

PO2 Charles Luke Milam, of Littleton, CO  
 SSGT Zachary B. Tomczak, of Huron, SD  
 CPL Anthony K. Bento, of San Diego, CA  
 SSGT Kevin R. Brown, of Harrah, OK  
 Matthew D. Blaskowski, of Levering, MI  
 SPC David L. Watson, of Newport, AR  
 SPC Joshua H. Reeves, of Watkinsville, GA  
 CSM Jonathan M. Lankford, of Scottsboro, AL  
 CAPT (Dr.) Roselle M. Hoffmaster, of Cleveland, OH  
 SPC John J. Young, of Savannah, GA  
 PFC Luigi Marciante Jr., of Elizabeth, NJ  
 CPL Graham M. McMahon, of Corvallis, OR  
 SGT Edmund J. Jeffers, of Daleville, AL  
 PFC Christian M. Neff, of Lima, OH  
 SPC Aaron J. Walker, of Harker Heights, TX  
 SPC Joseph N. Landry III, of Pensacola, FL  
 SPC Nicholas P. Olson, of Novato, CA  
 SPC Donald E. Valentine III, of Orange Park, FL  
 SPC Matthew J. Emerson, of Grandview, WA  
 SPC Brandon T. Thorsen, of Trenton, FL  
 SSGT Michael L. Townes, of Las Vegas, NV  
 SSGT Terry D. Wagoner, of Piedmont, SC  
 CPL Todd A. Motley, of Clare, MI  
 CPL Jonathan Rivadeneira, of Jackson Heights, NY  
 PFC Christopher M. McCloud, of Malakoff, TX  
 CPL Terrence P. Allen, of Pennsauken, NJ  
 SGT John Mele, of Bunnell, FL  
 SSGT Yance T. Gray, of Ismay, MT  
 SSGT Gregory Rivera-Santiago, of St. Croix, VI  
 SGT Michael C. Hardegree, of Villa Rica, GA  
 SGT Omar L. Mora, of Texas City, TX  
 SGT Nicholas J. Patterson, of Rochester, IN  
 SPC Ari D. Brown-Weeks, of Abingdon, MD  
 SPC Steven R. Elrod, of Hope Mills, NC  
 SSGT Courtney Hollinsworth, of Yonkers, NY  
 CPL Carlos E. Gilorozco, of San Jose, CA  
 LCPL Jon T. Hicks Jr., of Atco, NJ  
 CPL Travis M. Woods, of Redding, CA  
 CPL Javier G. Paredes, of San Antonio, TX  
 PFC Sammie E. Phillips, of Cecilia, KY  
 LCPL Lance M. Clark, of Cookeville, TN  
 SGT Alexander U. Gagalac, of Wahiawa, HI  
 CAPT Drew N. Jensen, of Clackamas, OR  
 SPC Marisol Heredia, of El Monte, CA  
 CPL Ryan A. Woodward, of Fort Wayne, IN  
 CPL Christopher L. Poole Jr., of Mount Dora, FL  
 CPL Bryan J. Scripsick, of Wayne, OK  
 SSGT John C. Stock, of Longview, TX  
 SGT Michael J. Yarbrough, of Malvern, AR  
 SGT Lee C. Wilson, of Chapel Hill, NC  
 SPC Jason J. Hernandez, of Streetsboro, OH  
 SPC Thomas L. Hilbert, of Venus, TX  
 PFC Mykel F. Miller, of Phoenix, AZ  
 SGT Joel L. Murray, of Kansas City, MO  
 SPC David J. Lane, of Emporia, KS  
 PVT Randol S. Shelton, of Schiller Park, IL  
 CPL Keith A. Nurnberg, of McHenry, IL  
 1st SGT David A. Cooper Jr., of State College, PA  
 SSGT Delmar White, of Wallins, KY  
 CPL William T. Warford III, of Temple, TX  
 SPC Dane R. Balcn, of Colorado Springs, CO  
 SPC Rodney J. Johnson, of Houston, TX  
 MSGT Patrick D. Magnani, of Martinez, CA  
 SPC Christopher G. Patton, of Lawrenceville, GA  
 SGT Kevin A. Gilbertson, of Cedar Rapids, IA  
 PVT Justin T. Sanders, of Watson, LA  
 SPC Travis M. Virgadamo, of Las Vegas, NY  
 1st SGT Daniel E. Scheibner, of Muskegon, MI  
 SSGT Andrew P. Nelson, of Moorhead, MN  
 SSGT Jason M. Butkus, of West Milford, NJ  
 SPC Edward L. Brooks, of Dayton, OH  
 CPL John C. Tanner, of Columbus, GA  
 CAPT Erick M. Foster, of Wexford, PA  
 Maj. Henry S. Ofeciar, of Agana, Guam  
 MSGT Scott R. Ball, of Mount Holly Springs, PA

