recommend the closure or realignment of an installation unless it makes a determination that the total cost savings realized from the closure or realignment will, by the end of the six-year period beginning with the date of the completion of the closure or realignment, exceed the amount expended to close or realign the base. The Commission would select a discount rate to be used in making the determination.

SECTION 5—IMPLEMENTATION

Section 5(a) would authorize the Secretary, subject to the availability of appropriations and to the availability of funds in the Base Closure Account, to carry our actions necessary to implement closures and realignments and provide economic adjustment assistance, community planning assistance, and environmental restoration.

Section 5(b) would require the Secretary to notify all military departments, agencies and other instrumentalities within the Department of Defense of the availability of property or facilities located at a military installation to be closed or realigned. Such property or facility could be transferred without cost to the department, agency or instrumentality, without reimbursement, except that priority would be given to any department, agency, or instrumentality that offers to pay fair market value.

All proceeds from any transfer or other disposal of such property would be deposited into the Base Closure Account, except for the reimbursement to the General Services Administration (G.S.A.) for any expense incurred in managing, maintaining, and disposing of the property. Any property in need of environmental restoration would not be transferred to the G.S.A. until it had been restored by the Secretary to a condition that would permit disposal of it by the Federal Government in accordance with applicable law. Once the property is transaferred to G.S.A., the Secretary would not be permitted to expend funds to maintain, secure or operate the facility unless an agreement had been reached with the Administrator of G.S.A. that would provide for reimbursement to the Department for any expenses incurred by the Department.

Section 5(c) would provide that the provisions of the National Environmental Policy Act (NEPA) would not apply to the following actions of the Commission: (1) selecting certain military installations for closure or realignment; (2) selecting an installation to receive functions from an installation to be closed or realigned; or (3) making the report to the Secretary and to the Congress. This section would further provide that the provisions of NEPA would not

apply to the following actions of the Secretary: (1) establishing the Commission; (2) determining whether to accept the recommendations of the Commission; (3) selecting any military installation to receive functions; or (4) transmitting the report to Congress.

The section would provide for the provisions of NEPA to apply to the actions of the Secretary during the process of closing or realigning a military installation after it has been selected for closure or realignment, but before it has been closed or realigned and the functions relocated and to installations selected to receive functions prior to those functions being relocated.

In applying the provision of the Act, the Secretary would not have to consider the need for closing for realigning the installation, the need to transfer functions to another location, or alternative military installations to those selected.

This section would require a party filing a civil action for judicial review, with respect to any requirement of NEPA or any requirement of the Commission, to do so within 60 days of the contested action or failure to act.

SECTION 6—WAIVER

Section 6 would waive provisions of three previous authorization acts that restrict the closure or realignment of certain bases. It would also waive current base closure legislation and legislation requiring Congressional notification before disposal or acquisition of federal property. Provisions of title 10 of the United States Code, of military authorization Acts, and of other laws not waived in this section or section 5(c) would apply to actions carried out under this Act.

SECTION 7—REPORTS

Section 7 would require certain reports to be included as part of each annual budget request. Such reports would include the following: (1) a schedule of the closure or realignment actions to be carried out under this Act in the fiscal year for which the request is made; (2) an estimate of the total cost savings to be achieved and the time period in which these savings are to be realzed; (3) an assessment of the environmental effects of the action; and (4) an accounting of the amounts requested for economic adjustment assistance, community planning asssitance, and environmental restoration to carry out the plans. A report would also be required that would identify the military installations, including those under construction or planned, to which functions would be transferred as a result of the closure or realignment, together with an assessment of the environmental effects of such transfer.

SECTION 8—FUNDING

Section 8(a) would authorize the establishment of the Department of Defense Base Closure Account. Funds would be deposited into the Account through direct appropriations, transfer of funds from other accounts approved in appropriation Acts, and proceeds from the sale of property at the bases to be closed or realigned.

Not more than $300 million would be authorized for transfer into the Account in fiscal year 1989. Any amounts authorized for appropriations or transfers into the Account after fiscal year 1989 would be determined by annual authorization acts.

Any expenditure from the Account for a construction project over $1 million would require the Secretary to notify the appropriate committees of Congress of the nature of and justification for the project and the amount of expenditure.

No later than 60 days after the end of each fiscal year, the Secretary would be required to transmit a report to Congress on the amount and nature of deposits into and the expenditures from the Account during that fiscal year. Any unobligated funds remaining in the Account after the termination of the authority under this Act would be held in the Account until transferred by law. No later than 60 days after the termination of the authority of the Secretary to carry out a closure or realignment, the Secretary would be required to submit a report to the appropriate committees of Congress accounting for all funds deposited into and expended from the Account, or otherwise expended under the Act, and any amounts remaining in the Account.

Section 8(b) would provide that funds available to carry out this Act are available for the closure or realignment of all installations to be closed or realigned under this Act.

SECTION 9—DEFINITIONS

Section 9 would define the terms used throughout the Act.

DEPARTMENTAL POSITION

The Department of Defense opposes H.R. 4481, as reported, and as indicated in the following letter. The committee has no information regarding the Department of Defense position on H.R. 4481, as introduced, although such a report was formally requested on May 4, 1988.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, DC, June 22, 1988.

Hon. LES ASPIN,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to the telephonic request made by your staff yesterday for the Department's position on the Committee-reported version of H.R. 4481.

The Department supports passage of legislation to expedite accomplishment of the recommendations of the Secretary's Commission on Base Realignment and Closure. The Department prefers the legislation as introduced by Congressman Armey, you and Congressman Dickinson to the version reported by the Committee. While the Department is willing to work with the Congress to ensure that legitimate environmental and economic concerns are addressed, the net effect of the Committee's amendments to H.R. 4481 is to make realignments and closures more difficult under the "expedited" procedures than under current law. In addition, the Department vigorously opposes the inclusion of overseas bases within the mandate of the Commission. That provision could seriously hinder sensitive ongoing base rights negotiations being conducted in various parts of the world.

The Department of Justice may provide the Committee with additional views on H.R. 4481.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, it has no objection to the presentation of this report.

Sincerely,

KATHLEEN A. BUCK.

COMMITTEE POSITION

The Committee on Armed Services, on June 8, 1988, a quorum being present, agreed by voice vote to report an amendment in the nature of a substitute to H.R. 4481.

FISCAL DATA

Pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, the committee attempted to ascertain annual outlays resulting from the bill as amended during fiscal year 1989 and the four following fiscal years.

No official cost estimate was received from the Department of Defense.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the estimates prepared by the Congressional Budget Office and submitted pursuant to section 403 of the Congressional Budget Act of 1974 are included hereafter on the bill, H.R. 4481, as introduced and as amended:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 2, 1988.

Hon. LES ASPIN,
Chairman, Committee on Armed Services,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has examined H.R. 4481, as introduced on April 28, 1988. This bill provides for the closing and realigning of certain military bases following recommendations of the Commission on Base Realignment and Closure. The Commission is currently chartered within the Department of Defense (DoD) to identify military bases to be closed or realigned and report its recommendations to the Secretary of Defense by December 31, 1988.

Since the Commission has already been established by the Secretary of Defense, its costs would be unaffected by this bill. However, the bill authorizes up to $300 million per fiscal year to be appropriated or transferred to an account set up to defray one-time costs of base closures.

CBO has not estimated the budgetary impact of the base closures and realignments that might occur following enactment of H.R. 4481. It is impossible to predict which or how many such actions will be recommended by the Commission and whether or not the Secretary will implement them. DoD has estimated that a typical closure might result in one-time costs of $12 to $240 million, with

recurring annual savings of $6 million to $40 million. These amounts could vary widely depending on the size of the base affected and whether its operations were combined with those of an existing base or discontinued altogether.

H.R. 4481 requires the Secretary to implement all of the recommendations of the Commission, if he chooses to implement any of them. It also permits the Secretary to carry out the base closures without regard to various provisions of the Federal Property and Administrative Services Act and the National Environmental Policy Act. In addition, the bill establishes a Defense Base Closure Account to be administered by the Secretary of Defense for the purpose of paying those costs associated with closing or realigning bases as recommended by the Commission.

The waiver of the Federal Property and Administrative Services Act would exempt DoD from the normal procedures for disposition of excess property resulting from a closure or realignment. Under current law, the General Services Administration (GSA) seeks alternative public uses for excess property, first at the Federal level and then through state and local governments. If no alternative public use is found, the property is offered for sale to the public and any proceeds are placed in the Treasury. H.R. 4481 would allow DoD, rather than GSA, to oversee the disposition of excess property resulting from base closures or realignments, though similar requirements for giving priority to alternative public uses would apply. Any proceeds from property sales to the public would be deposited to the Defense Base Closure Account and used to defray the near-term costs of base closures. This provision would allow direct spending of money that would otherwise require annual appropriations. Therefore, it would result in increased costs to the federal government when funds are used for base closure expenses instead of being deposited in the Treasury. In the absence of any information about specific closures and realignments, there is no way of estimating the size of the increase.

The waiver of the National Environmental Policy Act would exempt the Secretary of Defense from having to perform certain environmental assessments and public impact analyses before deciding whether or not to accept the Commission's recommendations. Typically, these requirements have resulted in lengthy delays in the closure process. Thus, the effect of the waiver might be to increase the likelihood of implementation.

We would be pleased to provide further details on this cost estimate if you so desire.

Sincerely,

JAMES L. BLUM,
Acting Director.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 15, 1988.

Hon. LES ASPIN,
Chairman, Committee on Armed Services,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has examined an amendment in the nature of a substitute for H.R. 4481, as ordered reported by the Committee on Armed Services on June 8, 1988. This amendment provides for the closing and realigning of certain military bases following recommendations of the Commission on Base Realignment and Closure. The Commission is currently chartered within the Department of Defense (DoD) to identify military bases to be closed or realigned and report its recommendations to the Secretary of Defense by December 31, 1988.

Since the Commission has already been established by the Secretary of Defense, its costs would be unaffected by this amendment. The legislation authorizes up to $300 million to be transferred by the Secretary of Defense to an account set up to defray one-time costs of base closures. However, the amendment states that no funds are authorized to be appropriated to the account in fiscal year 1989.

CBO has not estimated the budgetary impact of the base closures and realignments that might occur following enactment of this legislation. It is impossible to predict which or how many such actions will be recommended by the Commission and whether or not Congress will approve them. DoD has estimated that a typical closure might result in one-time costs of $12 million to $240 million, with recurring annual savings of $6 million to $40 million. These amounts could vary widely depending on the size of the base affected and whether its operations were combined with those of an existing base or discontinued altogether.

This legislation stipulates that the Secretary of Defense may not carry out any closure or realignment if Congress enacts a joint resolution disapproving the recommendations of the Commission. It also specifies conditions under which the National Environmental Policy Act shall apply during the closure and realignment process. In addition, the amendment imposes various reporting requirements on the Secretary and the Commission in the areas of environmental and economic effects. There is no cost to these reporting requirements because the Commission as currently chartered already intends to conduct such studies. This legislation also requires the Commission to hold public hearings regarding its tentative recommendations one month before making final recommendations to the Secretary. Another provision of the amendment establishes a Defense Base Closure Account to be administered by the Secretary of Defense for the purpose of paying those costs associated with closing or realigning bases as recommended by the Commission.

This legislation also stipulates that the Commission may only recommend closures or realignments in which the estimated discounted total savings will exceed the initial closure or realignment costs within 6 years. Because this provision reduces the total universe of bases from which the Commission may select its candidates, it may ultimately reduce the savings brought about by the closure and realignment process. However, there is no way to estimate the amount by which savings would be reduced.

The amendment would allow the Secretary to transfer or sell any excess property resulting from closures or realignments to other instrumentalities within the Department of Defense. Any property not disposed of in this manner would then be subject to existing laws which authorize the Administrator of the General Services Administration to dispose of it through sale or transfer. However, this legislation specifies that any proceeds of excess property sales, net of distribution expenses incurred by the Administrator, shall be deposited into the Defense Base Closure Account and used to defray the near-term costs of base closures. This provision would allow direct spending of money that would otherwise require annual appropriations. Therefore, it would result in increased costs to the federal government when funds are used for base closure expenses instead of being deposited in the Treasury. In the absence of any information about specific closures and realignments, there is no way of estimating the size of the increase.

We would be pleased to provide further details on this cost estimate if you so desire.

Sincerely,

C.G. NUCKOLS
(For James L. Blum, Acting Director).

COMMITTEE COST ESTIMATE

The committee concurs with the estimate of the Congressional Budget Office.

INFLATION IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the committee examined the possible inflationary aspects of the bill, and believes that enactment of this legislation will have no inflationary impact on the national economy.

OVERSIGHT FINDINGS

With reference to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Operations pertaining to this committee's action. However, the Government Operations Committee has reported on H.R. 4481, to which it was jointly referred.

With reference to clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee finds and recommends that the legislation be enacted pursuant to its oversight responsibilities.

SUMMARY

PURPOSE

The purpose of H.R. 4481, as amended, is to streamline procedures on a one-time basis to expedite the realignment and closure of unneeded military bases.

FISCAL DATA

The Congressional Budget Office has not estimated the budgetary impact of the base closures and realignments that might occur following enactment of this legislation because it is impossible to predict which or how many such actions will be recommended by the Commission and whether or not Congress will approve them.

No official estimate has been received from the Department of Defense on the costs and savings that might occur following enactment of H.R. 4481, as amended.

DEPARTMENTAL POSITION

The Department of Defense is opposed to H.R. 4481, as amended. The committee has received no report on the Department of Defense position on H.R. 4481, as introduced.

COMMITTEE POSITION

The Committee on Armed Services, on June 8, 1988, a quorum being present, agreed by voice vote to favorably report an amendment in the nature of a substitute to H.R. 4481.

O

DEFENSE SAVINGS ACT

JUNE 28, 1988.—Ordered to be printed

Mr. BROOKS, from the Committee on Government Operations, submitted the following

REPORT

[To accompany H.R. 4481 which on April 28, 1988, was referred jointly to the Committee on Armed Services, the Committee on Government Operations, and the Committee on Merchant Marine and Fisheries]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Operations, to whom was referred the bill (H.R. 4481) to provide for the closing and realigning of certain military installations during a certain period, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Savings Act".

SEC. 2. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall—

(1) close all the military installations recommended for closure by the Commission on Base Realignment and Closure in the report of such Commission submitted pursuant to section 3(a) if such report is approved pursuant to a joint resolution adopted in accordance with section 4 of this Act;

(2) realign all the military installations recommended for realignment by such approved report; and

(3) initiate all such closures and realignments no later than September 30, 1991, and complete all of them no later than September 30, 1995.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—In closing or realigning a military installation under this Act, the Secretary—

(A) subject to the availability of funds authorized and appropriated to the Department of Defense for use in planning and design, minor construction, and operation and maintenance, and the availability of funds in the Account, shall carry out actions necessary to implement such closure or realignment, including acquiring land, constructing replacement facilities, re-

locating activities, and conducting advance planning and design as may be required to transfer functions from such military installation to another;

(B) subject to the availability of funds authorized and appropriated to the Department of Defense for economic adjustment assistance and community planning assistance and the availability of funds in the Account, shall provide—

(i) economic adjustment assistance to any community located near an installation being closed or realigned; and—

(ii) community planning assistance to any community located near an installation to which functions will be transferred as a result of such closure or realignment;

if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate; and

(C) subject to the availability of funds authorized and appropriated to the Department of Defense for environmental restoration and the availability of funds in the Account, shall carry out restoration, including reducing, removing, and recycling hazardous wastes and removing unsafe buildings and debris.

(2) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out any closure or realignment under this Act shall terminate on September 30, 1995.

(c) DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—Except as otherwise provided by this Act, the Administrator shall transfer and dispose of all property and facilities of the Department of Defense located at an installation to be closed or realigned pursuant to this Act in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and other laws which authorize the Administrator to dispose of property of agencies of the United States.

(2) DISPOSAL OF PROPERTY FOR REDUCED CONSIDERATION.—(A) In carrying out this subsection, the Adminisrator shall make maximum use of the authority to dispose of property without consideration or for reduced consideration to provide economic adjustment assistance to communities affected by closures and realignments of installations under this Act. Disposals of property pursuant to this Act carried out by the Administrator under section 203(k) or 203(p) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k) or (p)), or under any other law which authorizes disposal of property of the United States without consideration or for reduced consideration, shall be carried out on the basis of a land-use study conducted by the Administrator, in cooperation with the secretary and the community involved, which—

(i) is consistent with the purpose and policy set forth in section 802 of the Federal Urban Land-Use Act (40 U.S.C. 531); and

(ii) takes into consideration the purpose of providing economic adjustment assistance to the community.

(B) Nothing in this paragraph shall limit the applicability of the Federal Urban Land-Use Act to disposals of real property under this subsection.

(3) EXPLANATORY STATEMENTS.—Section 203(e)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(6)) shall not apply to disposals of property pursuant to this Act other than—

(A) disposals of property having a fair market value in excess of $100,000; and

(B) disposals of property by exchange.

(4) USE OF PROCEEDS.—(A) Subject to subparagraph (B), the Administrator shall deposit into the Account all proceeds from property transferred or disposed of by the Administrator pursuant to this Act.

(B) The Administrator shall deposit into the fund referred to in section 204(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b)) an amount of the proceeds of each transfer and of each disposal of property carried out pursuant to this Act equal to the amount estimated by the Administrator to be needed for direct expenses incurred by the Administrator in carrying out the transfer or disposal, as applicable. Amounts deposited by the Administrator into that fund pursuant to this subsection shall be administered in accordance with sections 204(b), (c), and (d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b), (c), and (d)).

(d) WAIVER OF TITLE 10 REQUIREMENTS.—The Secretary may carry out the authority provided in subsection (b) without regard to the procedures set forth in sections 2662 and 2687 of title 10, United States Code.

(e) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT.—

(1) NONAPPLICATION OF ACT.—The provisions of the National Environmental Policy Act of 1969 shall not apply to—

(A) the actions of the Commission under this Act in selecting military installations to recommend for closure or realignment under this Act and in submitting its report and statement to the Secretary under section 3(a);

(B) the actions of the Secretary under section 3(b) in making comments and recommendations regarding the report and statement of the Commission and in submitting to the President such report, statement, comments, and recommendations; and

(C) the actions of the President under section 3(c) in making comments and recommendations regarding the report and statement of the Commission and in submitting to the Congress such report, statement, comments, and recommendations.

(2) APPLICATION OF ACT.—The provisions of the National Environmental Policy Act of 1969 shall apply to the actions of the Secretary—

(A) during the process of the closing or realigning of a military installation under this Act after such mililtary installation has been selected for closure or realignment but before the installation is closed or realigned and the functions relocated, and

(B) during the process of the relocating of functions from a military installation being closed or realined under this Act to another military installation after the receiving installation has been selected but before the functions are relocated.

(3) LIMITATION OF CONSIDERATIONS.—In applying the provisions of the National Environmental Policy Act of 1969, the Secretary shall not have to consider—

(A) the need for closing or realigning a military installation which has been selected for closure or realignment;

(B) the need for transferring functions to another miltary installation which has been selected as the receiving installation; or

(C) alternative military installations to those selected.

(4) JUDICIAL REVIEW.—With respect to any requirement of the National Environmental Policy Act of 1969, a civil action for judicial review of any section of, or any failure to act by, the Secretary during the closing, realigning, or relocating referred to in subparagraph (A) and (B) of paragraph (2) may not be brought later than the 60th day after the date of such action or failure to act, except that if a party shows that he did not know of the act or failure to act and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action not later than the 60th day after the date such party acquired actual or constructive knowledge of such action of failure to act.

(f) ACCOUNT.—

(1) ESTABLISHMENT.—There is established on the books of the Department of the Treasury the Department of Defense Base Closure Account which shall be administered by the Secretary as a single account.

(2) CONTENTS.—The Account shall consist of—

(A) funds appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the appropriate committees of Congress;

(C) amounts deposited into the Account by the Administrator pursuant to subsection (c)(2)(B); and

(D) any other amount received by the Secretary in connection with any closure of realignment of any military installation under this Act.

(3) AUTHORIZATIONS OF APPROPRIATION.—There are authorized to be appropriated to the Account not more than $300,000,000 per fiscal year.

(4) USE OF AMOUNTS IN ACCOUNT.—The Secretary may use the funds in the Account, subject to appropriations and without regard to fiscal year limitations on amounts appropriated, only for the purposes described in subsection (b).

(5) ANNUAL REPORT.—No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this Act, the Secretary shall transmit a report to the appropriate committees of Congress of the amount and nature of the deposits into, and the expenditures from the Account during such fiscal year and of the amount of expenditures made pursuant to subparagraphs (A) through (C) of subsection (b)(1).

(6) UNOBLIGATED FUNDS.—Unobligated funds which remain in the Account after the termination of the authority of the Secretary under this act shall be held in the Account until transferred by an appropriation Act enacted after the appropriate committees of Congress receive the report transmitted under paragraph (7).

(7) FINAL ACCOUNTING.—No later than 60 days after the termination of the authority of the Secretary to carry out an alignment or closure under this Act, the Secretary shall transmit to the appropriate committees of Congress a report containing an accounting of—

(A) all the funds deposited into and expended from the Account or expended under subparagraphs (A), (B), and (C) of subsection (b)(1); and

(B) any amount remaining in the account.

(g) REPORTS.—

(1) ANNUAL REPORT.—As part of each annual request for autrhorization of appropriations, the Secretary shall after consultation with the administrator transmit to the appropriate committees of Congress—

(A) a schedule of the closure and realignment actions to be carried out under this Act in the fiscal year for which the request is made and estimate of the total cost savings to be achieved by each such closure and realignment and of the time period in which these savings are to be achieved in each case, together with the Secretary's assessment of the environmental effects of such actions; and

(B) a description of the military installations, including those under construction or planned, to which functions will be transferred as a result of such closures and realignments, together with the Secretary's assessment of the environmental effects of such transfers.

(2) STUDY AND REPORT REGARDING INSTALLATIONS OUTSIDE THE UNITED STATES.—The Secretary shall conduct a study of actions planned with respect to military installations of the United States outside the United States which may affect the recommendations of the Commission and shall, no later than September 15, 1988, transmit a report of the findings and conclusions of such study to the Commission and to the approprate committees of Congress.

(3) NOTIFICATION REGARDING COST OF CERTAIN CONSTRUCTION PROJECTS.—When a decision is made to carry out a construction project under subsection (b)(1) and the cost of the project will be greater than the maximum amount for a minor construction project, the Secretary shall notify in writing the appropriate committees of Congress of the nature of and justification for the project and the amount of expenditures for it.

SEC. 3. REVIEW AND SUBMISSION OF COMMISSION REPORT.

(a) SUBMISSION TO SECRETARY.—The Commission shall submit to the Secretary not later than December 31, 1988—

(1) the report described in section 2(a)(1); and

(2) a statement by which the Commission certifies that it has identified the military installations to be closed or realigned after—

(A) reviewing all military installations inside the United States, including those under construction or planned;

(B) considering the equitable geographic distribution throughout the United States of such closures and realignments under this Act; and

(C) considering the impact of such closures and realignments on the operational readiness of the military departments affected.

(b) SUBMISSION TO PRESIDENT.—The Secretary shall submit to the President not later than 5 days after submission of the report and statement of the Commission under subsection (a)—

(1) the report described in section 2(a)(1) and the statement of the Commission described in subsection (a)(2); and

(2) Comments and recommendations of the Secretary regarding such report and statement.

(c) SUBMISSION TO CONGRESS.—Not later than the earlier of 15 days after submission of the report by the Secretary pursuant to subsection (b) and January 19, 1989, the President may submit to the Congress—

(1) the report described in section 2(a)(1) and the statement of the Commission described in subsection (a)(2); and

(2) comments and recommendations of the President regarding such report and statement.

SEC. 4. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

(a) RULES OF SENATE AND HOUSE OF REPRESENTATIVES ON REORGANIZATION PLANS.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions with respect to any report of the Commission submitted to Congress (in accordance with section 3(c) of this Act) on or before December 31, 1988; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) will full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) TERMS OF RESOLUTION.—For the purpose of this section, "resolution" means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the report of the Commission on Base Realignment and Closure submitted to the Congress by the President pursuant to the Defense Savings Act on ————, 19 —.", and includes such amendments as are submitted by the President under subsection (f). The blank spaces therein are to be filled appropriately.

(c) INTRODUCTION AND REFERENCE OF RESOLUTION.—

(1) INTRODUCTION OF RESOLUTION.—No later than the first day of the session following the day on which the report of the Commission is submitted to the House of Representatives and the Senate is submitted to the House of Representatives and the Senate under section 3, a resolution, as defined in subsection (b), shall be introduced (by request) in the House by the chairman of the Armed Services Committee of the House, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the Armed Services Committee of the Senate, or by a Member or Members of the Senate designated by such chairman.

(2) REFERRAL.—A resolution with respect to the report of the Commission shall be referred to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the Senate, respectively, within 75 calendar days of continuous session of Congress following the date of such resolution's introduction.

(d) DISCHARGE OF COMMITTEE CONSIDERING RESOLUTION.—If the committee to which is referred a resolution introduced pursuant to paragraph (1) of subsection (c) (or, in the absence of such a resolution, the first resolution introduced with respect to the same report of the Commission) has not reported such resolution or identical resolution at the end of 75 calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(e) PROCEDURE AFTER REPORT OR DISCHARGE OF COMMITTEE; DEBATE; VOTE ON FINAL PASSAGE.—

(1) PROCEDURE.—When the committee has reported, or has been deemed to be discharged (under subsection (d)) from further consideration of, a resolution with respect to the report of the Commission, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order (other than an amendment submitted by the President under sub-

section (f)). A motion to reconsider the vote by which the resolution is passed or rejected shall not be in order.

(3) VOTE.—Immediately following with respect to the report of the Commission, but in no case later than 90 calendar days of continuous session of Congress following the date of the introduction of the resolution, and after a single quorum call at the conclusion of the debate requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to the report of the Commission shall be decided without debate.

(5) RECEIPT FROM OTHER HOUSE.—If, prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the report of the Commission from the other House, then—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) AMENDMENTS TO REPORT OF COMMISSION.—

(1) IN GENERAL.—Any time during the period of 60 calendar days of continuous session of Congress after the date on which the report of the Commission is submitted to it, but before any resolution described in subsection (b) has been ordered reported in either House, the President may make amendments to the report, which shall thereafter be treated as a part of the report originally transmitted and shall not affect in any way the time limits otherwise provided for in this Act.

(2) LIMITATION.—Any amendment to the report of the Commission made by the President under this subsection—

(A) shall not add to the scope of the report as originally submitted to the President; and

(B) shall consist only of striking from the report in their entirety one or more recommendations of the Commission to close or realign a particular military installation.

(g) COMPUTATION OF DAYS OF SESSION.—For purposes of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and.

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

SEC. 5. DEFINITIONS.

In this Act—

(1) ACCOUNT.—The term "Account" means the Department of Defense Base Closure Account established by section 2(f)(1).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(3) CLOSURE.—The term "closure" means the termination or relocation of all functions at a military installation.

(4) COMMISSION.—The term "Commission" means the Commission on Base Realignment and Closure established by the Secretary of Defense that is designated for purposes of carrying out this Act.

(5) MILITARY INSTALLATION.—The term "military installation" means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department.

(6) REALIGNMENT.—The term "realignment" means any action which reduces or relocates functions and civilian personnal positions at a military installation, or both, without terminating all functions at the installation.

(7) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(8) UNITED STATES.—The term "United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other Commonwealth, Territory, or possession of the United States.

EXPLANATION OF AMENDMENTS

Inasmuch as all after the enacting clause of H.R. 4481 was stricken and all language incorporated into one amendment, the contents of this report constitute an explanation of the amendment.

SUMMARY AND PURPOSE

H.R. 4481 establishes a new procedure for the closure and realignment of military facilities in the United States. A "Commission on Base Realignment and Closure," appointed by the Secretary of Defense, would review all military installations in the United States before December 31, 1988, and would transmit a report to the Secretary by that date, recommending facilities to be closed or realigned. If the Secretary accepted the Commission's report, he would be required to begin the process of closure and realignment by September 30, 1991, and complete the process by September 30, 1995.

H.R. 4481 gives the Secretary board authority in implementing the closures and realignments included in the Commission's report. A "Base Closure Account," administered solely by the Secretary, would include up to $300 million annually in appropriated funds and funds transferred from other appropriation accounts, as well as the proceeds from the sale or exchange of any closed or realigned installation. Out of this Account, the Secretary could acquire land, construct replacement facilities, and provide economic adjustment assistance to communities affected by closure or realignment. The requirements of several statutes, including the Federal Property and Administrative Services Act of 1949, the National Environmental Policy Act of 1969, and certain provisions of title 10 U.S.C., would be waived by H.R. 4481, as introduced. The committee amendment does not include those waivers but does include some modifications to these provisions of law.

COMMITTEE ACTION AND VOTE

H.R. 4481 was ordered reported by the Committee by voice vote at a duly-called meeting on June 9, 1988, with a quorum being present.

HEARINGS

A hearing on H.R. 4481 was held by the Legislation and National Security Subcommittee on May 25, 1988. Testimony was received from Congressman W.G. (Bill) Hefner, Chairman of the Military Construction Subcommittee of the House Appropriations Committee; Congressman Richard K. Armey of the 26th District of Texas; Congressman Edward R. Madigan of the 15th District of Illinois; the Honorable James C. Miller, III, Director of the Office of Management and Budget; Mr. John Katzen, Assistant Secretary of Defense for Production and Logistics; the Honorable Earl Jones, Commissioner, Federal Property Resource Service, General Services Administration; and Mr. Milton S. Socolar, Special Assistant to the Comptroller General, General Accounting Office. Testimony was also submitted for the record by Congressman Jamie whitten, Chairman of the House Committee on Appropriations.

Discussion

I. BACKGROUND

According to the Department of Defense, before the mid-1970s, the Department was able to close military facilities efficiently in response to changes in mission and force structure. The Department contends, however, that a 1977 law (codified at 10 U.S.C. section 2687) created impediments to closure of unneeded facilities. Further, the Department suggests that other statutes also make it difficult to achieve such closures. In addition to these statutory hurdles, it is suggested that political pressures tend to interfere with an objective procedure for evaluating the advisability of closing or realigning facilities. Without the institution of new "efficient and economical processes," the Department argues, it will be unable to close bases.

II. H.R. 4481

The process proposed in H.R. 4481 would require a "Commission on Base Realignment and Closure," appointed by the Secretary of Defense, to review all military installations in the United States before December 31, 1988, and to transmit a report to the Secretary by that date with recommendations on the installations that should be closed or realigned. (In fact, such a Commission was appointed by the Secretary in May of 1988, before consideration of this legislation, and it has begun holding hearings.)

The Secretary would be required either to totally accept or totally reject the Commission's recommendations. If he accepted them, he would be required to begin the closure and realignment process no later than September 30, 1991, and complete it no later than September 30, 1995.

As introduced, H.R. 4481 would give the Secretary of Defense broad authority in implementing the closures and realignments required by the Commission. It would establish a "Base Closure Account," administered solely by the Secretary, which would contain up to $300 million annually in appropriated funds, funds from other DOD appropriations that the sectetary receives permission to transfer into the Account, and the proceeds from the sale or exchange of any closed or realigned installation. Out of this Account, the Secretary could acquire land, construct replacement facilities, and provide economic assistance to communities affected by closure or realignment, among other actions.

H.R. 4481 as introduced specifically waives any provision of the Federal Property and Administrative Services Act that otherwise would restrict the Secretary of Defense's disposing of real property. this would give the Secretary authority to determine fair market value for purposes of selling or exchanging property. It also would allow him to transfer property or facilities to other Federal agencies at less than fair market value or without reimbursement, sell or exchange property at less than fair market value if it is to be used for a commercial or industrial purpose in accordance with a community's "reuse plan," or convey without reimbursement to a state or local government if the property is to be used for airport, health, or education purposes. The National Environmental Policy

Act of 1969 would also be waived, as would several sections of title 10, United States Code, relating to closure procedures, and "any provision of law restricting the use of funds for closing or realigning military installations included in appropriation or authorization Acts."

Passage of legislation incorporating the provisions of H.R. 4481 as introduced would constitute the Legislative Branch's final involvement in the base closure and realignment decisionmaking process (except for possible additional appropraitions up to $300 million a year for the Base Closure Fund). All decisions from that point onward would be made by individuals appointed by the Executive Branch—the Commission and the Secretary of Defense. While the Legislative Branch theoretically could subsequently pass legislation modifying or countermanding a decision of the Commission, such legislation would be subject to a Presidential veto, necessitating a two-thirds vote of both houses of Congress to effect the will of the Legislative Branch.

III. CONCERNS OVER H.R. 4481'S PROCEDURES

A. Congressional involvement

As noted above, H.R. 4481 as introduced constitutes a complete and possibly irrevocable Congressional delegation of authority over the base closure decisionmaking process to officials of the Executive Branch. Such a delegation contravenes the constitutional role of the Legislative Branch to oversee the management of property belonging to the United States. This responsibility derives from provisions of the Constitution including Articles 4, Section 3, Clause 2, which states, "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States . . ." In modern practice, this responsibility has been exercised through the Committee on Government Operations' continuing oversight of proposed real property transactions under the Federal Property and Administrative Services Act of 1949.

In addition to removing the Congress specifically from involvement in the property management and disposal aspect of military facility closure and realignment, the procedure of H.R. 4481 more broadly denies the Legislative Branch a role in determining the logistical arrangements for the Nation's military forces into the 21st Century. Once again, this role derives from a Constitutional mandate: the statement in Article 1, Section 8 that "The Congress shall have power . . . to provide for the common defense . . . of the United States".

The Committee recognizes the rationale for removing the elected representatives of the Legislative Branch (and elected officials of the executive Branch as well) from base closure decisions: the belief that political pressure has thwarted attempts to effect savings and efficiencies by shutting down unneeded facilities, and the resulting belief that only by creating an expedited and automatic mechanism, insulated from the political pressures of the normal legislative process, will such savings and efficiencies be achieved.

The Committee, which has as its basic role overseeing the economy and efficiency of the Executive Branch, is of course supportive

of the abstract goal of effecting savings by expediting the closure of unneeded military facilities. At the same time, the Committee also is mindful of the Congress's Constitutional responsibilities that would be bypassed by H.R. 4481 as introduced. In order to ensure a meaningful Congressional role in the process while preserving the legislation's goal of expedited procedure, the Committee amendment in the nature of a substitute includes a new section providing for Congressional consideration of the Commission report. That report would go into effect only after enactment of a joint resolution (passed by both houses of Congress by majority vote and signed by the President) approving the Commission report.

The Congressional consideration provision of the Committee's amendment in the nature of a substitute is modeled after the provision of law (5 U.S.C. 901 note) delegating authority to the President to make limited changes in the organizational structure of the Executive Branch through the submission to the Congress of reorganization plans and enactment of a joint resolution approving such plans. Like reorganization authority, the provision of H.R. 4481 as amended contains features expediting the process and ensuring consideration of the resolution. The resolution of approval would be automatically referred to the Committee on Armed Services of the House and Senate. Those Committees would have 75 calendar days in which to consider the resolution, after which they would be automatically discharged from consideration of the measure. The motion to consider the resolution on the floor would not be subject to delaying motions and debate on the resolution would be limited.

As noted above, a major concern underlying the "Base Closure Commission" proposal is that political pressures in the Congress could block the closing of particular facilities. One important element of the Committee's procedure that is designed to allay that concern is the provision that the resolution may not be amended by the Congress. At the same time, the provision in H.R. 4481 as amended allows the President to submit amendments to the report, in the form of deletions from the list of facilities to be closed or realigned. The purpose of this Presidential amendment authority is twofold. First, it allows the President greater flexibility in fashioning a base closure package that will both achieve optimal efficiencies and have sufficient political support. Second, pursuant to concerns raised by Congressman Edward Madigan during his testimony, this provision will allow changes in the Commission's report and deletions from their recommendations if it is demonstrated subsequent to its submission that they may have been based on faulty or incomplete information.

The Committee considered, and rejected, an alternative proposal that would subject the Commission's report to a joint resolution of disapproval. (The Senate's base closure proposal, contained in its version of the Department of Defense Authorization Act for FY 1989, and the House Armed Services Committee's amendment to H.R. 4481, both include resolution of disapproval provisions.) A resolution of disapproval, while appearing to allow expression of Congressional will in the base closure decisionmaking process, would in practical effect deny such expression. On the one hand, if either House of Congress takes no action or if only one House passes the

disapproval resolution, the closures and realignments could be implemented. On the other hand, even if majorities of both Houses of Congress were sufficiently concerned about the content and effect of the Commission's report to pass a joint resolution of disapproval, such a resolution would be subject to a veto by the President. At that point, it would be necessary to gain two-thirds majorities in both Houses of Congress to make effective the Congress's expression of disapproval. In other words, a joint resolution of disapproval procedure would allow 34 Senators out of the 535 members of Congress, working in concert with one Chief Executive, to block the collective will of the Legislative Branch. As Chairman Brooks suggested during the Committee's consideration of H.R. 4481, "If we want to involve the Congress in the process in a manner that is not mere window dressing, we must keep the provision for a resolution of approval".

The Committee amendment in the nature of a substitute also addresses the relationship of the funds to be used in the base closure procedure to the Congressional appropriations process. Responding to concerns that were expressed by members of the House Committee on Appropriations during the hearings on H.R. 4481, the Committee amendment specifies that the Secretary's use of funds in the Base Closure Account are to be subject to appropriations. In addition, in the absence of a showing that such a provision was necessary to achieve the purposes of the legislation, the Committee struck section 2(e)(2) of the bill as introduced, which would have waived "any provision of law restricting the use of funds for closing or realigning military installations included in appropriation or authorization Acts".

The Committee amendment also addresses a concern expressed by Congressman Horton over the geographic distribution of facility closures. Section 3(a) of the Committee amendment specifies that the Commission, in submitting its report to the Secretary, must certify that it has considered the equitable geographic distribution throughout the United States of such closures and realignments under this Act. This provision does not mandate any fixed geographic distribution; rather, it simply raises such distribution as one factor that the Commission must consider in its decisionmaking process.

B. Authority for property disposal

1. Role of GSA

H.R. 4481 as introduced would authorize the Secretary of Defense to implement the closing or realignment of military installations under the bill without regard to "any provision of the Federal Property and Administrative Services Act of 1949 restricting the Secretary of Defense from disposing of real property and facilities". Thus, the Secretary would be able to proceed with virtually all real property operations incidental to the bill fully independently of the General Services Administration.

The well-established procedures of the Federal Property Act have been working successfully for many years in effecting further Federal utilization of excess real property and disposal of surplus real property in all circumstances, including those involving base clo-

sures. Hence, any waiver of such procedure with transfer of disposal functions from the independent authority and action of the General Services Administration would require the strongest justification.

Proponents of the full waiver which the original bill would allow justify such a waiver on two main points: the need to use proceeds of the sale of unneeded real property to help pay for relocation and land-reuse activities; and the need to permit the real property itself to be used so as to facilitate to economic adjustment process of affected communities through the manner of its transfer.

The committee amendment reflects the view that permitting a total waiver of GSA's real property authority and the Secretary's acquisition of relatively unrestricted disposal authority instead is neither necessary nor desirable. Therefore, the amendment retains for GSA its basic utilization and disposal role. It modifies existing law, however, to the extent that GSA must transfer proceeds of property sales to the Department of Defense Base Closure Account for relocation and economic adjustment use. Furthermore, it declares that maximum use must be made of existing statutory authority to transfer real property to local public entities at no cost or at reduced cost for specific public purposes already recognized in law (such as schools, hospitals, parks, public airports, and correctional facilities) in order to assist the economic adjustment of the communities affected by closure or realignment.

With these limited modifications of the Federal Property Act, GSA would be able to continue its traditional utilization and disposal functions and at the same time meet the special needs and objectives of the base closure and realignment proposal.

The committee has reviewed testimony and information received from both GSA and DOD concerning the extent to which changes in the Federal Property Act are justified. If the committee changes are enacted, the committee concludes that GSA, using its long-established authority, its expertise, and its well-tested procedures, would be able to accomplish the funding and land-use results needed from the base-closure and realignment disposals. The committee can be particularly confident in that conclusion, because a 1952 amendment to the Federal Property Act (Act of July 12, 1952; 66 Stat. 593) assigned to the committee a specific review role that requires continuous oversight of GSA's property disposal functions.

Testimony and responses furnished for the record make these pertinent points:

> The business of disposing of unneeded federal property has been one of GSA's primary missions since 1949. Out of this long experience, GSA has developed a unique capability in the Federal Government.
>
> Disposal expertise involves many specialties, such as land-use planning, appraising, marketing, financial managment, and legal support. GSA possesses these capabilities now.
>
> Historically, GSA, in coordination with DOD, has played a major role in military base closures.
>
> During the 1980's, GSA completely restructured its real property utilization and disposal program to facilitate and improve its operation. Executive Order 12592 requires GSA to develop standards and procedures for agencies in conducting surveys of their real property holdings. GSA also is required to provide government-wide policy oversight and guidance for Federal real property managment.
>
> GSA has streamlined its procedures and policies so that its objective is to dispose of property within six months from the date it is reported excess. The average time now is less than a year.
>
> Environmental impact statements were required for only eight disposals since 1969. Just two disposals were significantly impeded by this process.
>
> Cost of protection and maintenance of property that becomes excess is not now a significant problem. After the first year, such costs are funded by GSA. GSA currently budgets about $2 million annualy for this purpose, although it is now spending less than half of that.
>
> If GSA is to dispose of properties generated through closures or realignments, it will follow a coordinated "land-use planning" approach. DOD and local communities would be full participants in the process.
>
> GSA is the logical agency to carry out real property reuse programs on the basis of years of experience in coordinating and evaluating property use by Federal agencies and local public and private interests. In this conection, an entire system of statutory provisions and regulations of GSA as well as other agencies has been in place and working for decades.
>
> GSA does not oppose the concept of using proceeds from surplus property sales to assist the former controlling agencies in replacing and relocating activities at sites being disposed of. Controlling agencies would then have an incentive to release property for disposal. GSA has long urged consideration of changes in the Federal Property Act to permit some form of "sell and replace" authority. Apart from its support for DOD's use of sales proceeds in H.R. 4481, however, the Administration has not made any such recommendation to Congress.

The record clearly indicates that the existing system of disposals and reuse has worked in the past. Therefore, with the specific changes recommended in the committee's amendment, that system should also work in response to the needs of the pending base closure and realignment initiative. The committee also believes that leaving the agency management of property utilization and disposal under this measure to GSA, working in coordination with DOD, will minimize the duplication of functions and creation of new and potentially conflicting policies, procedures, and standards.

The proposed diverting of disposal functions away from GSA raises another concern. GSA's witness told the subcommittee that OMB had set a revised target for DOD's release of property this fiscal year at $225 million worth of real property. So far this fiscal year, however, DOD has released approximately $20 million worth of property. In recent years, DOD has held back from releasing much property, despite the Administration's targets. If DOD is to manage property disposals at a significant number of installations to be closed or realigned, it will, at the same time, be considering relocation plans and activities. This added responsibility would make it likely that DOD would slow even further its efforts to re-

lease underutilized property at installations not included in the closure/realignment plan until relocation plans are worked out. In that case, there would be a risk that GSA's current staff and organization would be seriously affected by such a DOD slowdown, since an important part of GSA's property-disposal operations has always involved DOD properties.

Also of concern is a trend toward giving DOD special statutory authorities to dispose of specifically named lands under its control in the nature of ad hoc exceptions to the Federal Property Act. At the committee's request, GSA furnished a list of 54 statutory provisions during the past three years that provide such exceptions. Many of the properties have high market value. Many of these provisions contain authority for DOD to utilize sales proceeds or make other arrangements (for example through exchanges) to replace or relocate activities at the sites to be disposed. It is unlikely that DOD opposed any of these special provisions. It is ironic that, while using a procedure that circumvented GSA, in some of the disposals by sale, DOD has even called on the services of GSA's auctioneers.

This trend underlies a further concern which emerged in hearing testimony to the effect that the bill's provisions allowing DOD to manage disposals could be a further precedent for moving away from existing structure of the Federal Property Act and other statutes that centralize property management authority in GSA. For all intents and purposes, then, the Federal Property Act utilization and disposal program could no longer function effectively. The committee believes that the pronouncement of the Second Hoover Commission with respect to surplus real property remains sound: ". . . We believe that . . . exemptions from General Services Administration authority in connection with the reporting and screening of excess real property and the disposal of real property should be held to a minimum."

In summary, the committee is convinced that substantial preservation of the authorities and procedures of the Federal Property Act in connection with property utilization and disposal would better serve the goals of the bill and the public interest generally. This is the result that section 2(c) of the committee amendment is designed to achieve.

2. Land re-use

The committee is aware of the need to work with and accommodate local government organizations in connection with land reuse needs occasioned by base closures and realignments. It is important, therefore, to emphasize the scope and versatility of the existing system of statutory authorities and of implementing regulations issued by GSA and other agencies, such as the Department of Education, Health and Human Services, Interior, and Transportation. These agencies have issued their own regulations and guidelines concerning their respective surplus property program responsibilities. GSA and these agencies have maintained good working relationships for a great many years.

The benefits and opportunities which the existing system provides for local organizations desiring to obtain surplus real property for public purposes are seen in the following figures, which comprise totals from October 1, 1984, to date:

	Number of parcels	Value (millions)
Cost-free transfer to public bodies (for schools, hospitals, parks, etc.)	219	$92.5
Negotiated sales to public bodies (for public purposes)	234	93.5
Competitive sales after public advertising	860	258.0
Total	1,313	444.0

Also, since 1968, the Federal Property Act has incorporated as its Title VIII the Federal Urban Land-Use Act, whose declared purpose is to promote more harmonious intergovernmental relations through uniform policies and procedures by which GSA, in its disposal of land in urban areas, must act consistently with zoning and land-use practices and in accordance with planning and development objectives of the local governments and planning agencies.

Recognizing that the interests of local economic adjustment can be best served when discretionary authority in disposing of real property for reduced or no consideration is exercised with the economic adjustment needs in view, the committee amendment declares that GSA shall make maximum use of its overall approval authority with respect to such disposals. The committee expects the cooperating program agencies to act in full support of GSA in the achievement of that objective.

The committee notes that in 1984, the Congress amended the Federal Property Act to authorize the nonreimbursable transfer of surplus real property to State and local agencies for correctional facility purposes. GSA's implementing regulations, however, were not issued until March of 1987. Inasmuch as this public use was established relatively recently, the committee stresses to GSA, the Department of Justice and DOD, that correctional facility needs and use be given full and careful consideration, along with other appropriate potential public benefit uses, in connection with disposal of lands available for reuse as a result of closures or realignments.

3. Use of Proceeds

H.R. 4481's original waiver of the Federal Property Act was intended primarily to enable proceeds of property sales to be used to assist in relocation, replacement, and economic adjustment. As already mentioned, the committee amendment accommodates that objective. Section 2(d)(4) provides that the Administrator of General Services shall deposit proceeds of land sales into the Department of Defense Closure Account. Other provisions of the committee amendment make the funds eligible for authorization and appropriation to accomplish necessary actions in replacing and relocating activities (section 2(b)(1)(A)). The Administrator may, however, retain from these proceeds amounts needed (1) for direct expenses in carrying out the sale (such as advertising and appraising) and (2) for related operating expenses. Funds may be expended without appropriation for the purposes covered under (1) above, since the fund-availability authority under sections 204(b), (c), and (d) of the Federal Property Act would apply. Funds expended for purposes covered by (2), however, would require appropriation. This is the same procedure that GSA currently follows with respect to such re-

lated operating expenses for its regular surplus property disposal activities.

The committee notes that this procedure for utilization of proceeds would provide a further basis for evaluating the advantage of a general revision of the Federal Property Act to allow sales proceeds to assist certain activities of an agency that has released real property for disposal—so-called "sell and replace" authority.

C. NEPA waiver

As introduced, H.R. 4481 authorized the Secretary to carry out the base closure and realignment process "without regard to . . . the National Environmental Policy Act of 1969." This waiver was included in the original legislation in response to concerns that the "procedural regimen" of that Act had been used to delay the base closure process in the past. Witnesses for the Department of Defense testified that what was sought was only a "procedural" waiver of NEPA, and that substantive statutes setting standards for environmental protection—including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; the Clean Air Act; the Resource Conservation and Recovery Act of 1976; the Safe Drinking Water Act; the Noise Control Act of 1972; and the Toxic Substances Control Act—would remain in effect.

Despite this assurance, the Committee remained concerned about the effect of a blanket waiver of NEPA. Accordingly, at the request of the Committee on Merchant Marine and Fisheries, which has legislative jurisdiction over NEPA and to which H.R. 4481 was referred for consideration of this issue, the Committee adopted an amendment modifying the NEPA waiver.

The modified provision states that NEPA shall not apply to the Commission's actions in selecting bases for closure or realignment, or to the Secretary's action in deciding whether to accept the Commission's report. It also narrows the factors the Secretary must consider in applying NEPA during the closure process, and it puts a 60-day time limit on the filing of civil actions for judicial review of NEPA-related decisions.

Conclusion

H.R. 4481 is designed to provide an objective and expedited mechanism to promote the closure and realignment of unneeded military facilities. The Committee believes that this laudable goal can be accomplished without the sweeping abrogation of involvement by the Legislative Branch, the unjustified circumvention of existing property disposal statutes, and the comprehensive waiver of a fundamental environmental protection statute, that would have been effected by the bill as introduced. The Committee amendment to H.R. 4481 is designed to allow expedited base closure and realignment while retaining essential elements of the legislative process.

Section-by-Section Analysis

Section 1. Gives the short title as the "Defense Savings Act."

Section 2. (a) Requires the Secretary of Defense to close all the military installations recommended for closure and realign all those recommended for realignment if the report of the Commission on Base Realignment and Closure is approved by a joint resolution of Congress, with the process to begin by September 30, 1991, and be completed by September 30, 1995. (This assumes, of course, that the President exercises his discretion to submit the report to Congress pursuant to Section 3(c).)

(b)(1) Provides the Secretary's authorities in undertaking realignments and closures pursuant to the Act. Subject to the availability of authorized and appropriated funds for those purposes and funds in the Account, he shall (A) carry out specified actions necessary to implement closures and realignments; (B) provide economic adjustment assistance to "losing" communities and community planning assistance to "gaining"communities, if he determines that the communities other resources for these purposes are inadequate; and (C) carry out specified environmental restoration activities. Whereas the provision of (C) was discretionary with the Secretary in H.R. 4481 as introduced, the Committee amendment makes it mandatory.

(2) Terminates the Secretary's authority to carry out closures or realignments under this Act on September 30, 1995.

(c) Specifies the process to be used for disposal of property and facilities at closed and realigned installations.

(1) This paragraph refers to all property and facilities of the Department of Defense located on an installation to be closed or realigned pursuant to the bill. It provides that the Administrator of General Services shall transfer all such property as becomes excess and dispose of all such property as becomes surplus in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and other laws which authorize the Administrator to dispose or approve disposal of property of agencies of the United States, such as section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)) relating to use of surplus property for public airports.

(2) This paragraph deals with the provisions of existing law authorizing no-cost or reduced cost transfers of real property for specified public purposes. It requires the Administrator of General Services to make maximum use of the authority he holds to effect such transfers, including, for example those for schools, hospitals, parks, airports, correctional facilities, highways, and wildlife conservation. It requires that he use this authority on the basis of a land-use study conducted in cooperation with the Secretary of Defense and the community involved. It requires that such study be consistent with the purpose and policy set out in section 802 of the Federal Urban Land-Use Act. (40 U.S.C. 531).

(3) Gives requirements for explanatory statements in connection with the disposal of property pursuant to the Act. Section 203(e)(6) of the Federal Property Act (40 U.S.C. 484(e)(6)) requires that the disposing agency head (almost always the Administrator of General Services) submit an explanatory statement to the appropriate committees of Congress in advance of each proposed disposal of surplus property by negotiation whenever the value of the transaction exceeds $1,000. For the House, the appropriate committee is the Committee on Government Operations. The committee performs an advance review of each proposal and provides comments, although it has no authority to approve or disapprove the transaction.

The $1,000 threshold, established in 1958, is now too low. GSA has, in fact, recommended to Congress general legislation to raise it to a higher figure. Consideration of the proposed increase (along with recommended increases in certain other threshold figures) is underway in this committee.

Paragraph 3 contains an exception to section 203(e)(6)'s present threshold figure for purposes of property disposals resulting from base closures and realignments under the bill. It raises the threshold for each proposal to $100,000. Nevertheless, explanatory statements will be required for any proposed transaction, regardless of value, in which the consideration involves an exchange, since in these situations the appraisal process is more complicated and the negotiations are longer and more difficult.

(4) Gives requirements for use of proceeds from disposal.

(A) requires that the Administrator of General Services shall deposit into the Department of Defense Base Closure Account all proceeds from property transferred or disposed of by the Administrator pursuant to the bill. The desposits include any reimbursement which OMB may require from a Federal agency wishing to acquire a given piece of excess property under section 202(a) of the Federal Property Act. The requirement of subparagraph (A) is made subject to subparagraph (B).

(B) directs the Administrator to deposit into the existing fund referred to in section 204(b) of the Federal Property Act an amount of sales proceeds equal to the Administrator's estimates of what is needed for direct expenses and for related operating expenses incurred by the Administrator in carrying out transfers and disposals of property under the bill. Such deposits by the Administrator shall be administered in accordance with sections 204 (b), (c), and (d) of the Federal Property Act. Direct expenses would include expenses for appraisers, auctions, realty brokers, advertising, and surveying. This would also include use for the purposes served by sections 203 (c) and (d) to cover credit to any reimbursable fund or appropriation from which the particular property was originally acquired and to cover refunds in the event a disposition should not become final. Amounts for direct operating expenses (as under sections 204 (b), (c), and (d) of the Federal Property Act generally) would be available without appropriation. However, expenditure of amounts needed for GSA's related operating expenses under the bill would be dependent upon annual appropriations, as is the case now with respect to GSA's general operating expenses for real property utilization and disposal activities.

(d) Waives the requirements for procedures under section 2662 and 2687, title 10, U.S.C., related to base closures.

(e) Specifies the applicability of the National Environmental Policy Act under the Act.

(1) Specifies that NEPA shall not apply to the Commission's selection and report and statement procedures, the Secretary's actions in forwarding the report to the President, and the actions of the President in submitting the report to the Congress.

(2) States that NEPA shall apply to activities of the Secretary during specified timeframes of the closure and realignment process.

(3) Specifies limitations on what the Secretary must consider under NEPA during the closure and realignment process.

(4) Sets a 60-day time limit for bringing civil actions for judicial review related to closures and realignments under NEPA.

(f) Base Closure Account.

(1) Establishes the Account on the books of the Treasury.

(2) Specifies the content of the Account: fund appropriated to the Account; funds that the Secretary may, subject to approval in an appropriations act and other requirements, transfer from other appropriated funds; amounts from disposal of property as deposited by the Administrator; and other funds.

(3) Authorizes appropriation to the Account of no more than $300 million per year. The view of the Department of Defense is that "the $300 million cap is on both appropriated and transferred funds, combined."

(4) Specifies that the Secretary may use the Account's funds, subject to appropriations, only for the purposes in subsection (b).

