

Fourth, since we have lost all credibility in the region, this has to be a consequence, this idea—it has to have an international imprimatur on it. It must come out of the Security Council. They must call an international conference. It must involve the stamp of the United Nations and a regional conference, where the international community pursues this—and they are ready to do it. I will not take the time to go into why.

Last, we have to begin to draw down. We have to have military plans to draw down our combat forces by 2008, leaving behind a small force to take on terrorists and train Iraqis, assuming there is a political settlement. If there is no political settlement, mark my words, the public will insist they all come home. If they come home it means everything comes home. The idea that we are going to be able to leave an embassy there with thousands of people without 10,000 or more American soldiers to guard it is a joke. If we fail to make federalism work, if there is no political accommodation at the center, violent resistance will increase, the sectarian cycle of revenge will continue to spiral out of control, and we will not have this country break into three neat pieces. You will watch it fragment into multiple pieces, creating incredible difficulties for the entire region.

The Bush administration, though, has another vision. Their vision for Iraq, their entire premise, as I said, is based on a fundamentally flawed premise that they can build a competent, popular, supported government based upon a consensus among the three parties, and it reside in Baghdad. That is the central flaw in their strategy. It cannot be sustained. The hard truth is that absent a foreign occupation or a dictator, Iraq cannot be run from the center. The sooner we understand that, as Secretary Kissinger does and all the people quoted today—the sooner we understand that, the faster we will get this thing resolved and the fewer American casualties there will be.

The last part of this strategy is, so long as we have a single soldier in Iraq, it is our most sacred responsibility to give him or her the best protection this country can provide. Two months ago I called upon the President and Secretary Gates to make building of Mine Resistant Ambush Protected vehicles, so-called MRAPs, the Nation's top priority. Roadside bombs are responsible for 70 percent of the 25,000-plus injuries and 70 percent of the roughly 3,600 deaths. It is hard to keep count, unfortunately; 70 percent. Yet if we transition our troops from those flat-bottomed, up-armored HMMWVs to these V-shaped-bottom MRAPs, the facts show that somewhere between 66 percent and 80 percent of the casualties will be avoided.

An article on the front page of USA Today last Friday pointed out a military person saying if we built these

when we were supposed to, there would be, I think, 731 fewer deaths.

These are our sons, our daughters, not somebody else's—all of ours. These are the people. These are the kite strings upon which our whole national ambition is lifted aloft. What are we doing? What are we doing? We are spending \$10 billion a month in Iraq, and I get push-back for wanting to spend \$20 billion to build these vehicles? I find it obscene.

I fought to front load money in the emergency spending bill for these vehicles. As a result we will get 2,500 more of these vehicles to Iraq by the end of the year than we otherwise would have. That is why I voted for the bill.

But I also insisted that the administration tell us by June 15 whether it would need even more of these vehicles so that we make sure the money is there to get them built.

Last week the Army concluded that it would need seven times the number of mine-resistant vehicles it had originally requested—some 17,700, up from 2,500. When you factor in all the service requests, the total need for mine-resistant vehicles jumps from the 7,774 vehicles now planned to nearly 23,000 vehicles.

But the Joint Chiefs have not yet made the Army request a "clear and urgent" requirement.

And there is no plan to budget for and build these vehicles over the next 6 months, as well as proven technology that protects against so-called explosively formed projectiles—EFP—that strike from the side.

We need a commitment from the administration—now—to build every last one of these vehicles as soon as possible.

We can't wait till next year or the year after. Our men and women on the front lines need them now.

I will offer an amendment to the Defense bill to make it clear—with absolutely no ambiguity—that Congress will provide every dollar needed and every authority necessary to build these vehicles as quickly as possible.

Every day we delay is another life lost.

The war in Iraq must end. That is what the American people want. And that is where America's interests lie.

I conclude by saying that in Congress we have a tremendous responsibility to turn the will of the American people into a practical reality. It is long past time we meet this responsibility head on, and it is long past time our Republican colleagues join us in what I believe they know to be right—forcing this President to radically change course in Iraq.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 this afternoon.

Thereupon, the Senate, at 1:06 p.m., recessed until 2:15 p.m. and reassembled

when called to order by the Presiding Officer (Mr. CARPER).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent the pending amendment be laid aside so that an amendment by Senator SPECTER and myself be in order for discussion, with the understanding that then that amendment will eventually be set aside so we can go back to the prior amendment.

Mr. BROWNBACK. I object on behalf of another Senator.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. I withdraw my request, but I would note that the Senate this week is considering the National Defense Authorization Act. Senator SPECTER and I will introduce an amendment at such a point as we do not receive objection from the Republican side. What we will introduce will be the Habeas Corpus Restoration Act of 2007.

I want to, first and foremost, thank and actually praise Senator SPECTER for his strong and consistent leadership on this issue. It is not just leadership this year, it has been leadership in past years. I hope all Senators, both Republicans and Democrats, join us in restoring basic American values and the rule of law while making our Nation stronger.

Last year, Congress committed a historic mistake by suspending the great writ of habeas corpus. They did this not only for those confined at Guantanamo Bay but for millions of people who are legally residents in the United States.

We held a hearing on this, the Senate Judiciary Committee did, in May. That hearing illustrated broad agreement among people of very diverse political views and backgrounds, that the mistake committed in the Military Commissions Act of 2006 has to be corrected. The Habeas Corpus Restoration Act of 2007 has 25 cosponsors, and the Senate Judiciary Committee passed it last month with a bipartisan vote.

Habeas corpus was recklessly undermined in last year's Military Commissions Act. Like the internment of Japanese Americans during World War II, the elimination of habeas rights was an action driven by fear, and it has been a stain on America's reputation in the world. In many places around the world where we had been so admired in the past, they have asked why would America turn its back on one of its most basic rights.

We are at a time of testing. Future generations will look back to examine the choices we made during a time when security was too often invoked as a watchword to convince us to slacken our defense of liberty and the rule of law.

The great writ of habeas corpus is the legal process that guarantees an

opportunity to go to court and challenge the abuse of power by the Government. It is enshrined in the Constitution, and as stalwart a Republican conservative as Justice Antonin Scalia has recently referred to it as "the very core of liberty secured by our Anglo-Saxon system of separation of powers."

The Military Commissions Act rolled back these protections by eliminating that right permanently for any non-citizen labeled an enemy combatant. In fact, a detainee does not have to be found to be an enemy combatant; it is enough for the Government to pick up someone, hold that person with no charges, and say: They are awaiting determination. When we make up our mind this year, or next year, or 10 years from now, then we may label them an enemy combatant. In the meantime, they do not even have the power to say to a court: They picked up the wrong guy. They don't even have my name right. They picked me up by mistake. You can't even do that.

Is this America? Is this America?

The sweep of this habeas provision goes far beyond the few hundred detainees currently held at Guantanamo Bay, and it includes an estimated 12 million lawful permanent residents in the United States today. Under this law, the people who can be picked up are people who work and pay taxes, who abide by our laws, and should be entitled to fair treatment.

Under this law, any of these people can be detained forever without any ability to challenge their detention in court. Stanford Professor Mariano-Florentino Cuellar called this an issue about which the Latino community, which encompasses so many of the Nation's legal permanent residents, must be concerned.

Giving the Government such raw, unfettered power should concern every American. Since last fall, I have been describing a nightmare scenario about a hard-working, legal permanent resident who makes an innocent donation to, among other charities, a Muslim charity, that the Government secretly suspects of ties to terrorism. I suggested that on the basis of this donation, and perhaps a report of suspicious behavior of an overzealous neighbor or a cursory review of library records, this permanent resident can be brought in for questioning, can be denied a lawyer, and confined indefinitely. Such a person would have no recourse in the courts for years, or for decades, or forever.

When I said this, some people thought this nightmare scenario was fanciful. I wish it were, but it was not. In November that scenario was confirmed by our Department of Justice in a legal brief submitted in a Federal court in Virginia. They asserted that the Military Commissions Act allows the Government to detain any non-citizen designated an enemy combatant without giving that person any ability to challenge his detention in court. This is true, the Justice Department

said, even for someone arrested and imprisoned in the United States. In other words, we could do what we always condemned other countries for doing, countries behind the then-Iron Curtain, where they would pick up somebody, hold them indefinitely, and that person had no recourse in court.

Rightly so, Republican and Democratic Presidents condemned those countries for doing that. Now we have given ourselves the same power. The Washington Post wrote that the brief "raises the possibility that any of the millions of immigrants living in the United States could be subject to indefinite detention if they are accused of ties to terrorist groups." I might add, this accusation can be totally erroneous.

This is wrong; it is unconstitutional. But more than that, it is truly un-American. It is designed to ensure that the Bush-Cheney administration will never again be embarrassed by court decisions that review their unlawful abuses of power.

The conservative Supreme Court, with seven of its nine members appointed by Republican Presidents, has been the only check in this administration's lawlessness. The Supreme Court and other conservative Federal courts, and recently even military judges, have repeatedly overturned the lawless systems set up by this administration governing detainees. Many have hoped the courts will come to the rescue again on the issue of habeas corpus. With the continued drift of the Supreme Court toward endorsing greater executive power, we cannot count on the intervention of this conservative, activist court. Besides, are we going to pass the buck? Congress cannot and must not outsource its moral responsibility.

We all want to make America safe from terrorism. We come to work proudly every day, in a building that was targeted by those criminals who hijacked planes on 9/11. We do not hesitate to come to work here. We do it proudly. I implore those who support this change to think about whether eliminating habeas corpus truly makes America safe from the world. Does it make us any safer in this building? Does it comport with the values and liberties and legal traditions we hold most dear?

Top conservative thinkers such as Professor Richard Epstein and David Keene, head of the American Conservative Union, agree this change betrays centuries of legal tradition and practice. Professor David Gushee, head of Evangelicals for Human Rights, submitted a declaration calling the elimination of habeas rights and related changes "deeply lamentable" and "fraught with danger to basic human rights."

GEN Colin Powell recently advocated habeas corpus rights for detainees, asking:

Isn't that what our system's all about?

General Powell has it right.

But probably the most powerful for me was the testimony of RADM Donald

Guter, who was working in his office in the Pentagon as Judge Advocate General of the Navy. He was working there on September 11, 2001. He saw firsthand the effects of criminality and terrorism. He saw his colleagues killed by the plane that crashed into the Pentagon. I believe his credibility is unimpeachable when he says that denying habeas rights to detainees endangers our troops and undermines our military efforts. In testimony to the committee, Admiral Guter wrote:

As we limit the rights of human beings, even those of the enemy, we become more like the enemy. That makes us weaker and imperils our valiant troops, serving not just in Iraq and Afghanistan, but around the globe.

The admiral was right. Whether you are an individual soldier or a great and good nation, it is difficult to defend the higher ground by taking the lower road. The world knows what our enemies stand for. The world also knows what this country has tried to stand for and live up to in the best of times but especially in the worst of times.

Now as we work to reauthorize the many programs that comprise our valiant Armed Forces, it is the right time to heed the advice of Admiral Guter and so many of our top military lawyers who tell us that eliminating basic legal rights undermines our fighting men and women, it does not make them stronger. Elimination of basic legal rights undermines, not strengthens, our ability to achieve justice.

It is from strength that America should defend our values and our way of life. It is from the strength of our freedoms and our Constitution and the rule of law that we shall prevail. I hope all in the Senate, Republican and Democrat alike, will join us in standing up for a stronger America, for the America we believe in, and support the Habeas Corpus Restoration Act of 2007.

That is why I am proud to be here with the distinguished senior Senator from Pennsylvania. We have worked together. You know, every one of us serves here only for a certain time. When we leave, we have to ask ourselves: If we had the privilege of being only 1 of 100 people to get to represent 300 million in America in this great body, what do we do to make America better? If we leave this blight—if we leave this blight—on our laws, we have not made it better, we have made it weaker.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Vermont, the chairman of the Judiciary Committee, for his generous remarks. I compliment him on his leadership on the committee and for his work generally, but especially on our efforts to restore habeas corpus.

The Great Writ has been the law since 1215 for Great Britain, and it has been the law of the United States of America since the founding of the Constitution. That writ allows someone in

detention to receive evidence of a reason for detention before the detention can continue. Regrettably, the legislation in the Military Commissions Act, passed last year, eliminated the writ of habeas corpus. I offered an amendment last September, which was defeated narrowly 48 to 51, and then on December 5, 2006. Again on January 4 of this year, with the new Congress, I reintroduced legislation to bring back the writ of habeas corpus.

We have on the detainees in Guantanamo a procedure on what is called the Combat Status Review Board. The procedures there are fundamentally unfair in not establishing any colorable reason for detention. That has been demonstrated in a variety of contexts.

One which I would quote at the outset is an opinion which appears in 355 F. Supp. 443, in a case captioned "In re Guantanamo Detainee Cases," where the court comments about the procedures in the case captioned "Boumediene v. Bush." This involves an individual, a detainee, who was charged with associating with al-Qaida. This is what the transcript says.

Detainee: Give me his name.

Tribunal President: I do not know.

Detainee: How can I respond to this?

Then the detainee goes on to comment about his inability to respond to the charges that he associated with someone from al-Qaida because he does not have any way to identify the individual with whom he was supposed to have associated. Nobody could even give him his name.

At one point the detainee comments about his difficulty in responding to a charge when there is no charge, and as the opinion says, everyone in the tribunal laughs. The court notes the laughter reflected in the transcript is understandable. This exchange might have been truly humorous had the consequences of the detainee's enemy combatant status not been so terribly serious and had the detainee's criticism of this process not been so piercingly accurate.

But here is a case reported where the Combat Status Review Board upheld detention when they could not even tell the detainee the identity of the person who was supposedly an al-Qaida person with whom he was supposed to have been associated.

There has been considerable comment about the fundamentally unfair tactics in the Combat Status Review Board, but none came into sharper focus than the declaration of LTC Stephen Abraham, who worked on the Combat Status Review Board, and who found, with some substantial detail, the process was fundamentally flawed. Results were influenced by pressure from superiors rather than based on concrete evidence.

I ask unanimous consent, Mr. President, that the text of the declaration of LTC Stephen Abraham be printed in the RECORD at the end of my remarks to permit me to abbreviate the length of this floor statement.

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

(See exhibit 1.)

Mr. SPECTER. The Court of Appeals for the District of Columbia came down with the decision in the Boumediene case saying that the act of Congress was effective in eliminating habeas corpus, but in so doing, the Court of Appeals for the District of Columbia really ignored the decision of the Supreme Court of the United States in *Rasul v. Bush*.

To read the opinion of the Court of Appeals, for a student of the law, is not hard to understand; it is impossible to understand. I think a fair reading of the circuit opinion, simply stated, is that they flagrantly disregarded the holding of the Supreme Court of the United States, which under our system of laws they are obligated to uphold. They analyzed *Rasul* and said *Rasul* was based on the statute providing for habeas corpus and not on the constitutional mandate that habeas corpus is a part of the Constitution of the United States.

There can be no doubt that habeas corpus is a constitutional mandate because the Constitution explicitly states that habeas corpus may be suspended only in time of invasion or rebellion, and no one contends that we have either invasion or rebellion. The opinion of *Rasul* is explicit.

Mr. President, I ask unanimous consent that relevant portions of the *Rasul* opinion be printed in the RECORD following my statement—

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

(See exhibit 2.)

Mr. SPECTER. Without taking the time to read them into the RECORD now because they are apparent on their face that the opinion by Justice Stevens goes through the chronology of the writ, starting with King John at Runnymede in 1215 and running through the adoption of the constitutional provision in the U.S. Constitution.

Now, it is true there is also a statute which provides for a writ of habeas corpus. The Court of Appeals said the portion of Justice Stevens' opinion as to the constitutional basis for habeas corpus was dictum and that the holding involved the statute. The Court of Appeals says since the holding involved the statute, the statute could be changed. It is true the statute was changed by the Congress of the United States, but the Congress of the United States, by statute, cannot change the constitutional mandate of habeas corpus.

For the Court of Appeals for the District of Columbia to say the constitutional basis for habeas corpus in *Rasul* was not the holding but only the statute was the holding is, simply stated, ridiculous. It is insulting to the Supreme Court of the United States for what the Court of Appeals for the District of Columbia did. Pretty harsh words, but accurate words, and I say them with respect for every court. But

as a lawyer who has worked with the Constitution for a number of decades, it was hard for me to comprehend how the District of Columbia Court of Appeals could come to that conclusion. But they did. Well, I think it is about to be corrected.

There has been a curious history on the petition for a writ of certiorari to review the decision by the Court of Appeals for the District of Columbia. There were only three votes for the original petition for a writ of certiorari, which surprised people because Justice Stevens did not vote for certiorari. But, instead, he joined with Justice Kennedy in an opinion saying they would await another appeal from the Combat Status Review Board. The speculation by the analysts was that Justice Stevens was reluctant to see certiorari granted because *Rasul* might be overruled.

But then after the declaration of LTC Stephen Abraham appeared in the public press, there was a petition for reconsideration of the writ of certiorari. On this occasion, it was granted in a very unusual procedure. It made the front pages. I have studied the Constitution for a long time, and I did not know that a petition for reconsideration on a writ of certiorari takes five votes. Perhaps my distinguished colleague from Vermont knew that. I asked that question of quite a few lawyers. I have not found one yet, and some very learned in constitutional law who knew if you petition for reconsideration on a writ of certiorari, it takes five votes.

Mr. LEAHY. Mr. President, if the Senator will yield on that point, when I saw that in the press I went and looked it up too. It was a surprise to me. It will be interesting to see what might come out of it, but I think it goes back, though, to what the Senator and I have talked about. We should not have to be bucking this to the Supreme Court for them to decide. We should correct the error here.

I will be leaving the floor at this moment, Mr. President, but I want to assure the Senator from Pennsylvania, when they do allow our amendment to come up, I will be here with him proudly side by side on this issue. We can correct what otherwise would become a historic mistake. With his help, his leadership, we will do that.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont for those comments. I do not think there is a more important issue to come before this body. What happens in Iraq, obviously, is of enormous importance. But if we lose the basic fundamental rights to require evidence before somebody is held in detention, if we lose the right of habeas corpus, it is a very sad day in America.

But, in any event, now the Supreme Court of the United States has granted certiorari in the Boumediene case. The speculation is that Justice Kennedy was the fifth vote, along with Justice Stevens. They do not tell you who the

five votes are, but we know there were three votes initially from Justice Souter and Justice Breyer and Justice Ginsburg granting it, voting to grant certiorari before, and Justice Stevens and Justice Kennedy writing a separate opinion, and the other four Justices voting to deny certiorari.

So I think this case is headed to the Supreme Court of the United States for reversal by the opinion by the Court of Appeals for the District of Columbia. But I believe the Congress should act in the interim. That is why Senator LEAHY and I are pressing this issue on the Department of Defense authorization bill. I hope it will not be cited as grounds for veto if we are successful in putting this amendment through. We cannot offer it yet because there is an amendment pending, and the request to set the amendment aside, which requires unanimous consent, was objected to. But this is a very important amendment. The procedures in Guantanamo under the Combat Status Review Board are woefully inadequate, do not satisfy the requirements of the Supreme Court of the United States in having a collateral proceeding which is adequate to protect the rights of someone who is in detention. So when we are permitted to offer the amendment, we will do so. But I ask my colleagues to consider the background as to what has happened here, the importance of it and its abrogation, what is happening with Guantanamo, the disrepute there, and what is happening with the Combat Status Review Board so that the Congress can correct what I consider to be an error made last year and stand up and not await a decision by the Supreme Court of the United States.

I thank the Chair, and I yield the floor.

EXHIBIT 1

DECLARATION OF STEPHEN ABRAHAM, LIEUTENANT COLONEL, UNITED STATES ARMY RESERVE, JUNE 15, 2007

I, Stephen Abraham, hereby declare as follows:

1. I am a lieutenant colonel in the United States Army Reserve, having been commissioned in 1981 as an officer in Intelligence Corps. I have served as an intelligence officer from 1982 to the present during periods of both reserve and active duty, including mobilization in 1990 ("Operation Desert Storm") and twice again following 9-11. In my civilian occupation, I am an attorney with the law firm Fink & Abraham LLP in Newport Beach, California.

2. This declaration responds to certain statements in the Declaration of Rear Admiral (Retired) James M. McGarrah ("McGarrah Dec."), filed in *Bismullah v. Gates*, No. 06-1197 (D.C. Cir.). This declaration is limited to unclassified matters specifically related to the procedures employed by Office for the Administrative Review of the Detention of Enemy Combatants ("OARDEC") and the Combatant Status Review Tribunals ("CSRTs") rather than to any specific information gathered or used in a particular case, except as noted herein. The contents of this declaration are based solely on my personal observations and experiences as a member of OARDEC. Nothing in this declaration is intended to reflect or represent the official opinions of the Depart-

ment of Defense or the Department of the Army.