SGT Jan M. Argonish, of Peckville, PA  
 1st SGT Rocky H. Herrera, of Salt Lake City, UT  
 SGT Cory L. Clark, of Plant City, FL  
 SGT Bryce D. Howard, of Vancouver, WA  
 SGT James S. Collins Jr., of Rochester Hills, MI  
 PFC Thomas R. Wilson, of Maurertown, VA  
 LCPL Rogelio A. Ramirez, of Pasadena, CA  
 SSGT Nicholas R. Carnes, of Dayton, KY  
 SGT Joshua L. Morley, of Boise, ID  
 SPC Tracy C. Willis, of Marshall, TX  
 LCPL Matthew S. Medlicott, of Houston, TX  
 1st SGT Daniel E. Miller, of Rossford, OH  
 1st SGT Scott M. Carney, of Ankeny, IA  
 1st SGT David A. Heringes, of Tampa, FL  
 PFC Edgar E. Cardenas, of Lilburn, GA  
 1st SGT Adrian M. Elizalde, of North Bend, OR  
 1st SGT Michael J. Tully, of Falls Creek, PA  
 SSGT Sandy R. Britt, of Apopka, FL  
 CAPT Corry P. Tyler, of GA  
 CWO Paul J. Flynn, of Whitsett, NC  
 SGT Matthew L. Tallman, of Groveland, CA  
 SPC Rickey L. Bell, of Caruthersville, MO  
 CAPT Derek A. Dobogai, of Fond du Lac, WI  
 SSGT Jason L. Paton, of Poway, CA  
 SGT Garrett I. McLead, of Rockport, TX  
 CPL Jeremy P. Bouffard, of Middlefield, MA  
 CPL Phillip J. Brodnick, of New Lenox, IL  
 CPL Joshua S. Harmon, of Mentor, OH  
 CPL Nathan C. Hubbard, of Clovis, CA  
 SPC Michael A. Hook, of Altoona, PA  
 SPC Jessy G. Pollard, of Springfield, MO  
 SPC Tyler R. Seideman, of Lincoln, AR  
 PFC Omar E. Torres, of Chicago, IL  
 PFC Donovan D. Witham, of Malvern, AR  
 CPL Willard M. Powell, of Evansville, IN  
 SPC George V. Libby, of Aberdeen, NC  
 SSGT Paul B. Norris, of Cullman, AL  
 SPC Kamisha J. Block, of Vidor, TX  
 CAPT Michael S. Fielder, of Holly Springs, NC  
 1st Lt. Jonathan W. Edds, of White Pigeon, MI  
 SGT Princess C. Samuels, of Mitchellville, MD  
 SPC Zandra T. Walker, of Greenville, SC  
 SSGT Robert R. Pirelli, of Franklin, MA  
 SPC Alun R. Howells, of Parlin, CO  
 SSGT Eric D. Cottrell, of Pittsview, AL  
 CPL Juan M. Lopez Jr., of San Antonio, TX  
 PFC Paulomarko U. Pacificador, of Shirley, NY  
 CWO Christopher C. Johnson, of MI  
 CWO Jackie L. McFarlane Jr., of Virginia Beach, VA  
 SSGT Sean P. Fisher, of Santee, CA  
 SSGT Stanley B. Reynolds, of Rock, WV  
 SPC Steven R. Jewell, of Bridgeton, NC  
 SSGT Alicia A. Birchett, of Mashpee, MA  
 CPL Shawn D. Hensel, of Logansport, IN  
 SSGT William D. Scates, of Oklahoma City, OK  
 SGT Scott L. Kirkpatrick, of Reston, VA  
 SGT Andrew W. Lancaster, of Stockton, IL  
 SPC Justin O. Penrod, of Mahomet, IL  
 SGT Michael E. Tayaotao, of Sunnyvale, CA  
 1st SGT Jeffrey D. Kettle, of Madill, OK  
 SSGT Jesse G. Clowers Jr., of Herndon, VA  
 SGT Charles B. Kitowski III, of Farmers Branch, TX  
 SPC William L. Edwards, of Houston, TX  
 PVT Alan J. Austin, of Houston, TX  
 SPC Jordan E. Goode, of Kalamazoo, MI  
 SSGT Joan J. Duran, of Roxbury, MA  
 CPL Reynold Armand, of Rochester, NY  
 SPC Donald M. Young, of Helena, MT  
 SSGT Jacob M. Thompson, of North Mankato, MN  
 SGT Nicholas A. Gummarsall, of Chubbuck, ID  
 CPL Juan M. Alcantara, of NY  
 CPL Kareem R. Khan, of Manahawkin, NJ  
 SPC Justin R. Blackwell, of Paris, TN  
 PFC Jeremy S. Bohannon, of Bon Aqua, TN  
 SGT Jon E. Bonnell Jr., of Fort Dodge, IA

