

his idea of reform, to stop reform. But it is certainly not my idea of reform.

Mr. President, I ask unanimous consent that the ethics bill that has passed the Senate and the House be sent to conference for consideration.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. On behalf of the junior Senator from South Carolina, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I acknowledge my colleague on the other side of the aisle is standing in for the Senator from South Carolina, but if we are ever going to get to ethics reform, we clearly have to move to conference, and conference is going to require agreement on both sides of the aisle and the understanding—incidentally, the Senator from South Carolina characterized the conference committee as the secret conference committee. He is caught up in the old way of doing things. The new way is that the doors will be open. He can come. In fact, I hope the Republican leader will appoint him as a member of the conference committee. Regardless, it is going to be open for him to come and at least observe, if not participate, in this process.

It is a new day for the conference committees, and I certainly hope the Senator from South Carolina will reconsider, will stop his ethics filibuster, the DeMint ethics filibuster, which is now in its 12th day, and allow us to move to this ethics bill for its consideration.

Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### AMENDMENT NO. 2011

Mr. NELSON of Nebraska. Mr. President, on behalf of Senator LEVIN, I call up his substitute amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for Mr. LEVIN, proposes an amendment numbered 2011.

Mr. NELSON of Nebraska. 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 printed in today's RECORD under "Text of Amendments.")

Mr. NELSON of Nebraska. Mr. President, I wish to begin my comments on this year's National Defense Authorization Act by thanking the members of the Personnel Subcommittee, and I would especially like to thank Senator LINDSEY GRAHAM. He and I have worked together for several years on the Personnel Subcommittee.

Mr. WARNER. Would the Senator yield, so I might propose a unanimous consent request?

The PRESIDING OFFICER. Will the Senator from Nebraska yield?

Mr. NELSON of Nebraska. Yes.

Mr. WARNER. I thank the Presiding Officer.

Mr. President, following the remarks of the Senator from Nebraska, I would like to ask unanimous consent that I be recognized so I can speak on behalf of the ranking member, Senator McCAIN, with regard to the bill which is now being brought up.

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

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Senator WEBB be recognized after Senator WARNER for Senator WEBB's comments.

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

Mr. NELSON of Nebraska. Mr. President, as I was saying, Senator GRAHAM and I have worked together over these past several years—he has been chairman and I have been the ranking member—and I have always found our time on the subcommittee to be decidedly nonpartisan. All members of the Personnel Subcommittee have tried to do what is right by the servicemembers and their families. We are always focused on how best to serve those who serve us. So I say to Senator GRAHAM: Thank you very much.

This year, as in past years, the Personnel Subcommittee focused on improving the quality of life of the men and women in the armed services, including Active-Duty, National Guard and Reserve personnel and their families. There is an old axiom in the military that you recruit the soldier, sailor, airman or marine, but you retain the family. In the wake of the difficulties exposed at Walter Reed, we felt especially compelled this year to focus not just on the servicemember but also on his or her family and I am pleased with the bill and recommend it to my fellow Senators.

The bill before us authorizes \$135 billion for military personnel, including pay, allowances, bonuses, death benefits, and permanent change of station moves. The bill contains many important provisions that will improve the quality of life of our men and women in uniform and their families.

First and foremost, the bill authorizes a 3.5 percent across-the-board pay

raise, which is half a percent higher than the average pay raise in the private sector as measured by the Employment Cost Index. It is also half a percent higher than the administration's proposal of a 3-percent increase in pay. This increased pay raise recognizes the outstanding service and the sacrifice of the men and women of the armed services and their families.

The bill also addresses the administration's request to increase the end strength of the Army and the Marine Corps. The committee supports the requested increases in end strength for the coming fiscal year but funds the entire authorized end strength in the base budget rather than in a combination of the base budget and the war-related supplemental. The committee believes the increases in end strength are no longer uniquely tied to the war effort. The bill authorizes fiscal year 2008 end strengths of 525,400 for the Army and 189,000 for the Marine Corps.

The bill would expand combat-related special compensation to all servicemembers eligible for retirement pay who have a combat-related disability. This special compensation is currently denied to our wounded warriors who are medically retired with less than 20 years of service.

The bill would also reduce below age 60 the age at which reservists may begin to receive their retired pay by 3 months for every aggregate of 90 days of active duty performed under certain mobilization authorities.

The bill authorizes all servicemembers to carry up to 90 days of leave from one fiscal year to the next and allows certain servicemembers to sell back up to 30 days of leave under special leave accrual provisions affecting deployed servicemembers.

The bill would change the death gratuity and survivor benefit plan to allow servicemembers to choose to leave death benefits to a guardian or a caretaker of their minor child or children.

The bill also amends the Immigration and Nationality Act to make it easier for spouses and children accompanying servicemembers assigned overseas to qualify for citizenship.

The bill includes provisions that would allow the Department of Defense to continue to provide top quality health care to servicemembers and their dependents. The bill authorizes \$24.6 billion for the Defense Health Program and takes steps to ensure that TRICARE is available to beneficiaries who desire to use it.

The bill enhances the ability of the services to attract critically short health care personnel by authorizing a new bonus for referring to military recruiters an individual who is commissioned in a health profession, by authorizing an increase from \$50,000 to \$75,000 in the maximum incentive special pay and multiyear retention bonus for medical officers and by authorizing the Secretary of Defense to pay an accession bonus of up to \$20,000 to participants in the Armed Forces Health

Professions Scholarship and Financial Assistance Program.

The committee rejected the administration's proposal to give DOD broad authority to increase the cost of TRICARE for military retirees and their families and authorized the use of Federal pricing to reduce the cost of pharmaceuticals dispensed through the TRICARE retail pharmacy program.

Finally, the bill authorizes \$50 million in Impact Aid to local school districts, including \$5 million for educational services to severely disabled children and \$10 million for districts experiencing rapid increases in the number of students due to rebasing, activation of new military units or base realignment and closure.

Before closing, I would like to say a few words about the Dignified Treatment of Wounded Warriors Act. The committee unanimously reported out this legislation on the 14th day of June as a stand-alone bill. It is very important to ensure that our wounded heroes and their families are provided the very best in medical care and transition services the Government can provide. I understand the Dignified Treatment of Wounded Warriors Bill will be offered as an amendment to this bill, so I encourage all my colleagues to support this extremely important and timely piece of legislation.

Again, I would like to thank Senator GRAHAM and all the members of the Personnel Subcommittee. I look forward to working with our colleagues to pass this important legislation as promptly as possible.

Mr. WARNER. Mr. President, I would like to say what a pleasure it is to join my good friend from Nebraska, a member of the Armed Services Committee, on the floor on the occasion of the 29th authorization bill that I have been privileged to join with other colleagues on the floor submitting to the Senate. Earlier today, I had a lengthy meeting with Senator LEVIN, our distinguished chairman, and I have also had the benefit of a report from the distinguished ranking member, Senator MCCAIN, who has returned from a trip to Iraq. So on behalf of our two principals, we are here today to initiate consideration of this all-important bill at a very critical juncture in the history of our great Nation.

I am privileged to rise in support of this piece of legislation, Mr. President. The bill was voted out of our committee unanimously, and that has usually been the case. I say that with a sense of pride through the many years I have served on the committee, over half that time as either the chairman or the ranking member. Our committee is proud of the fact that members of the committee, as well as our respective professional staffs, work together to try to achieve the highest possible degree of bipartisanship, given that we are entrusted, under the Constitution, the Senate, and the Senate has entrusted our committee with bringing forth each year the recommendations

on behalf of the men and women in the Armed Forces.

I commend our distinguished chairman, Mr. LEVIN, and Mr. MCCAIN, the ranking member, for the markup session, which my colleague and I were in attendance I think throughout. It was done expeditiously, fairly, and openly, in terms of all Senators being given every possible option to present their views in preparing for the bill that is now on each Senator's desk. So again, I thank and join my colleague from Nebraska in thanking the chairman and ranking member and our staffs because I think we have achieved a truly bipartisan endeavor on behalf of the committee and forwarded to the Senate.