3. From September 11, 2004 to March 9, 2005, I was on active duty and assigned to OARDEC. Rear Admiral McGarrah served as the Director of OARDEC during the entirety of my assignment.

4. While assigned to OARDEC, in addition to other duties, I worked as an agency liaison, responsible for coordinating with government agencies, including certain Department of Defense ("DoD") and non-DoD organizations, to gather or validate information relating to detainees for use in CSRTs. I also served as a member of a CSRT, and had the opportunity to observe and participate in the operation of the CSRT process.

5. As stated in the McGarrah Dec., the information comprising the Government Information and the Government Evidence was not compiled personally by the CSRT Recorder, but by other individuals in OARDEC. The vast majority of the personnel assigned to OARDEC were reserve officers from the different branches of service (Army, Navy, Air Force, Marines) of varying grades and levels of general military experience. Few had any experience or training in the legal or intelligence fields.

6. The Recorders of the tribunals were typically relatively junior officers with little training or experience in matters relating to the collection, processing, analyzing, and/or dissemination of intelligence material. In no instances known to me did any of the Recorders have any significant personal experience in the field of military intelligence. Similarly, I was unaware of any Recorder having any significant or relevant experience dealing with the agencies providing information to be used as a part of the CSRT process.

7. The Recorders exercised little control over the process of accumulating information to be presented to the CSRT board members. Rather, the information was typically aggregated by individuals identified as case writers who, in most instances, had the same limited degree of knowledge and experience relating to the intelligence community and intelligence products. The case writers, and not the Recorders, were primarily responsible for accumulating documents, including assembling documents to be used in the drafting of an unclassified summary of the factual basis for the detainee's designation as an enemy combatant.

8. The information used to prepare the files to be used by the Recorders frequently consisted of finished intelligence products of a generalized nature—often outdated, often "generic," rarely specifically relating to the individual subjects of the CSRTs or to the circumstances related to those individuals' status.

9. Beyond "generic" information, the case writer would frequently rely upon information contained within the Joint Detainee Information Management System ("JDIMS"). The subset of that system available to the case writers was limited in terms of the scope of information, typically excluding information that was characterized as highly sensitive law enforcement information, highly classified information, or information not voluntarily released by the originating agency. In that regard, JDIMS did not constitute a complete repository, although this limitation was frequently not understood by individuals with access to or who relied upon the system as a source of information. Other databases available to the case writer were similarly deficient. The case writers and Recorders did not have access to numerous information sources generally available within the intelligence community.

10. As one of only a few intelligence-trained and suitably cleared officers, I served

as a liaison while assigned to OARDEC, acting as a go-between for OARDEC and various intelligence organizations. In that capacity, I was tasked to review and/or obtain information relating to individual subjects of the CSRTs. More specifically, I was asked to confirm and represent in a statement to be relied upon by the CSRT board members that the organizations did not possess "exculpatory information" relating to the subject of the CSRT.

11. During my trips to the participating organizations, I was allowed only limited access to information, typically prescreened and filtered. I was not permitted to see any information other than that specifically prepared in advance of my visit. I was not permitted to request that further searches be performed. I was given no assurances that the information provided for my examination represented a complete compilation of information or that any summary of information constituted an accurate distillation of the body of available information relating to the subject.

12. I was specifically told on a number of occasions that the information provided to me was all that I would be shown, but I was never told that the information that was provided constituted all available information. On those occasions when I asked that a representative of the organization provide a written statement that there was no exculpatory evidence, the requests were summarily denied.

13. At one point, following a review of information, I asked the Office of General Counsel of the intelligence organization that I was visiting for a statement that no exculpatory information had been withheld. I explained that I was tasked to review all available materials and to reach a conclusion regarding the non-existence of exculpatory information, and that I could not do so without knowing that I had seen all information.

14. The request was denied, coupled with a refusal even to acknowledge whether there existed additional information that I was not permitted to review. In short, based upon the selective review that I was permitted, I was left to "infer" from the absence of exculpatory information in the materials I was allowed to review that no such information existed in materials I was not allowed to review.

15. Following that exchange, I communicated to Rear Admiral McGarrah and the OARDEC Deputy Director the fundamental limitations imposed upon my review of the organization's files and my inability to state conclusively that no exculpatory information existed relating to the CSRT subjects. It was not possible for me to certify or validate the non-existence of exculpatory evidence as related to any individual undergoing the CSRT process.

16. The content of intelligence products, including databases, made available to case writers, Recorders, or liaison officers, was often left entirely to the discretion of the organizations providing the information. What information was not included in the bodies of intelligence products was typically unknown to the case writers and Recorders, as was the basis for limiting the information. In other words, the person preparing materials for use by the CSRT board members did not know whether they had examined all available information or even why they possessed some pieces of information but not others.

17. Although OARDEC personnel often received large amounts of information, they often had no context for determining whether the information was relevant or probative and no basis for determining what additional information would be necessary to establish a basis for determining the reasonableness of any matter to be offered to the CSRT board

members. Often, information that was gathered was discarded by the case writer or the Recorder because it was considered to be ambiguous, confusing, or poorly written. Such a determination was frequently the result of the case writer or Recorder's lack of training or experience with the types of information provided. In my observation, the case writer or Recorder, without proper experience or a basis for giving context to information, often rejected some information arbitrarily while accepting other information without any articulable rationale.

18. The case writer's summaries were reviewed for quality assurance, a process that principally focused on format and grammar. The quality assurance review would not ordinarily check the accuracy of the information underlying the case writer's unclassified summary for the reason that the quality assurance reviewer typically had little more experience than the case writer and, again, no relevant or meaningful intelligence or legal experience, and therefore had no skills by which to critically assess the substantive portions of the summaries.

19. Following the quality assurance process, the unclassified summary and the information assembled by the case writer in support of the summary would then be forwarded to the Recorder. It was very rare that a Recorder or a personal representative would seek additional information beyond that information provided by the case writer.

20. It was not apparent to me how assignments to CSRT panels were made, nor was I personally involved in that process. Nevertheless, I discerned the determinations of who would be assigned to any particular position, whether as a member of a CSRT or to some other position, to be largely the product of ad hoc decisions by a relatively small group of individuals. All CSRT panel members were assigned to OARDEC and reported ultimately to Rear Admiral McGarrah. It was well known by the officers in OARDEC that any time a CSRT panel determined that a detainee was not properly classified as an enemy combatant, the panel members would have to explain their finding to the OARDEC Deputy Director. There would be intensive scrutiny of the finding by Rear Admiral McGarrah who would, in turn, have to explain the finding to his superiors, including the Under Secretary of the Navy.

21. On one occasion, I was assigned to a CSRT panel with two other officers, an Air Force colonel and an Air Force major, the latter understood by me to be a judge advocate. We reviewed evidence presented to us regarding the recommended status of a detainee. All of us found the information presented to lack substance.

22. What were purported to be specific statements of fact lacked even the most fundamental earmarks of objectively credible evidence. Statements allegedly made by percipient witnesses lacked detail. Reports presented generalized statements in indirect and passive forms without stating the source of the information or providing a basis for establishing the reliability or the credibility of the source. Statements of interrogators presented to the panel offered inferences from which we were expected to draw conclusions favoring a finding of "enemy combatant" but that, upon even limited questioning from the panel, yielded the response from the Recorder, "We'll have to get back to you." The personal representative did not participate in any meaningful way.

23. On the basis of the paucity and weakness of the information provided both during and after the CSRT hearing, we determined that there was no factual basis for concluding that the individual should be classified as an enemy combatant. Rear Admiral

McGarrah and the Deputy Director immediately questioned the validity of our findings. They directed us to write out the specific questions that we had raised concerning the evidence to allow the Recorder an opportunity to provide further responses. We were then ordered to reopen the hearing to allow the Recorder to present further argument as to why the detainee should be classified as an enemy combatant. Ultimately, in the absence of any substantive response to the questions and no basis for concluding that additional information would be forthcoming, we did not change our determination that the detainee was not properly classified as an enemy combatant. OARDEC's response to the outcome was consistent with the few other instances in which a finding of "Not an Enemy Combatant" (NEC) had been reached by CSRT boards. In each of the meetings that I attended with OARDEC leadership following a finding of NEC, the focus of inquiry on the part of the leadership was "what went wrong."

24. I was not assigned to another CSRT panel.

I hereby declare under the penalties of perjury based on my personal knowledge that the foregoing is true and accurate.

STEPHEN ABRAHAM.

EXHIBIT 2

(CITE AS: 542 U.S. 466, 124 S.Ct. 2686

[1] Congress has granted federal district courts, "within their respective, jurisdictions," the authority to hear applications for habeas corpus by any person who claims to be held "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. §§2241(a), (c)(3). The statute traces its ancestry to the first grant of federal-court jurisdiction: Section 14 of the Judiciary Act of 1789 authorized federal courts to issue the writ of habeas corpus to prisoners who are "in custody, under or by colour of the authority of the United States, or are committed for trial before some court of the same." Act of Sept. 24, 1789, ch. 20, §14, 1 Stat. 82. In 1867, Congress extended the protections of the writ to "all cases where any person may be restrained of his or her liberty in violation of the constitution, or of any treaty or law of the United States." Act of Feb. 5, 1867, ch.28, 14 Stat. 385. See *Felker v. Turpin*, 518 U.S. 651, 659-660, 116 S.Ct. 2333, 135 L.Ed.2d 827 (1996).

Habeas corpus, is, however, "a writ antecedent to statute, * * * throwing its root deep into the genius of our common law." *Williams v. Kaiser*, 323 U.S. 471, 484, n. 2, 65 S.Ct. 363, 89 L.Ed. 398 (1945) (internal quotation marks omitted). The writ appeared in English law several centuries ago, became "an integral part of our common-law heritage" by the time the *474 Colonies achieved independence, *Preiser v. Rodriguez*, 411 U.S. 475, 485, 93 S.Ct. 1827, 36 L.Ed.2d 439 (1973), and received explicit recognition in the Constitution, which forbids suspension of "[t]he Privilege of the Writ of Habeas Corpus * * * unless when in Cases of Rebellion or Invasion the public Safety may require it," Art. I, §9, cl. 2.

As it has evolved over the past two centuries, the habeas statute clearly has expanded habeas corpus "beyond the limits that obtained during the 17th and 18th centuries." *Swain v. Pressley*, 430 U.S. 372, 380, n. 13, 97 S.Ct. 1224, 51 L.Ed.2d 411 (1977). But "[a]t its historical core, the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest." *INS v. St. Cyr*, 533 U.S. 289, 301, 121 S.Ct. 2271, 150 L.Ed.2d 347 (2001). See also *Brown v. Allen*, 344 U.S. 443, 533, 73 S.Ct. 397, 97 L.Ed. 469 (1953) (Jackson, J., concur-

ring in result) ("The historic purpose of the writ has been to relieve detention by executive authorities without judicial trial"). As Justice Jackson wrote in an opinion respecting the availability of habeas corpus to aliens held in U.S. custody:

"Executive imprisonment has been considered oppressive and lawless since John, at Runnymede, pledged that no free man should be imprisoned, dispossessed, outlawed, or exiled save by the judgment of his peers or by the law of the land. The judges of England developed the writ of habeas corpus largely to preserve these immunities from executive restraint." *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 218-219, 73 S.Ct. 625, 97 L.Ed. 956 (1953) (dissenting opinion).

Consistent with the historic purpose of the writ, this Court has recognized the federal courts' power to review applications for habeas relief in a wide variety of cases involving executive detention, in wartime **2693 as well as in times of peace. The Court has, for example, entertained the habeas petitions of an American citizen who plotted an attack on military installations during the Civil War, *Ex parte 475 Milligan*, 4 Wall. 2, 18 L.Ed. 281 (1866), and of admitted enemy aliens convicted of war crimes during a declared war and held in the United States, *Ex parte Quirin*, 317 U.S. 1, 63 S.Ct. 2, 87 L.Ed. 3 (1942), and its insular possessions, *In re Yamashita*, 327 U.S. 1, 66 S.Ct. 340, 90 L.Ed. 499 (1946).

The question now before us is whether the habeas confers a right to judicial review of the legality of executive detention of aliens in a territory over which the United States exercises plenary and exclusive jurisdiction, but not "ultimate sovereignty."

Application of the habeas statute to persons detained at the base is consistent with the historical reach of the writ of habeas corpus. At common law, courts exercised habeas jurisdiction over the claims of aliens detained within sovereign territory of the realm, [FN11] as well as the claims of **2697 persons *482 detained in the so-called "exempt jurisdictions," where ordinary writs did not run, [FN12] and all other dominions under the sovereign's control. [FN13] As Lord Mansfield wrote in 1759, even if a territory was "no part of the realm," there was "no doubt" as to the court's power to issue writs of habeas corpus if the territory was "under the subjection of the Crown." *King v. Cowle*, 2 Burr. 834, 854-855, 97 Eng. Rep. 587, 598-599 (K.B.). Later cases confirmed that the reach of the writ depended not on formal notions of territorial sovereignty, but rather on the practical question of "the exact extent and nature of the jurisdiction or dominion exercised in fact by the Crown." *Ex parte Mwenya*, [1960] 1 Q.B. 241, 303 (C.A.) (Lord Evershed, M. R.).

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise today in support of and as a cosponsor of amendment No. 2012. I salute Senator WEBB and my colleagues who joined in this effort which would set a standard for how much time our troops get at home between deployments. We owe it to our troops and to our families to have a rational and reasonable troop rotation policy that allows our fighting forces to be at their best.

The ever-quickenening operational tempo over the last 4 years of combat in Iraq and Afghanistan has stretched our military beyond reason and endangered our national security. Continuing to shorten the time our troops

are able to spend at home while extending deployments is simply not a sustainable policy. It is bad for operational readiness, it is bad for retention, it is bad for morale, and it is bad for the health of our military members and their families. We must do better to protect our national security, and this amendment moves us in the right direction.

In the time I have spent with our servicemembers in Iraq and Afghanistan, at Fort Carson and at the many military installations around Colorado, I have always found our servicemembers to be serving proudly and honorably. They rarely look at you and talk about the sacrifices they are being asked to make or of the effects that failed policies are having on them and on their families. But you can still see in their eyes the evidence of the strain that the operational tempo is placing on them and on their families. You see the strain at installations all around the country.

In my State at Fort Carson where I have visited often over the last several years, the families of the 2nd Brigade of the 2nd Infantry Division learned earlier this year that their soldiers' tours of duty in Iraq are being extended by 3 months, so that they will stay in the theater for a total of 15 months rather than the 12 months they anticipated when they went to Iraq. The 2nd Brigade is currently today in a block-by-block battle with insurgents in eastern Baghdad. The 2nd Brigade lost 6 soldiers over the Fourth of July week, and they have lost 37 since they arrived in Iraq last October. The brigade was supposed to be returning this fall. They were supposed to be returning this fall, but now it will be winter before they might be able to come home.

The 3rd Brigade, also at Fort Carson, returned from Iraq late last fall after a full year deployment. They could well be sent back to Iraq before they have the time they need here to recuperate, to train, and to prepare for a new deployment. They deserve some consistency and certainty in their deployment cycle.

We see the impacts of the current operational tempo in our Guard and Reserve units as well. We have come to rely on the Guard and Reserve to an unprecedented degree in Iraq. At one point in 2005, the Army National Guard contributed nearly half of the combat brigades on the ground in Iraq. These troops, once thought of as "weekend warriors," have been shouldering burdens similar to their Active-Duty counterparts and are facing the same extended deployments and the same shortened time at home.

We are quickly learning about the impacts of this operational tempo on the health and well-being of our troops. The impacts and the facts here are beyond dispute. A study at Fort Carson showed that around 18 percent of returning soldiers had traumatic brain injuries. These are soldiers who have

come back to Fort Carson after having served in Iraq. They need time to recover from those injuries. A recent service-wide report of the DOD's Task Force on Mental Health showed that 38 percent of soldiers, 31 percent of marines, and 49 percent of the National Guard report psychological problems following combat deployments. The prevalence of psychological problems increases with increased frequency of deployment and with longer deployments. Our troops need more time at home to recuperate and readjust with their families.

Amendment No. 2012 is a sensible and much needed rotation policy for our troops. I can think of no better author for this amendment than Senator JIM WEBB who has had a long and storied history of service to our country and who has an intimate understanding of the military and knowing what it takes to have a strong military for the United States of America.

For our regular forces, the amendment requires that if a unit or a member is deployed to Iraq or Afghanistan, they will have equal time at home before being redeployed. That is to say, if they are deployed for 6 months, they must be at home for at least 6 months before being sent back into combat. For the National Guard and Reserve, no unit or member could be redeployed to Iraq or Afghanistan within 3 years of their previous deployment.

The amendment includes an important provision that I hope my colleagues on the other side of the aisle pay attention to. It is an important provision that allows the President to waive these limitations. The President can waive these limitations if he certifies to Congress that the deployment is necessary in response to an operational emergency posing a vital threat to the national security of the United States of America. So the President can waive the requirements of this readiness legislation we are proposing in the Chamber today. Another waiver would authorize the Chief of Staff of each branch to approve requests by volunteers to deploy.

This is an amendment which supports our troops and their families who have been called upon to make ever-increasing sacrifices in the course of this war. It is an amendment which I ask my colleagues to support and which I hope we will pass on behalf of our troops and their families.

I wish to conclude by simply stating my appreciation to the leaders who have put together the DOD authorization legislation which is before the Senate. The Senator from Michigan, the chairman of the Armed Services Committee, CARL LEVIN, is often referred to by me and I know many of the Members of this Chamber, as a Senator's Senator because he is one of those people who are here for absolutely the right reason—their devotion to this country. His standing up for our military is something which is a great example of a Senator who puts purpose

above the politics that sometimes typify Washington perhaps too much of the time. He, in his work with the distinguished Senator from Virginia, Mr. WARNER, who was also the key co-author of this legislation, exemplifies the best of what there is here in this Senate Chamber. I just wanted to publicly state my appreciation to Senator LEVIN and his staff and to Senator WARNER and his staff for the great work they have done on this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first let me thank my dear friend, Senator SALAZAR, for his comments. They are particularly meaningful coming from somebody who as much as anybody in this body strives to bring Members together in common causes. I want to tell him how grateful I am for his comments but also, even more importantly, how grateful we all are for the effort he makes to cross the aisle and bring Senators together on important issues of the day.

Last night, I was not able to be present when our bill came to the floor. I was chairing a subcommittee meeting which I could not leave. I asked a number of colleagues on the Armed Services Committee if they could fill in for me, and very graciously and, as always, very competently, Senators BEN NELSON and BILL NELSON fulfilled that role and responded to that request, and I am very grateful to them for having done so. I wasn't able then to present the bill, as a bill of this magnitude should be presented, and I will take a few minutes at this time to do that.

The Defense Authorization Act for fiscal year 2008 would fully fund the fiscal year 2008 budget request of \$648.8 billion for national security activities of the Department of Defense and the Department of Energy.

The Senate Armed Services Committee has a long tradition of setting aside partisanship and working together in the interest of the national defense. That tradition has been maintained this year. I am pleased that our bill, S. 1547, was reported to the Senate on a unanimous 25-to-nothing vote of our committee. Additionally, S. 1606, the Dignified Treatment of Wounded Warriors Act, which we will be taking up either as part of this bill or as a freestanding measure, was also reported by the committee on a unanimous 25-to-nothing vote. These votes stand as a testament to the common commitment of all of our Members to supporting our men and women in uniform.

Our bill contains many important provisions that will improve the quality of life of our men and women in uniform, provide needed support and assistance to our troops on the battlefields of Iraq and Afghanistan, make the investments we need to meet the

challenges of the 21st century, and require needed reforms in the management of the Department of Defense.

The bill before us, perhaps most importantly, continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For example, the bill contains provisions that would authorize a 3.5-percent across-the-board pay increase for all uniformed military personnel, which is a half a percent more than the administration's request. Our bill authorizes increases in the end-strength of the Army and the Marines—13,000 for the Army and 9,000 for the Marines. Our bill authorizes payment of over 25 types of bonuses and special pay aimed at encouraging the enlistment, reenlistment, and continued service by Active-Duty and Reserve military personnel. Our bill authorizes payment of combat-related special compensation to servicemembers medically retired for a combat-related disability. We reduce the cost of pharmaceuticals to Department of Defense personnel by authorizing the use of Federal pricing for pharmaceuticals dispensed through the TRICARE retail program.

The bill also includes important funding and authorities needed to provide our troops with the equipment and support they will continue to need as long as they remain in Iraq and Afghanistan. For instance, the bill contains provisions which would add \$4 billion above the amount requested by the administration for Mine Resistant Ambush Protected Vehicles, so-called MRAPs, which improve protection for our troops exposed to improvised explosive devices, or IEDs. Our bill fully funds the budget request of \$4.5 billion for the Joint Improvised Explosive Device Defeat Office, while directing that office to invest at least \$50 million in blast injury research and over \$150 million for the procurement of IED jammers for the Army.