(5) Requires an annual report to the Congress on the Account.

(6) Specifies disposition of unobligated funds in the Account.

(7) Specifies requirements for final accounting of the Account.

(g) Specifies various report requirements.

Section 3. (a) Gives deadlines for submission of the Commission's report to the Secretary, along with required accompanying documentation.

(b) Gives deadlines and additional requirements for the Secretary's submission of the report to the President.

(c) Gives deadlines and additional requirements for the President's submission of the report to the Congress.

Section 4. Specifies the procedure for consideration of the joint resolution approving the report submitted by the President, along with such amendments to the report as the President may submit pursuant to subsection (f). As noted above, this procedure is modeled on the procedure for consideration of Executive Branch reorganization plans under 5 U.S.C. section 901 note.

Section 5. Defines various terms used in this Act. In relation to two of these terms:

(1) As to the definition of "military installation," the Committee questioned the Department of Defense witness regarding the number of installations that would be subject to closure or realignment under the Act. The witness replied, "The Department has 891 major and minor bases; 871 in the U.S., and 20 in U.S. territories and possessions. In its review, the Commission will consider 837 bases. This does not include any of the 54 government-owned, contractor-operated plants. As the Commission proceeds with its study it might identify additional properties for either closing or locating realigned missions."

While the Commission's work might "identify" additional properties for closure or realignment, the Commitee does not consider this Act as providing authorization for carrying out such activities involving any facilities other than the 891 bases identified by the Department of Defense.

(2) As to the definition of "realignment" the Department of Defense witness stated that "the Commission report will identify those bases that will receive realigned missions." This is the Committee's understanding as well; locating realigned missions will not be left to the discretion of the Secretary.

Estimate of CBO

U.S. Congress,
Congressional Budget Office,
Washington, DC, June 15, 1988.

Hon. Jack Brooks,
Chairman, Committee on Government Operations,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has examined an amendment in the nature of a substitute for H.R. 4481, as ordered reported by the Committee on Government Operations on June 9, 1988. This legislation provides for the closing and realigning of certain military bases following recommendations of the Commission on Base Realignment and Closure. The Commission is currently chartered within the Department of Defense (DoD) to identify military bases to be closed or realigned and report its recommendations to the Secretary of Defense by December 31, 1988.

Since the Commission has already been established by the Secretary of Defense, its costs would be unaffected by this amendment. However, the legislation authorizes up to $300 million per fiscal year to be appropriated to an account set up to defray one-time costs of base closures.

CBO has not estimated the budgetary impact of the base closures and realignments that might occur following enactment of this legislation. It is impossible to predict which or how many such actions will be recommended by the Commission and whether or not Congress will approve them. DoD has estimated that a typical closure might result in one-time costs of $12 million to $240 million, with recurring annual savings of $6 million to $40 million. These amounts could vary widely depending on the size of the base affected and whether its operations were combined with those of an existing base or discontinued altogether.

This legislation requires the enactment of a joint resolution of Congress approving the report of the Commission before the Secretary can initiate the recommended closures and realignments. It also specifies conditions under which the National Environmental Policy Act shall apply during the closure and realignment process. In addition, the legislation establishes a Defense Base Closure Account to be administered by the Secretary of Defense for the purpose of paying those costs associated with closing or realigning bases as recommended by the Commission.

Any excess property resulting from closures and realignments would still be subject to existing laws which authorize the Administrator of the General Services Administration to dispose of it through sale or transfer. (These requirements would be waived in the case of disposals of property having a fair market value of less than $100,000.) However, the amendment specifies that any proceeds of such sales, net of direct and related operating expenses incurred by the Administrator, shall be deposited into the Defense Base Closure Account and used to defray the near-term costs of base closures. Because funds deposited to this account would require appropriations, this provision would not automatically result in any increased costs to the federal government.

We would be pleased to provide further details on this estimate if you so desire.

Sincerely,

C.G. Nuckols
(For James L. Blum, Acting Director).

Committee Estimate of Cost

The Committee agrees with the estimate of cost submitted by the Congressional Budget Office, printed above.

Inflationary Impact

In compliance with clause (2)(l)(4) of House Rule XI, it is the opinion of the Committee that the provisions of this bill will have no inflationary impact on prices and costs in the operation of the national economy.

Oversight Findings

The Committee, through its Legislation and National Security Subcommittee, maintains on-going oversight of the operations of the Department of Defense. This report constitutes the Committee's oversight findings on the issue of facility closure and realignment as related to H.R. 4481.

O

DEFENSE SAVINGS ACT

JUNE 29, 1988.—Ordered to be printed

Mr. JONES of North Carolina, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 4481, which on April 28, 1988 was referred jointly to the Committees on Armed Services, Government Operations, and Merchant Marine and Fisheries]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 4481) to provide for the closing and realigning of certain military installations during a certain period, having considered the same, report favorably thereon with amendments, but without recommendation on that portion of the bill not within the committee's jurisdiction.

The amendments are as follows:

Page 7, line 4, strike out "WAIVER.—" and insert in lieu thereof "WAIVER AND APPLICATION OF OTHER LAW.—(1)".

Page 7, lines 6, 10, and 13, redesignate paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively.

Page 7, line 12, insert "and" after the semicolon.

Page 7, line 14, strike out "; and" and insert in lieu thereof a period.

Page 7, strike out lines 15 and 16 and insert in lieu thereof the following:

> (2)(A) The provisions of the National Environmental Policy Act of 1969 shall not apply to—
>
> (i) the actions of the Commission in selecting the military installations which it recommends for closure or realignment under this Act and in making its report to the Secretary and the Congress under this Act; and
>
> (ii) the actions of the Secretary in determining whether to accept the recommendations of the Com-

mission and in transmitting the report to Congress under subsection (b)(1).

(B) The provisions of the National Environmental Policy Act of 1969 shall apply to the actions of the Secretary (i) during the process of the closing or realigning of a military installation after such military installation has been selected for closure or realignment but before the installation is closed or realigned and the functions relocated, and (ii) during the process of the relocating of functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated. In applying the provisions of such Act, the Secretary shall not have to consider—

(I) the need for closing or realigning a military installation which has been selected for closure or realignment;

(II) the need for transferring functions to another military installation which has been selected as the receiving installation; or

(III) alternative military installations to those selected.

(C) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969, of any action of, or any failure to act by, the Secretary during the closing, realigning, or relocating referred to in clauses (i) and (ii) of subparagraph (B) may not be brought later than the 60th day after the date of such action or failure to act, except that if a party shows that he did not know of the act or failure to act and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action not later than the 60th day after the date such party acquired actual or constructive knowledge of such action or failure to act.

PURPOSE OF THE AMENDMENTS

The Committee adopted several amendments to section 2(e) of H.R. 4481, as introduced. The purpose of the amendments is to specify when and how the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321–4347) applies to the expedited base closing procedure established by the bill.

SUMMARY OF THE AMENDMENTS

The amendments strike a provision waiving the requirements of NEPA in H.R. 4481 and propose a modified NEPA process. The amendments are in three parts. The first part exempts from NEPA both the recommendation of the Commission on Base Realignment and Closure as to which bases should be closed and the decision of the Secretary of Defense to accept (or reject) the Commission's recommendation. Second, the amendments specify that NEPA does apply to the actions of the Secretary of Defense in carrying out the closing and realignement of those military installations selected for

closure or realignment. Finally, the amendments provide a 60-day deadline for filing civil actions challenging the Secretary's NEPA actions or inactions.

BACKGROUND AND NEED

H.R. 4481 was introduced on April 28, 1988, by Mr. Armey, for himself, Mr. Aspin and Mr. Dickinson and was referred to the Committees on Armed Services, Government Operations, and Merchant Marine and Fisheries.

H.R. 4481 establishes a new, expedited procedure for identifying, closing, or realigning unneeded military installations. The bill recognizes the establishment by the Secretary of Defense (Secretary) on May 3, 1988, of a bipartisan Commission on Base Realignment and Closure (Commission). The Commission is required to report its recommendations on which military installations should be closed or realigned to the Secretary by December 31, 1988. Within 15 days of the Commission's recommendation, the Secretary must report to the Congress the Secretary's decision to accept (or reject) all of the Commission's recommendations. The Secretary must initiate all base closures and realignments recommended by the Commission by September 30, 1991, and complete all such closures or realignments by September 30, 1995. As introduced, H.R. 4481 waived NEPA for all actions of the Secretary in implementing the bill.

NEPA, which is within the exclusive jurisdiction of the Merchant Marine and Fisheries Committee, requires the preparation of an environmental impact statement (EIS) before a federal agency may undertake a major federal action significantly affecting the quality of the human environment (section 102(2)(C), 42 U.S.C. 4332(2)(C)). The purpose of NEPA is to force federal decisionmakers to take a "hard look" at the environmental consequences of their actions. (*Kleppe* v. *Sierra Club*, 427 U.S. 390 n.21 (1976), quoting *Natural Resources Defense Council* v. *Morton*, 458 F.2d 827, 838 (D.C. Cir. 1972)).

The Council on Environmental Quality (CEQ) has issued regulations interpreting NEPA (40 CFR Parts 1500–1517). The regulations require a federal agency conducting a federal activity to determine if the activity is a "major" one "significantly affecting the quality of the human environment" (40 CFR 1501.4). The agency normally prepares an environmental assessment to make this determination (40 CFR 1501.3, 1508.9). If, as a result of the environmental assessment, the agency determines that its activity has no significant environmental effects, it issues a "finding of no significant impact" (40 CFR 1508.13) and the NEPA process ends. If there is significant impact, the agency must prepare an EIS to examine more fully all of the environmental effects of its action and to consider alternatives to the proposed action (40 CFR 1508.25).

The Defense Department (DOD) is not exempt from NEPA. (*Jackson County, Missouri*, v. *Jones*, 571 F.2d 1004, 1007 (8th Cir. 1978)) Accordingly, if a major action proposed by DOD would have significant effects on the quality of the human environment, an EIS is required. (32 CFR Part 214, Environmental Effects in the United States of DOD Actions)

Secretary of Defense Carlucci testified on May 18, 1988, before the Defense Policy Panel of the House Armed Services Committee in support of the NEPA waiver in H.R. 4481. According to the Secretary, NEPA has never prevented the Defense Department from closing any military installation, but it has led to delays in such closings.

NEPA has been used as one of the legal grounds for challenging DOD decisions to close certain bases. These cases have raised the issue of whether and to what extent NEPA applies to base closings. In the context of these challenges, most federal courts have held that where the impacts caused by a base closing are exclusively social or economic, and EIS is not required. (See, for example, *National Association of Government Employees* v. *Rumsfeld,* 413 F. Supp. 1224 (D.D.C. 1976)) But, where the proposed federal action does have a significant environmental impact, social and economic impacts also must be considered. (National Association of Government Employees at 1306) These cases are consistent with the interpretation of NEPA by CEQ (40 CFR 1508.14).

Given this background, the Committee has considered to what extent NEPA should apply to the special base closing process established by H.R. 4481. The Committee has decided that a modified NEPA process is the most appropriate way to address the bill's expedited base closing procedure. Under this modified process, NEPA would not apply to the policy decisions to be made by the Commission and the Secretary regarding which bases should be closed. Although these decisions should not be made in an environmental vacuum (and will not be according to the Commission's Charter), the Committee agrees that compliance with all of NEPA's requirements could unnecessarily delay key policy decisions. Therefore, the Committee's amendments exempt from NEPA the recommendation of the Commission and the decision by the Secretary as to which bases to close and realign. On the other hand, the Secretary's actions in carrying out the base closures and realignments may well have significant environmental consequences. NEPA should apply to these actions, and the Committee's amendments so require.

COMMITTEE ACTION

H.R. 4481 was referred to the Merchant Marine and Fisheries Committee for the sole purpose of considering section 2(e)(4) of the bill pertaining to NEPA. On June 21, 1988, the Committee met to markup H.R. 4481. At the markup, Chairman Jones offered a series of amendments to the bill, which struck section 2(e)(4) of the bill and inserted instead the modified NEPA process discussed above. The Committee approved Mr. Jones' amendments by voice vote. The Committee also agreed by voice vote to the Chairman's motion that H.R. 4481, as amended, be ordered reported with a favorable recommendation on the amendments to section 2(e) and without recommendation on those portions of the bill not within the Committee's jurisdiction.

SECTION-BY-SECTION ANALYSIS

The Committee's amendments insert a new NEPA process in section 2(3)(2) of the bill in lieu of the NEPA waiver in the bill as introduced.

Paragraph 2(A) provides that NEPA shall not apply (1) to the actions of the Commission in selecting military installations which it recommends for closure or realignment and making its report to the Secretary, and (2) to the actions of the Secretary in determining whether to accept the Commission's recommendations and in transmitting the Secretary's report to the Congress. The Committee's intent is to exempt from the requirements of NEPA the two policy decisions of recommending and selecting military bases for closure or realignment. This does not mean, however, that the Commission and the Secretary should ignore the envrionmental consequences of selecting particular bases for closure or realignment.

Paragraph 2(B) requires the Secretary to comply with NEPA after the installations are selected but before they are actually closed or realigned. In applying NEPA to the actual base closures, the Secretary need not consider (1) the need for closing or realigning the installation previously selected; (2) the need for transferring functions to a military installation other than the one selected; or (3) alternative military installations to those previously selected. In all other respects, the normal NEPA process applies.

The Committee intends for the Secretary to consider the environmental impacts associated with the process of closing or realigning bases, as well as alternative ways of addressing and mitigating those impacts. The Committee leaves open the question whether a particular closure or realignment constitutes a major federal action significantly affecting the quality of the human environment. If the Secretary decides that a particular closure does constitute a major federal action that significantly affects the quality of the human environment, the Secretary should follow the normal NEPA process for preparation of a draft EIS, public comment, and preparation of a final EIS. To make this determination, the Secretary is encouraged, in accordance with regulations of the CEQ, to prepare and make available to the public an environmental assessment and a finding of no significant impact. Regardless of the type of NEPA analysis, the Secretary's actions under NEPA must be completed before he may close or realign the base or relocate functions to a different base.

Paragraph 2(C) requires a party filing a civil action for judicial review of the Secretary's actions or inactions under paragraph 2(B) to file a complaint in the appropriate federal court no later than the 60th day after the action, or failure to act. In the event a person had no reasonable knowledge of such action or inaction, the complaint must be filed within 60 days after the person has acquired actual or constructive knowledge of such action or inaction. The Committee encourages the Secretary to provide reasonable public notice of all NEPA decisions under this paragraph so that the 60 day deadline may be met, and judicial review may be expedited to this extent.

INFLATIONARY IMPACT STATEMENT

Pursuant to the requirements of clause (2)(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of the amendments to H.R. 4481 will have no significant inflationary impact upon prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of Rule XIII of the Rules of the House of Representatives requires a statement of the estimated cost to the United States which would be incurred in carrying out the amendments to H.R. 4481. However, under paragraph (d) of clause 7, the provisions of (a) do not apply when the Committee has received a timely report from the Congressional Budget Office.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirements of clause (2)(l)(3)(A) of Rule XI of the Rules of the House of Representatives, no oversight findings or recommendations on the subject of the amendments to H.R. 4481 have been made by the Committee during the 100th Congress.

2. With respect to the requirements of clause (2)(l)(3)(B) of Rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, the amendments to H.R. 4481 do not contain any new budget authority or tax exemptions.

3. With respect to the requirements of clause (2)(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has received no report from the Committee on Government Operations on the subject of the amendments to H.R. 4481.

4. With respect to the requirements of clause (2)(l)(3)(C) of Rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following estimate of the cost of the amendments to H.R. 4481 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 24, 1988.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has examined an amendment to H.R. 4481, as ordered reported by the Committee on Merchant Marine and Fisheries on June 21, 1988. This bill would provide for the closing and realigning of certain military bases following recommendations of the Commission on Base Realignment and Closure. The amendment concerns the application of the National Environmental Policy Act (NEPA).

Because of the uncertainty surrounding the base closure and realignment process, CBO has not attempted to estimate the budgetary impact of H.R. 4481. However, the costs of the bill would not be significantly affected by this amendment.

H.R. 4481, as originally introduced, would have waived NEPA with respect to the bill's procedures for closing and realigning certain military bases. This would have exempted the Secretary of Defense from having to perform certain environmental assessments and public impact analyses as part of the closure and realignment process. Typically, the requirements of NEPA have resulted in lengthy delays in the closure process. Thus, the effect of a waiver might be to increase the likelihood of implementation of the closures and realignments recommended by the Commission.

This amendment would waive NEPA during the process by which bases are selected for closure and realignment. However, the actions of the Secretary of Defense in actually carrying out closures and realignments would still be subject to the application of NEPA.

We would be pleased to provide further details on this estimate if you so desire.

Sincerely,

JAMES L. BLUM,
Acting Director.

CHANGES IN EXISTING LAW

If enacted, the Committee's amendments would make no changes in existing law.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 4481 or the Committee's amendments.

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DEFENSE SAVINGS ACT

JULY 6, 1988.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PEPPER, from the Committee on Rules, submitted the following

REPORT

[To accompany H.R. 4481, which on April 28, 1988, was referred jointly to the Committees on Armed Services, Government Operations, and Merchant Marine and Fisheries. Referred to the Committee on Rules on June 28, 1988 for a period ending not later than July 6, 1988.]

The Committee on Rules, to whom was referred the bill (H.R. 4481) to provide for the closing and realignment of certain military installations during a certain period, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

SCOPE OF REPORT

Under clause 1(q)(1) of rule X, the Committee on Rules is vested with responsibility for the "rules and joint rules . . . and the order of business of the House".

In addition to its well understood responsibility for resolutions relating to the order of business, the committee receives referral of all bills and resolutions changing or affecting the rules of the House.

H.R. 4481, as introduced, would accelerate procedures under which the Secretary of Defense could close or realign all military installations recommended by a commission on base realignment and closure appointed by the Secretary on May 3, 1988. As reported by both the Committees on Armed Services and Government Operations, the implementation of the Commission's recommendations would be subject to Congressional review with expedited procedures. The Armed Services Committee would attach expedited procedures to a joint resolution of disapproval, while the Government Operations Committee would attach expedited procedures to a joint resolution of approval.

86-736

H.R. 4481 was referred to the Rules Committee for consideration of those provisions relating to rules and procedures of the House. Section 3 of the Armed Services Committee substitute and section 4 of the Government Operations Committee substitute contain such procedures. Both procedures (1) designate the committee of the House which will receive referral of joint resolutions and (2) provide expedited procedures for consideration of such resolutions. In addition, these sections contain provisions which constitute congressional review. Under these sections, Congress must review the recommendations of the Commission and act on either a joint resolution of approval, in the Government Operations Committee version, or on a joint resolution of disapproval, in the Armed Services Committee version.

Congressional Review

In H.R. 4481, as reported by the Armed Services Committee, the following procedures would attach to a *joint resolution of disapproval.* After the Secretary submits the report stating his intention to accept and implement all of the Commission's findings, he may not take action if, within the 45 day period beginning on March 1, 1989, a joint resolution of disapproval is introduced. The text of the joint resolution of disapproval is contained in the bill and the joint resolution is to be referred to the Committee on Armed Services in the House and the Senate. If the Committee has not reported the joint resolution by March 15, 1989 (or within the 15-day period of time following its introduction), the committee is automatically discharged. After the joint resolution has been reported for three days, the motion to proceed to the consideration of the joint resolution is highly privileged. The motion is not subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. If the motion to proceed to the consideration is agreed to, the resolution then becomes the unfinished business of the House until disposed of. Debate on the joint resolution is limited to 10 hours, equally divided and controlled. Amendments to the joint resolution are not in order and a motion to further limit debate is in order but not debatable. One quorum call is in order and then the vote on final passage occurs. If, before the passage by one House, that House receives the companion joint resolution, the following procedures apply; the joint resolution of the other House is not referred to a committee; the procedure in that House is the same as if no joint resolution had been received from the other House; but the vote on final passage shall be on the resolution of the other House.

Finally, the Armed Services bill contains provisions which state that the procedures contained in the bill are an exercise of the rulemaking authority of each House and also reaffirms the constitutional right of either House to change its rules at any time.

In H.R. 4481, as reported by the Government Operations Committee, the following procedures would attach to a *joint resolution of approval.* On the first day after the report is submitted to the Congress, the Chairmen of the Armed Services Committees of the House and Senate (or their designees) must introduce a joint resolution of approval (by request). The joint resolution is referred to the Armed Services Committees. The Committees have 75 days of

continuous session to report the joint resolution. If the joint resolution has not been reported within 75 days, the committee is considered to have been discharged. A motion to proceed to the consideration of the joint resolution is highly privileged and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. If the motion is agreed to, the joint resolution is to remain the unfinished business of the House until disposed of. Debate on the joint resolution is limited to not more than 10 hours. A motion to further limit debate is in order. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. Immediately following the vote on the motion to consider, with respect to the report of the Commission, but in no case later than 90 calendar days of continuous session of Congress, the vote on final passage of the resolution shall occur. If, before passage by one House of a resolution, that House receives a resolution with respect to the report of the Commission, then the procedure in that House is the same as if no resolution had been received from the other House, but the vote on final passage shall be on the resolution of the other House.

The Government Operations version allows the President, during the 60 days after the report of the Commission is submitted to Congress, but before any resolution is ordered reported in either House, to make amendments to the report, which are to be treated as part of the report originally transmitted. Any changes to the report are not to add to the scope of the report as originally submitted and are to consist only of striking from the report in their entirety one or more recommendations of the Commission to close or realign particular military installations.

Finally, the Government Operations contains provisions which state that the procedures contained in the bill are an exercise of the rulemaking authority of each House and also reaffirms the constitutional right of either House to change its rules at any time.

COMMITTEE CONSIDERATION

H.R. 4481 was referred to Armed Services, Government Operations and Merchant Marine and Fisheries Committees.

The Armed Services Committee (Chairman Aspin) ordered the bill reported, with an amendment in the nature of a substitute, on June 8, 1988. The report (H. Rept. 100-735, Part 1) was filed on June 28, 1988.

The Government Operations Committee (Chairman Brooks) ordered the bill reported, with an amendment in the nature of a substitute, on June 9, 1988. The report (H. Rept. 100-735, Pt. 2) was filed on June 28, 1988.

The Merchant Marine and Fisheries Committee (Chairman Jones) ordered the bill reported, with amendments, on June 21, 1988. The report (H. Rept. 100-735, Part 3) was filed on June 29, 1988.

COMMITTEE VIEWS

The Committee would note that it has previously filed extensive views on the issue of expedited procedures during the 99th Congress during its consideration of H.R. 1460, the Anti-apartheid Act of 1985. (See H. Rept. 99-76, Part 2) Some points made in that report bear repeating. Specifically, the Committee wishes to note its continuing concern over the proliferation of expedited procedures for consideration of joint resolutions of approval or disapproval. Legislative veto legislation often contains these special procedures, which are intended to provide more timely consideration and votes on approval or disapproval resolutions than would procedures which have been set forth under the standing rules of the House.

The Committee is sensitive to the concerns of those who propose legislative vetoes and expedited procedures. While many such procedures can be justified within the context of the individual bills that contain them, the committee is concerned with the cumulative effect of the large number of provisions which have been enacted. The Committee would also note that, while the number of instances where expedited procedures are contained in legislation has increased, the number of times when the procedures have been utilized as contemplated in the underlying statute is small. One need only look at the number of times that the expedited procedures relating to aid to the Nicaraguan contras have been set aside or modified to realize that Congress will change the process in order to structure votes on issues that are of concern to the Members. There is no reason to believe that this will change.

Even though an expedited procedures may bring about a compromise in a particular instance, such a procedure nevertheless represents a serious loss of Congressional prerogative regardless of the substance at issue. The House as a whole and the Committee on Rules in particular are clearly in a position to address and resolve matters of consideration, as the Nicaraguan example indicates.

H.R. 4481 also serves to highlight the fundamental differences between resolutions of approval and disapproval. The Committee would note that, while political exigencies may vary, a resolution of approval allows for greater Congressional involvement and control compared to a resolution of disapproval. The joint resolution of disapproval usually weakens legislative control because it requires Congress to act in order to prevent a Presidential proposal. Moreover, in an instance in which the President vetoes a joint resolution of disapproval, a policy may be established which does not have the support of a majority of either or both Houses. The Committee would associate itself with the views contained in the report filed by the Government Operations Committee (H. Rept. 100-735, Part 2) relating to the advantages attached to a resolution of approval. Specifically, the Committee believes that a joint resolution of disapproval would in practical effect deny Congressional expression in the base closure decision-making process. Even if majorities of both Houses saw fit to disapprove the President's recommendations, a Presidential veto would require a two-thirds majority in both Houses to make effective the will of Congress.

The Committee is aware that the reason some argue [illegible] a joint resolution of disapproval is to keep Congressional involvement at a minimum. It is felt that base closures and realignments are of such a sensitive political nature that effective implementation of any decisions must be done outside of the political arena, insulated from political pressures that may arise during the normal legislative process. It is from this belief that the mechanism of an independent commission, the submission of a report to Congress, a joint resolution of disapproval of the report, and expedited procedures which would not allow for amendments to the joint resolution, would allow for the greatest opportunity for base closures and realignments to proceed absent Congressional input. The Committee is concerned about the perception that Members cannot be relied upon to discharge their Constitutionally defined duties. The Committee is concerned that adoption of this process implies that Members of Congress cannot be relied upon to vote affirmatively for proposals that are in the nation's interest. More importantly, the Committee is concerned about the undermining of the institutional prerogatives of the Congress in exercising its oversight responsibility by reviewing, and if need be, altering Administration proposals.

The Committee believes that Congress should be involved and consulted in the development of the proposal that will be submitted. A joint resolution of approval accomplishes this purpose. By having a joint resolution of approval, the Commission and the Secretary of Defense will need to consult with Congress in order to ensure the recommendation will be embraced by a majority of both Houses. Consultation between the branches should be encouraged. It is the Committee's belief that proceeding with a joint resolution of disapproval stifles that discussion and consultation and could result in the loss of Congressional input and control, even though the appearance of control and oversight is maintained through Congressional action on resolutions of disapproval.

As stated by Chairman Pepper, "Congress shouldn't abdicate its legislative responsibilities. That is the danger with resolutions of disapproval. They maintain the appearance of Congressional oversight but undermine Congress' ability to participate in the process."

Conclusions

In considering the provisions of H.R. 4481 relating to rules and procedures of the House, the Committee on Rules has worked closely with the Committee on Armed Services and the Committee on Government Operations to resolve concerns addressed in this report. The Committee asserts its jurisdiction over the rules of the House and issues this report in order to stress its continuing concern over the proliferation of expedited procedures and the potential danger which indiscriminate use of such procedures poses to the normal legislative process. Though there may be times when special procedures may be necessary, the Committee believes that these times are few. Further, while the Committee continues to be reluctant to approve legislative veto legislation which contains expedited procedures, the Committee is aware that significant efforts have been made by those responsible for the bill to accommodate the reservations of the Committee. For this reason, and because of

the urgency attendant to the bill, the Committee proposes no amendments but recommends adoption of a process that incorporates a joint resolution of approval of recommendations made by the commission on base realignment and closure.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

Changes in the Rules of the House made by H.R. 4481

Clause 4(d) of rule XI requires reports from the Committee on Rules, on resolutions amending the rules of the House of Representatives, to contain a comparative print indicating changes in the existing rules. Although the bill would make minor changes in the procedures of the House, it would do so in a manner that does not directly amend the Rules of the House of Representatives, nor would the changes occur during the 100th Congress.

Congressional Budget Office estimates

Clause 2(l)(3)(C) of rule XI requires each committee report to contain any cost estimate and comparison prepared by the congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974. No such estimate has been received by the Rules Committee. However, the Committee is aware that such estimates were prepared for the Committees on Armed Services, Government Operations, and Merchant Marine and Fisheries.

Committee cost estimate

Clause 7(a) of Rule XIII requires certain committee reports to contain committee cost estimates. Clause 7(d) of Rule XIII exempts the Committee on Rules. The committee is aware of no costs, with regard to the matters within the jurisdication of the Committee on Rules contained in the bill which would result from the enactment of H.R. 4481. The Rules Committee defers to the judgement of the other committees involved with respect to the bill's overall costs.

Oversight findings

Clause 2(l)(3)(A) of Rule XI requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X. The Committee has made no special oversight findings in connection with the bill.

Oversight findings and recommendations of the Committee on Government Operations

Clause 2(l)(3)(D) of Rule XI requires each committee report to contain any oversight findings and recommendation made by the Committee on Government Operations pursuant to clause 4(c)(2) of Rule X. The Committee notes that the Government Operations Committee has reported on H.R. 4481, to which it was jointly referred.

Inflation impact statement

Clause 2(l)(4) of Rules XI requires each committee report to contain a statement relating to the inflationary impact of the enactment of that measure. The Committee is aware of none and defers on this matter to the accompanying reports from the Committees

on Armed Services, Government Operations and Merchant Marine and Fisheries.

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Document Separator

Mr. WALKER. Mr. Speaker, I thank the majority leader.

ADJOURNMENT OF THE HOUSE FROM THURSDAY, APRIL 14, 1988, TO MONDAY, APRIL 18, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourn, on Thursday, April 14, 1988, that it adjourn to meet at noon on Monday, April 18, 1988.

The SPEAKER pro tempore (Mr. BRUCE). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 20, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 20, 1988.

The SPEAKER pro tempore (Mr. BRUCE). Is there objection to the request of the gentleman from Washington?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, APRIL 27, 1988, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE PRIME MINISTER OF CANADA

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare a recess on Wednesday, April 27, 1988, subject to the call of the Chair, for the purpose of receiving in joint meeting the Prime Minister of Canada.

The SPEAKER pro tempore (Mr. BRUCE). Is there objection to the request of the gentleman from Washington?

There was no objection.

POLITICS OF THE PORK BARREL

The SPEAKER pro tempore (Mr. BRUCE). Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 60 minutes.

Mr. ARMEY. Mr. Speaker, when I first came to Congress 3 years ago, defense issues were neither my specialty nor my chief area of interest. I knew simply that the United States and its democratic allies exist in a dangerous world and that it was my duty as a national legislator to support whatever funds and policies are necessary to defend us from foreign aggression. This, I imagined, would be a fairly straightforward task.

Unfortunately, I was immediately shocked and appalled to discover the extent to which certain defense decisions have little to do with a cool and dispassionate appraisal of the present threat and future contingencies, but are instead heavily influenced by politics—the politics of the pork barrel.

In America's more innocent days, "pork barrel spending" referred to the roads, dams and power stations that Senators and Congressmen maneuvered to have built in their home districts. With the coming of the cold war and the rise of the permanent Defense Establishment, that has changed. Another main source of pork barrel spending now, I'm sad to say, lies in Budget Function 050: The National Defense.

There is no question that we need large Armed Forces to meet the Soviet threat, and I yield to no one in my support for a strong defense. But as a conservative and a taxpayer, I can't help but conclude that the political use of military spending is a troublesome problem.

Much of this, of course, is an inescapable part of democratic governance. Federal officials, whether relected or appointed, can no more ignore the political implications of their defense decisions than they can cease to be human beings. Politics is the nature of the beast.

I am aware of at least one area, however, in which we can and must introduce some needed reform: We must eliminate obsolete military bases which serve no purpose except to advance the parochial interests of individual Members of Congress. We must eliminate pork barrel bases.

When it comes to making economies in our base structure, we run into two maddening political problems. The first one we are all familiar with. If a Member of Congress has a base in his district, he doesn't want it to be moved or closed down. Military bases provide jobs to many civilians and the paychecks of their personnel help support local economies. This means that if a base becomes redundant or obsolete, a Member will fight to keep it open as if his political life depends on it.

If that were the only problem, however, we wouldn't have a problem. Parochial interests are something we deal with all the time, and they can easily be overridden by a simple majority vote. When a Member offers a floor amendment to the defense bill to bring a new defense contract into his district, for instance, we debate it on its objective merits. If he can justify his case in the larger national interest, he gets the contract. If not, he can write home and explain that at least he tried.

What makes base closings so difficult, however, is that whenever the Defense Department recommends bases to be closed or consolidated, there is almost invariably a suspicion that the particular bases were selected for political reasons. Members charge that the bases were chosen in order to punish Congressmen who do not support the President on crucial issues.

Sadly, this charge has frequently been quite legitimate. When the executive branch was lobbying for the B-1 bomber, for instance, some officials pointedly implied that Air Force bases might be shut down in the districts of Members who continue to oppose it. Then, when Jimmy Carter canceled the bomber in 1977, his aides did exactly the same thing. They were dispatched to the Hill to tell Members that they could lose their military bases if they refused to support the decision to cancel the B-1. Hardball politics of this kind has been practiced by Republican and Democratic administrations alike.

This possibility—that base closings can be used as a political weapon—means that Congress as a whole has an institutional interest in ensuring that the executive branch cannot shut down major bases—and that is precisely what Congress has done.

In 1977, Congress passed a law which has made it virtually impossible for the Defense Department to close down any major base. Known as the O'Neill-Cohen amendment, it requires DOD to carry out complex and time-consuming environmental impact statements before a base can be shut down. That may sound benign on the surface, but it—along with the original environmental statute itself—has prevented any major base closing since it was passed.

What typically happens is this: DOD announces it wants to close a base and proceeds to complete the environmental study. The opponents of the base closure then challenge the study in court, and DOD is forced to do it again. If the second study is found wanting, a third can be ordered. In this way, the closure can be delayed indefinitely. Wherever O'Neill-Cohen applies, a single Member or even a citizens group can stop a base closing simply by tying the matter up in court.

Now ask yourself: Why should closing a base require an environmental study? Opening a base, certainly. But if you close a base—take down the powerplant, move the weapons, transfer the troops, shut down the airfield—that can only be a boon to the natural environment. So why does this requirement exist?

It was enacted in a deliberate effort to stop base closings and remove the possibility that they will become instruments of political retaliation against Members the administration does not like.

And so we have a challenge: We must waive the statutes that prevent the Defense Department from closing bases, but we must first ensure that no bases will be closed for arbitrary or political reasons.

To do this, I propose that we establish a nonpartisan commission to select bases which can be closed without hurting the national defense, and provide that the statutes will be waived for those bases only.

Now there's a certain logical symmetry to this arrangement. Because the statutes were enacted to prevent politically motivated base closures, and because the nonpartisan commission I propose will already have allayed that concern, the statutes will no longer be necessary for the bases the commission recommends. They will remain in force, however, for every other property in the Pentagon's inventory.

This is the only way out of the base closing deadlock that I can see. If we were to simply waive the protective statutes that make it difficult for DOD to close bases, the Pentagon would be able to close any base it wanted for virtually any reason. That would leave Congress highly vulnerable to administration intimidation. On the other hand, if we were to leave the protective laws in place and only establish a commission to study the issue, the Defense Department would be powerless to close any base that the commission recommends. Establishing a commission, the recommendations of which trigger selective waivers of the protective statutes, insures both that the process will be nonpartisan and that DOD will be able to actually realize savings in the base structure.

I first introduced this idea in March 1987. Today, H.R. 1583 has nearly 120 cosponsors from both parties. The New York Times, Business Week, and dozens of smaller publications have editorialized in its favor. Last year, I offered it in the form of an amendment to the Defense authorization, and it failed by a slim margin of seven votes. A key reason for its failure was that the Defense Department opposed it. But DOD now supports the concept, and I have every reason to believe that similar language will pass this year.

Mr. Speaker, if we can solve the base closing deadlock, we can potentially save as much as $2 billion annually. Not only would this reduce the deficit, but it would make our Defense Establishment more efficient. I believe that now is the time to take some of the politics out of defense and work together to eliminate waste in Government.

□ 1910

Mr. Speaker, I want to talk for a moment about my proposal, and as I say, 120 Members of Congress have cosponsored my base-closing proposal.

Due to the broad, sweeping editorial support that we have received from across the Nation and the broad support from our own membership, the Defense Committee's Subcommittee on Military Construction under the leadership of Mr. DELLUMS has held hearings on my bill.

Naturally, as would be the case and as is often the case, no bill is in its perfect form at the time it is introduced. I am very pleased to tell you that the committee along with the Senate committee and the Department of Defense have taken this basic concept of the base-closing commission, nonpartisan in nature, coupled with the selective waiver for chosen bases, and have expanded and improved on the bill.

I would hope that it will be introduced by the committee as an amendment to their Defense authorization bill. I would like to point out to those 120 Members of you that have from this body cosponsored that bill, please study the product when it comes through the committee process. It has not broken with the essential spirit of the nonpartisan base-closing commission that we have all signed up on. It has been improved. It has dealt with some very difficult details.

There has been good work from all parties concerned and obviously an issue of concern for the Members of this body has been who selects the commission and what are the procedures by which the commission will operate. I think if you study the product when it comes to the floor with the Defense authorization bill, as I have been growing more and more confident it will, that you will find that it is only improved over the product that you have cosponsored, and even more deserves your support for the fine detailed work that has gone into it.

Mr. UPTON. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I will be happy to yield to the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, as I was listening to this debate, I left my office to come over here and add a few remarks.

It is a great pleasure that I stand as a cosponsor of H.R. 1583.

Mr. Speaker, Congress still sits in a budgetary mess. There are tough decisions that need to be made concerning big-spending bills and, there are many other courses we can pursue to chip away at the dangerous mountains of debt and deficit that economists are predicting may crumble at any time.

Most decisions to cut spending are tough and complicated; but others are straightforward. One simple idea that could save between $2.5 and $5 billion a year, is creating a bipartisan commission with authority to recommend military base closings.

I am pleased, as I indicated, to cosponsor H.R. 1583. I hope we make up for those seven votes we narrowly missed last year with this Defense Savings Act which establishes the commission that the gentleman from Texas and I have been talking about. This bill, introduced by the gentleman from Texas, would provide a nonpartisan and nonpolitical means to pinpoint and close down obsolete military bases.

Currently obsolete military bases drain our precious financial resources, and weaken the strength and integrity of our Nation's defense. There's no question but that we have many military installations that are no longer effective and no longer needed.

Take, for example, Fort Douglas in Utah. It was built in 1862 to protect stagecoach routes running through the then-wild wild West. The Pentagon has wanted to close it down for 25 years; but Congress refuses to let it happen. We have even spent $1 million to modernize Fort Douglas. What for—for stagecoaches with radial tires and automatic transmissions?

The Indians are our friends today. They are our allies. We do not need a base like this one.

Or take Fort Monroe in Virginia. I understand it even has a moat around it. It served as an important militatry outpost—very important—during the War of 1812. The Pentagon has wanted to close the base for years and save the taxpayer $10 million. But so far Congress has rejected the idea. It is time that someone had the courage to close these bases down. If Congress cannot do it, maybe a bipartisan commission can. Just like the Indians, the British, the Redcoats, are our friends today. We do not need to defend against them today.

Many other obsolete military bases were built in the 1940's when—at war—we had to house 12 million Americans under arms. Today we are more sophisticated. Our services are more strategic. Our defense system should be leaner. According to information supplied by the Defense Department, at least 30 bases contribute little or nothing to our national security. Many of these could be consolidated, and the savings could reach as high as $5 billion annually. We cry about how tough it is to cut the budget; but we have not closed a military base in more than 10 years.

Many people object to base closings because they believe that closing a base would cause an economic depression in the surrounding community. This does not have to be the case. Take, for example, a situation in my own State of Michigan, the closing of Kinchloe Air Force Base in 1977. This base provided 700 jobs and $36 million in annual local revenues. It closed in 1977, but what has happened since? The answer is an economic boom. The county board of commission established a local economic-development corporation to offer low-interest loans and lease the land at low rates. Nearly 30 companies with more than 1,000 jobs established operations on the former base property, and the expansion is continuing. Closing a military base does not mean harming a community's economy.

We need a bipartisan commission on the consolidation of military bases. H.R. 1583 would create a staff of 12 commissioners representing the executive and legislative branches of government and both political parties. These 12 commissioners would serve a one-time, 6-month term to determine how our military could be made more cost effective and efficient through the closing and consolidation of bases and installations. Any recommendations made by this bipartisan committee

could then be carried out by the Department of Defense. This bill is simple, straightforward, and right.

I believe it should have little trouble finding the seven votes that we need from last year to push it over the top. As I have been back in my district, particularly over this break that we have just had and I have some more town meetings again this coming weekend, people are always looking for Congress to make those tough choices on where we can cut, and defense is always up there.

I come from a rather conservative, very strong defense-minded district, Republican as well, but defense is on everybody's list.

I believe in a strong defense, and I think we have to let the Department of Defense run the most efficient Department that it can find, especially with the budget in the neighborhood of $300 billion. They need that authority, and maybe the crutch of a bipartisan commission to help them make a few decisions along with burden sharing, something that I think the gentleman from Texas and I both support, and also with this tremendous idea, I hope that we can impress upon our colleagues in the next couple of weeks before we get the Defense bill up on the House floor the end of April or the beginning of May that we can actually get this thing through and retain it in the Senate.

The gentleman from Texas has done a tremendous job at keeping this on the front burner, and I will be delighted to join in whatever capacity I can to twist the necessary arms that we need to make sure that this thing gets through, and it is a great privilege for me to join with the gentleman from Texas this evening in this special order.

□ 1920

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his kind remarks and appreciate his early cosponsorship of the bill.

A year ago when we were working on this it was an idea that was growing and we spent a lot of time talking to our colleagues. I think one of the things we always must keep in mind is the fact that there is a documented record of administrations throughout the past 20 to 30 years actually using the threat of base closures to coerce congressional votes for one project of another.

Congress is not being unreasonable in expressing this concern and in fact Congress has taken the point of view, the Members I have talked to, those the gentleman from Michigan has talked to that if we want to close bases to save money, to eliminate waste, and if we do so on a strong defense criteria, that strengthens our Nation's defense at even less expenditure of the tax dollar. That is fine if we can find a way to do that and to take this political coercion out of the process because that in itself is a distortion of the purposes of opening and closing bases, and to restore them to the legitimate and necessary purpose of getting for our tax dollars the greatest defense bang and to get the greatest efficiency in the expenditure of the dollars, and make our children as safe as possible at as little cost as possible, and then I think we will find this Congress will respond.

I have been gratified in just recent months to see the new Secretary of Defense, Mr. Carlucci, embrace this concept, roll up his sleeves, involve his staff along with the staff of both the House and Senate committees, working on the very difficult details with respect to such things as timing, selection procedures, addressing in some cases even constitutional questions, refining, developing this initial piece of legislation that we cosponsored, honing its rough edges off to a kind of smooth-looking instrument. I really believe all of that work validates the essential concern we have throughout the Congress and within the administration to make the maximum efficient use of our defense dollars, eliminate waste wherever it is possible and avoid that awful problem of Members individually and collectively feeling as though they are being held hostage to the threat that we will close your base if you do not come around to our way of voting, and we can eliminate that once and for all. I think as Members observe this plan they will see that clearly, and I expect we will have more than the seven votes needed.

Mr. UPTON. If the gentleman will yield just for another minute or two and correct me if I am wrong, but as I recall, the former Senator from the State of Arizona, Barry Goldwater, probably the most conservative Senator one will ever find in Congress, I think he is one of the strongest supporters of this concept, and certainly one of the greatest hawks that one would ever find. He thought this was a tremendous idea, to let the Defense Department have that flexibility to streamline their own operation.

I just hope that the gentleman's amendment, when it is up, will be able to capture the same enthusiasm we have tonight in getting the majority number of votes and putting this over the top this year.

Mr. ARMEY. I thank the gentleman for his comments.

Yes, it is true, soon after we developed the notion and began framing the legislation I had the opportunity, a very great privilege for myself, to visit with the Senator from Arizona, Senator Goldwater. He did join with me in an editorial that we managed to place in the Washington Post and in other papers as an op-ed piece. It was rather interesting to then see the reaction we received from this initial sort of groundbreaking editorial by which the Senator and myself introduced the notion.

For example, very soon thereafter the New York Times editorialized in support of the concept. If I can quote, Mr. Speaker, for a moment from the New York Times of October 23, 1987, they said:

> The Army plan came within a whisker of adoption earlier this year as an amendment to the military authorization bill. * * * Such a narrow defeat in so worthy a cause warrants another try—for the defense, for the economy.

A little bit later, on February 20, 1988, in Business Week, they again editorialized saying:

> (Under the Base Closing legislation) a base closing could be stopped only by a majority vote of Congress, thus making it impossible for a single lawmaker to effectively keep an unwanted base open. The bill failed by five votes last year on the House floor. But it will be brought up again, and it should be passed.

A little later the Washington Times on March 2, 1988, stated:

> While piecemeal (attempts at base) closings won't work—Congressmen will cut deals to save their favorite pork barrel programs—a broad front will. We hope * * * the champions of effective defense will fight the straightforward battle to close bases the United States doesn't need.

The Dallas Times-Herald on November 8, 1987, stated:

> Congress should bite the bullet and pass (base closing legislation) this time around. Removing military bases from the political arena is probably the only hope for progress in bringing this portion of our military spending under control.

The Grand Rapids Press in their comments stated:

> (The Defense Savings Act) deserves another chance soon. Before the Nation takes on any more taxes in the battle against the deficit, we ought to know which side our lawmakers are on.

The St. Louis Post-Dispatch on May 16, 1987, stated:

> (Under the Defense Savings Act, the base) closings could be done quickly without having to follow the current Byzantine shut-down procedures. The interests of deficit reduction and an efficient military make a strong case for passage of the bill.

The Forth Worth Star-Telegram of March 22, 1988, stated:

> Congress can indicate how serious it really is about budget-cutting by looking with favor upon legislation enabling the Federal Government to shut down some military bases that, though obsolete and costly, remain operative because of the congressional penchant for pork-barrel projects.

Mr. Speaker, I include for the RECORD the several editorials on this subject as well as a list of cosponsors of my legislation.

The material referred to follows:

[From The New York Times, Oct. 23, 1987]

DEFENSE CUTS THAT WON'T HURT DEFENSE

The President and Congress have four weeks to put the budget together. If, despite Wall Street's warning, they still come to terms, the Gramm-Rudman-Hollings law takes effect on Nov. 20. Nominally, this meat-ax approach to deficit reduction will cut "across the board"—$11.5 from non-defense spending and the same from defense. For reasons of conscience as well as politics, Congress exempted Social Security and a few welfare programs. But the fine print re-

veals that the lawmakers also protected hometown pork; the Pentagon won't be allowed to save money by shutting any bases.

The United States can no longer afford a tender concern for parochial interests. Some $2 billion to $5 billion could be saved in five years by closing 10 percent of the approximately 300 major military bases in this country, without even slight damage to security. The amount of savings will not rescue the economy—but it indicates what can be done. Indeed, if legislators could bring themselves to close some bases this year, they would enhance security, by sparing cuts that actually affect defense readiness.

The Defense Department has been trying for decades to close redundant or outdated installations. In almost every instance, it has been frustrated by representatives and senators seeking to preserve local jobs and the extra Federal aid those installations get for local schools. Even this year, two proposed closings were foiled. In the last 10 years, only one has gone through.

Fort Douglas, for example, an Army base in Utah, was built in 1862 to straddle the stagecoach route through the then-wild West. The Pentagon has fought to close it four times since 1964. Senator Jake Garn has fought to keep it open. Three years ago he even got his colleagues to approve $910,000 for a new "entryway processing station." The fort and gate are still there.

Representative Dick Armey, a Texas Republican, has a better idea. Based on findings of the Grace Commission on wasteful spending, he proposes a bipartisan commission to identify installations that could be shut down, and Penatagon authority to do so without further ado.

The Army plan came within a whisker of adoption earlier this year as an amendment to the military authorization bill. It had won by 15 votes when the time for voting expired, but the Democratic leadership froze the clock and then switched enough votes to kill it, 197 to 192. Such a narrow defeat in so worthy a cause warrants another try—for defense, and the economy.

[From the Washington Times, Oct. 5, 1987]

WHEN DOVES TURN INTO HAWKS—TRY CLOSING MILITARY BASES ON THEIR HOME TURF

If a military installation is no longer essential to national security, it should be shut down and the cost of its upkeep put to better use. So why can't we do that?

Congress is one reason. The most dovish lawmakers can be superhawks when it comes to protecting superfluous bases in their home districts. Military construction, the budget area that deals with base closings, is only about 3 percent of the president's annual defense budget request. Many of its individual line items may be measured in thousands of dollars. But these thousands are often scrutinized more closely than the millions we spend on airplanes, ships, tanks and other significant defense needs.

Despite congressional foot-dragging, the Department of Defense had great success in effecting realignments (the transfer of specific activities from one installation to another) and base closings throughout the 1960s and early 1970s. During the Kennedy and Johnson administrations, the Department of Defense mandated more than 450 realignment actions. The record does not show how many bases were actually closed, but roughly 147,000 positions were diminished, with annual savings of more than $1 billion. In the Nixon and Ford administrations, more than 2,700 specific actions were taken, with the result that 80 principal domestic military installations were closed, nearly 500,000 positions were eliminated, and annual savings of more than $4 billion were realized.

Administration successes in this area alarmed Capitol Hill. Parochial interests aside. Congress began to fear that the president could use the threat of base closings to bludgeon recalcitrant members into submission.

To forestall this possibility, the lawmakers imposed a series of regulations and requirements that had the practical effect of preventing base closings altogether. Chief among these was a 1977 law requiring the Defense Department to complete lengthy environmental impact statements before a base could be closed and its functions transferred elsewhere. Defense now has to spend up to a year conducting environmental studies for each base closure, and then defend the study against legal challenges for years after that.

In 1978, the Department of Defense announced 11 "candidates" for closing. All were rejected or withdrawn. In 1979, the department announced nine candidates for closing, eight of which had been tried in 1976 and 1978. None were ever implemented.

Given current restriction can the Department of Defense ever again close a base when it needs to? The Reagan administration's fiscal 1988 defense budget, now before Congress, recommended closing three defense installations, including, the Philadelphia Naval Hospital and Mather Air Force Base in California.

The hospital in Philadelphia is too large and inefficient and would be replaced by a smaller, more useful facility at the nearby naval shipyard. The function of Mather Air Force Base would be redistributed to other Air Force facilities. Recent history, however, suggest that even these modest and sensible requests will be strung out and eventually rejected.

Indeed a recent law expressly prohibits the Air Force from spending any money even to study the closing of the Mather Air Force Base.

What we need now is a mechanisum for closing bases of designed so that no base is kept open or closed for political reasons. During consideration of the Department of Defense authorization bill by the House of Representatives, Republican Rep. Richard Armey of Texas offered an amendment which, while not enacted, outlines such a solution.

The Armey amendment would create a commission to select bases for closure. It would then provide that the red tape (specifically, the evironmental study requirement) be waved for those bases only. Once the red tape is waived for the bases the commission selects, the secretary of defense would be free to close them if he believed the recommendation to be warranted. The object is not to evade restructions that are genuinely concerned with procuring the environment rather it is to avoid the desire that would result from publishing base closings in advance.

Since this commission would be bipartisan. Congress need not worry that bases would be closed for political reasons. At the same time parochial interests would not be able to prevent closure by dragging out the process indefinitely.

The Office of Management and Budget and the Department of Defense are working with Mr. Armey to perfect his proposal. There is a good chance that Mr. Armey's proposal will eventually be accepted by the House, or attained to the Defense bill in the form of an amendment to be offered by Republican Sen. William Roth of Delaware.

Mr. Armey's proposal would go a long way toward breaking the logjam over base closing, and enable us to redirect billions of tax dollars toward real national needs.

[From the Indianapolis Star, May 8, 1987]

CLOSING OBSOLETE MILITARY BASES

(By Dick Armey and Barry Goldwater)

When discussing ways to cut and reform government spending, conservatives usually limit their discussion to social programs, but we could be saving as much as $2.5 billion a year in defense spending if obsolete military bases could be closed. In the U.S. Congress, where representatives and senators take pride in protecting their turf, trying to close down bases is not just a job, it's an adventure.

Since the United States became a major military power, many legislators have looked at defense appropriations bills the way Jimmy Dean looks at hogs. They see pork. No fights on Capitol Hill as heated as the ones over whose districts get which defense dollars. Liberals and conservatives, hawks and doves, Democrats and Republicans all join the fray.

Last fall we saw two New York senators, one from each party, argue rabidly for a little plane called the T-46, which the Air Force says it does not want nor need, but is manufactured in Long Island. A few months after, a liberal congressman offered an amendment to spend $1.5 billion more than requested by the Defense Department for the Trident submarine. Given the fact that he had earlier voted to cut funding for the missiles that go inside the Trident, his amendment was a little puzzling. Puzzling until it was pointed out that this congressman's district is home to the shipyard that builds the Trident submarine.

It would appear these members of Congress had placed political interest above the national interest and that matters of military preparedness had nothing to do with their efforts for defense spending. They were looking to bring a slice of the federal pie back home. Fortunately, in many instances Congress rebuffs such flagrant attempts to place parochial interests above the national interests. But while that may apply to holding back new spending, it is not true of scaling back current, wasteful spending in the form of existing but needless military bases.

Few would deny we have numerous obsolete bases. Bases needed to house the 12 million Americans under arms in 1945 are simply no longer necessary for the leaner military of 1987. In fact, the Grace Commission on government waste and the Defense Department have said that at least 30 bases contribute little or nothing to our national security and could be consolidated. Doing so could save between $2 billion and $5 billion annually. Despite the pressure Gramm-Rudman has placed on Congress to save tax dollars, this option has been ignored.

Turf battles surrounding base closings not only involve congressional districts and states but also branches of government, specifically the executive and legislative.

In 1964 Secretary of Defense Robert S. McNamara announced plans to close nearly 95 military bases, one of which was the Air Force base in Georgia. The chairman of the Senate Armed Services Committee, Richard B. Russell of Georgia, felt such a proposal was "totally unjustified," as did House Armed Services Committee Chairman L. Mendel Rivers of South Carolina, who asserted Congress' responsibility "to act as a full-fledged partner with the president" on military matters. Congress could not be, said Rivers, "fully conversant in matters of national security if bases which we have authorized and approved . . . are closed with

the Congress having any prior knowledge of these matters."

Thus began a long series of bills that have so effectively hamstrung the Department of Defense's prerogative to close down obsolete bases that virtually no closures have taken place since 1977. Until 10 years ago Congress did what it could do to prevent an administration from closing bases by refusing to provide the funds needed to close bases or by passing laws requiring the Department of Defense to give Congress advance notice of upcoming closures (thus ensuring enough time to rally opposition).

It was in 1977 that Congress finally found a way to effectively prevent base closures completely. By passing a law requiring expensive and time-consuming environmental impact studies prior to closing a base, Congress made keeping an obsolete base open virtually cheaper than closing it in the short run.

Putting Total authority back in the hands of the executive branch would be difficult however. Congressmen are leary that a forceful president would use the closing of bases as a political weapon. It's conceivable that a president, facing a close vote, could tell a member of Congress, "If you don't vote with me on this legislation, I'll close down that Air Force base in your district." Indeed, it's rumored that Lyndon Johnson used such tactics.

Though recognizing this as a difficult problem, we've been too slow to address it in Congress. The time has come to create a bipartisan commission appointed by Congress and the president to recommend the closure of bases on military, rather than political or institutional criteria. The commission's recommendations could then be enacted with a waiver of the standard, congressionally erected roadblocks.