As the ranking member, Mr. MCCAIN, and I worked with our subcommittees, and indeed Mr. LEVIN. I attended a number of subcommittee meetings. We were fortunate to have strong chairmen of the subcommittees and ranking members, as my colleague from Nebraska mentioned in his opening statement, together with a strong professional staff, and their reports, by and large, were incorporated in the bill. Therefore, the committee has met its responsibility and fully funded—I repeat, fully funded—the President's \$648 billion budget request for national defense.

As Members of the Congress, funding our Nation's defense is a fundamental responsibility. We must ensure our military is prepared, well trained, and well equipped to defend us and our allies in today's very complex world of threats. We must provide the best resources with the best value for our Armed Forces. We owe that to our service men and women, to their families, and, indeed, to the taxpayers. I am proud to say that, in my judgment, this bill meets those criteria.

The bill approves \$2.7 billion for items on the Army Chief of Staff's Unfunded Requirements List, including \$775 million for reactive armor and other Stryker requirements, \$207 million for aviation survivability equipment, \$102 million for combat training centers, and funding explosive ordnance disposal equipment, night vision devices, and other weapons. These are critical items in our fight against al-

Qaeda, the Taliban, and other threats throughout the world. Given the dangers we face as a nation, our men and women in uniform should want for nothing in our battle against terror.

I selected the Army to start with because I am very admiring of the Chief of Naval Operations, who is alleged to have said recently that while he is proud to be Chief of the Navy, his biggest concern today is that of the needs of the U.S. Army, and, indeed, the President has recently indicated that if all goes well in the course of the hearings in the Senate and our committee and the Senate confirms Admiral Mullins to be the next Chairman of the Joint Chiefs, he truly inherits that mantel of heavy responsibility showing equal regard for our services. But he

did single out the Army as an institution at this time badly in need of the attention, not only of the Chairman of the Joint Chiefs office but indeed of the Congress of the United States.

I believe with the increase in the end strength of the Army, we have met the President's request to do what we can at this critical time to keep our Army strong, particularly for those families who at this very moment—thousands and thousands of families—have their loved ones serving abroad in Iraq and Afghanistan.

Likewise, the committee approved for the Navy the first next generation—that is the first ship in the next generation of our carriers, proudly named, in large measure by the urging of the Senate, the U.S.S. *Gerald Ford* for the former President of the United States, the former Republican leader in the House of Representatives.

It has also restructured the littoral combat ship program to achieve maximum value and accountability. Moreover, we approved \$4.1 billion of Mine Resistant Ambush Protected—that is the MRAP—vehicles for all the services.

The committee also decided to assign fixed-wing, intra-theater airlift functions and missions to the Air Force and shift Army aircraft funding in 2008 to the Air Force, which was unusual but necessary to achieve improved efficiency and synergy in our airlift capability.

While weapons and equipment are critical in any conflict, it is the support we give our soldiers, sailors, airmen, and marines that determines success or failure.

We are asking more of our troops today than we did a generation ago—with longer and successive deployments. Our troops deserve our respect and gratitude for the countless sacrifices they and their families make daily. I welcome the committee's decision to approve a 3.5 percent across-the-board pay raise for all military personnel and the authorization of \$135 billion in allowances, bonuses and other benefits. We are improving the quality of life for our men and women in uniform while enhancing our future readiness.

The committee has approved measures that satisfy our current and future requirements. We've increased the end strengths of the Army and the Marines to 525,400 and 189,000, respectively. By boosting the Army's and the Marines' numbers, I hope we can build a more flexible active-duty force and deploy reservists more prudently.

I thank the chairman for his leadership. The committee has approved a bill that meets the President's request, the needs of our troops and is fiscally responsible to our constituents. I hope my colleagues will join me and members of the committee in supporting this year's Defense authorization bill.

I wish to draw the attention of the Senate at this time to the following. We today start this bill amidst great

concern. We start very important legislation at a time in our history unlike any I have witnessed. I share the privilege of being among the elder Senators in this Chamber. The conflict in Iraq in particular is posing extraordinary challenges both to our President, the Commander in Chief of the Armed Forces, and to the Congress which must provide the needed support. Indeed, we owe no less than the greatest obligation to the many people of our United States of America whose families, one way or another, are involved in these conflicts—largely by virtue of proudly wearing the uniform of one of our services—but there have been literally tens of thousands of other Americans who are taking risks in these conflicts to give support to the men and women of our Armed Forces.

Many colleagues over the recess period have expressed their concerns, quite properly, about certain directions that our Nation could be taking and is now taking, and otherwise, to address the conflicts—primarily in Iraq. I anticipate a number of amendments will be brought forward in the coming days—weeks, perhaps—as the Senate debates this bill. I encourage that. I thoroughly believe the depth of the complexity of the Iraq situation deserves the attention of each and every Senator. I hope they will avail themselves of such opportunities as they can to address their fellow Senators and convey their thoughts.

Several have recently spoken out very strongly on this issue. I personally have commended each and every one, even though I may not fully agree with all of their statements. This is a critical time in America's history. That is the purpose of this Senate, which is recognized perhaps as the one forum among the legislative branches throughout the world where there is literally almost total freedom for any Member of this body to come forward and address his or her fellow Senators and express his or her views.

I look forward in the coming days and weeks to engaging in debates. A number of us—I don't single myself out, but quite a few—have been asked by the press, do we have views at variance with the President's, at variance with those of some of our colleagues. I am speaking only for myself. I have decided to withhold some of the views I currently am looking at. I spent a good deal of time in the recess period visiting personally at the various agencies and departments of our Federal Government entrusted with intelligence responsibilities, security responsibilities, and other responsibilities with regard to these conflicts. I profited greatly. Each time, while I may not have agreed with everything that was related to me, I was certainly impressed by the quality of people and their professionalism throughout the Civil Service ranks of our Federal Government with regard to their discharging their individual responsibilities at this point in time in our his-

tory on issues which are extremely complex to resolve.

I also briefly responded to press inquiries this morning about the timing of what thoughts I may have, and when I might share them with my colleagues. I am frequently—today being an example—speaking privately with a number of colleagues in this body on their views. But publicly I have decided to withhold some ideas I may have which may be incorporated in one or more amendments until such time as the President has had the opportunity to address the Nation.

I wish to go back in a very respectful way and remind the Senate of the legislation, the appropriations bill passed some 6 or 7 weeks ago. That bill included a bill that I and others brought to the Senate floor. It received, I think, over a majority of votes. That bill that I brought to the floor together with a number of cosponsors—indeed, my distinguished colleague from Nebraska was very much an active party with it—that bill was embraced in the final version of the appropriations bill which became the law of the land.

In that bill the provisions that we discussed and debated here in the Senate, and indeed which had passed by a majority vote, required as follows. I wish to read the "Reports Required" portion.

The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

I had the opportunity this morning to join his senior staff at the White House and discussed my views with them. We discussed this report. I left that meeting this morning with the definite impression that the White House and other elements of our Government are approaching this legislative requirement—which originated in this Chamber and was adopted by this Chamber and eventually became law—they are approaching that responsibility with an absolutely sincere depth of commitment.

I was asked by the press whether I thought they would brush it off. I resoundingly replied, "No." As a matter of fact, I have reason to believe that the Secretary of State and the Secretary of Defense are very actively working with senior White House staff and others—the Director of our Intelligence, the Director of the CIA—they are all actively working in preparation of that report.

I read the next provision in our bill.

The President, having consulted with the Secretary of State, the Secretary of Defense, the Commander of Multi-National forces—Iraq, and the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit [it] to the Congress.

#### Paragraph 3:

If the President's assessment of any of the specific benchmarks established above is un-

satisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group—commonly referred to as Baker-Hamilton—as he deems appropriate.

#### No. 4:

The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria, outlined above.

#### No. 5:

The reporting requirement detailed in section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is waived. . . .

—given that these reports are going to be put in.

Speaking only for myself, I am going to withhold any comments I have specifically in large measure out of deference to exactly what we asked the President to do and exactly which I feel the President is about to do. I have reason to believe and it is my hope that it is done possibly a little earlier than the 15th, since the 15th falls on a day this weekend, thereby giving Members the opportunity to see exactly what he has done in response—again I reiterate—to the law as written by the Congress and a law that originated in this Chamber.