We invest more than \$70 million in research and new technologies to enhance the force protection of deployed units, including advanced materials for vehicle and body armor, active protection systems that shoot down incoming rocket-propelled grenades, and sniper detection systems. And we add \$2.7 billion for items needed by the Army but not contained in the President's budget, including \$775 million for reactive armor and other Stryker requirements, \$207 million for aviation survivability equipment, \$102 million for combat training centers, and funding for explosive ordnance disposal equipment, night-vision devices, and machine guns.

The bill would also enhance our national security by aggressively addressing the risk of proliferation of weapons of mass destruction. In this regard, the bill would increase funding over the administration's request for Department of Energy nonproliferation programs

by \$87 million, increase funding for the Department of Defense Cooperative Threat Reduction Program, CTR, by \$100 million, eliminate funding restrictions that limit the use of CTR funds, and we expand the CTR Program to countries outside of the former Soviet Union.

The bill contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies. For example, the bill contains provisions that would establish a Chief Management Officer, finally, for the Department of Defense to provide continuous top-level attention to the high-risk management problems of the Department as recommended by the Comptroller General. I note that our Presiding Officer is a member of the committee which takes a particular interest in management issues, and the committee on which we both serve, the Homeland Security and Governmental Affairs Committee, has been interested in this subject for years, as long as probably both of us, the Presiding Officer and I, have been here together. We need a chief management officer for the Department of Defense and we would establish that office.

We would establish an acquisition workforce development fund to enable the Department of Defense to increase the size and quality of its acquisition workforce as needed to address systematic deficiencies in the Department's purchases of products and services.

We would tighten the rules for Department of Defense acquisition of major weapons systems and subsystems, components, and spare parts to reduce the risk of contract overpricing, cost overruns, and failure to meet contract schedules and performance requirements.

Our bill also contains a provision that would require increased competition in large so-called "umbrella contracts" awarded by the Department of Defense. The Armed Services Committee held a hearing in April on the Department of Defense's management of the \$20 billion LOGCAP contract, under which KBR—until recently a subsidiary of Halliburton—has provided services to U.S. troops in the field. There is a history of highly favorable treatment of that contractor throughout this contract. For example, the company was given work that appears to have far exceeded the scope of the contract. All of this added work was provided to the contractor without competition. There were almost \$2 billion of overcharges on the contract, and the contractor received highly favorable settlements on these overcharges.

When asked why the Army had waited 5 years to split the LOGCAP contract among multiple contractors so as to allow for the competition of individual task orders, the Assistant Secretary of the Army for Acquisition, Technology and Logistics responded:

I don't have a good answer for you.

The provision in our bill would avoid these kinds of abuses we get in sole-source contracts by ensuring that future contracts of this type provide for the competition of task and delivery orders unless there is a compelling reason not to do so.

There are far too many provisions in the bill to describe all of them, but there are a few more I wish to put some focus on.

Section 1023 of the bill would protect our troops, uphold our values, and help restore our image around the world by providing a fair process for reviewing the status of the Department of Defense detainees at Guantanamo and elsewhere. This provision would require for the first time that long-held detainees receive legal representation, provide for legal rulings to be made by military judges, and prohibit the use of coerced statements.

Section 871 of the bill would require the Department of Defense to provide much-needed regulation for contractors operating on the battlefield in Iraq and Afghanistan. Over the past 4 years, contractor employees have frequently fired weapons at people and property in Iraq—including insurgents, civilians and, on occasion, even our own coalition forces. Yet we have no consistent system in place for regulating the conduct of these armed contractors, or for enforcing compliance with those regulations that do exist, that are supposed to govern the activities of our contractors we hire. The provision in our bill would ensure that commanders on the battlefield have the authority they have long needed to establish rules of engagement—as well as systems for reporting and investigating incidents involving the use of force—for armed contractors of ours in an area of combat operations.

Finally, shortfalls in the care and treatment of our wounded warriors came to the attention of the Nation in a series in the Washington Post last February. These articles described deplorable living conditions for some servicemembers in an outpatient status. They described a bungled, bureaucratic process for assigning disability ratings that determine whether a servicemember would be medically retired with health and other benefits for himself and for his family. A clumsy hand-off was described and exists between the Department of Defense and the Department of Veterans Affairs when a military member transitions from one department to another. The Nation's shock and dismay reflected the American people's support, respect, and gratitude for the men and women who put on our Nation's uniform. They deserve the best, not shoddy medical care and bureaucratic snafus.

I am very proud our Armed Services Committee approved S. 1606, the Dignified Treatment of Wounded Warriors, by a unanimous 20-to-0 vote on June 14. This bill, which we worked on so closely with the Committee on Veterans' Affairs, would address the issues of inconsistent application of disability

standards, disparate disability ratings, substandard facilities, lack of seamless transition from the Department of Defense to the Veterans' Administration, inadequacy of severance pay, care, and treatment for traumatic brain injury and post-traumatic stress disorder. It addresses also medical care for caregivers not eligible for TRICARE, and the sharing of medical records between the Department of Defense and the Department of Veterans Affairs.

In consultation with the leadership and with the Committee on Veterans Affairs, since there is unlikely to be available floor time to bring this critically needed bill to the floor as free-standing legislation, it will be offered instead as an amendment to the bill we have on the floor now. I will be offering this on behalf of a very large bipartisan group of Senators coming from not only both the Armed Services Committee and Veterans' Affairs Committee but from all Senators, just about, who will be offering this amendment. We owe it to our men and women in uniform to take up and pass this important legislation.

As of today, roughly 160,000 U.S. soldiers, sailors, airmen, and marines are engaged in combat and combat support operations in Iraq. Almost 20,000 are engaged in combat and combat support operations in Afghanistan, and tens of thousands more are supporting the war effort through deployments thousands of miles from home.

While many of us believe the time has come to start bringing these troops home, we all know we must provide our troops the support they need as long as they remain in harm's way. We in the Nation are divided on the administration's war policy, but we are united in our determination to support our troops. Senate action on the National Defense Authorization Act for Fiscal Year 2008 will improve the quality of life of our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we, as a Nation, stand behind them and we appreciate their service.

Finally, as I did earlier this morning, I note that this bill—a bipartisan bill—would not have been possible without the support and leadership of Senator MCCAIN, my ranking member, and each member of the Senate Armed Services Committee. We owe a special debt of gratitude to those who served as subcommittee chairs and ranking members of the Armed Services Committee. This bill takes a long time to put together and then to mark up. It takes many months to perform those functions and many days in the markup process itself.

I also give a special thank-you to our former chairman, Senator WARNER, who again did yeoman service to make it possible for this bill to come to the floor in a bipartisan manner, which it has. I look forward to working with colleagues to pass this important legis-

lation. I hope we can proceed to the prompt consideration of it, and I hope that as soon as we address the amendment of Senator WEBB, we are going to be able to move on to other amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I feel fortunate that Senator LEVIN was unable to be here yesterday to present the bill from the committee he chairs. As the Presiding Officer a few minutes ago, and now listening for 5 minutes or so, I have become better acquainted with some of the details of a very large and complex piece of legislation. I want to start off by saying a special thanks to him and his staff, to Senator MCCAIN and Senator WARNER and their staffs, and other members of the committee. They have crafted a very difficult bill.

As one who likes to work across the aisle, I applaud them for the way they have done that, bringing near unanimity from your committee in support of this legislation. I especially salute the Senator from Michigan and his team for the work they have done in providing for a chief management officer within the Department of Defense—God knows we need that—along with many other aspects of the bill.

I want to take a moment to talk about the amendment Senator WEBB is offering and has laid down. I know there are folks who have concerns within the Senate and outside of the Senate about this legislation. I want to speak in support of his proposal. You may recall he is calling for us to try to ensure that there is some downtime for active-duty personnel serving in Iraq and Afghanistan—that once they have served in those theaters, they be able to come home, train, rest up, reacquaint with their families, and to prepare to go back, if necessary. He is saying if you are on active duty for 6 months abroad, then they could come home for 6 months. If it is 12 months, there would be a 12-month respite. They would be training and working on readiness and trying to reunite themselves with their families. There is plenty to do during the time they are not deployed.

Also, he would say if they happen to be reservists or National Guard, they should have the opportunity for every year spent abroad to have 3 years downtime. The obvious question that came to mind for me is: What if we get into a jam somewhere in another part of the world and we need somebody who has been promised that 6 months back home, or 2, 3 years back home, and we need them to come back and serve on active duty? What if a member of the Guard or Reserves or active duty wanted to serve sooner again in Afghanistan or Iraq, would they be able to? Those are good questions. It was discussed over lunch with Senator WEBB. I was pleased with his response. Regarding the question about the

guardsmen, reservists, and active-duty personnel who want to come back and serve in the theaters again prior to the end of their period of respite, their time at home, they could go back if they express that they want to serve. That request will be honored.

Secondly, if we get into a jam as a country in another part of the world and we need a unit to go there, whether you are Army, Navy, Air Force, or Marine, there is a Presidential waiver included in the Webb amendment that says the President can waive the language in the bill, in the amendment, and direct those forces to serve back in the theater where they are needed. I think those are positive and important aspects of the Webb amendment. We ought to keep them in mind.

Prior to coming to serve in the Senate, I was privileged to be Governor of my State for 8 years. As Governor of Delaware—or of any State, whether it is Pennsylvania, Michigan, or Delaware—you serve as commander in chief of your National Guard.

We had Army Guard and Air Guard who served, and I was honored to be, for those 8 years, their commander in chief. I felt a great affection, a great affinity for them, an allegiance to them and to their families.

When I was in Iraq 3 or 4 weeks ago, I had the opportunity to meet with members of our 198th Signal Battalion of the Delaware National Guard. On the morning I came back from having been in Iraq, I flew into Dulles and hotfooted it up to a place called Delaware City in time to send off the 153rd unit of the Delaware National Guard, a military police unit, who were going to Fort Dix and then on to Iraq. It is a unit we actually created when I was Governor, and I feel a special spot for them in my heart. I wanted to be there when they were sent abroad, sent to Fort Dix and then on to Iraq.

Having talked with a number of them, having been with them and their families literally weeks ago as they prepared to depart, I have a special sense from being overseas in Baghdad with folks from the 198th Signal Battalion for what their concerns are with respect to an extended deployment.

These are people who did not sign up for one, two, three deployments in the war zone. Before I served in the House of Representatives, I was a naval flight officer. I served during the Vietnam war. I wasn't a hero such as JIM WEBB, and I wasn't a hero such as JOHN MCCAIN and some others with whom we serve—DANNY INOUE. My job in the Vietnam war in P-3 airplanes was to hunt for Red October, track Soviet nuclear submarines. We flew missions off the coast of Vietnam as well.

Interestingly enough, we had other Reserve squadrons come out and fly missions with us during the Vietnam war. Almost without exception, we never gave them difficult jobs to do. Almost without exception, they were not given challenging jobs to do because we didn't want them to mess it

up. We would basically take the harder jobs for ourselves. We were not confident in their ability to take on the tougher missions with which we were burdened, were subscribed to carry out.

That has changed today. Go over to Iraq or Afghanistan where some of us have been recently. Our Guard and Reserve units are doing the toughest work, the most dangerous work, the most demanding work of any Active-Duty Force. They are in harm's way. They are getting shot at, in some cases getting wounded, in other cases dying. They leave behind, particularly those on active duty, Active-Duty Guard and Reserve, not just families in many cases—spouses, children, in some cases dependent parents—in many cases they have businesses they own and run themselves. It is one thing to be away from an employer who would like to have you there, who needs you there and to be away for a month, 2, or 3 months on active duty. But try leaving your business that you may have started, built, and it depends on you being there, and go away for 15 months, come back for a little while to the States to try to get it started again and have to go away again for 15 months.

After 5 years active duty, I served another 18 years as a Reserve naval flight officer. I stayed current on my airplane. I flew with a squadron out of the naval air station at Willow Grove. If members of my unit—and they were great guys, they were all guys, and they loved the Navy, they loved the service, they loved our mission—if you had taken most of us and said: We are putting you on active duty for 15 months, let you come home a little while and put you back for another 15 months on the other side of the world, I am not sure how many would sign up again, reup, renew our commitment. I guess a lot of people said: No, thank you; been there, done that. I served my Nation on active duty and in the Reserve, and we wouldn't have taken on that obligation, at least not with great enthusiasm. Some would have; I suspect others would not.

What Senator WEBB is trying to do is to say: Look, if you have gone over there, if you are on active duty, if you serve in the Army, Navy, Air Force, Marines in the theater for 6 months, we are going to make sure you have a chance to catch your breath, to come back, hopefully, with your unit to retrain here, have downtime to reconnect with your family, to begin to put your personal life together a little bit before we put you back over there in harm's way. To the extent you happen to be a reservist or a member of the National Guard and you have other commitments, you are not on active duty, have your own job, business, family with children, we are going to give you a chance to make sure you can get that business going again, stand it up, strengthen it, reacquaint yourself with your family, make sure your kids and spouse are doing all right, maybe your parents, before we put you back in harm's way again.

I think that makes a whole lot of sense. It is humane, in terms of actually being able to keep people on active duty, Reserve status, and Guard status. I think it will increase our ability to recruit and retain people, when their term of enlistment expires, to reup. It will increase the likelihood they will stick with us.

The other point I wish to make, for those who are not aware of the waiver authority that is granted in this amendment, we say to a President: You can waive these requirements for Active-Duty personnel or for Guard personnel. You can waive them. If we find ourselves in a bind in another part of the world and we need those forces, those assets to be on active duty again, the President can waive those requirements.

Also, if I or any of us happen to be on active duty or in the Reserves and we have done our time and have a chance to come back and we want to go back, we feel an obligation to go back—and God bless them, some of our troops today are serving second and third tours over there—they would have the opportunity to do that, not be barred from doing that. If they chose to take that course, they could.

For those reasons and for others I mentioned today, I believe Senator WEBB's amendment should be supported. It deserves to be enacted. It is one of those deals where the more I learned about it, the more comfortable I have become with it. As a number of my colleagues who actually served active duty, served in the Reserves and had the privilege of leading a State's National Guard, this is one I thought about. This wasn't a knee-jerk reaction, yep, this is the way to do it. I thought it through and put on my hats of earlier roles I played outside the Senate, outside the Congress.

I think the Webb amendment is the right way to go. My hope is, when the votes are cast, it will be adopted and added to this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I first express my thanks to the Senator from Delaware for his service and also for his comments on this amendment.

I come to the floor because I heard the other side of the aisle may be deciding to filibuster this amendment. I wish to, first of all, express my surprise that this filibuster might occur which, as the Chair knows, would increase the requirement of 60 votes in order for the amendment to proceed.

This is a very simple and very fair amendment. I would like to express my opinions about some of the comments that have been made, as I was outside listening to different people from the media telling me what some of the reservations from the other side have been on this amendment. The comments that have been made are not accurate.

There are people who are saying this amendment is unconstitutional in the

sense that only the Commander in Chief should be able to make decisions regarding the deployment of troops during a war.

First of all, article I, section 8 of our Constitution is very clear on this point. It states that "The Congress shall have the Power . . . To make Rules for the Government and Regulation of the land and naval Forces. . . ."

This is well within the Constitution. In fact, there is much precedent when people who are opposed to this amendment discuss that it might be tying the President's hands unnecessarily. We can go back to the dark days of the Korean war, where because of the national emergency that was caused from the invasion of South Korea by the North, we didn't have enough troops available, and the administration at the time started sending soldiers into Korea who had not been fully trained and the Congress acted within its constitutional purview and passed a law that said no individual who is brought into the U.S. military can be sent overseas unless they have been in the military for 120 days.

The reason the Congress acted was to protect the well-being of those who served, and that is exactly what we are proposing to do today. We are saying that whatever your beliefs are about this war, whether you want it to end in 5 weeks or whether you want it to go on for the next 10 years, we have to come to some common agreement among the leadership of the United States that we are going to protect the well-being of our troops, the people who step forward to serve in these times.

The minimum we can do is to set a floor that basically says: However long you are deployed, you can have that much time back at home. Or if you are in the National Guard or Reserve, if you have been deployed, you deserve to have three times that much time at home.

The historical standard is if you have been deployed overseas or if you have been deployed on a deployment, you should have twice as much time at home. The Commandant of the Marine Corps earlier this year, when he undertook the duties of being Commandant, said that his goal was to bring in a 2-to-1 rotational cycle for the Marine Corps. Given the requirements of Iraq, 2 to 1. We are now at 1 to 1, with a good portion of that time back home being spent in workups for these units and for these individuals to go back.

The Army, as a result of this surge, now has a policy where they are saying you go to Iraq for 15 months, and we will guarantee you 12 months at home. That is not even 1 to 1.

Our amendment establishes a floor. It is reasonable. It doesn't have anything to do with political objectives of the war downstream. That can be sorted out later. We are simply saying, if you have been gone for a year, you deserve to be back for a year. If you have been gone for 7 months, you deserve to

be back for 7 months, unless you want to go back. If you want to go back, fine. You can volunteer to go back. Our amendment does not stop that. Or if there is an operational emergency where the President certifies there is a requirement, then the President can waive this amendment. We are trying to set a policy of stability so military families can predict what their cycle is going to be and have enough time to truly become involved with their families again, have some downtime, then refurbish, retrain, and go back.

I suggest to the other side that if they believe this is an amendment that is incompatible with military service, they might want to consider a letter I received today from the Military Officers Association of America. This is the largest and most influential association of military officers in the country. It is composed of 360,000 members from every branch of the military. They wrote me today. I will read portions of this letter:

On behalf of the 368,000 members of the Military Officers Association, I am writing to express our support for your amendment. The MOAA is very concerned that steps must be taken to protect our most precious military asset—the all-volunteer force—from having to bear such a disproportionate share of national wartime sacrifice. If we are not better stewards of our troops—

This is the president of the MOAA, VADM Norbert Ryan, U.S. Navy retired, saying this—

If we are not better stewards of our troops and their families in the future than we have been in the recent past, we believe strongly that we will be putting the all-volunteer force at unacceptable risk.

I submit to the President and this body, this is not the kind of statement that would be made from a group of 368,000 military officers unless they believed in the constitutionality and the propriety of what we are attempting to do.

I say to my colleagues, and particularly to my colleagues on the other side of the aisle, I am very disappointed in the notion that an amendment with this simplicity that goes to the well-being of our troops might even be considered as a filibuster. I say to my colleagues on the other side of the aisle that the American people are watching us today, and they are watching closely, with the expectation that we finally can take some sort of positive action that might stabilize the operational environment in which our troops are being sent again and again. The American people are tired of the posturing that is giving the Congress such a bad reputation. They are tired of the procedural strategies designed to protect politicians' accountability and to protect this administration from judgment. They are looking for concrete action that will protect the well-being of our men and women in uniform.

The question on this amendment is not whether one supports the war or whether they do not. It is not whether someone wants to wait until mid-July

or September to see where one particular set of benchmarks or summary might be taking us. The situation is simply this: More than 4 years into the ground operation in Iraq, we owe stability and a reasonable cycle of deployment to the men and women who are carrying our Nation's burdens. That is the question.

Mr. DURBIN. Will the Senator from Virginia yield for a question?

Mr. WEBB. I will be glad to yield.

Mr. DURBIN. Mr. President, I would like to commend the Senator from Virginia first for offering this amendment. For those who are new to this debate, it is the first amendment on the Defense authorization bill, and it is about our troops' readiness to go to battle. There is no better author of this amendment than the Senator from Virginia, as one of only two combat veterans who is here, proud combat veterans, serving in the Senate.

I would like to ask the Senator, if I understand his amendment correctly, it says that if we are going to deploy American soldiers into fields of battle, in Iraq and Afghanistan or NATO missions, that they not be deployed any longer than they are given an equal amount of time for rest or dwell time, as they call it, for training and preparation for returning to battle. So if a soldier is being sent to Iraq for 15 months, then he or she should have at least 15 months back home at the end of that period—or reassigned to a peaceful setting—before they can be deployed again, for Active-Duty soldiers. Is that the gist or substance when it comes to active duty?

Mr. WEBB. First, I would say to the Senator from Illinois just for factual clarification that Senator HAGEL and I are the only two ground-combat veterans from Vietnam in the Senate, but I certainly do not want to in any way reduce my respect for the distinguished Senator from Hawaii who won the Congressional Medal of Honor during World War II.

The question the Senator poses is correct. What this basically says is that if you have been gone for a year, you deserve to have a minimum of a year back. And a lot of people misunderstand what dwell time is. Dwell time is not downtime. There is a workup cycle for these units before they go back, which is considerable. So even if we are giving them a 1-to-1 ratio here, this is not equal time down as compared to an equal time deployed. That is why the traditional goal is 2 for 1.