A bill pending in this Congress, the Defense Savings Act of 1987, would provide for such a commission, with two members of the commission appointed by the president, three by the Senate majority leader, two by the Senate minority leader, three by the House speaker, and two by the House minority leader. Then 12 commissioners would serve a one-time six-month term. And recommendations they make for base closings could be carried out by the Defense Department without meeting the stringent and costly procedures currently in place.

Parochial interests would be suspended, presidential retribution would be removed as a possibility, the national interest would be served and money would be saved.

The Pentagon has enough on its hands in keeping Ivan from the gate without being charged with running jobs programs.

[From Business Week, Feb. 29, 1988]

DEFENSE CUTS BEGIN AT HOME

Defense Secretary Frank C. Carlucci has made a laudable start toward preparing the U.S. military for the 1990s. By insisting on coherent budget cuts, he has sharply focused the choices: The armed services must either pare manpower or risk pay stagnation and cuts in combat readiness. Carlucci wants force reductions—but he needs help. Persuading Congress to sign off on the personnel cutbacks in the 1989 budget won't be too tough. But in coming years more such stringency will be necessary, which could result in the erosion of America's overseas commitments to its allies. Unless, that is, Congress looks at closing military bases in the U.S. for potential savings.

Surely, with some 5,000 domestic military installations, prudent pruning that doesn't hurt national security is in order. A few air bases here, a handful of obsolete forts there, and the Pentagon could save $2 billion a year. But so nervous is Congress about the threat of closing job-producing bases that it passed a law 11 years ago requiring the Pentagon to do costly environmental-impact studies before it shrinks the function of, let alone closes, a military facility. Over the years the legislation has prevented any major base from closing.

The aptly named Richard Armey, a Republican representative from Texas, introduced a bill last year that would set up a nonpartisan commission to select candidates for closings and then would waive the bureaucratic red tape for those bases only. What's more, a base closing could be stopped only by a majority vote of Congress, thus making it impossible for a single lawmaker to effectively keep an unwanted base open. The bill failed by five votes last year on the House floor. But it will be brought up again, and it should be passed.

[From the Washington Times, Mar. 2, 1988]

BASE POLITICS

Rep. Dick Armey of Texas has taken on a noble task: working out legislation that would enable the Pentagon to close superfluous military bases that currently add $2.5 billion to $5 billion annually to the defense budget. Unfortunately, his current proposal, which is being considered by the House Armed Services Committee, commits the common congressional sin of passing the buck.

Mr. Armey's legislation, which was narrowly defeated last year, would direct Congress to set up a non-partisan commission to study the nation's military bases. The commission would identify unnecessary or obsolete bases, which the Pentagon could then close without congressional approval. Congress could prevent such closures only with a majority vote.

Mr. Armey's proposal addresses a serious problem in the defense-budgeting process, Congress' inability to let go of pet programs and bases. The grossest act of congressional hypocrisy take place every year when defense-bashing doves and otherwise uncompromising fiscal conservatives dig in their heels and defend appropriations for military installations or defense contractors from their home districts.

In a recent article in Policy Review, Mr. Armey recounts the seemingly miraculous conversion of Rep. Sam Gejdenson of Connecticut's 2nd District. Mr. Gejdenson, a nuclear-freeze advocate, voted on a single day in 1986 to cut funds for the D-5 missile, which was to be deployed on Trident submarines, and then for an amendment, which he sponsored, to spend an additional $1.5 billion on the submarine itself. The Trident is built in Groton in Mr. Gejdenson's district. The D-5 is not.

Congress has not closed a single military base since 1977. This is despite universal agreement that many bases, such as Fort Douglas, Utah (a stagecoach stopover), or Fort Monroe, Va. (a War of 1812 redoubt), serve no pressing national security interest.

Congress in 1976 tried to make base closings all but impossible by trying to demand final approval for all base closings. President Ford vetoed the measure. But then-Rep. (now Sen.) William Cohen and House Speaker Tip O'Neill countered with legislation that required the Pentagon to carry out expensive environmental impact studies for every base it wanted to close. Mr. Cohen, to take one example, wanted to know the adverse environmental effects of moving a squadron of nuclear-armed B-52s out of his home state of Maine.

The process is further compounded: When the Air Force, for example, actually carried out such environmental studies and obstinately insisted on closing the cost-inefficient, strategically redundant, arctic-weather-ridden Loring Strategic Air Command base in northern Maine, Mr. Cohen effectively vetoed the move by an amendment and that said, "No funds authorized to be appropriated by this or any other Act shall be obligated or expended for the purpose of the realignment of SAC's Loring Air Base."

Considering the prevailing statesmanship, Mr. Armey's purely pragmatic approach is seductive. Congressmen don't have the courage to make tough decisions, we are tempted to conclude, so let's delegate the authority elsewhere. But just as surely as the Constitution gives the president the awesome powers of commander-in-chief, it also settles upon Congress the responsibility to regulate the armed forces. For Congress to abdicate this responsibility to an unelected bureacracy is no more acceptable than for the president to seize it away.

The American public understands hypocrisy of the sort Mr. Aremy decries, and would support broad measures to close down all unnecessary installations. The Pentagon for years has supplied such lists, and it should provide the raw material for a concerted assault on bases that represent an unjustifiable drain on the public treasury. While piecemeal closings won't work—congressmen will cut deals to save their favorite pork barrel programs—a broad front will. We hope Dick Armey and other champions of effective defense will fight the straightforward battle to close bases the United States dosen't need.

[From the Dallas Times Herald, Nov. 8, 1987]

EVALUATE MILITARY BASES

Given the fragility of the economy and the compelling need for Congress to move aggressively against the federal deficit, the national interest must take precedence over parochial interests. Nowhere is this need more apparent than in obsolete American military bases.

Studies by the Defense Department and the Grace Commission on Government Waste concluded that about 10 percent of the 312 major military bases in the United States have become redundant. Closing those bases would save American taxpayers about $2.5 billion annually, according to the most conservative estimates. Bases needed to house the 12 million Americans under arms in 1945 are simply not needed now that only 2.1 million servicemen are on active duty.

Unfortunately, these bases are precious pork to the representatives in whose districts they lie. Closing bases—regardless of how clear the case—has historically fallen victim to pork-barrel politics.

The most recent example is a move by U.S. Rep. Joe Barton, R-Ennis, and 14 other Republicans to have the General Accounting Office determine the cost savings of shutting down 28 bases around the country, including two in Texas. The catch, of course, is that all but two of the bases are in districts represented by Democrats. The GAO dodged the request, saying it should be done by the Defense Department, but it illustrates the fatal fallacy of basing such decisions on partisan considerations.

An excellent proposal by U.S. Rep. Dick Armey, R-Lewisville, to create a bipartisan commission to examine the bases strictly on terms of military efficiency, rather than political expediency, was defeated by seven votes in April.

The Armey plan, termed the Defense Savings Act, called for appointment of a commission of 12 members: two appointed by

the president, three by the Senate majority leader, two by the Senate minority leader, three by the speaker of the House, and two the House minority leader.

The commission would serve for six months, make its recommendations, then disband. The Defense Department, which has recently endorsed the concept, could follow the recommendations to shut down obsolete bases without performing expensive environmental impact studies. In 1977, Congress passed a law requiring such studies prior to closing bases, a classic bit of pork-barrel politics that made it cheaper in the short run to keep obsolete bases open than to close them.

That sort of parochial self-interest just won't do anymore. Redundant bases should be closed. Rep. Armey is rallying support for his bill, which he plans to reintroduce. Congress should bite the bullet and pass it this time around. Removing military bases from the political arena is probably the only hope for progress in bringing this portion of our military spending under control.

[From the Grand Rapids Press, Oct. 26, 1987]

NEEDLESS BASES ADD TO DEFICIT

Last week's statements by President Reagan seems to mean that he is ready to accept some kind of tax increase. Too bad it took a stock market crash to bring him around. Now Congress has a chance to show some responsibility of its own—by cutting back on the pork it annually stuffs into the Pentagon budget.

The waste takes many forms, most commonly in forced spending to benefit a project in some legislator's district—as, for example, when Michigan's Sen. Carl Levin several years ago got Congress to appropriate money for 120 more Detroit-made tanks than the Army wanted. Sometimes it shows up in special legislation to pay for a contract overrun—as when Sen. Arlen Specter, R-Pa., this year got through an appropriation of $10 million to bail out an important contractor in his state, despite vehement Navy opposition.

Nowhere is excess more conspicuous than in the many obsolete military bases the Defense Department wants to close but cannot. By various estimates, there are at least 30 sizable installations in that category—some of them relics of the covered-wagon era—and several hundred smaller ones. Eliminating just the 30 larger ones would save from $2 to $5 billion each year. But Congress has built such a thicket of defenses around these bases, that shutting down any one is nearly impossible.

The benchmark year in that regard is 1977. That's when Congress got going on laws that now require a mandatory waiting period before a base can be closed, and studies of a closing's environmental, social and economic impacts. In 1982, President Reagan set up a Property Review Board to sell off surplus properties; Congress passed laws protecting the sites to be sold and eventually abolished the review board. The Gramm-Rudman-Hollings deficit reduction act is no threat: Congress specifically barred the Defense Department from saving money by closing bases.

The legislation has put a virtual stopper on closings. Since 1979, only one significant attempt has been made—an effort by Defense Secretary Caspar Weinberger to shut three posts—and it went nowhere. Even a tiny initiative by the Air Force is tied up in knots. The Air Force wants to close a radar station it operates in Michigan, north of Calumet. The legislator for that district, U.S. Rep. Robert Davis, R-Gaylord, has tacked onto a defense appropriation bill an amendment that will prohibit any closing before October, 1988.

Frustration on this issue crosses party lines. Every president since Harry Truman has been hamstrung in attempts to cut back on the 4,000 forts, shipyards, fields, posts, hospitals, depots and office complexes maintained by the military. Aides to Defense Secretary Harold Brown, in the Carter administration, figured that 150 properties could be trimmed without harm.

The simple answer lies in lawmakers forgetting their pork protectionism and focusing on the nation's big pile of debt. Selflessness of that degree seems beyond their reach, but a compromise plan should suffice. Rep. Dick Armey, R-Texas, has proposed creation of a bipartisan commission to recommend base closings, with Pentagon authority to carry them out. A significant flaw in the bill is that the panel's 12 members would include only two appointed by the president; the other 10 to be named by various congressional leaders. Still, a small chance at savings is better than none.

The Armey bill is called the Defense Savings Act of 1987. It has already failed once in a House vote victim of a last-minute meeting by the Democratic leadership. It deserves another chance soon. Before the nation takes on any more taxes in the battle against the deficit, we ought to know which side of lawmakers are on.

[From the St. Louis Post Dispatch, May 16, 1987]

PORK BARREL VS. MILITARY NEED

Rep. Dick Armey is a conservative Republican from Texas who is out to butcher one of Congress' most-prized sacred cows: Mr. Armey wants to start closing down obsolete military bases. Even with the public backing of noted conservatives like retired Sen. Barry Goldwater, Rep. Armey's Defense Savings Act of 1987 is facing a steep uphill battle.

For most members of Congress, this is not an issue that involves national defense; it is pure pork-barrel politics. Military bases mean jobs—jobs on the base itself and jobs in the local civilian businesses that serve the base and its personnel. In many cases, a military base means federal aid to the locality. However, many of these bases are unneeded. The Grace Commission on Government Waste and the Pentagon have estimated that at least 30 military facilities could be closed down tomorrow, giving the government an *annual* savings of between $2 billion and $5 billion. Ten years ago, however, Congress imposed a costly and stringent shut-down procedure that has made it all but impossible for any administration to close a military facility.

The Armey bill would attempt to take the overt pork-barrel politics out of this issue. The measure would call for a bipartisan commission with 12 rotating members, appointed by both the president and the Congress, which would recommend the closing of individual military bases solely on the basis of military need. The closings could be done quickly without having to follow the current Byzantine shut-down procedures. The interests of deficit reduction and an efficient military make a strong case for passage of the bill.

[From the Fort Worth Star-Telegram, Mar. 22, 1988]

CLOSING BASES: ARMEY'S MEASURE DESERVES SUPPORT

Congress can indicate how serious it really is about budget-cutting by looking with favor upon legislation enabling the federal government to shut down some military bases that, though obsolete and costly, remain operative because of the congressional penchant for pork-barrel projects.

The Pentagon, seldom accused of being penurious, has tried in vain for years to close a number of bases that even it recognizes as cost-inefficient. Each time, the stumbling block is a Congress that responds to the pleas of individual members in whose districts the bases are located and who view them not as part of the nation's strategic defense network but as elements of local economies.

The government, without damaging national security, could save $2 billion to $5 billion by closing 10 percent of the approximately 300 major military bases in this country. Such a procedure was recommended by the Grace Commission, which so diligently sought out sources of waste in federal spending.

But closing a base under current law is virtually impossible because of regulations spelled out by Congress at the behest of members eager to protect bases within their districts, thereby preserving local jobs and the extra federal aid the bases lure to local schools.

Frankly, Congress does not have the courage to do the right thing and shut down bases that even the military admits serve no military purpose. The Army has tried, for example, to shut down Fort Douglas in Utah and Fort Monroe in Virginia, but Congress will not allow it, although Fort Douglas, built in 1862, was designed to protect stagecoaches and settlers from Indians and Fort Monroe has had little strategic importance since the War of 1812.

In an effort to circumvent an obstructionist Congress, Rep. Dick Armey, R-Texas, has drafted legislation to establish a bipartisan commission to identify installations that should be shut down and to authorize the Defense Department to implement the commission's recommendations without the approval of Congress.

Armey's plan calls for the panel to consist of six Democrats and six Republicans. The members would be appointed by the White House, the speaker of the House, the Senate majority leader and the minority leaders of the House and Senate. Once in place, the commission would be granted six months to evaluate the military installations and make its recommendations.

This would not be a permanent commission. It is to go out of existence 30 days after the delivery of its final report.

Although Armey's proposal was narrowly defeated last year as an amendment to the military authorization bill, it has won significant backing on Capitol Hill as a bill in its own right. More than 100 fellow representatives have signed on to co-sponsor the legislation, and it appears virtually certain that the full House will have the opportunity to debate it.

It is vital during the debate that procedures for easing the adverse economic impact of closings on local economies are carefully spelled out. Once that has been accomplished, it should be full speed ahead on the Armey measure, an idea whose time has not only come but is long overdue.

[From the Dallas Morning News, Mar. 20, 1988]

OBSOLETE BASES: CLOSINGS ARE SENSIBLE APPROACH TO DEFENSE BUDGET

A bill that has the potential for cutting fat, not muscle, out of the defense budget is currently being considered in Congress. It should be passed. Called the Defense Savings Act, and sponsored by Rep. Dick Armey, R-Denton, the bill would establish a

non-partisan commission to study obsolete military bases.

The Grace Commission has estimated that 10 percent of present bases, or about 30 bases, could be closed at an annual savings of $2 billion to $5 billion, without damaging national security.

It's true that the military pumps money into local economies, and local areas will be reluctant to give up their bases. But that may be the price that has to be paid to reduce the federal deficit. There hasn't been a military base closed in the United States in more than 10 years, which seems curious under peacetime conditions when the defense budget has been under challenge.

Armey's bill would establish an appointed panel of six Democrats and six Republicans. The House speaker would name three appointees, the Senate majority leader would name three, the House and Senate minority leaders would name two each, and the administration would name two. This commission would have six months to evaluate the bases. At that point, the secretary of defense would have the ability to close any of the bases on the list.

The political problems of closing bases have included pressure on local members of Congress to keep them alive and/or pressure from presidents who would use military bases for leverage in gaining support for their own programs. Lyndon Johnson and Richard Nixon were both known to use bases for political reprisals. This commission approach gets around that politically thorny problem.

Additionally, if members of Congress believe that it is not in the national interest to close a base recommended in the report, they can offer a bill asking for funding for that base.

Federal regulations have been able to prevent any base from being closed in the last 10 years. Those regulations that have precluded closure would be waived for bases selected by the committee.

The closing of obsolete military bases is admittedly a difficult problem to address, but this seems a reasonable approach. At least 113 members of Congress seem to agree. They have signed on as sponsors of Armey's bill. If the other necessary support is gained, the concept can—and should be—incorporated.

COSPONSORS OF H.R. 1583, MARCH 25, 1988

Michael Andrews, Les AuCoin, Robert Badham, Richard Baker, Cass Ballenger, Steve Bartlett, Joe Barton, Jim Bates, Anthony Beilenson, Helen Bentley, Doug Bereuter, Howard Berman, Michael Bilirakis, William Broomfield, Hank Brown, Jack Buechner, Jim Bunning, Sonny Callahan, Thomas Carper, Rod Chandler, Dick Cheney, James Clarke, Larry Craig, Philip Crane, William Dannemeyer, Tom DeLay, Joseph DioGuardi, Robert Dornan, Thomas Downey, David Dreier, Harris Fawell, Edward Feighan, Jack Fields, Hamilton Fish, Barney Frank, Bill Frenzel, Fernand St Germain, and Richard Schulze.

Sam Gibbons, Newt Gingrich, William Goodling, Bill Green, Judd Gregg, Steve Gunderson, Ralph Hall, Dennis Hastert, Joel Hefley, Paul Henry, John Hiler, Amo Houghton, Jerry Huckaby, Duncan Hunter, Henry Hyde, James Inhofe, Andrew Jacobs, Nancy Johnson, Ernest Konnyu, Jon Kyl, Robert Lagomarsino, Delbert Latta, Jim Lightfoot, Bill McCollum, Alex McMillian, Connie Mack, Buddy MacKay, Lynn Martin, Robert Michel, George Miller, John Miller, Constance Morella, Bruce Morrison, Robert Mrazek, Donald "Buz" Lukens, Peter DeFazio, and Carlos Moorhead.

Stephen Neal, Howard Nielson, Michael Oxley, Ron Packard, Timothy Penny, Thomas Petri, Nick Rahall, John Rhodes, Don Ritter, Harold Rogers, Marge Roukema, Claudine Schneider, Bill Schuette, Charles Schumer, James Sensenbrenner, Philip Sharp, Clay Shaw, Norman Shumway, David Skaggs, Denny Smith, Lamar Smith, Virginia Smith, Arlan Stangeland, Bob Stump, Don Sundquist, Mac Sweeney, Patrick Swindall, Thomas Tauke, Bill Thomas, Frederick Upton, Robert Walker, Vin Weber, Ted Weiss, Charles Wilson, Toby Roth, Andy Ireland, and Norman Mineta.

Mr. Speaker, let me cover a couple of points.

The first thing we have to remember is these statutes we would waive in the interest of affecting the closure of those bases selected, and only those bases selected by the nonpartisan base-closing commission are statutes that were in fact put into effect initially for the express purpose of preventing bases from being closed in response to a legitimate and well-documented concern by Members of Congress. We must understand the statutes do not exist for any reason other than to prevent the closure of bases.

For example, the author of the key statute, 2687 in 1977 said:

> Predictably, critics of this amendment will argue that national security should be the ultimate consideration in determining the strength, mission and location of military bases. I agree. Unfortunately, every member of Congress knows full well that the defense posture of the United States frequently plays a secondary role in the determination of what base to emasculate or close. Whether or not we like to admit that this is true, it is a fact of life. And that is why the principle purpose of this amendment is to insure that national security takes precedence in deciding questions of base closures and reductions, and that the lives and well-being of thousands of our constituents are not bargained away like poker chips in a high stakes political game.
>
> The issues raided by this amendment transcend the parochial interests of any one region of the country or political party.

That was put in place, as he said, for the principal reason of preventing politically motivated base closures, to assure that base closures would be done for security reasons. I say that has been so effective that it has prevented all base closures in the last 10 years.

Again, for security reasons and for economy reasons, and in order to avoid the politically motivated closures, I say it is time now to appoint the commission and waive that statute.

During the debate in which these statutes were put in place a Senator in 1985 legislation to completely waive the 1977 laws said:

> (I)t is easy to imagine how the closing of bases, if skillfully manipulated . . . could be used either to influence votes or to exact retribution for votes that did not turn out to be the way the administration in power wanted them to be. And that is not the kind of grant of power to a power-hungry Defense Department that this Senator wants to have any part of.

Again, another Senator during the 1985 debate to waive these statutes said:

> The fear of the exercise of untrammeled executive power is what led or what continues to fuel the support for the protections against base closing.

Also from the 1985 debate in the other body:

> You know why the law makes it difficult for them to close a base. It is not just for economic reasons. It is not to impair the Defense Department militarily. It is to make certain that Senators are not disciplined and chastised because they happen to disagree with the Defense Department on a crucial vote.

Another Senator said:

> The reason why the law was changed to provide that economic and environmental impact statements had to be made by the Defense Department before they summarily closed the bases was that there was so much politics involved in it.

Mr. Speaker, this again I offer as testimony. The concern is real. It is shared across both sides of the aisle. It is documented.

The statutes had their place, they were necessary, and is a sad story to tell, but in fact now we have an alternative to living with the total elimination of base closing, base realignment, base adjustments for economy and defense purposes by way of an express opportunity to waive those in response to a responsible selection procedure.

I might also make the point about community readjustment. There is in my estimation an undocumented concern in many communities that closing the base will result in harm to the community. This has not been true with past base closures. Certainly an economic readjustment is necessary. That is always the case. But in most instances historically where bases have been closed, and the properties have been put to other uses, the communities have gained. Let me cite some statistics.

A total of 138,138 civilian jobs are now located on former bases replacing 93,424 DOD contractor jobs lost; 12 four-year colleges have replaced base facilities; 32 vocational, technical or community colleges are now on former bases, which in trun induce new job creation; 53,744 college and postsecondary students are served by former base facilities; 7,864 high school vocational technical students and 8,110 trainees are now receiving education at 57 former military bases.

Office industrial parks or plants have been established on 75 of the former bases closed. Forty-two of the former bases are now municpal airports.

Brookley Air Force Base in Mobile, AL, was closed, and not many years later the New York Times did a story in which they quoted many leaders in that city as saying they would not have Brookley back even if the Government came begging because they had done such a good job of readjustment.

In Salina, KS which lost an Air Force Base, the quote from the local community was,

're recovering quite nicely, thank you, n editor of the local paper. Now we are closely tied to national economic trends. Before we kind of sat back and got fat. This is creating a new aggressive spirit in Salina.

□ 1935

Senator JOHN CHAFEE, of Rhode Island, whose State had several closures, the Department of the floating Navy rallied the Rhode Island business community around a common theme. "What is done, is done. Now let's grow from here." And that is just what the State has been doing, growing in directions it never considered before.

There is a concern by many Members that a commission violates congressional prerogatives. I think not, Mr. Speaker. Already a single Member or citizens group can tie up a base closure for years. In a sense they already have individuals who can violate the prerogative and the intent of Congress. We would reestablish and reassert our control over defense basing.

Congress as an institution will be intricately involved in passing this legislation, involved and consulted with at the very minimum in determining who is on the commission and, in fact, Congress is able to define in this the criteria by which the choices would be de.

is is quite the contrary of Con- s having its prerogatives preempt- d; it is Congress asserting its prerogatives.

The up-front costs I am told by many Members are so high that it is often, cheaper to keep the base open than it is to close the base.

I submit that that is an exaggeration. They said that Fort Douglas would be more expensive to close than to maintain. But the figures included things like the cost of turning it into a national historical site. The figures include the cost of litigation, projected court cases.

There will be initial costs, but since most of the savings are in operational costs, and let me emphasize that, the savings from base closings are in operational costs, the savings will be realized year after year after year forever and ever, an investment that promises huge rewards in the outyears.

If, for example, Loring Air Force Base in Maine, the base closure that was being discussed that prompted the O'Neill/Cohen legislation in 1977 that shutdown all base closings. If in fact at that time they had closed Loring it would have cost $7 million to move those bombers. But $25 million would have been saved in operations costs every year thereafter.

For a shipyard spending $50 million means $450 million each year reafter. Now that corporation would turn down that opportunity for savings?

I submit that we must be very, very careful, Mr. Speaker, in accepting the proposition that it costs to save money, more than we can afford.

One final point I would like to address, Mr. Speaker: There will be a problem as there always is when you are in a tight budget configuration as this Government most certainly is. There will be a problem in meeting the up-front costs. This has been a difficult problem area for those of us involved in this project working with this Congress, working with this concept and trying to work it out. We have had very good input from the committees in both the House and the Senate and from the Department of Defense.

I would suggest to the Members of this body, as we consider these proposals, to examine the solution that we propose.

There are alternative possibilities that should be considered. We could establish and should establish a special account, a revolving account; as you close bases, you begin to realize those savings, you can pay into this account, you can pay back some initial seed money deposited into the account to initiate the process.

Let me say, Mr. Speaker, in closing: The Nation cannot in a time of these deficits afford waste in any function of our budget, in any area of our national expenditure.

We must eliminate waste. Nobody benefits from waste; everybody benefits by its elimination.

I would argue that it is imperative that we take that function of the budget that I consider to be the most important, essential obligation of the Federal Government, national defense; take the initiative here, eliminate the waste.

We have the means to do so in this measure. We have broad based support for this both in this body and across the Nation. We have now a window of opportunity where the political environment is ripe for it. Our opportunity to move now with minimum threat to individual Members of Congress, that there will be a politicized process, will not soon come again. I would hope that this body would take this legislation and move forward with it with dispatch, in the interest of a strong national defense, an efficient national defense, a safe and secure future for our children.

As we set that example in this critically important function of our national budget we then, I think, will find that we not only have increased wisdom but greater license and authority to examine other dimensions of the budget and go forward then, again, to provide those essential services of the Federal Government at less cost and with greater effectiveness.

I thank the Speaker for his patience. I would like to take a moment to thank the staff. This has been a long day for the staff and I know that they have demonstrated great patience with me on this special order. I consider this an essentially important subject for our Nation and for our defense and I appreciate everybody's patience.

Mr. HOUGHTON. Mr. Speaker, the budget process is complete for the year. The budget is no masterpiece but it's done and done early. The deficit remains. The question now is how to reduce next year's deficit—a difficult job. One concept that I support would be to close or realign a number of military bases which are a little outdated or not essential to the current defense effort.

This is not a new thought. The Grace Commission first suggested setting up, on a bipartisan basis, a nonpartisan commission to select the bases which could safely be closed. The Grace Commission's rough estimates pointed to some 2 to 5 billion dollars' worth of savings in 5 years through closing 10 percent of its bases in this country—300 out of 4,000 military installations located in the United States. This could all be done without damaging our national security. But that was in 1982 and nothing has been done.

Now H.R. 1583, introduced by my colleague, Congressman DICK ARMEY, which I have cosponsored, embraces virtually the same proposal. This bill would create an independent, 12-member bipartisan panel to review the Nation's military basing needs and, driven solely by questions of military utility, recommend to the Defense Secretary candidates for closing. Since Federal regulations and special interests have stymied any base from being closed in the past 10 years, I feel H.R. 1583 has the potential for cutting fat, not muscle out of the Defense budget.

The amount of savings accrued would not rescue the budget for 1990, but it would be a step in the long process. Indeed, if we as legislators could bring ourselves to close only a few bases, I'm convinced that security could be enhanced by sparing cuts that directly affect defense readiness.

Part of the savings might be redirected and pumped back into the local community, spurring economic development. Base closing don't always have to cause economic disruptions. They can be a stimulus if properly handled.

No one benefits from waste. If we are able to break the logjam over base closings, we will then be able to redirect billions of tax dollars toward real national needs.

Mr. BALLENGER. Mr. Speaker, I would like to take this opportunity to thank the gentleman from Texas [Mr. ARMEY] for taking this special order on this matter and for allowing me a few minutes to express my support for H.R. 1583, the Defense Savings Act, which he authored. The gentleman and I serve together on the Committee on Education and Labor and his guidance has been most helpful.

As we continue to face the prospect of declining defense budgets over the next several years, we must take decisive action to ensure that the remaining defense dollars are spent wisely. Continuing to spend billions of these precious defense dollars on unneeded and obsolete military bases is outrageous and must be brought to an end.

The difficulty in accomplishing the closure of these bases can be summed up in one word: politics. Due to the successful closings of outmoded military installations during the 1960's and 1970's, Congress dug in it's heels.

In order to blunt additional closings by the executive branch, Congress mandated numerous requirements to be met prior to a base closure. This had the effect of almost eliminating any future closings. Since the late 1970's, the Defense Department has attempted 20 such closures and has been able to implement none of them.

What is clearly needed is some means to close obsolete bases that can circumvent political considerations. Such a mechanism is H.R. 1583. The bill would provide for a bipartisan commission to select the bases that can be closed without adversely affecting our Nation's defense, and grants the Pentagon the authority to close only those bases. No longer would Congress need fear the executive's power to close any base on a whim.

Two members of the commission would be appointed by the President, three by the Senate majority leader, two by the Senate minority leader, three by the Speaker of the House, and two by the House minority leader. The 12 commissioners would serve a one time 6 month term. The Defense Department would then carry out the recommendations of the commission.

This Nation funds annually over 5,000 domestic military bases, many not fully used or needed for decades. We can no longer afford to do so. Mr. ARMEY's plan is a well-thought out solution, insulated from political considerations.

We are all under intense pressure to find a way to reduce spending and to bring the deficit under control. But, we must also not do it at the expense of our Nation's security. Closing obsolete and unneeded military bases could save us $2 to $5 billion a year. I urge all of my colleagues to put parochial and political considerations aside and join the 112 cosponsors of this bill.

Mr. HEFLEY. Mr. Speaker, I would like to extend my support for Representative ARMEY's bill, H.R. 1583. This bill directs the Secretary of Defense to set up a nonpartisan commission to identify obsolete bases for closure and grants the Department of Defense the authority to close these bases.

Base closings has been a heavily contested issue for over two decades and this issue has repeatedly been the cause of political and constitutional controversy between Congress and the executive branch. Current legislation contains such complex procedural requirements that the base closure program has come to a virtual halt. This, coupled with the resistance by Members of Congress, has made it impossible for this country to save billions of dollars where it can.

In my view, this bill addresses the debate with viable answers. This is the very mechanism that would erase the political pressures of either keeping a base open or closing it. By having a nonpartisan commission, the fear of having a biased Presidential decision is resolved. The Department of Defense will not make the decision but will have the legal ability to close a base once the commission identifies an eligible base.

Few could argue that the Government is supporting obsolete bases. It is estimated that there are at least 30 bases that contribute little or nothing to our national security and could be consolidated. In closing these bases we could save $2 to $5 billion annually.

Despite pressures of Gramm-Rudman to save tax dollars, obsolete bases have continued to operate. As pork projects, Members of Congress have continued to feel the need to bring a slice of the Federal pie back home. In my view, it is hard to justify taxpayer dollars spent on these bases that are not contributing to our national security or national needs.

Shutting down military bases has never been easy, even the most wasteful. With the present massive deficit, the Government simply cannot afford to keep them open.

This measure directly bypasses political pressures and restraints, and helps to break the logjam over base closures.

By closing obsolete bases, we not only save billions of dollars per year but we can also redirect these tax dollars toward real national needs.

Mr. LIGHTFOOT. Mr. Speaker, as a cosponsor of H.R. 1583, I appreciate this opportunity to join the gentleman from Texas [Mr. ARMEY] in discussing the bill's merits.

My top priority since being elected to Congress—a priority that I know is shared by almost every Member of this body—has been to bring under control our mounting Federal deficits. We simply cannot continue spending our way down this path toward economic destruction. We are accumulating a monumental debt for our children and grandchildren to bear, not to mention the immediate burden we are creating for today's economy. Our current public debt totals $2.8 trillion, and that figure will grow to $3 trillion by 1992 even if we immediately stop all deficit spending.

We can stop this trend, and we can do it without further tax increases. Doing so will require a lot of spending cuts that are difficult to make, but we still haven't exhausted all of the easy choices that we should all be able to support. Realigning or closing unnecessary military bases is one of these easy choices, and Congressman ARMEY's bill will change current law and allow us to take action in this area.

The Grace Commission originally proposed closing unnecessary military bases in its report. Estimated annual savings from a base realignment program range from $1 billion by the Defense Department to as high as $5 billion by the Office of Management and Budget—all with no harm to our national security.

In view of the staggering savings that could be realized, one would think the Defense Department would jump on the opportunity to implement a realignment program. Unfortunately, however, the Defense Department is bound by almost impenetrable requirements for studies and procedures that must be followed before a base can be closed. These requirements are aimed primarily at protecting the economic interests in the immediate locales surrounding the bases. In fact, we are fooling only ourselves by viewing some obsolete military bases as anything but the product of pork barrel politics, pure and simple.

There is a legitimate need for some oversight on the decision on which bases to close. In the past, some proposals to close bases have been politically motivated. It is for this reason that H.R. 1583 would establish a nonpartisan commission to select bases which could be closed or realigned. Those selections having been made in a nonpartisan way, the inhibitory statutes would be waived for only those bases and none others.

I am encouraged to note that H.R. 1583 came close to being approved in the form of a floor amendment last year. I believe most Members will support the bill once they are more familiar with it, and I am therefore pleased to have the opportunity to participate in this discussion.

Again, I want to extend my thanks to Mr. ARMEY for his efforts on this proposal and I urge my colleagues to support his legislation, H.R. 1583.

Mrs. MORELLA. Mr. Speaker, I wish to commend the gentleman from Texas for scheduling this special order today addressing the subject of military base closings.

The need to close, realign, or consolidate a number of obsolete military bases is one which Congress has recognized for years, and such necessity has increased as the budget deficit has climbed during the 1980's. However, when it has actually come down to closing any particular base, the Members representing the district or State in which the base was situated invariably moved to prevent such action citing the need for jobs and income for the local economy. Often these positions were taken in spite of the fact that changes in technology, force structure, or the nature of the threat to national security, had made the bases obsolete. This is one example of pork-barrel politics at its worst.

Of more legitimate concern to Members of Congress is the fear that the executive branch could use its power to close bases as a political weapon against the Congress or against individual Members. But the statutes enacted by Congress to prevent such action have contributed to the virtual impossibility of closing any military base.

I believe that our colleague from Texas, Mr. ARMEY, has found a solution which will satisfy these concerns. H.R. 1583 would establish a nonpartisan commission to select bases which can be closed, realigned, or relocated without harming the national security. The bill would further provide for the waiving of applicable statutes for those bases only.

A nonpartisan commission would help to transcend political differences, such as the Social Security Commission and others have in the past. A commission would also prevent the executive branch from punishing Members who have opposed it.

Depending on which bases are closed, the Grace Commission has estimated a savings of up to $2 billion annually, while the Office of Management and Budget estimate is as high as $5 billion. Even the Department of Defense last year admitted a likely saving of at least $1 billion.

Mr. Speaker, I submit that as we prepare to address in the coming weeks and months the Defense budget and the overall budget, we must take action to close or realign obsolete military bases in the name of deficit reduction and a more efficient military. Mr. ARMEY's proposal of a Base Closings Commission is the best suggestion before us, and I urge my colleagues to join me and other cosponsors in support of H.R. 1583.

GENERAL LEAVE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

Document Separator

MILITARY BASE CLOSINGS: A STUDY OF GOVERNMENT BY COMMISSION

NATALIE HANLON

INTRODUCTION

Over the past ten years a number of difficult public policy decisions requiring immediate attention have resulted in legislative stalemate.[1] Congress has struggled with these politically risky issues knowing that they are "damned if they do and damned if they don't." With little political mileage to be gained by an affirmative decision in the matter, legislators have sought to avoid blame in their districts for local benefit cuts that are in the broader national interest. In an attempt to overcome these stalls in the legislative process, Congress recently has experimented with a number of mechanisms broadly referred to as "automatic government."[2] This article focuses on one of those mechanisms in particular—government by legislative commission or committee.

Government by commission provides Congress a way to address politically charged issues and yet avoid blame from constituents for unpopular outcomes. In addition, commissions provide expert analysis of technically complex issues that otherwise would be evaluated solely by political criteria and subject to the give and take of pork barrel politics.[3] Thus, a Congressional commission can be a useful tool in avoiding legislative stalemates on politically risky issues that demand immediate attention.

Congress governs by commission when it delegates to a select group of neutral experts—often retired policy makers—the task of formulating policy on a specific issue. The commission's recommendations are presented and considered as a package without provision for alteration of individual items. Congress often includes a silent ap-

1. For example, Congress was stalemated on the four major issues addressed in this article—military base closings, social security reform, Congressional pay raises, and response to the national deficit.

2. *See infra* note 123.

3. Armey, *Base Maneuvers: The Games Congress Plays with the Military Pork Barrel*, 43 POL'Y REV. 70, 71 (1988) (defining the "time honored congressional tradition" of pork barrel politics as the process by which members of Congress seek to assure that federal money for internal improvements flows to their home district). *See also* R. FITZGERALD & G. LIPSON, PORK BARREL: THE UNEXPURGATED GRACE COMMISSION STORY OF CONGRESSIONAL PROFLIGACY xix (1984) (most members of Congress adhere to the "pork barrel ethic.").

proval mechanism when authorizing a commission so that the commission's recommendations become law unless both houses of Congress pass and the President signs a resolution rejecting the package proposal.[4]

Congressional commissions are distinct from two other classes of commissions within the federal government framework—independent regulatory and presidential advisory commissions. Independent regulatory commissions[5] are standing bodies that have a unique combination of legislative, judicial, and executive functions and a focus on the regulation of economic activity. Commissioners are appointed by the President and confirmed by the Senate. However, the agencies are not part of any of the three branches of government and have become so independent that they are tantamount to a fourth branch.[6]

Presidential advisory commissions[7] are generally created in response to national crises and/or volatile social issues. Generally, these commissions are without a statutory basis and have a short term existence. The President charters the advisory commission and appoints its members. Unlike the independent regulatory commission, which makes binding public policy, these advisory commissions merely investigate issues and prepare reports. In essence, they provide symbolic reassurance that the President is aware of a situation, help develop factual bases, serve as an organizational tool to circumvent bureaucratic obstacles, and may be used to delay action to allow a cooling-off period for explosive situations.[8] But perhaps their most significant contribution is the education of a democratic polity, that is, advising the President, Congress, and the citizenry about important public policy issues.[9]

In contrast to regulating economic activity or informing the President and citizenry, Congressional commissions serve to by-pass some

4. For instance, the proposals of the Commission on Base Closure automatically went into effect because no resolution was passed rejecting them. *See infra* notes 30-33 and accompanying text.

5. Examples of independent regulatory agencies include the Federal Communications Commission (FCC), Federal Energy Regulatory Commission (FERC), Federal Trade Commission (FTC), Securities and Exchange Commission (SEC), and the Interstate Commerce Commission (ICC).

6. *See* L. KOHLMEIER, THE REGULATORS 8 (1969), for analysis of the role of independent regulatory agencies. *See also* P. QUIRK, INDUSTRY INFLUENCE IN FEDERAL REGULATORY AGENCIES (1981); D. WELBORN, GOVERNANCE OF FEDERAL REGULATORY AGENCIES (1977).

7. Examples of presidential advisory commissions include the National Advisory Commission on Civil Disorders (the Kerner Commission), the Commission on Obscenity and Pornography, the Warren Commission (investigating the assassination of President John F. Kennedy), and the President's Commission on Olympic Sports.

8. *See* D. FLITNER, THE POLITICS OF PRESIDENTIAL COMMISSIONS 16-28 (1986).

9. *Id.* at 175. *See also* T. TUTCHINGS, RHETORIC AND REALITY: PRESIDENTIAL COMMISSIONS AND THE MAKING OF PUBLIC POLICY (1979); T. WOLANIN, PRESIDENTIAL ADVISORY COMMISSIONS (1977).

of the obstacles in the legislative process. Unlike the independent regulatory commission, Congressional commissions exist for a limited purpose and do not have ongoing responsibility for regulating an industry. On the other hand, a Congressional commission is more powerful than a presidential advisory commission because it produces recommendations that become binding policy, often automatically.

Although useful, Congressional commissions do present several challenges to the democratic process. Inasmuch as they reduce Congressional discretion, commissions may also reduce democratic accountability. Additionally, commissions may undermine the traditional role of Congress in exercising its oversight responsibilities by reviewing and, if need be, altering executive proposals. Finally, commissions may be less representative than Congress, and bringing decisionmaking behind closed doors may curtail civic participation.

This article focuses on how Congressional commissions operate as an alternative way to make difficult policy decisions. Part I examines recent success stories with a particular focus on the Commission on Base Closures and Realignment. The military base closings issue was chosen because it illustrates the influence of blame avoidance on Congressional decisionmaking and the resulting stalemates that can occur in the pork barrel game, as well as the value of expert analysis to some issues. Part II analyzes recent commissions that were unable to solve particular issues and why they failed. Part III analyzes the constitutionality of Congressional commissions. Part IV considers the political theory behind commissions: why they are necessary to solve difficult public policy problems and when they are appropriate. Finally, Part V considers the risks and benefits as well as possible future applications of government by commission.

I. SUCCESSFUL APPLICATIONS OF GOVERNMENT BY COMMISSION

A. Military Base Closings and the Commission on Base Closure and Realignments

Because military bases concentrate the spending of defense dollars and provide both military and non-military jobs, their funding, expansion, and closing are among the most entrenched of pork barrel issues.[10] In recent years, military bases have gained greater importance as the Congressional pork barrel game increasingly has focused on defense money. Each year, the Department of Defense authoriza-

10. *See* R. FITZGERALD & G. LIPSON, *supra* note 3, at 13-14 (quoting a study by the American Enterprise Institute noting that "the payrolls and procurement associated with military bases . . . may provide greater benefits [to communities and members of Congress] than do highly sought after projects for the construction of dams or the improvement of rivers and harbors").

tion bill contains over $200 billion worth of capital contracts for everything from missile systems to combat boots. Since defense contracts can inject millions or even billions of dollars into a state or district economy, pork barreling has turned doves into superhawks when the defense money will be spent and military bases built in the member's district.[11]

Local beneficiaries view military installations as permanent benefits. Thus, legislators face a continuing duty to protect them since "adverse decisions may suggest incompetence or lack of interest in their constituents."[12] Unlike other public works projects and proposals for defense spending, the operation of obsolete military bases is rarely considered on merits alone. Often, therefore, obsolete bases remain open as a result of trade-offs in the pork barrel game.[13]

Admittedly, the recent halting of obsolete base closings has not resulted solely from pork barrel politics. Arguably, bases have remained open for several other reasons as well, including the public's aversion to transferring public property to for-profit private use and the propensity of everyone concerned with the disposition of public property—Congress, bureaucrats, and cynics—to take the path of least resistance and avoid taking a hard look at these issues.[14] If these reasons dominated, then a commission designed to get past the politics of the issue would not be efficient enough to reduce the military base structure. However, use of a commission seems to have broken the stalemate over closures, so politics probably was the most significant barrier.

Historically, base closing decisions were made by the Secretary of Defense. Congressional influence was restricted largely to non-binding commentary by members of the Armed Forces and military appro-

11. Armey, *supra* note 3, at 71-72. Armey points out that Connecticut representatives and senators—traditionally liberal-leaning and skeptical about high defense budgets—nonetheless voted for an extra $1.5 billion to be spent on the Trident submarine built by General Dynamics in Groton, Connecticut.

12. D. ARNOLD, CONGRESS AND THE BUREAUCRACY ch. 3 and app. (1979).

13. Indeed, during the past quarter century there has been little substantive debate over base closings. Instead, proposed closings have been used as a political tool by the President, the Secretary of Defense, and Congress. For instance, Rep. Dick Armey tells how Lyndon Johnson supposedly closed Amarillo Air Force Base after the town voted for his opponent. Armey, *supra* note 3, at 73. The Nixon administration's decision to close two bases in Massachusetts shortly after it was the sole state to support George McGovern raised similar suspicions. *Id.* More recently, during the Reagan administration there were rumors that Secretary of Defense Caspar Weinberger threatened to close bases in the districts of MX missile opponents; while Armey finds these rumors to be "unfounded but widely believed," Weinberger did propose closure of three bases that happened to be in the districts of the MX's most ardent critics—Tip O'Neill, Bill Gray, and Pat Schroeder. *All Defense is Local Too*, THE ECONOMIST May 21, 1988, at 27.

14. Thompson, *Why America's Military Base Structure Cannot Be Reduced*, 48 PUB. ADMIN. REV. 557, 561-62 (1988).

priations subcommittees. Because Congress could not stall the closings, Secretaries of Defense Robert S. McNamara and Melvin R. Laird closed hundreds of bases and installations of various sizes in the late sixties and early seventies.[15] In response, Congress in 1966 enacted procedural requirements for closure, mandating that the Department of Defense give the Congress thirty days notice before any base closings.[16]

In 1977, Congress dramatically increased its authority over the base closing process by adopting detailed statutory requirements and notification procedures.[17] By increasing the "red tape" and lag time necessary to close a base, Congress enabled a broader constituency to comment on and lobby against proposed closings.[18] While committee reports emphasized that "Congress should not 'approve or disapprove' each base,"[19] in effect Congress gained the authority to review all decisions on the closing or realignment of military bases. As predicted, all major closures and realignments stopped.[20] The safeguards against "untrammeled executive power are now so extensive that not even Congress itself can easily close a base that one member wishes to keep open."[21]

Despite the parochial interests of its members, Congress in 1985 took action to facilitate the base closing process without requiring a

15. *Id.* at 558; R. FITZGERALD & G. LIPSON, *supra* note 3, at 14-17. For example, Secretary McNamara announced the closing of 33 installations in 1963, 95 in 1964, and 149 in 1965.

16. Pub. L. No. 89-188, § 611, 79 Stat. 793, 818 (1965), *amended by* Pub. L. No. 89-568, § 613, 80 Stat. 739, 757 (1966) (codified at 10 U.S.C. § 2662 note (1988)).

17. Military Construction Authorization Act, Pub. L. No. 94-431, § 612, 90 Stat. 1349, 1366 (1976) (codified at 10 U.S.C. § 2687 (1988)) (the Department of Defense must: comply with the National Environmental Policy Act of 1969; submit a detailed report to the Armed Services Committees including the justification for the closing and discussion of the local consequences; and wait 60 days after submitting the report before implementing the proposed closure).

18. In the legislative history to the 1978 Military Construction Authorization Act, Pub. L. 95-82, the Senate Report emphasized that "major base realignments do have significant impact on the surrounding community and therefore decisions concerning realignments should be made carefully and with adequate public participation." S. REP. No. 125, 95th Cong., 1st Sess. 4, *reprinted in* 1977 U.S. CODE CONG. & ADMIN. NEWS 542, 543.

As a result of opening base closings to politics and Congressional review, public outcry resulted in two important and widely publicized reversals in the late 1970s (Fort Dix and Loring Air Force Base), which in effect reversed a history of "routine" base closings unilaterally decided by the Department of Defense. Mayer, *Base Closures: Law and Politics*, 8 ARMED FORCES AND SOC'Y 463, 466-69 (1982).

19. S. REP. No. 125, 95th Cong., 1st Sess. 5, *reprinted in* 1977 U.S. CODE CONG. & ADMIN. NEWS 542, 544.

20. Thompson, *supra* note 14, at 558 (quoting Douglas Arnold, "[I]f Congress were to make the closing decisions, the most likely consequence would be that the economy would take the back seat—most bases would remain open. It is far easier for affected rank-and-file congressmen to defend their local turfs when Congress makes the decision than it is when they must somehow coalesce to reverse bureaucrats' decisions.").

21. Armey, *supra* note 3, at 74.

Congressional vote on the closure of individual bases.[22] In that year, Congress made base closure proposals part of the budget process, thus ensuring that base closing proposals from the Department of Defense would be voted on within a year. In addition, Congress exempted military bases employing fewer than 300 civilians from most of the requirements of the 1977 legislation.[23] Although the Department of Defense must still give Congress sixty days notice of its intention to close one of these bases, these amendments in effect exempt nearly 4,000 bases in the United States from cumbersome Congressional approval since "the only way Congress can stop the closure is to pass specific legislation forbidding it."[24] Despite these reforms, no bases were closed between 1985 and 1988.

In 1988, the budget deficit loomed as a problem of unprecedented proportion, and military base closings gained general political support as an important way to cut spending.[25] Members of Congress, accustomed to protecting appropriations for bases within their communities, began to face growing public pressure to cut waste. In response to budget deficit pressures and the Grace Commission Report, which predicted that up to $2 billion annually could be cut from the defense budget by closing obsolete military bases,[26] Congress passed the Base Closure and Realignment Act of 1988.[27] The way was cleared for a new mechanism for closing bases.

The Act authorized creation of a twelve-member commission, the Secretary of Defense's Commission on Base Closure and Realignment ("Commission"), to study the current military base structure and re-

22. Pub. L. No. 99-145, 99 Stat. 717 (1985) (codified at 10 U.S.C. § 2687 (1988)). *See also* Thompson, *supra* note 14, at 558 (the fact that bases still have not closed after the loosening of the process indicates that there are reasons other than Congressional pork-barrelling for not closing military bases).

23. Pub. L. No. 99-145, § 1202(a), 99 Stat. 583, 716 (1985) (codified at 10 U.S.C. § 2687(a)(1) (1988)).

24. Murphy, *Unfinished Business: Who's Holding up the Grace Commission Reform?*, 39 POL'Y REV. 63 (1963).

25. *See* Haas, *The Deficit Culture* 20 NAT'L J. 1460, 1462 (1988) ("Policies that didn't have much support years ago, such as military base closing . . . are now supported for cost-cutting reasons"); *see also* Morris, *Deficit Figuring Doesn't Add Up*, N.Y. Times, Feb. 12, 1989 (Magazine), at 40 ("Without the deficit clamor, how could Congress sit still for $1 billion worth of military base closings?").

26. OFFICE OF THE SECRETARY OF DEFENSE TASK FORCE, PRESIDENT'S PRIVATE SECTOR SURVEY ON COST CONTROL: REPORT ON THE OFFICE OF THE SECRETARY OF DEFENSE 103 (1983); *see also Senators Question Savings to be Realized by List*, 47 CONG. Q. WEEKLY REP. 772 (1989) (reporting that initial estimates that base closings could cut $2 - 5 billion from the defense budget were inflated).

27. Defense Authorization Amendments and Base Closure and Realignment Act of 1988, Pub. L. No. 100-526, 102 Stat. 2623 (codified at 10 U.S.C. § 2687 note (1988)). The conference report passed both houses on October 12, 1988 with a vote of 82-7 in the Senate and 370-31 in the House. *See Hill Paves Way for Closing Old Bases*, 47 CONG. Q. WEEKLY REP. 2999 (1988).

commend a list of bases to be closed or sharply reduced in size.[28] A blue-ribbon commission composed of former members of Congress, retired Pentagon officials, and military and environmental experts was appointed by then-Defense Secretary Frank Carlucci in May 1988.[29]

An important provision of the Act allowed for silent Congressional approval of the Commission on Base Closure's recommendations.[30] The Commission was required to transmit its report to the Secretary of Defense.[31] If the Secretary approved the recommendations, Congress could block the Commission's recommendations only by adopting a joint resolution rejecting the recommended closings.[32] Like the Secretary of Defense, Congress had to consider and vote on the base closings as a package; any resolution was subject to a presidential veto. If no resolution was proposed and passed, the recommendations would take effect automatically.[33]

In 1988, the Commission recommended closing 86 bases and realigning or partially closing 59 more.[34] The closures initially would have eliminated 58,500 civilian and military jobs, but 37,850 of those affected would be reassigned to other bases resulting in a net loss of

28. Pub. L. No. 100-526, §§ 201-203, 102 Stat. at 2627-28 (1988) (codified at 10 U.S.C. § 2687 note (1988)). Secretary Carlucci chartered the Commission on Base Closure to "study the issues surrounding military base realignment and closure within the United States" and to "[r]eview the current and planned military base structure in light of force structure and assumptions. . . and identify which bases should be closed or realigned." DEFENSE SECRETARY'S COMM'N ON BASE REALIGNMENT AND CLOSURE, BASE REALIGNMENTS AND CLOSURES app. A (1988) (quoting Charter § 2(A), (B)), *reprinted in Base Realignment and Closure: Hearings Before the Comm. on Armed Services and the Subcomm. on the Readiness, Sustainability and Support of the Senate Comm. on Armed Services*, 101st Cong., 1st. Sess. 120, 153 (1989) [hereinafter *Base Realignment and Closure Hearings*].

The Charter expressly provided nine criteria for the Commission to consider in making its recommendations: (1) current operational readiness; (2) availability and condition of land and facilities at both existing and potential receiving locations; (3) force requirements at receiving locations; (4) cost and manpower implications; (5) extent and timing of potential cost savings; (6) economic impact on the base area community; (7) community support at the receiving locations; (8) environmental impact; and (9) the implementation process involved. *Id.* (Charter § 2). Although the Commission on Base Closure was given discretion to consider all bases, all bases on its list for closing or realignment had to be able to recoup closing costs within six years after closing. However, the legislation limits the scope and duration of challenges to any proposed base closures under NEPA, which has been used to delay past proposals to close certain military installations. Pub. L. No. 100-526, § 204(c), 102 Stat. at 2630 (1988) (codified at 10 U.S.C. § 2687 note (1988)).

29. *Id.* § 203, 102 Stat. 2627 (Secretary of Defense was given the power to appoint the twelve commissioners).

30. *Id.* §§ 201-203, 208, 102 Stat. at 2627-28, 2632-34.

31. *Id.* § 202(a)(1), 102 Stat. at 2627.

32. *Hill Paves Way for Closing Old Bases*, *supra* note 27. The effective deadline for a resolution was April 19, 1989.

33. This procedure, whereby both houses had to pass a resolution to be signed by the President, avoided the separation of powers problems of the legislative veto at issue in INS v. Chadha, 462 U.S. 919 (1983). *See infra* notes 91-97 and accompanying text.

34. *Base Closings: The Political Pain is Limited*, 34 CONG. Q. WEEKLY REP. 3625 (1988) (realignment results in personnel being added or subtracted).

nearly 21,000 jobs.[35] The Commission estimated savings at $694 million a year and $5.5 billion over twenty years.[36]

According to the report, the military value of bases was the first consideration in deciding which bases to close.[37] On the other hand, members of the Commission stated that they felt constrained by the provision in the panel's charter requiring the costs of any base closures to be recouped within six years.[38] Consequently, some bases of questionable value did not make the list because they were too expensive to close. Former Representative Jack Edwards (R-Ala.), co-chairman of the Commission, commented: "We found a lot of facilities that had 10-year paybacks, 12-year paybacks . . . where we could have made some major savings over a longer period of time. But we were constrained by our charter."[39]

After Secretary Carlucci approved the Commission's recommendations in January 1989, Congress had until April 19 to defeat the package of base closings by passing a joint resolution. Despite rejection by the Armed Services Committee, a resolution proposed by George Brown (D-Ca.) came to the House floor for debate. Criticism of the recommendations came from members who stood to lose bases in their districts. In hearings and in debate on the floor of the House, these members raised several objections to the recommendations and the use of the Commission.

There were several challenges to the way that the Commission had assessed the military bases and arrived at its recommendations.[40] Objecting members of Congress also pointed out that the projected level of savings was much lower than originally expected. Although the base closings were originally projected to cut $2 to 5 billion from

35. *Id.* at 3628.

36. *A Dogged, if Futile, Trench War is Planned by Some on Hill*, 47 CONG. Q. WEEKLY REP. 660 (1989) [hereinafter *Trench War*].