With that, I look forward to the week, working with my colleagues.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The junior Senator from Virginia is recognized.

#### AMENDMENT NO. 2012 TO AMENDMENT NO. 2011

Mr. WEBB. Mr. President, I call up a bipartisan amendment with 29 of my colleagues that is focused squarely on supporting our troops who are fighting in Iraq and Afghanistan. I now send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia, Mr. WEBB, for himself, Mr. HAGEL, Mr. REID, Mr. LEVIN, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. BYRD, Mr. TESTER, Mrs. McCASKILL, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. HARKIN, Mrs. FEINSTEIN, Mr. BROWN, Mrs. LINCOLN, Mr. PRYOR, Mr. SANDERS, Mrs. BOXER, Ms. KLOBUCHAR, Ms. MIKULSKI, Ms. CANTWELL, Mr. DODD, Mr. AKAKA, Mr. BIDEN, Ms. STABENOW, and Ms. LANDRIEU proposes an amendment numbered 2012 to amendment No. 2011.

Mr. WEBB. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To specify minimum periods between deployment of units and members of the Armed Forces for Operation Iraqi Freedom and Operation Enduring Freedom)

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

**SEC. 1031. MINIMUM PERIODS BETWEEN DEPLOYMENT FOR UNITS AND MEMBERS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.**

(a) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be equal to or longer than twice the period of such previous deployment.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(b) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that—

(A) the units and members of the reserve components of the Armed Forces should not be mobilized continuously for more than one year; and

(B) the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be five years.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(c) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit or member of the Armed Forces specified in such subsection if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(d) WAIVER BY MILITARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Army (or the designee of the Chief of Staff of the Army).

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Naval Operations (or the designee of the Chief of Naval Operations).

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Marine Corps (or the designee of the Commandant of the Marine Corps).

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Air Force (or the designee of the Chief of Staff of the Air Force).

(5) COAST GUARD.—With respect to the deployment of a member of the Coast Guard who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Coast Guard (or the designee of the Commandant of the Coast Guard).

Mr. WEBB. Mr. President, I wish to point out as of this point there are 29 cosponsors on this amendment. They include our majority leader as well as Senator HAGEL as the lead Republican cosponsor, Senator LEVIN, the chair of our committee, Senators OBAMA, CLINTON, DURBIN, TESTER, BYRD, McCASKILL, KENNEDY, SALAZAR, KERRY, HARKIN, FEINSTEIN, SCHUMER, BROWN, PRYOR, SANDERS, MURRAY, KLOBUCHAR, BOXER, MIKULSKI, CANTWELL, STABENOW, AKAKA, DODD, BIDEN, and LANDRIEU.

This is an amendment that is focused squarely on supporting our troops who are fighting in Iraq and Afghanistan. It speaks directly to their welfare and to the needs of their families by establishing minimum periods between deployments for both our regular and reserve components.

I offer this amendment having grown up as a military family member, having watched a father deployed, as one who has served as a marine and been deployed, as one who has had a family member deployed in this war, and also as someone who, for 3 years, was privileged to oversee our National Guard and Reserve programs as Assistant Secretary of Defense, during which time I also spent a good bit of energy looking at mobilization issues, including how manpower flow issues were predicted to have occurred if we went to war.

The manpower policies that are feeding the situations in Iraq and Afghanistan presently are unprecedented in our history. This not only involves the repeated use of a small pool of active Army and Marine Corps forces, it also regards the use of the National Guard and Reserves at a tempo that we never could have anticipated when we were designing the total force concept.

It also involves the use of contractors doing so-called security work, performing missions that historically have been the responsibility of American military men and women. Now in the fifth year of ground operations in Iraq, this deck of cards has come crashing down on the backs of our soldiers and marines who have been deployed again and again, while the rest of the country sits back and debates Iraq as an intellectual or emotional exercise.

These men and women are doing a wonderful job. They are also paying a heavy price. That price became clearer in a wide variety of statistics, which I will address momentarily, as well as in the personal stories that we who have positions of authority are hearing on a daily basis. I and other supporters of this amendment believe no matter what one's view is of America's involvement in Iraq, the time has come for the Congress to place reasonable restrictions on how America's finest, our military men and women, are being used.

Stated simply, after more than 4 years of ground operations in Iraq, we have reached the point where we can no longer allow the ever-changing nature of this administration's operational policies to drive the way our troops are being deployed. In fact, the reverse is true. The availability of our troops should be the main determinant of how ground operations should be conducted.

Other amendments will be debated during the days ahead relating to the withdrawal of our forces from Iraq, the proposed timetables and future course of the war, but this is one area where we all, as Democrats and Republicans, should be able to come together. This relates in some measure to what the distinguished senior Senator from Virginia was talking about a few minutes ago—whether there is a report coming out in a week, whether there is an evaluation taking place in September. And no matter what any of us believe about the future conduct of the war or about this timetable or that timetable, we owe it to our troops and to their families to establish a minimum floor for their combat deployments.

If we are serious about supporting our troops, there is no better place to start than to correct the current troop rotation policy by requiring a minimum amount of time between deployments. I said this in the Chamber in March: The motivation behind this amendment is simple. It is the same motivation that impelled me more than 30 years ago when I first started working on veterans issues: How do we support the troops? What does that mean? Who speaks for the troops?

Like you, I listen to what they are saying. Here is what a constituent in Virginia wrote to me recently. Her husband is an Active-Duty Infantry officer who is presently deployed in Iraq. She wrote:

As an Army wife I brace myself for the possibility that he may be extended for a few

months based on the recent troop surge, and, of course, he was. This morning on the news I heard that President Bush is extending the Army troops again. Enough is enough.

She wrote.

I am a patriotic American and an Army wife, but even we have our limits. My husband has lost numerous soldiers, we have dozens of amputees at Walter Reed and elsewhere, and morale is dropping. These men need to come home. Please speak out against another extension. Please bring our overextended soldiers home.

After 4 years of combat, we must provide our troops and their families with a predictable operational tempo that has adequate dwell time between deployments. We owe this to our active participants but also to the participants in the National Guard and Reserves.

Why is this bipartisan amendment so important? We all know the reason well enough: a small group of people is answering the call time and again. The result is that our ground forces in particular are being burnt out. The evidence is everywhere. We see it in falling retentions of experienced midgrade officers and noncommissioned officers. The increasing attrition rate among Army company-grade officers is serious enough that our committee, the Senate Committee on Armed Services, included a reporting requirement on the Army's retention programs and incentives in the authorization bill that is now before us.

We see it in the West Point classes. In 2000 and 2001, the most recent classes that finished their initial 5-year obligations, we are told that their attrition is five times the level that it was before Iraq for such classes. The statistics we have been shown indicate that 54 percent of the West Point class of 2000 left the Army by the end of last year, and 46 percent of the class of 2001 left the Army by the end of last year.

Senator WARNER mentioned Admiral Mullen who is a longtime friend, a Naval Academy classmate, now waiting for confirmation as the next Chairman of the Joint Chiefs of Staff. He was recently asked what was the thing about which he was most concerned. He said, "The Army." And we are not talking about equipment. We are talking about the Army.

The Marine Corps is also seeing an upward trend in the loss of critical midgrade noncommissioned officers. We also find new evidence of troop burnout in more numerous mental health issues arising from multiple combat deployments. These are statistically observable. There is a new report by the Department of Defense that documents a higher rate of mental health issues for servicemen deploying multiple times or for more than 6 months. A survey of servicemembers after their deployments found that 38 percent of our soldiers, 31 percent of our marines, and 49 percent of the National Guard report psychological problems following their combat deployments.

The failure of current rotation policies to protect the welfare of our

troops and their family members in both Regular and Reserve components is well documented. This is an example drawn from the pages of our servicemembers' own newspaper, the Stars and Stripes.

Last week, the paper described how Army SGT Troy Tweed, newly assigned to the 2nd Brigade of the 1st Armored Division, is slated to deploy to Iraq before a full year of dwell time at home. Sergeant Tweed returned home 5 months ago from his last deployment to Iraq. He is one of many former members of his old brigade who is slated to deploy 3 to 4 months early because they received a new assignment. This will be Sergeant Tweed's fifth deployment to Iraq or Afghanistan.