Mr. DURBIN. I would like to ask, if the Senator from Virginia will yield further, it is my understanding when it comes to Guard and Reserve that he also has some protection for the amount of time they will have after they have served. I have been told there is an implicit understanding, for example, with Guard members that they would serve 1 year, for example, and have 5 years before redeployment. In fact, that has not been the case in

my home State of Illinois, where over 80 percent of the Illinois Guard units have been deployed into combat during the course of this war, and many have been deployed repeatedly. So, obviously, the promise that was supposed to be kept hasn't been kept, and I ask the Senator from Virginia, how do you protect Guard and Reserve when it comes to redeployment in terms of the time they have?

Mr. WEBB. I would say first to the Senator that I had the privilege of being the Assistant Secretary of Defense for Reserve Affairs for 3 years, where we had oversight of the National Guard and Reserve programs during a very critical time when we were transitioning into what we called the total force concept, and the President's use of the Guard and Reserve is certainly something we were not contemplating in the 1980s.

But this amendment sets a floor for the Guard and Reserve of a 3-to-1 ratio with a goal—a written goal—in the amendment of a 5-to-1 ratio, which is the traditional standard.

Mr. DURBIN. If the Senator from Virginia has not covered it in his floor remarks earlier, what has been the impact of these frequent redeployments on Active Guard and Reserve with regard to retention and recruitment? In other words, if my Guard unit in Illinois knows they are going to be deployed and redeployed within a year or two, it seems to me that for some citizen soldiers it would create a hardship which they couldn't impose on their families for a period of time.

Can the Senator from Virginia point to any specific information he has about retention and recruitment relating to this redeployment?

Mr. REID. Mr. President, may I ask my friend to yield? Senator McCONNELL and I need to transact some business.

I would ask that the record reflect that we stopped the Senator from Virginia but that he maintain the floor and that the record appear as his having not been interrupted. Will that be okay with the Senator from Virginia?

Mr. WEBB. By all means.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, last night, the Republican leader indicated that he would have an alternative amendment to Senator WEBB's amendment and that we would work out an agreement so we would not need cloture, and I appreciate that very much. But a problem has developed. We do have a side by side from Senator GRAHAM, but what I didn't understand is that there would be a requirement of 60 votes on Senator WEBB's amendment and Senator GRAHAM's amendment. I just don't think it is appropriate that there be a filibuster on this amendment, and that is what it is.

I would be happy to enter into an agreement that would provide for a majority vote on both the Graham and Webb amendments. So I now ask unanimous consent that amendment No. 2013

be withdrawn; that there now be 4 hours equally divided to run concurrently on Senator WEBB's amendment and Senator GRAHAM's amendment, as provided to us this morning—we have that amendment, we have looked at it, we understand it—and that at the conclusion or yielding back of time, the Senate vote on Senator WEBB's amendment, no. 2012, followed by a vote on Senator GRAHAM's amendment.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, Mr. President, we have been here before. Every Iraq amendment we have voted on this year—and there have been numerous amendments—in fact, I have sort of lost track of how many we have had—every single one of them, as most things in the Senate that are remotely controversial, requires 60 votes. I believe I am correct in saying that every Iraq amendment we have voted on this year, no matter what the underlying bill was to which the amendment was being offered, was in a 60-vote contest.

What we have frequently done is simply negotiated an agreement to have the 60 votes we know we are going to have anyway, and the reason for that is—well, there are several reasons. No. 1, if a cloture vote were invoked, it would further delay consideration of the bill because potentially 30 more hours could be used postcloture on an amendment. So what we have done, in a rational response to the nature of the Senate in this era, is to negotiate 60-vote votes.

We are perfectly happy to enter into an agreement, as I suggested yesterday, for a vote on the Webb amendment and the alternative that we would have, the Graham amendment, by consent, two 60-vote requirements. That is not unusual in the Senate; it is just common practice in the Senate, certainly for as long as I have been here. So, therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. I guess rationality is in the eye of the beholder. The real facts here are that, on Iraq, for example, the bill the President vetoed was not filibustered. We sent a measure to the President that he vetoed that had 51 or 52 votes. It was in the majority. That is what we should do here.

It appears to me we are arriving at a point where, even on the Defense authorization bill, amendments leading up to a final vote on the Defense authorization bill, which is so important, are going to be filibustered. It is really wrong. It is too bad. We don't have to have this 60-vote margin on everything we do. That is some recent rule that has just come up in the minds of the minority.

Mr. President, we should move forward on this Webb amendment, move forward on the Graham amendment. We have confidence that a majority of the Senate supports Senator WEBB. I

don't know about Senator GRAHAM's amendment. But why don't we let the body work its will and then move on to other things. We have the amendment we are waiting to offer very quickly, which is the one that has been worked on for a long time, which is the Levin-Reed amendment.

So, Mr. President, since there is an objection and based on the filibuster of Senator WEBB's troop readiness amendment, I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Webb, et al., amendment No. 2012, to H.R. 1585, Department of Defense Authorization, 2008.

Jim Webb, Richard Durbin, Daniel K. Akaka, Jack Reed, Carl Levin, H.R. Clinton, Russell Feingold, Jeff Bingaman, Christopher Dodd, Frank R. Lautenberg, John Kerry, Patty Murray, Jon Tester, Sherrod Brown, Ken Salazar, B.A. Mikulski, Joe Biden, Harry Reid.

Mr. REID. I ask unanimous consent that the mandatory live quorum be waived.

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

Mr. McCONNELL. Mr. President, Senator MCCAIN is here and will be seeking recognition momentarily, but let me suggest that this is not the most efficient way to move forward with the bill. We have been down this path before on virtually every measure that comes before the Senate. The most expeditious way to move forward is by agreement, not by the filing of cloture.

Having said that, I hope that once it is clear cloture is not going to be invoked, we can get back to the normal way we handle debate on these matters and therefore have a better chance of processing this very important bill and moving it toward passage.

I don't know if my friend from Arizona wanted to ask a question or wanted to get recognition.

Mr. MCCAIN. Mr. President, I would like to seek recognition, but I see the assistant majority leader is up, and I will be glad to wait on him.

Mr. REID. If I could, Mr. President, Mr. WEBB has the floor. I asked him to yield to me to do this, and that was the agreement.

Mr. WEBB. Mr. President, I would gladly yield the floor, but I don't know to whom I am yielding. Where are we?

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I would like to first thank the Senator from Virginia for his leadership on this amendment, and I am troubled by what just occurred on the floor. What the Democratic majority leader offered

was to allow the Webb amendment, an amendment from the Democratic side—which, incidentally, has bipartisan sponsorship with Senator HAGEL of Nebraska—that it be an up-or-down vote, a majority vote, on whether we will give our troops an opportunity to rest before they are redeployed back into battle. I think the Senator from Virginia has made a compelling argument that it is in the best interest of our military—certainly our soldiers and their families—to give them this chance for rest and recuperation and retraining before they are redeployed.

The fact is, we know many of these soldiers are being deployed and redeployed repeatedly at great personal hardship. We have reports that come in that trouble us about family difficulties many of these soldiers are going through because of these long periods of separation and the fact they are overseas so often.

Secondly, we know many of the soldiers who return after the stress of battle need to sit down and talk to some people, go through some counseling to make sure they are dealing with post-traumatic stress disorder and other issues which in previous wars had never been mentioned and we know now to be very important.

So the Senator from Virginia is saying: For goodness' sakes, don't we owe it to our troops to give them a period of rest before we send them back into battle? So he wanted a vote on his amendment, a majority vote, up or down.

We said to the other side, the Republican side: Do you have an approach you would like to use on this same issue?

They said: Senator GRAHAM of South Carolina has an amendment on the same issue; we would like that to be offered.

So the Democratic majority leader said: Fine, we will treat both amendments exactly the same way—have a limited debate, 4 hours, split up, and then we will vote on them, a majority vote, up or down.

But there was an objection, an objection because the Republican leader now says: For the amendments, even those dealing with the readiness of our troops, we need an extraordinary majority, we want 60 votes, even on an amendment about the readiness of soldiers where we have offered both sides the same opportunity.

What it tells us is that when it comes to the issue of the war in Iraq, I am afraid that the minority—the Republican leader—has made it clear that they are going to filibuster every amendment. They are going to do their best to slow down and stop this debate on the war in Iraq. Instead of coming to the issue in a straightforward and honest way, for an up-or-down vote, they prefer to drag this out, drag it out as long as they can, try to put off the inevitable. We can't put off the inevitable, and the inevitable is this: This is a costly, deadly war. As our debate

winds on day after day and week after week, American soldiers are still in the line of fire. Some of our best and bravest will be falling in battle as we stand and debate. That really is not acceptable.

We owe it to our men and women in uniform to do our duty, and our duty is fair deliberation, open debate, and then an up-or-down vote, and move to the next issue. But according to the Republican side of the aisle, that is not the way it will be. They want to filibuster this debate on the war in Iraq—everything they can do to slow it down. That is unfortunate, and I will tell you something. If they were paying attention to the people back in their home States, the people have lost their patience with Congress caught up in this kind of procedural slowdown. They want us to act, and act decisively; make a decision one way or the other; decide whether an amendment is good or bad, but don't drag it out in this kind of parliamentary maneuver over an amendment which on its face is easily understood, which I think is eminently reasonable, and where the other side, the Republican side, has ample opportunity to put their own idea up for a vote at the same time.

It could not be any more fair, and yet the Republican leader objects. I hope he will reconsider. Now we are going to move from this amendment, the Webb amendment, and the Graham amendment, to substantive important amendments on timetables about bringing American soldiers home—doing it in a reasonable way but to start redeploying our troops out of harm's way. It appears now the strategy on the other side of the aisle is, in every respect, to try to slow this down, delay the ultimate decision.

I think Senator REID, the majority leader, has made it clear. We are going to stay here until our job is done. We are committed to making this national debate on Iraq a meaningful debate, and no use of any procedural tool or tactic is going to stop us from the ultimate decision this Senate has to make. It should be done in an open, honest, courteous, and civilized way. When we made that offer, I am afraid to say the Republican leader objected. I hope we can return to the substance of this debate.

I would like to say that Senator WEBB's amendment is not about the politics of the Iraq war, and it is not about whether we should be there or not be there. It is not about a Republican or Democratic view of the war. It simply is about taking care of our troops. We are going to spend a lot of hours in debate over the next several weeks debating the war policy, but one thing we should not debate is the welfare and safety of our troops.

I believe I can safely say every Senator in this body would agree that no matter what else we do, our first duty is to ensure the welfare and safety of those who are fighting, sacrificing, and even dying in this struggle. This is ex-

actly what the Webb amendment does. Our soldiers, sailors, airmen, and marines have performed their duties gallantly over the past 4-plus years. They have not complained and returned time and time again into battle. We owe them and their families gratitude that no single Member of the Senate could properly express.

But as this war stretches on, it takes its toll. All of us have met with Guard units being deployed, other units that are returning. We know what they have been through, just vicariously, by talking with their families and hearing their stories. Many have returned for second, third, and fourth deployments to Iraq and Afghanistan.

Our soldiers spend 12 months of time in theater, and now they are going to be spending 15 months, by the latest decision of the Pentagon. Is it unreasonable to allow them to spend at least that much time at home before they again put themselves in harm's way? I don't think so. These short turnaround times affect our men and women in uniform professionally and personally. After 15 months in battle we ask them to turn around and be ready to leave again in less than a year. That is just not enough time. Under normal conditions, the preparations and training for deployment can take up to a year. After 15 months in the desert, there are going to be significant tasks our soldiers will have to accomplish to get themselves and their equipment back in fighting condition. After so long away from home base, many individual and unit qualifications and training standards have lapsed. It will take time to correct it, but how can they possibly accomplish these tasks if as soon as they get home they have to begin preparing for the next deployment?

Without a doubt we have the finest military in the world, capable of doing great things. But are we really being fair to them? Are we really preparing them for battle as we should, by squeezing so much into such a short period of time? Are we shortchanging valuable training that will help to keep them alive?

This effect is not limited to their professional performance because, certainly, with this kind of burden at work over such a short amount of time, you can be sure that 12 months at home is really not 12 months at home. Our soldiers don't complain and always put mission accomplishment above all else. So rather than spending time at home with the spouse and children, building the strong families necessary to sustain long separations and deployment, they will spend longer and longer hours at work training.

All we are asking with the Webb amendment is to remember the sacrifices of our soldiers and their families. Soldiers deploy. That is what they do. They know when they sign up. A soldier's family is strong. They persevere and adapt to ever-changing schedules. But the strain these families

have been put under in the past few years and will have to face in the future is too much. We are seeing divorce rates skyrocket, and rates of alcohol abuse have been increasing in the military. Pressures of these long deployments and short stays at home are taking their toll, as they would in most every circumstance. It is not fair to ask them to continue to make this kind of sacrifice.

There are many out there who say our Army is near the breaking point. I can't answer whether it is or not. But I certainly can speak for families from Illinois and the families with whom I have spoken, and they are courageous without a doubt, but they are being pushed to the limit. We hear all the time about supporting our troops. What does it mean? Many people say the phrase but do not really know what it means. This amendment is exactly what it means. Our military personnel and their families have borne almost the entire burden of the struggle our Nation has undertaken since September 11, 2001. They have done it spectacularly.

One of the critiques I have heard that I think is fair is, after 9/11 our country was ready to move together. I can't recall a period of greater national unity. Had the President made an appeal for shared sacrifice to fight this war on terrorism, I am certain he would have received resounding support from both sides of the aisle all across the Nation.

But, sadly, that appeal was not made. He has asked for sacrifice from our military and their families, and they have certainly gone above and beyond the call of duty. For the rest of us, life is all but normal every single day. There is hardly any sacrifice because of this war on terror or war in Iraq or Afghanistan. Is it too much to ask in the Webb amendment to at least acknowledge the sacrifices already being made by our soldiers before we push them back into the danger of battle?

There will be an amendment offered by Senator GRAHAM. I read the amendment. I have a great deal of respect for Senator GRAHAM, but in all fairness there are two obvious omissions. First, there is no reference at all in his amendment to the National Guard. I think that is an important consideration, not just Active military and Reserve, but the sacrifice being made by our National Guard. Second, taken in its entirety, the Graham amendment is just a sense of the Senate. It is a little note that is being passed around. It has no impact of law, as the Webb amendment would. A sense of the Senate is not enough. We owe our fighting men and women so much more.

Our soldiers have not asked us to do this, but Senator WEBB, Senator HAGEL, and those who have been in battle, as Senator MCCAIN has been, understand we need to stand up and speak for them even when duty keeps them quiet, when they do not come forward to ask for this helping hand.

I encourage my colleagues to support the Webb amendment. I hope the Republican leadership will reconsider its position and allow these amendments to be voted up or down and get on with this debate after a reasonable period so we can complete this important bill on the Senate floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I paid attention to the statement of the Senator from Illinois, as well as that of the Senator from Nevada. We may be approaching—not a historic moment in the history of the Senate but certainly one worthy of note; that is, according to my staff, that is not always accurate but is well meaning, we are about, maybe, at least 26 years since we have not had a Defense authorization bill passed by this body. Clearly from this beginning it appears, as on most other issues that have come before this body recently, we will be gridlocked.

Cloture motions will be filed. Votes will be taken. Time passes and, unfortunately, during that period of time, the men and women who are serving in our military will be without their pay increase. They will be without the increase in numbers that are called for in this bill, from 512,000 in the Army to 525,000; from 180,000 in the Marines to 189,000.

The best way, probably, to relieve the stress on the men and women in the military and the overdeployment that, unfortunately, we all regret they have had to bear, their unfair share of sacrifice in defense of this Nation and its security, is to increase the size of the military. That is in this bill.

Frankly, the reason we arrived at these numbers is it is just about as many as can be recruited additionally; otherwise, I think you would see additional numbers.

Instead of the 3.5-percent pay increase, instead of increasing size in the Army and Marine Corps, which we all know is badly needed, some of us, including my friend from Michigan, have known for many years how badly it was needed. One of the many mistakes made by the previous Secretary of Defense was not to call for a dramatic increase in the size of our Marine Corps and Army, for which our military families have paid a very heavy price.

Here we are, gridlocked in a battle whether we are going to have 60 votes and whether we are going to have to file a cloture motion which will ripen after a couple of days and all the arcane things that very few Americans understand. It took me a number of years to finally comprehend some of the procedures around here.

So we are, again, going to probably maintain that historic low in approval that was recently, in a recent Gallup Poll that has been taken for many years—I have forgotten the number now. I think it was in the teens as the approval rating of the Congress on the part of the American people.

Anybody who just watched the proceedings that went on and the ex-

changes between the two leaders make that disapproval rating far more understandable. The average citizen watching these debates really doesn't understand why we don't just go ahead and take care of the men and women in the military, to give them the arms and ammunition they need, to give them the much needed equipment we have talked about on this list—the \$2.7 billion items on the Army Chief of Staff's unfunded requirements list, things like the \$4.1 billion for the MRAP, the Mine Resistant Ambush Protected vehicles. We all know how bad the situation is, as far as IEDs are concerned.

What are we going to do? Are we going to sit down and say: Hey, you know what. When the Democrats were in the minority around here they insisted on 60 votes on just about every issue, particularly important ones. We are now insisting on 60 votes, now that we are in the minority. Yet somewhere along the way the issue of c-o-m-i-t-y and the national interest suffers and is abandoned by the wayside of politics.

The Senator from Michigan and I will sit here this afternoon and we will have statements made by various Members as they come to the floor. There are, if my past experience with this bill is accurate, probably 100, maybe more, amendments that will be pending because there are so many issues that are important to Members and important to the defense of this Nation. It is very likely, from this scenario I am seeing, that we will for the first time in at least 26 years not pass a Defense authorization bill—certainly not in a timely manner. We are already into the month of July, and, obviously, we will not spend all 4 weeks on this issue.

I think in days gone by—and we all have a tendency to remember the good parts and not the bad parts—there was a tendency for the managers of the bill and the majority and whatever party was in the minority leaders would sit down and say: OK, we are going to narrow down the amendments. We are going to have agreement for a certain number of amendments and votes, and it would take us a while. I can remember sometimes it taking 2 weeks. That is why we usually bump it up against a recess because one thing in the 20 years I have been here we have never missed is a recess. Now we are going to sit here for this afternoon. It is Tuesday afternoon, and we are going to have various statements. Members on both sides will display their dedication to the men and women in the military. I appreciate that. I appreciate the patriotism of every single Member of this body. But are we really going to do anything for them? Are we really going to try to help them? Or are we going to be locked in combat on an issue that should not be on this bill?

We probably have taken up the issue of the war in Iraq eight or nine times. I don't know exactly how many times. We have amendments, we have debates, we have 60 votes, and then we move on to something else. Meanwhile, we have

not done a single appropriations bill, I might add, and we are in the month of July.

Everybody knows, even though I don't happen to agree with it, that September will be a seminal time on the Iraq issue.

General Petraeus will be coming back, and he will be issuing his report, which, by the way, I can predict what it is going to be right now; mixed, some success and some frustration. Then, guess what, in September, we are going to go through another debate. We are going to have amendments, and we are going to have 60 votes again.

Meanwhile, the American people are wondering what in the heck we are all about here, and why in the world, in all due respect to the deputy majority leader, do we have to keep taking up the Iraq issue when we know full well that in September there will be a major debate on this issue?

Meanwhile, the men and women in the military who are serving, to whom I see declaration after declaration of our dedication and devotion to their welfare and benefit, then what is going to equip them? What is going to train them? What is going to give them the pay raise? What is going to take care of them is somehow lost in the rhetoric of 60-vote requirements, which again, most Americans do not understand nor should they be required to, because they expect us to come here and act in their benefit. Certainly they should be asking us to act on an issue, on a piece of legislation such as the Defense authorization bill which has to do with the defense of this Nation.

Well, I could go on for a long time.

I do not want in any way my comments to be construed as a lack of respect and appreciation for the chairman of the committee, and the many years we have worked together, because I am convinced he and I could sit down in a very short period of time and work out the number of amendments and schedule votes and time agreements. But we are not going to do that. We are not going to do that. But please do not come to the floor, I ask my colleagues, and talk about your dedication to the men and women in the military and how difficult it is for them in these times, when we have before us a bill to increase the size of the military, we have before us a bill to give them a pay increase that they deserve, and it probably is not going to be passed by this body, at least before we go out for the August recess. Then we get into September. Then we will get into another fight on the issue of whether we should withdraw troops in Iraq.

I don't think we should be very proud of ourselves. I don't. When the men and women in the military whom we again, as I say, all profess our devotion and dedication to, do not get the equipment they need authorized, do not get the increases in pay, do not get the increases in numbers that we are trying to authorize, then do not be too surprised with the cynicism of the American people and voters and, indeed, the men and

women who are serving, about the way we do business.

I hope the majority leader and the Republican leader can sit down and work this thing out. Look, it is a fact the way the Senate works. It happened when the other side was in the minority, that they required 60 votes on issues of importance. I am sorry they did. I am sorry we did. I wish we could have simple up-or-down votes on all of these amendments. But to claim that somehow we are filibustering, when that was the standard procedure on the other side, I don't think is, frankly, too forceful an argument.