37. DEFENSE SECRETARY'S COMM'N ON BASE REALIGNMENT AND CLOSURE, *supra* note 28, at 6, *reprinted in Base Realignment and Closure Hearings*, *supra* note 28, at 125: "While cost reduction was an important reason for its chartering, the commission decided that the military value of a base should be the preeminent factor in making its decision." The military value of each base was assessed by considering "how well it met the mission related needs of the units or activities located there." *Id.* at 12, *reprinted in Base Realignment and Closure Hearings*, *supra* note 28, at 131.

38. *Base Closings: The Political Pain is Limited*, *supra* note 34, at 3628. The most routinely cited example of an obsolete base not included on the list was Fort Monroe in Virginia, a coastal artillery station built in the 1820s that includes a moat. The base was not on the list because the cost of removing old shells from the site would not be recouped within six years.

39. *Id.*

40. For instance, Senator Alan Dixon (D-Ill.), disputing the proposed closure in his district of Chanute Air Force Base, questioned the factual information that the commission relied upon in assessing the military value of Chanute and the fact that the panel did not visit Chanute before deciding to close it. *Pain in Members' Home States Fails to Move Minds on Hill*, 47 CONG. Q. WEEKLY REP. 604 (1989).

the defense budget, the Commission found that only $694 million per year would be saved.[41] In addition, some members of Congress disputed the projected savings figures given by the Commission for individual bases.[42]

While many individual members of Congress claimed that the proposed closings were too extensive or inappropriate, various commentators argued that the closings were not numerous enough. Criticism from members of Congress and others generally focused on the limitation that closed bases recoup costs within six years.[43] Another objection was that the Commission had not considered overseas military bases, which account for 40% of the total. Chairwoman of the Subcommittee on Military Installations, Patricia Schroeder (D-Colo.), assured those members that the Subcommittee would introduce legislation to evaluate and possibly close foreign bases as well.[44] In addition, the Base Closure and Realignment Act required that the Secretary of Defense conduct a study of military installations outside the United States "to determine if efficiencies can be realized through closure or realignment of the overseas base structure."[45]

On April 18, 1989, the House of Representatives voted overwhelmingly to support the Commission's plan. By a vote of 381 to 43, which cut across party lines, the House rejected the resolution to disapprove the recommendations.[46] Because the Base Closure and Realignment Act required that both houses of Congress vote to stop the

41. Furthermore, as argued by Representative Brown (D-Ca.), environmental cleanup costs could severely cut the savings. The General Accounting Office estimates clean-up costs for the 86 proposed closings at $800 million and total implementation costs at $3 billion, while the administration has only requested $1 billion for the base closure account. 135 CONG. REC. H1308-09 (daily ed. April 18, 1989) (statement of Rep. Brown).

42. For example, the Commission estimated annual savings of $84.5 million from the partial closing of Fort Dix in New Jersey. District Representative James Saxon put that figure much lower—$17 million at best. In the case of the Presidio in San Francisco, Representatives Barbara Boxer (D-Ca.) and Nancy Pelosi (D-Ca.) argued that the base—which by law had to be sold to the Department of Interior to become part of the Golden Gate Recreation Area—would cost the taxpayers $26.3 million more per year as a national park. *Trench War*, *supra* note 36, at 662.

43. These critics argued that base closings are long-term decisions that must be viewed in windows larger than six years and, therefore, that many inefficient bases with paybacks of ten or twenty years should have been included. However, in defense of the six-year payback requirement, House Armed Services Chair Les Aspin (D-Wis.), commented: "The thought was, if the cost of closing a base is more than you're going to save in six years, you can't be closing the base to save money." *Base Closings: the Political Pain is Limited*, *supra* note 34, at 3628.

44. 135 CONG. REC. H1312-13 (daily ed. April 18, 1989).

45. Defense Authorization Amendments and Base Closure and Realignment Act of 1988, Pub. L. No. 100-526, § 206 (b), 102 Stat. 2623, 2631 (codified at 10 U.S.C. § 2687 (1988)). Cutbacks of overseas bases present significantly different political problems than do the closings of domestic bases. The closing of foreign bases is influenced by diplomacy and world-wide political stability, as well as by pressure to cut spending. This article deals only with domestic closings.

46. 135 CONG. REC. H1317 (daily ed. April 18, 1989).

plan, the rejection of the resolution by the House cleared a significant obstacle in the path to implementation of the Commission's recommendations.

Although Congress considered and approved the base closing proposals as a package, there was still room to stall individual base closures through the appropriations process. However, there was a limit to how long objecting members could stall the process for merely parochial reasons.[47] In addition, the arguments and allegations of error fell on deaf ears because members whose communities were not hit by the closings had no incentive to analyze how the affected bases were rated. Thus, in September 1989, the Senate approved an $8.7 billion military construction appropriation for fiscal year 1990 that was previously passed by the House and provided funding for the recommended closings.[48]

B. A Commission That Reached Consensus: The Greenspan Commission

The Greenspan Commission,[49] formed in 1981 to address a crisis in the social security system, presents a model of a special commission that provided a consensus reform proposal. In the early 1980s, the social security system was outdated and on the verge of bankruptcy; inertia prevented meaningful reform. The incapacity of Congress and the President to deal with social security and its problems[50] reached the point where "our basic capacity to govern was at stake."[51] Following a series of legislative failures, the Greenspan Commission "was created to put out a very hot political fire. It kept the issue alive for the Democrats [who wanted to expand social security], and provided political cover for the Republicans [who wanted to cut it]."[52] Although few expected it to solve the social security crisis, "it became

47. " 'We're not going to the mat on this,' said an aide to one member. 'The more we fight this, the more we undermine our ability to do what we need to rebound in home economies.' " *Trench War*, *supra* note 36, at 660.

48. The Senate approved H.R. 3012. *See On Base Closings, No Hill Reprieve*, 47 CONG. Q. WEEKLY REP. 2576 (1989); *Challenge to Base Closings Fizzles on House Floor*, 47 CONG. Q. WEEKLY REP. 2062 (1989).

49. The Commission was also referred to as the National Commission on Social Security Reform or the Social Security Commission.

50. The social security crisis was especially difficult because the solution required dedistribution—that is, simultaneous tax increases and benefit cuts. P. LIGHT, AN ARTFUL WORK 15 (1985).

51. *Id.*

52. *Id.* at 163. The budget crisis put both Democrats and Republicans at immediate political risk. The GOP ran the risk of appearing to "slash benefits" to preserve its administration's economic experiment. On the other hand, the Democrats were expected by liberals, organized labor, and the elderly to defend the existing system—or run the risk of losing the support of these constituents in the November 1982 elections. W. ACHENBAUM, SOCIAL SECURITY: VISIONS AND REVISIONS 82 (1986).

the last, best hope for compromise."[53]

Both the reform of social security and the closure of military bases involved tough decisions that required certain members of the public to bear some kind of loss, but the two issues differed in their politics and distribution of pain. That is, debate over social security was much more of a partisan issue than base closings, and solutions to the social security crisis spread the pain to a much larger group of people—all social security recipients and all taxpayers—than the more localized base closings. Unlike the experts of the Commission on Base Closure, the "Gang of Nine" who did the real work of the Greenspan Commission was a more politically charged group whose mission was to negotiate between two distinct partisan positions rather than to make politically and geographically neutral decisions.[54]

Furthermore, the Greenspan Commission was not created by an act of Congress, and there was no automatic process for social security reform proposals to pass through Congress as there had been for base closings. Instead, the President initiated the Greenspan Commission. The acceptance of the Commission's proposals depended on the political clout of its members and the leadership of the two key players in the Social Security reform crisis—Ronald Reagan and Tip O'Neill. Although the recommendations of both the Greenspan Commission and the Commission on Base Closure were presented as all-or-nothing packages, social security reform had to be pushed through every legislative step.[55]

The innovative leadership of the Gang of Nine and the final approval of O'Neill and Reagan were likely the most important reasons that the commission worked. This commission was not magic and was subject to stalemate and shutdown had there been no consensus.[56] The Greenspan Commission eventually formed a consensus because of the "secret" nature of the negotiating process. Negotiations outside the normal legislative process allowed the commissioners to consider

53. P. LIGHT, *supra* note 50, at 163.

54. The complete National Commission on Social Security Reform consisted of fifteen members; however, the real negotiating was done by the "Gang of Nine." The Gang of Nine consisted of three members of Congress—Barber Conable, Robert Dole, and Daniel Moynihan; four White House staffers—David Stockman, James Baker III, Richard Darman, and Kenneth Duberstein; Robert Ball, former Social Security Commissioner; and Alan Greenspan, Chairman of the Greenspan Commission. For a description of how this group was formed and negotiated, see W. ACHENBAUM, *supra* note 52, at 84-86; P. LIGHT, *supra* note 50, at 180-95.

55. P. LIGHT, *supra* note 50, at 232.

56. The highly charged nature of the commission was also a chief liability. Many commissioners brought experience and knowledge about the issue and previously had spoken on the record about the shortcomings of the system. The commissioners therefore had diverse views about what should be done. As veterans of politics, they also knew that the commission's recommendations could be later held against them. *See* W. ACHENBAUM, *supra* note 52, at 81-82.

tough choices generally opposed by the public and interest groups.[57] Indeed, the secret process of the Greenspan Commission, like that of the Commission on Base Closure, "helped diffuse blame for the final package [because it] was difficult to tell who was responsible for what [concessions]."[58]

II. Two Commissions That Failed: The Quadrennial Pay Raise Commission and the National Economic Commission

In contrast to the apparent success stories of the Greenspan Commission and the Commission on Base Closure, the Quadrennial Pay and National Economic Commissions are two recent examples of commissions that have failed in their missions. The Quadrennial Pay Commission did not have the political support to weather a storm of constituent reaction, and the National Economic Commission could not reach a consensus on its proposals.

Like the Commission on Base Closure, the Quadrennial Pay Commission[59] was instituted to distance Congress from a politically risky decision—raising its own pay. It is, as former Senate Majority Leader Howard Baker called it, "the great granddaddy conflict of interest of all time."[60] To avoid the heat, Congress has used independent commissions to shift responsibility for recommending pay raises since 1967. The Postal Revenue and Federal Salary Act of 1967[61] created the Quadrennial Pay Commission to make salary recommendations every four years, coinciding with the election of the President. Because the pay raise issue was so difficult, Congress avoided direct votes even under the cloak of the Quadrennial Pay Commission's recommendations; instead, raises were effectuated by more backdoor

57. In recent commissions, such as the Commission on Base Closure and the National Economic Commission, closed door proceedings have been challenged as subject to open meeting rules set down by the Federal Advisory Committee Act, Pub. L. No. 92-463, 86 Stat. 770 (1972) (codified at 5 U.S.C. App. I §§ 1-15 (1988)) and the Government in the Sunshine Act, Pub. L. No. 94-409, 90 Stat. 1241 (1976) (codified at 5 U.S.C. § 552 (1988)). On January 5, 1989, U.S. District Judge Joyce Hens Green ruled that the National Economic Commission had to keep all its meetings open. Pub. Citizen v. Nat'l Economic Comm'n, 703 F. Supp. 113 (D.D.C. 1989). It has been suggested that this ban on closed door proceedings was one reason why the National Economic Commission could not reach consensus. *See Deficit Panel to Close Up Shop*, 47 Cong. Q. Weekly Rep. 374 (1989).

58. P. Light, *supra* note 50, at 233.

59. The official name of the Quadrennial Pay Commission is the President's Commission on Executive, Legislative and Judicial Salaries.

60. *Raising Members' Pay: A 200-Year Dilemma*, 47 Cong. Q. Weekly Rep. 209 (1989) [hereinafter *Raising Members' Pay*].

61. Pub. L. No. 90-206, § 225, 81 Stat. 613, 642 (1967) (codified as amended at 2 U.S.C. §§ 351-361 (1988)).

methods such as cost of living increases and tax breaks.[62]

As amended in 1985, the Federal Salary Act provided that the Pay Commission submit to the President a report of its recommendations for salary increases for Congress, the federal Judiciary, and high executive offices. The President, in turn, was required to include these recommendations in the next budget transmitted by him to the Congress. The recommendations of the President became effective unless Congress enacted a joint resolution within thirty days disapproving the recommendations or enacted a statute establishing rates other than those recommended by the President.[63]

The debate over a pay raise reached a fevered pitch in 1989 when the Quadrennial Pay Commission recommended a 51 percent pay raise for members, top level federal workers, and federal judges. After approval by President Reagan in his final budget, the recommendations were due to go into effect automatically on February 8, 1989, unless both houses of Congress voted to reject them. The approval procedures were similar to the process used for base closings, but the outcome was much different. Constituents overwhelmingly responded negatively to a Congressional pay raise and pressured Congress into rejecting the recommendations by a vote of 380 to 48 in the House and 94 to 6 in the Senate.[64]

Both the Quadrennial Pay Commission and the Commission on Base Closure were created to solve politically delicate problems and to create an impression of fairness in dealing with tough issues. The Quadrennial Pay Commission raised salaries not only for Congress, but also for federal judges and Cabinet members. Its recommendations were to be reviewed and approved by a presumably disinterested party, the outgoing President. Similarly, the Commission on Base Closure spread the pain among a nearly equal number of Democratic and Republican districts and claimed that it employed purely neutral criteria in making its decisions.

Despite the similar processes, the differences between the two issues help to explain why the Commission on Base Closure reached a solution and the Quadrennial Pay Commission failed.[65] The main dif-

62. *Raising Members' Pay*, *supra* note 60, at 209.

63. *See* Humphrey v. Baker, 848 F.2d 211, 213 (D.C. Cir.), *cert. denied*, 488 U.S. 966 (1988). In 1989, Congress amended the Act again. The President no longer need include the recommendations with the budget, and the Congress must vote on the recommendations before they become law. *See* 2 U.S.C. §§ 358-359 (1988).

64. *How the Pay-Raise Strategy Came Unraveled*, 47 Cong. Q. Weekly Rep. 264 (1989).

65. Arguably, the Quadrennial Pay Raise Commission didn't fail. Although its recommendations were rejected, the end result was that the issue came to a decision and the overwhelming view of the populace prevailed.

ferences between the two commissions lie in the urgency of the issues addressed and the political mandate for overall results. Because of the burgeoning deficit and concerns over defense spending, base closings were an urgent matter. And legislators had a mandate to reduce the defense budget and eliminate obsolete and waste-generating military bases. On the other hand, the pay raise issue was urgent only to "federal officials and those who worry about attracting a high caliber of people to public service."[66] There was no public mandate to raise Congressional pay. In fact, a Congressional pay raise worked directly against the strong pressure to cut federal spending and reduce the deficit.

The two issues also differed in the distribution of the pain resulting from the decision. In the case of base closings, the political pain was more isolated. Only a few legislators faced pressure to oppose the recommendations and, therefore, there was no nationwide campaign to stop the process.[67] In contrast, since the pay raise issue affected all taxpayers, it had broad based appeal and response. In fact, the pay raise had the appearance of "Beltway Bandits" in Washington trying to vote raises for themselves. The issue became a crusade of the American people against an irresponsible Congress.

Another recent commission also failed to provide a solution for a difficult public policy problem. Created by Congress in 1987,[68] the National Economic Commission (NEC) was a blue-ribbon panel of experts whose mission was to find a solution to the government's chronic deficit-spending habits. Promoted as a way to get past long-standing partisan division on fiscal matters, the elite group of government, business, and labor leaders brought clout that was thought to be adequate to force their consensus opinions on Congress and the White House.[69] However, the NEC never reached a consensus as the Greenspan Commission had, and thus it merely repeated the "same kind of partisan bickering over spending cuts and tax hikes that ha[d] divided Congress and the White House for the past eight years."[70] In the end, the fourteen member panel could not agree on a solution. The final report is not one but two separate reports containing few specific recommendations for dealing with the deficit.[71]

66. Schneider, *A Test for Government by Commission*, 21 NAT'L J. 106 (1989).

67. The localized nature of the "loss" also meant that base closings did not get the same level of national media coverage or attention from radio talk show hosts.

68. Enacted as part of the Agricultural Reconciliation Act of 1987, Pub. Law. No. 100-203, §§ 2101-2106, 101 Stat. 1330, 1330-33 to 1330-36 (codified at 2 U.S.C. § 901 (1988)).

69. *Deficit Panel to Close Up Shop*, *supra* note 57, at 374.

70. *Id.*

71. Some commissioners supported President Bush's "no new taxes" pledge, while others adamantly opposed cuts in social security and Medicare. William Schneider assessed the outcome:

In many ways, the NEC had an even stronger public mandate than the Commission on Base Closures. However, the NEC lacked the same sense of urgency. Cutting the deficit is viewed as a multi-faceted problem that will take many years and many people to solve. The NEC was not the only alternative available to address the deficit, and certainly the Commission's charge was much broader than the narrow missions of the Greenspan Commission (social security) and the Commission on Base Closure (closing military installations). Because the issue and the range of alternatives were so large, it was much more difficult to achieve consensus on one plan. Perhaps the job was just "too big" for one commission to tackle.

Furthermore, the NEC was a much more politically charged and divided body than the Commission on Base Closure, whose approval vote did not split along party lines. And despite its supposed political clout, the NEC could not muster the same kind of compromise reached by the Greenspan Commission. Therefore, there was no clear majority decision to push through Congress.

III. THE CONSTITUTIONALITY OF GOVERNMENT BY COMMISSION

A. *Delegation Doctrine*

Congress' increased reliance on special commissions to help make tough decisions is authorized by the delegation doctrine, which provides that Congress may obtain the assistance of the coordinate branches and may delegate limited legislative, executive, and judicial powers to administrative agencies. However, delegations to commissions are also subject to the nondelegation doctrine, which puts limits on what and how Congress may delegate to the other branches.[72] Rooted in the separation of powers principle, the nondelegation doctrine protects the "integrity and maintenance of the system of government ordained by the Constitution" by precluding Congress from improperly delegating its legislative power to the other branches.[73]

"[W]hile everyone on the commission contends that the deficit is important, everyone believes that something else is more important." Schneider, *supra* note 66, at 106. Similarly, Budget Committee Chair Leon Panetta reflected disappointment with the National Economic Commission: "The hope was that the [National Economic Commission] would provide some tough choices and then provide the political cover to help [Congress] put them into effect. They're not doing either." *Deficit Panel to Close Up Shop*, *supra* note 57, at 374.

72. U.S. CONST. art. I. The Supreme Court has made clear that article I, by vesting legislative power in Congress, imposed constraints on that body's authority to delegate power.

73. National Fed'n of Fed. Employees v. United States, 905 F.2d 404, 404 (D.C. Cir. 1990) (quoting Field v. Clark, 143 U.S. 649, 692 (1892)). The Constitution's scheme for distributing national power among the legislative, executive, and judicial branches is termed the separation of powers. *The Federalist No. 47* stressed that separation of powers was necessary to prevent tyranny:

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands,

Although there have been only two cases in American history in which Congressional delegations to public authorities have been held invalid,[74] Chief Justice William Rehnquist has sought to revive the nondelegation doctrine, and the doctrine may yet have some bite.[75] As Chief Justice Rehnquist explains, delegations must be evaluated to ensure that "important choices of social policy are made by Congress, . . . [and] that, to the extent Congress finds it necessary to delegate authority, it provides the recipient of that authority with an 'intelligible principle' to guide the exercise of delegated discretion."[76] Under the "intelligible principle" test, "[o]nly the most extravagant delegations of authority, those providing no standards to constrain administrative discretion, have been condemned by the Supreme Court as unconstitutional."[77]

In *National Federation of Federal Employees v. United States* ("NFFE"),[78] the D.C. Circuit Court of Appeals rejected a claim that the Base Closure Act's grant of authority to the Secretary of Defense and the Commission amounted to an excessive delegation of legislative discretion in violation of the constitutionally based non-delegation doctrine. That court concluded that the Base Closure Act cleared the "intelligible principle" hurdle because "it contains a terse but understandable standard to constrain administrative discretion."[79] Specifically, the court found that the express standards in the Commission's charter were sufficient guidelines for the Secretary of Defense and the Commission. The Charter's nine specific criteria "provide more than adequate standards for making base closing and realignment decisions

whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

THE FEDERALIST No. 47 (J. Madison) (J. Cooke ed. 1961). In addition, a strong, independent executive was included to promote efficiency. *See* Miller, *An Inquiry into the Relevance of the Intentions of the Founding Fathers, With Special Emphasis Upon the Doctrine of Separation of Powers*, 27 ARK. L. REV. 583, 588-89 (1973). However, in recent years, the efficiency of separation of powers has come under attack because the existence of powerful checks has made it difficult for the federal government to act. Contending that the government is reduced to a series of stalemates, Lowi believes that separation of powers may prevent majorities from bringing about change. *See* T. LOWI, THE END OF LIBERALISM (2d ed. 1979); Cutler & Johnson, *Regulation and the Political Process*, 84 Yale L.J. 1395 (1975).

74. Panama Refining Co. v. Ryan, 293 U.S. 388 (1935); A.L.A. Schechter Poultry Corp. v. United States, 295 U.S. 495 (1935). *See also* Carter v. Carter Coal Co., 298 U.S. 238 (1936) (holding invalid a Congressional delegation to coal producers and workers).

75. *See, e.g.*, Industrial Union Dep't, AFL-CIO v. American Petroleum Inst., 448 U.S. 607 (1980) (Rehnquist, J., concurring).

76. *Id.* at 685-86.

77. Humphrey v. Baker, 848 F.2d 211, 217 (D.C. Cir. 1988), *cert. denied*, 488 U.S. 966 (1988) (quoting *Industrial Union Dep't*, 448 U.S. 607 (1980)). For a discussion on the difficulty of the judiciary enforcing the non-delegation doctrine, see Stewart, *The Reformation of American Administrative Law*, 88 HARV. L. REV. 1669, 1697 (1975).

78. 905 F.2d 400 (D.C. Cir. 1990).

79. *Id.* at 404.

and keep the Base Closure Act well within the bounds of lawful delegation."[80]

Similarly, in *Humphrey v. Baker*,[81] the D.C. Circuit rejected a claim that the Federal Salary Act of 1985, creating the Quadrennial Pay Commission, was an unconstitutional delegation of legislative power to the Executive. After observing that delegations broader than the one at issue had survived nondelegation doctrine attacks, the *Humphrey* court concluded that the delegation to the Quadrennial Pay Commission was not a standardless delegation. Specifically, the court noted that the commission was created to advise the President and that the Salary Act provides Congress "the opportunity explicitly to reject or modify any or all of the President's recommendations before they go into effect."[82] As these cases show, delegations to commissions will be upheld so long as Congress establishes clear directives and sets limits. These limits include standards in charters and mission statements, specific criteria or formulas to be followed in the commission's deliberations, and mandatory review procedures by the legislative body. So long as these criteria are "adequate for carrying out the general policy and purpose" given by Congress, the commission may be given significant discretion to draw judgments from its analyses.[83] As the Supreme Court noted in *Yakus v. United States*,[84] "Congress is not confined to that method of executing its policy which involves the least possible delegation of discretion to administrative officers."[85]

B. Separation of Powers

In *National Federation of Federal Employees v. United States*,[86] the plaintiff-appellants argued that the Base Closure Act violated the separation of powers principle by allowing Congress to interfere impermissibly with the Executive Branch. The D.C. Circuit rejected the claim that Congress was interfering excessively with the Secretary of Defense's performance of his duty. Although Congress retains a role in the Secretary's decision-making process through the Act's joint resolution mechanism, the court concluded that this "[m]echanism does not enhance Congressional power vis-a-vis the Executive Branch be-

80. *Id. See supra* note 28 listing the nine criteria.

81. 848 F.2d 211 (D.C. Cir. 1988).

82. *Id.* at 217.

83. Mistretta v. United States, 488 U.S. 361, 379 (1989) (quoting Sunshine Coal Co. v. Adkins, 310 U.S. 381, 398 (1940)).

84. 321 U.S. 414 (1944).

85. *Id.* at 425-426.

86. 905 F.2d 400 (D.C. Cir. 1990).

cause like all other statutes, it is subject to the President's veto."[87]

Likewise, the court rejected the argument that the joint resolution vehicle interfered with " 'the exclusive role of the courts to assess the Executive's fidelity to congressional mandates.' "[88] The *NFFE* court pointed out that:

> The bar to federal review of the Secretary's decisions does not lie in Congress' opportunity to review them before [the court does]; it is the subject matter of the decisions the Secretary made that makes appellants' claim nonjusticiable.[89]

Judicial review would be foreclosed if Congress passed a joint resolution rejecting the Commission's recommendations and the President signed it. However, as the court concluded, Congress could pass a law preempting the Commission's decisions and achieve the same result. Therefore, the court explained that:

> Even though such a device would still differ from enactment of a statute—since the statutory language would remain the same although the specific action was forbidden, and since a veto resolution is easier to adopt than an affirmative bill—the essential elements of the constitutional lawmaking process would participate. There would be neither an increase in total federal power nor a violation of the separation of powers.[90]

The D.C. Circuit's decision in *NFFE* follows from prior cases reviewing approval mechanisms for violation of the separation of powers doctrine. In *Immigration & Naturalization Service v. Chadha*,[91] the Supreme Court reviewed section 244(c)(2) of the Immigration and Naturalization Act,[92] which allowed one house of Congress to veto by resolution the Attorney General's decision to allow Mr. Chadha to remain in the United States. This legislative veto allowed one house of Congress to override an executive action without submitting its resolution to the other house or presenting it to the President for his approval.[93] Emphasizing the President's important role as a salutary

87. *Id.* at 404.

88. *Id.* at 405 (quoting Appellants' Brief at 33).

89. *Id.* The court concluded that NFFE's claims that the Secretary's base closing and realignment decisions were arbitrary and capricious and thus violative of the Administrative Procedure Act were "nonjusticiable because the Secretary's decisions were 'committed to agency discretion by law.' " *Id.* (quoting 5 U.S.C. § 701(a)(2) (1988)).

90. *Id.* (quoting Consumer Energy Council of America v. FERC, 673 F.2d 425, 470 (D.C. Cir. 1982)).

91. 462 U.S. 919 (1983).

92. 8 U.S.C. § 1254(c)(2) (1988).

93. 462 U.S. at 924-29. For a discussion of legislative vetoes, see B. CRAIG, THE LEGISLATIVE VETO: CONGRESSIONAL CONTROL OF REGULATION 15-43 (1983); Bruff & Gellhorn, *Congressional Control of Administrative Regulation: A Study of Legislative Vetoes*, 90 HARV. L. REV. 1369, 1417-18

check on Congress and as a guardian of the "national" perspective, the Court ruled that the legislative veto violated the Presentment Clause.[94] That clause provides the President with a limited and qualified power to nullify proposed legislative actions by veto.[95]

Additionally, the *Chadha* Court, noting the importance of The Great Compromise that created two legislative organs, concluded that the legislative veto violated the bicameral requirement of Article I, Sections 1 and 7.[96] The bicameral clause provides that no law may take effect without the concurrence of a majority of the Members of both houses.[97] The approval process used for the Commission on Base Closure's recommendations avoids both the presentment and bicameralism problems outlined in *Chadha*. The Commission's recommendations can only be rejected by a joint resolution from both houses signed by the President.

IV. THE POLITICAL THEORY OF GOVERNMENT BY COMMISSION

A. *Why Are Commissions Necessary?*

The decision to use the Commission on Base Closure was not merely a response to a need for expertise, but an admission that the ordinary process was not working to address an important public policy issue. Although Congress needed the expertise and resources of the Commissioners, the main reason Congress chose to delegate the decision on the merits was that the politics of each proposed closing prevented substantive Congressional debate on even one base, let alone consideration of a plan involving eighty-five bases. The democratic process was stalled, and Congress decided that the only way to break the stalemate of pork barrel politics was to replace it with another decisionmaking mechanism.

Although it might be argued that the democratic process was broken, the use of the Commission on Base Closure might also be a case where democracy needed to be adjusted rather than replaced. In fact, the stalemate on base closings can be viewed as an instance where democracy was working too well so that the various mandates, motivations, and characteristics of Congress came into conflict with one another. Base closings force legislators to choose between making de-

(1977). For criticism of the Court's decision in *Chadha*, see generally Strauss, *Was There a Baby in the Bathwater? A Comment on the Supreme Court's Legislative Veto Decision*, 1983 DUKE L.J. 789; Tribe, *The Legislative Veto Decision: A Law by Any Other Name?* 21 HARV. J. LEGIS. 1 (1984).

94. U.S. CONST. art. I, § 7, cl.3.

95. 462 U.S. at 948-49.

96. *Id.*

97. U.S. CONST. art. I, §§ 1, 7.

cisions in the national interest—voting to cut the defense budget by closing inefficient bases—and bowing to the demands of constituents—voting against a proposal to close an allegedly inefficient base.

This conflict is one of the great tensions of representative government and often justifies the use of government by commission. Elected representatives face the "mandate-independence controversy": should a legislator act as her constituents want and be bound by mandates and instructions from them, or should she be free to act, as seems best to her, in pursuit of their welfare or national interests?[98] In the past, strong political parties and centralized Congressional leadership have pressured legislators to pursue national party interests and to be "independent" of the views of individual constituents. Increasingly, however, these institutions have less control over legislators, and in turn representatives are increasingly pulled by a geographically-defined community with an expectation that the member will protect the interests of the region he or she represents.[99] Therefore, the legislator who is trying to stop the closing of a local military base may be acting against the national interest, but she is doing exactly what her constituents want her to do.

Explaining why the closing decisions become such a difficult issue, R. Kent Weaver argues that voters tend to be more sensitive to real or potential losses and, therefore, legislators are motivated more by "blame-avoidance" for unpopular actions than by seeking to claim credit for popular ones.[100] Under this view, politicians of either party are more interested in avoiding closures in their district—in which case they might be blamed for not protecting local interests—than in claiming credit for their fiscal responsibility.[101]

98. H. PITKIN, THE CONCEPT OF REPRESENTATION 145 (1967). Mandate theorists see the representative as a servant, a subordinate delegate and "mere" agent of her constituents, and thus she must pursue her constituents' will and not her own. Mandate theorists view the national interest as the sum of constituency interests rather than a distinct interest of the larger political body. *Id.* at 146. Viewing political questions as complex and beyond the capacities of ordinary citizens, independent theorists on the other hand consider the representative a trustee or an expert. Independent theorists value the activities of the legislature itself—formulating issues, deliberation, and compromise—and view diverse viewpoints among constituents as an inherent obstacle to consensus. They postulate that the national interest is distinct and not necessarily the sum of local constituencies. *Id.* at 147. Claiming that in an ideal situation representation under each of these two theories will yield the same outcome, Pitkin tries to reconcile these two views with one definition:

> The representative must act in such a way that, although he is independent, and his constituents are capable of action and judgment, no conflict arises between them. He must act in their interest, and this means that he must not normally come into conflict with their wishes.

Id. at 166.

99. *Id.*

100. Weaver, *The Politics of Blame Avoidance*, 6 J. PUB. POL'Y 371 (1986).

101. The votes for the resolution rejecting the Base Closure and Realignment Act of 1988 routinely came from Members whose districts contained a base on the closure list. However, two representatives from New Hampshire voted against the resolution even though the state's only military base, Pease Air Force Base, was on the list. As Representative Douglas commented, "If we are realistically going to attack our huge budget debt the tough choices must be made. Through the action New Hampshire is making its contribution to cutting the deficit, I hope the rest of the nation will follow." 135 CONG. REC. 1315 (1989) (statement of Rep. Douglas).

While blame avoidance is not a new phenomenon in policymaking, changes in coverage by the media, the way political campaigns are run, and the way Congress operates provide greater incentives to engage in blame avoiding behavior.[102] Today, media coverage of legislators' activities in Washington makes legislators more accessible to constituents in their district. Constituents can now watch televised legislative debate on C-Span, and more local newspapers have correspondents in the nation's capitol than ever before. In addition, the medium of television advertising increases the possible consequences of blame because an advertisement can present a quick single negative image, such as a picture of a closed military base, that could kill a reelection campaign.[103]

The decline of party politics has contributed to blame avoiding behavior as well. Because political parties no longer play as great a role in electoral behavior,[104] incumbent legislators respond by decreasing the amount of partisan or ideological content in their election platform and, instead, try to induce their constituents to evaluate each legislator individually—"what has she done for this district lately?" Therefore, an issue with significant local effects like a base closing might play a large role in a reelection campaign.

Additionally, interest groups are getting better and more sophisticated at generating blame for policy outcomes.[105] Base closings are not necessarily an issue where national interest groups have enough at stake to stall the process. However, these interest groups make the public more sensitive to isolating positions on single issues such as abortion, medicare cuts, or a base closing and make constituents more demanding than ever about local pork barrel issues.

In addition to blame avoidance, other characteristics of Congress

102. Weaver, *supra* note 100, at 382.

103. *Id.*

104. For a historical discussion of power diffusion in Congress and the decline of political parties, see Fitts, *The Vices of Virtue: A Political Party Perspective on Civic Virtue Reforms of the Legislative Process*, 136 U. PA. L. REV. 1567, 1629 (1988). In the process of developing platforms at centralized party conventions and by other devices, such as party identification and closed primaries, political parties provided a means of debating difficult issues while keeping them out of public debate and public consciousness. The increased use of commissions may be an attempt to recreate the closed-door, informal bargaining mechanism that existed with strong parties.

105. *See* Fitts, *Can Ignorance Be Bliss? Imperfect Information as a Positive Influence in Political Institutions*, 88 MICH. L. REV. 917, 947 (1990) (discussing the importance of special interests and "the increasing independence of representatives within Congress").

help explain why a commission and even an automatic approval process may be necessary for some issues. For example, Congressional power increasingly is dispersed to subcommittees and individual members; at the same time, the deficit has taken over Congress, absorbing vast amounts of time and energy at the expense of other issues.[106] The budget process as a whole is too long and complicated, demanding too many decisions from legislators.[107] Tough decisions—like the make-up of a comprehensive list of military base closings—cannot get the time or attention to be evaluated on the merits or to be worked out by the necessary political compromises. Congress has become what Paul Light refers to as a "[r]eactive legislature, moving only when forced and then only at the last moment."[108] Indeed, only when base closings were linked to the crisis in defense spending and the deficit was the Base Closure and Realignment Act passed.

B. *When Is Government by Commission Appropriate?*

Government by commission provides an effective way to circumvent pork barrel politics and resolve many politically difficult issues that otherwise would result in stalemate. Still, a commission may not be appropriate for every kind of tough political decision. As Paul Light commented, "[commissions] have no magic to solve tough issues that the principals do not want solved. Merely appointing a group of experts, giving them a year of intensive study, setting a deadline for a report, and providing some basic encouragement [can] not guarantee a solution."[109]

William Schneider has articulated three conditions for effective government by commission: a sense of urgency, a fear of action, and a solution from the commission that can be defended as fair.[110] In terms of urgency, the issue should be like the social security or federal deficit crisis where the need to reach a solution is more important than preserving the normal political decisionmaking process. In addition, there must be a Congressional fear of action. If a reactive, blame-avoiding Congress knows that there is no political mileage left in the issue and that any solution will be necessarily risky, they will readily turn it over to a commission; however, in order for the solution to be approved, the commission's report must be "fair" and in the national interest. If special interests gain control over the commission, then the

106. *See* Shepsle, *The Changing Textbook Congress* in CAN THE GOVERNMENT GOVERN? 238, 260 (1989).

107. P. LIGHT, *supra* note 50, at 14.

108. *Id.*

109. *Id.* at 176.

110. Schneider, *supra* note 66, at 106.

solution will not be accepted as a compromise by other special interests or by neutral parties.

In addition to Schneider's three factors, successful government by commission requires political consensus on the general solution and some political clout or incentives to insure that individual components do not doom the larger plan. Indeed, the reason the Greenspan Commission succeeded and the National Economic Commission failed was political consensus and the lack of that consensus, respectively. Similarly, the Greenspan and Base Closure Commissions fulfilled their missions because they had a political mandate and wide political support, while the Quadrennial Pay Raise recommendations failed because there was neither perceived public support nor enough political clout behind them to push them through Congress.

Some issues transcend parochial interests and may not be appropriate for resolution by commissions. As the National Economic Commission learned, some issues may be too large and involve too many interests for a single commission to resolve. On the other hand, some issues such as national defense depend in part on world events that even an expert commission may not be able to anticipate. For example, during the fall and winter of 1989, after the Commission on Base Closure's recommendations were approved, the Warsaw Pact nations realigned. Consequently, a "peace dividend" from decreases in defense spending, along with more base closings, seemed imminent. When Iraq invaded Kuwait in early August, 1990, however, U.S. military priorities changed, as did the need for military bases. As a result, the recommendations of the Commission on Base Closures have become dated.

This illustrates one important limitation on the use of commissions: the recommendations of a commission concerning a policy problem defined in significant part by extra-national events are likely to be of limited utility because of the commission's inability to adjust those recommendations when new information becomes available. Institutionally, only a decision-making body that can obtain, assimilate, and apply information about the changing international climate will be able to reach decisions that are sustainable as a matter of policy. As an entity that exists for a finite period of time, a commission is incapable of doing this.

V. ASSESSING THE RISKS, BENEFITS AND POSSIBLE USES OF GOVERNMENT BY COMMISSION

A. *What Are the Risks of Government by Commission?*

Although commissions may provide compromise solutions to dif-

ficult public policy dilemmas, they also present several challenges to the democratic process. Using a special commission reduces Congressional discretion and, thereby, democratic accountability.[111] The Commission on Base Closure had the discretion to put together a slate of bases to be closed, and Congress had to consider them as a whole. Indeed, the only "approval" given by Congress was the legislation establishing the Commission and the rejection by either house of a resolution to block implementation of the recommendations.

In its review of the Base Closure and Realignment Act, the House Rules Committee recommended that the process be amended to require a joint resolution of approval of the base closure recommendations: "[P]roceeding with a joint resolution of disapproval stifles. . .discussion and consultation and could result in the loss of Congressional input and control."[112] Among committee members there were fears that this kind of abdication by Congress might lead to perceptions that "[m]embers cannot be relied upon to discharge their Constitutionally defined duties" or "to vote affirmatively for proposals that are in the nation's interest."[113] Indeed, resorting to decisions by commission makes it appear that Congress has given up and failed to complete its mission. However, it is questionable whether the logrolling and deals that are characteristic of decisions involving "pork" and many other politically charged issues are perceived to have any more integrity than the use of a commission.

Government by commission may undermine the traditional role of Congress in exercising its oversight responsibilities by reviewing, and if need be, altering executive proposals. Because the representatives of the people are not able to debate and decide the details of base closings, the process may be less democratic, more removed from the people, and dangerous to the future of representative government. Since government by commission places a premium on consensus, it carries with it an assumption that disagreements, negotiations, and even stalemates should be avoided in all situations. While these political obstacles can get in the way of enacting legislation on clear mandates, Congressional deliberation and stalemates have a role in the democratic process and are not necessarily to be avoided at all costs.

On the other hand, the commission's veil may be more apparent

111. R. K. WEAVER, AUTOMATIC GOVERNMENT 7 (1988).

112. H.R. REP. NO. 735 (IV), 100th Cong., 2d Sess. 5, *reprinted in* 1988 U.S. CODE & ADMIN. NEWS 3393.

113. *Id. See also* 135 CONG. REC. 1305 (1989) (statement of Rep. Rostenkowski) ("When we come up with these mechanical procedures to avoid making tough decisions, it makes our constituents back home wonder why we came to Washington. They elected us to make decisions in their behalf, not to come up with clever devices that allow us to duck tough decisions.").

than real since Congress can always reject the final recommendations as a package.[114] For instance, the base closing mechanism allowed Congress to deliberate for 45 legislative days before the recommendations were automatically approved. Although no joint resolution passed, the issue was debated on the floor, and Congress could have acted to stop it just as they rejected the recommendations of the Quadrennial Pay Raise Commission. Similarly, the American people could have lobbied their representatives to reject the base closings, just as they did with the pay raise.[115] In part because the pain was more isolated and thus the political response more diffuse, there arguably was a general mandate from the American people to cut the defense budget through the closing or realignment of inefficient military bases.[116] Thus, the Commission on Base Closure actually may have provided a way for the democratic process to work better by assuring that the will of the majority would not be defeated by self-interested factions.[117]

The history of base closings since 1977 showed that the existing system was not providing a way to consider base closings on the merits or to act on the public mandate to cut inefficiencies. Instead, traditional legislative politics had only created stalemate that stalled the democratic process; the political stalemate reached a point where an outside commission was necessary to reach the desired outcome of closing bases.

In addition to a lack of democratic accountability, there is danger that information will not be presented to and debated by a commission in the same way it would be in Congress. Instead of being a microcosm of Congressional procedures, commissions feature tough negotiating in secret without public records, formal procedures, or input from all interested groups. In defense of government "without sunshine," for tough issues "compromise is not a neat rational process, and it cannot be sterilized to the point where hard choices are no longer made."[118] However, closed door negotiating does keep both the represented and the unrepresented from expressing their views to Congress and exacerbates the traditional difficulties of minority representation. For instance, the Greenspan Commission had ties to some

114. *See* Fitts, *supra* note 105, at 964, n. 163.

115. In this way, the Quadrennial Pay Commission illustrates how government by commission might still allow a political check when the public disagrees with a commission's recommendations.

116. *See supra* notes 66-67 and accompanying text.

117. However, the situation could also be characterized as tyranny of the majority, that is, benefiting the majority at the expense of unprotected minorities (the appropriate characterization depends upon whether a base is being closed in one's own district or not).

118. P. LIGHT, *supra* note 50, at 237.

interest groups, but there was no one to speak for minorities and women or any way to address adequately the high incidence of poverty among the elderly, as might be possible with detailed legislative hearings.[119]

Furthermore, taking the decision and the debate behind closed doors may prevent the public from increasing its knowledge about the issue. As Light noted about the Greenspan Commission, "neither the commission nor the gang did much to increase public knowledge on social security."[120] Because "[a]n educated public is essential for democratic process,"[121] government by commission may curtail civic participation and hurt democracy in the long run by keeping tough issues away from the public voice and the public mind.[122]

For "hot" political items, commissions may set up political incentives that are just as misguided as those political interests the commission was supposed to circumvent. For example, the Commission on Base Closure's report may have foreclosed debate on the merits of the recommendations and future base closings. Because the Commission on Base Closure's report singled out a small number of legislative districts to bear the costs, a few representatives had an incentive to kick, scream, and protest while all others had an incentive not to change the recommendations because a revision could affect their district. In this way, the commission created clear incentives for a majority of Congress to go along with the Commission on Base Closure's report even if there were rational, proven arguments that it was flawed.

A related limitation of commissions is that they move slowly and deliberately. For example, although the Greenspan Commission was created in response to a crisis in Social Security, it still had time to gather information, deliberate, and negotiate a compromise. Other issues may require quicker resolution. Still, where the legislative process has stalled, commissions will move faster than the traditional legislative decision-making process.

B. *What Are the Benefits of Government by Commission?*

Most importantly, when they work, commissions yield compromise decisions to politically difficult public policy problems. Although it may be debated whether the results are good, fair, or democratic,

119. *Id.* at 237-38.

120. *Id.* at 238.

121. *Id.*

122. *See* Fitts, *supra* note 105, at 936 (civic virtue theory "relies on a social dialogue encompassing a wide variety of individuals from different perspectives and walks of life"). *See generally* Sunstein, *Beyond the Republican Revival*, 97 YALE L.J. 1539 (1988) (summarizing the civic republican approach to political institutions).

commissions provide substantive expertise and administrative convenience in getting past political stalemates. Further, use of a commission may bind Congress and the general public morally and politically to the resulting solution.[123] In this way, commissions operate to make government more responsive to public mandates and more committed to action.

The use of special legislative commissions also shares many of the benefits common to other methods of "automatic government."[124] Special commissions may be a way to deflect political pressures that stand in the way of national interests. In the wake of the decline of identification with political parties and their national platforms, the increasing use of commissions may represent an attempt to recreate outside the public eye the informal bargaining mechanism that existed with the parties.[125] Like party identification, commissions may erect a veil over the process of decisionmaking and help insulate representatives from constituent and special interest group pressures.[126] Further, the commission's role may give its recommendations a public interest veneer once they are presented to Congress.[127]

In the case of base closings, the Commission enabled Congress to get past the pressure in the local districts affected by the plan in order to streamline the defense budget, a move that nearly all observers said was needed. Similarly, the use of the Quadrennial Pay Commission for Congressional pay raises potentially provided a way to serve the national interest of paying higher wages that would attract good peo-

123. Fitts, *supra* note 105, at 963.

124. For a discussion of the pros and cons of indexation and automatic government, see R. K. WEAVER, *supra* note 111, at 7. "Automatic government" refers to mechanisms, like commissions, to which Congress surrenders control over public policy outcomes. Another form of automatic government is the automatic sequestration procedure of Gramm-Rudman-Hollings (GRH), whereby revenue and spending cuts are imposed automatically if Congress fails to establish a budget that meets a targeted schedule. For analysis of GRH, *see* Stith, *Rewriting the Fiscal Constitution: The Case of Gramm-Rudman-Hollings*, 76 CALIF. L. REV. 593 (1988); Ellwood, *The Politics of the Enactment and Implementation of Gramm-Rudman-Hollings: Why Congress Cannot Address the Deficit Dilemma*, 25 HARV. J. ON LEGIS. 553 (1988). Like legislative commissions, GRH was supported by many legislators because "they were unable to claim any credit on deficit reduction measures with their constituents . . . [and] eventually had to turn to a mechanism that minimized their blame." Ellwood, *supra*, at 561-62.

Indexation, the automatic adjustment of policy outcomes for inflation, is another vehicle by which Congress "surrender[s]. . . control over public policy decisions." R. K. WEAVER, *supra* note 111, at 1. Indexation is used to set benefit levels and eligibility standards in federal entitlement programs, as well as income tax brackets, commodity support prices, and inter-governmental grants to states for social services. Usually tied to the consumer price index, indexation allows programs to grow with inflation and thereby avoids the risk of constituent-beneficiaries receiving decreased benefits. *Id.* at 140-42.

125. *See* Fitts, *supra* note 105, at 952-53. *See also supra* note 104 and accompanying text.

126. Fitts, *supra* note 105, at 963.

127. *Id.*

ple into government without forcing legislators to engage in the unpopular act of voting themselves a pay raise.

Commissions also serve the political function of keeping "hot" political issues consistently on the political agenda in both election and non-election years.[128] This role is especially important in cases where government benefits might easily be raised in an election year and cut the next. A commission or index would make the increases consistent and not subject to bids for reelection.

The use of commissions also can provide specialized information to provide a realistic and informed baseline for Congressional decisionmaking. In the case of base closings, the commission made up of former members of Congress, Pentagon officials and business executives had the experience and expertise necessary to make an informed decision. It is unlikely that this knowledge base could have been assembled by congressional staff or in congressional hearings given the demands on their time and funding. In this way, the use of a commission may lead to a "better," or at least more "expert" decision about a technically complex area.

Similarly, the limited information before the commissions may improve the rationality of decisionmaking itself. By excluding certain information and focusing on a certain goal, commissioners may avoid "information overload" and engage in more directed analysis.[129]

C. *Future Applications of Government by Commission*

1. Future of Base Closings

In the wake of changes in the Warsaw Pact and turmoil in the Middle East, there may be large scale rethinking of our defense policies and, therefore, military base closures may be considered anew. In fact, on January 29, 1990, prior to the Iraqi invasion of Kuwait, Secretary of Defense Richard Cheney proposed a list of 35 prospective base closures.[130] In response, Representative Aspin (D-Wis.) introduced legislation to create another commission ("The Aspin Commission")

128. *See supra* note 124.

129. *See* Fitts, *supra* note 105, at 921, 939-41.

130. Of the 35 bases listed for closure by Secretary Cheney, 29 were in Democratic districts and 6 were in Republican districts. *See Cheney's Endangered Bases List*, 48 CONG. Q. WEEKLY REP. 341 (1990). While this article was in the process of publication, Secretary Cheney announced his *final* list of 31 major base cuts (Apr. 12, 1991). Although a commission is once again being used, the process is now slightly different. Secretary Cheney's proposed list will be considered by the Defense Base Closure and Realignment Commission. By July 1, its recommendations must go to the President, who has 15 days to either approve, reject, or return the plan to the Commission for revisions. Once Congress receives a plan approved by President Bush, it has 45 legislative days to reject it. Once again, the recommendations will take effect automatically if Congress does not reject them in that time frame. The recommendations must be considered as a whole; there is no provision for Congressional modification. *See Plan to Close Bases is Met With Protests From Affected States*, N.Y. Times, Apr. 13, 1991, at 1, col. 6.

to select the next wave of closures and realignments.[131] The Aspin Commission would consider both domestic and overseas bases on an equal footing to determine if closures or realignments make sense in light of the five year defense plan that begins with fiscal year 1991.[132] In its final report, the Commission on Base Closure concluded that in the future a commission would not be necessary and that the Secretary of Defense could choose the bases to be closed.[133] However, using a bipartisan commission would validate the recommendations of the Defense Secretary as reasonable and non-political.[134]

2. Are Commissions Appropriate for Other Issues?

These lessons from the recent use of automatic government apply to other areas where government by commission might be used to get past political stalemates and provide expert analysis. Complicated environmental decisions such as siting for nuclear or toxic waste disposal, further development of the Clean Air Act, the designation of wilderness areas, and the determination of off-shore drilling rights may be appropriate issues for a commission. These technically complex and comprehensive environmental issues involve conflicting parochial interests—regional versus national priorities, industrial development versus environmentalism.[135] Increasingly, these environmental issues are on the minds of voters, and legislators must be alert to the concerns of their constituents. The "right side" may be difficult to ascertain, however, since these concerns vary widely from community to community and shift easily.[136]

Toxic waste siting may be an environmental issue suited to a special commission or its functional equivalent. Like base closings, the location of toxic waste dumps is a large blame-generating issue. The locations of toxic waste dumps involve similar geographic factors, and legislators may be under pressure to prevent siting of a dump in their district. This constituent applied pressure is referred to as NIMBY—"Not In My Back Yard." Constituents pressure their legislators to as-

131. H.R. 3908, 101st Cong., 2d Sess., 136 CONG. REC. H146 (daily ed., Jan. 30, 1990).

132. *Id.* at § 1.

133. *Base Realignment and Closure Hearings*, *supra* note 28 (statement of Dr. H. Bryan on behalf of the Secretary of Defense's Commission on Base Closure).

134. *The Smart Way to Close Bases*, N.Y. Times, Feb. 10, 1990, at 24, col. 1.

135. *See generally Their Spheres of Influence Go From Heavens to Earth*, 48 CONG. Q. WEEKLY REP. 149 (1990) (discussing parochial interests and institutional roles with environmental issues).

136. *See Voters' Concerns Are Turning The Political Agenda Green*, 48 CONG. Q. WEEKLY REP. 186 (1990).

sure that public facilities such as mental hospitals, prisons, or waste sites are not sited near their homes.

On the other hand, waste facilities may be favored as a source of jobs in areas where the local economy is sluggish. For example, the state of New Mexico is bitterly divided over government plans to locate a nuclear Waste Isolation Pilot Plant (WIPP) in underground salt beds near Carlsbad. While voters in the Albuquerque suburbs near the transportation corridor of WIPP are opposed to the facility, voters in the southern part of the state enthusiastically support the plant as a remedy for their ailing economy.[137] Therefore, although some states may have a single interest, different regions of a state may have disparate interests depending upon whether local communities stand to profit or lose from the nuclear waste facility.[138]

Additionally, a commission may be appropriate because toxic waste dumps evoke in the public a sense of urgency. Indeed, everyone agrees that the waste must go somewhere, yet almost universally no one wants a dump in his backyard. For example, Idaho's Democratic Governor Cecil Andrus recently closed the state's borders to temporary shipments of nuclear waste because of fears that the state would become a permanent storage site.[139]

In order for a commission to work in this case it must present a solution that is fair. Fair in this case might mean that the waste dumps are distributed "fairly" among different states and that special interests are not able to control the siting decisions. Multi-state commissions or interstate compacts might be an alternative way to deal with the politics of this issue and, therefore, come up with a compromise.

Designation of wilderness areas and clearance for off-shore drilling rights both involve regional conflicts and tensions between environmentalism and economic development. The classification of the area determines whether it will be open for economic development or whether the natural environment of the area will be preserved. In 1988, Congress considered a proposal to designate more than 1.4 million acres in Montana off-limits to logging and other development by declaring them federal wilderness.[140] In the debate, Montana's two

137. *See id.*

138. In New Mexico, Representative Joe Skeen (R.-N.M.), who favors WIPP, is from the southern half of the state, which will gain jobs, while Representative Bill Richardson (D.-N.M), who opposes the project, is from the northern part, which will face risks of spills as waste is transported across the region from Colorado. *Id.*

139. *Id.* at 187.

140. H.R. 2090 (passed Oct. 13, 1987) and S. 2751 (passed Oct. 18, 1988), discussed in *Congress Clears Bills Protecting Drinking Water, Marine Life*, 46 CONG. Q. WEEKLY REP. 3061 (1988). The bill

Democratic senators and one Democratic representative supported the measure while the Republican representative bitterly opposed it. Subsequently, these members met with other members of Congress, including committee leaders, conservation groups, and timber companies to try to resolve the issue.[141]

This scenario is replayed each time a wilderness designation is proposed, and stalemates often result.[142] A commission might break the logjam, develop and apply less politicized criteria to potential wilderness areas, and consider alternatives to blunt the economic impact to timber communities of wilderness designations. Currently, industrial leaders and environmentalists each have enough political power to block the other's agenda. A commission might develop a policy that is acceptable to both environmental groups and the timber industry.

Drilling rights in the Alaskan tundra and the nation's coastlines present similar conflicts between environmental concerns and economic development. Some oil state members of Congress contend the drilling bans are "an open invitation to a third energy embargo which could cripple the American economy for years to come."[143] Pointing to the *Exxon Valdez* spill as an example of the potential dangers, environmental advocates and members of Congress from populated shores have strong objections to the intrusion on fragile ecosystems. The debate is currently focused on Alaska's Arctic National Wildlife Refuge (ANWR). ANWR is an ecologically sensitive coastal plain under which may lie enough crude oil to produce 600,000 barrels a day over 15 years. Because every attempt to resolve the central questions of whether, where, and how to search for oil has ended in stalemate, Congress keeps the issue open by avoiding votes, referring the issue to a study commission, or using an appropriations bill to impose temporary moratoria on off-shore explorations.[144] Therefore, no action is

was eventually pocket-vetoed by President Reagan because he feared that putting the land in Montana off-limits to logging, road building, and other development "could cost jobs and eliminate vast mineral development opportunities." *Reagan Vetoes Wilderness, Indian-Loan Bills*, 46 CONG. Q. WEEKLY REP. 3216 (1988).

141. *See id.*

142. *See In Battle Over Forest Land, Ecologists Gaining Ground*, 48 CONG. Q. WEEKLY REP. 171 (1990). For descriptions of the debate over other wilderness areas, see *Panels Struggle to Balance Timber, Owl Interests*, 48 CONG. Q. WEEKLY REP. 2906 (1990) (Pacific Northwest); *Arizona Wilderness Passed by House*, 48 CONG. Q. WEEKLY REP. 656 (1990) (Arizona); *House Chooses Tough Curbs on Logging in Tongass*, 47 CONG. Q. WEEKLY REP. 1762 (1989) (Alaska).