He says to the Stars and Stripes:

It feels like the individual situation of soldiers isn't taken into account, you are just like a number.

The newspaper said it best.

Soldiers like Tweed fall through the cracks.

Closer to home, the Virginia Army National Guard, roughly 1,400 members of the 116th Infantry Brigade Combat Team, the famous Stonewall Brigade, has been mobilized. I would point out as an aside that this is a brigade with a long history that dates back to the Civil War, and, in fact, one of my ancestors fought in that brigade during the Civil War, was wounded at Antietam, and lost his life at Chancellorsville.

The brigade presently is in training in Mississippi and will deploy to Iraq in September. Deploying with this brigade are 700 members of the 3rd Battalion who returned only 2 years ago from a deployment in Afghanistan. Forty percent of this battalion will be making its second combat deployment in less than 3 years as members of the National Guard.

One colonel, a brigade commander stationed in Iraq, recently described his soldiers this way: They have spent the last 4 years on a continuous cycle of fighting, training, deploying, and fighting, and they see no end in sight. They have seen their closest friends killed and maimed, leaving young spouses and children as widows and single-parent kids. They want time for themselves and time to raise families for a while.

When they look forward to a 15-month deployment with 12 months in between, they see their home station time as being compressed, with intensified training, which means more time away from families and personal pursuits.

I know my colleagues on both sides of the aisle have heard similar stories. I would just like to point out that this cycle, the strategy driving our troop rotation, must be reversed. The bipartisan amendment I introduced this afternoon takes a modest step to reverse this practice by establishing a floor for minimum periods between deployments for both units and members.

It says if a unit or member of a Regular component deploys to Iraq or Af-

ghanistan, they will have the same time at home, dwell time, before they are deployed; for Guard and Reserves, they will have three times the amount of time that they were deployed.

This is not a grand scheme to achieve an ideal troop rotation scenario. The ideal rotation scenario is two to one for Active, and five to one for Guard and Reserves, which we put in this amendment as a goal. What we are attempting to do is to put a floor under this and state what would be optimal. I would point out that the Adjutant General of my State of Virginia, MG Robert Newman, told us today that it is important to consider alternatives like this, like a minimum dwell time that will provide this sort of predictability.

Active Army units now deploy for 15 months with a 12-month period between deployments. Many Active Marine Corps units are also below the one-to-one rotation cycle. Individual soldiers and marines who have recently returned from deployment are also reassigned as backfills to new units marked for deployment.

Dwell time is not downtime. It entails frequent absences as units retrain, refurbish, reequip, and assimilate new members. After the first month at home, for example, a marine generally spends 48 days in the field away from family, firing on the rifle range, or on weekend duty.

This amendment provides for fair and reasonable waivers. It gives the President the waiver authority in the event of an operational emergency that poses a vital threat to our national security. This is a low threshold. It will allow the President to respond to any emergency operational requirement, including those in Iraq and Afghanistan by certifying a need to waive the amendment's limitations.

It provides military departments the authority to waive individual volunteers. In other words, if you want to go back sooner you can.

Contrary to some critics, the amendment does not micromanage the President in his role as Commander in Chief, nor does it tie the hands of our operational commanders in theaters. A more predictable dwell time will be transparent to our forward-deployed commanders. Military departments have long experienced managing people as individuals. We fought the Vietnam war on an individual rotational policy, before the widespread use of today's information technology systems that make it far easier for us to monitor when an individual returned from a deployment so that you have a date certain for when his dwell time would expire.

There was some comment about constitutional authority. The constitutional authority of this amendment is clear. Article I, section 8, of the Constitution empowers the Congress to make rules for the Government and regulations of the land and naval forces.

As Acting Secretary of Army Geren stated during his confirmation hearing last month:

Article I of the Constitution makes Congress and the Army full partners.

There are precedents for this action. Congress has acted in a similar way in the past. The best recent example was in 1961 during the height of the Korean war when Congress intervened to ensure our servicemembers were not sent to war before they were properly trained. The Selective Service Act was amended to provide that every person inducted into the Armed Forces would receive full and adequate training for a period not less than 4 months.

The law also stipulated that no personnel during this 120-day period would be assigned for duty outside the United States.

It could have been argued in the Korean war that we had manpower requirements that should have allowed the Department of Defense or the operational commanders or the President as Commander in Chief to send military people outside of the country before they had 120 days of training. But the Congress intervened and said: No; 120 days is essential for the well-being of our troops, just as this amendment today says that dwell time, time back home, is essential for the well-being of our troops.

This Chamber has a clear duty to assert our authority to prevent further damage to our military. The current strategy, the current operational policy does not justify the way we are deploying our troops.

I urge my colleagues to recognize this common interest we share in addressing the welfare of our troops and their families. I have been encouraged to hear sentiments echoed recently by some of my colleagues on the other side of the aisle who are equally interested in forging a new road to the future, including Senators LUGAR, DOMENICI, VOINOVICH, COLLINS, and even my senior colleague from Virginia, Senator WARNER. They have studied the course of the war in Iraq. They ask the same questions that trouble us all: How can we continue to ask our troops to sacrifice indefinitely while the Iraqi Government is not making measurable progress, and many other questions.

The bottom line in all of this is that as we move forward responsibly to relocate our military from Iraq over a period of time, we cannot continue to do what we are doing to the troops we are sending over and over again. We seek a conclusion at the end of this engagement that will enable us to withdraw our combat forces from Iraq, that will lead to progressively greater regional stability, that will allow us to fight international terrorism more effectively, and that will enable us to more fully address our broader strategic visions around the world. The American people expect us to do that, to move our country forward in a collaborative way, but they also expect us to use our

troops in a way that addresses their welfare and uses them in a way that is more properly related to the tasks at hand in Iraq and Afghanistan. So we can no longer continue to place such a disproportionately large burden on the shoulders of so few people. We need a balance. It is up to the Congress to establish that balance.

As a young Army wife wrote to me recently: Enough is enough.

I thank my colleagues who have signed on as original cosponsors, and I urge all colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Florida.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that at 4:30, the Senate proceed to executive session; that there be 1 hour for debate equally divided between Senators LEAHY and SPECTER or their designees; that at 5:30 p.m., the Senate vote on Calendar No. 138, followed by 20 minutes for debate on Calendar No. 140, equally divided between Senators LEAHY and BROWNBACK; that at the conclusion or the yielding back of that time, the Senate vote on Calendar No. 140; that if Calendar No. 140 is confirmed, the Senate then vote on Calendar Nos. 139 and 154; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

Mr. NELSON of Florida. I ask unanimous consent to add Senator HAGEL as a cosponsor to my amendment No. 2000 to the 2008 National Defense Authorization Act.

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

AMENDMENT NO. 2013 TO AMENDMENT NO. 2012

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 2013 to amendment No. 2012.

Mr. NELSON of Florida. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill's enactment.

Mr. NELSON of Florida. It is my understanding Senator HAGEL wants to speak on an amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2012

Mr. HAGEL. Mr. President, I appreciate the time.

I rise to support the Webb amendment on troop readiness. The distin-

guished junior Senator from Virginia has taken, once again, an important leadership role on an issue that is as important to our country, to our military, and their families as any one issue, and that is readiness, because it is the men and women whom we ask to fight and die for this country who must always be our highest priority. The men and women who serve this country in uniform and their families deserve a policy worthy of their sacrifices. I appreciate the leadership of my friend from Virginia on this issue. This is part of an amendment Senator WEBB and I had introduced a couple of months ago.

In February of this year, GEN Peter Pace, Chairman of the Joint Chiefs of Staff, reported to Congress that there is now, in his words, "significant" risk that our military will not be able to respond to an emerging crisis in another part of the world. Since that time, the United States has sent more of our soldiers and more of our military equipment to Iraq.