As I say, my staff tells me it has been at least 26 years, probably more, since we have not passed a Defense authorization bill. I hope we will not break that record. I hope we can sit down together and work this out. Again, recognizing these votes on Iraq are votes that will be taken again in the month of September, they will be taken again in the month of September when the President comes, when General Petraeus comes with his report, I would hope we could set the whole issue of Iraq aside, go ahead with the authorization for equipping and training and protection and welfare and benefit of the men and women who are serving us in the military. Unfortunately, I think that is not going to happen.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Michigan.

Mr. LEVIN. Mr. President, while we disagree on a very critical issue, I as always look forward to working with Senator MCCAIN to work out agreements so we can move this bill forward. I am confident we will pass the authorization bill this year, the way we have every other year, for the reasons Senator MCCAIN gives, which are the critically important provisions in here for the men and women in our military and their families.

The difference is apparently as to whether this is an appropriate place to debate Iraq policy. It is an authorization bill, which, it seems to me, is a very appropriate place to debate policy; in fact, I think is the most appropriate place to debate a policy issue such as Iraq.

I have not wished this to be debated on an appropriations bill, because I don't think we ought to try to have a policy debate and decision when it involves the funding of our troops because I think hopefully all of us want to fund our troops. This is an issue as to whether we should change course in Iraq. This is a debate which is a healthy debate, it is an essential debate. I look forward actually to working with Senator MCCAIN to see if we cannot come up with time agreements on debates on Iraq—on these amendments on Iraq.

There is going to be more than one amendment. There are going to be a number of amendments and hopefully we can come up with time agreements

so we can have these debates, have votes on the Iraq issue, and then move on, and move forward and adopt an authorization bill with a lot of other amendments that are pending as well.

I am, as always, an optimist. I am particularly an optimist when I look at Senator MCCAIN, when I realize that we have worked together before, as I have with Senator WARNER, on issues that look intractable but which are not and can be worked out, and hopefully there can be time agreements on these amendments relative to Iraq—which are important amendments.

I cannot think of anything that affects the well-being of our troops or our Nation, frankly, more at this moment than the question of policy in Iraq, as to whether that policy needs to be changed. There are differences as to whether we ought to change course in Iraq, and there are some who feel that apparently the policy is working. There are some of us who feel the status quo is not working, we need to change it.

It is not the debate we should have or can have at this moment. We are in the middle of a discussion on the Webb amendment. But it is appropriate that on this bill, the Senate act. If anything, it has been too long, as far as I am concerned, since the Senate has taken a position on this. The last time we did it 4 months ago, the President vetoed it. We were unable to have our will expressed in a way that was not vetoed.

Waiting until September is not an answer, because there is no reason to believe that an effort in September will not be filibustered. There is no reason why in September, the people who oppose the change in course, the Senators who oppose it, will not get up and say: Well, let's wait until October when there is another report which is due. We cannot simply delay carrying out our responsibility. We cannot delay a debate which is on the most critical subject on the minds of the people of America. Waiting for September, when a general is going to give us a recommendation, and the President is going to give us a recommendation, is a delaying tactic on an issue which is the single most important issue on the minds of Americans today. There is no more appropriate place to debate this issue than on the Defense authorization bill, because it is here where policy issues can and should be debated; a better place than on an appropriation bill where the message which would be sent to our troops has more to do with whether we are going to fund the troops than whether we should continue a policy in Iraq which, so far at least, is not working.

So I am going to continue to be the optimist. I look forward to working with Senator MCCAIN. I think our leaders can continue to work together to try to work on time agreements for the Iraq amendments. I hope and expect we will adopt an authorization bill this year.

There is nothing unique about the Senate having healthy, vigorous debate. That is not unique. Sometimes it looks as though we are not going to be able to get something done and, lo and behold, we are able to get something done because the American people want us—Senator MCCAIN is right—the American people want us to act. We are on the verge of acting on the single most important issue on the minds of the American people. It was an issue which, more than any other, impacted the last election. It was an issue where the Senate spoke in April, and where what we did was vetoed by the President. It is an issue where now we must face an historic decision: Is the course in Iraq working or does it need to be changed? And, if it needs to be changed, what is our responsibility in terms of bringing about that change?

Those are issues we cannot duck. Those are issues we should not avoid. Those are issues which belong on our desks, and require the best possible judgment we can bring.

I yield the floor.

Mr. SESSIONS. Mr. President, we have been blessed in the Armed Service Committee to have outstanding chairmen. I was pleased to serve under Senator MCCAIN and Senator LEVIN. A lot of hard work has gone into the Defense authorization bills each year I have been here. It is remarkable how much we agree on in committee. We come out with very few differences, and those are reasonable differences that we sometimes can bridge and sometimes we have to vote on and let someone decide. Some of the questions are pretty close questions, whether to fund that system or that program or not, and good people can disagree regardless of their political party.

I have been pleased to serve with Senator BILL NELSON on the Strategic Subcommittee. I chaired that when the Republicans were in the majority. He chairs it now that the Democrats are in the majority. We have very few differences. I respect his judgment. He is committed to serving his country.

We have produced a bill that I think, all in all, is a good piece of legislation that will actually strengthen our Department of Defense, the ability of our men and women in uniform to serve their country, and take better care of them. So that is a good thing.

But now we get the bill on the floor, and I guess that group I have been referring to in recent weeks as “masters of the universe”—somebody up there, up high—decides that this is the time we are supposed to have fights, and we are supposed to utilize this opportunity to push and push and push on various different areas.

Now, of course, it is legitimate to debate our commitment and strategy in Iraq at this time. But I think what Senator MCCAIN is telling us is this, that this bill fundamentally is a bill to deal with and strengthen our military, that we just had debates in April and May and great detail about our Iraq policy, and we decided on that policy.

We all know that we will expect a report from General Petraeus in September. This is not the time to alter the policy we established about 2 months ago. I agree with Senator McCAIN about that. We can talk about it. We can do those things. But is it the right thing to jeopardize this bill over other issues—over the issues relating to Iraq?

Let me say a couple of things. The fundamental debate we are having here with regard to our Iraq policy, when you boil it down to basics, is whether to reverse the policy we established in May.

That was a decision by an 80-to-14 vote to fund the surge in Iraq, after having voted on it in April. We had another vote back in May, and we funded this operation through the fiscal year, through September 30, if not longer—at least through September 30. And we affirmed and confirmed General Petraeus as the commander of that surge by a 99-to-0 vote. He is a fabulous commander, and he received a bipartisan, unanimous vote in the Senate. That is what we decided, after great debate.

Now, what I will say to my colleagues is this: A great nation has to conduct itself as such. We are not able to flip-flop around week after week and change our minds every few weeks based on this or that event. If a serious situation occurs, we can change our mind at any time. But great nations are more akin to great battleships. They do not dart around similar to a speedboat. They set their course and have to justify it carefully before they act. Once they act, they need to stay that course, subject to any changes that occur.

So what I would say is this: I am worried we are doing what some political consultants would like to see Democratic leadership do and talk about the war because they think that is politically beneficial. We ought to be talking about those soldiers we have committed out there, placed in harm's way, who are, this very day, walking the streets of Baghdad and Al Anbar Province and Tikrit and Mosul, executing the policies we voted 80 to 14, in May, to send them to do. We voted 99 to 0 to send General Petraeus.

At that time, we made clear to him we expected a report in September. I think that is what we are about here, and we ought to be about, that we would go forward—and always subject to our constitutional responsibilities to make any changes that are required—but go forward to allow the general to carry out the surge we told him to carry out.

This surge, let me say to my colleagues, has only reached its full effort—what?—2 weeks ago when the last brigade reached Iraq. So we only reached full capacity of that surge a few weeks ago.

We know it is difficult now. They said: Well, the bombings are occurring outside Baghdad now. Why is that? Well, it is a given that it is tougher for

them in Baghdad, so they have gone outside Baghdad to do bombings. What does that suggest? I would suggest that would lead us to conclude the work in Iraq, in Baghdad itself, has already made progress. Indeed, if the capital city of Iraq, the biggest city, cannot maintain order, it is difficult to see how we can have a political settlement all of us wish to occur.

General Petraeus has taken the case to the enemy. He is moving forward aggressively and making military progress. The difficulty—and we all know it—is that the Government of Iraq is not performing at the level it needs to perform. This is a matter we are not able to deny. I know when I traveled to Iraq with Senator LEVIN—and when I was there more recently with Senator BEN NELSON of Nebraska—we raised the importance with the Iraqi people and the Iraqi leaders of having a functioning government.

Senator LEVIN has strongly believed and consistently argued that one way to get them to perform is to threaten to pull out our troops. I have come to believe their failure to perform cannot be altered by threats to pull out troops. I wish it could be. I wish we could do it that way. But it is more difficult than that.

So they are struggling, and I do not know whether they can pull this Government together. I certainly hope so. But I will tell you one thing. Progress is being made in a number of different areas militarily. This gives me some hope they can pull this Government together. That is where we are at this point. I do not see any other way to analyze it, honestly, to the American people. That is what I say to them as best I can.

I believe our military is performing magnificently. I believe the Government in Iraq continues to have serious problems in effectuating the kind of stability and reconciliation they need to effectuate so we can have a better capability of reducing the troop levels we have in Iraq today.

Now, the way this deal went down—and we voted to send General Petraeus there. We talk about making reports back to us. I remember distinctly in the Armed Services Committee, when he was up for confirmation, I asked General Petraeus did he believe we could be successful in Iraq. He said: Yes, sir, I do. General Petraeus had been there when the initial invasion occurred. He commanded the 101st Airborne in Mosul. He came home for, I think, less than a year and went back to take over the training of the Iraqi military. He then came back, wrote the Department of Defense manual on how to defeat an insurgency operation—the very project he executes—and the President has asked him to go back to Iraq to execute a strategy to defeat the insurgency that is going on in that country at this time.

So I asked him, would he tell the American people and the Congress truthfully whatever the situation was

when he was there? He previously said this was a difficult but not impossible task he was taking on. He said: Senator, you can count on it.

I asked Secretary Gates, the Secretary of Defense, at a hearing: Secretary Gates, will you tell the American people if this military effort in Iraq cannot succeed and we ought to do something else? He said: Yes, sir, Senator. I feel that is my responsibility as Secretary of Defense.

I will say to you, my colleagues, let's not flip-flop around here every week with another amendment trying to set another strategy, written by a group of us sitting in air-conditioned offices, when we have some of the best military minds this Nation has ever produced, with great depth of experience—by the way, General Petraeus has his Ph.D. from Princeton and was No. 1 in his class at the Command and General Staff College. He is over there right now, and we have it set for him to come back and go through a very deep and serious evaluation of what has happened, where we are, and where we need to go in the future.

So it is all right. I know we are going to have people talk about strategy and alteration in our policy. But I think, in truth, it would be more responsible for us to pass this Defense authorization bill, which will make the lives of our military men and women far better, will make our Defense Department more effective, and will give us a better chance of being successful in Iraq. We need to pass this bill. We will be coming back in September, no doubt, for a very serious debate on how we go from here in Iraq. That is where we are, in my opinion.

I respectfully disagree with some who see it otherwise, who think they have divine strategy—reading a few newspaper articles, I guess, and talking to a few folks and going to Iraq once or twice; I have been there six times—and trying to come back and formulate a policy. I do not think that is wise right now. I urge our colleagues not to go in that direction.

I will take one brief moment to say I respect my colleague from Virginia, Senator WEBB. I recognize the goals and the desires reflected in that amendment—his belief that soldiers ought to have guaranteed time of deployments passed by statute by the Congress of the United States. But I do not agree. I think this is a very significant amendment. I believe it is an amendment that alters the traditional power of the President as Commander in Chief. I think it could put us in very difficult circumstances in the future.

I urge my colleagues to remember the amendment is not limited to Iraq, it covers any military activities we get involved in, in the future, any war now or series of wars we may find ourselves in, in the future. War is very difficult, indeed.

I remember our former colleague, Senator Strom Thurmond, I think at age 40, volunteered to go in the Army.

He had to make them take him. He was a sitting judge. He was not required to go. He was deployed to England. I do not know how long he had been in at the time D-Day occurred. He volunteered to go in on a glider behind enemy lines in the nighttime at the time of the D-Day landing to try to protect the soldiers on the beach from counterattacks.

I remember asking Strom—former chairman of the Armed Services Committee, I will note—I asked: Strom, well, how long did you stay in? Did you stay in until Germany surrendered? He said: Yes, sir, we stayed in until Germany surrendered—there to the day they surrendered. He said: In fact, after Germany surrendered, I was on a train heading across the United States to the Pacific. They were going to send us to Japan when they dropped the bomb on Japan.

I wish to say, I do not know what General Eisenhower, General Marshall, General MacArthur would think about a policy that says, in a time of war, Congress is going to decide how long people are deployed. I do not think it is good policy for a lot of reasons. I would express my objection to the amendment. I know it is well intentioned.

I say this: The military understands it. The military is determined to reduce deployment times in Iraq. Secretary Gates has made that clear. But had he not been able to extend for 3 months those soldiers he extended, it would have required as much as five new brigades to be sent over there. Some of them would not have had their full time at home that he wanted them to have at home. He thought it was better to do it that way than the other way. I believe, under the circumstances, that was a correct decision. People could debate that, but I think he made the right decision there. So it is better to do it that way. To pass a law, sitting here in air-conditioned offices, that is going to direct how the military deploys its troops in times of war is something I think we should not do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I also thank the members of the Armed Services Committee, the Senators from Michigan and Arizona, for all the work they have done on this Defense authorization bill.

I hope the Members of the Senate would have an honest discussion and debate and vote on these amendments and to uphold the 60-vote threshold on something that is as important as this Defense authorization bill, the many amendments that are going to come before us today, I think, takes away from the process, quite honestly.

As far as the air-conditioning goes in this body, I have advocated since I got here, if we shut the air-conditioning down, we would probably be a little more concise and gotten to the point a long time ago.

I rise today in support of an amendment offered by my friend, Senator WEBB. As many colleagues here in this body know, Senator WEBB is a highly decorated marine and Vietnam veteran. I respect his judgment. I trust his counsel enormously on these issues. I am proud to cosponsor his amendment as one part of a strategy to strengthen our military and change course in Iraq.

I also rise today to honor those who have served in Iraq, in honor of those who have been hurt there, and in honor of those 3,600 who never came home. Twenty brave men from my State paid the ultimate sacrifice in Iraq. They are our friends, our neighbors, our brothers, our sisters, our parents, and our children.

The war in Iraq has dominated this country's dialog and conscience for 5 long years. It is now costing us more than \$2.5 billion every week; some say it is \$3 billion. That is over \$100,000 every minute of every hour of every day in Iraq.

Like many of my colleagues in the Senate, one of the most difficult things for me is the struggle in my heart. I balance two seemingly contradictory ideas: I stand here today proud to support our men and women in service, and I also stand here today proud to say that I adamantly oppose this war. I lie awake trying to think of ways to give our troops the resources they need to do their jobs in Iraq but all the while trying to figure out ways to bring them home to their families, friends, and communities.

Let me be clear about this: The men and women fighting this war have my full and unconditional support as a Montanan, as an American, and as a Senator. This country's service men and women have performed their jobs with honor and distinction in the most difficult conditions imaginable. I have supported them since the beginning, and I will continue to support them in the field and, just as importantly, after they come home—something our Nation has fallen behind on doing.

For more than 2 years, I have been asking the President of this great country to develop a plan to get us out of Iraq. I am disappointed to report that I no longer believe President Bush will use any of his remaining 559 days in office to do so. Think of this. We were told in 2003 that we were invading Iraq for the following 3 reasons: to find and destroy weapons of mass destruction, to topple Saddam Hussein's regime, and to give the Iraqi people a chance to establish their own government. While certainly no weapons of mass destruction were found, any infrastructure that may have been in place to create such weapons of mass destruction has been destroyed. Saddam Hussein's government has been dissolved, and an evil dictator has been captured and put to death. The Iraqi people have voted on several occasions on their Government, their Constitution, and their future. I would say our work in Iraq is done. It is time for

American troops to stop refereeing a centuries old civil war and come home after a job well done.

The President has not come up with a plan to bring the troops home. Instead, he jeopardized their funding, their equipment, and their training by vetoing legislation that would have funded those vital needs and begun the process of getting them home. The President uses our fighting men and women as pawns in this political game that is dividing our own people at home. That is totally unacceptable. President Bush's intention is clear—to leave our troops in the middle of this bloody civil war until he leaves office. That is why I am announcing I can no longer give the President the benefit of the doubt that he will end the Iraq war.

I am going to take a moment today to share with my colleagues thoughts on a possible three-point plan I hope will bring the Iraq war closer to an end, make our troops safer around the world, and refocus our efforts on those terrorists who attacked this Nation on September 11.

First, we must support the Webb amendment that protects the mental and physical health of our troops. We all know a neighbor or a friend whose son or daughter has been deployed two, three, or even four times with seemingly no rest at home. That is why I am cosponsoring this amendment with Senator WEBB. It deals with troop readiness. His amendment basically says that if you are going to send a unit into war, make sure they are well trained, well rested, and ready for the fight. It is very simple. It is common sense.

More and longer deployments of units with less time to rest and recuperate between means we are going to see more casualties in Iraq, more cases of post-traumatic stress disorder, and more suicides after they get home. According to the Army's own data, soldiers serving repeated deployments are 50 percent more likely than those with only one tour to suffer from post-traumatic stress disorder. Let's think twice before we let the President send a unit to this war or any other of the world's hot spots without the proper training and time between deployments. The strength and long-term health of our Armed Forces is at stake. This war has taken its toll on our readiness. If we don't start now to rebuild and fortify our troops, we will not be able to effectively go after the bad guys who continue to threaten our national security. We need to pass this Webb amendment, period. It is the right thing to do for our troops.

Second, we must redouble our efforts in Afghanistan. Afghanistan threatens to slide back from the progress that was made there immediately following the attacks of September 11. But the war in Afghanistan is rapidly and dangerously becoming a forgotten war, and our lack of effort there helps to explain the rise of al-Qaida in a nuclear and highly volatile Pakistan.

The link between the 9/11 attacks and the current war in Iraq does not exist, period. It never has. Reports confirm that our invasion of Iraq has created more terrorists than it has eliminated. Yet the terrorist who plotted the most deadly attack on U.S. soil, Osama bin Laden, remains at large and ignored by this administration.

The recent news out of England and Scotland is a grim reminder that the threat of world terrorism is still very real. While we pour our resources into policing violence in Iraq, extremists are busy plotting ways to target us and our allies. It is that kind of terrorism, that kind of extremism we need to set our sights on. We need to do it with the full might and vigilance of our military and other security forces, and we must do it while working to regain the trust of so many allies who have become wary of us under the President's leadership. Unlike Iraq, we must not ask the U.S. military to shoulder this entire burden in Afghanistan by themselves. The United States can and should be leaders in the war against terrorism, but we cannot go it alone. We have an obligation to our troops and our families to regain the diplomatic footing we have lost and involve our allies in this effort. We have lost the focus on the war on terrorism and we must regain it.

Finally, I am proud to announce my support for the amendment authored by Senator BYRD deauthorizing the 2002 use-of-force resolution. The resolution Congress passed in 2002 is tragically outdated. The mission in Iraq is not the mission Congress authorized 5 years ago. The President needs to ask Congress and the American people for approval to prosecute what seems to be a very different mission in Iraq.

Proposed legislation to deauthorize the 2002 resolution would make a few things crystal clear. Our current mission in Iraq is over on October 11, 2007. Let me repeat that. The war in Iraq is over on October 11 of this year. After that, the President would have to make a new case for a new mission, one that more accurately reflects what the U.S. troops are now doing in Iraq. If he cannot make that case to Congress and the American people, then our troops need to come home.

Now, we understand al-Qaida is going to try to exploit the situation in Iraq for their own purposes, and there are measures we can take to deal with that. We must not let Iraqi al-Qaida units get a foothold in the country, especially in the western part of Iraq. So I would support a no-fly zone in Iraq, which would ensure that the United States and our allies can keep reconnaissance eyes on efforts to restart terrorist training camps there. To fight the growing number of terrorist camps, we will need warships in the area and aircraft that can reach those al-Qaida targets. We must not hesitate to strike against al-Qaida. The safety of this country and the world depends on that.

We need to continue to improve our ability to gather intelligence on the

ground in Iraq, but we do not need and I will not support U.S. troops policing a civil war between the Sunnis and the Shiite militias. I will not support our military personnel guarding bridges and disarming roadside bombs. It is in our national interest to fight al-Qaida but not this civil war.

The mission in Iraq has changed, and the American people realize it. It is time the President did as well. In February of this year, I said the President must tell the American people what success means and how it should be quantified. If success means free elections in Iraq, then we should have been gone 2 years ago. If success means toppling Saddam Hussein, then we should have been gone 3 years ago. If it means something else, then the President must identify a clear and achievable outcome. At this point, that has not happened, and enough is enough.