143. Representative Jack Fields (R.-Tex.), in *Bush's Offshore Oil Decision Doesn't Satisfy Congress*, 48 CONG. Q. WEEKLY REP. 2041 (1990).

144. *See Drilling Fight Continues*, 48 CONG. Q. WEEKLY REP. 161 (1990). For example, in response to the Reagan Administration's efforts to open up a billion offshore acres to oil companies, Congress passed progressively larger individual moratoria on drilling as a fixture of the Interior Depart-

taken or long-term decision made.

Although there seems to be no easy resolution to these drilling issues, the Bush Administration proposed in its new national energy strategy to open 1.5 million acres of ANWR for oil exploration.[145] Before this plan was introduced, it was predicted that President Bush would include ANWR and appease environmentalists by not placing a high priority on off-shore drilling.[146] Further, by placing ANWR as part of larger package energy strategy the Bush Administration may be trying to get political cover to get past the usual stalemate in Congress over drilling issues.[147]

A commission could focus on balancing larger issues such as long-range strategies for energy development and conservation with concerns about public safety and environmental protection. In this way, Congress and the Administration could reach a compromise decision based less on special interests and the protests of geographic constituencies and more on long-term energy policy and environmental safety.

On the other hand, commissions may not be appropriate for many issues such as the distribution of water projects or highway projects.[148] Although these allocative decisions have a sense of urgency for the Western states, they do not have the same sense of fear of action and blame avoidance that usually are required before Congress will delegate the decision. Even though legislators may be criticized when water projects are denied, the issue is generally one of credit-claiming rather than blame avoidance. Therefore, the politicians will be unlikely to yield the decisionmaking power to a neutral group of people—why give them credit?—while there is still some political mileage in the issue and the risks of harm are not great.

In addition to this distinction, the urgency of water projects or

ment's annual spending bill. *See Bush's Offshore Oil Decision Doesn't Satisfy Congress*, *supra* note 141, at 2041. *See also* Jones, *Outer Continental Oil and Gas Development During the Reagan Administration (Part I)*, 12 W. NEW ENG. L. REV. 1 (1990).

145. *Bush Energy Plan Emphasizes Gains in Output over Efficiency*, N.Y. Times, Feb. 9, 1991, at 41, col. 1.

146. *ANWR May Be Latest Hostage of Middle East Oil Crisis*, 48 CONG. Q. WEEKLY REP. 2[illegible] (1990). For a discussion of issues involving drilling in Alaska, see Bolze, *Outer Continental Shelf Oil and Gas Development in the Alaskan Arctic*, 30 NAT. RESOURCES J. 17-64 (1990); Jones, *Major Issues in Developing Alaska's Outer Continental Shelf Oil and Gas Resources*, 1 ALASKA L. REV. 209 (1984).

147. *Id.* at 2828.

148. Both of these are geographic issues where legislators are trying to acquire needed projects for their districts. In addition, the parochial motives dominating decisions involving these projects often result in waste and inefficiency similar to the excess military installations that were not cut in the last ten years. For example, when the Carter Administration attempted a nationwide plan to reduce waste in water projects, Congressional parochialism subjected the cuts to such scrutiny that the effect was minuscule.

highway projects may not be uniform nationwide. People in the East do not have the same concerns over water projects as people in the West, and they will be less likely to perceive this as an emergency requiring a special commission. Commissions are not likely to work for "positive"[149] pork barrel issues like highway or water projects unless the denial of these projects or the lack of funds makes the issue more of an emergency. Indeed, if Congress delegates such credit-claiming appropriations to a commission, then there may be greater concern about whether Congress is failing its mission.[150]

CONCLUSION: THE FUTURE OF BASE CLOSURES AND GOVERNMENT BY COMMISSION

The success of the Commission's base-closing proposals in 1989 may be a first step toward more tough cost-cutting measures to streamline the Department of Defense and reduce the federal budget deficit. Members of Congress have already proposed a second commission—this time as an alternative to Secretary Cheney's efforts to create a leaner, more efficient structure for the armed forces.[151] Therefore, the proposed cut backs approved in 1989 may be just the start in the longer process of reevaluating the purposes of and money spent on domestic military bases. It may also be a first step toward increased use of legislative commissions to solve difficult policy problems.

It is unclear how the success, or for some the failure, of the resolution of military base closings will affect the future of the process. There may or may not be long-term fallout for the legislators on whom the political pain was pushed when the closings were announced. Individual legislators may yet be held responsible for the closings and, thereby, damaged in their reelection bids. However, constituents seem to have overlooked the pain caused by the planned base

149. A "positive" pork barrel issue is one in which a district stands to gain some kind of benefit such as a water or defense project. In contrast, "negative" pork barrel issues arise when those projects are threatened with being cut.

150. An alternative adjustment for dealing with these credit-claiming pork barrel issues is a line-item veto power for the President. *See* R. FITZGERALD & G. LIPSON, *supra* note 3, at 110-13.

151. *Cheney wants "leaner" military, suggests closing more bases*, Rocky Mountain News, Mar. 31, 1989, at 2, col. 3. Regarding the military bases, Cheney commented:

> While I understand the problems that some of my colleagues (in Congress) face—individual situations in their districts—I just have to believe that there are opportunities for economies in reviewing a base structure that has been basically unchanged for 50 or 60 years. . . . I'm not ready to make an announcement today. . . . But I think if you're going to look at finding ways to maintain the nation's defenses with less money . . . then I have no choice as secretary but to look for ways to save money. And one of those ways is to close bases that aren't necessary, to consolidate operations and to try to create a leaner, more efficient infrastructure for our military forces.

closings in their communities during the elections of 1990; it appears that the Commission on Base Closure may have provided political cover so that individual legislators were not blamed. Indeed, many constituents may give their legislators credit for strongly opposing the closures and for helping with the transition and recovery of the base sites.

It is also unclear how the base closing issue has affected the political relationships between those Members of Congress affected by the closings and the rest of that body. Because one goal of the commission was to avoid the blame and bad feelings from these kinds of decisions, the hope was that members (most of whom voted to create the commission a year earlier) would be able to accept if not support the closings. It is even less clear though whether these Representatives will support government by commission in the future. Most likely that will depend on whether base closings have long-term negative political effects and whether the legislator anticipates that he or she will pay the price in the next "fair" solution.

It is unlikely that the time-honored Congressional tradition of pork barrelling will cease to interfere with rational decisionmaking. It is also unlikely that government by commission will provide a solution for every type of stalemate that Congress will face. Indeed, there will be many issues for which commissions will be inappropriate or will fail to yield consensus decisions. Furthermore, if Congress relies too often on commissions they may become more than an adjustment to the democratic process and, instead, a significant threat to that process.

The Commission on Base Closure is an example of how Congress can adjust the democratic process where pork barrel politics has stalled an urgent but politically risky public policy decision. Whether it will inspire Congress to be more creative with commissions or make "Congress think twice before establishing another body of this type"[152] will depend on the long-term impact of the current forms of automatic government and the number and nature of the political stalemates to come.

152. *Government Commissions Find Defenders Amid Pay Raise Fallout*, Christian Science Monitor, Feb. 17, 1989, at 2, col. 3.

COMMENTS

LUST ON YOUR CORNER: STRICT LIABILITY, VICTIM COMPENSATION, AND LEAKING UNDERGROUND STORAGE TANKS

A seemingly innocent feature of the modern American landscape, corner gasoline stations are everywhere. But buried beneath every station there is an environmental disaster waiting to happen: the underground storage tank ("UST"). When these tanks leak, as they are doing more and more often, the gasoline that is released into the environment "poses a problem of national significance. Contamination of ground water by gasoline and other chemical substances has the potential to deplete one of our most precious natural resources."[1] The Office of Technology Assessment has identified groundwater contamination by carcinogenic and toxic compounds as one of the most significant environmental threats facing the United States.[2]

The scope of the problem created by leaking underground storage tanks is hard to imagine. It has been called "a national . . . epidemic that presents an imminent hazard to the health of millions of American[s]."[3] The Environmental Protection Agency has estimated that there are 1.4 million underground storage tanks in current use in the United States.[4] These tanks are operated at 500,000 separate facilities. Among the tanks used to store petroleum there is a fairly even split between the retail motor fuels industry and other industries storing petroleum for their own use.[5] The EPA estimates that about 4 percent of the tank systems in this country contain hazardous substances other than petroleum.[6]

1. Ritter, *Foreword* to M. ITALIANO, LIABILITY FOR UNDERGROUND STORAGE TANKS at xix (1987) [hereinafter M. ITALIANO].

2. OFFICE OF TECHNOLOGY ASSESSMENT, PROTECTING THE NATION'S GROUNDWATER FROM CONTAMINATION (1984) [hereinafter OFFICE OF TECHNOLOGY ASSESSMENT].

3. *Superfund: Hearings on Leaking Underground Gasoline Storage Tanks Before the Subcomm. on Commerce, Transportation, and Tourism of the House Comm. on Energy and Commerce*, 99th Cong., 1st Sess. 1007 (1985) [hereinafter *Superfund Hearings*] (statement of Hon. Thomas J. Downey).

4. 52 Fed. Reg. 12,662, 12,664 (1987). This figure excludes non-commercial farm and residential tanks with a capacity of less than 1100 gallons. *Id.* at 12,686.

5. *Id.* at 12,664.

6. *Id.*

Document Separator

LEGIS HISTORY

WORKING PAPERS

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P.L. 102-190

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HR 2100

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DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1992/1993

DATE-INTRO: April 25, 1991
LAST-ACTION-DATE: December 18, 1991
FINAL STATUS: Became public law (P. L. 102-190)
SPONSOR: Representative Les Aspin D-WI
TOTAL-COSPONSORS: 1 Cosponsors: 0 Democrats / 1 Republicans

SYNOPSIS: A bill to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal years 1992 and 1993, and for other purposes.

ACTIONS: Committee Referrals:
04/25/91 House Armed Services Committee
06/04/91 Senate Armed Services Committee

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Committee Activity

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1st Session Activity:

05/01/91 137 Cong Rec D 513 House Subcommittee on Investigations approved for full Committee action amended

05/02/91 137 Cong Rec D 521 House Subcommittee on Readiness met in executive session and approved for full Committee action

05/02/91 137 Cong Rec D 521 House Subcommittee on Seapower and Strategic and Critical Materials met in executive session approved for full Committee action

05/07/91 137 Cong Rec D 540 House Subcommittee on Research and Development approved for full Committee action amended

05/07/91 137 Cong Rec D 540 House Subcommittee on Procurement and Military Nuclear Systems approved for full Committee action amended

05/07/91 137 Cong Rec D 540 House Subcommittee on Personnel and Compensation approved for full Committee action amended

05/07/91 137 Cong Rec D 540 House Subcommittee on Military Installations and Facilities approved for full Committee action amended

05/09/91 137 Cong Rec D 556 House Armed Services Committee rejected the Hunter Amendment, which sought to provide that the Department of Defense undertake to develop, prototype, test and provide deployment capacity for a Mobile Anti Tactical Ballistic Missile (ATBM) system, by a recorded vote of 20 yeas and 34 nays (Committee Vote No. 92)

05/09/91 137 Cong Rec D 556 House Armed Services Committee ordered favorably reported, amended, by a recorded vote of 45 yeas and 6 nays (Committee Vote No. 93)

05/13/91 137 Cong Rec H 2962 Reported in the House, amended (H. Rept. 102-60)

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Amendment Activity

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05/20/91 137 Cong Rec H 3182 House completed all general debate and began consideration of amendments, but came to no resolution thereon, consideration of the amendments will resume on Tuesday, May 21

05/21/91 137 Cong Rec H 3288 House continued consideration, but came to no resolution thereon, scheduled to resume consideration of amendments on Wednesday, May 22

05/22/91 137 Cong Rec E 1874 Remarks by Rep. Doolittle

05/22/91 137 Cong Rec H 3380 Passed in the House by a recorded vote of 268 yeas and 161 nays (Roll No. 110)

05/23/91 137 Cong Rec E 1896 Remarks by Rep. Chandler
05/23/91 137 Cong Rec E 1896 Remarks by Rep. Weber
05/23/91 137 Cong Rec E 1904 Remarks by Rep. Torres

05/24/91 137 Cong Rec E 1919 Remarks by Rep. Gallo
05/29/91 137 Cong Rec E 1949 Remarks by Rep. Machtley
05/30/91 137 Cong Rec E 1985 Remarks by Rep. Schiff

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Conference Activity

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06/04/91 137 Cong Rec S 6993 House requested the concurrence of the Senate

06/04/91 137 Cong Rec S 6993 Referred to the Senate Armed Services Committee

06/06/91 137 Cong Rec E 2077 Remarks by Rep. Campbell of CA
06/07/91 137 Cong Rec E 2118 Remarks by Rep. Sharp

08/02/91 137 Cong Rec S 12115 Senate Armed Services Committee was discharged from futher consideration, and the bill was then passed in the Senate, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1507, Senate companion measure, as amended, by voice vote

08/02/91 137 Cong Rec S 12115 Senate insisted on its amendments, requested a conference with the House thereon

09/11/91 137 Cong Rec H 6391 Senate requested the concurrence of the House

09/11/91 137 Cong Rec H 6391 Senate insisted on its amendments and requested a conference with the House

09/16/91 137 Cong Rec H 6577 House disagreed to the Senate amendments and requested a conference

09/16/91 137 Cong Rec H 6577 House agreed to a conference

09/17/91 137 Cong Rec D 1111 Conferees met in closed session to resolve the differences between the Senate- and House-passed versions of the bill, but did not complete action thereon, and recessed subject to call

09/27/91 137 Cong Rec D 1169 Conferees met to resolve differences between the Senate- and House-passed versions of the bill, but did not complete action thereon, and recessed subject to call

10/04/91 137 Cong Rec D 1213 Conferees continued to resolve the differences between the Senate- and House- passed versions of the bill, but did not complete action thereon, and recessed subject to call

11/01/91 137 Cong Rec D 1360 Senate Armed Services Committee met in closed session to discuss certain conference issues relating to the bill

11/13/91 137 Cong Rec D 1418 Senate Armed Services Committee met to further discuss conference related issues with regard to the bill

11/13/91 137 Cong Rec H 9757 Conference report filed on the bill (H. Rept. 102-311)

11/18/91 137 Cong Rec H 10367 House agreed to the conference report on the bill, by a recorded vote of 329 yeas and 82 nays (Roll No. 400)

11/19/91 137 Cong Rec E 3910 Remarks by Rep. Davis
11/19/91 137 Cong Rec E 3921 Remarks by Rep. Spence

11/20/91 137 Cong Rec S 17284 Senate reached a unanimous-consent time-agreement providing for consideration of the bill

11/21/91 137 Cong Rec E 3929 Remarks by Rep. Davis

11/21/91 137 Cong Rec S 17390 Senate completed consideration of the conference report and scheduled a vote on same for 9:30 a.m. on Friday, November 22

11/22/91 137 Cong Rec E 3976 Remarks by Rep. Panetta
11/22/91 137 Cong Rec E 3990 Remarks by Rep. Rostenkowski
11/22/91 137 Cong Rec E 4015 Remarks by Rep. Lancaster
11/22/91 137 Cong Rec E 4020 Remarks by Rep. Cox (IL)

11/22/91 137 Cong Rec S 17540 Senate agreed to the conference report, by a recorded vote of 79 yeas and 15 nays (Vote No. 265) --

11/23/91 137 Cong Rec E 4030 Remarks by Rep. Byron

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S 1507

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NATIONAL DEFENSE AUTHORIZATION ACT FOR FYS 1992 AND 1993

DATE-INTRO: July 19, 1991
LAST-ACTION-DATE: September 12, 1991
FINAL STATUS: Became part of H.R. 2100
SPONSOR: Senator Sam Nunn D-GA
TOTAL-COSPONSORS: 0 Cosponsors

SYNOPSIS: An original bill to authorize appropriations for fiscal year 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes

ACTIONS: Committee Referrals:
NOT REFERRED TO COMMITTEE UPON INTRODUCTION

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Conference Activity

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1st Session Activity:

07/19/91 137 Cong Rec S 10494 Reported in the Senate (S. Rept. No. 102-113)

07/30/91 137 Cong Rec S 11379 Specter Amendment Nos. 918 and 919, submitted and ordered to lie on the table

07/30/91 137 Cong Rec S 11379 Specter Amendment No. 926, submitted and ordered to lie on the table

07/31/91 137 Cong Rec S 11397 Senate began consideration of the bill, taking action on amendment proposed thereto

07/31/91 137 Cong Rec S 11414 Senate reached a unanimous-consent time-agreement providing for the consideration of certain amendments to be proposed to the bill

07/31/91 137 Cong Rec S 11506 Senate adopted Warner (for Thurmond) Amendment No. 964, to provide for the disposition of certain improvements and land in connection with base closures, by voice vote

07/31/91 137 Cong Rec S 11514 Senate adopted Levin Amendment No. 977, of a technical nature, by voice vote

07/31/91 137 Cong Rec S 11514 Senate will continue consideration of the bill and amendments proposed thereto, on Thursday, August 1

07/31/91 137 Cong Rec S 11593 Gore Amendment No. 954, submitted

07/31/91 137 Cong Rec S 11594 Brown Amendment Nos. 955 and 956, submitted and ordered to lie on the table

07/31/91 137 Cong Rec S 11595 Bingaman (and others) Amendment No. 957, submitted

07/31/91 137 Cong Rec S 11596 Brown Amendment No. 958, submitted and ordered to lie on the table

07/31/91 137 Cong Rec S 11596 Coats Amendment No. 959, submitted

07/31/91 137 Cong Rec S 11597 Coats (and Glenn) Amendment No. 960, submitted

07/31/91 137 Cong Rec S 11597 Conrad (and others) Amendment No. 961, submitted

07/31/91 137 Cong Rec S 11597 Daschle (and Wofford) Amendment No. 962, submitted

07/31/91 137 Cong Rec S 11597 Dixon (and others) Amendment No. 963, submitted

07/31/91 137 Cong Rec S 11598 Thurmond (and others) Amendment No. 964, submitted DISPOSED

07/31/91 137 Cong Rec S 11598 Ford (and Stevens) Amendment No. 965, submitted

07/31/91 137 Cong Rec S 11598 Glenn Amendment No. 966, submitted

07/31/91 137 Cong Rec S 11598 McCain (and Glenn) Amendment No. 967, submitted

07/31/91 137 Cong Rec S 11599 Glenn (and McCain) Amendment No. 968, submitted

07/31/91 137 Cong Rec S 11599 Levin (and others) Amendment No. 969, submitted

07/31/91 137 Cong Rec S 11599 McCain Amendment No. 970, submitted

07/31/91 137 Cong Rec S 11600 Bingaman (and Coats) Amendment No. 971, submitted

07/31/91 137 Cong Rec S 11600 Nunn (and Warner) Amendment No. 972,

submitted

07/31/91 137 Cong Rec S 11600 Wirth (and McCain) Amendment No. 973, submitted

07/31/91 137 Cong Rec S 11600 Bingaman Amendment No. 974, submitted

07/31/91 137 Cong Rec S 11601 Nunn (and Warner) Amendment No. 975, submitted

07/31/91 137 Cong Rec S 11601 Dole (and others) Amendment No. 976, submitted

07/31/91 137 Cong Rec S 11601 Levin Amendment No. 977, submitted

08/01/91 137 Cong Rec S 11613 Senate continued consideration of the bill, taking action on further amendments proposed thereto

08/01/91 137 Cong Rec S 11768 Senate adopted Nunn/Dixon/Warner Amendment No. 1026, to revise the restrictions relating to interim staff of the Defense Base Closure and Realignment Commission, by voice vote

08/01/91 137 Cong Rec S 11786 Senate reached a unanimous-consent agreement providing for the consideration of certain amendments to be proposed to the bill on Friday, August 2

08/01/91 137 Cong Rec S 11786 Senate will resume consideration of the bill on Friday August 2

08/01/91 137 Cong Rec S 11855 Levin (and others) Amendment No. 979, submitted

08/01/91 137 Cong Rec S 11855 Harkin (and others) Amendment No. 980, submitted

08/01/91 137 Cong Rec S 11855 Harkin (and others) Amendment No. 981, submitted

08/01/91 137 Cong Rec S 11860 Bumpers Amendment No. 994, submitted

08/01/91 137 Cong Rec S 11906 Leahy (and others) Amendment No. 1017, submitted

08/01/91 137 Cong Rec S 11912 Specter Amendments Nos. 1019 and 1020, submitted and ordered to lie on the table

Job Training

08/01/91 137 Cong Rec S 11912 McCain (and others) Amendment No. 1021, submitted

08/01/91 137 Cong Rec S 11913 Glenn (and Levin) Amendment No. 1022, submitted

08/01/91 137 Cong Rec S 11913 Levin Amendment No. 1023, submitted

08/01/91 137 Cong Rec S 11913 Cohen (and Warner) Amendment No. 1024, submitted

08/01/91 137 Cong Rec S 11913 Mitchell (and Cohen) Amendment No. 1025, submitted

08/01/91 137 Cong Rec S 11914 Nunn (and others) Amendment No. 1026, submitted

08/01/91 137 Cong Rec S 11914 Lott Amendment No. 1027, submitted

08/01/91 137 Cong Rec S 11914 Thrumond (and others) Amendment No. 1028, submitted

08/01/91 137 Cong Rec S 11914 Levin (and others) Amendment No. 1029, submitted

08/01/91 137 Cong Rec S 11915 Garn Amendment No. 1030, submitted

08/01/91 137 Cong Rec S 11915 Gorton (and others) Amendment No. 1031, submitted

08/01/91 137 Cong Rec S 11915 Bumpers (and Bentsen) Amendment No. 1032, submitted

08/01/91 137 Cong Rec S 11915 Cranston Amendment No. 1033, submitted

08/01/91 137 Cong Rec S 11915 Breaux (and others) Amendment No. 1034, submitted

08/02/91 137 Cong Rec S 11933 Passed in the Senate, after taking action on further amendments proposed thereto, by voice vote

08/02/91 137 Cong Rec S 11958 Senate failed to close further debate on Wirth Amendment No. 1038, by a recorded vote of 58 yeas and 40 nays (Vote No. 177), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative -- by unanimous-consent agreement, and upon failure of the Senate to invoke cloture, the amendment was subsequently withdrawn

08/02/91 137 Cong Rec S 12067 Senate adopted Warner (for Specter) Amendment No. 1052, to require a report to Congress setting forth the availability of employment assistance services for civilian employees of the Dept. of Defense who may be affected by reductions in defense employment associated with the Base Closure Commission, by voice vote

08/02/91 137 Cong Rec S 12115 Senate passed H.R. 2100, House companion, after striking all after the enacting clause and inserting in lieu thereof the the text of S. 1507, as amended, by voice vote

08/02/91 137 Cong Rec S 12116 Dixon (for Glenn) Amendment No. 1077, modified in the Senate

08/02/91 137 Cong Rec S 12320 Exon (and others) Amendment No. 1037, submitted

08/02/91 137 Cong Rec S 12320 Wirth (and others) Amendment No. 1038, submitted

08/02/91 137 Cong Rec S 12320 Specter Amendment No. 1039, submitted and ordered to lie on the table

08/02/91 137 Cong Rec S 12320 Dole (and others) Amendment No. 1040, submitted

08/02/91 137 Cong Rec S 12320 Pell (and others) Amendment No. 1041, submitted

08/02/91 137 Cong Rec S 12321 Metzenbaum Amendment No. 1042, submitted

08/02/91 137 Cong Rec S 12321 McCain Amendment No. 1045, submitted

08/02/91 137 Cong Rec S 12321 Bingaman (and others) Amendment No. 1046, submitted

08/02/91 137 Cong Rec S 12321 Metzenbaum (and others) Amendment No. 1047, submitted

08/02/91 137 Cong Rec S 12321 Exon (and others) Amendment No. 1048, submitted

08/02/91 137 Cong Rec S 12322 Reid Amendment No. 1049, submitted

08/02/91 137 Cong Rec S 12322 Domenici (and Bingaman) Amendment No. 1050, submitted

08/02/91 137 Cong Rec S 12322 Byrd Amendment No. 1051, submitted

08/02/91 137 Cong Rec S 12322 Specter (and Lautenberg) Amendment No. 1052, submitted

08/02/91 137 Cong Rec S 12323 Specter Amendment No. 1053, submitted

08/02/91 137 Cong Rec S 12323 Seymour (and) Cranston Amendment No. 1054, submitted

08/02/91 137 Cong Rec S 12323 Graham (and others) Amendment No. 1055, submitted

08/02/91 137 Cong Rec S 12323 Levin Amendment No. 1056, submitted

08/02/91 137 Cong Rec S 12323 Conrad Amendment No. 1057, submitted

08/02/91 137 Cong Rec S 12324 Wirth (and others) Amendment No. 1058, submitted

08/02/91 137 Cong Rec S 12324 Simon (and others) Amendment No. 1059, submitted

08/02/91 137 Cong Rec S 12324 Kassebaum and Dole Amendment No. 1060, submitted

08/02/91 137 Cong Rec S 12324 Bumpers Amendment No. 1061, submitted

08/02/91 137 Cong Rec S 12324 Craig Amendment No. 1062, submitted

08/02/91 137 Cong Rec S 12325 Wirth (and Kennedy) Amendment No. 1063, submitted

08/02/91 137 Cong Rec S 12325 Levin Amendment No. 1064, submitted

08/02/91 137 Cong Rec S 12325 Kohl (and others) Amendment No. 1066, submitted

08/02/91 137 Cong Rec S 12325 Bumpers (and others) Amendment No. 1065, submitted

08/02/91 137 Cong Rec S 12326 Dole Amendment No. 1067, submitted

08/02/91 137 Cong Rec S 12326 Shelby and Heflin Amendment No. 1068, submitted

08/02/91 137 Cong Rec S 12326 McConnell Amendment No. 1069, submitted

08/02/91 137 Cong Rec S 12326 Dole (and Warner) Amendment No. 1070, submitted

08/02/91 137 Cong Rec S 12326 McCain Amendment No. 1071, submitted

08/02/91 137 Cong Rec S 12326 Garn Amendment No. 1072, submitted

08/02/91 137 Cong Rec S 12326 Gramm Amendment No. 1073, submitted

08/02/91 137 Cong Rec S 12327 Nunn and Lautenberg Amendment No. 1074, submitted

08/02/91 137 Cong Rec S 12327 Domenici and Bingaman Amendment No. 1075, submitted

08/02/91 137 Cong Rec S 12327 Domenici and Bingaman Amendment No. 1076, submitted

08/02/91 137 Cong Rec S 12328 Glenn Amendment No. 1077, submitted.

08/02/91 137 Cong Rec S 12328 Danforth Amendment No. 1078, submitted

09/11/91 137 Cong Rec H 6391 Senate requested the concurrence of the House

09/12/91 137 Cong Rec D 1082 House Subcommittee on Seapower and Strategic and Critical Materials met and considered section 1111 of the bill

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P.L. 101-510

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BILL TRACKING REPORT
101st Congress 2nd Session
U. S. House of Representatives

AUTHORIZATION FOR FY91

Done

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HR 4739

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DATE-INTRO: May 8, 1990
LAST-ACTION-DATE: November 5, 1990
FINAL STATUS: Became public law (P. L. 101-510)
SPONSOR: Representative Les Aspin D-WI
TOTAL-COSPONSORS: 1 Cosponsors: 0 Democrats / 1 Republicans

SYNOPSIS:
A bill to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes.

ACTIONS:
Committee Referrals: 05/08/90 House Armed Services Committee
Legislative Chronology:

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Committee Activity

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2nd Session Activity:

X 05/08/90 136 Cong Rec H 2109 Referred to the House Armed Services Committee

X 07/23/90 136 Cong Rec H 5269 House Subcommittee on Military Personnel and Compensation approved for full Committee action, amended

X 07/23/90 136 Cong Rec H 5269 House Subcommittee on Seapower and Strategic and Critical Materials approved for full Committee action, amended

X 07/26/90 136 Cong Rec H 5629 House Subcommittee on Investigations approved for full Committee action, amended

07/26/90 136 Cong Rec H 5629 House Subcommittee on Military Personnel and Compension met in executive session and approved for full Committee action amended

07/26/90 136 Cong Rec H 5629 House Subcommittee on Seapower and Strategic and Critical Materials met in executive session and approved for full Committee action amended

07/27/90 136 Cong Rec H 5697 House Subcommittee on Readiness met in executive session and approved for full Committee action

07/30/90 136 Cong Rec H 5793 House Subcommittee on Military Nuclear Systems met in executive session and approved for full Committee action, amended

07/31/90 136 Cong Rec H 5969 House Armed Services Committee ordered reported amended

07/31/90 136 Cong Rec H 5969 House Subcommittee on Research and Development met in executive session and approved for full Committee action amended

08/03/90 136 Cong Rec H 7167 Reported in the House, amended (H. Rept. 101-665)

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Amendment Activity

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09/11/90 136 Cong Rec H 7297 House completed all general debate and began consideration of amendments but came to no resolution thereon

09/11/90 136 Cong Rec H 7408 House agreed to the Bennett amendment, as amended by the Molinari substitute, that prohibits the use of DOD funds to close the strategic homeport at Staten Island, NY, until 30 days after DOD sends Congress an overall plan to close and realign Navy installations within the United States, by a recorded vote of 230 ayes and 188 noes (Roll No. 322)

09/11/90 136 Cong Rec H 7410 House scheduled further consideration of amendments on September 12, 1990

09/12/90 136 Cong Rec H 7429 House continued consideration of amendments

09/12/90 136 Cong Rec H 7429 House scheduled further consideration of amendments for Thursday, September 13

09/12/90 136 Cong Rec H 7481 Martin of IL amendment was offered by subsequently withdrawn that sought to eliminate provisions dealing with base closure and replace them with provisions to give the Secretary of Defense the authority to use expedited procedures to close and realign bases

09/12/90 136 Cong Rec H 7483 House agreed to the Browder amendment that requiring Dept. of Defense to: submit a 5-yr force structure and termination of operation at installations outside the U.S. plan as part of the FY92 budget; submit a fair and impartial base closure proposal; ban the closure of further domestic bases until Congress approves a new plan or until Jan. 1992, whichever comes first, by a recorded vote of 287 yeas and 134 nays (Roll No. 327)

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Conference Activity

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09/25/90 136 Cong Rec S 13675 Senate requested a conference with the House

09/25/90 136 Cong Rec S 13751 Passed in the Senate after striking all after the enacting clause and inserting in lieu thereof the text of S. 2884, Senate companion measure, as amended, by voice vote

09/25/90 136 Cong Rec S 13817 House requested the concurrence of the Senate

09/28/90 136 Cong Rec H 8316 Senate requested the concurrence of the House

10/02/90 136 Cong Rec H 8597 Conferees met to resolve the differences between the Senate- and House-passed versions but did not complete action thereon

10/05/90 136 Cong Rec H 8999 Conferees continued to resolved differences between House- and Senate-passed versions but did not complete action thereon and will meet again on Tuesday, October 9

10/05/90 136 Cong Rec H 9044 House agreed to the Dickinson motion to instruct House conferees to insist on the House position which fully funds the research and development, procurement and operation and maintenance budget request for the Military Strategic and Tactical Relay Satellite (MILSTAR), by voice vote

10/05/90 136 Cong Rec H 9047 House disagreed to the Senate amendment and agreed to a conference

10/09/90 136 Cong Rec H 9193 Conferees continued to resolve the differences between the Senate- and House- passed versions, but did not complete action thereon, and recessed subject to call

10/18/90 136 Cong Rec H 10499 Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions, on October 17, 1990

10/23/90 136 Cong Rec H 11422 Conference report filed in the House (H. Rept. 101-923)

10/24/90 136 Cong Rec H 13513 House agreed to the conference report by a recorded vote of 271 yeas and 156 nays (Roll No. 517)

10/26/90 136 Cong Rec S 16768 Senate agreed to the conference report by a recorded vote of 80 yeas and 17 nays (Vote No. 320)

11/05/90 136 Cong Rec H 13916 Signed by the President on November 5, 1990 (P. L. 101-510)

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S 2884

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DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FY91

DATE-INTRO: July 20, 1990
LAST-ACTION-DATE: September 27, 1990
FINAL STATUS: Not enacted
SPONSOR: Senator Sam Nunn D-GA
TOTAL-COSPONSORS: 0 Cosponsors

SYNOPSIS:
A original bill to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

ACTIONS:
Committee Referrals:
NOT REFERRED TO COMMITTEE UPON INTRODUCTION

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Committee Activity

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2nd Session Activity:

03/21/90 136 Cong Rec S 2884 Reported in the Senate (S. Rept. No. 101-384)

07/20/90 136 Cong Rec S 10252 Senate Armed Services Committee ordered reported as an original bill

08/01/90 136 Cong Rec S 11457 Senate scheduled additional consideration of the bill and amendments for August 2

08/01/90 136 Cong Rec S 11692 Senate began consideration

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Amendment Activity

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08/01/90 136 Cong Rec S 11702 Nunn amendment No. 2483 (to amendment No. 2482), in the nature of a substitute, pending in the Senate

08/01/90 136 Cong Rec S 11736 Humphrey amendments Nos. 2468 through 2481, submitted and ordered to lie on the table

08/01/90 136 Cong Rec S 11738 Warner (and Nunn) amendment No. 2482, submitted

08/01/90 136 Cong Rec S 11738 Nunn (and Warner) amendment No. 2483 (to amendment No. 2482), submitted

08/01/90 136 Cong Rec S 11738 Warner amendment No. 2484, submitted

08/01/90 136 Cong Rec S 11738 Nunn amendment No. 2485 (to amendment No. 2484), submitted

08/02/90 136 Cong Rec S 11549 Senate continued consideration

08/02/90 136 Cong Rec S 11549 Nunn amendment No. 2483 (to amendment No. 2482), in the nature of a substitute, pending in the Senate

08/02/90 136 Cong Rec S 11887 Senate adopted Roth amendment No. 2497, to express the sense of the Senate concerning the closure and realignment of U.S. military facilities in the Federal Republic of Germany, by voice vote

08/02/90 136 Cong Rec S 11962 Cohen (and others) amendment No. 2493, submitted

08/02/90 136 Cong Rec S 11962 Leahy (and others) amendment No. 2494 (to amendment No. 2493), submitted

08/02/90 136 Cong Rec S 11962 Dixon (and others) amendment No. 2495, submitted

08/02/90 136 Cong Rec S 11962 Thurmond (and others) amendment No. 2496, submitted

08/02/90 136 Cong Rec S 11962 Roth amendment No. 2497, submitted

08/02/90 136 Cong Rec S 11962 Roth (and others) amendment No. 2498, submitted

08/02/90 136 Cong Rec S 11963 Glenn (and others) amendments Nos. 2499 and 2500, submitted

08/02/90 136 Cong Rec S 11964 Roth (and others) amendment No. 2501, submitted

08/02/90 136 Cong Rec S 11964 Bingaman (and others) amendment No. 2502, submitted

08/02/90 136 Cong Rec S 11964 Bradley (and others) amendment No. 2503, submitted

08/02/90 136 Cong Rec S 11965 McConnell (and Ford) amendment No. 2505, submitted

08/02/90 136 Cong Rec S 11965 Helms (and others) amendment No. 2506, submitted

08/02/90 136 Cong Rec S 11965 Levin (and others) amendment No. 2507, submitted

08/02/90 136 Cong Rec S 11966 Levin (and others) amendment No. 2508, submitted

08/02/90 136 Cong Rec S 11966 Dole (and others) amendment No. 2509, submitted

08/02/90 136 Cong Rec S 11967 Dole amendment No. 2510, submitted

08/03/90 136 Cong Rec S 11811 Nunn amendment No. 2483 (to amendment No. 2482), in the nature of a substitute, pending in the Senate

08/03/90 136 Cong Rec S 11858 Senate tabled Roth amendment No. 2525, relating to the closure and realignment of military installations, by voice vote

08/03/90 136 Cong Rec S 12049 Senate failed to table Bumpers modified amendment No. 2550, to improve the process for base closures and realignments, by a recorded vote of 43 yeas and 54 nays (Vote No. 220)

08/03/90 136 Cong Rec S 12049 Senate rejected Bumpers amendment No. 2550, by voice vote

08/03/90 136 Cong Rec S 12055 Senate reached a unanimous consent agreement providing for consideration of certain amendments to be proposed to the bill on Saturday, August 4

08/03/90 136 Cong Rec S 12078 Senate adopted Dixon amendment No. 2556, to express the sense of Congress regarding the closure of United States military installations outside the United States, by voice vote

08/03/90 136 Cong Rec S 12192 Wirth (and others) amendment No. 2514, submitted

08/03/90 136 Cong Rec S 12193 Conrad (and others) amendment No. 2515, submitted

08/03/90 136 Cong Rec S 12193 Murkowski (and others) amendment No. 2516, submitted

08/03/90 136 Cong Rec S 12193 Glenn (and others) amendment No. 2517, submitted

08/03/90 136 Cong Rec S 12193 Thurmond amendment No. 2518, submitted

08/03/90 136 Cong Rec S 12194 McConnell amendment No. 2519, submitted

08/03/90 136 Cong Rec S 12194 Bumpers (and others) amendment No. 2520, submitted

08/03/90 136 Cong Rec S 12194 Nunn (and Warner) amendment No. 2521 (to Bumpers amendment No. 2520), submitted

08/03/90 136 Cong Rec S 12194 DeConcini (and Bradley) amendment No. 2522, submitted

08/03/90 136 Cong Rec S 12195 Roth (and Biden) amendment No. 2523, submitted

08/03/90 136 Cong Rec S 12195 Rothe amendments Nos. 2524 and 2525, submitted

08/03/90 136 Cong Rec S 12196 Warner amendment No. 2526, submitted
08/03/90 136 Cong Rec S 12196 Bumpers amendment No. 2527, submitted

08/03/90 136 Cong Rec S 12196 Kennedy (and others) amendment No. 2528, submitted

08/03/90 136 Cong Rec S 12197 Simon amendment No. 2529, submitted

08/03/90 136 Cong Rec S 12197 Simon (and others) amendment No. 2530, submitted

08/03/90 136 Cong Rec S 12197 Warner amendment No. 2531, submitted

08/03/90 136 Cong Rec S 12198 Warner amendment No. 2532, submitted

08/03/90 136 Cong Rec S 12198 Bumpers amendment No. 2533, submitted

08/03/90 136 Cong Rec S 12198 Adams (and Hatfield) amendment No. 2534, submitted

08/03/90 136 Cong Rec S 12198 Dole amendment No. 2535, submitted

08/03/90 136 Cong Rec S 12198 Levin (and others) amendment No. 2536, submitted

08/03/90 136 Cong Rec S 12199 D'Amato amendment No. 2537, submitted
08/03/90 136 Cong Rec S 12199 Nunn (and others) amendment No. 2538, submitted

08/03/90 136 Cong Rec S 12200 Dole amendment No. 2539, submitted

08/03/90 136 Cong Rec S 12200 Nunn (and others) amendment No. 2540, submitted

08/03/90 136 Cong Rec S 12201 Pell amendment No. 2541, submitted

08/03/90 136 Cong Rec S 12201 Coats amendment No. 2542, submitted

08/03/90 136 Cong Rec S 12201 Simon (and Bingaman) amendment No. 2543, submitted

08/03/90 136 Cong Rec S 12201 Hatch amendment No. 2544, submitted

08/03/90 136 Cong Rec S 12202 Milkulski amendment No. 2545, submitted

08/03/90 136 Cong Rec S 12202 Dole amendment No. 2546, submitted

08/03/90 136 Cong Rec S 12202 Kerry (and others) amendment No. 2547, submitted

08/03/90 136 Cong Rec S 12202 Cranston (and others) amendment No. 2548, submitted

08/03/90 136 Cong Rec S 12202 Pryor amendment No. 2549, submitted

08/03/90 136 Cong Rec S 12202 Bumpers (and others) amendment No. 2550, submitted

08/03/90 136 Cong Rec S 12203 Moynihan (and Specter) amendment No. 2551, submitted

08/03/90 136 Cong Rec S 12203 Glenn amendment No. 2552, submitted

08/03/90 136 Cong Rec S 12203 Thurmond (and others) amendment No. 2553, submitted

08/03/90 136 Cong Rec S 12204 Bingaman (and others) amendment No. 2554, submitted

08/03/90 136 Cong Rec S 12205 Dixon (and others) amendment No. 2555, submitted

08/03/90 136 Cong Rec S 12205 Dixon amendment No. 2556, submitted

08/03/90 136 Cong Rec S 12206 Specter amendment No. 2557, submitted

08/03/90 136 Cong Rec S 12206 Wilson amendment No. 2558, submitted

08/03/90 136 Cong Rec S 12206 Biden (and Cohen) amendment No. 2559, submitted

08/03/90 136 Cong Rec S 12206 Glenn (and others) amendment No. 2560, submitted

08/03/90 136 Cong Rec S 12206 Johnston (and others) amendment No. 2561, submitted

08/03/90 136 Cong Rec S 12207 Gore (and Warner) amendment No. 2562, submitted

08/03/90 136 Cong Rec S 12207 Bingaman (and Domenici) amendment No. 2563, submitted

08/03/90 136 Cong Rec S 12207 Domenici amendment No. 2564, submitted

08/03/90 136 Cong Rec S 12208 McCain amendment No. 2565, submitted

08/03/90 136 Cong Rec S 12208 Riegle (and others) amendment No. 2566, submitted

08/03/90 136 Cong Rec S 12209 Levin amendment No. 2567, submitted

08/03/90 136 Cong Rec S 12209 Glenn (and others) amendment No. 2568, submitted

08/03/90 136 Cong Rec S 12210 Garn amendment No. 2569, submitted

08/03/90 136 Cong Rec S 12211 Moynihan (and others) amendment No. 2570, submitted

08/03/90 136 Cong Rec S 12211 Wirth (and Wilson) amendment No. 2571, submitted

08/03/90 136 Cong Rec S 12211 Nunn (and others) amendment No. 2572, submitted

08/03/90 136 Cong Rec S 12211 Specter amendment No. 2573, submitted

08/03/90 136 Cong Rec S 12211 Reid (and Bryan) amendment No. 2574,

08/03/90 136 Cong Rec S 12220 Metzenbaum (and others) amendment No. 2580, submitted

08/03/90 136 Cong Rec S 12221 Simpson amendments Nos. 2582 and 2583, submitted

08/03/90 136 Cong Rec S 12221 Stevens (and others) amendment No. 2584, submitted

08/03/90 136 Cong Rec S 12222 Daschle amendment No. 2585, submitted

08/03/90 136 Cong Rec S 12222 Nunn (and Warner) amendment No. 2586, submitted

08/04/90 136 Cong Rec S 12343 Passed in the Senate by a recorded vote of 79 yeas and 16 nays (Vote No. 227)

08/04/90 136 Cong Rec S 12429 Senate reached a unanimous-consent agreement providing that when the Senate receives the House companion measure, the Senate shall be deemed to have considered the bill, that all after the enacting clause be stricken and the text of S. 2884, as amended, be substituted in lieu thereof, that the Senate insist on its amendments and request a conference with the House, and the Chair be authorized to appoint Senate conferees

08/04/90 136 Cong Rec S 12430 Senate passed S. 2905 after striking all after the enacting clause and inserting in lieu thereof, the text of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2906 after striking all after the enacting clause and inserting in lieu thereof, the text of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2907 after striking all after the enacting clause and inserting in lieu thereof, Title XIV of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2908 after striking all after the enacting clause and inserting in lieu thereof, Sec. 621 and part E of Title VI of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2909 after striking all after the enacting clause and inserting in lieu thereof, Sec. 1213 of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2910 after striking all after the enacting clause and inserting in lieu thereof, Title XI of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2911 after striking all after the enacting clause and inserting in lieu thereof, the text of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2912 after striking all after the enacting clause and inserting in lieu thereof, Division A of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2913 after striking all after the enacting clause and inserting in lieu thereof, Division B of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2914 after striking all after the enacting clause and inserting in lieu thereof, Division C of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2915 after striking all after the enacting clause and inserting in lieu thereof, Title X of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2916 after striking all after the enacting clause and inserting in lieu thereof, Title VIII of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12499 Warner (and others) amendment No. 2587, submitted

08/04/90 136 Cong Rec S 12500 Bingaman (and others) amendment No. 2588, submitted

08/04/90 136 Cong Rec S 12500 Bumpers (and others) amendment No. 2589, submitted

08/04/90 136 Cong Rec S 12501 Kerry (and Harkin) amendment No. 2590, submitted

08/04/90 136 Cong Rec S 12501 Bryan amendment No. 2591, submitted

08/04/90 136 Cong Rec S 12501 Armstrong (and others) amendment No. 2592, submitted

08/04/90 136 Cong Rec S 12501 Nunn amendment No. 2593, submitted

08/04/90 136 Cong Rec S 12502 Nunn (and Johnston) amendment No. 2594, submitted

09/05/90 136 Cong Rec H 7175 Senate requested the concurrence of the House

09/25/90 136 Cong Rec S 13751 H. R. 4739, House companion, was passed in the Senate after striking all after the enacting clause and inserting in lieu thereof the text of S. 2884, as amended, by voice vote

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P.L. 102-484

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HR 5006

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NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 1993

DATE-INTRO: April 29, 1992
LAST-ACTION-DATE: October 29, 1992
FINAL STATUS: Became public law (P. L. 102-484)
SPONSOR: Representative Les Aspin D-WI
TOTAL-COSPONSORS: 1 Cosponsors: 0 Democrats / 1 Republicans

SYNOPSIS: A bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes.

ACTIONS: Committee Referrals:
04/29/92 House Armed Services Committee
06/12/92 Senate Armed Services Committee

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Committee Activity

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2nd Session Activity:

04/29/92 138 Cong Rec H 2808 Referred to the House Armed Services Committee

05/07/92 138 Cong Rec D 528 House Subcommittee on Investigations approved for full Committee action amended

05/07/92 138 Cong Rec D 528 House Subcommittee on Readiness approved for full Committee action amended

05/07/92 138 Cong Rec D 528 House Subcommittee on Seapower and Strategic and Critic Materials approved for full Committee action amended

05/12/92 138 Cong Rec D 550 House Subcommittee on Military Personnel and Compensation met in executive session and approved for full Committee action amended

05/12/92 138 Cong Rec D 551 House Subcommittee on Procurement and Military Nuclear Systems met in executive session and approved for full Committee action amended

05/12/92 138 Cong Rec D 551 House Subcommittee on Research and Development met in executive session and approved for full Committee action amended

05/13/92 138 Cong Rec D 560 House Armed Services Committee met in executive session and ordered reported amended

05/19/92 138 Cong Rec H 3451 Reported in the House, amended (H. Rept. 102-527)

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Amendment Activity

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06/02/92 138 Cong Rec E 1612 Remarks by Rep. Andrews (NJ)

06/04/92 138 Cong Rec E 1684 Remarks by Rep. Jontz
06/04/92 138 Cong Rec E 1685 Remarks by Rep. Dorgan

06/04/92 138 Cong Rec H 4135 House continued consideration of the bill, but came to no resolution thereon -- consideration of amendments will resume on Friday, June 5

06/05/92 138 Cong Rec E 1697 Remarks by Rep. Moakley
06/05/92 138 Cong Rec E 1699 Remarks by Rep. Oakar
06/05/92 138 Cong Rec E 1701 Remarks by Rep. Marlenee
06/05/92 138 Cong Rec E 1704 Remarks by Rep. Boxer
06/05/92 138 Cong Rec E 1707 Remarks by Rep. Peterson (FL)
06/05/92 138 Cong Rec E 1711 Remarks by Rep. Dorgan
06/05/92 138 Cong Rec E 1711 Remarks by Rep. Inhofe
06/05/92 138 Cong Rec E 1713 Remarks by Rep. Dreier

06/05/92 138 Cong Rec H 4273 Passed in the House by a recorded vote of 198 yeas and 168 nays (D 168-56; R 30-112) (Roll No. 172)

06/05/92 138 Cong Rec H 4305 Subsequently, the bill was reported back to the Committee on Armed Services with the amendment and the amendment was agreed to

06/09/92 138 Cong Rec E 1725 Remarks by Rep. Porter
06/09/92 138 Cong Rec E 1735 Remarks by Rep. Penny
06/09/92 138 Cong Rec E 1735 Remarks by Rep. Vander Jagt
06/09/92 138 Cong Rec E 1741 Remarks by Rep. LaFalce

06/09/92 138 Cong Rec E 1744 Remarks by Rep. Abercrombie
06/11/92 138 Cong Rec E 1771 Remarks by Rep. Morrison
06/12/92 138 Cong Rec E 1792 Remarks by Rep. Vento
06/12/92 138 Cong Rec E 1811 Remarks by Rep. Morella
06/12/92 138 Cong Rec E 1813 Remarks by Rep. Patterson

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Conference Activity

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06/12/92 138 Cong Rec S 8151 House requested the concurrence of the Senate

06/12/92 138 Cong Rec S 8151 Referred to the Senate Armed Services Committee

06/16/92 138 Cong Rec E 1844 Remarks by Rep. Torres
06/17/92 138 Cong Rec E 1872 Remarks by Rep. Penny
06/17/92 138 Cong Rec E 1883 Remarks by Rep. Fields

07/23/92 138 Cong Rec H 6581 Reported in the House, amended (H. Rept. 102-690)

09/18/92 138 Cong Rec S 14195 Senate Armed Services Committee was discharged from further consideration of the bill, and the bill was then passed in the Senate by voice vote, after striking all after the enacting clause and inserting in lieu thereof the text of S. 3114, as amended

09/18/92 138 Cong Rec S 14195 Senate insisted on its amendment and requested a conference with the House thereon

09/21/92 138 Cong Rec E 2722 Remarks by Rep. Pease

09/22/92 138 Cong Rec H 8848 House disagreed to the Senate amendments to the bill, agreed to a conference and appointed conferees

09/22/92 138 Cong Rec S 14706 Cranston Amendment No. 3156, submitted

10/01/92 138 Cong Rec H 10099 Conference report on the bill, reported in the House (H. Rept. 102-966)

10/03/92 138 Cong Rec S 16473 Senate completed consideration of the provisions of the conference report to accompany the bill

10/05/92 138 Cong Rec S 16652 Senate agreed to the conference report to accompany the bill, by voice vote -- clearing the measure for the President

10/09/92 138 Cong Rec E 3093 Remarks by Rep. Sikorski
10/09/92 138 Cong Rec E 3123 Remarks by Rep. Schroeder
10/09/92 138 Cong Rec E 3165 Remarks by Rep. Andrews (NJ)
10/09/92 138 Cong Rec E 3222 Remarks by Rep. Mazzoli
10/09/92 138 Cong Rec E 3239 Remarks by Rep. Morella
10/09/92 138 Cong Rec E 3274 Remarks by Rep. Skaggs

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S 3114

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NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 1993

DATE-INTRO: July 31, 1992
LAST-ACTION-DATE: September 22, 1992
FINAL STATUS: Not Enacted
SPONSOR: Senator Sam Nunn D-GA
TOTAL-COSPONSORS: 0 Cosponsors

SYNOPSIS: An original bill to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

ACTIONS: Committee Referrals:
NOT REFERRED TO COMMITTEE UPON INTRODUCTION

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Committee Activity

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2nd Session Activity:

07/31/92 138 Cong Rec S 11071 Reported in the Senate (S. Rept. No. 102-352)

08/06/92 138 Cong Rec S 11662 Senate reached a unanimous-consent agreement providing for consideration of the bill

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Amendment Activity

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08/07/92 138 Cong Rec S 11826 Senate began consideration of the bill, taking action on amendments proposed thereto

08/07/92 138 Cong Rec S 11877 Bumpers Modified Amendment No. 2919 (to Amendment No. 2918), of a perfecting nature, pending in the Senate

08/07/92 138 Cong Rec S 11877 Senate will continue consideration of the bill and amendments pending thereto, on Monday, August 10

08/07/92 138 Cong Rec S 11957 Nunn (and others) Amendment No. 2916, submitted

08/07/92 138 Cong Rec S 11958 D'Amato (and Moynihan) Amendment No. 2917, submitted

08/07/92 138 Cong Rec S 11959 Sasser (and others) Amendment No. 2918, submitted

08/07/92 138 Cong Rec S 11959 Bumpers (and others) Amendment No. 2919, submitted

08/07/92 138 Cong Rec S 11959 Specter Amendment No. 2920, submitted

08/07/92 138 Cong Rec S 11959 Specter (and others) Amendment No. 2921, submitted and ordered to lie on the table

08/07/92 138 Cong Rec S 11959 Specter Amendment No. 2922, submitted and ordered to lie on the table

08/10/92 138 Cong Rec S 11974 Senate continued consideration of the bill, with amendments pending thereto

08/12/92 138 Cong Rec S 12715 Lautenberg (and Conrad) Amendment No. 2950, submitted and ordered to lie on the table

09/15/92 138 Cong Rec E 2633 Remarks by Rep. Ireland

09/17/92 138 Cong Rec S 13735 Senate resumed consideration of the bill, taking action on amendments proposed thereto

09/17/92 138 Cong Rec S 13910 Nunn (and others) Amendment No. 3036, submitted

09/17/92 138 Cong Rec S 13911 Pryor Amendment No. 3037, submitted

09/17/92 138 Cong Rec S 13911 Boren (and others) Amendment No. 3038, submitted

09/17/92 138 Cong Rec S 13916 Bingaman (and Domenici) Amendment No. 3040, submitted

09/17/92 138 Cong Rec S 13929 Senate will resume consideration of the bill and amendments to be proposed thereto, on Friday, September 18, 1992

09/17/92 138 Cong Rec S 13929 Senate reached a unanimous-consent time agreement providing for consideration of certain amendments to be proposed to the bill on Friday, September 18

09/18/92 138 Cong Rec S 13931 Passed in the Senate, after taking action on amendments proposed thereto, by voice vote

09/18/92 138 Cong Rec S 13987 Senate adopted Nunn Modified Amendment No. 3048 (to Amendment No. 3046), in the nature of a substitute, by voice vote

09/18/92 138 Cong Rec S 14008 Senate adopted Nunn (for Inouye) Amendment No. 3068, of a technical nature, by voice vote

09/18/92 138 Cong Rec S 14060 Senate tabled Dodd Amendment No. 3080 (to Amendment No. 3079), of a perfecting nature, by a recorded vote of 73 yeas and 12 nays (D 45-5; R 28-7) (Vote No. 221)

09/18/92 138 Cong Rec S 14127 Leahy (and others) Amendment No. 3041, submitted

09/18/92 138 Cong Rec S 14127 Hatfield (and others) Amendment No. 3043, submitted

09/18/92 138 Cong Rec S 14127 Cohen Amendment No. 3042, submitted

09/18/92 138 Cong Rec S 14128 Warner Amendment No. 3046, submitted

09/18/92 138 Cong Rec S 14128 Metzenbaum (and others) Amendment No. 3047, submitted

09/18/92 138 Cong Rec S 14129 Nunn Amendment No. 3048, submitted

09/18/92 138 Cong Rec S 14129 Warner (and others) Amendment No. 3049, submitted

09/18/92 138 Cong Rec S 14129 Dixon Amendment No. 3050, submitted

09/18/92 138 Cong Rec S 14129 Adams (and Gorton) Amendment No. 3051, submitted

09/18/92 138 Cong Rec S 14129 Roth Amendment No. 3052, submitted

09/18/92 138 Cong Rec S 14129 DeConcini Amendment No. 3053, submitted

09/18/92 138 Cong Rec S 14129 Biden Amendment No. 3054, submitted

09/18/92 138 Cong Rec S 14129 Roth (and Lieberman) Amendment No. 3055, submitted

09/18/92 138 Cong Rec S 14129 Lieberman Amendment No. 3056, submitted

09/18/92 138 Cong Rec S 14129 Chafee Amendment No. 3057, submitted

09/18/92 138 Cong Rec S 14130 Shelby Amendment No. 3058, submitted

09/18/92 138 Cong Rec S 14130 Lugar (and Nunn) Amendment No. 3059, submitted

09/18/92 138 Cong Rec S 14130 Nunn (and others) Amendment No. 3060, submitted

09/18/92 138 Cong Rec S 14130 Dixon Amendment No. 3061, submitted

09/18/92 138 Cong Rec S 14130 McConnell Amendment No. 3062, submitted

09/18/92 138 Cong Rec S 14130 Pell Amendment Nos. 3063 and 3064, submitted

09/18/92 138 Cong Rec S 14131 Lieberman (and Pryor) Amendment No. 3065, submitted

09/18/92 138 Cong Rec S 14131 McCain (and DeConcini) Amendment No. 3066, submitted

09/18/92 138 Cong Rec S 14131 McConnell Amendment No. 3067, submitted

09/18/92 138 Cong Rec S 14131 Inouye Amendment No. 3068, submitted

09/18/92 138 Cong Rec S 14131 McCain Amendment No. 3069, submitted

09/18/92 138 Cong Rec S 14131 Mitchell (and others) Amendment No. 3070, submitted

09/18/92 138 Cong Rec S 14131 Kennedy Amendment No. 3071, submitted

09/18/92 138 Cong Rec S 14132 Smith Amendment No. 3072, submitted

09/18/92 138 Cong Rec S 14132 Nunn (and Warner) Amendment No. 3073, submitted

09/18/92 138 Cong Rec S 14132 Coats Amendment No. 3074, submitted

09/18/92 138 Cong Rec S 14132 Domenici (and others) Amendment No. 3075, submitted

09/18/92 138 Cong Rec S 14133 Pryor (and Roth) Amendment No. 3076, submitted

09/18/92 138 Cong Rec S 14133 Byrd (and others) Amendment No. 3077, submitted

09/18/92 138 Cong Rec S 14134 Leahy (and others) Amendment No. 3078, submitted

09/18/92 138 Cong Rec S 14135 Graham Amendment No. 3079, submitted

09/18/92 138 Cong Rec S 14136 Dodd Amendment No. 3080, submitted

09/18/92 138 Cong Rec S 14137 Metzenbaum (and Kerry) Amendment No. 3081, submitted

09/18/92 138 Cong Rec S 14137 Warner Amendment No. 3082, submitted

09/18/92 138 Cong Rec S 14137 Bingaman (and Cochran) Amendment No. 3083, submitted

09/18/92 138 Cong Rec S 14138 Breaux (and Lott) Amendment No. 3085, submitted

09/18/92 138 Cong Rec S 14143 Roth (and Grassley) Amendment No. 3090, submitted

09/18/92 138 Cong Rec S 14143 Smith Amendment No. 3091, submitted

09/18/92 138 Cong Rec S 14143 Reid Amendment No. 3092, submitted

09/18/92 138 Cong Rec S 14143 Bryan (and Reid) Amendment No. 3093, submitted

09/18/92 138 Cong Rec S 14143 Nunn (and Warner) Amendment No. 3094, submitted

09/18/92 138 Cong Rec S 14143 Kennedy (and others) Amendment No. 3095, submitted

09/18/92 138 Cong Rec S 14144 Warner Amendment No. 3096, submitted

09/18/92 138 Cong Rec S 14144 Specter Amendment No. 3097, submitted

09/18/92 138 Cong Rec S 14144 McCain (and others) Amendment No. 3098, submitted

09/18/92 138 Cong Rec S 14146 Bingaman (and others) Amendment No. 3099, submitted

09/18/92 138 Cong Rec S 14146 Nunn (and Warner) Amendment No. 3100, submitted

09/18/92 138 Cong Rec S 14147 Levin (and others) Amendment No. 3101, submitted

09/18/92 138 Cong Rec S 14148 Robb Amendment No. 3102, submitted

09/18/92 138 Cong Rec S 14148 Dole Amendment No. 3103, submitted

09/18/92 138 Cong Rec S 14148 Glenn (and Nunn) Amendment No. 3104, submitted

09/18/92 138 Cong Rec S 14151 Inouye (and others) Amendment No. 3105, submitted

09/18/92 138 Cong Rec S 14151 Gorton Amendment No. 3106, submitted

09/18/92 138 Cong Rec S 14151 Garn Amendment No. 3107, submitted

09/18/92 138 Cong Rec S 14151 Hatfield Amendment No. 3108, submitted

09/18/92 138 Cong Rec S 14152 Lautenberg Amendment No. 3109, submitted

09/18/92 138 Cong Rec S 14152 Ford Amendment No. 3110, submitted

09/18/92 138 Cong Rec S 14152 Nunn Amendment No. 3111, submitted

09/18/92 138 Cong Rec S 14152 Lott Amendment No. 3112, submitted

09/18/92 138 Cong Rec S 14152 Warner Amendment No. 3113, submitted

09/18/92 138 Cong Rec S 14152 Warner Amendment No. 3114, submitted

09/18/92 138 Cong Rec S 14195 Senate passed S. 3136, National Defense Authorizations, after striking all after the enacting clause and inserting in lieu thereo the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed H.R. 5006, House companion, after striking all after the enacting clause and inserting in lieu thereof the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate reached a unanimous-consent agreement to further consider S. 3114, and S. 3136 through S. 3145; that if the Senate receives a message from the House regarding any of those bills, the Senate be deemed to have disagreed to the House amendments to the Senate-passed bill, that the Senate agree to a conference and that the Chair be authorized to appoint Senate conferees

09/18/92 138 Cong Rec S 14195 Senate passed S. 3136, to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense for military construction, and for defense

activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed forces, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3137, to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3138, to authorize appropriations for fiscal year 1993 for military personnel of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3139, to improve the defense economic diversification, conversion, and stabilization activities of the Dept. of Defense, to authorize trans. assistance for members of the Armed Forces adversely affected by reductions in Federal Gov. spending for nat'l security functions, ect., after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3140, to authorize appropriations for fiscal year 1993 military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, after

striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3141, to authorize appropriations for fiscal year 1993 military construction, after striking all after the enacting clause and inserting in lieu thereof, the text of S 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3142, to authorize appropriations for fiscal year 1993 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3143, to authorize transition assistance for members of the Armed Forces adversely affected by reductions in Federal Government spending for national security functions, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3144, to amend title 10 United States Code, to improve the health care system provided for members and former members of the Armed Forces and their dependents, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3145, to amend title 10 U.S. Code, to clarify and improve the policies/programs of the Dept. of Defense concerning the national defense technology and industrial base, to encourage and assist conversion of the nat'l defense tech. and indust. base to commercially competitive capabilities, ect., after striking all after the enacting clause and

inserting in lieu thereof, the text of S. 3114, by voice vote

09/18/92 138 Cong Rec S 14196 Senate passed H.R. 4880, House companion, after striking all after the enacting clause and inserting in lieu thereof the text of S. 3114, as amended, by voice vote

102ns Congress, 1st Session

1991 H.R. 2100

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1992/1993

DATE-INTRO: April 25, 1991
LAST-ACTION-DATE: December 18, 1991
FINAL STATUS: Became public law (P. L. 102-190)
SPONSOR: Representative Les Aspin D-WI
TOTAL-COSPONSORS: 1 Cosponsors: 0 Democrats / 1 Republicans

SYNOPSIS: A bill to authorize appropriations for fiscal years 1992 and 1993 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal years 1992 and 1993, and for other purposes.