SPC Christopher T. Neiberger, of Gainesville, FL  
 1st SGT Travis S. Bachman, of Garden City, KS  
 SGT Bradley W. Marshall, of Little Rock, AR  
 SPC Daniel F. Reyes, of San Diego, CA  
 SPC Charles E. Leonard Jr., of Monroe, LA  
 PFC Matthew M. Murchison, of Independence, MO  
 SGT Dustin S. Wakeman, of Fort Worth, TX  
 CPL Jason K. Lafleur, of Ignacio, CO  
 SPC Jaron D. Holliday, of Tulsa, OK  
 LCPL Cristian Vasquez, of Coalinga, CA  
 Tech. SGT Joey D. Link, of Portland, TN  
 SPC Braden J. Long, of Sherman, TX  
 MSGT Julian Ingles Rios, of Anasco, Puerto Rico  
 SSGT Fernando Santos, of San Antonio, TX  
 SPC Cristian Rojas-Gallego, of Loganville, GA  
 SPC Eric D. Salinas, of Houston, TX  
 SGT Taurean T. Harris, of Liberty, MS  
 SPC Zachariah J. Gonzalez, of IN  
 PFC Charles T. Heinlein Jr., of Hemlock, MI  
 PFC Alfred H. Jairala, of Hialeah, FL

To date, more than 3,800 American men and women have lost their lives in Iraq. And more than 440 have lost their lives in Operation Enduring Freedom, including in Afghanistan.

This list includes five soldiers from NJ: PFC Luigi Marciante Jr. of Elizabeth, NJ, CPL Terrence P. Allen, of Pennsauken, NJ, LCPL Jon T. Hicks Jr., of Atco, NJ, SSGT Jason M. Butkus, of West Milford, NJ and CPL Kareem R. Khan, of Manahawkin, NJ.

We will not forget them and the Nation will not forget their sacrifice.

#### LABOR-HHS APPROPRIATIONS

Mr. LEVIN. Mr. President, I voted, yesterday, in favor of the Ensign amendment to deny credit toward Social Security benefits claimed in violation of the Social Security Act. This would deny benefits to people, including undocumented workers, who have, in the words of the act, "willfully, knowingly, and with the intent to deceive used false Social Security numbers."

The Ensign amendment was more carefully focused on denying benefits based on illegal use of a fake Social Security number, unlike previous Ensign amendments which I did not support.

Yesterday's Ensign amendment requires the Commissioner of Social Security to deny Social Security benefits for work performed by any individual using a Social Security account number which was not his, in violation of section 208 of the Social Security Act at 42 U.S.C. 408.

The Ensign amendment was adopted yesterday by the Senate.

This amendment differs from a previous amendment offered by Senator ENSIGN in the 109th Congress, which could have harmed senior citizens and other individuals who may have made an honest error.

That amendment was rejected by the Senate.

In July of 2007, Senator ENSIGN proposed an amendment to the College Cost Reduction Act which could have

led to a highly unfair loss of benefits to naturalized citizens or others who are legally present. The provisions of that amendment would have posed great problems because it would have denied Social Security benefits to legally naturalized citizens, for instance, unless the Social Security Administration could affirmatively determine that the individual was legally authorized to work. This amendment would have placed an unmanageable burden on the Social Security Administration and seniors who have been legally present for decades, who could have unfairly lost their benefits.

This amendment also failed in the Senate.

Ms. SNOWE. Mr. President, the Social Security Administration, SSA, is currently facing nothing short of a crisis when it comes to processing disability claims. Indeed, SSA Commissioner Michael Astrue has called this issue his agency's most pressing challenge. Currently, there are over 756,000 individuals who are waiting for a hearing to have their claims adjudicated, and the average wait time is a staggering 512 days. That is the longest amount of time in SSA's history. In contrast, in 2001, disability applicants had to wait an average of 308 days for a hearing. While that was still far too long, individuals now have to wait 66 percent longer. Sadly, some people have died waiting for a hearing.

To help the SSA process disability claims more quickly, I was proud that, yesterday, the Senate voted 88 to 6 to approve an amendment to the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act that Senators BINGAMAN, BAUCUS, and I offered to increase funds dedicated to the agency's administrative costs by \$150 million. We believe that this added funding will help the SSA reduce its disability backlog and enable individuals to access the benefits to which they are entitled and need for their basic living expenses. Because of the financial strains on applicants and their families, it is simply unconscionable to have individuals waiting for upwards of 2 years before they receive a ruling on their disability claims. We can and must do better—it is our moral obligation.