For 2 years, as a Montana State Senator, a candidate for the U.S. Senate, a Senator-elect, and a U.S. Senator, I have given the Commander in Chief the benefit of the doubt that he would tell Congress and the American people how to define success in Iraq and how he meant to achieve it. He has not done so. The President refuses to support our troops by keeping them in the middle of a civil war with no end in sight. They fight every day in a war with no plan and no definition of success, and, most importantly, they are dying every day in a war the American people do not want to be fighting. We and our troops deserve better. They deserve the truth.

Since the President refuses to support the troops by developing a plan to bring them home, then we must and we should and we will. But above all, we must stand by our soldiers, sailors, marines, and airmen. We support them wholeheartedly while they fight and support them for what they will endure after they get home from Iraq. It is on behalf of those troops and those who fought before them that I am cosponsoring the Webb amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I appreciate the chance to talk about the amendment before us and some of the other amendments. These amendments generally are intended to change our military policies, our presence in Iraq, and essentially to begin, one way or the other, a politically staged withdrawal from Iraq. We are talking about how we are concerned about and support the troops. Do you know what I hear from the troops? I have been there, I have talked to them, and I have heard from them at home. The one thing they say is: We are over here risking our lives. We are fighting a mission which we believe is succeeding. We are making progress. The last thing we want is Congress to declare a military end or take over the management of the war from our commanders. Time after time, they have told me: We have

made too many contributions and sacrifices to walk away now and see all we have done go for naught. I will talk about going for naught later on. But the point is that, yes, America has made contributions, large-dollar sums of contributions. But families who have lost loved ones, who have had them maimed, and their comrades-in-arms know the sacrifices these men and women have made. The one thing they implore us to do is not to see these sacrifices be made in vain.

Well, we have seen a lot of negative stories. The media has more than adequately covered those. So people are concerned about what is going on in Iraq. We ought to be concerned. But we are not hearing the stories about what is positive, about the successes of this new strategy, the Petraeus strategy.

I was in Ramadi and Al Anbar 2 months ago and traveling elsewhere, and I found some amazing things. The new counterinsurgency strategy, with the cooperation of the Sunni sheiks who are now working with our military, has really essentially driven al-Qaida out of Ramadi, and they are driving them out of the Al Anbar Province. Make no mistake, when we heard "civil war, civil war," the people over there—the marines, the soldiers—know they are fighting for and looking for al-Qaida. Al-Qaida is the driving force that is keeping it stirred up, and they are on the mission to search and destroy al-Qaida. Al-Qaida is there big time.

But we have been hearing lots of arguments now in favor of—and they are heartfelt arguments and people believe them—it is time for retreat; it is time to cut back; it is time to withdraw. The cost of lives and treasure is too high. The war has not been properly managed. The war cannot be won.

Over the last several weeks on break, when I was traveling, I had the opportunity to read "Team of Rivals" about Abraham Lincoln and the conduct of the Civil War. Over a century and a half ago, many of these same arguments were offered abundantly as reasons for President Lincoln to accept defeat of the Civil War, and they are now being made for President Bush to accept defeat in Iraq. As noted in historian Shelby Foote's "The Civil War: A Narrative," Members of Congress playing general urged the troops to abandon the cause. That great Ohio Representative Clement Vallandigham, leader of the Copperhead Democrats, campaigned for office by calling upon soldiers to desert. He declared the South was invincible.

As noted in passages in "The Civil War," in late 1862, "Senate Republicans caucused and, with only a single dissenting vote, demanded that Lincoln dismiss Secretary of State Seward" because they thought he was responsible for the conduct of the war.

Republican Leader Thurlow Weed observed that "the people are wild for peace. . . . Lincoln's election is an impossibility." They were after him in

full force. I don't need to elaborate on the enormity of the Civil War, and I don't need to explain what would have happened had Lincoln relented to those politically popular sentiments at the time.

Lincoln chose to fight a bloody and unpopular war because he believed the enemy had to be defeated. Despite being reviled for staying the course, President Lincoln did stay the course. Unfortunately, too many of my colleagues today don't seem to be willing to see this one through. Here we are again, barely weeks into the full implementation of General Petraeus's surge, and the naysayers continue to argue for defeat. It was only a few months ago this body had been calling for and looking for a new strategy, which I believed we must have, which changed the unsuccessful strategy we had, which argued for the Baker-Hamilton report, which said in essence you have to have a new strategy, you cannot precipitously withdraw. We came forward and General Petraeus drafted a counterinsurgency strategy. That is what he told us he was going to do, supported by the surge. Now people want to pull the rug out from under him. He said at least give him until September to see if this new counterinsurgency strategy works.

They are bringing in American soldiers and marines to go in with Iraqi security forces, Iraqi Army, Iraqi police, embedded with them in command centers, barracks; they stay there, live among the people they are protecting, and they have cleaned out the areas. They have cleaned out Ramadi. Two months ago, four Members of Congress walked through downtown Ramadi, which had been an al-Qaida command center. Al-Qaida has been driven out, but naysayers continue to argue for defeat.

Now, there may be some short-term political benefits for those calling for withdrawal. There is popular sentiment for it. Some people honestly believe that. But let me quote 1LT Pete Hegseth, an Iraq war veteran and director of Vets for Freedom:

Iraq today is the front line of global jihad being waged against America and its allies. Both Osama bin Laden and Ayman al-Zawahiri have said so.

He is correct. Our intelligence services said so. They warned us in January in an open intelligence hearing that if we withdrew on a political timetable and took our troops out without making sure that the Iraqi security forces were adequate, there would be chaos. There would be chaos and greatly increased killings among Sunni and Shia. Al-Qaida would be able to establish a safe haven in which to launch recruitment, training, command and control, and weapons of mass destruction development. The violence and chaos in Iraq would likely bring in coreligionists from other countries of the region as they went in to protect their fellow religionists. We could have a regionwide civil war, Shia versus Sunni.

That is what will happen if we withdraw. Most of us concede there was poor management and costly mistakes were made in the post-invasion phase in Iraq. But they are not compelling reasons for why we should retreat and, like all mistakes, we should learn from them and not go back and commit them again by drawing down forces to the point where we don't have adequate troops to work with the Iraqi security forces.

Washington Post columnist Michael Gerson recently pointed out that those who are calling for retreat are not learning from previous mistakes but repeating them. Gerson writes:

History seems to be settling on some criticisms of the early conduct of the Iraq war. On the theory that America could liberate and leave . . . force levels were reduced too early . . . security responsibilities were transferred to Iraqis before they were ready, and planning for future challenges was unrealistic.

And now Democrats running for President have thought deeply and produced their own Iraq policy: They want to cut force levels too early and transfer responsibility to Iraqis before they are ready, and they offer no plan to deal with the chaos that would result six months down the road. In essential outline, they have chosen to duplicate the early mistakes of an administration they hold in contempt.

I agree with Gerson, we should not make those mistakes. We must fulfill the mission that over 3,600 brave men and women have made the ultimate sacrifice for.

To quote a Missouri guardsman, COL Bob Leeker, who just returned from commanding the 507th Air Expeditionary Group in Iraq:

I only hope that the American people will give us the time. The American people must understand that this is not only about Iraq, it is a fight against Muslim fanaticism, Muslim extremists. If we pull out in the near term, or at the wrong time, there will be an incredible amount of blood running throughout Iraq, and the blood and sweat that I and my brethren in arms have already given will be for naught.

These are compelling words. They ought not to be taken lightly. Not only is the security and safety of our Nation and allies at stake, but so too is our credibility.

Critics frequently claim the war has damaged the United States image and credibility throughout the world. Yet these same critics ignore what irreparable harm would be done were we to leave this mission unfilled. If you think our mission has made our image and reputation plummet, wait and watch it nosedive after we leave Iraq before finishing the job. Think about the millions of Iraqi citizens and leaders who have taken a stand against terrorism, who have committed to work with us, to rebuild their country, to fight against the forces of radical Islamists and terrorists. What are we to say to the millions of Iraqis who trusted Americans and believed we would stay until the mission was completed? We would, regrettably, see them slaughtered by terrorists as a re-

sult of our abandoning them before they were able to stand on their own.

What did we say to the hundreds of thousands of South Vietnamese or millions of Cambodians who trusted America and were slaughtered after Congress dictated that we abandon them?

History has taught us when American abandons its commitment to spreading liberty and freedom, we are not the only ones who suffer. Rest assured, it will come back to harm us in our own homeland.

Just as our intelligence community has warned and terrorist leaders have stated, Iraq will become a base and safe haven from which to plan and launch future attacks.

Let me be clear, the enemy in Iraq consists of murderous, barbaric terrorists. They are not "insurgents" or "jihadists." Let's get terms straight because we fall into the trap of taking their terms. Jihad in the Muslim religion is the individual journey to moral improvement. It has been misrepresented to be a philosophy that permits encouraging the killing of innocents, the slaughter of fellow Muslims, the slaughter of women and children. The real Arabic term for that is hirabah. The people who commit it are not insurgents or jihadists, but mufsidoon. These people are condemned to live with Satan because they have committed blasphemy. These are the people we are fighting. It is not a civil war. They are the people who violate the tenets of Islam. They try to hijack it, try to claim the Islamic banner; but they are not practicing the religion of the Prophet Mohammed.

Well, there is another reason these people want to sanitize the description we use of them. Calling them insurgents implies they have the support of the local population. But the local population is being victimized, killed, evicted from their homes, or beheaded by the so-called insurgents. That is why the Sunni sheikhs in al-Anbar are working with us. They have lived under al-Qaida. They want an end to the terror. That is why they are helping us to identify who they are, where the weapons caches are, and where the IEDs are hidden. They are sending in young Sunnis to sign up. They want to be free of the terrorists.

Precipitous withdrawal would be a rallying cry for terrorists and al-Qaida around the world. It would invite further aggression and attacks from the barbarians. It would be a total loss of freedom, liberty, and peace, and would be a victory for totalitarianism, terrorism, and treachery.

In a recent book by J. Michael Waller, a scholar at the Institute of World Politics, he defined terrorism as:

A form of political and psychological warfare; it is protracted, high intensity propaganda aimed more at the hearts of the public and the minds of decisionmakers and not at the physical victims.

By Waller's definition and what I have heard from some people in this body and the media, the terrorists are

certainly hitting their targets. Our words should inspire our troops and the millions of Iraqi citizens who actually trust that Americans will not embrace defeat and leave them. Instead, the words of the retreat-and-defeat crowd inspire al-Qaida and the murderous terrorists attempting to ignite sectarian strife.

Now is not the time to pull out when we are seeing encouraging signs in places where the surge has been implemented. Al-Anbar Province shows tremendous signs of progress. Even the New York Times' Michael Gordon reported last Friday how young American soldiers are executing General Petraeus's new strategy on the ground, and how they are fighting and defeating al-Qaida.

Here is a quote from Frederick Kagan, a resident scholar at AEI:

Al-Qaida's operations in Baghdad—its bombings, kidnappings, resupply activities, movement of foreign fighters, and financing—depend on its ability to move people and goods around the rural outskirts of the capital as well as in the city. Petraeus and Odierno, therefore, are conducting simultaneous operations in many places in the Baghdad belt: Fallujah and Baquba, Mahmudiya, Arab Jabour, Salman Pak, the southern shores of Lake Tharthar, Karma, Tarmiya, and so on. By attacking all of these bases at once, coalition forces will gravely complicate the enemy's movement from place to place, as well as his ability to establish new bases and safe havens. At the same time, U.S. and Iraqi forces have already disrupted al-Qaida's major bases and are working to prevent the enemy from taking refuge in the city. U.S. forces are also aggressively targeting Shia death squad leaders and helping Iraqi forces operating against the Shia militias.

Why has this Senate chosen to debate timelines, restrictions, and retreat despite encouraging signs that the surge is working, despite the fact that this new strategy has only been in place fully for barely a month, and despite the fact that those who want to withdraw and retreat have failed to offer any constructive alternatives on how they would deal with a chaos that would ensue from their retreat? It is a huge disappointment that this debate is not about how we can achieve victory, but how quickly can we cede defeat.

This has become a political debate and the focus of our national security has been sidetracked. We should not pass legislation that provides our enemy a clear path to victory—a victory which, sadly, many in this body are ready to award al-Qaida, without ever having given the surge a fighting chance. The surge is indeed the best hope we have for establishing safety and stability in the area, which will allow the Iraqi security forces to take over and give the Iraqi Government the space to develop a workable government that can rule their country.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

I ask unanimous consent that after completion of the remarks of the Senator from Arizona, that Senator REED of Rhode Island be recognized.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. KYL. Madam President, I thank the chairman of the committee, the Senator from Michigan, for his courtesy. I rise today to discuss the pending business, the National Defense Authorization Act for 2008. There was a lot of work done on this important legislation. I wish to discuss five key areas of the bill—Iraq, our nuclear deterrent, missile defense, space threats, and our approach to the war against terrorists.

This bill has fundamental flaws and must be improved, not only so it can pass this body, but so it can be signed by the President and not be vetoed. Remember, this bill does not need to become law, and failure to improve some critical areas of the bill will ensure that it doesn't. To that end, it is important that the Senate have sufficient time to debate the bill. We have already seen a record number of cloture motions filed this year, by my count over 40. And, as I understand it, another has recently been filed dealing with the so-called Webb amendment. This is probably not a good way to consider a bill as significant as the Defense authorization bill.

Let me, first of all, address the subject of Iraq, the central front in the global war against terrorists. Many Senators will spend a significant amount of time focusing on Iraq policy, and I welcome the opportunity to do that. Iraq, after all, is the central front in the global war against the terrorists. This is what Osama bin Laden says. This is not my own definition. Our success there is not only important to the people of Iraq, but it is critical to the national security of the United States.

I mentioned Osama bin Laden. He once referred to Iraq as the capital of the caliphate. That is the area he would like to establish over which he would rule, and Baghdad would actually be the center part of that new area. He has argued that "the most serious issue today for the whole world is this third world war that is raging in Iraq."

Let there be no doubt that al-Qaida and Osama bin Laden are very much present in Iraq and very intent on defeating the United States there. The junior Senator from Virginia has offered an amendment that will codify what the Pentagon, according to the service chiefs and Secretary of Defense, is already attempting to do with so-called dwell time. That policy is for the Commander in Chief to determine, not the Congress.

Other Senators will offer other amendments relating to Iraq. Among them are amendments to withdraw our troops or make it harder for the administration to prosecute the war. I look

forward to a debate on all of these amendments, but I make two points to my colleagues who might use this bill to attempt to prematurely leave Iraq or undercut our current strategy there.

One, we need to give the plan that is being executed by General Petraeus time to succeed. We are already seeing signs of progress in the early stages of the surge, and we need to await his report in September before making judgments about what to do next.

Second, advocates of withdrawal need to confront the likely consequences of their proposed policies, none of which, in my opinion, are good.

To the first point, the last of the five combat brigades of the surge just became operational a couple weeks ago, June 15. According to the U.S. military spokesman, LTC Chris Garver,

This is the first time we'll be able to do the entire strategy as it was designed.

So it would be premature, to say the least, to judge the effect of the surge at this point and make important strategic decisions based on that judgment. We are already beginning to see Iraqi forces assuming more responsibility over their security, coalition forces receiving more cooperation from Iraqi civilians, and humanitarian and economic conditions improving.

The second point. Advocates of withdrawal have the duty to tell the American people how they propose to grapple with the consequences of their withdrawal. What will you do about the likely ethnic cleansing and genocide against Iraqi citizens who supported coalition forces? GEN Anthony Zinni said:

This is no Vietnam or Somalia or those places where you can walk away. If we just pull out, we'll find ourselves back in short order.

What would the proponents of these amendments do when Iraq and al-Qaida are emboldened by our retreat, and terrorists enjoy a new safe haven from which to plot attacks against the United States and our allies?

Terrorism expert Peter Bergen said this:

[A U.S. withdrawal] . . . would fit all too neatly into Osama bin Laden's master narrative about American foreign policy. His theme is that America is a paper tiger that cannot tolerate body bags coming home; to back it up, he cites President Ronald Reagan's 1984 withdrawal of United States troops from Lebanon and President Bill Clinton's decision nearly a decade later to pull troops from Somalia. A unilateral pullout from Iraq would only confirm this analysis of American weakness among his jihadist allies.

What would proponents of amendments do if violence in Iraq escalates and draws in neighboring countries? Here is what a recent Brookings Institution study said about that point:

Iraq appears to have many of the conditions most conducive to spillover because there is a high degree of foreign "interest" in Iraq. Ethnic, tribal, and religious groups within Iraq are equally prevalent in neighboring countries and they share many of the same grievances. Iraq has a history of violence with its neighbors, which has fostered

desires for vengeance and fomented constant clashes. Iraq also possesses resources that its neighbors covet—oil being the most obvious, but important religious shrines also figure in the mix. There is a high degree of commerce and communication between Iraq and its neighbors, and its borders are porous. All of this suggests that spillover from an Iraqi civil war would tend toward the most dangerous end of the spillover spectrum.

What would the proponents of these amendments say to America's moderate allies in the Muslim world, including Egypt, Saudi Arabia, and Pakistan, who would justifiably question our commitment to them and to the long war in which we find ourselves?

And how would the proponents convince them not to begin hedging their bets and cooperate less with the United States, thus further enabling and emboldening the terrorists?

Do the proponents of these amendments believe withdrawing our forces will end our war against the terrorists? Do they believe they would not simply follow us home and attack us on our own soil?

The Petraeus plan may not offer an easy way forward, but it is the only plan I have heard that does not promise defeat. But as I said, we will have our debates on Iraq policy, as we should. There are other debates about this bill that we should also have.

I respect the work that many have done on the bill, but an outside observer, I suggest, might wonder exactly how this bill is going to make us safer. It is supposed to set the national defense policies for the United States, but it is not enough to simply provide funding authorizations. Leaving threats undefended against will not be excused simply because we have spent more money than last year. In fact, some of the biggest flaws in the bill are policy changes, not just funding changes.

Let me discuss what some of these flaws are. Our nuclear deterrent, the reliable replacement warhead, our nuclear weapons complex, the language regarding stockpile stewardship and nuclear weapons complex, and, finally, a recommendation regarding the Comprehensive Test-Ban Treaty. First, to the reliable replacement warhead.

I am deeply troubled by what appears to be a strategy of slow, inconspicuous disarmament of our strategic deterrent in this bill and the other authorization and spending bills of the new majority in the Senate.

The administration's request for development of the first reliable replacement warhead programs was completely eliminated by the House in its appropriations bill, a fate that thankfully was avoided in the Senate subcommittee markup. Yet there is a clear signal sent by this bill which cut the administration's request by \$43 million out of a total of \$195 million, and which handcuffs the administration from moving beyond all but the earliest phases of development of the warhead. This leaves the U.S. nuclear deterrent absolutely reliant on weapons designed and built in the 1980s.

The stockpile stewardship and nuclear weapons complex: Actions taken by the new majority in the House cut approximately \$500 million from the upgrade and modernization of facilities in the nuclear weapons complex. These are responsible for refurbishing deployed bombs and warheads, storing older ones, and dismantling those no longer needed. This, obviously, further erodes the reliability of our current stockpile.

What signal does this send not only to our enemies but to our allies, allies who for over 60 years have relied on the umbrella of protection of our nuclear deterrent?

I mentioned the Comprehensive Test-Ban Treaty. Perhaps the most—it is hard to find the right word—shall I say irregular part of the bill is the language that would attempt to short-circuit what is this body's most serious responsibility: the role of the Senate in treaty ratification.

Tucked away near the end of this bill, very much in the fine print, is an unprecedented attempt to preordain the ratification of a treaty—a treaty already overwhelmingly rejected by this body—the CTBT. Unlike the very reasoned rejection of the CTBT 8 years ago following extensive debate after committee hearings, consideration of intelligence, and the like, this language in the bill presumes to state that the will of the Congress, without the benefit of a single hearing or single committee action of this body, let alone reference to intelligence and debate in the full Senate, is to ratify the treaty.

The solemn responsibility of this body to consider treaties cannot be so cavalierly disregarded. How can Senators who were not even in the Senate in 1999 be expected to evaluate the CTBT without the kind of serious consideration that occurred in 1999? This sense of the Senate should be called just what it is—a sham. The whole section of the bill reads as a throwback to the days of the nuclear freeze.

Apart from the hortatory verbiage in section 3122, it is clear the bill leaves us without the resources needed to develop a smaller and safer next generation nuclear stockpile and without resources needed to maintain our current stockpile.

In a fundamental contradiction, the cuts in the nuclear programs will actually increase the likelihood of needing to return to testing, the very option that would be permanently denied through the ratification of the CTBT.

Next, let me turn to missile defense. I am very troubled by what this bill does to undermine the substantial progress made in protecting this country from ballistic missile threats.

During the North Korean July 4 demonstration a year ago, which included firing the Taepodong 2 missile with the capability to reach as far as Alaska, the President of the United States had an operational defense missile system on alert for the first time in history.

