

The Members of this body need to understand that when Defense Department officials talk about so-called savings from a BRAC round, they are not talking about real cost savings. Most of the so-called cost savings are actually cost avoidances.

DOD also claims that it needs savings from BRAC to fund new weapons systems in support of the military transformation. However, the first few years of a BRAC round requires hundreds of millions of dollars in upfront investments costs. This includes upfront costs for new military construction, for relocated troops and families, new MILCON dollars for realigned missions, new money for environmental restoration and base conveyance procedures.

To complicate the problem, DOD still does not have solid data on costs of environmental clean up. Our current information indicates that environmental clean-up costs have exceeded \$10 billion, and the estimated environmental costs beyond 2001 rose from \$2.4 billion in 1999 to \$3.5 billion as stated in last year's GAO report on purported BRAC savings.

Deputy Under Secretary of Defense for Installations and Environment, Ray DuBois, summed it up well when he told the DOD Roundtable in December 2002 the following: "The excess capacity statistic, which the Secretary and others, including myself, have referred to, is based on a 1998 capacity utilization study. It is true that there is excess capacity in some range of 20 to 25 percent, but that is a clumsy number insofar as it is an aggregate number."

He goes on to say: "Remember that BRAC is not inexpensive. BRAC will probably end up costing the Department of Defense, over a 4- to 6-year period, depending upon how large the BRAC is, depending upon how much capacity you are reducing, and by definition, how much you are realigning it, it could cost 10 to \$20 billion over that period of time."

Mr. Chairman, I ask for my colleagues to support the amendment to limit the funding for BRAC in this appropriations bill.

Mr. LEWIS of California. Mr. Chairman, I rise to very briefly oppose this amendment.

Mr. Chairman, this is appropriately an item that should be a part of the authorization process. It is my understanding at the subcommittee level there was support for this proposal and there was a decision at the full committee to turn that around, and the authorizing committee has spoken in terms of this question.

It is, in my judgment, poor policy on the part of the Committee on Appropriations, going through the back door by limiting appropriations to essentially undo what is the policy in the existing law, a policy which has not been changed by the authorizing committee.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Washington.

The CHAIRMAN. Does the gentleman from California still reserve his point of order?

Mr. LEWIS of California. Mr. Chairman, I withdraw my point of order.

Mr. DICKS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it is true that it does cost a substantial amount of money in the first few years; but there is no question that, long-term, billions and billions of dollars have been saved because of the BRACs we have had in the past. So I think we should move forward on this, and it would be wrong to do it in this bill. It would be an authorization matter. I think it is a mistake, and I support the chairman in his opposition to the amendment.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I very strongly oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

The point of no quorum is considered withdrawn.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to offer an amendment that would have restated the policy of our country against the use of torture. The reason that I was going to offer that amendment is that I do represent this body in the Commission on Security and Cooperation in Europe; and in many of our meetings, the issue of the use of torture has been raised, particularly in light of our war against terrorism. I might tell you there have also been press accounts recently that call into question the use of torture in regards to the campaign against terrorism.

However, Mr. Chairman, I think the President of the United States, along with the representatives from the State Department and Defense Department, have made it very clear on the U.S. policy in this regard.

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Let me just point out that on June 26, the International Day in Support of the Victims of Torture, President Bush declared that "Torture anywhere is an affront to human dignity everywhere." He observed that "Freedom from torture is an inalienable human right." The State Department also noted that "Freedom from torture is an inalien-

able human right, and the prohibition of torture is a basic principle of international human rights law. This prohibition is absolute and allows no exceptions." Finally, as the General Counsel to the Defense Department William Haynes wrote to Senator LEAHY recently, "The United States does not permit, tolerate, or condone any such torture by its employees under any circumstances."

Mr. Chairman, I think the record is very clear on the U.S. position in regards to the use of torture, and, therefore, I will not pursue an amendment at this time. I thank my colleagues for their patience.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to. Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TOM DAVIS of Virginia) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CAMP). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions 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 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

REGARDING THE ACTUARIAL VALUE OF PRESCRIPTION DRUG BENEFITS OFFERED TO MEDICARE ELIGIBLE ENROLLEES BY A PLAN UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2631) to provide that the actuarial value of the prescription drug benefits offered to Medicare eligible enrollees by a plan under the Federal employees health benefits program shall be at least equal to the actuarial value of the prescription drug benefits offered by such plan to its enrollees generally.

The Clerk read as follows:

H.R. 2631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEGOTIATIONS BY THE OFFICE OF PERSONNEL MANAGEMENT.

(a) IN GENERAL.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(p)(1) A contract may not be made or a plan approved which does not offer to Medicare eligible enrollees prescription drug benefits the actuarial value of which is at least