The war in Iraq has pushed the U.S. military to the breaking point. I, like most of my colleagues, have been told by military leaders, both on active duty and those who are retired, that we are doing tremendous damage to our Army and to our Marine Corps, as well as our Army National Guard. Our troops are being deployed longer than they should be, more frequently than they should be, and without full training and equipment. We are eroding our military power at a time when our country faces an increasing arc of challenges and threats across the globe. We are abusing our all-voluntary force in a dangerous and irresponsible way. Senator WEBB recited a number of the facts—facts, not interpretations, not subjective analysis, but facts—as to what is happening to our military today because of the burden we are placing on them in Iraq, our fifth year in Iraq, our sixth year in Afghanistan.

This amendment goes to the heart of ensuring the readiness of our military and the time between deployments. This amendment will ensure that all Active units that have deployed to Iraq or Afghanistan have time at home that is at least equal to the length of the previous deployment. If we can't commit at least that to our forces, then what can we commit to them? For the National Guard and Reserves, our amendment establishes a minimum 3 years between deployments. Longer and more predictable dwell time will allow soldiers to rest, reequip, retrain, and return to their families. Our amendment has waiver authority because there can be extraordinary circumstances that require extraordinary use of our military. We have used that over and over and over in Iraq.

Today, in our fifth year in Iraq, in the middle of a civil war, we must return to the standards that allowed us to create the finest military force the world has ever known, the best led, the best educated, the best trained, the

best equipped, and the most committed military the world has ever known. You can't make those kinds of militaries. You can't build those kinds of militaries overnight or even over 5 years. It took some of this country's greatest military leaders post-World War II—more importantly, post-Vietnam—such as General Powell, General Schwarzkopf, and many others, to commit their lives, 35 years of their lives to rebuild a broken military after we broke it in Vietnam. We are headed in the same direction unless we get control of this disaster now. Nothing is more important to our country, to our society than our people.

I urge my colleagues to support this important amendment. I appreciate the leadership of the junior Senator from Virginia who knows something about the military, who knows something about war.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I express my appreciation to the Senator from Nebraska for his leadership on this issue and his support for this amendment. It is my firm hope that people on the other side of the aisle will understand this amendment for what it is and, no matter what their views of the propriety of the war in Iraq or the direction of the President's strategy, will understand this is a minimum bottom line in terms of how the U.S. military is used around the world.

For the record, Senator HAGEL and I, to my knowledge, are the only veterans of ground combat in Vietnam in this body. It is a privilege and a pleasure to have him with me on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I commend Senator HAGEL and Senator WEBB. I was serving as a lieutenant and a captain in the U.S. Army during Vietnam. I was not sent to Vietnam but clearly dealt with all of its aftermath in the duties I did carry in the military. I support the Webb amendment and appreciate his statement and the heartfelt statement of Senator HAGEL.

Earlier, Senator HAGEL had joined me in being an original cosponsor of an amendment the two of us will be offering later having to do with widows and orphans. Senator HAGEL is a longtime supporter of the effort to repeal this offset to the Survivor Benefit Plan by the dependent indemnity compensation.

What we have is Active-Duty service-members who pay for an insurance plan called the Survivor Benefit Plan. If they are killed in active duty, their families have some subsistence to carry on which they have provided for because they did that additional paying for what is in effect an insurance plan. In another part of the law under the Veterans' Administration, there is something known as the dependent in-

demnity compensation, and it, too, takes care of survivors and families. The problem is, the two offset each other and, as a result, particularly with some of the privates and the corporals and the young sergeants who have provided for their families when they are deceased, those young widows are having difficulty making financial ends meet. We have to correct this.

Isn't it interesting all this goes back to statements made by President Abraham Lincoln during the Civil War. In his second inaugural address, he said that one of the greatest obligations of war was to take care of the widow and the orphan. If we look at the cost of war—guns, ammunition, tanks, trucks, airplanes, body armor, all of that is a cost of war. Transportation, logistics, all of that is a cost of war.

Well, there is another cost of war, and it is the cost of war in taking care of the survivors. The U.S. Government ought to plan on, as a cost of the wars in Iraq and Afghanistan, taking care of our veterans and their widows, widowers, and orphans.

So as we get into this Defense authorization bill, we are going to have the privilege of honoring the men and women and families who have given the ultimate sacrifice in service to this Nation. We are going to have the opportunity to remove the injustice facing our veterans. That injustice is this offset which offsets the indemnity compensation—a benefit from the Veterans' Administration—with the Survivor Benefit Plan, which is paid for by our veterans.

So when a veteran, as an Active-Duty military member, has paid out of their own paycheck into the Survivor Benefit Plan—it is similar to an insurance program—they do not get the full benefit because of the surviving spouse's and the children's eligibility under the Veterans' Administration program, the Dependent Indemnity Compensation program.

Now, to offset those two is not right. So this amendment, No. 2000, is going to end that injustice. Senator HAGEL and I will be offering it later on, as we get on in this next 2 weeks, down the road on this Defense authorization bill. But for 7 years, this Senator has been trying to pass this legislation that will remove this offset.

Last year, we passed it in the Senate by a whopping vote of 92 to 6, only the leadership in the conference down in the House whacked it out last year. We are going to try to prevent that from occurring. The objection to it is it costs \$8.2 billion over 10 years. But isn't it an obligation of the U.S. Government to take care of the families of their loved ones? I believe it is.

When the Senate passed this amendment that left out some beneficiaries and required repayment of funds in the past, it was even more. It was \$9.6 billion. Well, it has now been calculated right at \$8 billion.

So that is coming down the road, and I am looking forward to getting into it.

I am looking forward to getting a lopsided, whopping vote again in the Senate that will send a strong message to the conference committee to reconcile the House-passed and Senate-passed versions.

Now, I rise in my capacity as chairman of the Strategic Subcommittee of the Senate Armed Services Committee. This overall bill is a good, balanced bill, and it works to ensure the troops are trained, equipped, and supported. The bill was reported favorably to the Senate with a unanimous vote by our committee. It is a good indicator of the bipartisan support for the bill and a reflection of the manner in which this committee has been led by Senator LEVIN, the chairman, Senator McCAIN, the ranking member, and Senator WARNER, the immediate past chairman, who has stepped in so often for Senator McCAIN, as he is right now but 7 or 8 feet from me in overlooking and managing this legislation.

I wish to discuss the work of the subcommittee. The Strategic Subcommittee had a good year, and it has been a considerable pleasure for me to work very closely with Senator SESSIONS of Alabama, as the ranking member. Last year it was reversed. Senator SESSIONS was the chairman, and I was the ranking member. So we have worked together for several years with very difficult issues, sometimes contentious, but they did not become contentious this year. We worked out almost all of them.

We held five hearings and several briefings on a wide range of issues. These issues cover everything from space and intelligence, strategic systems, such as bombers, submarines, ground-launched ballistic missiles, the nuclear weapons programs, the missile defense program, and the bulk of the Defense-funded activities of the Department of Energy.

In the last several days, I have had the privilege of visiting our three major National Defense Labs that concentrate on Department of Energy nuclear weapons programs: first, Sandia and then Los Alamos—both of them in New Mexico—and then on to Lawrence Livermore in California. I would commend to all Senators to go and see the work and be briefed on the extraordinarily important stuff that is going on in these national labs, being done by extraordinary people.

In the area of missile defense, this committee, our subcommittee, has continued implementing a policy we established last year, placing a priority on the development, testing, fielding, and improvement of effective near-term missile defense capabilities, particularly to protect forward-deployed U.S. forces and allies against existing threats from short-range and medium-range ballistic missiles.

Where are the threats? The threats the ballistic missile defense is being developed for now are different than what was announced 20 years ago by President Reagan. After President

Reagan and Gorbachev was—well, then he was the head of the Communist Party, and I do not remember if his title was President. But he was, in effect, the leader of the Soviet Union. After their meeting at Reykjavik, Iceland, they started to bring down the numbers of these strategic systems, such as the missiles and the warheads.

Later, President Reagan offered to Mikhail Gorbachev: Well, we will develop this system of national missile defense and we will give it to you and we can both then have, in effect, two systems that assure mutually assured destruction because of so many thermonuclear warheads that we can have to blunt each other.

Well, things changed along the way. The Soviet Union crumbled. But the bulk of all that capability in the Soviet Union is retained by Russia. Happily, there has been the continued progress on the dismantling of the warheads in both the United States and Russia.