But this bill moves to deny that flexible authority that we have used to simultaneously research, test, and deploy an operational missile defense system in record time.

What is more, the bill significantly cuts funding for the construction of a European missile defense site, which will allow better defense against the Iranian threat, improved coverage of the United States, and extension of our missile defense system to provide coverage for Europe. This while we are in the middle of negotiations with Poland and the Czech Republic, while the Russians threaten a new arms race, and while Iran tests the West's resolve.

The subject of space threats. One of the most significant failures of this bill is it does nothing to defend the eyes and ears of this country's political, cultural, diplomatic, economic, and military might. Since the Chinese antisatellite, or ASAT, test earlier this year, very little has been done to defend our global constellations.

Modest requests from the administration to provide defensive capabilities, such as the space test bed, for which only \$10 million was requested, have been zeroed out by both the House and Senate Armed Services Committee.

What is more, the bill inflicts significant cuts, some \$55 million, to the space tracking and surveillance system, the next generation constellation of satellites that will allow improved tracking and targeting of ASAT weapons and midcourse ballistic missile.

Other space programs, for example, space situational awareness, received increases above the administration's request. And I applaud the committee for this, but I remind the Senate that this program only allows us to see a threat approaching our satellite constellation. It does nothing to enable us to defend against the threat. Have we learned nothing from recent experience?

Our enemies have proven they know better than to engage our armies and navies directly. They have observed our weaknesses and seek to exploit them through asymmetrical attacks. Blind us, and the best navy in the world can't repel an attack.

Who can dispute the fact that the \$504 billion that we authorize for the Department of Defense in this bill would be virtually meaningless if we can't defend our satellite systems from attack? Our satellite system is the backbone of our entire national defense.

Finally, let me conclude by talking about what this bill does with respect to the terrorists with whom we are engaged in a life-and-death struggle.

The bill basically would return us to pre-9/11 days, to the law enforcement approach to terrorists.

We should think very carefully about the damage that would be wrought in a global war against these terrorists if we have to fight it by using the ill-conceived proposals in this bill. One would require us to give trials to every detainee we are holding in combat in

places such as Iraq and Afghanistan. Another would give them access to classified information; allow them to compel testimony of witnesses, including our own soldiers on the battlefield.

Have the authors of these provisions thought about where we will get the military lawyers needed to implement their criminal law ACLU approach to warfare? There are barely enough of them to provide legal services to our own troops. Have they thought about what our intelligence community will say to the foreign allied intelligence agencies, many of which are already concerned about sharing their sources and methods of intelligence with us; and who may very well completely cease sharing important intelligence information, knowing it will be shared with captured terrorist combatants? We know that more than 30 detainees have been released from our custody and have returned to waging war against the United States and its allies. What will the release of potentially thousands of detainees do to our national security?

The Senate must give very careful consideration to this dangerous return to the pre-9/11 notion of terrorism as a law enforcement problem. Terrorists have made no secret they are at war against our civilization. We ignore their warnings at our peril, and we will not prevail if we must deal with them as criminal defendants in American courts.

Madam President, I conclude by asking my colleagues to carefully consider the impact these several policies I have highlighted will have on our national security. Our first obligation is to provide for the common defense. Unfortunately, as it is presently written, this bill falls well short of that solemn duty, and it could get worse if some of the amendments proposed are adopted. I urge my colleagues to take very seriously our obligation to provide for the common defense. It begins by confining the policies in this bill to the traditional areas of defense preparedness. I hope we will be disciplined enough to do so.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I will suggest the absence of a quorum for a brief minute. Senator JACK REED is scheduled to be next, and he is within, I think, 30 seconds of getting here. He delayed, as a courtesy to Senator KYL, and so I will put in that quorum call for a minute so he can get here.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REED. Madam President, today I wish to speak on the Senate Armed Services Committee bill being considered by the Senate, S. 1547, the Na-

tional Defense Authorization Act for fiscal year 2008. It is, I believe, a very good bill.

I wish to commend the chairman, Senator LEVIN, and his ranking member, Senator WARNER, for their efforts and particularly the staff and all the work they have done which has contributed to this product today. It was reported favorably to the floor of the Senate by a unanimous vote of the committee, which shows its bipartisan support.

As a member of the Armed Services Committee, I have had the privilege of serving as the chairman of the Emerging Threats and Capabilities Subcommittee, and I would like to share with my colleagues the highlights of our bill that originated in the Emerging Threats and Capabilities Subcommittee.

Before I describe those highlights, I also wish to commend and thank Senator DOLE, the ranking member of my committee. It was a partnership and a pleasure to work together with her. She certainly gave valuable service, along with her staff, and I appreciate very much her personal contribution and her leadership on this issue.

I would also like to thank staff for their great contribution and their great effort.

By way of background, the Emerging Threats and Capabilities Subcommittee, also known as the ETC subcommittee, is responsible for looking at new and emerging threats and considering appropriate steps we should take to improve our capabilities to enhance our security in the light of these new emerging threats. Two of our committee markup objectives, in preparing the bill, were to improve the ability of the Armed Forces to meet nontraditional threats, including terrorism and weapons of mass destruction; second, to promote the transformation of the Armed Forces to meet the threats of the 21st century.

In a nutshell, that is what the ETC subcommittee should be all about, and I hope this legislation represents the sum of all our efforts in that regard.

This year, there are a number of issues, or themes, that the ETC subcommittee's portion of the bill addresses based on the emerging threats or challenges facing the United States and on capabilities we need to address these challenges. The first thing is the Defense Department's need for improved and alternate sources of energy. The Department is a massive consumer of energy, including for its military vehicles and platforms, and advanced technology may offer improved effectiveness at a reduced cost for our military in the area of energy conservation and energy demands.

The second area relates to the language of cultural challenges facing our military forces operating overseas. We held a very fine hearing on this subject, and there is clearly a need to improve the language and cultural awareness capabilities of the military and to

make use of improved technology in this area. This would improve our military effectiveness and our mission success.

The third issue, or theme, is the threat from the proliferation of weapons of mass destruction and the need to improve U.S. efforts to reduce this proliferation risk. We held an excellent hearing with the former Senator Sam Nunn and Senator RICHARD LUGAR, as well as witnesses from the Department of Defense and the Department of Energy, on these nonproliferation programs, and I think we all must recognize the debt we collectively owe, not only ourselves but the Nation, to both Senators Nunn and Senator LUGAR for their path-breaking work on limiting nuclear proliferation and we commend and thank them for that. Given the potentially catastrophic damage that could result from such proliferation, we must always look for ways to strengthen and improve our nonproliferation programs.

The final and related theme and issue that we discussed is the threat of a terrorist incident within the United States involving a chemical, biological, radiological, nuclear or high-yield explosive device, which is known by the acronym CBRNE, a CBRNE device. The challenge is to be prepared to manage the consequences of such a domestic CBRNE incident and for the Defense Department to have the right capabilities, plans, and equipment to provide support to the civil authorities, if requested.

I will address the committee's action on these issues as I describe the highlights of the Emerging Threats and Capabilities Subcommittee's portion of the bill being considered by the Senate today. Let me start with the area of science and technology.

The bill authorizes increased investment in science and technology programs by over \$450 million. These programs perform cutting-edge research that is developing the capabilities that will ensure the effectiveness of our Armed Forces in the future, while strengthening the Nation's high-technology innovation sector.

These additional S&T investments, which reflect military value and technical merit, are intended to enhance Defense Department activities in a number of areas—advanced and alternate energy technologies; new manufacturing capabilities; advanced medical technologies aimed at improving the care of combat casualties; and increased funding for defense-related university research that will provide the foundation for future military capability and, in fact, will probably contribute to our overall economy.

The Armed Services Committee bill authorizes investments of nearly \$75 million for advanced energy technologies, including programs to develop fuel cells, hybrid engines, build hydrogen infrastructure such as fueling stations at military bases, and explore the use of biofuels for military systems.

These kind of technologies will save money and improve war-fighting capabilities, reduce America's dependency on foreign oil, and help DOD lead the way in the widespread droppings of alternative energy technologies.

The bill includes a provision sponsored by Senator PRYOR that would enhance the Department's nanotechnology research program to reflect the maturation of nanotechnology in industry and in universities. It would push the Department to have a greater emphasis on issues such as nanomanufacturing, moving nanotechnology into major defense systems, and monitoring international capabilities in nanotechnology.

Following a recommendation of the Defense Science Board, the bill would require the Defense Department to produce a strategic plan for the development of manufacturing technologies. Advanced manufacturing processes are the key to ensuring that our defense industrial base can respond to the surge of production needs of our deployed forces for items such as body armor, vehicle armor, and jamming devices that are being used to defeat Improved Explosive Devices. Manufacturing is also one of the keys to our overall global competitiveness.

I am pleased to note the committee bill authorizes nearly \$85 million in additional funds for the development of advanced manufacturing technologies to support critical defense production capabilities.

In relation to the threat from proliferation of weapons of mass destruction, the bill authorizes additional funding for important nonproliferation programs at the Department of Defense and the Department of Energy. This additional funding includes \$100 million for the Cooperative Threat Reduction—CTR—Program and \$87 million for nonproliferation programs of the National Nuclear Security Administration.

The bill also authorizes \$50 million to support the International Atomic Energy Agency proposal for an international nuclear fuel bank. This promising idea, if successfully implemented, could remove the incentive for countries, such as Iran, to develop indigenous uranium enrichment programs for nuclear power reactor fuel. This would address the loophole in the Nuclear Nonproliferation Treaty that allows uranium enrichment for civilian power purposes to serve as a cover for uranium enrichment for weapons purposes.

In addition, S. 1547 includes a provision that would finally repeal all the precertifications for the CTR Program. These conditions delay the program annually, waste program funds, and have long outlived any usefulness. Senator LUGAR has worked for several years now to remove these restrictions, and I am pleased we have been able to include this provision in the bill.

The additional funding for CTR would allow the program to accelerate and expand work into some biological

materials and weapons areas that have become an increasing concern, and allow for the first time the CTR Program to address issues outside the former Soviet Union in a planned, non-emergency fashion. The National Nuclear Security Agency Program has a number of challenges with respect to the proliferation of nuclear weapons, materials, and technology, and much more needs to be done. The North Korea nuclear tests last October highlighted an area where we need a lot of additional work. That is the area of nuclear forensics and attribution. The bill authorizes additional funding to develop new technology to detect and identify the sources of nuclear material and to support the Department of Energy's Office of Intelligence efforts to develop a nuclear material forensic library.

The real challenge we have that faces us, an existential challenge, is the threat that someday a terrorist—not a nation state but a terrorist—might detonate a nuclear device in the United States or in an allied country. They would get that material from some national source. If we can effectively trace materials, and we know and we can identify where such materials come from, that goes a long way in helping remove the incentives for any nation state to provide these types of materials to terrorists. I think this is important research, and I am particularly pleased that we have incorporated this language in the legislation.

In the area of homeland defense there is a concern about the enormous challenge of dealing with the chemical, biological, radiological, nuclear, or high-yield explosives, the CBRNE incident in the United States. Such an incident could quickly overwhelm local and State emergency response capabilities. The bill contains a provision requiring an advisory panel to address the capabilities of the Department of Defense to provide support for civil authorities for consequence management of a domestic CBRNE incident. The panel would report to Congress with any findings and any particular recommendations.

I thank particularly Senator DOLE and her staff for leading the way on this issue.

In the area of chemical and biological matters, the bill adds nearly \$70 million for the Defense Department's chemical and biological defense program, including procurement of chemical agent detectives and monitors for the Army National Guard. These systems can be used for overseas deployments or for domestic consequence management initiatives.

The bill also authorizes the restoration of \$36 million for the chemical demilitarization program and includes a sense-of-Congress resolution that the United States should do everything practicable to meet our chemical weapons destruction obligations under the Chemical Weapons Convention deadline of April 2012, or as soon as possible

thereafter. This sense-of-Congress provision includes a number of recommendations made by the Republican leader, Senator MITCH MCCONNELL. I thank him for his contribution.

The sooner we destroy the stockpile, the sooner we will remove the risks to the communities around the stockpile sites throughout the United States.

Let me turn also to the area of special operations forces, and in particular language issues. The bill contains additional funding for the Special Operations Command, SOCOM, to meet critical language and cultural awareness training requirements, and for various SOCOM technology and training programs. All told, the bill authorizes more than \$20 million additional funding to improve the foreign language and cultural awareness capabilities of our military forces.

The bill also contains a provision creating a National Foreign Language Coordination Council, an initiative proposed by Senator AKAKA of Hawaii, and I thank him for this contribution. This council will ensure that the initial steps that the administration has taken will develop into an organized and concerted effort to improve the Nation's foreign language capabilities.

S. 1547 includes, in addition, a provision that would require the Government Accountability Office to review the ongoing reorganization of the Office of the Under Secretary of Defense for Policy. The committee has expressed strong reservations about this reorganization, especially as it pertains to the Office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict. The study would examine some of the specific committee concerns.

The bill also authorizes an additional \$124 million to cover unfunded requirements of the Special Operations Command to procure Mine Resistant Ambush Protected, or MRAP, vehicles. This is part of a committee-wide \$4 billion increase to ensure that U.S. military personnel in Iraq receive the best protection available against improvised explosive devices, the primary cause of injury and death to our personnel.

I might add, I just returned yesterday from Iraq. One of the points that was raised by Major General Mixon, Commander of the 25th Division, was the need for these MRAP vehicles. I communicated that directly to the Secretary of Defense. I must commend Secretary Gates for his aggressive leadership to ensure that these MRAP vehicles are being produced and being sent overseas to our forces, particularly our forces in Iraq. His leadership on this point is very much appreciated.

Finally, in the area of counterterrorism and counterdrug policy, the committee took a number of actions. On counterterrorism, the committee authorized the Department of Defense to provide increased rewards for assistance in counterterrorist operations. This is intended to provide additional

incentives for others to help us find and defeat terrorists. The committee also funded the Department's "train and equip" program to build the capacity of partner nations to conduct counterterrorism operations and to operate with U.S. forces in military or stability operations. The committee has authorized funding for this program, also known as section 1206, at the level authorized last year for fiscal years 2007 and 2008. Congress has given the Defense Department this authority as a pilot program to the end of this fiscal year, at which time Congress can evaluate the program's effectiveness.

On counterdrug policy, the committee authorized the Department to provide counterdrug training and equipping assistance to Mexico and the Dominican Republic. This would expand a list of countries to which we provide such assistance to these neighbors who are facing serious drug challenges. With regard to funding, the committee authorized an additional \$22.5 million to boost drug interdiction efforts, especially in the U.S. Southern Command's area of responsibility.

Madam President, that is a summary of the highlights of the Emerging Threats and Capabilities Subcommittee portion of the Armed Services Committee bill. I urge the Senate to support the entire bill, as the subcommittee does.

Now I would like to turn my attention to the matter pending before the Senate, and that is the amendment proposed by my colleague, Senator WEBB of Virginia.

I rise to commend him. I think this is an important amendment that underscores and highlights the strain that our troops are under, given the operational demands of efforts in both Iraq and Afghanistan and many places in the world. No one in this Senate—and particularly in this caucus, this Democratic caucus—understands on a firsthand basis the strain that soldiers, marines, and airmen and sailors live under constantly more than our colleague from Virginia, Senator WEBB, who is a distinguished and heroic veteran of the conflict in Vietnam and someone to whom we look for his insight and leadership, particularly with respect to the welfare and the safekeeping of our military personnel.

Since 2003, the United States has maintained an average of 138,700 troops in Iraq. Today we know we are at a level approaching 160,000. At the same time, there are approximately 25,500 military personnel in Afghanistan and an additional 175,000 military personnel performing missions in 130 countries around the world. Nearly every non-deployed combat brigade in the Active-Duty Army has reported that they are not ready to complete their assigned war missions.

Let me repeat that. Nearly every nondeployed combat brigade, those not in Iraq and Afghanistan, are reporting they are not ready in terms of personnel or equipment to complete their

assigned war missions. We all know if they are ordered to, they will go into the fight and they will do well. But they are not going in with the same level of personnel, equipment, and in many cases training that we expected of them just a few short years ago. This is as a result, a direct consequence of the strategy being pursued by the President in Afghanistan and Iraq and the size limitations on our military forces.

Such a sustained operational demand has had a significant effect on our ground forces' ability to train, deploy, and conduct their missions effectively. The way we measure our military's ability to perform effectively is called their readiness. Readiness is composed of three elements: personnel, equipment, and training.

First let's look at the personnel issues. Since 2002, 1.4 million military troops have served in Iraq or Afghanistan. The standard ratio the U.S. military likes to use for deployments is 1 to 2—meaning for every year deployed, 2 years back at the home duty station for recuperation, retraining—all those things you need to restore the professional skill and a high degree of spirit and morale necessary for successful military forces.

Since the beginning of the Iraq war, however, Army brigade combat teams have been on a 1-to-1 ratio: 1 year deployed, 1 year back. That puts a huge strain on not only soldiers but the families of those soldiers. This ratio was further strained on April 11, 2007, when the Pentagon announced that all Active-Duty Army units in the Central Command area of responsibility, principally Iraq and Afghanistan, would be extended to 15-month tours. The Marine Corps has also moved to a 1-to-1 ratio: 7 months deployed, 7 months at home station.

There is another aspect to this, and that is known as stop-loss. It has been imposed on 50,000 troops. What this means is that an individual is eligible, having served out their enlisted time, to leave the military forces, but they are involuntarily held behind in order to meet the missions of the Army because of this huge personnel crunch.

That stop-loss is affecting 50,000 individuals who have served honorably and well, who have made plans to return to civilian life. Those plans are on hold now. That is another manifestation of this strain our land forces are under at this moment.

The reality of this operational tempo is that many Active-Duty soldiers and marines are on their third or even fourth tour of duty in Afghanistan or Iraq. Of the Army's Active 44 combat brigades, all but the 1st Brigade of the Second Infantry Division, which is permanently based in South Korea, have served at least one term in Iraq or Afghanistan. Breaking that down further, 12 brigades of Army have had 1 tour, 20 have had to 2 tours, 9 have had 3 tours, and 2 brigades are on their fourth tour. This is an extraordinarily aggressive

operational tempo to subject any force to.

Although the deployment for our special operations forces are classified, it is known that the average weekly deployment for special operations forces was 61 percent higher in 2005 than in 2000. Every aspect of our Active Force and many of our Reserve components are being stressed with extraordinary contributions to the operations today that are worldwide.

This strain extends to our National Guard and Reserve. More than 417,000 National Guard and Reserve, or about 80 percent of the members of the Guard and Reserve, have been deployed to Iraq or Afghanistan with an average of 18 months per mobilization. Of these, more than 84,200, or 20 percent, have been deployed more than once. Presently, the Army National Guard has 34 brigades; 16 are considered an "enhanced brigade," which means they are supposed to be fully manned, equipped, and able to deploy rapidly.

Since 2001, every enhanced brigade has been deployed overseas at least once, and two have already been deployed twice.

When the President announced the surge, the Pentagon was forced to recall to active duty several thousand Guard and Reserve personnel who had already served in Iraq and Afghanistan. In order to do this, the Pentagon had to revise its rules that limited the call-up time of Guard members to no more than 24 months every 5 years.

With respect to this decision, the Commission on the National Guard and Reserve recently concluded:

Overall, if the reserve component, including the National Guard, continues its high operational tempo, current indicators cast considerable doubt on the future sustainability of recruiting and retention, even if financial incentives continue to increase. There is a real cost to this operational tempo.

The cost is not only in the immediate near term but also in the longer one. Our current policies overseas have overstretched our military. The burdens of the past few years will have consequences for years to come. We risk rendering our military a weakened force, and we want to do all we can to avoid it.

We are already seeing indications of the stress that is being borne by our military forces, and they are manifested in many different ways.

Yesterday the U.S. Army announced it fell short of its active-duty recruiting goal by 15 percent. It is the second month in a row that the Army's enlistment efforts have fallen short. This is in the context of a belated attempt, I would argue, by the administration to increase the overall end strength in the Army.

You have a situation now where the Army is under huge pressure. There is an attempt to increase the numbers overall. That attempt is being, at least seems to be being frustrated by the inability to recruit new personnel into the Army.

The Army expressed concern but repeats the fact that the Army has met its recruiting goals for the past 2 years. Technically, that is true. But a closer look shows there are some disturbing trends that may have long-term negative consequences. In order to meet the demands of today, the Army is drawing heavily on its delayed entry program, or pool of future recruits, which will leave it empty handed in the future as they try to enlist more soldiers.

The Army has also begun to lower standards in order to meet recruiting goals. The Army granted approximately 8,500 "moral waivers" to recruits in 2006, as compared to 2,260 of these moral waivers given in 1996. These waivers cover misconduct and minor criminal offenses. Again, the trend is not less but more in terms of trying to achieve recruiting goals by waiving some incidents that otherwise would disqualify a person from joining the Army. Waivers for recruits who committed felonies, for example, were up 30 percent in 2006 from the year before.

