

with respect to civil-military relations that I think has been ignored over the past 20 years or so. I have no problems with General Lute's qualifications. There was a letter from White House counsel on the issue of constitutionality, which indicated there is no constitutional preclusion from a uniformed officer serving as a political adviser to the President. I found that legal opinion incomplete.

We should understand that the legal opinion came from the counsel to the President. We could not exactly have expected that he would have said anything otherwise. But I find it incomplete in the sense that it did not address the true dangers if we continue to do this as we have been over the past 20 years.

The danger to our system is this: The U.S. military is a decidedly non-political organization. I grew up in the military. At the time I was growing up, my father would not even tell me how he voted because he believed it violated his duty in terms of being a non-political arm of the U.S. Government.

The difficulty, when a President brings an Active-Duty military officer inside the room, in an area where they are giving political advice—not military advice but political advice—unavoidably is that this particular individual then becomes a part of a political administration. If they keep the uniform on, when their tour is done and they go back into the military, they are inseparable from the political administration in which they served, particularly in the eyes of other military people.

So two things happen: One is you have a political entity inside the U.S. military that, in some ways, threatens open dialog inside the military because now you have a former member of a particular administration inside the uniformed circle.

Here is a good parallel. I was Assistant Secretary of Defense and then I was Secretary of the Navy. Let's say we allow military people who become Secretaries of the Navy to go back into uniform and compete for promotion among other uniformed people. It is a very difficult thing in terms of how it affects the neutrality of the American military, and also it creates, in many military people, the notion that they have to become political in order to succeed. We don't want that.

I would have voted in opposition to the other individuals who were named by Senator WARNER yesterday as people who have served in administrations and then returned to the military, including Colin Powell, whom I respect personally; General Scowcroft, whom I admire greatly; and, quite frankly, the sitting Director of the Central Intelligence Agency today.

I believe any uniformed officer who agrees to serve as a policy adviser inside an administration, with political implications to that job, should agree to take the uniform off and not return to the active military. I intend to pur-

sue this over the coming years. This isn't related directly to General Lute. It is a principle that I think we need to establish here in the Congress.

TROOP ROTATION

Mr. WEBB. Mr. President, the third point I wish to make, looking forward, is that when we return, we are going to be looking at the Defense authorization bill. I am going to be introducing an amendment when this bill comes up that, in my view, speaks directly to the welfare of our troops and their families. After more than 4 years of combat operations in Iraq and Afghanistan, we still have not developed the type of operational policy that looks to the welfare of the people who are having to serve again and again. We have allowed the strategy, such as it is—which is all over the place—to define the use of our troops, and we have reached the point, as we work to resolve our situation in Iraq and dramatically reduce our presence—I hope—where we are burning out our troops.

The evidence is everywhere. We have a small group of people who have been carrying the load for this country. They have been going again and again. We are violating the normal rotation policies that we took great care to put in place over long years of experience. Traditionally, in the U.S. military, on the active side, there is a 2-for-1 ratio. If you are gone for a year, you are back for 2 years. If you deploy at sea for 6 months, you are back for a year. That is not downtime; that is well time. When I say it is not downtime, that means they are not sitting around doing nothing when they are back. When people return from deployment, they have to reacquaint themselves with their families and take care of those sorts of things. They have to gear units back up, get the equipment, train, lock on, and go to different training areas. So the 2 for 1 generally is split: a third gone, a third recuperating and getting ready, and a third getting ready to go.

What we have today in the ground forces of the active military is not even a 1 for 1. People are returning and immediately getting ready to go back. We are seeing the wear and tear of this on our Armed Forces. The West Point classes of 2000 and 2001 are the most recent “canaries in the coal mine,” if you want to look at what is happening to the Active Duty military because of these continuous deployments. The time has not been made available to do other things when they return. The West Point classes have a 5-year obligation before an individual can leave the military. The West Point classes of 2000 and 2001—the two most recent classes—have an attrition rate that is five times as high as the attrition rates before the Iraq war. The West Point class of 2000 had lost 54 percent of its members from active duty by the end of last year. I don't know the number for today. The class of 2001, with an ac-

tive obligation which ended as of last June—only last June—by the end of last year, within 6 months, had lost 46 percent of its class. You are seeing the same thing in the staff NCO ranks. We are starting to see it in a way that I cannot recall since probably the late 1970s, when the bottom fell out particularly of the U.S. Navy.