But as to the ballistic missile defense program, which had fits and starts, the technical requirements are exceptional, and it has been very difficult to achieve. The requirements of using it changed, and so, in effect, it is being developed now to protect against missiles that may be launched by North Korea against us or against any allies—and Iran. Looking into the future, Iran does not have this real capability today, but we are concerned they will in the future, particularly if their nuclear program continues as they are threatening it will. So the ballistic missile defense program has considerably shifted over the last two decades into a different kind of program.

Now it is facing a crucial test coming up this next month. We will see if all it has been advertised to be able to do, in fact, is done through this test that is going to try to calibrate if, with kinetic energy, with an incoming missile warhead, we can have a ballistic missile defense system that can hit in outer space that incoming warhead and/or warheads—you can imagine what kind of accuracy that has to be—in the midcourse phase in outer space or in the reentry phase, as it is coming back through the Earth's atmosphere.

In order to provide protection against these existing or near-term missile threats, our committee, in the bill, has authorized an additional \$315 million to increase or accelerate work on the near-term missile defense capabilities. That includes \$255 million for the Aegis BMD, the Patriot PAC-3, and the THAAD systems, which I will describe in a minute. It also authorizes an additional \$60 million for the joint Israel-U.S. work on the Arrow missile defense system and on the short-range missile defense. These increases are offset by reductions in far-term and lower priority programs.

With respect to the overall funding, our committee authorized a total of \$10.1 billion for the ballistic missile defense programs. That is a net reduction of \$231 million below the budget re-

quest for the Missile Defense Agency. That is a 2-percent reduction.

Let me summarize what is in the bill. The bill is going to authorize the entire Army funding request for the Patriot PAC-3 program, including funding for its “Pure Fleet” initiative. The committee also authorized an additional \$75 million to procure 25 additional PAC-3 missiles.

The Patriot PAC-3 system is our only ballistic missile defense system that has already proven to be effective in combat, and we do not have enough PAC-3 units or missiles to provide the capabilities our combatant commanders need today. The committee authorized an additional \$75 million for the Aegis ballistic missile defense program to increase the production rate of Standard Missile 3 interceptors, procure 15 additional SM-3 missiles, and accelerate the work on the Aegis BMD single processor and open architecture program.

Now, in a unanimous consent request I previously made to go into executive session at 4:30, since I am not through with my statement, what is the pleasure of the Presiding Officer?

The PRESIDING OFFICER. It is up to the Senator to ask for unanimous consent at this point if he wants to continue speaking and to revise the earlier unanimous consent request.

Mr. WARNER. Mr. President, reserving the right to object, I understood that at 4:30 the Senate was to turn to the debate on the pending judicial nominations which will be voted on at 5:30. Now, the two Senators who were to come to the floor at this appointed time—

Mr. NELSON of Florida. Mr. President, why don't I suggest to the Senator that I continue with my statement until the Senators arrive.

Mr. WARNER. I wish to speak to the judicial nominees. I will tell my colleague what I will do to accommodate the Senator, if he will give me a few minutes and I will put this into the RECORD.

Mr. NELSON of Florida. Mr. President, why don't you, since I am in mid sentence, let me take about 5 more minutes and complete my statement.

Mr. WARNER. Mr. President, I want to accommodate my good friend in any way he wishes to be accommodated, if that is his desire, but with the appearance of one of the Senators on the floor, I hope I can get in under this unanimous consent agreement.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to proceed for 5 more minutes, to be followed by the Senator from Virginia.

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

Mr. NELSON of Florida. Mr. President, the Aegis BMD program provides an important and improving missile defense capability of \$105 million, and that is to increase the missile production rate. The THAAD system has shown good success in its testing program thus far. The bill offers \$25 mil-

lion new for the coproduction of the Arrow system and \$10 million to study the suitability of the THAAD missile to serve as a follow-on to Israel's Arrow system. We also have an increase of \$25 million for the accelerated joint development of short-range ballistic missile defense, and that is for Israel.

In our bill we had a budget request, and it included \$310 million for the proposed development of long-range missile defenses in Europe. That was 10 interceptors in Poland and a large radar in the Czech Republic. The U.S. is just starting negotiations with those nations, and it appears unlikely there are going to be any final agreements before 2009. The proposed interceptor has not yet been developed and is not planned to be tested until 2010. As a result, the proposed construction and deployment activities are premature. So what we do in the bill is reduce the request \$85 million for construction activities, and we fence the remaining 2008 funds requested for deployment until two things happen: No. 1, that the host nations have approved any missile defense deployment agreements; and No. 2, that the Congress receives an independent assessment examining the full range of options for missile defense in Europe.

Let me tell my colleagues about the airborne laser. This is a program that has been in some difficulty. What we did was reduce the funding of \$548 million requested by \$200 million. We discussed it at length in the markup. The airborne laser is a very expensive, high-risk technology demonstration program of a chemical laser, and you have to take huge quantities of chemicals and put them in a 747. There is excellent technology that is being developed on a solid-state laser system, which would fill the volume only from me to Senator WARNER. It could easily be put into an airplane, but we think the cost of this program is exceptionally high. It is going to cost \$5 billion; \$3.5 billion has already been spent. We felt to hold back on this development by only \$200 million out of \$548 million would be wise. I will go into more detail at a later time.

We also authorized provisions to improve acquisition and oversight of ballistic missile defense programs, and I won't go into the details on that.

I will tell my colleagues, in conclusion, on our strategic forces with regard to the B-52 bomber modernization program, we had unanimity.

With regard to the space programs where there has been difficulty with a number of them, we had unanimity on that in the committee, and we bring that forth in the report. I will provide those issues later.

Then on nuclear weapons issues, the reliable replacement warhead, we continue unanimously through the next year in what is called the phase II activities. Then an evaluation can be made as to whether to go forward in phase III. But there is a great deal of

promise that is shown in the reliable replacement warhead, which has a great deal of promise of being safer and more secure and less explosive power, more geared to today's targets.

So that is the report from our committee.

Mr. President, following the bloodiest of America's wars, President Abraham 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 a cost of the wars in Iraq and Afghanistan, for taking care of our veterans and their widows, widowers, and orphans.

Over the days ahead, this body will have the privilege of honoring the men, women, and families who have given the ultimate sacrifice in service to the Nation. We will have the opportunity to remove the last injustice facing our veterans. That injustice is the one that offsets dependents indemnity compensation, a benefit from the Veterans' Administration, with the Survivor Benefit Plan, which is paid for by our veterans. Those who pay out of their own paycheck into the Survivor Benefit Plan, which is like an insurance program to which survivors would be entitled, don't get the full benefit because of the surviving spouses' and children's eligibility under the dependents indemnity compensation through the Veterans' Administration.

I have filed amendment 2000 to end that injustice. I am pleased that Senator HAGEL will join me in this endeavor as an equal cosponsor. For 7 years I have been trying to pass this legislation that will remove this offset to take care of the widows, widowers, and orphans who have lost a loved one to combat- or service-connected injuries. Last year, this body passed a similar amendment by 92 to 6. I hope that all of my fellow Senators and the majority of the House will pass this amendment to the 2008 National Defense Authorization Act.

Some who object to this amendment will say the cost is too high, \$8.2 billion over 10 years. But to those who object, isn't it an obligation of the Government to take care of the families affected by the loss of their loved ones? This Senator passionately and firmly believes it is. Last year, when the Senate passed this amendment that left out some beneficiaries and required repayment of refunds, the cost was \$9.6 billion. Now, the cost is lower, all beneficiaries are covered, and the beneficiaries will not have the burden of repaying refunds that should not have been required in the first place. There should never have been an offset.

However, because of the offset, airmen, seamen and privates will find it difficult to make financial ends meet. I say that the families of the men and women who do not return home from Iraq and Afghanistan, who have already lost so much, should not have to endure financial hardships because of this benefits offset.

Now, the Senate has an opportunity to change this injustice as we debate the National Defense Authorization Act. If we respond as we did last year, passing this legislation with overwhelming support, then when it gets down to a conference committee, we must insist that the House support this provision in conference.