ACTIONS: Committee Referrals:
04/25/91 House Armed Services Committee
06/04/91 Senate Armed Services Committee

Legislative Chronology:

1st Session Activity:

05/01/91 137 Cong Rec D 513	House Subcommittee on Investigations approved for full Committee action amended
05/02/91 137 Cong Rec D 521	House Subcommittee on Readiness met in executive session and approved for full Committee action
05/02/91 137 Cong Rec D 521	House Subcommittee on Seapower and Strategic and Critical Materials met in executive session approved for full Committee action
05/07/91 137 Cong Rec D 540	House Subcommittee on Research and Development approved for full Committee action amended
05/07/91 137 Cong Rec D 540	House Subcommittee on Procurement and Military Nuclear Systems approved for full Committee action amended
05/07/91 137 Cong Rec D 540	House Subcommittee on Personnel and Compensation approved for full Committee action amended
05/07/91 137 Cong Rec D 540	House Subcommittee on Military Installations and Facilities approved for full Committee action amended

05/09/91 137 Cong Rec D 556 House Armed Services Committee rejected the Hunter Amendment, which sought to provide that the Department of Defense undertake to develop, prototype, test and provide deployment capacity for a Mobile Anti Tactical Ballistic Missile (ATBM) system, by a recorded vote of 20 yeas and 34 nays (Committee Vote No. 92)

05/09/91 137 Cong Rec D 556 House Armed Services Committee ordered favorably reported, amended, by a recorded vote of 45 yeas and 6 nays (Committee Vote No. 93)

05/13/91 137 Cong Rec H 2962 Reported in the House, amended (H. Rept. 102-60)

05/16/91 137 Cong Rec D 607 House Rules Committee granted a rule providing for 1 hour of debate

05/20/91 137 Cong Rec H 3172 H. Res. 156, the rule under which the bill is being considered, was agreed to by a recorded vote of 260 yeas and 56 nays (Roll No. 96)

05/20/91 137 Cong Rec H 3182 House completed all general debate and began consideration of amendments, but came to no resolution thereon, consideration of the amendments will resume on Tuesday, May 21

05/20/91 137 Cong Rec H 3243 House rejected the Dellums Amendment that sought to terminate the Strategic Defense Initiative Organization and permit only a basic SDI research programs funded at $1.1 billion, by a recorded vote of 118 yeas and 266 nays (Roll No. 97)

05/20/91 137 Cong Rec H 3247 House agreed to the Gejdenson Amendment that strikes language requiring that the contract for the third Seawolf SSN-21 submarine be awarded to a firm which did not win the first contract and provide instead that the contract for the third submarine be awarded by competitive bid, by a recorded vote of 235 yeas and 157 nays (Roll No. 98)

05/21/91 137 Cong Rec E 1867 Remarks by Rep. Lagomarsino

05/21/91 137 Cong Rec H 3288 House continued consideration, but came to no resolution thereon, scheduled to resume consideration of amendments on Wednesday, May 22

05/21/91 137 Cong Rec H 3288 House rejected the Michel Amendment, in the nature of a substitute, that sought to incorporate the President's defense request by providing for major increases in key strategic programs while keeping a similar overall authorization level by cutting funding for other programs, by a recorded vote of 127 yeas and 287 nays (Roll No. 99)

05/21/91 137 Cong Rec H 3320 House agreed to the Schroeder Amendment, that expresses the sense of Congress that the number of United States troops permanently stationed in Europe should be reduced to less than 100,000 by fiscal year 1995, by a recorded vote of 260 yeas and 163 nays (Roll No. 100)

05/21/91 137 Cong Rec H 3327 House rejected the Frank Amendment, that sought to reduce the total authorization level by $8 billion to be achieved through the withdrawal of United States forces or equipment from Europe, Japan, or South Korea, by a recorded vote of 167 yeas and 255 nays (Roll No. 101)

05/21/91 137 Cong Rec H 3332 House agreed to the Dorgan Amendment, that requires the President to achieve, within six months, cost sharing agreements with each foreign nation with which the United States has a bilateral or multilateral defense agreement, by a recorded vote of 357 yeas and 58 nays (Roll No. 102)

05/21/91 137 Cong Rec H 3339 House agreed to the Bryant Amendment, as modified, that places a limitation on the number of employment positions filled by foreign nationals at United States military installations outside the United States who are employed

		pursuant to an indirect-hire civilian personnel agreement and are paid by the United States, by voice vote
05/21/91	137 Cong Rec H 3340	House rejected the Mrazek Amendment that sought to place a permanent ceiling of 30,000 on United States troops stationed in Korea by fiscal year 1994, of which not more than 20,000 could be members of the Army, by a recorded vote of 143 yeas and 275 nays (Roll No. 103)
05/22/91	137 Cong Rec E 1874	Remarks by Rep. Doolittle
05/22/91	137 Cong Rec H 3380	Passed in the House by a recorded vote of 268 yeas and 161 nays (Roll No. 110)
05/22/91	137 Cong Rec H 3380	House rejected the Hunter Amendment, to require that the new Tactical Missile Defense program have specific capabilities; defend against all ballistic missiles currently deployed by specific nations, be equal to Soviet SA-12 systems with upgrades, etc. by a recorded vote of 161 yeas and 265 nays (Roll No. 105)
05/22/91	137 Cong Rec H 3382	House rejected the Frank Amendment that sought to terminate the Midgetman missile program, by a recorded vote of 109 yeas and 317 nays (Roll No. 106)
05/22/91	137 Cong Rec H 3386	Long Amendment, that sought to provide that a male who has sole custody of a child under six months of age would be subject to the same limitations on assignments that apply to female members, withdrawn in the House
05/22/91	137 Cong Rec H 3387	House agreed to the Owens of UT Amendment, as modified, that the President should reassess the need for underground nuclear weapons testing, and should pursue negotiations in good faith toward achievement of verifiable comprehensive test ban, etc. by voice vote

05/22/91 137 Cong Rec H 3389	House rejected the Solomon Amendment that sought to establish and implement a random controlled substances testing program for any employee of the Department of Defense, by a recorded vote of 157 yeas and 269 nays (Roll No. 107)
05/22/91 137 Cong Rec H 3392	House rejected the Solomon Amendment that sought to require pre-employment drug testing of all persons hired by the Department of Defense, by a recorded vote of 197 yeas and 231 nays (Roll No. 108)
05/22/91 137 Cong Rec H 3394	House agreed to the AuCoin Amendment that extends access to abortion and other reproductive health services to service members stationed overseas, by a recorded vote of 220 yeas and 208 nays (Roll No. 109)
05/22/91 137 Cong Rec H 3397	House rejected the Smith of New Jersey motion that the Committee of the Whole rise and report the bill back to the House with the recommendation that the enacting clause be stricken
05/22/91 137 Cong Rec H 3403	House agreed to the Aspin Amendment en bloc, as modified, by voice vote
05/22/91 137 Cong Rec H 3417	House rejected the Dickinson motion to recommit the bill to the Committee on Armed Services, by voice vote
05/22/91 137 Cong Rec H 3417	House agreed to the committee amendment in the nature of a substitute
05/22/91 137 Cong Rec H 3421	House agreed to amend the title
05/22/91 137 Cong Rec H 3422	House authorized the Clerk to make such clerical and technical corrections, including corrections in the table of contents, title and section numbers, and cross references, as may be necessary in the engrossment of the bill

05/23/91	137 Cong Rec E 1896	Remarks by Rep. Chandler
05/23/91	137 Cong Rec E 1896	Remarks by Rep. Weber
05/23/91	137 Cong Rec E 1904	Remarks by Rep. Torres
05/24/91	137 Cong Rec E 1919	Remarks by Rep. Gallo
05/29/91	137 Cong Rec E 1949	Remarks by Rep. Machtley
05/30/91	137 Cong Rec E 1985	Remarks by Rep. Schiff
06/04/91	137 Cong Rec S 6993	House requested the concurrence of the Senate
06/04/91	137 Cong Rec S 6993	Referred to the Senate Armed Services Committee
06/06/91	137 Cong Rec E 2077	Remarks by Rep. Campbell of CA
06/07/91	137 Cong Rec E 2118	Remarks by Rep. Sharp
08/02/91	137 Cong Rec S 12115	Senate Armed Services Committee was discharged from futher consideration, and the bill was then passed in the Senate, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1507, Senate companion measure, as amended, by voice vote
08/02/91	137 Cong Rec S 12115	Senate insisted on its amendments, requested a conference with the House thereon, and appointed as conferees the following Sens: Nunn, Exon, Levin, Kennedy, Bingaman, Dixon, Glenn, Gore, Wirth, Shelby, Byrd, Warner, Thurmond, Cohen, McCain, Wallop, Lott, Coats, Mack, and Smith
09/11/91	137 Cong Rec H 6391	Senate requested the concurrence of the House
09/11/91	137 Cong Rec H 6391	Senate insisted on its amendments and requested a conference with the House -- Senate appointed as conferees Sens. Nunn, Exon, Levin, Kennedy, Bingaman, Dixon, Glenn, Gore, Wirth, Shelby, Byrd, Warner, Thurmond, Cohen, McCain, Wallop, Lott, Coats, Mack, and Smith
09/16/91	137 Cong Rec H 6577	House disagreed to the Senate amendments and requested a conference

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Armed Services, for consideration of the entire House bill and Senate amends. - Reps. Aspin, Bennett, Montgomery, Dellums, Schroeder, Byron, Mavroules, Hutto, Skelton, McCurdy, Foglietta, Lloyd, Sisisky, Ray, Spratt, McCloskey, Ortiz, Darden, Hochbruckner, Pickett, Lancaster, Tanner, McNulty, Browder, and Taylor (MS) - from the majority

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Armed Services, for consideration of the entire House bill and Senate amendments, and modifications committed to conference -- Reps. Dickinson, Spence, Stump, Hopkins, Davis, Hunter, Martin, Kasich, Bateman, Blaz, Ireland, Hansen, Weldon, Kyl, Ravenel, and Dornan of California - from the minority

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII -- Reps. Wilson, Kennelly, and Shuster

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Education and Labor, for consideration of sections 3131 and 3132 of the House bill, and sections 805, 811, 2109, 2807, 3131, and 3136 of the Senate amendments, and modifications committed to conference -- Reps. Ford of Michigan, Gaydos, Kildee, Williams, Perkins, Goodling, Coleman of Missouri, and Henry

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Energy and Commerce, for consideration of sections 331, 336, 3131-33, 3138, and 3201 of the

House bill, and sections 2804, 2806, 2846, 3131-36, 3138-39, 3201 and 3202 of the Senate amendments, and modifications committed to conference -- Reps. Dingell, Sharp, Swift, Eckart, Slattery, Lent, Ritter, and Fields

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Foreign Affairs, for consid. of sections 234, 304, 313, 812 and 3136 of the House bill, and sections 211(b)(3), (g), (h), (i), 229, 304, that portion of section 801 adding 10 U.S.C. 2526, sections 905, 1111, 1113, 1117-1122, 1127, 1129, 1133, 1134, 1138, 1143, 1147 , of the Senate amends. -- Reps. (D) Fascell, Hamilton, Yatron, Solarz, Berman

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Foreign Affairs, for consideration of sections 234, 304, 313, 812, and 3136 of the House bill, and sections 211 (b)(3), (g), (h), (i), 229, 304, that portion of section 801 adding U.S.C. 2526, sections 905, 1111, 1113, 1117-1122, 1127, 1129, 1133, 1134, 1138, 1143, 1144, and 1147, from the Senate amendments - Reps. (R) Broomfield, Gilman, Lagomarsino

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Government Operations, for consideration of sections 811, 816, and 817 of the House bill, and sections 319, 527, 822, 826, 829, 835, 839, 1103, 1141, 2806, and 2823 of the Senate amendments, and modifications committed to conference -- Reps. Conyers, English, Synar, Wise, Boxer, Horton, Shays, and Schiff

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on the Judiciary, for consideration of section 817 of the House bill, and sections 626, 826,

1128, 3134, and 3145(b)(4) of the Senate amendments, and modifications committed to conference -- Reps. Brooks, Frank of Massachusetts, Edwards of California, Fish, and Gekas

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Merchant Marine and Fisheries, for consideration of sections 521-529 of the House bill, and title XXXV of the Senate amendments, and modifications committed to conference -- Reps. Jones of North Carolina, Studds, Tauzin, Young of Alaska, and Fields

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Post Office and Civil Service, for consideration of section 508 of the House bill, and sections 526, 622, 624, 627, 831, and 3504 of the Senate amendments and modifications committed to conference -- Reps. Clay, Oakar, Sikorski, Ackerman, Sawyer, Gilman, Horton, and Myers of Indiana

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Public Works and Transportation, for consideration of section 336 of the House bill, and modifications committed to conference -- Reps. Nowak, Borski, Oberstar, Hammerschmidt, Shuster, and Petri

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Science, Space, and Technology, for consideration of the sections 801-805, 811, 907, 3132, and 3137-3139 of the Senate amendments, and modifications committed to conference -- Reps. Brown, Scheuer, Valentine, Boucher, Stallings, Walker, Lewis of Florida, and Packard

09/16/91 137 Cong Rec H 6577 House agreed to a conference and appointed as conferees, from the Committee on Small Business, for consideration of section 842 of the Senate amendments, and modifications committed to conference -- Reps. LaFalce, Smith of Iowa, and Slaughter of Virginia

09/16/91 137 Cong Rec H 6577 House agreed to the Dickinson motion to instruct House conferees to insist on the provisions contained in sections 513, 611, 612, 613, 614, 623, and 627 of the House bill, relating to various military personnel authorities identified as needed as a result of the experience of the Armed Forces in Operation Desert Shield/Desert Storm - House agreed to order the previous question, by a recorded vote of 220-145 (Roll No. 261)

09/16/91 137 Cong Rec H 6585 House agreed to the Aspin motion that the conference committee meetings on H.R. 2100 be closed to the public at such times as classified national security information is under consideration, execpt that any sitting Member of Congress shall have the right to attend any closed or open meeting, by a recorded vote of 363 yeas and 1 nay (Roll No. 262)

09/17/91 137 Cong Rec D 1111 Conferees met in closed session to resolve the differences between the Senate- and House-passed versions of the bill, but did not complete action thereon, and recessed subject to call

09/27/91 137 Cong Rec D 1169 Conferees met to resolve differences between the Senate- and House-passed versions of the bill, but did not complete action thereon, and recessed subject to call

10/02/91 137 Cong Rec H 7201 House made modifications in the appointment of conferees on the bill -- from various committees

10/02/91 137 Cong Rec H 7201 House made the following modifications in the appointment of conferees on the bill -- the panel from the Energy and Commerce Committee is also appointed for consideration of section 817 of the House bill, and section 826 of the Senate amendments, delete section 3134 of the Senate amendments from the appointment

10/02/91 137 Cong Rec H 7201 House made the following modifications in the appointment of conferees on the bill -- the panel from the Foreign Affairs Committee is also appointed for consideration of section 940 of the Senate amendment

10/02/91 137 Cong Rec H 7201 House made the following modifications in the appointment of conferees on the bill -- the panel from the Judiciary Committee is also appointed for consideration of section 3131 (c)(5) of the Senate amendments

10/02/91 137 Cong Rec H 7201 House made the following modifications in the appointment of conferees on the bill -- the panel from the Public Works and Transportation Committee is also appointed for consideration of section 2810(g) of the Senate amendments

10/02/91 137 Cong Rec H 7201 House made the following modifications in the appointment of conferees on the bill -- as additional conferees from the Banking, Finance and Urban Affairs Committee, for consideration of of sections 804 and 807 of the Senate amendments, and modifications committed to conference -- Reps. Carper, LaFalce, Oakar, Vento, Kanjorski, Ridge, Paxon, and Hancock

10/04/91 137 Cong Rec D 1213 Conferees continued to resolve the differences between the Senate- and House- passed versions of the bill, but did not complete action thereon, and recessed subject to call

11/01/91	137 Cong Rec D 1360	Senate Armed Services Committee met in closed session to discuss certain conference issues relating to the bill
11/01/91	137 Cong Rec D 1361	Conferees agreed to file a report on the differences between the Senate- and House- passed versions of the bill
11/04/91	137 Cong Rec H 9118	House conferees received permission to have until midnight on Tuesday, November 5, to file the conference report on the bill
11/13/91	137 Cong Rec D 1418	Senate Armed Services Committee met to further discuss conference related issues with regard to the bill
11/13/91	137 Cong Rec H 9757	Conference report filed on the bill (H. Rept. 102-311)
11/14/91	137 Cong Rec D 1433	House Rules Committee granted the conference reporton the bill, a rule waiving all points of order against the conference report and against it consideration, the rule also provides that the conference report will be considered as read
11/18/91	137 Cong Rec H 10367	House agreed to the conference report on the bill, by a recorded vote of 329 yeas and 82 nays (Roll No. 400)
11/18/91	137 Cong Rec H 10367	H. Res. 281, the rule waiving all points of order against the conference report, was agreed to in the House by voice vote
11/18/91	137 Cong Rec H 10394	House rejected the Dornan motion to recommit the conference report to the committee of conference, by voice vote
11/19/91	137 Cong Rec E 3910	Remarks by Rep. Davis
11/19/91	137 Cong Rec E 3921	Remarks by Rep. Spence
11/20/91	137 Cong Rec S 17284	Senate reached a unanimous-consent time-agreement providing for consideration of the bill
11/21/91	137 Cong Rec E 3929	Remarks by Rep. Davis

11/21/91 137 Cong Rec S 17390 Senate completed consideration of the conference report and scheduled a vote on same for 9:30 a.m. on Friday, November 22

11/22/91 137 Cong Rec E 3976 Remarks by Rep. Panetta
11/22/91 137 Cong Rec E 3990 Remarks by Rep. Rostenkowski
11/22/91 137 Cong Rec E 4015 Remarks by Rep. Lancaster
11/22/91 137 Cong Rec E 4020 Remarks by Rep. Cox (IL)

11/22/91 137 Cong Rec S 17540 Senate agreed to the conference report, by a recorded vote of 79 yeas and 15 nays (Vote No. 265) -- clearing the measure for the President

11/23/91 137 Cong Rec E 4030 Remarks by Rep. Byron

11/25/91 137 Cong Rec H 11286 Enrolled in the House

11/25/91 137 Cong Rec S 18078 Enrolled in the Senate

12/18/91 137 Cong Rec D 1552 Signed by the President on December 5, 1991, (P.L. 102-190)

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)
1113/91 (Conference report filed in House, H. Rept. 102-311)
National Defense Authorization Act for Fiscal Years 1992 and 1993

CO-SPONSORS:

Original Cosponsors:

Dickinson R-AL

102nd Congress, 1st Session

1991 S. 1507

NATIONAL DEFENSE AUTHORIZATION ACT FOR FYS 1992 AND 1993

DATE-INTRO: July 19, 1991
LAST-ACTION-DATE: September 12, 1991
FINAL STATUS: Became part of H.R. 2100
SPONSOR: Senator Sam Nunn D-GA
TOTAL-COSPONSORS: 0 Cosponsors

SYNOPSIS: An original bill to authorize appropriations for fiscal year 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes

ACTIONS: Committee Referrals:
NOT REFERRED TO COMMITTEE UPON INTRODUCTION

Legislative Chronology:

1st Session Activity:

07/19/91 137 Cong Rec S 10494 Reported in the Senate (S. Rept. No. 102-113)

07/23/91 137 Cong Rec S 10697 A unanimous-consent agreement was reached in the Senate providing for the consideration of the bill

07/30/91 137 Cong Rec S 11379 Specter Amendment Nos. 918 and 919, submitted and ordered to lie on the table

07/30/91 137 Cong Rec S 11379 Specter Amendment No. 926, submitted and ordered to lie on the table

07/31/91 137 Cong Rec S 11397 Senate began consideration of the bill, taking action on amendment proposed thereto

07/31/91 137 Cong Rec S 11414 Senate adopted Glenn Amendment No. 949, to authorize the Secretary of Defense to waive restrictions on the assignment of women in the Armed Forces in order to enhance the effectiveness of the Commission on the Assignment of Women in the Armed Forces, by a recorded vote of 96 yeas and 3 nays (Vote No. 166)

07/31/91 137 Cong Rec S 11414 Senate failed to table Roth/Kennedy Amendment No. 948, to authorize the Secretaries of the military departments to prescribe the conditions under which female members of the armed forces may be assigned to duty in aircraft that are engaged in combat missions, by a recorded vote of 30 yeas and 69 yeas (Vote No. 167)

07/31/91 137 Cong Rec S 11414 Senate reached a unanimous-consent time-agreement providing for the consideration of certain amendments to be proposed to the bill

07/31/91 137 Cong Rec S 11437 Senate rejected Gore Amendment No. 950, to revise the strategy for the Strategic Defense Initiative, by a recorded vote of 39 yeas and 60 nays (Vote No. 168)

07/31/91 137 Cong Rec S 11449 Gore Amendment No. 954 (to Amendment No. 950), to revise the strategy for Strategic Defense Initiative, withdrawn in the Senate

07/31/91 137 Cong Rec S 11485 Senate rejected Bingaman Amendment No. 957, to revise the strategy for the Strategic Defense Initiative, by a recorded vote of 43 yeas and 56 nays (Vote No. 169)

07/31/91 137 Cong Rec S 11498 Senate adopted Warner (for Coats) Amendment No. 959, to require the Secretary of Defense to prepare an environmental restoration and cleanup plan for the Jefferson Proving Ground, Indiana, by voice vote

07/31/91 137 Cong Rec S 11500 Senate adopted Warner (for Coats) Amendment No. 960, expressing the sense of the Congress relating to cooperation between military departments and Big Brothers and Big Sisters organizations, by voice vote

07/31/91 137 Cong Rec S 11502 Senate adopted Levin (for Conrad/Daschle/Exon/Harkin/Dixon) Amendment No. 961, to establish a requirement for purchase of gasohol in Federal fuel procurements when price is comparable, by voice vote

07/31/91 137 Cong Rec S 11504 Senate adopted Levin (for Daschle) Amendment No. 962, to seek to achieve an agreement on defense cost-sharing with each foreign nation in which the United States has permanently stationed U.S. combat units, by voice vote

07/31/91 137 Cong Rec S 11505 Senate adopted Levin (for Dixon) Amendment No. 963, expressing the sense of the Congress relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States, by voice vote

07/31/91 137 Cong Rec S 11506 Senate adopted Warner (for Thurmond) Amendment No. 964, to provide for the disposition of certain improvements and land in connection with base closures, by voice vote

07/31/91 137 Cong Rec S 11506 Senate adopted Levin (for Ford/Stevens) Amendment No. 965, to authorize the furnishing materials, supplies or services by the Secretary of Defense for the next Presidential inauguration, by voice vote

07/31/91 137 Cong Rec S 11507 Senate adopted Levin (for Glenn) Amendment No. 966, to authorize foreign post differentials for certain Federal civilian employees who performed service in connection with Operation Desert Storm, by voice vote

07/31/91 137 Cong Rec S 11507 Senate adopted Warner (for McCain/Glenn) Amendment No. 967, to require a comprehensive study of the military medical care system, by voice vote

07/31/91 137 Cong Rec S 11508 Senate adopted Levin (for Glenn/McCain) Amendment No. 968, to authorize the extension of the CHAMPUS initiative, by voice vote

07/31/91 137 Cong Rec S 11509 Senate adopted Levin Amendment No. 969, to modify the process of bid protests in Government contracts, by voice vote

07/31/91 137 Cong Rec S 11510 Senate adopted Warner (for McCain) Amendment No. 970, to express the finding and sense of Congress regarding the strategic framework and distribution of responsibilities for the security of Asia and the Pacific and to require the President to submit to Congress a report on the strategic posture and military force structure of the U.S. in Asia and the Pacific, by voice vote

07/31/91 137 Cong Rec S 11511 Senate adopted Levin (for Bingaman/Coats) Amendment No. 971, to provide procurement flexibility for small purchases made in connection with contingency operations, by voice vote

07/31/91 137 Cong Rec S 11511 Senate adopted Levin (for Nunn/Warner) Amendment No. 972, to protect keys and keyways used in security applications by the Dept. of Defense, by voice vote

07/31/91 137 Cong Rec S 11511 Senate adopted Levin (for Wirth/McCain) Amendment No. 973, to provide for the transfer of funds to the Air National Guard for procurement of modular control equipment, by voice vote

07/31/91 137 Cong Rec S 11512 Senate adopted Levin (for Bingaman) Amendment No. 974, to make a technical correction relating to partnership intermediaries, by voice vote

07/31/91 137 Cong Rec S 11513 Senate adopted Levin (for Nunn/Warner) Amendment No. 975, to correct and clarify certain provisions of law relating to the pilot Mentor-Protege Program, by voice vote

07/31/91 137 Cong Rec S 11513 Senate adopted Warner (for Dole/Kassebaum/Nickles/Boren) Amendment No. 976, to require the Sec. of Defense to study the advisability of the construction of tornado shelters at military installations located in areas that are prone to tornadoes, by voice vote

07/31/91 137 Cong Rec S 11514 Senate adopted Levin Amendment No. 977, of a technical nature, by voice vote

07/31/91 137 Cong Rec S 11514 Senate will continue consideration of the bill and amendments proposed thereto, on Thursday, August 1

07/31/91 137 Cong Rec S 11593 Gore Amendment No. 954, submitted

07/31/91 137 Cong Rec S 11594 Brown Amendment Nos. 955 and 956, submitted and ordered to lie on the table

07/31/91 137 Cong Rec S 11595 Bingaman (and others) Amendment No. 957, submitted

07/31/91 137 Cong Rec S 11596 Brown Amendment No. 958, submitted and ordered to lie on the table

07/31/91 137 Cong Rec S 11596 Coats Amendment No. 959, submitted

07/31/91 137 Cong Rec S 11597 Coats (and Glenn) Amendment No. 960, submitted

07/31/91 137 Cong Rec S 11597 Conrad (and others) Amendment No. 961, submitted

07/31/91 137 Cong Rec S 11597 Daschle (and Wofford) Amendment No. 962, submitted

07/31/91 137 Cong Rec S 11597 Dixon (and others) Amendment No. 963, submitted

07/31/91 137 Cong Rec S 11598 Thurmond (and others) Amendment No. 964, submitted

07/31/91 137 Cong Rec S 11598 Ford (and Stevens) Amendment No. 965, submitted

07/31/91 137 Cong Rec S 11598 Glenn Amendment No. 966, submitted

07/31/91 137 Cong Rec S 11598 McCain (and Glenn) Amendment No. 967, submitted

07/31/91 137 Cong Rec S 11599 Glenn (and McCain) Amendment No. 968, submitted

07/31/91 137 Cong Rec S 11599 Levin (and others) Amendment No. 969, submitted

07/31/91 137 Cong Rec S 11599 McCain Amendment No. 970, submitted

07/31/91 137 Cong Rec S 11600 Bingaman (and Coats) Amendment No. 971, submitted

07/31/91 137 Cong Rec S 11600 Nunn (and Warner) Amendment No. 972, submitted

07/31/91 137 Cong Rec S 11600 Wirth (and McCain) Amendment No. 973, submitted

07/31/91 137 Cong Rec S 11600 Bingaman Amendment No. 974, submitted

07/31/91 137 Cong Rec S 11601 Nunn (and Warner) Amendment No. 975, submitted

07/31/91 137 Cong Rec S 11601 Dole (and others) Amendment No. 976, submitted

07/31/91 137 Cong Rec S 11601 Levin Amendment No. 977, submitted

08/01/91 137 Cong Rec S 11613 Senate continued consideration of the bill, taking action on further amendments proposed thereto

08/01/91 137 Cong Rec S 11620 Senate adopted Levin/Biden/Chafee amendment No. 979, set forth policy regarding the continued adherence of the U.S. to the ABM Treaty, by voice vote

08/01/91 137 Cong Rec S 11632 Senate tabled Harkin Amendment No. 980, to reduce funding for FY92 for the Strategic Defense Initiative, by a recorded vote of 60 yeas and 38 nays (Vote No. 171)

08/01/91 137 Cong Rec S 11640 Senate tabled Harkin Amendment No. 981, to strike the initial deployment date in Section 211, the Missile Defense Act of 1991, by a recorded vote of 64 yeas and 34 nays (Vote No. 172)

08/01/91 137 Cong Rec S 11644 Senate rejected Bumpers Amendment No. 994, to reallocate for deficit reduction and the Strategic Defense Initiative the amount authorized to be appropriated for the Defense agencies for FY92 for research, development, test and evaluation, by a recorded vote of 46 yeas and 52 nays (Vote No. 173)

08/01/91 137 Cong Rec S 11660 Senate rejected Leahy Amendment No. 1017, to terminate the new production of B-2 bomber aircraft, by a recorded vote of 42 yeas and 57 nays (Vote No. 174)

08/01/91 137 Cong Rec S 11752 Senate adopted McCain Amendment No. 1021, to require the heads of departments and agencies of the Federal government to disclose information concerning the U.S. personnel classified as prisoners of war or missing in action, by voice vote

08/01/91 137 Cong Rec S 11763 Senate adotped Nunn (for Glenn/Levin) Amendment No. 1022, to improve the inventory management policies and procedures of the Dept. of Defense, by voice vote

08/01/91 137 Cong Rec S 11767 Senate adopted Nunn (for Levin) Amendment No. 1023, to prohibit the acquisition of unneeded items of supply by the Dept. of Defense stock funds, by voice vote

08/01/91 137 Cong Rec S 11767 Senate adopted Warner (for Cohen) Amendment No. 1024, to require prompt payment by the U.S. for purchases of fish, by voice vote

08/01/91 137 Cong Rec S 11767 Senate adopted Nunn (for Mitchell/Cohen) Amendment No. 1025, to limit the role of the Dept. of Defense detailees to the Base Closure Commission, and to require the Dept. of Defense to promptly forward to Congress all documents provided by the department to the Commission

08/01/91 137 Cong Rec S 11768 Senate adopted Nunn/Dixon/Warner Amendment No. 1026, to revise the restrictions relating to interim staff of the Defense Base Closure and Realignment Commission, by voice vote

08/01/91 137 Cong Rec S 11768 Senate adopted Warner (for Lott) Amendment No. 1027, to require a report on the criteria to be used in evaluating requests by corporations in the U.S. for a license to import

components of submarines designed and manufactured abroad for further assembly and re-export, by voice vote

08/01/91 137 Cong Rec S 11768 Senate adopted Warner (for Thurmond) Amendment No. 1028, to commend the military colleges for their contributions to training the citizen-soldiers, by voice vote

08/01/91 137 Cong Rec S 11769 Senate adopted Nunn (for Levin/Glenn/Cohen/Bingaman/Coats) Amendment No. 1029, to simplify ethics rules concerning Government-wide procurement, by voice vote

08/01/91 137 Cong Rec S 11775 Senate adopted Warner (for Garn) Amendment No. 1030, to clarify the purposes for which the Sec. of Defense may provide funds to State and local governments under the chemical demilitarization program, by voice vote

08/01/91 137 Cong Rec S 11776 Senate adopted Warner (for Gorton) Amendment No. 1031, to authorize the Sec. of the Navy to enter into long-term leases for family housing units at Naval Air Station Whidbey Island, Washington and Dahlgren Naval Surface Warfare Center, Dahlgren, Virginia, by voice vote

08/01/91 137 Cong Rec S 11776 Senate adopted Nunn (for Bumpers/ Bentsen) Amendment No. 1032, of a technical nature, by voice vote

08/01/91 137 Cong Rec S 11776 Senate adopted Nunn (for Cranston) Amendment No. 1033, to require the Sec. of the Navy to review the Port Chicago court-martial case and correct records appropriately, by voice vote

08/01/91 137 Cong Rec S 11778 Breaux modified Amendment No. 1034, to provide for the conveyance of closed military installations to the neighboring communities in certain cases, pending in the Senate

08/01/91 137 Cong Rec S 11786 Senate reached a unanimous-consent agreement providing for the consideration of certain amendments

to be proposed to the bill on Friday, August 2

08/01/91 137 Cong Rec S 11786 Senate will resume consideration of the bill on Friday August 2

08/01/91 137 Cong Rec S 11855 Levin (and others) Amendment No. 979, submitted

08/01/91 137 Cong Rec S 11855 Harkin (and others) Amendment No. 980, submitted

08/01/91 137 Cong Rec S 11855 Harkin (and others) Amendment No. 981, submitted

08/01/91 137 Cong Rec S 11860 Bumpers Amendment No. 994, submitted

08/01/91 137 Cong Rec S 11906 Leahy (and others) Amendment No. 1017, submitted

08/01/91 137 Cong Rec S 11912 Specter Amendments Nos. 1019 and 1020, submitted and ordered to lie on the table

08/01/91 137 Cong Rec S 11912 McCain (and others) Amendment No. 1021, submitted

08/01/91 137 Cong Rec S 11913 Glenn (and Levin) Amendment No. 1022, submitted

08/01/91 137 Cong Rec S 11913 Levin Amendment No. 1023, submitted

08/01/91 137 Cong Rec S 11913 Cohen (and Warner) Amendment No. 1024, submitted

08/01/91 137 Cong Rec S 11913 Mitchell (and Cohen) Amendment No. 1025, submitted

08/01/91 137 Cong Rec S 11914 Nunn (and others) Amendment No. 1026, submitted

08/01/91 137 Cong Rec S 11914 Lott Amendment No. 1027, submitted

08/01/91 137 Cong Rec S 11914 Thrumond (and others) Amendment No. 1028, submitted

08/01/91 137 Cong Rec S 11914 Levin (and others) Amendment No. 1029, submitted

08/01/91 137 Cong Rec S 11915 Garn Amendment No. 1030, submitted

08/01/91 137 Cong Rec S 11915 Gorton (and others) Amendment No. 1031, submitted

08/01/91 137 Cong Rec S 11915 Bumpers (and Bentsen) Amendment No. 1032, submitted

08/01/91 137 Cong Rec S 11915 Cranston Amendment No. 1033, submitted

08/01/91 137 Cong Rec S 11915 Breaux (and others) Amendment No. 1034, submitted

08/02/91 137 Cong Rec S 11933 Passed in the Senate, after taking action on further amendments proposed thereto, by voice vote

08/02/91 137 Cong Rec S 11934 Senate adopted Breaux Modified Amendment No. 1034, to provide for the conveyance of closed military installations to the neighboring communities in certain cases, by a recorded vote of 30 yeas and 67 nays (Senate failed to table the measure) (Vote No. 175)

08/02/91 137 Cong Rec S 11941 Senate tabled Exon Amendment No. 1037, to prohibit the use of funds fo the short range attack missile tactical (SRAM T) program, by a recorded vote of 51 yeas and 47 nays (Vote No. 176)

08/02/91 137 Cong Rec S 11946 Wirth Amendment No. 1038, to authorize overseas U.S. military personnel and their dependents to receive all reproductive health services permitted under U.S. law at military medical facilities overseas, withdrawn in the Senate

08/02/91 137 Cong Rec S 11958 Senate failed to close further debate on Wirth Amendment No. 1038, by a recorded vote of 58 yeas and 40 nays (Vote No. 177), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative -- by unanimous-consent agreement, and upon failure of the Senate to invoke cloture, the amendment was subsequently withdrawn

08/02/91 137 Cong Rec S 11959 Senate adopted Dole amendment No. 1040, to express support of Congress for the use of all necessary means to accomplish the elimination of Iraq's chemical, biological and nuclear weapons capability, by a

recorded vote of 97 yeas and 2 nays (Vote No. 178)

08/02/91 137 Cong Rec S 11970 Senate adopted Pell amendment No. 1041, to express the support of Congress in the use of all necessary means to protect Iraq's Kurdish minority, by voice vote

08/02/91 137 Cong Rec S 11971 Metzenbaum Amendment No. 1042, to reduce the total amount authorized by division A and B, withdrawn in the Senate

08/02/91 137 Cong Rec S 12036 McCain Amendment No. 1045, to terminate the Seawolf (SSN-21) class submarine program and to reallocate the authorizations of appropriations for such program, withdrawn in the Senate

08/02/91 137 Cong Rec S 12041 Senate tabled Bingaman Amendment No. 1046, regarding the method of pricing tobacco products for sale in commissaries, exchanges, and ships' stores and the use of the proceeds from such sales, by a recorded vote of 55 yeas and 43 nays (Vote No. 179)

08/02/91 137 Cong Rec S 12048 Senate adopted Metzenbaum Amendment No. 1047, to express the sense of the Congress that the number of military personnel authorized to be assigned to permanent duty ashore in Europe at the end of fiscal years 1995 should not exceed 100,000, by voice vote

08/02/91 137 Cong Rec S 12053 Senate tabled Exon Amendment No. 1048, to delete research and development funding for the Rail Garrison MX program, by a recorded vote of 49 yeas and 48 yeas (Vote No. 180)

08/02/91 137 Cong Rec S 12059 Senate adopted Reid Amendment No. 1049, to require display of the POW/MIA flag at Federal Buildings and the National Vietnam Veterans Memorial, by a recorded vote of 34 yeas and 60 nays (Senate failed to table the amendment) (Vote No. 181)

08/02/91 137 Cong Rec S 12062 Senate rejected Domenici/Bingaman Amendment No. 1050, to improve payment bond protections for subcontractors and suppliers on construction contracts, by voice vote

08/02/91 137 Cong Rec S 12067 Senate adopted Byrd Amendment No. 1051, to strike the provisions relating to the academic dean and provost of the Naval Academy, by voice vote

08/02/91 137 Cong Rec S 12067 Senate adopted Warner (for Specter) Amendment No. 1052, to require a report to Congress setting forth the availability of employment assistance services for civilian employees of the Dept. of Defense who may be affected by reductions in defense employment associated with the Base Closure Commission, by voice vote

08/02/91 137 Cong Rec S 12068 Senate adopted Warner (for Specter) Amendment No. 1053, to provide access of parents and certain others to the military records of deceased servicemembers, by voice vote

08/02/91 137 Cong Rec S 12068 Senate adopted Warner (for Seymour/Cranston) Amendment No. 1054, to authorize the Secretary of the Army to convey certain real property to Lompoc, California, by voice vote

08/02/91 137 Cong Rec S 12068 Senate adopted Dixon (for Graham/Mack) Amendment No. 1055, to increase the amount provided for the nuclear monitoring research program of the Defense Advanced Research Projects Agency, by voice vote

08/02/91 137 Cong Rec S 12069 Senate adopted Levin Amendment No. 1056, to add an item to the certification requirement relating to the B-2 bomber aircraft program, by voice vote

08/02/91 137 Cong Rec S 12073 Senate adopted Dixon (for Conrad) Amendment No. 1057, to provide limitations on regarding the deployment of the Minuteman II ICBM

force, by voice vote

08/02/91 137 Cong Rec S 12074 Senate adopted Dixon (for Wirth/Mack/McCain/Coats/Smith) Amendment No. 1058, to express the sense of the Congress regarding Dept. of Defense contracting with foreign firms that participate in the secondary Arab boycott, by voice vote

08/02/91 137 Cong Rec S 12076 Senate adopted Dixon (for Simon) Amendment No. 1059, to express the sense of the Congress that the U.S. and the Soviet Union should resume nuclear weapons testing limitation talks, by voice vote

08/02/91 137 Cong Rec S 12076 Senate adopted Warner (for Kassebaum/Dole) Amendment No. 1060, to provide for a study of the need for and feasibility of developing a joint Armed Forces-civilian airport at Manhattan, Kansas, by voice vote

08/02/91 137 Cong Rec S 12077 Senate adopted Dixon (for Bumpers) Amendment No. 1061, to express the sense of the Senate relating to U.S. troops in Korea, by voice vote

08/02/91 137 Cong Rec S 12078 Senate adopted Warner (for Craig) Amendment No. 1062, to express the sense of the Congress that the President should begin negotiations with Panama to consider whether to conclude a new base rights agreement with the Government of Panama to permit the U.S. Armed Forces to remain in Panama beyond December 31, 1999, by voice vote

08/02/91 137 Cong Rec S 12080 Senate adopted Dixon (for Wirth/Kennedy) Amendment No. 1063, to require a report to Congress on the disposal of the nuclear stockpile due to potential arms control agreements, by voice vote

08/02/91 137 Cong Rec S 12080 Senate adopted Dixon (for Levin) Amendment No. 1064, to revise the waiver on post-employment restrictions applicable to employees of certain national laboratories, by voice vote

08/02/91 137 Cong Rec S 12081 Senate adopted Dixon (for Bumpers/Bond) Amendment No. 1065, to provide improved accountability in the Small Business Administration's exercise of the authority granted by the Small Business Act, and streamline Certificate of Competency Program procedures relating to contract below the "small purchase threshold", by voice vote

08/02/91 137 Cong Rec S 12083 Senate adopted Dixon (for Kohl) Amendment No. 1066, to require the collection of information relating to the exposure of members of the Armed Forces to fumes of burning oil in connection with Operation Desert Storm, and to require annual reports relating to the study of such information, by voice vote

08/02/91 137 Cong Rec S 12083 Senate adopted Dole Amendment No. 1067, to direct the Sec. of the Air Force to study bases to serve as main operating bases for the B-2 bomber, by voice vote

08/02/91 137 Cong Rec S 12083 Senate adopted Dixon (for Shelby/Heflin) Amendment No. 1068, relating to the Chemical Decontamination Training Facility, For McClellan, Alabama, by voice vote

08/02/91 137 Cong Rec S 12084 Senate adopted Smith (for McConnell) Amendment No. 1069, to direct the Sec. of the Army to conduct a study to determine the feasibility and desirability of establishing an Armor Combat Tank Badge, by voice vote

08/02/91 137 Cong Rec S 12085 Senate adopted Smith (for Dole/Warner) Amendment No. 1070, to authorize and request the establishment of a POW/MIA family support center in the Executive Office of the White House, by voice vote

08/02/91 137 Cong Rec S 12085 Senate adopted Smith (for McCain) Amendment No. 1071 to clarify the rate of reimbursement payable for certain mental health care services

under CHAMPUS, by voice vote

08/02/91 137 Cong Rec S 12085 Senate adopted Smith (for Garn) Amendment No. 1072, to provide for continued research, development, test, and evaluation of the cryofracture method of chemical weapons demilitarization and for certain follow-on procurement relating to the use of such method for chemical weapons demilitarization, by voice vote

08/02/91 137 Cong Rec S 12086 Senate adopted Dixon (for Nunn) Amendment No. 1074, to ensure that a transfer of fiscal year 1991 unobligated appropriations is subject to the appropriation process, by voice vote

08/02/91 137 Cong Rec S 12086 Senate adopted Smith (for Gramm/Bentsen) Amendment No. 1073, to provide for additional research in advanced technologies, by voice vote

08/02/91 137 Cong Rec S 12087 Senate adopted Warner (for Domenici) Amendment No. 1075, to afford congressional recognition of the National Atomic Museum at Kirtland Air Force Base, Albuquerque, New Mexico, as the official atomic museum of the United States Government, by voice vote

08/02/91 137 Cong Rec S 12089 Senate adopted Dixon (for Glenn) Amendment No. 1077, to increase by $3,000,000 the amount authorized to be appropriated for the Air Force for fiscal year 1992 for research, development, test, and evaluation in order to provide for qualification testing of the pound-thrust class engine, by voice vote

08/02/91 137 Cong Rec S 12089 Senate adopted Warner (for Domenici/ Bingaman) Amendment No. 1076, to provide that prime contractors will have to attach copies of the Miller Act payment bonds to all solicitations for the supply, labor, and materials for DOD contracts, by voice vote

08/02/91 137 Cong Rec S 12115 Senate passed H.R. 2100, House companion, after striking all after the enacting clause and inserting in lieu thereof the the text of S. 1507, as amended, by voice vote

08/02/91 137 Cong Rec S 12116 Dixon (for Glenn) Amendment No. 1077, modified in the Senate

08/02/91 137 Cong Rec S 12320 Exon (and others) Amendment No. 1037, submitted

08/02/91 137 Cong Rec S 12320 Wirth (and others) Amendment No. 1038, submitted

08/02/91 137 Cong Rec S 12320 Specter Amendment No. 1039, submitted and ordered to lie on the table

08/02/91 137 Cong Rec S 12320 Dole (and others) Amendment No. 1040, submitted

08/02/91 137 Cong Rec S 12320 Pell (and others) Amendment No. 1041, submitted

08/02/91 137 Cong Rec S 12321 Metzenbaum Amendment No. 1042, submitted

08/02/91 137 Cong Rec S 12321 McCain Amendment No. 1045, submitted

08/02/91 137 Cong Rec S 12321 Bingaman (and others) Amendment No. 1046, submitted

08/02/91 137 Cong Rec S 12321 Metzenbaum (and others) Amendment No. 1047, submitted

08/02/91 137 Cong Rec S 12321 Exon (and others) Amendment No. 1048, submitted

08/02/91 137 Cong Rec S 12322 Reid Amendment No. 1049, submitted

08/02/91 137 Cong Rec S 12322 Domenici (and Bingaman) Amendment No. 1050, submitted

08/02/91 137 Cong Rec S 12322 Byrd Amendment No. 1051, submitted

08/02/91 137 Cong Rec S 12322 Specter (and Lautenberg) Amendment No. 1052, submitted

08/02/91 137 Cong Rec S 12323 Specter Amendment No. 1053, submitted

08/02/91 137 Cong Rec S 12323 Seymour (and) Cranston Amendment No. 1054, submitted

08/02/91 137 Cong Rec S 12323 Graham (and others) Amendment No. 1055, submitted

08/02/91 137 Cong Rec S 12323 Levin Amendment No. 1056, submitted

08/02/91 137 Cong Rec S 12323 Conrad Amendment No. 1057, submitted

08/02/91 137 Cong Rec S 12324 Wirth (and others) Amendment No. 1058, submitted

08/02/91 137 Cong Rec S 12324 Simon (and others) Amendment No. 1059, submitted

08/02/91 137 Cong Rec S 12324 Kassebaum and Dole Amendment No. 1060, submitted

08/02/91 137 Cong Rec S 12324 Bumpers Amendment No. 1061, submitted

08/02/91 137 Cong Rec S 12324 Craig Amendment No. 1062, submitted

08/02/91 137 Cong Rec S 12325 Wirth (and Kennedy) Amendment No. 1063, submitted

08/02/91 137 Cong Rec S 12325 Levin Amendment No. 1064, submitted

08/02/91 137 Cong Rec S 12325 Kohl (and others) Amendment No. 1066, submitted

08/02/91 137 Cong Rec S 12325 Bumpers (and others) Amendment No. 1065, submitted

08/02/91 137 Cong Rec S 12326 Dole Amendment No. 1067, submitted

08/02/91 137 Cong Rec S 12326 Shelby and Heflin Amendment No. 1068, submitted

08/02/91 137 Cong Rec S 12326 McConnell Amendment No. 1069, submitted

08/02/91 137 Cong Rec S 12326 Dole (and Warner) Amendment No. 1070, submitted

08/02/91 137 Cong Rec S 12326 McCain Amendment No. 1071, submitted

08/02/91 137 Cong Rec S 12326 Garn Amendment No. 1072, submitted

08/02/91 137 Cong Rec S 12326 Gramm Amendment No. 1073, submitted

08/02/91 137 Cong Rec S 12327 Nunn and Lautenberg Amendment No. 1074, submitted

08/02/91 137 Cong Rec S 12327 Domenici and Bingaman Amendment No. 1075, submitted

08/02/91 137 Cong Rec S 12327 Domenici and Bingaman Amendment No. 1076, submitted

08/02/91 137 Cong Rec S 12328 Glenn Amendment No. 1077, submitted

08/02/91 137 Cong Rec S 12328 Danforth Amendment No. 1078, submitted

09/11/91 137 Cong Rec H 6391 Senate requested the concurrence of the House

09/12/91 137 Cong Rec D 1082 House Subcommittee on Seapower and Strategic and Critical Materials met and considered section 1111 of the bill

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)
0802/91 (Measure passed Senate, amended) National Defense Authorization Act for Fiscal Years 1992 and 1993

CO-SPONSORS: No cosponsors have been added to S 1507

BILL TRACKING REPORT

101st Congress 2nd Session
U. S. House of Representatives

AUTHORIZATION FOR FY91 HR 4739

DATE-INTRO: May 8, 1990
LAST-ACTION-DATE: November 5, 1990
FINAL STATUS: Became public law (P. L. 101-510)
SPONSOR: Representative Les Aspin D-WI
TOTAL-COSPONSORS: 1 Cosponsors: 0 Democrats / 1 Republicans

SYNOPSIS:
A bill to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes.