Although I strongly believe that providing the SSA with additional resources is warranted, I would like to thank the two managers of the Labor-HHS bill—Senators HARKIN and SPECTER—for working so hard to increase funding for the SSA and for supporting our amendment. It is notable that the underlying bill they brought to the Senate floor would have provided \$9.72 billion for the SSA in fiscal year 2008, an increase of \$426.4 million over fiscal year 2007 and \$125 million over President Bush's fiscal year 2008 budget.

The fact is that we have underfunded the SSA for years and must begin to reverse this trend. Indeed, according to SSA data, one reason wait times for

disability hearings have risen so precipitously is that between fiscal years 2001 and 2007, Congress provided on average \$150 million less than President Bush requested for the agency. At the same time, Congress gave SSA more work, including the responsibility to review Medicare beneficiaries' income and determine whether they should be charged higher premiums or if they are eligible for assistance to pay for premiums and fees in the Medicare prescription drug program. I would note that last year, Congress had to include an additional \$36.6 million in the fiscal year 2007 continuing resolution just to prevent the agency from furloughing each of its employees for 10 days, as well as close offices around the Nation.

Finally, I would also like to thank the Senate for unanimously adopting a second amendment on Monday that I offered to require the Government Accountability Office, GAO, to evaluate the SSA's plan to both reduce the disability hearing backlog and improve disability benefits processing. Senators HARKIN and SPECTER presciently asked for the SSA to produce this report when the Appropriations Committee approved the underlying Labor-HHS bill. Commissioner Astrue submitted his Agency's plan to Congress on September 13.

I believe it would be extraordinarily useful for GAO to look at the SSA's plan and make recommendations to make it even more effective. The bottom line is that we know that it is crucial that we ensure that the plan to rectify problems of disability processing will be productive. While the SSA has been among our most efficient agencies, this GAO evaluation will help ensure that the plan put in place will best use the funds we are acting to provide.

Mr. President, in closing, I hope that conferees will retain the two SSA administrative costs amendments the Senate adopted so resoundingly this week in the forthcoming Labor-HHS conference report, so that President Bush may sign them into law. This Nation's disabled deserve nothing less.

#### DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I rise today to bring the attention of the Senate to a provision of the fiscal year 08 Defense Authorization Act, now in conference. Section 3122 of the bill undermines the Senate's position on the Comprehensive Nuclear Test Ban Treaty, CTBT, without the benefit of either the historical treaty consideration process nor a serious policy debate.

It has been 9 years since the CTBT was the subject of any deliberation by the Senate, which ultimately concluded that its ratification was not in the Nation's interests. There were numerous objections that proved determinative then and remain true today.

First, the U.S. deterrent cannot be maintained without testing. U.S. nuclear weapons have the highest average

age of any in the world. Some, like the W-76 warhead, the backbone of the submarine-based component of our nuclear triad, date back to 1966, making them more than four times as old as the average American car.

Given the high average age, now at its highest point in the six decade history of nuclear weapons, they require substantial, ongoing modification if they are to be maintained as a viable deterrent. As the then-Director of Sandia National Laboratories, Dr. C. Paul Robinson, testified to the Senate, "To forego validation through testing is, in short, to live with uncertainty." We cannot afford uncertainty when it comes to the reliability, safety, and credibility of our most important weaponry.

Some believe that the reliable replacement warhead, RRW, can be developed and introduced without underground testing. Even if that judgment proves correct, it will be many years before we no longer need to rely on the older designs in the current arsenal for deterrence. As the administration noted in a recent statement by Secretaries Bodman, Gates, and Rice, "delays on RRW also raise the prospect of having to return to underground nuclear testing to certify existing weapons." But, underground testing would be an option permanently denied to the United States through ratification of CTBT as section 3122 endorses.

This permanent loss of the testing option would be even more problematic if we need to continue to rely on these aging designs for decades more as we would if current plans, including those passed by the House and proposed in the Senate, that eliminate RRW funding are not rejected.

Further, the cuts proposed to RRW compound the impact of current plans to cut more than \$500 million in funding for the nuclear weapons complex that supports, maintains, and refurbishes the weapons currently in the complex. These proposed cuts to RRW and the nuclear weapons complex have been rejected by individuals of great authority, including Secretaries Kissinger and Schultz, and Dr. Sidney Drell.

The second reason the Senate rejected the treaty in 1999, and would do so again today, is that the treaty is not verifiable. Militarily significant covert nuclear testing can—and almost certainly will—be conducted at low yields or in other ways aimed at masking the force of an explosion.

Assistant Secretary Paula DeSutter of the State Department's Bureau of Verification, Compliance, and Implementation recently made this point. She stated that the International Monitoring System set up to monitor compliance with CTBT is "aimed to detect detonations over 1 kiloton; smaller or concealed detonations are less likely to be identified. Evasion techniques can easily reduce the signature of a nuclear explosion by factors of 50 or 100."

Third, CTBT's unverifiability means a ban will not have uniform effects.