Mr. President, I wish to speak on the Senate Armed Services Committee bill being considered by the Senate, S. 1547, the National Defense Authorization Act for Fiscal Year 2008. Overall it is a good, balanced bill that works to ensure the troops are trained, equipped, and supported. The bill was reported favorably to the Senate on a unanimous vote of the committee, a good indicator of the bipartisan support for the bill and a reflection on the manner in which the committee operates under Senator LEVIN's leadership, and Senator WARNER's leadership before that.

Specifically, however, I wish to discuss the work of the Subcommittee on Strategic Forces, which I have had the privilege of chairing this year. The Strategic Subcommittee had a good year and it has been a real pleasure to work with Senator JEFF SESSIONS and his staff. We have worked together to resolve a number of difficult issues.

The committee held a total of five hearings and several briefings covering the wide range of issues under the jurisdiction of the subcommittee. This includes space and intelligence programs, strategic systems such as bombers, and submarine and ground-launched ballistic missiles, nuclear weapons programs and issues, the missile defense program, and the bulk of the defense-funded activities at the Department of Energy.

In the area of ballistic missile defense, the committee continued implementing the policy we established last year—placing a priority on the development, testing, fielding, and improvement of effective near-term missile defense capabilities, particularly to protect forward-deployed U.S. forces and allies against existing threats from short- and medium-range ballistic missiles.

In order to provide protection against existing and near-term missile threats to our forward-deployed forces, allies, and friends, the bill would authorize an additional \$315 million to increase or accelerate work on near-term missile defense capabilities. This includes \$255 million for the Aegis BMD, Patriot PAC-3, and THAAD systems, which I will describe shortly. It also authorizes an additional \$60 million for joint US-Israeli work on the Arrow missile defense system and on short-range missile defense. These increases are offset by reductions in far-term and lower priority programs.

With respect to the overall level of funding, the committee authorized a total of \$10.1 billion for the ballistic missile defense programs of the Missile Defense Agency and the Army. That is a net reduction of \$231 million below

the budget request for the Missile Defense Agency, just barely 2 percent.

In terms of specific budget actions, let me summarize what is in the bill. The bill would authorize the entire Army funding request for the Patriot PAC-3 program, including funding for its "Pure Fleet" initiative. The committee also authorized an additional \$75 million to procure 25 additional PAC-3 missiles.

The Patriot PAC-3 system is our only ballistic missile defense system proven to be effective in combat, and we do not have enough PAC-3 units or missiles to provide the capabilities that our combatant commanders need today.

The committee authorized an addition of \$75 million for the Aegis Ballistic Missile Defense, BMD, program to increase the production rate of Standard Missile-3, SM-3 interceptors, procure 15 additional SM-3 missiles, and accelerate work on the Aegis BMD Signal Processor and Open Architecture program.

The Aegis BMD program provides an important and improving missile defense capability to our regional combatant commanders to defend against existing short- and medium-range missile threats. But our senior military leaders responsible for missile defense have acknowledged that we need more of the SM-3 interceptors.

The committee approved an increase of \$105 million for the Terminal High Altitude Area Defense, THAAD, system to increase the missile production rate, begin the upgrade of the evolved THAAD interceptor, and to conduct an additional test.

The THAAD system has shown good success in its testing program so far, and it holds significant potential to defend many regions against most ballistic missiles. But again, the Department has not planned or budgeted for enough THAAD missiles or systems to provide the capability our combatant commanders need.

The bill would add \$25 million for co-production of the Arrow missile, and added \$10 million to study the suitability of the THAAD missile to serve as a follow-on to Israel's Arrow system.

The bill authorizes an increase of \$25 million for accelerated joint development of a short-range ballistic missile defense, SRBMD, system for Israel. This is intended to provide a capability to defend against the type of short-range missiles and rockets that were fired at Israel last summer from Lebanon.

I mentioned that the funding for these additions was offset by reductions in funding for lower priority, high-risk, or far-term programs. I want to describe two of these reductions in the bill.

The budget request included \$310 million for a proposed deployment of long-range missile defenses in Europe: 10 interceptors in Poland and a large radar in the Czech Republic. The

United States is just starting negotiations with those nations, and it appears unlikely there will be any final agreements before 2009. In addition, the proposed interceptor has not yet been developed, and is not planned to be tested until 2010. As a result the proposed construction and deployment activities are premature.

In the bill the subcommittee reduced the \$85 million requested for construction activities and fenced the remaining fiscal year 2008 funds requested for deployment until two things happen: 1) The host nations have approved any missile defense deployment agreements; and, 2) The Congress receives an independent assessment examining the full range of options for missile defense in Europe. All other activities could continue, such as studies, planning, and design activities, and negotiations.

The bill would reduce funding for the Airborne Laser Program by \$200 million from the \$548 million requested. This is an issue we discussed during the markup, and I want to provide some background on the committee's decision to reduce ABL funding.

The Airborne Laser is a very expensive, high-risk technology demonstration program that is not scheduled to provide an operational capability before 2018. So everyone should be clear that it is NOT a near-term system.

The cost of the ABL program is very high, and the capability it might be able to provide—if the technology can even work—appears rather limited. The program has a history of cost overruns and schedule delays.

Since the program started, the total cost of the development program to complete the first ABL shoot-down test in 2009 has ballooned to be \$5 billion. And the Congressional Budget Office has an initial cost estimate that the ABL program could cost as much as \$36 billion to develop, build, and operate a fleet of just seven Airborne Laser aircraft.

For that huge sum of money, we could fund a very robust set of missile defense capabilities with near-term programs like PAC-3, Aegis BMD, and THAAD.

The funding reduction in the bill would not terminate the ABL program, but it would cause some delay in the program. There have already been four delays in the planned date of the first shoot-down test, and this would probably mean an additional delay.

The policy we established in law last year makes it clear that our priority is on near-term, effective missile defense systems that can provide needed capabilities against existing and near-term threats. The bill authorizes additional funding for exactly such systems, and reduces funding for systems like the Airborne Laser to offset the increases.

The committee considered this matter during our markup, and defeated an amendment to restore the \$200 million to the ABL program. I anticipate that we will consider the ABL again and at some length.

The committee also authorized provisions to improve acquisition and oversight of ballistic missile defense programs. For example:

The bill would extend by 5 years the requirement for the Comptroller General to assess the ballistic missile defense program annually.

The bill would require the Department of Defense, starting in fiscal year 2009, to submit the budget request for the Missile Defense Agency using regular budget categories (research and development, procurement, operation and maintenance, and military construction), and make certain acquisition and oversight improvements.

Until now, DOD has requested and Congress has approved MDA's use of exclusively RDT&E funds for all MDA activities, including fielding, operating, and building of missile defense systems. This is the only program for which this exception has been made, and it is no longer necessary.

The bill would also ensure that the Director of Operational Test and Evaluation has full access to missile defense test and evaluation data, just as is the case for all other major defense acquisition programs.

In the area of strategic forces, the bill includes additional funds to continue the B-52 Bomber modernization program and consolidates funds for prompt global strike into a single defense-wide account. Moving the money from the Navy and Air Force lines to the combined line for prompt global strike should allow a more focused approach to the technology challenges, such as thermal protection, and allow more options to be explored, such as the Army's approach to prompt global strike, which is currently not funded. In addition, consolidation should allow the Strategic Command to have a more balanced program that more closely meets the command's requirements. The bill also includes a 3-year extension of the annual prompt global strike report.

The space programs continue to be one of the more difficult areas for the subcommittee. Although there has been improvement in the management of most of the many space programs, the scope of the programs continues to challenge both the services and the contractors. All of the communication; missile warning; position, navigation, and timing—GPS; and weather satellite systems have simultaneous modernization programs under way. In some instances the move to the next generation of programs is occurring before the current modernization program is in place, and in some cases the current modernization program is being terminated early to start the next one. All of this activity serves to exacerbate financial, technical, and schedule pressures on all of the programs.

The Transformational Communications Program, T-Sat, the Global Positioning Satellite III and the Space-Based Infrared Satellite program—

SBIRS—are all systems that fall into the category of multiple upgrade programs.