In the Guard and Reserve, the normal rotational cycle is 5 to 1. What we are seeing now in many units is less than 3 to 1. So I am going to introduce a bill that will basically say that on the active side, however long an individual has been deployed, they have to be allowed to stay home at least that long before you send them back. If you are Guard and Reserve, however long you have been deployed, you have to have been at home at least three times that length before you are sent back because of the nature of the Guard and Reserve.

In my view, this amendment is an absolute floor; it is our absolute duty as fiduciaries of the well-being of the people who serve that we don't let it go beyond that. As a point of reference again, in the Army right now, they have gone on 15-month tours with only 12 months at home. Historically, if you were gone 15 months, you should have 30 months at home. This needs to be fixed. I hope the Senate will overwhelmingly support us.

There are two questions about this policy that have come up in my discussions on the Armed Services Committee. The first question from some is, is it within the Constitution for the Congress to tell the Commander in Chief what the rotation cycle should look like? My answer is that it is clearly within the Constitution. Congress has the power to set these sorts of regulations. In fact, there is precedent. If you look at the situation of the Korean War, where because of the emergency of the attack from North Korea, we were sending soldiers into Korea who were not trained—they never fired a weapon before—because they had to fill the bill of going over there. The Congress stepped in and said you cannot send any military person overseas until they have been in the military for 120 days. That was the Congress properly exercising its constitutional prerogative in order to protect our troops. This is what we are going to do.

The second issue that has come up is whether this is micromanagement. Quite frankly, when the leadership of the U.S. military is not stepping up and defending their own people, we have a duty to slow this thing down. This war has been going on for more than 4 years. We have a lot of issues we are going to be discussing in this authorization bill that are designed to get a better policy that will reduce our footprint, that will enable us to fight international terrorism around the world, that will increase the stability of the region with proper diplomatic efforts and will allow us to address our strategic interests elsewhere.

But until that happens, we have to take care of the troops. This is the bottom line, the floor. This isn't some grand scheme of trying to push an ideal troop rotation scenario. This is the bottom line we owe to the people who have been sent into harm's way.

I may be one of the few people in this body who has had a father deploy, who has deployed, and who has had a son deployed. I think there are a lot of people in the country who are that way, who right now are looking at their level of being sent into harm's way. They are looking for somebody to put some logic into how their levels are being used. It is on us, Mr. President.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, while the junior Senator from Virginia is here, I wish to commend him. I wish to say, first of all, he is an exceptionally passionate and knowledgeable source of valuable information to us on the Armed Services Committee. The proposal he has outlined, which will be in the form of an amendment to the Department of Defense authorization bill, has exceptional common sense attached to it—that you don't deploy troops unless they are trained and unless they have enough time to reevaluate, reequip, rearm, and retrain.

I thank the Senator for his contribution. I am certainly inclined to support his amendment. This Senator from Florida will have an amendment that we have been trying for 7 years to pass to take care of the widows and orphans. Even President Lincoln, in his second inaugural address, said that one of the greatest obligations in war is to take care of the widow and the orphan. The U.S. Government ought to plan as an expense of the cost of a war taking care not only of the veterans but of their widows, widowers, and orphans.

What we have done in law is, where we provide for a survivor's benefit plan that the military member pays for out of their check, that plan, in fact, is offset by the disability compensation that family member gets from the Veterans' Administration. This Senator is going to continue this quest until we finally prevail to get that offset removed.

Of course, the objection to it is it costs \$9 billion over 10 years. But is it an obligation of the Government to take care of the widow and the orphan as a result of war? This Senator passionately and firmly feels it is.

I wanted to lay that out as a marker, along with my congratulatory comments to the Senator from Virginia for his wonderful service in the Senate, his insightful service as a member of the Senate Armed Services Committee, and his very commonsense approach to this DOD authorization bill and the amendment he will be offering.

I will yield to the Senator if he wishes to make any followup comments. I wish to share with the Senate some-

thing that occurred in the Appropriations Committee yesterday that is quite disturbing.