ACTIONS:
Committee Referrals: 05/08/90 House Armed Services Committee
Legislative Chronology:

1st Session Activity:

2nd Session Activity:

05/08/90 136 Cong Rec H 2109 Referred to the House Armed Services Committee

07/23/90 136 Cong Rec H 5269 House Subcommittee on Military Personnel and Compensation approved for full Committee action, amended

07/23/90 136 Cong Rec H 5269 House Subcommittee on Seapower and Strategic and Critical Materials approved for full Committee action, amended

07/26/90 136 Cong Rec H 5629 House Subcommittee on Investigations approved for full Committee action, amended

07/26/90 136 Cong Rec H 5629 House Subcommittee on Military Personnel and Compension met in executive session and approved for full Committee action amended

07/26/90 136 Cong Rec H 5629 House Subcommittee on Seapower and Strategic and Critical Materials met in executive session and approved for full Committee action amended

07/27/90 136 Cong Rec H 5697 House Subcommittee on Readiness met in executive session and approved for full Committee action

07/30/90 136 Cong Rec H 5793 House Subcommittee on Military Nuclear Systems met in executive session and approved for full Committee action, amended

07/31/90 136 Cong Rec H 5969 House Armed Services Committee ordered reported amended

07/31/90 136 Cong Rec H 5969 House Subcommittee on Research and Development met in executive session and approved for full Committee action amended

08/03/90 136 Cong Rec H 6729 House Rules Committee granted a rule providing for the initial consideration of and providing two hours of general debate on the bill

08/03/90 136 Cong Rec H 7167 Reported in the House, amended (H. Rept. 101-665)

08/03/90 136 Cong Rec H 7167 H. Res. 457, providing for the consideration of H. R. 4739, reported in the House (H. Rept. 101-668)

09/10/90 136 Cong Rec H 7271 House agreed to H. Res. 457, the rule to consider the measure, by voice vote

09/11/90 136 Cong Rec H 7289 House Rules Committee granted a rule providing for further consideration of the bill. No other amendments are in order except the amendments specified in this rule and the bill's initial rule. The amendments are to be considered in the order and manner specified and may be offered only by the Member designated in the report, etc. All points of order against amendments printed in the report are waived, etc.

09/11/90 136 Cong Rec H 7297 House completed all general debate and began consideration of amendments but came to no resolution thereon

09/11/90 136 Cong Rec H 7396 House agreed to the Mavroules amendment, as amended by the Gilman amendment, that would create separate "acquisition work forces" within each

division of DOD, comprised of both military and civilian personnel; and provide Federal agencies to finance workers' training or student loans if neccessary, to promote critical skills occupations, by a recorded vote of 413 ayes and 1 no (Roll No. 321)

09/11/90 136 Cong Rec H 7408 House agreed to the Bennett amendment, as amended by the Molinari substitute, that prohibits the use of DOD funds to close the strategic homeport at Staten Island, NY, until 30 days after DOD sends Congress an overall plan to close and realign Navy installations within the United States, by a recorded vote of 230 ayes and 188 noes (Roll No. 322)

09/11/90 136 Cong Rec H 7410 House scheduled further consideration of amendments on September 12, 1990

09/11/90 136 Cong Rec H 7418 H. Res. 461, providing for the further consideration of H. R. 4739, was reported in the House (H. Rept. 101-693)

09/12/90 136 Cong Rec H 7429 House continued consideration of amendments

09/12/90 136 Cong Rec H 7429 House agreed to H. Res. 461, the rule to consider the measure, by a recorded vote of 327 yeas and 65 nays (Roll No. 323)

09/12/90 136 Cong Rec H 7429 House scheduled further consideration of amendments for Thursday, September 13

09/12/90 136 Cong Rec H 7473 House rejected the Martin of NY en bloc amendments to eliminate provisions that do not permit DOD funds to be used to relocate the 401st Tactical Fighter Wing of F-16s in Torrejon, Spain to Crotone, Italy or any other foreign location; and to eliminate provisions requiring DOD to begin a dual basing plan for U.S. troops by FY94, by a recorded vote of 174 yeas and 249 nays (Roll No. 324)

09/12/90 136 Cong Rec H 7476 Huse agreed to the Bonior amendment that requires Japan to pay for all deployment costs for United States Troops stationed in that country, with the condition that if Japan does not meet this requirement, beginning with fiscal year 1991, troops from the U.S. will be withdrawn at a rate of 5,000 each fiscal year, by a recorded vote of 370 yeas and 53 nays (Roll No. 325)

09/12/90 136 Cong Rec H 7479 House rejected the Mrazek amendment that sought to place a ceiling of 30,000 on troops in Korea, with no more than 20,000 of which are Army personnel, by a recorded vote of 157 yeas and 265 nays (Roll No. 326)

09/12/90 136 Cong Rec H 7481 Martin of IL amendment was offered by subsequently withdrawn that sought to eliminate provisions dealing with base closure and replace them with provisions to give the Secretary of Defense the authority to use expedited procedures to close and realign bases

09/12/90 136 Cong Rec H 7483 House agreed to the Browder amendment that requiring Dept. of Defense to: submit a 5-yr force structure and termination of operation at installations outside the U.S. plan as part of the FY92 budget; submit a fair and impartial base closure proposal; ban the closure of further domestic bases until Congress approves a new plan or until Jan. 1992, whichever comes first, by a recorded vote of 287 yeas and 134 nays (Roll No. 327)

09/18/90 136 Cong Rec H 7756 House continued consideration of amendments to the bill but came to resolution thereon and scheduled further consideration of amendments on September 19, 1990

09/18/90 136 Cong Rec H 7762 House rejected the Dornan amendment that sought to decrease all other provisions proportionately so as to increase SDI spending by $1.3 billion to a total of $4.2 billion,

by a recorded vote of 83 ayes and 338 noes (Roll No. 336)

09/18/90 136 Cong Rec H 7764 House rejected the Dellums amendment that sought to eliminate funding for the SDI program and reassign basic research on strategic defenses to appropriate Defense Department agencies while limiting funding for the basic research to $1.5 billion, by a recorded vote of 135 ayes and 286 noes (Roll No. 337)

09/18/90 136 Cong Rec H 7767 House rejected the Kyl amendment that sought to reduce by $520 million, the funding for the F-16 program; reduce by $150 million the funding for Multi Launch Rocket System; and transfer the resulting $670 million to funding SDI, thereby providing $3.57 billion for SDI, by a recorded vote of 141 ayes and 273 noes (Roll No. 338)

09/18/90 136 Cong Rec H 7769 House agreed to the Bennett amendment that reduces SDI spending by $600 million to a total of $2.3 billion, by a recorded vote of 225 ayes to 189 noes (Roll No. 339)

09/18/90 136 Cong Rec H 7775 House agreed to the Spratt amendment, as modified, that restructures the SDI program so that emphasis is increased on ground-based defense systems as opposed to space-based systems; and shifts emphasis away from early deployment, Phase I systems, and stresses longterm technologies and systems, by voice vote

09/18/90 136 Cong Rec H 7778 House agreed to the Mavroules amendment that authorizes $200 million for the creation of a Defense Economic Adjustment program that provides assistance to communities, workers, and businesses that suffer from the spending cuts, by a recorded vote of 288 ayes to 128 noes (Roll No. 341)

09/18/90 136 Cong Rec H 7785 House rejected the Hopkins substitute amendment that sought to increase OEA community adjustment planning assistance programs funding from $2 million to $6 million to assist communitites adversely affected by the spending cuts proposed, by a recorded vote of 161 ayes and 253 noes (Roll No. 340)

09/18/90 136 Cong Rec H 7790 House rejected the Fazio amendment that sought to provide servicemen and their dependents stationed overseas with reproductive health services, including privately paid-for abortions, at military hospitals, as with other medical care, by a recorded vote of 200 ayes and 216 noes (Roll No. 342)

09/18/90 136 Cong Rec H 7792 House agreed to the Mavroules amendment that provides for the transfer of $46 million in unobligated MX rail garrison funds to the DOD environmental restoration program, increasing funding to $1.05 billion for fiscal year 1991, by voice vote

09/18/90 136 Cong Rec H 7795 House agreed to the Bosco amendment that expresses the sense of the Congress urging the President to negotiate international agreements to achieve early prohibition of nuclear weapons testing, by a recorded vote of 234 ayes and 182 noes (Roll No. 343)

09/18/90 136 Cong Rec H 7799 House agreed to the Boxer amendment that prohibits psychiatric examination or hospitalization to be improperly used to harass military whistleblowers, by a recorded vote of 334 ayes and 83 noes (Roll No. 344)

09/18/90 136 Cong Rec H 7801 House agreed to the Boxer amendment that compels the Defense Department to suspend progress payments to contractors when there is substantial evidence of fraud, by voice vote

09/18/90 136 Cong Rec H 7802 House rejected the Frank amendment that sought to cut $200 million from the $610 million for research and development of intercontinental ballistic missiles including the MX and Midgetman missiles, by a recorded vote of 153 ayes and 264 noes (Roll No. 345)

09/18/90 136 Cong Rec H 7803 House rejected the Hopkins amendment that sought to strike provisions which allow the Army to reimburse North American Van Lines for property losses incurred during the invasion of Panama in December 1989, by a recorded vote of 189 and 228 noes, and one "present" (Roll No. 346)

09/18/90 136 Cong Rec H 7806 Lagomarsino amendment offered but subsequently withdrawn, that sought to increase by $126 million the amount of Air Force aircraft procurement funds earmarked for aircraft modification, and to require that this increase be used to acquire ALQ-184 electronic countermeasure equipment designed to jam Soviet interceptor radar systems

09/18/90 136 Cong Rec H 7807 House rejected the Denny Smith amendment, as modified, that sought to limit the appropriation of procurement funds for close air support aircraft for the Armed Forces unless the Defense Department had completed a test to evaluate feasible alternatives for future air-land support and had completed a test to evaluate the upgrade programs for the F-16, A-10, and AV-8B, by voice vote

09/18/90 136 Cong Rec H 7809 House rejected the Traficant amendment that sought to reduce all authorizations by 2 percent, by a recorded vote of 133 ayes and 284 noes (Roll No. 347)

09/19/90 136 Cong Rec H 7830 Passed in the House by a recorded vote of 256 yeas and 155 nays (Roll No. 352)

09/19/90 136 Cong Rec H 7831 House agreed to the Aspin en bloc amendment that includes provisions encouraging energy conservation; striking $33 million for 16" gun amunition and increasing 5" ammunition by the same amount; imposing sanctions on companies exporting ballistic missile technology; reducing U.S. expenses towards civilian foreign nationals employed at overseas U.S. bases; etc. by a recorded vote of 373 ayes and 45 noes (Roll No. 349)

09/19/90 136 Cong Rec H 7843 House agreed to the Aspin en bloc amendment that provides $978 million for activities in the Persian Gulf, including the following: various types of pay and personnel benefits; anti-chemical and biological equipment and training; strategic sealift vessels; three minehunter ships; C-141 aircraft modifications; and classified programs, by a recorded vote of 413 ayes and 10 noes (Roll No. 350)

09/19/90 136 Cong Rec H 7857 House rejected the Dickinson motion to recommit the bill to the House Armed Services Committee with instructions to report the bill back forthwith containing amendments that would have expressed the sense of the Congress regarding Army end strength adjustments; and the period for which selective reserves may be ordered to active duty, by a recorded vote of 156 yeas and 254 nays (Roll No. 351)

09/19/90 136 Cong Rec H 7857 House agreed to the committee amendment in the nature of a substitute, by voice vote

09/19/90 136 Cong Rec H 7866 House agreed to amend the title by voice vote

09/19/90 136 Cong Rec H 7866 The Clerk of the House was authorized to make such clerical and technical corrections including corrections in the table of contents, title, section numbers, and cross references, as may be neccessary in

the engrossment of the bill

09/25/90 136 Cong Rec S 13675 Senate requested a conference with the House

09/25/90 136 Cong Rec S 13751 Passed in the Senate after striking all after the enacting clause and inserting in lieu thereof the text of S. 2884, Senate companion measure, as amended, by voice vote

09/25/90 136 Cong Rec S 13817 House requested the concurrence of the Senate

09/26/90 136 Cong Rec S 14034 Senate appointed as conferees: Sens. Nunn, Exon, Levin, Kennedy, Bingaman, Dixon, Glenn, Gore, Wirth, Shelby, Byrd, Warner, Thurmond, Cohen, Wilson, McCain, Wallop, Gorton, Lott, and Coats

09/28/90 136 Cong Rec H 8316 Senate requested the concurrence of the House

10/02/90 136 Cong Rec H 8597 Conferees met to resolve the differences between the Senate- and House-passed versions but did not complete action thereon

10/05/90 136 Cong Rec H 8999 Conferees continued to resolve differences between House- and Senate-passed versions but did not complete action thereon and will meet again on Tuesday, October 9

10/05/90 136 Cong Rec H 9044 House agreed to the Dickinson motion to instruct House conferees to insist on the House position which fully funds the research and development, procurement and operation and maintenance budget request for the Military Strategic and Tactical Relay Satellite (MILSTAR), by voice vote

10/05/90 136 Cong Rec H 9045 House agreed to the Aspin motion that the conference committee meetings between the House and Senate be closed to the public at such times as classified national security information is under consideration, but that any sitting Member of Congress shall have the right to

attend any closed or open meeting, by a recorded vote of 410 yeas and 2 nays (Roll No. 428)

10/05/90 136 Cong Rec H 9047 House disagreed to the Senate amendment and agreed to a conference

10/05/90 136 Cong Rec H 9047 House appointed as conferees from the Armed Services Committee, Reps. Aspin, Hutto, Blaz Montgomery, Dellums, Schroeder, Byron, Ray, Mavroules, Skelton, Leath, McCurdy, Sisisky, Foglietta, Hertel Spratt, Darden, McCloskey, McNulty, Ortiz, Evans, Bilbray, Browder, Dickinson, Spence, Stump, Courter, Hopkins, Bateman, Davis, Hunter, Martin of NY, and Kasich

10/05/90 136 Cong Rec H 9047 House appointed as conferees from the Armed Services Committee to consider Div. D of the Senate amendment, Reps. Aspin, Ray, Bennett, Dellums, Schroeder, Mavroules, Kyl, Skelton, McCurdy, Hertel, Spratt, Evans, Montgomery, Byron, Hutto, Leath, Foglietta, Sisiski, Ray, McCloskey, Ortiz, Dickinson, Stump, Courter, Davis, Hunter, Hansen, Blaz, Spence, Hopkins, Martin of NY, Kasich and Bateman

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the Permanent Select Committee on Intelligence for consideration of matters within the jurisdiction of that committee under clause 2 of Rule XLVII, Reps. Beilenson, Kastenmeier, and Hyde

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Banking, Finance and Urban Affairs Committee, for consideration of Sections 324, 1249 and 2806 through 2808 of the Senate amendment, Reps. Gonzalez, Oakar, Vento, Torres, Neal of MA, Wylie, Shumway and Roth

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Education and Labor Committee for consideration of Section 504 and division D of the House bill and section 854, 1216, and

3130B of the Senate amendment Reps. Hawkins, Ford of MI, Williams, Martinez, Sawyer, Goodling, Coleman of MO and Gunderson

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Energy and Commerce Committee for consideration of sections 341, 345, 2834(c), 2851, 2852, 3134, 3135 and 3201 of the House bill, and sections 319, 813(f), 1003, 1222, 2821, 2824, 3130B, 3133, 3134, 3201 and 3202 and division D of the Senate amendment: Reps. Dingell, Luken, Sharp, Swift, Eckart, Lent, Moorhead and Whittaker

10/05/90 136 Cong Rec H 9047 House appointed conferees from the House Foreign Affairs Committee to consider Secs. 226, 232, 303, 332, 352, 1037, 1331(a), 1346, 1347, 1401-1408, 3133 and 3141-3144 of the House bill and sections 304, 852, 1106, 1107, 1211, 1213-1215, 1224, 1225, 1242, 1244, 1246, 1271-1275, 1304(d), 2811, 2812 and 3141 of the Senate amendment, Reps. Fascell, Yatron, Hamilton, Solarz, Smith of FL, Broomfield, Gilman and Lagomarsino

Check these Sections

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Government Operations Committee to consider sections 227, 802-804, 807, 835, 1302, 1303 and 2822 of the House bill and sections 811, 812(f), 813(a) (c) and (d), 816-819, 833(a) and modifications committeed to conference, Reps. Conyers, Collins, Wise, Boxer, Kleczka, Horton, Kyl and Shays

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Interior and Insular Affairs Committee for consideration of Division D of the Senate amendment and modifications committed to conference, Reps. Udall, Miller of CA, Vento, Markey, Levine of CA, Young of AK, Marlenee and Craig

10/05/90 136 Cong Rec H 9047 House appointed as conferees from the House Judiciary Committee for consideration of section 352, 552, 822 and 1343 of the House bill and sections 804A, 833(a), 1102, 1218, 1226, 1251-1266, and 1503 of the Senate amendment, and modifications committed to conference, Reps. Brooks, Kastenmeier, Frank, Staggers, Bryant, Fish, Moorhead, and James

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Merchant Marine and Fisheries Committee to consider sections 329(d), 553, 1324, 2831 of the House bill, and sections 522, 631(b), 2805, 3132, and 3401-3407 and division D of the Senate amendment, Reps. Jones of NC, Studds, Hubbard, Tauzin, Dyson, Young of AK, Lent and Shumway

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Post Office and Civil Service Committee to consider sections 361(c), 902, 905, 906 and 1217(b) of the House bill, and sections 831, 832, 834, 1001(a), 1502(b), 3203 and 3404-3406 of the Senate amendment, Reps. Ford of MI, Clay, Sikorski, Oakar, Ackerman, Gilman, Horton and Morella 10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Public Works and Transportation Commttee to consider sections 2803 and division D of the House bill, and sections 1216, 1232, 2804 and 2814 of the Senate amendment, Reps. Anderson, Roe, Oberstar, Bosco, Savage, Hammerschmidt, Petri and Packard

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Science, Space and Technology Committee to consider secs. 802, 804, 804A, 1001, 1002, 1501, 1502 and 3130B of the Senate amendment, Reps. Roe, Scheuer, Lloyd, Valentine, Mineta, Walker, Schneider and Boehlert

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Small Business Committee to consider section 813(e) of the Senate amendment, Reps. LaFalce and McDade

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Ways and Means Committee to consider section 1223 and division D of the Senate amendment, Reps. Gibbons, Jenkins, Downey, Pease, Archer, Vander Jagt and Crane

10/05/90 136 Cong Rec H 9047 House appointed as additional conferees from the House Ways and Means Committee to consider section 645 of the Senate amendment, Reps. Rostenkowski, Ford of TN, Downey, Pease, Matsui, Archer, Vander Jagt, and Crane

10/09/90 136 Cong Rec H 9193 Conferees continued to resolve the differences between the Senate- and House- passed versions, but did not complete action thereon, and recessed subject to call

10/15/90 136 Cong Rec H 9567 Speaker appointed as additional conferees from the House Agriculture Committee for consideration of section 2823 of the Senate amendment, and modifications committed to conference: Reps. Volker, Johnson of SD, Harris, Olin, Campbell of CO, Robert F. Smith of OR, Combest, and Marlenee

10/15/90 136 Cong Rec H 9567 Additional conferees from the House Interior and Insular Affairs Committee was modified by replacing Mr. Young of AK with Mrs. Vucanovich

10/15/90 136 Cong Rec H 9567 Speaker made the following modification in the previous appointment of additional conferees from the House Energy and Commerce Committee -- Immediately after the paragraph naming additional conferees in place of Mr. Eckart for consideration of sections 2851 and 2852 of the House bill

10/15/90 136 Cong Rec H 9567 Speaker made the following modification in the previous appointment of conferees from the Senate Post Office and Civil Service Committee -- In the paragraph naming additional conferees: strike "1502(b)" and insert in lieu thereof "1502"

10/15/90 136 Cong Rec S 15269 Senate adopted Nunn/Warner amendment No. 2994 to S. 3189, to provide for the enactment of H. R. 4739, by voice vote

10/18/90 136 Cong Rec H 10499 Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions, on October 17, 1990

10/23/90 136 Cong Rec H 11379 House Rules Committee granted a rule waiving all points or order against the conference report and its consideration, providing that the conference report is to be considered as having been read when called up for consideration

10/23/90 136 Cong Rec H 11422 Conference report filed in the House (H. Rept. 101-923)

10/24/90 136 Cong Rec H 13505 House agreed to H. Res. 521, the rule waiving all points of order against consideration of the conference report, by a recorded vote of 239 yeas and 161 nays (Roll No. 516)

10/24/90 136 Cong Rec H 13513 House agreed to the conference report by a recorded vote of 271 yeas and 156 nays (Roll No. 517)

10/24/90 136 Cong Rec H 13534 House rejected the Dickinson motion to recommit the conference report to the committee of conference, by voice vote

10/25/90 136 Cong Rec S 18251 Senate reached a unanimous-consent time agreement providing for consideration of the measure

10/26/90 136 Cong Rec H 12944 S. Con. Res. 158, directing the Clerk of the House to make technical corrections in the enrollment of H. R. 4739, was agreed to in the House by voice vote

10/26/90 136 Cong Rec S 16768 Senate agreed to the conference report by a recorded vote of 80 yeas and 17 nays (Vote No. 320)

11/05/90 136 Cong Rec H 13916 Signed by the President on November 5, 1990 (P. L. 101-510)

BILL-DIGEST:
09/25/90 (Measure passed Senate, amended (Inserted text of S. 2884 as passed Senate) National Defense Authorization Act for Fiscal Year 1991 -

CO-SPONSORS:

Original Cosponsors:

Dickinson R-AL

S 2884

1990 S. 2884

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FY91

DATE-INTRO: July 20, 1990
LAST-ACTION-DATE: September 27, 1990
FINAL STATUS: Not enacted → RC: 101-510
SPONSOR: Senator Sam Nunn D-GA
TOTAL-COSPONSORS: 0 Cosponsors

SYNOPSIS:
A original bill to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

ACTIONS:
Committee Referrals:

NOT REFERRED TO COMMITTEE UPON INTRODUCTION

Legislative Chronology:
1st Session Activity:

2nd Session Activity:

03/21/90 136 Cong Rec S 2884 Reported in the Senate (S. Rept. No. 101-384)

07/20/90 136 Cong Rec S 10252 Senate Armed Services Committee ordered reported as an original bill

08/01/90 136 Cong Rec S 11457 Senate scheduled additional consideration of the bill and amendments for August 2

08/01/90 136 Cong Rec S 11692 Senate began consideration

08/01/90 136 Cong Rec S 11702 Warner amendment No. 2482, expressing the sense of the Congress regarding greater utilization of the reserve components of the armed forces, pending in the Senate

08/01/90 136 Cong Rec S 11702 Nunn amendment No. 2483 (to amendment No. 2482), in the nature of a substitute, pending in the Senate

08/01/90 136 Cong Rec S 11702 Warner amendment No. 2484, to provide for an additional restriction on the obligation of funds for the B-2 aircraft program, pending in the Senate

08/01/90 136 Cong Rec S 11703 Nunn amendment No. 2485 (to amendment No. 2484), to express the sense of the Congress regarding the B-2 aircraft program and to add additional restrictions on the obligation of funds for such program, pending in the Senate

08/01/90 136 Cong Rec S 11736 Humphrey amendments Nos. 2468 through 2481, submitted and ordered to lie on the table

08/01/90 136 Cong Rec S 11738 Warner (and Nunn) amendment No. 2482, submitted

08/01/90 136 Cong Rec S 11738 Nunn (and Warner) amendment No. 2483 (to amendment No. 2482), submitted

08/01/90 136 Cong Rec S 11738 Warner amendment No. 2484, submitted

08/01/90 136 Cong Rec S 11738 Nunn amendment No. 2485 (to amendment No. 2484), submitted

08/02/90 136 Cong Rec S 11549 Warner amendment No. 2482, expressing the sense of the Congress regarding greater utilization of reserve components of the armed forces, pending in the Senate

08/02/90 136 Cong Rec S 11549 Senate continued consideration

08/02/90 136 Cong Rec S 11549 Senate adopted Warner amendment No. 2484, to provide for an additional restriction on the obligation of funds for the B-2 aircraft program, by voice vote

08/02/90 136 Cong Rec S 11549 Nunn amendment No. 2483 (to amendment No. 2482), in the nature of a substitute, pending in the Senate

08/02/90 136 Cong Rec S 11553 Senate adopted Nunn amendment No. 2485 (to amendment No. 2484), to express the sense of the Congress regarding the B-2 aircraft program and to add additional restrictions on the obligation of funds for such program, by a recorded vote of 97

yeas and 2 nays (Vote No. 207)

08/02/90 136 Cong Rec S 11557 Senate rejected Cohen amendment No. 2493, to limit the use of funds for the B-2 aircraft program, by a recorded vote of 45 yeas and 53 nays (Vote No. 209)

08/02/90 136 Cong Rec S 11557 Senate rejected Leahy amendment No. 2494 (to amendment No. 2493), to terminate production under the B-2 aircraft program, by a recorded vote of 43 yeas and 56 nays (Vote No. 208)

08/02/90 136 Cong Rec S 11598 Senate tabled Dixon amendment No. 2495, to prohibit the use of funds for construction in connection with the relocation of any function of the Dept. of Defense located at Torrejon Air Base, Spain, to Crotone, Italy, by a recorded vote of 51 yeas and 47 nays (Vote No. 210)

08/02/90 136 Cong Rec S 11599 Senate reached a unanimous-consent agreement providing for consideration of certain amendments to be proposed to the bill on Friday, August 3, 1990

08/02/90 136 Cong Rec S 11885 Senate adopted Thurmond amendment No. 2496, to recognize and commend the Battle of the Bulge Historical Foundation in its efforts to create a gallery in the U.S. Army Museum, Fort George C. Meade, Maryland, to commemorate the Battle of the Bulge, by voice vote

08/02/90 136 Cong Rec S 11887 Senate adopted Roth amendment No. 2497, to express the sense of the Senate concerning the closure and realignment of U.S. military facilities in the Federal Republic of Germany, by voice vote

08/02/90 136 Cong Rec S 11888 Senate adopted Roth amendment No. 2498, to require the Secretary of Defense to determine the feasibility and desireability of permitting the North Atlantic Treaty Organization to utilize, for NATO training and exercise purposes, those military

installations in the United States scheduled for closure by the Department of Defense, by voice vote

08/02/90 136 Cong Rec S 11890 Senate adopted Glenn amendment No. 2499, to authorize payment of increased pay for Federal employees serving critical positions, by voice vote

08/02/90 136 Cong Rec S 11891 Senate adopted Glenn amendment No. 2500, to authorize demonstration programs to assess the use of alternative personnel management systems at certain Federal Government laboratories, by voice vote

08/02/90 136 Cong Rec S 11893 Senate adopted Roth amendment No. 2501, to provide for the suspension of payments under a contract if a determination is made that the request for such payments is fraudulent, by voice vote

08/02/90 136 Cong Rec S 11894 Senate adopted Bingaman amendment No. 2502, to provide for the establishment of a branch office of the Defense Advanced Research Projects Agency in Japan, by voice vote

08/02/90 136 Cong Rec S 11911 Senate adopted Bradley amendment No. 2503, to validate certain contracts entered into by the military departments for the provisions of municipal services, by voice vote

08/02/90 136 Cong Rec S 11913 Senate adopted Lautenberg modified amendment No. 2504, to require the Sec. of Defense to conduct a study to determine whether any of the restricted special use of airspace along the eastern seaboard could be opened to commercial aircraft, by voice vote

08/02/90 136 Cong Rec S 11914 Senate adopted Warner (for Ford/McConnell) amendment No. 2505, expressing the sense of the Senate concerning U.S. Armored Forces, by voice vote

08/02/90 136 Cong Rec S 11914 Senate adopted Warner (for Helms) amendment No. 2506, to request a report on Soviet INF violations, by voice vote

08/02/90 136 Cong Rec S 11918 Senate adopted Levin amendment No. 2508, to extend the period of suspension for certain provisions of law relating to post-employment restrictions, by voice vote

08/02/90 136 Cong Rec S 11919 Senate adopted Warner (for Dole) amendment No. 2509, commending U.S. military personnel involvement in the Philippine earthquake relief effort, by voice vote

08/02/90 136 Cong Rec S 11919 Senate adopted Warner (for Dole) amendment No. 2510, expressing the sense of the Senate commending the work of the National Guard and Reserves, by voice vote

08/02/90 136 Cong Rec S 11922 Senate adopted Levin modified amendment No. 2507, to provide for the procurement of commercial and nondevelopmental items, by voice vote

08/02/90 136 Cong Rec S 11923 Senate scheduled additional consideration for Friday, August 3

08/02/90 136 Cong Rec S 11962 Cohen (and others) amendment No. 2493, submitted

08/02/90 136 Cong Rec S 11962 Leahy (and others) amendment No. 2494 (to amendment No. 2493), submitted

08/02/90 136 Cong Rec S 11962 Dixon (and others) amendment No. 2495, submitted

08/02/90 136 Cong Rec S 11962 Thurmond (and others) amendment No. 2496, submitted

08/02/90 136 Cong Rec S 11962 Roth amendment No. 2497, submitted

08/02/90 136 Cong Rec S 11962 Roth (and others) amendment No. 2498, submitted

08/02/90 136 Cong Rec S 11963 Glenn (and others) amendments Nos. 2499 and 2500, submitted

08/02/90 136 Cong Rec S 11964 Roth (and others) amendment No. 2501, submitted

08/02/90 136 Cong Rec S 11964 Bingaman (and others) amendment No. 2502, submitted

08/02/90 136 Cong Rec S 11964 Bradley (and others) amendment No. 2503, submitted

08/02/90 136 Cong Rec S 11964 Lautenberg (and Bradley) amendment No. 2504, regarding access to certain restricted special use airspace, submitted

08/02/90 136 Cong Rec S 11965 McConnell (and Ford) amendment No. 2505, submitted

08/02/90 136 Cong Rec S 11965 Helms (and others) amendment No. 2506, submitted

08/02/90 136 Cong Rec S 11965 Levin (and others) amendment No. 2507, submitted

08/02/90 136 Cong Rec S 11966 Levin (and others) amendment No. 2508, submitted

08/02/90 136 Cong Rec S 11966 Dole (and others) amendment No. 2509, submitted

08/02/90 136 Cong Rec S 11967 Dole amendment No. 2510, submitted

08/03/90 136 Cong Rec S 11811 Warner amendment No. 2482, expressing the sense of the Congress regarding greater utilization of the reserve components of the armed forces, pending in the Senate

08/03/90 136 Cong Rec S 11811 Nunn amendment No. 2483 (to amendment No. 2482), in the nature of a substitute, pending in the Senate

08/03/90 136 Cong Rec S 11813 Warner amendment No. 2514, regarding the entitlement of members of the Armed Forces and their dependents to receive reproductive health services in uniformed services medical facilities outside the United States withdrawn in the Senate

08/03/90 136 Cong Rec S 11823 Motion to invoke cloture on the Wirth amendment No. 2514, regarding availability of abortions to Armed Forces personnel failed by a recorded vote of 58 yeas and 41 nays (Vote No. 212)

08/03/90 136 Cong Rec S 11825 Senate tabled Conrad amendment No. 2515, to reduce U.S. troops in Europe by 80,000 instead of the 50,000 proposed by the Senate Armed Services Committee, by a recorded vote of 59 yeas and 40 nays (Vote No. 213)

08/03/90 136 Cong Rec S 11829 Senate adopted Murkowski amendment No. 2516, to establish an emergency national energy security plan designed to reduce United States dependense on foreign oil supplies to a level which does not pose an unacceptable threat to the national security, by voice vote

08/03/90 136 Cong Rec S 11830 Senate tabled Glenn amendment No. 2517, to increase the amount of the pay raise for members of the uniformed services to 4.1%, by a recorded vote of 67 yeas and 32 nays (Vote No. 214)

08/03/90 136 Cong Rec S 11836 Senate adopted Thurmond amendment No. 2518, to grant a Federal charter to the 82nd Airborne Division Association, by voice vote

08/03/90 136 Cong Rec S 11838 Senate adopted Warner (for McConnell) amendment No. 2519, to provide surplus military equipment to State and local civilian law enforcement authorities for drug enforcement activities, by voice vote

08/03/90 136 Cong Rec S 11839 Warner amendment No. 2521 (to amendment No. 2520), to provide for an analysis of the need for battleships, withdrawn in the Senate

08/03/90 136 Cong Rec S 11843 Senate tabled a Bumpers amendment that sought to retire three World War II battleships, by a recorded vote of 55 yeas and 44 nays (Vote No. 215)

08/03/90 136 Cong Rec S 11848 Senate tabled DeConcini amendment No. 2522, to establish a demonstratino program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills

which can help prevent substance abuse in subsequent generations, by a recorded vote of 51 yeas and 48 nays (Vote No. 216)

08/03/90 136 Cong Rec S 11853 Senate tabled Roth amendment No. 2523, to prohibit the transfer to the Dept. of Defense of lands under the jurisdiction of any other department or agency of the Federal Government, by a recorded vote of 93 yeas and 6 nays (Vote No. 217)

08/03/90 136 Cong Rec S 11855 Senate tabled Roth amendment No. 2524, to minimize the adverse effects on local communities caused by the closue of military installations, by a recorded vote of 81 yeas and 18 nays (Vote No. 218)

08/03/90 136 Cong Rec S 11858 Senate tabled Roth amendment No. 2525, relating to the closure and realignment of military installations, by voice vote

08/03/90 136 Cong Rec S 11860 Senate adopted Warner amendment No. 2526, relating to the conveyance by the Sec. of the Army of Fort A.P. Hill, Virginia, by voice vote

08/03/90 136 Cong Rec S 11861 Senate adopted Bumpers amendment No. 2527, expressing the sense of the Congress that the President should give to Congress annually an overview on the U.S. top level military strategy and its implementation by strategic forces, by voice vote

08/03/90 136 Cong Rec S 11861 Senate adopted Kennedy amendment No. 2528, to urge formation of a U.S.-Soviet technical working group to examine the technical basis for verficiation of potential provisions in future arms reduction agreements aproviding for dismantlements of nuclear weapons and a halt to further production of plutonium and highly enriched uranium for nuclear weapons, by voice vote

08/03/90 136 Cong Rec S 11863 Simon amendment No. 2529, to direct the Sec. of Defense to establish a health insurance program for temporary coverage of members of the Armed Forces voluntarily discharged of released from active duty for health conditions existing before the date of the discharge or released from active duty and for dependents of such members for such pre-existing conditions, withdrawn in the Senate

08/03/90 136 Cong Rec S 11864 Senate adopted Simon amendment No. 2530, to establish a Presidential Advisory Committee for Policy Toward Cuba, by voice vote

08/03/90 136 Cong Rec S 11866 Senate adopted Warner amendment No. 2531, to establish a program for the purpose of educating Department of Defense personnel in environmental management, by voice vote

08/03/90 136 Cong Rec S 11867 Senate adopted Warner amendment No. 2532, regarding the use of ozone depleting substances within the Dept. of Defense, by voice vote

08/03/90 136 Cong Rec S 11867 Senate adopted Bumpers amendment No. 2533, to provide for the payment of certain mass transit costs of employees under contracts with the Federal government, by voice vote

08/03/90 136 Cong Rec S 11868 Senate adopted Levin (for Adams) amendment No. 2534, to set aside $5,000,000 for certain registration, monitoring and notification activities of the States of Washington, Oregon, Idado in connection with the releases of radionuclides from the Hanford Nuclear Reservation, Hanford, WA, during the years 1944 through 1972, by voice vote

08/03/90 136 Cong Rec S 11868 Senate adopted Gorton (for Dole) amendment No. 2535, relating to the development and production of weapons systems having stand-off attack capabilities and employing sensor-fused devices, by voice vote

08/03/90 136 Cong Rec S 11869 Senate adopted Levin amendment No. 2536, to broaden the scope of certain acquisition workforce enhancements, by voice vote

08/03/90 136 Cong Rec S 11870 Senate adopted Gorton (for D'Amato) amendment No. 2537, expressing the sense of the Congress regarding the effective and report requirement, by voice vote

08/03/90 136 Cong Rec S 12024 Senate adopted Levin (for Nunn) amendment No. 2538, to enhance participation of historically black colleges and universities and minority institutions in defense research, by voice vote

08/03/90 136 Cong Rec S 12024 Senate adopted Gorton (for Dole) amendment No. 2539, to increase funding for family housing at Fort Riley, Kansas, by voice vote

08/03/90 136 Cong Rec S 12024 Senate adopted Levin (for Nunn) amendment No. 2540, to require the Sec. of Defense to establish and conduct a Mentor-Protege Pilot Program, by voice vote

08/03/90 136 Cong Rec S 12026 Senate adopted Levin (for Pell) amendment No. 2541, to authorize the construction of an integrated propulsion/acoustic facility at Newport Naval Underwater Systems Center, Newport, Rhode Island, by voice vote 08/03/90 136 Cong Rec S 12026 Senate adopted Gorton (for Coats) amendment No. 2542, to provide authority under certain circumstances to replace or restore certain property lost or damaged during operation Just Cause, by voice vote

08/03/90 136 Cong Rec S 12026 Senate adopted Levin (for Simon/Bingaman) amendment No. 2543, to ensure that the national defense science and engineering education initiative covers persons traditionally underrepresented in the engineering and science professions and includes authority for Dept. of Energy programs, by voice vote

08/03/90 136 Cong Rec S 12027 Senate adopted Gorton (for Hatch) amendment No. 2544, to require a study to determine the effectiveness of the OH-58D helicopter for use in detecting drug smuggling across the southwest border of the United States, by voice vote

08/03/90 136 Cong Rec S 12028 Senate adopted Levin (for Mikulski) amendment no. 2445, to provide funds for the removal of certain obstructions at the Warfield Air National Guard Base, Martin State Airport, Maryland, by voice vote

08/03/90 136 Cong Rec S 12028 Senate adopted Gorton (for Dole) amendment No. 2546, expressing the sense of the Senate regarding U.S. efforts to enhance strategic stability, by voice vote

08/03/90 136 Cong Rec S 12029 Senate tabled Kerry amendment No. 2547, to limit the amount of 1991 fiscal year funds that may be obligated for the kinetic energy ASAT program, by a recorded vote of 52 yeas and 45 nays (Vote No. 219)

08/03/90 136 Cong Rec S 12035 Senate adopted Cranston amendment No. 2548 to require a report on Andean anti-drug efforts, by voice vote

08/03/90 136 Cong Rec S 12040 Senate adopted Pryor amendment No. 2549, to impose certain restrictions on the Airborne Self Projection Jammer program, by voice vote

08/03/90 136 Cong Rec S 12049 Senate failed to table Bumpers modified amendment No. 2550, to improve the process for base closures and realignments, by a recorded vote of 43 yeas and 54 nays (Vote No. 220)

08/03/90 136 Cong Rec S 12049 Senate rejected Bumpers amendment No. 2550, by voice vote

08/03/90 136 Cong Rec S 12051 Moynihan amendment No. 2551, to require the publication as part of the President's annual budget statement an unclassified aggregate figure for expenditures on intelligence activities, withdrawn in the Senate

08/03/90 136 Cong Rec S 12055 Senate reached a unanimous consent agreement providing for consideration of certain amendments to be proposed to the bill on Saturday, August 4

08/03/90 136 Cong Rec S 12059 Senate rejected Glenn amendment No. 2552, to strike out sections 2809 and 2810, relating to the use of funds from the leasing and disposal of Dept. of Defense property, by a recorded vote of 29 yeas and 67 nays (Vote No. 222)

08/03/90 136 Cong Rec S 12063 Senate adopted Thurmond amendment No. 2553, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis, by voice vote

8/03/90 136 Cong Rec S 12066 Senate adopted Gore (for Bingaman) amendment No. 2554, to enhance the United States' missile non-proliferation policy, by voice vote

08/03/90 136 Cong Rec S 12076 Senate adopted Dixon amendment No. 2555, to authorize pap smear and mammogram tests under CHAMPUS without extra charge, by voice vote

08/03/90 136 Cong Rec S 12078 Senate adopted Dixon amendment No. 2556, to express the sense of Congress regarding the closure of United States military installations outside the United States, by voice vote

08/03/90 136 Cong Rec S 12079 Senate adopted Specter amendment No. 2557, expressing the sense of the Senate to facilitate the creation of a multilateral anti-narcotics strike force, by voice vote

08/03/90 136 Cong Rec S 12079 Senate adopted Wilson amendment No. 2558, to provide for a deadline for completion and execution of agreements with the Environmental Protection Agency, by voice vote

08/03/90 136 Cong Rec S 12083 Senate adopted McCain amendment No. 2559, to establish the Counter-Narcotics Technology Assessment Center with the Office of National Drug Control Policy, by voice vote

08/03/90 136 Cong Rec S 12085 Senate adopted Dixon amendment No. 2560, to authorize the use of research, development, test and evaluation funds of the defense agencies to continue development of the Special Operations variant of the V-22 Osprey aircraft, by voice vote

08/03/90 136 Cong Rec S 12086 Senate adopted Dixon amendment No. 2561, to provide that all responsibilities of the Sec. of Energy with respect to medical and environmental programs applicable in the Republic of the Marshall Islands shall be managed, controlled and conducted through the Office of Environment, Safety and Health of the Dept. of Energy, by voice vote

08/03/90 136 Cong Rec S 12087 Senate adopted McCain (for Gore/Warner) amendment No. 2562, to reimburse the E.P.A. for costs necessary to ensure oversight by that agency of environmental response actions at the Dept. of Defense facilities conducted pursuant to section 120 of the Comprehensive Environmental Response, Compensation and Liability Act, by voice vote

08/03/90 136 Cong Rec S 12088 Senate adopted Dixon (for Bingaman) amendment No. 2563, to clarify the legislative intent of certain provisions of the National Defense Authorization Act for fiscal years 1990, and 1991, by voice vote.

08/03/90 136 Cong Rec S 12089 Senate adopted Domenici amendment No. 2564, to enhance the use of the Department of Energy facilities so as to improve the Nation's competitive posture, by voice vote

08/03/90 136 Cong Rec S 12090 Senate adopted McCain (for Wirth) amendment No. 2565, to increase funds for military construction for the Army National Guard of the United States, by voice vote

08/03/90 136 Cong Rec S 12099 Senate adopted Dixon (for Riegle) amendment No. 2566, to provide for the economic adjustment of communities, small businesses and workers adversely affected by reductions in the programs, projects, and activities of the Department of Defense, by voice vote

08/03/90 136 Cong Rec S 12101 Senate adopted Dixon (for Levin) amendment No. 2567, to reduce funding for secondary items in Defense Department inventories, by voice vote

08/03/90 136 Cong Rec S 12102 Senate adopted Glenn amendment No. 2568, to amend title 31 of the United States Code to more effectively control the availability of appropriations accounts, by voice vote

08/03/90 136 Cong Rec S 12107 Senate adopted McCain (for Garn) amendment No. 2569, to provide funds for the chemical demilitarization line for the Siro fracture incineration program, by voice vote

08/03/90 136 Cong Rec S 12108 Senate adopted Dixon (for Moynihan/D'Amato) amendment No. 2570, to provide funds for research in connection with the inertial confinement fusion program at the University of Rochester, Rochester, New York, by voice vote

08/03/90 136 Cong Rec S 12109 Senate adopted Dixon (for Wirth) amendment No. 2571, to reduce funds provided for certain projects in the energy title of the bill and to increase funds provided for environmental restoration in title III of the bill, by voice vote

08/03/90 136 Cong Rec S 12109 Senate adopted Nunn/Warner amendment No. 2572, honoring General Matthew B. Ridgway, U.S. Army (Retired) for his extraordinary service and

dedication, by voice vote

08/03/90 136 Cong Rec S 12110 Specter amendment No. 2573, to authorize the President to initiate multilateral efforts to establish an international force to restore peace in any region where the national security interests of the U.S. are directly threatened by an armed aggressor, withdrawn in the Senate

08/03/90 136 Cong Rec S 12116 Senate adopted Reid amendment No. 2574, to repeal a program of Federal tort claim law relating to contractor liability for injury or loss of property arising out of atomic weapons testing programs, by voice vote

08/03/90 136 Cong Rec S 12192 Wirth (and others) amendment No. 2514, submitted

08/03/90 136 Cong Rec S 12193 Conrad (and others) amendment No. 2515, submitted

08/03/90 136 Cong Rec S 12193 Murkowski (and others) amendment No. 2516, submitted

08/03/90 136 Cong Rec S 12193 Glenn (and others) amendment No. 2517, submitted

08/03/90 136 Cong Rec S 12193 Thurmond amendment No. 2518, submitted

08/03/90 136 Cong Rec S 12194 McConnell amendment No. 2519, submitted

08/03/90 136 Cong Rec S 12194 Bumpers (and others) amendment No. 2520, submitted

08/03/90 136 Cong Rec S 12194 Nunn (and Warner) amendment No. 2521 (to Bumpers amendment No. 2520), submitted

08/03/90 136 Cong Rec S 12194 DeConcini (and Bradley) amendment No. 2522, submitted

08/03/90 136 Cong Rec S 12195 Roth (and Biden) amendment No. 2523, submitted

08/03/90 136 Cong Rec S 12195 Rothe amendments Nos. 2524 and 2525, submitted

08/03/90 136 Cong Rec S 12196 Warner amendment No. 2526, submitted

08/03/90 136 Cong Rec S 12196 Bumpers amendment No. 2527, submitted

08/03/90 136 Cong Rec S 12196 Kennedy (and others) amendment No. 2528, submitted

08/03/90 136 Cong Rec S 12197 Simon amendment No. 2529, submitted

08/03/90 136 Cong Rec S 12197 Simon (and others) amendment No. 2530, submitted

08/03/90 136 Cong Rec S 12197 Warner amendment No. 2531, submitted

08/03/90 136 Cong Rec S 12198 Warner amendment No. 2532, submitted

08/03/90 136 Cong Rec S 12198 Bumpers amendment No. 2533, submitted

08/03/90 136 Cong Rec S 12198 Adams (and Hatfield) amendment No. 2534, submitted

08/03/90 136 Cong Rec S 12198 Dole amendment No. 2535, submitted

08/03/90 136 Cong Rec S 12198 Levin (and others) amendment No. 2536, submitted

08/03/90 136 Cong Rec S 12199 D'Amato amendment No. 2537, submitted

08/03/90 136 Cong Rec S 12199 Nunn (and others) amendment No. 2538, submitted

08/03/90 136 Cong Rec S 12200 Dole amendment No. 2539, submitted

08/03/90 136 Cong Rec S 12200 Nunn (and others) amendment No. 2540, submitted

08/03/90 136 Cong Rec S 12201 Pell amendment No. 2541, submitted

08/03/90 136 Cong Rec S 12201 Coats amendment No. 2542, submitted

08/03/90 136 Cong Rec S 12201 Simon (and Bingaman) amendment No. 2543, submitted

08/03/90 136 Cong Rec S 12201 Hatch amendment No. 2544, submitted

08/03/90 136 Cong Rec S 12202 Milkulski amendment No. 2545, submitted

08/03/90 136 Cong Rec S 12202 Dole amendment No. 2546, submitted

08/03/90 136 Cong Rec S 12202 Kerry (and others) amendment No. 2547, submitted

08/03/90 136 Cong Rec S 12202 Cranston (and others) amendment No. 2548, submitted

08/03/90 136 Cong Rec S 12202 Pryor amendment No. 2549, submitted

08/03/90 136 Cong Rec S 12202 Bumpers (and others) amendment No. 2550, submitted

08/03/90 136 Cong Rec S 12203 Moynihan (and Specter) amendment No. 2551, submitted

08/03/90 136 Cong Rec S 12203 Glenn amendment No. 2552, submitted

08/03/90 136 Cong Rec S 12203 Thurmond (and others) amendment No. 2553, submitted

08/03/90 136 Cong Rec S 12204 Bingaman (and others) amendment No. 2554, submitted

08/03/90 136 Cong Rec S 12205 Dixon (and others) amendment No. 2555, submitted

08/03/90 136 Cong Rec S 12205 Dixon amendment No. 2556, submitted

08/03/90 136 Cong Rec S 12206 Specter amendment No. 2557, submitted

08/03/90 136 Cong Rec S 12206 Wilson amendment No. 2558, submitted

08/03/90 136 Cong Rec S 12206 Biden (and Cohen) amendment No. 2559, submitted

08/03/90 136 Cong Rec S 12206 Glenn (and others) amendment No. 2560, submitted

08/03/90 136 Cong Rec S 12206 Johnston (and others) amendment No. 2561, submitted

08/03/90 136 Cong Rec S 12207 Gore (and Warner) amendment No. 2562, submitted

08/03/90 136 Cong Rec S 12207 Bingaman (and Domenici) amendment No. 2563, submitted

08/03/90 136 Cong Rec S 12207 Domenici amendment No. 2564, submitted

08/03/90 136 Cong Rec S 12208 McCain amendment No. 2565, submitted

08/03/90 136 Cong Rec S 12208 Riegle (and others) amendment No. 2566, submitted

08/03/90 136 Cong Rec S 12209 Levin amendment No. 2567, submitted

08/03/90 136 Cong Rec S 12209 Glenn (and others) amendment No. 2568, submitted

08/03/90 136 Cong Rec S 12210 Garn amendment No. 2569, submitted

08/03/90 136 Cong Rec S 12211 Moynihan (and others) amendment No. 2570, submitted

08/03/90 136 Cong Rec S 12211 Wirth (and Wilson) amendment No. 2571, submitted

08/03/90 136 Cong Rec S 12211 Nunn (and others) amendment No. 2572, submitted

08/03/90 136 Cong Rec S 12211 Specter amendment No. 2573, submitted

08/03/90 136 Cong Rec S 12211 Reid (and Bryan) amendment No. 2574,

08/03/90 136 Cong Rec S 12220 Metzenbaum (and others) amendment No. 2580, submitted

08/03/90 136 Cong Rec S 12221 Simpson amendments Nos. 2582 and 2583, submitted

08/03/90 136 Cong Rec S 12221 Stevens (and others) amendment No. 2584, submitted

08/03/90 136 Cong Rec S 12222 Daschle amendment No. 2585, submitted

08/03/90 136 Cong Rec S 12222 Nunn (and Warner) amendment No. 2586, submitted

08/03/90 136 Cong Rec S 12310 Senate adopted Metzenbaum amendment No. 2580, to improve the effectiveness of economic sanctions against the Republic of Iraq in response to its invasion of the State of Kuwait, by voice vote

08/03/90 136 Cong Rec S 12313 Senate adopted Simpson amendment No. 2582 (to amendment No. 2574), providing that in no event shall an award of attorney fees for actions brought under this Title exceed 10% of the award of actual damages, by voice vote

08/03/90 136 Cong Rec S 12314 Senate adopted Simpson amendment No. 2583 (to amendment No. 2574), regarding indemnification, by voice vote 08/03/90 136 Cong Rec S 12315 Senate adopted Stevens amendment No. 2584, to authorize levels for active Guard and Reserve, by voice vote

08/03/90 136 Cong Rec S 12316 Senate adopted Nunn (for Daschle) amendment No. 2585, to authorize direct communications between Air Force scientists conducting the

Ranch Hand Study and the Ranch Hand Study Advisory Committee, to limit intervention into such communications by other employees of the Government, and to require annual reports on the activities of such scientists, by voice vote

08/03/90 136 Cong Rec S 12317 Senate adopted Nunn/Warner amendment No. 2586, to authorize additional funds for certain Army, Navy, Air Force, and Defense Agencies programs, by voice vote

08/04/90 136 Cong Rec S 12343 Passed in the Senate by a recorded vote of 79 yeas and 16 nays (Vote No. 227)

08/04/90 136 Cong Rec S 12344 Senate adopted Warner amendment No. 2587, to express the sense of the Congress on Enhancd Theater Defense Systems, by a recorded vote of 96 yeas and 2 nays (Vote No. 224)

08/04/90 136 Cong Rec S 12344 Warner amendment No. 2482, expressing the sense of the Congress regarding greater utilization of the reserve components of the armed services, withdrawn in the Senate

08/04/90 136 Cong Rec S 12344 Nunn amendment No. 2483 (to Warner amendment No. 2482) in the nature of a substitute, fell when amendment No. 2482 was withdrawn

08/04/90 136 Cong Rec S 12350 Senate adopted Bingaman amendment No. 2588, to specify certain limitations on the use of funds for the SDI program, by a recorded vote of 55 yeas and 43 nays (Vote No. 223)

08/04/90 136 Cong Rec S 12356 Senate tabled Kerry amendment No. 2590, to authorize the transfer of $400,000,000 of the funds authorized to be appropriated for SDI to drug treatment, pregnant women, and veterans' health programs, by a recorded vote of 54 yeas to 43 nays (Vote No. 226)

08/04/90 136 Cong Rec S 12390 Senate tabled Bumpers amendment No. 2589, to reduce funding for SDI, by a recorded vote of 56 yeas to 41 nays (Vote No. 225)

08/04/90 136 Cong Rec S 12399 Senate adopted Nunn (for Bryant) amendment No. 2591, to provide for a study analyzing the merits of a dedicated NATO training facility within the United States, by voice vote

08/04/90 136 Cong Rec S 12400 Senated adopted Warner (for Armstrong) amendment No. 2592, to authorize the provision of medical supplies and other humanitarian assistance to the Lithuanian people to alleviate suffering during the current emergency, by voice vote

08/04/90 136 Cong Rec S 12403 Senate adopted Warner amendment No. 2593, to make technical changes, by voice vote

08/04/90 136 Cong Rec S 12406 Nunn (for Johnston) amendment No. 2594, to revise the Strategic Environmental Research Program provisions, withdrawn in the Senate

08/04/90 136 Cong Rec S 12429 Senate reached a unanimous-consent agreement providing that when the Senate receives the House companion measure, the Senate shall be deemed to have considered the bill, that all after the enacting clause be stricken and the text of S. 2884, as amended, be substituted in lieu thereof, that the Senate insist on its amendments and request a conference with the House, and the Chair be authorized to appoint Senate conferees

08/04/90 136 Cong Rec S 12430 Senate passed S. 2905 after striking all after the enacting clause and inserting in lieu thereof, the text of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2906 after striking all after the enacting clause and inserting in lieu thereof, the text of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2907 after striking all after the enacting clause and inserting in lieu thereof, Title XIV of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2908 after striking all after the enacting clause and inserting in lieu thereof, Sec. 621 and part E of Title VI of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2909 after striking all after the enacting clause and inserting in lieu thereof, Sec. 1213 of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2910 after striking all after the enacting clause and inserting in lieu thereof, Title XI of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2911 after striking all after the enacting clause and inserting in lieu thereof, the text of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2912 after striking all after the enacting clause and inserting in lieu thereof, Division A of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2913 after striking all after the enacting clause and inserting in lieu thereof, Division B of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2914 after striking all after the enacting clause and inserting in lieu thereof, Division C of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2915 after striking all after the enacting clause and inserting in lieu thereof, Title X of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12430 Senate passed S. 2916 after striking all after the enacting clause and inserting in lieu thereof, Title VIII of S. 2884, as amended, by voice vote

08/04/90 136 Cong Rec S 12499 Warner (and others) amendment No. 2587, submitted

08/04/90 136 Cong Rec S 12500 Bingaman (and others) amendment No. 2588, submitted

08/04/90 136 Cong Rec S 12500 Bumpers (and others) amendment No. 2589, submitted

08/04/90 136 Cong Rec S 12501 Kerry (and Harkin) amendment No. 2590, submitted

08/04/90 136 Cong Rec S 12501 Bryan amendment No. 2591, submitted

08/04/90 136 Cong Rec S 12501 Armstrong (and others) amendment No. 2592, submitted

08/04/90 136 Cong Rec S 12501 Nunn amendment No. 2593, submitted

08/04/90 136 Cong Rec S 12502 Nunn (and Johnston) amendment No. 2594, submitted

09/05/90 136 Cong Rec H 7175 Senate requested the concurrence of the House

09/25/90 136 Cong Rec S 13751 H. R. 4739, House companion, was passed in the Senate after striking all after the enacting clause and inserting in lieu thereof the text of S. 2884, as amended, by voice vote

09/27/90 136 Cong Rec S 14122 Senator Helms was added as a cosponsor to Murkowski amendment No. 2516

BILL-DIGEST:
08/04/90 (Measure passed Senate, amended, roll call #227 (79-16))
National
Defense Authorization Act for Fiscal Year 1991 - =

BILL TRACKING REPORT

102nd Congress
2nd Session

U. S. House of Representatives
HR 5006
1992 H.R. 5006

NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 1993

DATE-INTRO: April 29, 1992
LAST-ACTION-DATE: October 29, 1992
FINAL STATUS: Became public law (P. L. 102-484)
SPONSOR: Representative Les Aspin D-WI
TOTAL-COSPONSORS: 1 Cosponsors: 0 Democrats / 1 Republicans

SYNOPSIS: A bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes.