The bill includes additional funds for several satellite programs that are being terminated early and where there is very high risk that the follow-on program might not be ready on time. To alleviate the risk of these programs' gaps, funds are included to buy a fourth Advanced Extremely High Frequency communications satellite to ensure that there is no communications gap if there is an issue in the T-SAT program, and for the third SBIRS missile warning satellite program, to ensure that there is no gap in missile warning capability.

The T-SAT program itself is fully funded. While there is hope that the first T-SAT will launch on time in fiscal year 2016, I would note that there hasn't been one satellite to make its scheduled launch date 8 years in advance.

The bill also terminates the space radar program and provides funds for alternative approaches for space radar capabilities.

For the past several years the subcommittee has addressed a variety of contentious nuclear weapons issues. Again this year, the subcommittee is faced with a difficult decision. The Departments of Defense and Energy, through the Nuclear Weapons Council, have approved the start of a Reliable Replacement Warhead, RRW, program. This new warhead could eventually be a replacement for the current W-76 warhead in the reentry vehicle for the Trident D-5 missile on ballistic missile submarines.

The Department of Energy, National Nuclear Security Administration, NNSA, budget request for fiscal year 2008 includes a request for funds for the RRW for phase 2A and phase 3 activities. At the time the budget was submitted, the NNSA thought that it would be further along with phase 2 activities than it is, and considered the possibility of moving to phase 3 in fiscal year 2008. The bill includes funding for the RRW, consolidated in a single line, but \$43 million less than the \$238 million requested. The bill clearly limits the work by the NNSA and the Navy to activities for RRW to phase 2A activities.

Let me explain what I mean by limiting activities to phase 2A activities and why we took this action. The nuclear weapons acquisition process is organized in a phased approach from phase 1 to 7, with 6 being deployment and 7 being dismantlement. Any decision to manufacture or deploy an RRW, which would occur at phases 5 and 6 respectively, will no doubt be very controversial. Over the course of the next 4 to 5 years significant policy and technical discussion and debate will surely take place on the RRW.

To begin the discussion, however, the bill recommends a cautious first step, recognizing that many questions need answers before any final decisions are

made. The bill does not decide the fate of the RRW. That is a decision for a future Congress and a future administration.

The bill also includes a requirement for new nuclear posture review and a sense of the Congress to help frame the nuclear policy debate for the next administration. To ensure that weapons dismantlements continue, the bill includes an increase of \$20 million to the budget request of \$52 million to support nuclear weapons dismantlement.

I would like to note that last night I returned from an extensive 4-day visit to all three of the Department of Energy nuclear weapons laboratories. While I discussed many issues with the laboratory directors and their staff, including nonproliferation issues, we spent a considerable amount of time on the RRW. Most of the discussions were highly classified, and so I cannot go into substantial detail here. But I want to ensure my colleagues that the progress made by the laboratories under the Stockpile Stewardship Program is remarkable and that there are many new opportunities to improve the safety, security, and reliability of nuclear weapons, which in turn should lead to very substantial reductions in the overall size of the stockpile—without a return to nuclear weapons testing.

Wrapping up the balance of the Department of Energy issues, the bill includes two provisions that would task the GAO to review two significant areas of concern at DOE. The first study is on the structure and management of the protective forces at DOE sites, and the second one on the future plans for the environmental restoration programs.

In closing, the Strategic Subcommittee has a broad area of responsibility, much of it controversial, but working with Senator SESSIONS, we have been able to resolve the issues so the national security interests of our country are foremost.

I yield the floor.

#### EXECUTIVE SESSION

##### NOMINATION OF LIAM O'GRADY TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The assistant legislative clerk read the nomination of Liam O'Grady, of Virginia, to be U.S. District Judge for the Eastern District of Virginia.

The PRESIDING OFFICER. Unless the Senator from Virginia wants to modify the pending unanimous consent request to make certain that this nomination is called at 5:30, there is now 1 hour of debate equally divided on the nomination under the previous unani-

mous consent request, which would mean the vote would likely be in the range of 5:40.

Who yields time?

Mr. WARNER. Mr. President, I yield to the distinguished chairman of the committee.

Mr. LEAHY. Mr. President, I am sorry, I was off the floor for a moment. I hesitate to interfere with my Senator away from home. What is the order?

The PRESIDING OFFICER. Under the pending unanimous consent request, the debate was to begin at 4:30, with a vote at 5:30 on the judicial nomination. Senator NELSON asked unanimous consent and received it to proceed to speak and spoke until just a moment ago. So if we project 1 hour from now the debate for the judicial nominee, the vote is likely to occur near 5:40.

Mr. LEAHY. And the distinguished senior Senator from Virginia wishes to take time for the Republican side?

Mr. WARNER. Well, actually, I had hoped to do it on the time of the Defense bill, but I yielded to the request of my colleague.

Mr. LEAHY. We will work out the time.

Mr. WARNER. Mr. President, I need 3 minutes.

Mr. LEAHY. I yield to the Senator from Virginia such time as he needs.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the distinguished chairman of the Judiciary Committee. He is always very courteous to the Senator from Virginia and I am appreciative of that.

I rise with a sense of great pleasure to support an outstanding Virginian, Judge Liam O'Grady, who has been nominated by the President to serve as an article III judge on the United States District Court for the Eastern District of Virginia. I am pleased to note that Judge O'Grady also enjoys the support of my distinguished colleague, Senator WEBB. Senator WEBB, upon joining the Senate, has worked with me, as we do on many things, in a very cooperative spirit to provide nominations to the President with respect to the judicial vacancies as they exist in our United States District Court in Virginia and to the Fourth Circuit, of which Virginia is one of the States served on that distinguished judicial panel, which largely resides in Virginia. I thank my distinguished colleague, Senator WEBB, because he has become a very fast learner about the judicial process and we have worked together, and we now have nominations pending before the President with regard to the vacancies on the Fourth Circuit.

Turning to Judge O'Grady, he has been nominated to fill the seat that was vacated by Judge Claude Hilton. For more than 20 years, Judge Hilton served with distinction as an active judge in the Eastern District of Virginia. We are fortunate he is continuing to serve on the court in senior

status. In my view, we are equally fortunate to have a nominee such as Liam O'Grady who is willing to continue his public service on the bench.

Since joining the Virginia bar in 1978—quite a few years ago—Judge O'Grady has worked as a sole practitioner, as assistant Commonwealth's attorney, as an assistant United States attorney, as a partner in an international law firm, and for the last 4 years, he has worked with the Eastern District of Virginia as a magistrate judge. Magistrate judges perform a very valuable function for our district courts.

His career has provided him with a wide array of experiences. As a solo practitioner, he worked as a court-appointed criminal defense lawyer. As an assistant Commonwealth's attorney, he tried upwards of 100 jury trials. As an assistant United States attorney, he focused on narcotics and organized crime cases. As a partner at a well-known law firm, he worked extensively on patent and trademark cases for a number of major industrial organizations in our country. As a magistrate judge, he has seen firsthand the extraordinary variety and volume of cases that come before a district judge serving not only in Virginia but elsewhere in America.

Equally impressive is that despite the rigors of his career, he always found time to give back to his community. He has helped shape young legal minds through the instruction of law at both George Washington University and George Mason University. Moreover, while in private practice, he set up a pro bono legal clinic in his law firm and took court-appointed cases serving those in need.

It is clear to me that this outstanding nominee, now to be voted on shortly by the Senate, is eminently qualified to serve on this prestigious court. In addition to having the support of his home State Senators, Judge O'Grady received the highest—I repeat, the highest—recommendation of the American Bar Association and was equally recommended by a number of the bar associations of the Commonwealth of Virginia.

I thank the distinguished chairman, Senator LEAHY, and Senator SPECTER for providing the Virginia Senators an opportunity to present Liam O'Grady to the committee and for the committee to act in a very expeditious way and now to bring this nomination to the floor.

Mr. WARNER. I yield the floor and thank the distinguished chairman.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the Presiding Officer. I want the distinguished senior Senator from Virginia to know that, of course, I will be supporting his nominee, Judge O'Grady. This is an example of how quickly we can move judges when Senators work together. In this case, one of the most distinguished Republican Senators,