Mr. WEBB. Mr. President, I thank the Senator, if he will yield for 2 minutes. I very much appreciate my good friend's comments in support. It means a lot to me that he has that kind of confidence in the approach I will be trying to take here.

Also, I am pretty familiar with how the survivor benefit program has been misused. My mother was a benefit of the survivor benefit program. I don't think there is a strong recognition up here that is a private insurance program that is paid into and is separate from other benefits. My father paid into that program more than \$200 a month from 1969 until his death in 1997. Then when my mother got the benefit, they offset it at that time, I believe, from a Social Security payment that he also paid into.

There are inequities in how that program has been administered and how it interacts with other areas of Federal law. I will be happy to explore that with the Senator and see if we can't come up with some kind of solution.

Mr. NELSON of Florida. I say to the Senator, Mr. President, that the young corporals and privates who are not returning home from Iraq and Afghanistan, who leave widows and children who are paying today out of their own paycheck into that survivor's benefit plan, of which in that insurance program their survivors are entitled, that, in fact, because of the current law of the offset, they don't get that which has already been paid for by the active-duty military member because of the eligibility of the widow and the children under the indemnity compensation through the Veterans' Administration. The current law offsets one against another.

What is so sad is that the survivors, the widows and children of these young corporals and privates, are finding it very difficult to make financial ends meet as a result of that offset.

This Senator is going to give the Senate an opportunity to change that in 2 weeks when we are on the DOD bill. If the Senate responds as we did last year and the year before in passing it, then we are going to have to insist when it gets down to a conference committee with the House it doesn't get stripped out like the House leadership last year and the year before did in stripping out what the Senate has passed.

I share that with my friend from Virginia.

Mr. WEBB. I thank the Senator.

BREAKING THE AGREEMENT

Mr. NELSON of Florida. Mr. President, I wish to tell a story that is quite disturbing that happened in the Appropriations Committee yesterday. The Appropriations Committee, as reported to this Senator, had quite a row yesterday in the full committee in inserting

a provision that will call for seismic exploration for oil and gas in the eastern Gulf of Mexico. It was such a row yesterday because it breaks the agreement that was made on the floor of the Senate last year in which the two Senators from Florida, this Senator and my colleague Senator MARTINEZ, had agreed to a plan by which there can be additional oil drilling and gas drilling in a lease sale 181 that would not be what was sought—about 2 million acres—but it expanded 8.3 million acres in an expanded lease sale 181, but that kept it away from the coast of Florida and away from the military mission line which is the boundary protecting the largest testing and training area for the United States military in the world.

Virtually all of the waters of the Gulf of Mexico off the State of Florida are this testing and training area. It is where we test our sophisticated weapons systems. It is where we test newly developed weapons systems. It is where we test weapons systems that have to go hundreds of miles, all of which these systems employ live ordinance under battlefield conditions in order to see that the equipment and the systems and the ordinance are all going to work.

Over and over, we have had letters from the Secretary of Defense to the Senate saying we cannot have oil and gas rigs on the surface in the Gulf of Mexico in the area where we are doing all this testing and training.

One wonders why, in the last round of the base realignment and closure, did the pilot training for the new FA-22 stealth fighter come to the Gulf of Mexico at Tyndall Air Force Base in Panama City. It is because that system now, in all pilot training, does dogfights at 1.5 mach. That is 1½ times the speed of sound. That is twice as much as the systems we have now, the F-16 and the F-15, twice as much that they do, the speed of air-to-air combat. As a result, they have to have so much wider area in which to have that turning radius as that weapons system is doing its practice in the dogfights shooting live ordinance.

Is it any wonder why, in the development of the new joint strike fighter, the F-35, that the F-35, once it is developed, all the pilot training for the Navy, for the Air Force, and for the Marines will take place on the gulf coast and it will take place at Eglin Air Force Base. Why? The same reason. We have that restricted airspace in the largest testing and training area in the world, and now we have a breaking of the agreement as a result of yesterday's Appropriations Committee action, a breaking of the agreement that we had last year when this Senator and my colleague from Florida agreed we would have the expansion of lease sale 181 when it would not intrude into the military mission area.

Now the Senator from Idaho, Mr. CRAIG, and the Senator from North Dakota, Mr. DORGAN, want to propose