ACTIONS: Committee Referrals:
04/29/92 House Armed Services Committee
06/12/92 Senate Armed Services Committee

Legislative Chronology:

1st Session Activity:

2nd Session Activity:

04/29/92 138 Cong Rec H 2808 Referred to the House Armed Services Committee

05/07/92 138 Cong Rec D 528 House Subcommittee on Investigations approved for full Committee action amended

05/07/92 138 Cong Rec D 528 House Subcommittee on Readiness approved for full Committee action amended

05/07/92 138 Cong Rec D 528 House Subcommittee on Seapower and Strategic and Critic Materials approved for full Committee action amended

05/12/92 138 Cong Rec D 550 House Subcommittee on Military Personnel and Compensation met in executive session and approved for full Committee action amended

05/12/92 138 Cong Rec D 551	House Subcommittee on Procurement and Military Nuclear Systems met in executive session and approved for full Committee action amended
05/12/92 138 Cong Rec D 551	House Subcommittee on Research and Development met in executive session and approved for full Committee action amended
05/13/92 138 Cong Rec D 560	House Armed Services Committee met in executive session and ordered reported amended
05/19/92 138 Cong Rec H 3451	Reported in the House, amended (H. Rept. 102-527)
05/27/92 138 Cong Rec H 3835	Dicks Amendment, regarding nuclear safety in Eastern Europe and the former Soviet Union - submitted
06/02/92 138 Cong Rec D 651	House Rules Committee granted a rule
06/02/92 138 Cong Rec E 1612	Remarks by Rep. Andrews (NJ)
06/03/92 138 Cong Rec H 3973	H. Res. 474, the rule under which the bill is being considered, was agreed to in the House by a recorded vote of 257 yeas and 136 nays (D 231-11; R 26-125) (Roll No. 152)
06/03/92 138 Cong Rec H 4024	House completed all general debate and began consideration of amendments on the bill, but came to no resolution thereon, consideration of amendments will resume on Thursday, June 4, 1992
06/03/92 138 Cong Rec H 4072	House agreed to the Kasich Amendment that increases the share paid by NATO allies and South Korea of the costs of stationing United States troops in these countries, by a recorded vote of 396 yeas and 9 nays (D 246-2; R 150-7) (Roll No. 154)
06/03/92 138 Cong Rec H 4077	House agreed to the Frank of Massachusetts amendment that reduces the total amount authorized by the bill by $3.5 billion and requires the reduction to come entirely from a reduction in funds used to support stationing United States troops in Europe, Japan, or Korea, by a

recorded vote of 220 yeas and 185 nays (D 181-68; R 39-117) (Roll No. 155)

06/03/92 138 Cong Rec H 4083 House agreed to the Schroeder Amendment that reduces the number of United States troops stationed in Europe from the current statutory level of 235,700 to 100,000 in 1995, by a recorded vote of 241 yeas and 162 nays (D 207-42; R 34-120) (Roll No. 156) 06/03/92 138 Cong Rec H 4087 House agreed to the Gephardt Amendment that requires the Adminstration to reduce the number of United States troops stationed abroad by 40% by September 30, 1995, by a recorded vote of 225 yeas and 177 nays (D 205-41; R 20-136) (Roll No. 157)

06/03/92 138 Cong Rec H 4091 House agreed to the Frost Amendment that places certain limitations on the sale of assets of a certain defense contractor, by voice vote

06/03/92 138 Cong Rec H 4093 House rejected the Evans Amendment that sought to require the President to submit to Congress annual unclassified reports on the United States nuclear weapons stockpile and United States inventories of fissionable materials, by a recorded vote of 83 yeas and 318 nays (D 83-163; R 0-155) (Roll No. 158)

06/04/92 138 Cong Rec E 1684 Remarks by Rep. Jontz
06/04/92 138 Cong Rec E 1685 Remarks by Rep. Dorgan

06/04/92 138 Cong Rec H 4135 House continued consideration of the bill, but came to no resolution thereon -- consideration of amendments will resume on Friday, June 5

06/04/92 138 Cong Rec H 4135 House agreed to the Aspin Amendment, as modified, that authorizes $650 million for assistance to the former Soviet republics in dismantling their nuclear weapons, and authorizes an additional $100 million, to be offset by a reduction of $100 million in FY 1993 funds for Defense agencies, to coordinate

technical means to monitor nuclear weapons proliferation, by a vote of 356-54 (D 231-18; R 125-36) (Roll No. 160) 06/04/92 138 Cong Rec H 4143 AuCoin Amendment that sought to direct the Secretary of Defense to transfer control of all tactical (short-range) nuclear weapons to the Department of Energy, and require the Energy Department to dismantle such weapons, offered in the House, by subsequently withdrawn 06/04/92 138 Cong Rec H 4145 House agreed to the Mavroules Amendment that provides a strategy to reduce the number of nuclear weapons in the United States arsenal and those of other nuclear states, and calls for a worldwide end to the production of plutonium and enriched uranium used to make nuclear weapons, by a recorded vote of 278 yeas and 135 nays (D 233-20; R 45-115) (Roll No. 162)

06/04/92 138 Cong Rec H 4150 House agreed to the AuCoin Amendment that reinstates a Defense Department policy in effect from 1982-1988 alowing military medical facilities overseas to offer service personnel, and dependents stationed abroad, abortion services when they pay for all costs themselves, including indirect costs, by a recorded vote of 216 yeas and 193 nays (D 182-68; R 34-125) (Roll No. 163)

06/04/92 138 Cong Rec H 4159 House agreed to the Kopetski Amendment that bans nuclear weapons testing for one year, unless the President certifies to Congress that any of the Soviet Union's successor republics has conducted a nuclear test, by a recorded vote of 237 yeas and 167 nays (D 212-34; R 25-133) (Roll No. 164)

06/04/92 138 Cong Rec H 4188 House agreed to the Frost Amendment that outlines how the $1 billion provided for defense reinvestment and economic conversion activities would be allowed, and included the creation of an Assistant Secretary of Defense Reinvestment, by a

recorded vote of 275 yeas and 105 nays (D 232-1; R 43-104) (Roll No. 166)

06/04/92 138 Cong Rec H 4209 House rejected the Hopkins Amendment in the nature of a substitute for the agreed-to Frost amendment regarding economic conversion, that sought to strike provisions relating to hiring preference, cancellation of defense contracts, special early retirement for displaced defense workers, and defense contractor employment openings, by a recorded vote of 147 yeas and 235 nays (D 2-230; R 145-5) (Roll No. 165)

06/04/92 138 Cong Rec H 4217 House rejected the Dellums Amendment that sought to reduce by 10 percent the total amount authorized, by a recorded vote of 90 yeas and 283 nays (D 86-141; R 4-142) (Roll No. 167)

06/04/92 138 Cong Rec H 4224 House rejected the Owens of Utah Amendment that sought to direct the Defense Department to submit a report to Congress within 6 months comparing the costs and benefits of terminating the C-17 transport plane program and re-starting production of the continued C-5B transport aircraft, by voice vote

06/04/92 138 Cong Rec H 4229 House agreed to the Aspin en bloc Amendments, by voice vote

06/04/92 138 Cong Rec H 4250 House rejected the Rohrbacher Amendment that sought to require the Navy to determine whether the designated San Diego Homeport Area should be expanded to include Long Beach and San Pedro, California, for purposes of short-term ship overhaul and shipyard repair work, by voice vote

06/04/92 138 Cong Rec H 4252 Hutto Amendment that sought to restrict the amount that the Defense Department pays to the General Services Administration to lease buildings and other space in the Washington, D.C., area to no more than the actual cost of the space

	occupied by the Department and related defense agencies, offered in the House, by subsequently withdrawn
06/04/92 138 Cong Rec H 4254	House agreed to the Skaggs Amendment that requires the Energy Department to develop a comprehensive economic conversion plan to minimize the impact of weapons complex configuration, by voice vote
06/05/92 138 Cong Rec E 1697	Remarks by Rep. Moakley
06/05/92 138 Cong Rec E 1699	Remarks by Rep. Oakar
06/05/92 138 Cong Rec E 1701	Remarks by Rep. Marlenee
06/05/92 138 Cong Rec E 1704	Remarks by Rep. Boxer
06/05/92 138 Cong Rec E 1707	Remarks by Rep. Peterson (FL)
06/05/92 138 Cong Rec E 1711	Remarks by Rep. Dorgan
06/05/92 138 Cong Rec E 1711	Remarks by Rep. Inhofe
06/05/92 138 Cong Rec E 1713	Remarks by Rep. Dreier
06/05/92 138 Cong Rec H 4273	Passed in the House by a recorded vote of 198 yeas and 168 nays (D 168-56; R 30-112) (Roll No. 172)
06/05/92 138 Cong Rec H 4275	House rejected the Dellums Amendment that sought to limit the strategic defense initiative (SDI) to basic research programs and authorize $1.2 billion for basic research on strategic defense technologies, terminate the SDI organization, and repeal the Missile Defense Act, by a recorded vote of 117 yeas and 248 nays (D 115-106; R 2-142) (Roll No. 168)
06/05/92 138 Cong Rec H 4280	House rejected the Durbin Amendment that sought to reduce the authorization for SDI by $937.5 million, by a recorded vote of 161 yeas and 211 nays (D 150-77; R 11-134) (Roll No. 169)
06/05/92 138 Cong Rec H 4290	House rejected the Andrews of Maine Amendment that sought to terminate the production of B-2 bombers after the completion of the 15 deployable B-2 aircraft which have been previously funded therefore reducing the fiscal year 1993 authorization by $2.7 billion, by a recorded vote of 162 yeas and 212 nays (D 140-89; R 22-123) (Roll No. 170)

06/05/92 138 Cong Rec H 4304	On a demand for a seperate vote, the House agreed to the Frank of Massachusetts Amendment that reduces the total amount authorized by the bill $3.5 billion and requires the reduction to come entirely from funds used to support stationing Unites States troops in Europe, Japan, or Korea by a recorded vote of 202-164 (D 170-53; R 32-111) (Roll No. 171) -- this amendment was agreed to on Wednesday, June 3
06/05/92 138 Cong Rec H 4305	House agreed to the Hopkins Amendment motion to recommit the bill to Committee on Armed Services with instructions to report the bill back to the House with an amendment that provides for improved national defense controls of technology diversions overseas and requires the Sec. of Energy to conduct a program of development regarding the use of high-density low-enriched uranium fuels, by voice vote
06/05/92 138 Cong Rec H 4305	Subsequently, the bill was reported back to the Committee on Armed Services with the amendment and the amendment was agreed to
06/05/92 138 Cong Rec H 4305	House agreed to the Hopkins Amendment in the nature of a substitute, by voice vote
06/05/92 138 Cong Rec H 4308	House Clerk was authorized to make technical correction including corrections in the table of contents, title and section numbers and cross references in the engrossment of the bill
06/05/92 138 Cong Rec H 4308	House agreed to amend the title, by voice vote
06/09/92 138 Cong Rec E 1725	Remarks by Rep. Porter
06/09/92 138 Cong Rec E 1735	Remarks by Rep. Penny
06/09/92 138 Cong Rec E 1735	Remarks by Rep. Vander Jagt
06/09/92 138 Cong Rec E 1741	Remarks by Rep. LaFalce
06/09/92 138 Cong Rec E 1744	Remarks by Rep. Abercrombie
06/11/92 138 Cong Rec E 1771	Remarks by Rep. Morrison
06/12/92 138 Cong Rec E 1792	Remarks by Rep. Vento
06/12/92 138 Cong Rec E 1811	Remarks by Rep. Morella
06/12/92 138 Cong Rec E 1813	Remarks by Rep. Patterson

06/12/92 138 Cong Rec S 8151 House requested the concurrence of the Senate

06/12/92 138 Cong Rec S 8151 Referred to the Senate Armed Services Committee

06/16/92 138 Cong Rec E 1844 Remarks by Rep. Torres
06/17/92 138 Cong Rec E 1872 Remarks by Rep. Penny
06/17/92 138 Cong Rec E 1883 Remarks by Rep. Fields
07/23/92 138 Cong Rec H 6581 Reported in the House, amended (H. Rept. 102-690)

07/29/92 138 Cong Rec H 6978 Cosponsors added

09/18/92 138 Cong Rec S 14195 Senate Armed Services Committee was discharged from further consideration of the bill, and the bill was then passed in the Senate by voice vote, after striking all after the enacting clause and inserting in lieu thereof the text of S. 3114, as amended

09/18/92 138 Cong Rec S 14195 Senate insisted on its amendment and requested a conference with the House thereon, and the Chair appointed conferees on the part of the Senate, as follows: Senators Nunn, Exon, Levin, Kennedy, Bingaman, Dixon, Glenn, Gore, Wirth, Shelby, Byrd, Warner, Thurmond, Cohen, McCain, Wallop, Lott, Coats, Mack, and Smith

09/21/92 138 Cong Rec E 2722 Remarks by Rep. Pease

09/22/92 138 Cong Rec H 8848 House disagreed to the Senate amendments to the bill, agreed to a conference and appointed conferees

09/22/92 138 Cong Rec H 8849 House agreed to the Dickinson motion to instruct House conferees to insist on the House positions with regard to the production of F-16 aircraft, by voice vote

09/22/92 138 Cong Rec H 8849 House agreed to the Aspin motion to close the conference committee meetings as such times as classified national security information is under consideration provided that any sitting Member of Congress have the right to attend any closed or open meeting, by a recorded vote of 394 yeas and 1 nays (D 239-1; R

155-0) (Roll No. 404)

09/22/92 138 Cong Rec S 14706 Cranston Amendment No. 3156, submitted

09/23/92 138 Cong Rec H 9198 The Speaker appointed the following members as conferees in the conference on the disagreeing votes of the two Houses on the amendments of the Senate to H.R. 5006

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees from the Judiciary Committee, for consideration of section 922 of the Senate amendment, and modifications committed to conference, Reps. Brooks, Schumer, Hughes, Sensenbrenner, and Schiff

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees from the Merchant Marine Committee, for consideration of sections 536, 1013, 1016(b) 1017, 1019, 1021, 2837, and 3501-3504 of the House bill, and sections 612(b), 1021-1023, 1045, 1053, 1206, 2837, 2851-2855, 3103(e), and 3501-3505 of the Senate amendment and modifications committed to conference, Reps. Studds, Hubbard, Hughes, Tauzin, Lipinski, Young of AK, Fields and Lent

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees from the Post Office committee for consideration of 531, 924(a), 1060(a), 1201-1206, 1301, 4401, 4601-4606 of the House bill and sects. 341-348, 539, 809(b), 1044-1045, 1058(a), 1074, portion of section 1082 adding a new section 195H to the National Community Service Act of 1990, 1099D and 1306 of the Senate amendment, Reps. Sikorski, Kanjorski, Clay, Oakar, Ackerman, Gilman, Horton & Myer

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees from the Permanent Select Committee on Intelligence, for matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Reps. Kennelly, Glickman, and Shuster

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees from Public Works, for consideration of sections 4101-4106 and 4501-4502 of the House bill, sections 313-317, 320, 332 of the Senate amendment, Reps. Roe, Mineta, Nowak, Kolter, Hayes of LA, Hammerschmidt, and Shuster

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees from Science, Space and Technology, for consideration of sections 241, 4105, 4201, 4203, 4206 of the House bill and sections 204, 801-806, 809, 810A, 837, 839, 1112, 3139, and 3141 of the Senate amendment and modifications committeed to conference, Reps. Brown, Valentine, Mineta, Horn, Lewis of FL, Bacchus, Walker, and Packard

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees from the Committee on Banking, Finance, and Urban Affairs, for consideration of sections 1071, and 4501 and 4502 of the House bill, and sections 838, 1092, 1093, 1094, and 1094B of the Senate amendment, and modifications committed to conference: Reps. Carper, LaFalce, Oakar, Vento, Kanjorski, Ridge, Paxon, and Hancock

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees from Small Business, for consideration of section 4204 of the House bill and sections 807, 811 815 and 1032 of the Senate amendment, and modifications committed to conference: Reps. LaFalce, Smith of IA, and Meyers of KN

09/23/92 138 Cong Rec H 9199 Appointed from the House Armed Services Committee as conferees: Reps. Aspin, Bennett, Montgomery, Dellums, Schroeder, Byron, Mavroules, Hutto, Skelton, McCurdy, Foglietta, Hertel, Lloyd, Sisisky, Ray, Spratt, Ortiz, Darden, Pickett, Lancaster, Evans, Bilbray, Tanner, McNulty, Browder, Dickinson, Spence, Stump, Hopkins, Davis, Hunter, Martin, Kasich, Bateman, Blaz,

Ireland, Hansen, Weldon, Kyl, Ravenel, Dornan

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees from Veterans' Affairs, for consideration of sections 641 and 642 and 4351-4368 of the House bill, and sections 536, 538, 549 and 551 of the Senate amendment, and modifications committed to conference: Reps. Penny, Applegate, and Smith of NJ

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees from Ways and Means for consideration of section 4607 of the House bill, and modifications committed to conference: Reps. Rostenkowski, Gibbons, Pickle, Rangel, Stark, Archer, Crane, and Vander Jagt

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees from Ways and Means, for consideration of sections 1404 to 1405 of the Senate amendment, and modifications committed to conference: Reps. Rostenkowski, Gibbons, Jenkins, Downey, Pease, Archer, Crane and Vander Jagt

09/23/92 138 Cong Rec H 9199 House appointed as add'l conferees: from the Committee on Energy and Commerce, for consideration of secs. 321, 370, 1071, and 3161 of the House bill, and sections 313 to 317, 319 and 320, 824, 838, 1205, 2851 to 2855, 2861, 3132, 3135, 3141, 3151 and 3152 and 3201 of the Sen. amendment: Reps. Dingell, Swift, Sharp, Collins (IL), Eckart, Lent, Ritter, and Moorhead

09/23/92 138 Cong Rec H 9199 House further appointed as additional conferees: from the Energy and Commerce Committee, for consideration of certain sections, Representative Dannemeyer in lieu of Representative Moorhead soley for consideration of sections 370 and 3161 of the House bill and section 3152 of the Senate amendment

09/23/92 138 Cong Rec H 9199 House appointed as add'l conferees: from the Committee on Education and Labor, for consideration of such sections 3161, 3162, 4301 to 4313, 4321 to 4325, 4401, 4404 and 4405, and 4607 of the House bill; sections 333, 344, 531, 532, 804, 814(e), 1060, 1065, 1082 to 1085, 1099E, 1301 to 1307, 3151 to 3153 of Senate amendment: Reps. Ford (MI) Clay, Kildee, Williams, Perkins, Goodling, Gunderson, and Roukema

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees: from the Energy and Commerce Committee, Representative McMillan (NC) in lieu of Representative Moorhead solely for consideration of section 1071 of the House bill and sections 824 and 838 of the Senate amendment

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees: from the Energy and Commerce Committee, Representative Schaefer in lieu of Representative Moorhead solely for consideration of sections 2851 to 2855 of the Senate amendment

09/23/92 138 Cong Rec H 9199 House appointed as add'l conferees: from the Government Operations Committee, for consideration of sections 313, 374(f), 640, 814, 819, 821, 1002, and 2823 of the House bill, and sections 1003, 1048(f), and 2841 of the Senate amendment: Representatives Conyers, Collins (IL), Towns, Thornton, Peterson (MN), Horton, Kyl, and Clinger

09/23/92 138 Cong Rec H 9199 House appointed as add'l: conferees from the Judiciary Committee, for consideration of section 374 (d) and (f), 531, 819, and 1060(a) of the House bill, and sections 1046, 1047, 1048 (d) and (f), and 3137 of the Senate amendment: Representatives Brooks, Frank, Synar, Fish, and Gekas

09/23/92 138 Cong Rec H 9199 House appointed as additional conferees: from the Committee on Foreign Affairs, for consideration

of various section of the House bill, and Senate amendments committed to conference: Reps. Fascell, Hamilton, Yatron, Solarz, Berman, Broomfield, Gilman, and Lagomarsino -- also appointed Reps. Gejdenson and Torricelli in lieu of Reps. Fascell and Hamilton for sections 1201 to 1212 of Senate amendment

09/23/92 138 Cong Rec H 9199 House appointed as add'l conferees: from the Judiciary Committee, for consideration of sections 838(e) and 1062 of the Senate amendment: Representatives Brooks, Edwards (CA), Conyers, Hyde, and Coble

09/23/92 138 Cong Rec H 9199 House appointed as add'l conferees: from the Judiciary Committee, for consideration of section 1068 of the House bill: Representatives Brooks, Mazzoli, Berman, McCollum, and Smith (TX)

09/24/92 138 Cong Rec H 9370 Speaker made the following modification in the appointment of conferees: As a replacement conferee from the Government Operations Committee, Rep. Synar is appointed in lieu of Rep. Collins of IL

09/30/92 138 Cong Rec H 9947 Conferees received permission to have until midnight tonight to file a conference report on the bill

10/01/92 138 Cong Rec D 1262 House Rules Committee granted a rule waiving all points of order against the conference report to accompany the bill, and against its consideration. The rule provides that the conference report will be considered as read.

10/01/92 138 Cong Rec D 1264 Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of the bill

10/01/92 138 Cong Rec H 10099 Conference report on the bill, reported in the House (H. Rept. 102-966)

10/01/92 138 Cong Rec H 10131 House Committee on Armed Services received permission to have until midnight on this day to file a conference report on the bill

10/02/92 138 Cong Rec H 10802 House agreed to H. Res. 588, waiving points of order against the conference report to accompany the bill, and against the consideration of such conference report, by voice vote

10/02/92 138 Cong Rec S 16285 Senate reached a unanimous-consent time-agreement providing for the consideration of the conference report to accompany the bill

10/03/92 138 Cong Rec H 10977 House agreed to the conference report to accompany the bill, by a recorded vote of 304 yeas and 100 nays (D 186-59; R 118-41) (Roll No. 461) -- clearing the measure for Senate action

10/03/92 138 Cong Rec S 16473 Senate completed consideration of the provisions of the conference report to accompany the bill

10/03/92 138 Cong Rec S 16485 Senate reached a unanimous-consent agreement providing that when the conference report is received, the Senate be deemed to have agreed to the report

10/05/92 138 Cong Rec H 11488 House agreed to H. Con. Res. 379, directing the Clerk of the House to make certain corrections in the enrollment of the bill, by voice vote

10/05/92 138 Cong Rec S 16652 Senate agreed to the conference report to accompany the bill, by voice vote -- clearing the measure for the President

10/08/92 138 Cong Rec S 17904 Senate agreed to H. Con. Res. 379, directing the Clerk of the House to make certain corrections in the enrollment of the bill, by voice vote

10/09/92 138 Cong Rec D 1334 Signed by the President on October 23, 1992 (P.L. 102-484)

10/09/92 138 Cong Rec E 3093 Remarks by Rep. Sikorski
10/09/92 138 Cong Rec E 3123 Remarks by Rep. Schroeder
10/09/92 138 Cong Rec E 3165 Remarks by Rep. Andrews (NJ)
10/09/92 138 Cong Rec E 3222 Remarks by Rep. Mazzoli
10/09/92 138 Cong Rec E 3239 Remarks by Rep. Morella
10/09/92 138 Cong Rec E 3274 Remarks by Rep. Skaggs
10/29/92 138 Cong Rec H 12608 Enrolled in the House on October 14, 1992
10/29/92 138 Cong Rec S 18260 Enrolled in the Senate on October 14, 1992

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)
0605/92 (Measure passed House, amended, roll call 172 (198-168))

S 3114

1992 S. 3114

NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 1993

DATE-INTRO: July 31, 1992
LAST-ACTION-DATE: September 22, 1992
FINAL STATUS: Not Enacted
SPONSOR: Senator Sam Nunn D-GA
TOTAL-COSPONSORS: 0 Cosponsors

SYNOPSIS: An original bill to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

ACTIONS: Committee Referrals:
NOT REFERRED TO COMMITTEE UPON INTRODUCTION

Legislative Chronology:

1st Session Activity:

2nd Session Activity:

07/31/92 138 Cong Rec S 11071 Reported in the Senate (S. Rept. No. 102-352)

08/06/92 138 Cong Rec S 11662 Senate reached a unanimous-consent agreement providing for consideration of the bill

08/07/92 138 Cong Rec S 11826 Senate began consideration of the bill, taking action on amendments proposed thereto

08/07/92 138 Cong Rec S 11852 Senate adopted Nunn Amendment No. 2916, to require prompt implementation of the defense conversion and transition assistance provisions and authorities, by a recorded vote of 91 yeas and 2 nays (D 53-0; R 38-2) (Vote No. 181)

08/07/92 138 Cong Rec S 11857 Senate adopted D'Amato/Moynihan Amendment No. 2917, to prohibit land known as the Calverton Pine Barrens, located on Department of Defense land in Long Island, New York, from being disposed of in any way that allows it to be commercially developed, by voice vote

08/07/92 138 Cong Rec S 11872 Senate failed to table Sasser/ Bumpers/Jeffords Modified Amendment No. 2918, to reduce the amount provided for the Strategic Defense Initiative, by a recorded vote of 43 yeas and 49 nays (D 9-44; R 34-5) (Vote No. 182)

08/07/92 138 Cong Rec S 11877 Bumpers Modified Amendment No. 2919 (to Amendment No. 2918), of a perfecting nature, pending in the Senate

08/07/92 138 Cong Rec S 11877 Senate will continue consideration of the bill and amendments pending thereto, on Monday, August 10

08/07/92 138 Cong Rec S 11957 Nunn (and others) Amendment No. 2916, submitted

08/07/92 138 Cong Rec S 11958 D'Amato (and Moynihan) Amendment No. 2917, submitted

08/07/92 138 Cong Rec S 11959 Sasser (and others) Amendment No. 2918, submitted

08/07/92 138 Cong Rec S 11959 Bumpers (and others) Amendment No. 2919, submitted

08/07/92 138 Cong Rec S 11959 Specter Amendment No. 2920, submitted

08/07/92 138 Cong Rec S 11959 Specter (and others) Amendment No. 2921, submitted and ordered to lie on the table

08/07/92 138 Cong Rec S 11959 Specter Amendment No. 2922, submitted and ordered to lie on the table

08/10/92 138 Cong Rec S 11974 Senate continued consideration of the bill, with amendments pending thereto

08/10/92 138 Cong Rec S 11974 Sasser/Bumpers/Jeffords Modified Amendment No. 2918, to reduce the amount provided for the Strategic Defense Initiative, pending in the Senate

08/10/92 138 Cong Rec S 11974 Bumpers Modified Amendment No. 2919 (to Amendment No. 2918), of a perfecting nature, pending in the Senate

08/12/92 138 Cong Rec S 12715 Lautenberg (and Conrad) Amendment No. 2950, submitted and ordered to lie on the table

09/15/92 138 Cong Rec E 2633 Remarks by Rep. Ireland

09/17/92 138 Cong Rec S 13735 Senate resumed consideration of the bill, taking action on amendments proposed thereto

09/17/92 138 Cong Rec S 13812 Senate adoptedSasser/Bumpers/Jeffords Modified Amendment No. 2918, to reduce the amount provided for the Strategic Defense Initiative, by voice vote

09/17/92 138 Cong Rec S 13812 Senate rejected Bumpers Modified Amendment No. 2919 (to Amendment No. 2918), of a perfecting nature, by a recorded vote of 48 yeas to 50 nays (D 43-12; R 5-38) (Vote No. 214)

09/17/92 138 Cong Rec S 13843 Senate adopted Nunn/Warner Amendment No. 3036 (to Amendment No. 2918), to limit the amount that may be obligated for the Strategic Defense Initiative, by a recorded vote of 52 yeas and 46 nays (D 13-42; R 39-4) (Vote No. 215)

09/17/92 138 Cong Rec S 13851 Senate adopted Pryor Amendment No. 3037, to limit the amount that may be expended by the Strategic Defense Initiative Organization for the procurement of support services, by voice vote

09/17/92 138 Cong Rec S 13852 Senate adopted the Boren Amendment No. 3038, to provide for Civilian Community Corps Demonstration Project together with the National Guard Civilian Youth Opportunities Pilot Program, by voice vote

09/17/92 138 Cong Rec S 13907 Cosponsor added to Amendment No. 2918 -- Senator Kerry

09/17/92 138 Cong Rec S 13910 Nunn (and others) Amendment No. 3036, submitted

09/17/92 138 Cong Rec S 13911 Pryor Amendment No. 3037, submitted

09/17/92 138 Cong Rec S 13911 Boren (and others) Amendment No. 3038, submitted

09/17/92 138 Cong Rec S 13916 Bingaman (and Domenici) Amendment No. 3040, submitted

09/17/92 138 Cong Rec S 13929 Senate will resume consideration of the bill and amendments to be proposed thereto, on Friday, September 18, 1992

09/17/92 138 Cong Rec S 13929 Senate reached a unanimous-consent time agreement providing for consideration of certain amendments to be proposed to the bill on Friday, September 18

09/17/92 138 Cong Rec S 13929 Bingaman/Domenici Amendment No. 3040, to restore funding for the EF-11 upgrade program pending receipt of certification from the Secretary of Defense that the aircraft will be retained in the active inventory of the Air Force, withdrawn in the Senate

09/18/92 138 Cong Rec S 13931 Passed in the Senate, after taking action on amendments proposed thereto, by voice vote

09/18/92 138 Cong Rec S 13931 Senate rejected Leahy Amendment No. 3041, to eliminate authorizations for the B-2 bomber aircraft program, by a recorded vote of 45 yeas and 53 nays (D 37-18; R 8-35) (Vote No. 216)

09/18/92 138 Cong Rec S 13948 Senate adopted Cohen Amendment No. 3042, to allow limited underground nuclear tests of existing weapons with a moratorium timetable, by voice vote 09/18/92 138 Cong Rec S 13949 Senate adopted Hatfield Amendment No. 3043 (to Amendment No. 3042), in the nature of a substitute, by a recorded vote of 55 yeas to 40 nays (D 42-11; R 13-29) (Vote No. 217)

09/18/92 138 Cong Rec S 13983 Senate adopted Warner Amendment No. 3046, to provide funding for specific equipment for the National Guard and the Reserves, by voice vote

09/18/92 138 Cong Rec S 13984 Metzenbaum Amendment No. 3047, to prohibit discrimination by the Armed Forces on the basis of sexual orientation, withdrawn in the Senate

09/18/92 138 Cong Rec S 13987 Senate adopted Nunn Modified Amendment No. 3048 (to Amendment No. 3046), in the nature of a substitute, by voice vote

09/18/92 138 Cong Rec S 13988 Senate adopted Nunn Amendment No. 3049, to provide for a reduction in the number of U.S. military personnel assigned to permanent duty ashore in NATO countries of Europe by the end of fiscal year 1996, by voice vote

09/18/92 138 Cong Rec S 13993 Senate adopted Nunn (for Adams) Amendment No. 3051, to provide for a study to provide a residential program for military dependent with severe behavior disorders at Madigan Army Medical Center, by voice vote

09/18/92 138 Cong Rec S 13993 Senate adopted Nunn (for Dixon) Amendment No. 3050, to provide additional funds for the Army Environmental Policy Institute, by voice vote

09/18/92 138 Cong Rec S 13994 Senate adopted Nunn (for DeConcini) Amendment No. 3053, to require a report on the continued requirement for registration under the Selective Service System, by voice vote

09/18/92 138 Cong Rec S 13994 Senate adopted Warner (for Roth) Amendment No. 3052, to terminate certain restrictions on the Armed Forces' purchase of petroleum products originating in Angola after fair, free, and democratic elections have taken place in Angola, by voice vote

09/18/92 138 Cong Rec S 13995 Senate adopted Nunn (for Biden) Amendment No. 3054, to require that any Department of Defense equipment displayed at an overseas trade show must be leased by a defense company at a fair market rate, by voice vote

09/18/92 138 Cong Rec S 13996 Senate adopted Warner (for Roth) Amendment No. 3055, to express the sense of the Senate that the President should negotiate with the heads of state of NATO's member states, with a view to broadening the mission of that alliance, by voice vote

09/18/92 138 Cong Rec S 13998 Senate adopted Nunn (for Lieberman) Amendment No. 3056, to provide funds for the Technical Support Working Group (TSWG), and to provide funds for additional counter-terrorism cooperative research and development projects between the TSWG and NATO and non-NATO allies, by voice vote

09/18/92 138 Cong Rec S 13998 Senate adopted Warner (for Chafee) Amendment No. 3057, to require a comprehensive evaluation of the use by the Department of Defense of ozone-depleting substances and a report to Congress concerning such evaluation, by voice vote

09/18/92 138 Cong Rec S 13999 Senate adopted Nunn (for Shelby) Amendment No. 3058, to provide, with respect to certain contracts awarded under section 8(a) of the Small Business Act for the Department of Defense, for follow-on contracts to be awarded in accordance with requirements and authority provided for attaining a Dept. of Defense contract goal for disadvantaged small businesses and certain institutions of of higher education, by voice vote

09/18/92 138 Cong Rec S 13999 Senate adopted Warner (for Lugar/Nunn) Amendment No. 3059, to increase the amount of the transfer authority for the demilitarization of the former Soviet Union in order to insure that the Department of Defense possesses sufficient discretionary authority to assist the states of the former USSR in carrying out their denuclearization efforts, by voice vote

09/18/92 138 Cong Rec S 14001 Senate adopted Nunn/Warner Amendment No. 3060, to provide funding for military-to- military contacts under the authority to provide assistance for the demilitarization of the former Soviet Union, by voice vote

09/18/92 138 Cong Rec S 14002 Senate adopted Nunn (for Dixon) Amendment No. 3061, to increase funding for research, development, test, and evaluation for the Army, by voice vote

09/18/92 138 Cong Rec S 14002 Senate adopted Warner (for McConnell) Amendment No. 3062, to prohibit the Secretary of Defense from limiting the counter-drug requirements for which DOD support may be provided, by voice vote

09/18/92 138 Cong Rec S 14003 Senate adopted Nunn (for Pell) Amendment No. 3063, to require a report relating to continuing health benefits coverage of employees of Department of Defense contractors who are involuntarily separated from such employement by reason of the termination of defense contracts, by voice vote

09/18/92 138 Cong Rec S 14004 Senate adopted Nunn (for Pell) Amendment No. 3064, to establish regulations to encourage defense contractors to engage in industrial diversification planning, by voice vote

09/18/92 138 Cong Rec S 14004 Senate adopted Nunn (for Lieberman) Amendment No. 3065, to establish a program to encourage diversification of defense laboratories, by voice vote

09/18/92 138 Cong Rec S 14006 Senate adopted Mack (for McCain) Amendment No. 3066, regarding State equalization programs and Indian education needs in the State of Arizona, by voice vote

09/18/92 138 Cong Rec S 14007 Senate adopted Mack (for McConnell) Amendment No. 3067, to require a study regarding the Reserves and members of the National Guard ordered to active duty in connection with Operation Desert Shield and Desert Storm who were self- employed or were owners of small businesses, by voice vote

09/18/92 138 Cong Rec S 14008 Senate adopted Nunn (for Inouye) Amendment No. 3068, of a technical nature, by voice vote

09/18/92 138 Cong Rec S 14008 Senate adopted Mack (for McCain) Amendment No. 3069, to clarify the terms under which the Department of Defense should hold harmless, defined and indemnify entities which acquire closed military property against suits, claims, demands or actions, liabilities, judgements, and costs arising out of the release of any hazardous substance as a result of Department of Defense activities, by voice vote

09/18/92 138 Cong Rec S 14012 Senate adopted Nunn (for Mitchell) Amendment No. 3070, to strike provisions relating to the treatment of proposals for the Defense Finance and Accounting Service, by voice vote

09/18/92 138 Cong Rec S 14014 Senate adopted Nunn (for Kennedy) Amendment No. 3071, to require a report on post-conflict mine clearing efforts in refugee situations, by voice vote

09/18/92 138 Cong Rec S 14016 Senate adopted Mack (for Smith) Amendment No. 3072, to express the sense of the Congress relating to the award of the Navy Expeditionary Medal, by voice vote

09/18/92 138 Cong Rec S 14017 Senate adopted Nunn/Warner Amendment No. 3073, to provide supplemental authorizations for fiscal year 1992 to cover the costs arising from the consequences of Hurricane Andrew and Typhoon Omar, by voice vote

09/18/92 138 Cong Rec S 14020 Senate rejected Coats Amendment No. 3074, to strike provisions that allow military personnel stationed abroad to obtain pre-paid reproductive services, including abortions in U.S. military hospitals overseas, by a recorded vote of 36 yeas and 55 nays (D 7-44; R 29-11) (Vote No. 220)

09/18/92 138 Cong Rec S 14040 Senate adopted Domenici Amendment No. 3075, to provide benefits for the spouse or former spouse of a member of the Armed Forces who becomes disqualified for retired or retainer pay on the basis of misconduct involving abuse of dependent, by voice vote

09/18/92 138 Cong Rec S 14045 Senate adopted Pryor Amendment No. 3076, to prohibit the use of funds for the procurement of the Airborne Self Protection Jammer system, by voice vote

09/18/92 138 Cong Rec S 14050 Senate adopted Byrd Amendment No. 3077, to require the President to submit a report to Congress upon review of certain mergers, acquisitions, and takeovers, by voice vote

09/18/92 138 Cong Rec S 14054 Senate adopted Leahy Amendment No. 3078, to provide for international agreements prohibiting the sale, transfer or export, and further limit the use, production, possession and deployment of anti-personnel landmines, by voice vote

09/18/92 138 Cong Rec S 14058 Senate adopted Graham Modified Amendment No. 3079, to promote a peaceful transition to democracy in Cuba through the application of appropriate pressures on the Cuban Government and support for the Cuban people, by voice vote -- Earlier the Senate failed to table the Graham amendment by a recorded vote of 24 yeas and 61 nays (D 18-32; R 6-29) (Vote No. 222)

09/18/92 138 Cong Rec S 14060 Senate tabled Dodd Amendment No. 3080 (to Amendment No. 3079), of a perfecting nature, by a recorded vote of 73 yeas and 12 nays (D 45-5; R 28-7) (Vote No. 221)

09/18/92 138 Cong Rec S 14074 Senate adopted Metzenbaum/Kerry Amendment No. 3081, to limit the indemnification of certain contractor programs, by voice vote

09/18/92 138 Cong Rec S 14076 Senate adopted Warner Amendment No. 3082, to require a report on possible revisions to the North Atlantic Treaty of April 4, 1949, by voice vote

09/18/92 138 Cong Rec S 14077 Senate adopted Warner (for Bingaman/Cochran) Amendment No. 3083, to establish a National Education Goals Panel, by voice vote

09/18/92 138 Cong Rec S 14079 Breaux Amendment No. 3085, to authorize funding to establish a contingency retainer fleet program to provide militarily useful vessels for meeting the sealift needs of the United States during national emergencies, withdrawn in the Senate

09/18/92 138 Cong Rec S 14127 Leahy (and others) Amendment No. 3041, submitted

09/18/92 138 Cong Rec S 14127 Hatfield (and others) Amendment No. 3043, submitted

09/18/92 138 Cong Rec S 14127 Cohen Amendment No. 3042, submitted

09/18/92 138 Cong Rec S 14128 Warner Amendment No. 3046, submitted

09/18/92 138 Cong Rec S 14128 Metzenbaum (and others) Amendment No. 3047, submitted

09/18/92 138 Cong Rec S 14129 Nunn Amendment No. 3048, submitted

09/18/92 138 Cong Rec S 14129 Warner (and others) Amendment No. 3049, submitted

09/18/92 138 Cong Rec S 14129 Dixon Amendment No. 3050, submitted

09/18/92 138 Cong Rec S 14129 Adams (and Gorton) Amendment No. 3051, submitted

09/18/92 138 Cong Rec S 14129 Roth Amendment No. 3052, submitted

09/18/92 138 Cong Rec S 14129 DeConcini Amendment No. 3053, submitted

09/18/92 138 Cong Rec S 14129 Biden Amendment No. 3054, submitted

09/18/92 138 Cong Rec S 14129 Roth (and Lieberman) Amendment No. 3055, submitted

09/18/92 138 Cong Rec S 14129 Lieberman Amendment No. 3056, submitted

09/18/92 138 Cong Rec S 14129 Chafee Amendment No. 3057, submitted

09/18/92 138 Cong Rec S 14130 Shelby Amendment No. 3058, submitted

09/18/92 138 Cong Rec S 14130 Lugar (and Nunn) Amendment No. 3059, submitted

09/18/92 138 Cong Rec S 14130 Nunn (and others) Amendment No. 3060, submitted

09/18/92 138 Cong Rec S 14130 Dixon Amendment No. 3061, submitted

09/18/92 138 Cong Rec S 14130 McConnell Amendment No. 3062, submitted

09/18/92 138 Cong Rec S 14130 Pell Amendment Nos. 3063 and 3064, submitted

09/18/92 138 Cong Rec S 14131 Lieberman (and Pryor) Amendment No. 3065, submitted

09/18/92 138 Cong Rec S 14131 McCain (and DeConcini) Amendment No. 3066, submitted

09/18/92 138 Cong Rec S 14131 McConnell Amendment No. 3067, submitted

09/18/92 138 Cong Rec S 14131 Inouye Amendment No. 3068, submitted

09/18/92 138 Cong Rec S 14131 McCain Amendment No. 3069, submitted

09/18/92 138 Cong Rec S 14131 Mitchell (and others) Amendment No. 3070,

submitted

09/18/92 138 Cong Rec S 14131 Kennedy Amendment No. 3071, submitted

09/18/92 138 Cong Rec S 14132 Smith Amendment No. 3072, submitted

09/18/92 138 Cong Rec S 14132 Nunn (and Warner) Amendment No. 3073, submitted

09/18/92 138 Cong Rec S 14132 Coats Amendment No. 3074, submitted

09/18/92 138 Cong Rec S 14132 Domenici (and others) Amendment No. 3075, submitted

09/18/92 138 Cong Rec S 14133 Pryor (and Roth) Amendment No. 3076, submitted

09/18/92 138 Cong Rec S 14133 Byrd (and others) Amendment No. 3077, submitted

09/18/92 138 Cong Rec S 14134 Leahy (and others) Amendment No. 3078, submitted

09/18/92 138 Cong Rec S 14135 Graham Amendment No. 3079, submitted

09/18/92 138 Cong Rec S 14136 Dodd Amendment No. 3080, submitted

09/18/92 138 Cong Rec S 14137 Metzenbaum (and Kerry) Amendment No. 3081, submitted

09/18/92 138 Cong Rec S 14137 Warner Amendment No. 3082, submitted

09/18/92 138 Cong Rec S 14137 Bingaman (and Cochran) Amendment No. 3083, submitted

09/18/92 138 Cong Rec S 14138 Breaux (and Lott) Amendment No. 3085, submitted

09/18/92 138 Cong Rec S 14143 Roth (and Grassley) Amendment No. 3090, submitted

09/18/92 138 Cong Rec S 14143 Smith Amendment No. 3091, submitted

09/18/92 138 Cong Rec S 14143 Reid Amendment No. 3092, submitted

09/18/92 138 Cong Rec S 14143 Bryan (and Reid) Amendment No. 3093, submitted

09/18/92 138 Cong Rec S 14143 Nunn (and Warner) Amendment No. 3094, submitted

09/18/92 138 Cong Rec S 14143 Kennedy (and others) Amendment No. 3095, submitted

09/18/92 138 Cong Rec S 14144 Warner Amendment No. 3096, submitted

09/18/92 138 Cong Rec S 14144 Specter Amendment No. 3097, submitted

09/18/92 138 Cong Rec S 14144 McCain (and others) Amendment No. 3098, submitted

09/18/92 138 Cong Rec S 14146 Bingaman (and others) Amendment No. 3099, submitted

09/18/92 138 Cong Rec S 14146 Nunn (and Warner) Amendment No. 3100, submitted

09/18/92 138 Cong Rec S 14147 Levin (and others) Amendment No. 3101, submitted

09/18/92 138 Cong Rec S 14148 Robb Amendment No. 3102, submitted

09/18/92 138 Cong Rec S 14148 Dole Amendment No. 3103, submitted

09/18/92 138 Cong Rec S 14148 Glenn (and Nunn) Amendment No. 3104, submitted

09/18/92 138 Cong Rec S 14151 Inouye (and others) Amendment No. 3105, submitted

09/18/92 138 Cong Rec S 14151 Gorton Amendment No. 3106, submitted

09/18/92 138 Cong Rec S 14151 Garn Amendment No. 3107, submitted

09/18/92 138 Cong Rec S 14151 Hatfield Amendment No. 3108, submitted

09/18/92 138 Cong Rec S 14152 Lautenberg Amendment No. 3109, submitted

09/18/92 138 Cong Rec S 14152 Ford Amendment No. 3110, submitted

09/18/92 138 Cong Rec S 14152 Nunn Amendment No. 3111, submitted

09/18/92 138 Cong Rec S 14152 Lott Amendment No. 3112, submitted

09/18/92 138 Cong Rec S 14152 Warner Amendment No. 3113, submitted

09/18/92 138 Cong Rec S 14152 Warner Amendment No. 3114, submitted

09/18/92 138 Cong Rec S 14156 Senate adopted Warner (for Roth/Grassley) Amendment No. 3090, to ensure additional transition authority does not violate the Antideficiency Act, by voice vote

09/18/92 138 Cong Rec S 14157 Senate adopted Warner (for Smith) Amendment No. 3091, to provide for the issuance of a commemorative stamp honoring American prisoners of war and Americans missing in action, by voice vote

09/18/92 138 Cong Rec S 14158 Senate adopted Nunn (for Reid) Amendment No. 3092, to direct the Department of Energy to prepare a workforce transition plan for Department of Energy defense nuclear

facilities that experience reductions in personnel, by voice vote

09/18/92 138 Cong Rec S 14158 Senate adopted Nunn (for Bryan/Reid) Amendment No. 3093, to provide for a study of the use of the Nevada test site for the development of solar energy production technologies, by voice vote

09/18/92 138 Cong Rec S 14159 Senate adopted Nunn/Warner Amendment No. 3094, to authorize an increase in funds for AIDS research, by voice vote

09/18/92 138 Cong Rec S 14160 Senate adopted Nunn (for Kennedy) amendment No. 3095, to improve the defense conversion, assistance, and stabilization provisions, by voice vote

09/18/92 138 Cong Rec S 14162 Senate adopted Warner (for Specter) amendment No. 3097, to clarify participants in defense dual-use critical technology partnerships, by voice vote

09/18/92 138 Cong Rec S 14162 Senate adopted Warner amendment No. 3096, to establish a National Defense Sealift Fund, by voice vote

09/18/92 138 Cong Rec S 14163 Senate adopted Warner (for McCain/Gore) amendment No. 3098, to establish a U.S. policy to oppose any transfer to Iran or Iraq of any goods or technology wherever that transfer could contribute to either country's acquiring chemical, biological, nuclear or destabilizing numbers and types of advanced conventional weapons, by voice vote

09/18/92 138 Cong Rec S 14165 Senate adopted Nunn (for Bingaman) amendment No. 3099, to authorize the Secretary of Defense to furnish assistance for the support of international nonproliferation activities and to authorize the Secretary of Energy to carry out additional research on non-proliferation technologies, by voice vote

09/18/92 138 Cong Rec S 14168 Senate adopted Nunn amendment No. 3100, to make certain technical corrections, by voice vote

09/18/92 138 Cong Rec S 14169 Senate adopted Nunn (for Levin/Simon) amendment No. 3101, to authorize the Secretary of Defense to furnish assistance for international peace keeping activities, by voice vote

09/18/92 138 Cong Rec S 14171 Senate adopted Warner (for Dole) amendment No. 3103, to transfer responsibility for the development of Landsat 7 Land Remote-Sensing Satellite to the Secretary of Defense, by voice vote

09/18/92 138 Cong Rec S 14171 Senate adopted Nunn (for Robb) amendment No. 3102, to provide for timely economic adjustment planning assistance for communities adversely affected by reductions in spending by the Department of Defense, by voice vote

09/18/92 138 Cong Rec S 14172 Senate adopted Nunn (for Glenn) amendment No. 3104, to impose sanctions against foreign persons or United States persons that assist foreign countries in acquiring a nuclear explosive device or unsafeguarded special nuclear material, by voice vote

09/18/92 138 Cong Rec S 14175 Senate adopted Nunn (for Inouye) amendment No. 3105, to encourage the maximum practible use of government-owned, contractor-operated facilities of the Department of Defense for nondefense commercial purposes in the interest of national security, by voice vote

09/18/92 138 Cong Rec S 14176 Senate adopted Nunn (for Adams/Gorton) amendment No. 3106, to provide for construction of military family housing at Naval Air Station, Whidbey Island, Washington, by voice vote

09/18/92 138 Cong Rec S 14177 Senate adopted Nunn (for Garn) amendment No. 3107, to provide for the construction and land acquisition for the Army National Guard Armory, Blanding, Utah, and the Air National Guard Base Civil Engineering Complex, Salt Lake City, Utah, by voice vote

09/18/92 138 Cong Rec S 14177 Senate adopted Nunn (for Hatfield) amendment No. 3108, to authorize funds for construction of a fire station at Klamath Falls Airport, Oregon, construction of a rifle range at Clackamas, Oregon, construction activities at the National Guard Armory, LaGrande, Oregon, and construction activities at Portland International Airport, Portland, Oregon

09/18/92 138 Cong Rec S 14178 Senate adopted Nunn (for Lautenberg) amendment No. 3109, to authorize funds for the construction of a new electrical distribution system and a new propellant surveillance laboratory at Picatinny Arsenal, New Jersey, by voice vote

09/18/92 138 Cong Rec S 14178 Senate adopted Nunn (for Ford) amendment No. 3110, to authorize funds for military construction activities at Fort Knox, Kentucky, by voice vote

09/18/92 138 Cong Rec S 14178 Senate adopted Nunn No. 3111, to authorize the disposition of the interest of the Navy in the Naval Reserve Center, Atlanta, Georgia, and to provide for replacement facilities for that center, by voice vote

09/18/92 138 Cong Rec S 14179 Senate adopted Warner (for Lott) amendment No. 3112, to provide funds for the construction of a visual information training facility and a television systems training facility at Keesler Air Force Base, Mississippi, by voice vote

09/18/92 138 Cong Rec S 14179 Senate adopted Warner amendment No. 3113, to provide for a land conveyance at Fort Chafee, Arkansas, by voice vote

09/18/92 138 Cong Rec S 14179 Senate adopted Warner amendment No. 3114, to provide for a land conveyance at Fort A.P. Hill Military Reservation, Virginia, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3136, National Defense Authorizations, after striking all after the enacting clause and inserting in lieu thereo the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed H.R. 5006, House companion, after striking all after the enacting clause and inserting in lieu thereof the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate reached a unanimous-consent agreement to further consider S. 3114, and S. 3136 through S. 3145; that if the Senate receives a message from the House regarding any of those bills, the Senate be deemed to have disagreed to the House amendments to the Senate-passed bill, that the Senate agree to a conference and that the Chair be authorized to appoint Senate conferees

09/18/92 138 Cong Rec S 14195 Senate passed S. 3136, to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed forces, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3137, to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3138, to authorize appropriations for fiscal year 1993 for military personnel of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3139, to improve the defense economic diversification, conversion, and stabilization activities of the Dept. of Defense, to authorize trans. assistance for members of the Armed Forces adversely affected by reductions in Federal Gov. spending for nat'l security functions, ect., after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3140, to authorize appropriations for fiscal year 1993 military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3141, to authorize appropriations for fiscal year 1993 military construction, after striking all after the enacting clause and inserting in lieu thereof, the text of S 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3142, to authorize appropriations for fiscal year 1993 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3143, to authorize transition assistance for members of the Armed Forces adversely affected by reductions in Federal Government spending for national security functions, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3144, to amend title 10 United States Code, to improve the health care system provided for members and former members of the Armed Forces and their dependents, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, as amended, by voice vote

09/18/92 138 Cong Rec S 14195 Senate passed S. 3145, to amend title 10 U.S. Code, to clarify and improve the policies/programs of the Dept. of Defense concerning the national defense technology and industrial base, to encourage and assist conversion of the nat'l defense tech. and indust. base to commercially competitive capabilities, ect., after striking all after the enacting clause and inserting in lieu thereof, the text of S. 3114, by voice vote

09/18/92 138 Cong Rec S 14196 Senate passed H.R. 4880, House companion, after striking all after the enacting clause and inserting in lieu thereof the text of S. 3114, as amended, by voice vote

09/22/92 138 Cong Rec S 14695 Cosponsor added to Amendment No. 3104 -- Senator Exon

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)
Congressional Research Service Bill Digest for S 3114 not yet available

CO-SPONSORS: No cosponsors have been added to S 3114