Last year, 82 percent of Army recruits had high school diplomas. That is the lowest level since 1981. Only 61 percent of Army recruits scored above average on the service's aptitude test last year. That is the lowest score since 1985.

Last year, the Army would not have met its recruiting goals without lowering its weight standards and increasing the acceptable recruiting age to 42 years old. Frankly, you know, thinking back, not long ago the idea of actually trying to recruit people who were 42 years old, might have physical problems, who might have minor criminal violations, was considered anathema by the military as they prided themselves on the ability with each succeeding quarter to indeed try to raise the standards. But the pressure on personnel has produced these results.

Despite these lower standards, basic training graduation rates have increased from 82 percent in 2005 to 94 percent in 2006, leaving one to wonder whether the training program standards are also being modified so that these individuals can get through and get into the brigades that need support. That would have long-term, unfortunate consequences for the overall effectiveness of our military forces.

The Army is also using some extraordinary means to maintain retention rates. There are problems recruiting, but also they are making special efforts to keep those soldiers they have. The biggest incentive, of course, for retention is providing financial compensation to those who decide to extend. However, the level of funding we are putting toward keeping soldiers simply cannot be sustained. In the past 4 years the Army has increased the amount spent on retention bonuses from \$85 million to \$735 million.

At the same time, the cost of supporting each soldier has increased from \$75,000 in 2001 to \$120,000 in 2006, be-

cause of the inducements, pay benefits that are appropriate but very expensive, and again raise the question of: How long they can be sustained?

Despite the increases in pay, the Army is still having difficulties with retention, particularly retaining officers. Last year the active Army was short 3,000 officers and it is projected this shortage will increase to 3,500 officers this year. The Guard and Reserve are facing a shortfall of almost 7,500 officers.

Army reenlistment rates for mid-grade soldiers dropped 12 percent in the past 2 years. According to the New York Times, more than a third of the West Point class of 2000 left active duty at the earliest possible moment, after completing their 5-year obligations.

For Special Forces, recruitment and retention are most difficult. For the past 6 years, 82 percent of the active-duty Special Forces specialties were underfilled, many with shortfalls over 10 percent.

I had a chance to sit down and have lunch with three soldiers at a patrol base which had only been in operation for 3 weeks, just about 2 days ago in Iraq. All three of those soldiers were on their second or third tour. Two had already decided they were getting out, and a third had not yet decided. They have served their country magnificently. They have done it with great dedication, and for many different reasons are leaving. That is a very imprecise scientific sample, I would admit, but still it suggests that because of operational stress, because of the demands on soldiers who are performing magnificently, they are also thinking about their future and thinking about leaving the force rather than staying on for extended periods of time.

The soldiers recruited today define the quality of our Army in the future. Focusing on filling slots today without regard for maintaining high standards can have dire consequences down the road. We have serious challenges before us as a nation.

I have spent time talking about personnel because at the heart of Senator WEBB's amendment is the recognition that ultimately a military force is about people—the soldiers, the marines, the sailors, the airmen, and their families. And if we keep this operational tempo, if we do not provide the respite, time for recuperation, what he is suggesting, at least an equal time out of the war zone as you spend in a war zone, then these personnel issues become more and more acute and become more damaging to the overall capability of our military force.

There is another aspect, too, of readiness. That is equipment. In order to meet the equipment needs in Iraq and Afghanistan, the Army requires that active and reserve units leave behind certain essential items that are in short supply, including up-armored humvees and long-range surveillance and communications systems.

This system ensures that incoming soldiers can receive 100 percent of the

equipment, and it reduces transportation costs. But there is a downside. As the GAO pointed out, while this equipment approach has helped meet current operational needs, it has continued the cycle of reducing the pool of equipment available to nondeployed forces for responding to contingencies and training.

Forty percent of the marines' ground equipment has been deployed in Iraq over the past 3 years and is being used at nine times its planned rate. I can recall last year being in Iraq and was told just before we got on the helicopter that it was flying at many more times the number of hours that it was planned to fly in a peacetime environment. They assured us, of course—and they are right—that it was very well maintained. But the stress on the equipment is just as telling as the stress on personnel. We are using this equipment and overusing this equipment as we operate in all of those theaters of conflict.

According to Lieutenant General Blum, the Army National Guard presently has on hand only 30 percent of its essential equipment here at home, while 88 percent of the Army National Guard that is in the U.S. is very poorly equipped. Nearly 9 out of every 10 Army National Guard units in Iraq and Afghanistan have less than half the equipment needed to respond to a domestic crisis, and less than 45 percent of the Air National Guard units have the equipment they need. Again, one of the other major missions of the National Guard is responding to domestic contingencies. They are severely constrained in that regard. Lieutenant General Blum, who is the chief of our National Guard, states:

This is the first time such a shortfall in equipment readiness has occurred in the past 35 years.

He estimates that the total cost of the shortfall is about \$36 billion. In March 2007, the Commission on the National Guard and Reserves reported that nearly 90 percent of National Guard units are not ready to respond to crises at home or abroad.

The chairman of the Commission on the National Guard summed it up:

We cannot sustain the National Guard and Reserves on the course we are on.

Again, the military is doing not only everything they are asked but much more. But we need to ensure that they have the opportunity to rest and to refit. We have to ensure they have equipment that is well maintained and not overly used.

There is a huge shortfall in equipment. The Marine Corps has a \$12 billion equipment shortfall in 2007. The Army estimates it will need \$12 billion annually for as long as the Iraq war continues, and for 2 years thereafter. These significant costs will have to be borne, but the biggest cost, I believe, is the one that is being borne today for our soldiers, marines particularly, and the fact that they are operating in a war zone, coming back, and all too

shortly thereafter being required to go back.

There is another effect. It has an effect on training. We pride ourselves, as we should, as the best trained military force in the world, perhaps of all time. But that training cannot operate if there is insufficient time back at home station to do it. And that, I think, also is the heart of Senator WEBB's amendment. He understands that one of the great factors that holds a unit together is the sense of skill, the sense that they not only know how to do the job, but they practice that job time and time again. They are ready for any contingency, any eventuality. That readiness, that sense of confidence does not come without spending the time at home station training. That, too, is being sacrificed.

I commend Senator WEBB. I think from his heart and from his essence as a marine, he understands that our soldiers, marines, airmen deserve the time to prepare, to train, to regroup before they go back again. At a minimum, his amendment is calling for equal time at home station that equates to time deployed in a war zone as the minimum that we should provide these brave young men and women.

I hope we can support this amendment. I hope we can do it, get it back and send a message to our troops: We know what you are doing for us. We appreciate it. After serving with distinction with courage and great sacrifice, you deserve time to come home, to see family, to retrain, to rest, and to prepare again to defend the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, before my distinguished colleague from Rhode Island leaves, I thank him for the incredible contributions I know he made to this legislation that is in front of us. He, too, has had a distinguished career serving his country in the armed services as well as in the Senate, and we congratulate him for his service.

I also start by congratulating our Michigan senior Senator whom we are all so proud of for all of the important work he does, and none is more important for Michigan and for the country than serving as chairman of the Armed Services Committee.

This National Defense Authorization Act and all that it brings in terms of additional tools for our troops, issues that directly relate to supporting the troops and their families, the equipment, the new technology, the new policies for the future that they need, all of these things are incredibly important, and Senator LEVIN has been the leader on these issues for us. We in Michigan are extremely proud of all he has done.

I specifically today raise my voice in support of the Webb amendment to the National Defense Authorization Act. Tonight in Iraq, 1,644 members of the Michigan National Guard will bed down

after a long day of working and fighting. They work in 100-degree weather, sand blowing in their faces, facing dangers at every turn, in the harshest physical conditions imaginable. For every single one of those men and women, there is a family at home in Michigan who will go to bed tonight worried and saying a prayer for the safety of their loved one, for the safe return of their son, their daughter, father, mother, sister, brother.

The true cost of this war cannot be measured in dollars and cents, although there is a huge financial cost to what is happening. But the true cost is measured by the sacrifices of our troops and their families; every single day, day in and day out. The cost is more than just the possibility and the reality of physical danger; the cost includes the sacrifices that entire families are making, financial sacrifices, emotional sacrifices, sacrifices being made because they are apart day after day, month after month, and now year after year.

It is not right; it is not fair; it is not safe. We need to change this policy. That is what the Webb amendment does. In Michigan, 1,644 Guard members, 1,644 families, 1,644 missed birthdays, Father's Day, Mother's Day, missed high school graduations, baby's first steps, anniversaries, family funerals, Christmas, other holidays.

It is also 1,644 missed paychecks. It may be the only paycheck in the family—the paycheck that is paying the mortgage, the paycheck that is there to help send the kids to college, to pay the car payment, to be able to have the standard of living we all want for ourselves and our families—sidetracked careers, small businesses and farms put in economic danger, 1,644 lives that will never be the same, 1,644 sets of missed opportunities, missed moments that can never be replaced.

These members of the Michigan National Guard make up only a fraction of the 160,000 men and women in uniform currently serving in Iraq and countless others who have served. In too many cases, these men and women are back in Iraq for their second, third, and now fourth redeployment.

Our fighting men and women are the greatest resource we have. They make us proud every single day. But, unfortunately, this Government is abusing this resource, these people. America puts its trust in our military to defend us. When our sons and daughters join the military, they put their trust in us, in the Congress, in the President of the United States, to give them the tools and the resources they need and to treat them with the respect they have earned. Current administration policies on redeployment have violated that trust. These policies have let our troops down. They have let their families down.

I am proud to join with my colleague from Virginia in saying: Enough is enough—enough is enough—when it comes to abusing our Armed Forces by

stretching them to the breaking point with redeployment after redeployment.

Our armed services have traveled a tough road since we invaded Iraq. They have shouldered a heavy burden with pride and confidence and honor. We have asked extraordinary things—extraordinary things—from them at every turn. And at every turn they have delivered. They have made us all proud. They have faced tough situations, made tough choices, and have done their duty.

Now we need to do our duty. We need to do what is right for them. It is our time to face the tough situations. It is our time to make the hard choices. It is our time to make them proud. That is what this amendment is about. That is what this bill is about. That is what further discussions we will have about how to end this war will be all about.

America's soldiers and sailors and airmen and marines are always there for us when they are called. The question is, Will we be there for them? Will we be there for them today and tomorrow and the next day?

This legislation Senator WEBB has proposed is something that is simply the right thing to do and is a very important piece of supporting our troops.

First of all, for our regular forces, the amendment requires that if a unit or a member deploys for Operation Enduring Freedom or Operation Iraqi Freedom, they will have the same time at home—what is called "dwell time"; down time, as I would say; our forces would call it dwell time—before being redeployed. So if someone is deployed for 6 months, they would have dwell time for 6 months, whether that is being home with the family, whether that is retraining, whether that is time to regroup. If they are deployed for 12 months, they would have 12 months at home; 15 months, 15 months.

For the National Guard and Reserve, no unit or member will be redeployed to Iraq or Afghanistan within 3 years of their previous deployment. Now, this is strictly a floor, but it will stabilize Guard and Reserve deployment cycles in a much more predictable way. It is good for them, it is good for us from a safety standpoint, preparedness standpoint, and it certainly is good for the families we are asking to make such sacrifices.

We understand this is a dangerous and unpredictable world we live in, so this amendment also includes an important provision, a provision enabling the President to waive these limitations if he certifies to Congress that deployment is necessary in response to a vital national security interest of the United States.

Now, why is this down time or dwell time so important? Longer and more predictable dwell time is needed for many reasons. Most importantly, it allows for members to readjust from combat and spend time with their families. It also allows troops the time they need to be ready for the next combat mission. We have to remember that

when our people return from their deployments, the majority of their time is spent retraining, refurbishing, and reequipping prior to being redeployed.

The bottom line is that the Webb amendment will ensure that our men and women in uniform have a more predictable deployment schedule, with adequate time between tours. We have a responsibility to prevent further needless damage to our military, and the Webb amendment does that.

Five years ago, I was proud to stand on this floor as one of 23 Members who believed this war was the wrong choice. For the past 5 years, I have been proud to cast vote after vote supporting the troops, working to ensure they have the resources they need so they can get the job done as soon as possible and come home safely.

Today, I stand on the floor and once again say: Enough is enough. The American people are saying: Enough is enough.

This administration failed our troops by committing them to this war without a clear reason or goal. This administration failed our troops by not having a clear mission for our Armed Forces in Iraq. They failed our troops by not providing the proper equipment, body armor, or logistical support for our forces. They failed our troops with their poor planning for the invasion of Iraq and their total lack of planning for how to secure the country, despite the best efforts of our brave men and women. And they have failed our troops by sending them back into harm's way over and over and over again without the proper down time between redeployments. History will judge this administration on how they have handled this war. History will judge us now on what we do for the troops and what we do to end this war.

We need a new strategy for Iraq, a strategy that brings our troops home safely and responsibly. We need to treat our troops with respect—the respect they deserve, they have earned—while they are serving us. They put their lives on the line every day for us. The least we can do is to make sure they have what they need and they have the time they need between combat deployments to be with their families and to prepare for the future. And they need a strategy. They are asking us to be paying attention to what is going on.

So many of us have been to Iraq and have seen what is happening on the front lines. They are in the battle every day. They are focusing on their mission, on staying alive, keeping their buddies alive. They are counting on us to have their back. They are counting on the President to have their back. They are counting on people here getting it right, doing the right thing—whether it is making sure they have the time they need, which the Webb amendment does, to focus on their needs and their families' needs or whether it is to make sure there is a strategy that makes sense. That is what we are now debating on this floor.

I believe the American people have spoken very loudly and very clearly, and it is time for us to listen. It is our job to listen, to do the right thing for the troops, to do the right thing for their families, to do the right thing for communities and for our country.

When I look around the Senate, I am struck by the fact that we have all taken different paths to get here, to this debate right now. It has been a long 5 years. Some of us have stood up against this war since day one. Many have come to understand the tragedies of this war and the failures of this administration and have come at a different time. But no matter what path each of us has taken, no matter how we have gotten here today, now we have the opportunity to do the right thing. That is what this debate is about.

I am so grateful to our Senate leader, HARRY REID, for making sure we stay focused on what is clearly the most critical issue in front of us, what is happening in the war in Iraq and with our troops and our families, and what we need to do to focus on the real threats—the real threats—here at home, through his leadership, on the 9/11 Commission legislation, as well as focusing on the real threats abroad.

So we have seen leadership bringing us back to this issue, creating this opportunity now for us to do the right thing. We need to do the courageous thing. The Webb amendment is an opportunity to do the courageous thing for our troops. We cannot change the past, but we have to change the future, and that means acting now.

I urge all of my colleagues to vote for the Webb amendment for the brave men and women who are serving us and counting on us to understand what we are expecting of them as they do their duty, with the sacrifices they are making, their families are making. They are counting on us to do the right thing. They are counting on us to do the right thing on the overall strategy on this war.

This legislation, this time, this debate in the next few days is an opportunity for us to tell the American people: We hear you. We hear you. Enough is enough. Enough is enough. It is time to get this right and to bring our men and women home safely and responsibly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM. Mr. President, I am going to speak for about 12 minutes. Will you let me know when that 12 minutes is up?

The PRESIDING OFFICER. The Chair will so advise the Senator. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, the hope of anybody in politics is to serve in a body, such as the Senate, at a time when it matters. Our hopes and dreams have come true. We in Government decide what matters. What we are doing on this Defense authorization bill matters. It matters to the men and women in uniform. It matters to everybody in the world because during these difficult times the world is facing, increasingly the world is turning to the American men and women, our fighting men and women, to make things right.

Imagine a world without the brave Armed Forces of the United States. What would that world look like? It would be a very dangerous place, more so than it is now. So I wish to say the one thing we have in common as Republicans and Democrats is admiration for those who are carrying the burden of fighting a worldwide global struggle called the war on terror.

Now to Iraq. We are going to have amendments this week that have one common theme to them. It would take the current strategy in Iraq and change it. General Petraeus was unanimously approved by this body to go to Iraq and do something different. He told us before he left: I need more troops. The reason I need more troops is because the mistakes we made in the past have caught up with us.

What is the biggest mistake America made right after the fall of Baghdad? Not having enough security to keep the country from spiraling out of control, not having enough security to suppress the militias. One thing I have learned in life, where there is lawlessness, people fill in the vacuum. If the Government cannot protect you, then you will find groups who will protect you.

What happened in Iraq is the security got out of control, and we had sectarian violence spawned by al-Qaida. The thing we have to realize as a nation is this organization called al-Qaida has one common goal. It is not about Sunni, Shia, and Kurds; it is about moderation. They hate moderation in any form. It doesn't matter if it is wearing a Sunni face, a Shia face, or a Kurdish face. They have come to Iraq to destroy this infant democracy.

The report card on the political progress in Iraq: It is about like here at home. I give it a very low grade. Unlike here at home—we do have a stable society, for the most part—in Iraq they have a very unstable society, so they need political leadership desperately.

After my sixth or seventh visit on the Fourth of July week past, I am here to say there is bad news. The bad news, from my point of view, is the Iraqi political leadership that exists today is paralyzed, very much like we are here at home. I don't see them anytime soon having a breakout when it comes to political reconciliation, but I do have hope for the future that they will do that, and it is not an unrealistic hope.

There is some emerging movements in Iraq politically that can bring about

reconciliation. But here is the good news. The strategy of additional combat power getting out from behind the walls, out of the fortresses, out into the hinterlands of Iraq to fight al-Qaida is working.

The one thing I can tell my colleagues with certainty is, for 3½ years, I went to Iraq and I came back every time despondent because I could see the security situation spiraling out of control and I was told time and time again: No, the training strategy is working. Our goal is to train the Iraqi Army and police forces, and we are doing a good job.

The first time I went to Iraq, I went rug shopping. The last time I went before the change in strategy, I was in a tank. It was clear to me, being a military lawyer, not a combat commander, that the situation on the ground was getting worse. This time around, after the new strategy has been in place, things are getting better on the ground when it comes to suppressing the No. 1 enemy of this Nation right now for the moment and that is called al-Qaida.

Al-Qaida in Iraq flourished under the old strategy. They were able to dominate different regions of Iraq. Sunni populations were being terrorized, and a lot of bad things happened when we were in Baghdad training and not fighting.

General Petraeus, when he got in charge, when he got in place said we are going to change strategy. What he has done is he has sent additional combat power into areas previously held by al-Qaida. He went to the tribal leaders in those areas and said: If you are fed up, we are here to help.

Here is the good news. To a person almost, the people who lived under al-Qaida's regime in Iraq said: No, thank you. That is not the life I want for myself or my family or my friends or my group.

Al-Qaida overplayed their hand. They were incredibly vicious and brutal and they overplayed their hand. What has happened in the last few months is this additional combat capability that now exists in Iraq has married up with a desire by the Sunnis, who have been oppressed by the al-Qaida elements in Iraq, to join forces.

It is undeniable that in Anbar, the situation has changed in the last 6 months in a dramatic way. The Sunni tribal leaders in Anbar have broken with al-Qaida, they have joined with General Petraeus and Iraqi security forces and literally that province has changed. There are areas in Anbar Province where you could not go before that you can go to now, where there is a new alliance in place. There has been a surge in police recruits, Sunnis joining the police force to protect their hometown against al-Qaida.

So the formula General Petraeus had in mind is not dependent upon central Government reconciliation. He went out into the troubled areas, and he told the people living under al-Qaida: If you choose to, we will help you, and you

need to help yourselves. And they have chosen to help themselves. They have chosen to tell us where al-Qaida is operating. They have given us better intelligence than we have ever had in the past. They have joined the fight, and we are winning. Al-Qaida today is on the run. They are on the run because the Iraqi people have broken with their way of life.

The big question for a lot of Americans is: Is everybody in the Mideast committed to extremism? Is there any hope that people in the Mideast want a different way of life than bin Laden charted for them? The answer is yes, and the best evidence I can give is what is going on in Iraq. Where American combat power has been in place in sufficient numbers and levels, the Iraqis have chosen to side with us and reject al-Qaida. That should be heartening news. Given a choice, given the opportunity, those who have lived under the al-Qaida regime and ideology have said: No, thank you.

The permanent solution is political reconciliation, but if we can focus as a nation on defeating al-Qaida in Iraq, it would be a much better world. The political reconciliation yet to come in Iraq would be enhanced if we could destroy elements of al-Qaida in Iraq. The global war on terror would be enhanced if we destroy al-Qaida in Iraq. The way we do that is, again, by forming alliances with Sunnis who reject their ideology, and once we defeat al-Qaida in a neighborhood or city, we have gotten the local people to step up to the plate and become policemen.

The number of police in Anbar Province has gone up dramatically, and they are providing what was missing before: a stable law-and-order regime that is rejecting extremism.

The police forces in the Sunni areas in Anbar are doing very well. They have the trust of the people, and they are marrying up with Iraqi Army units, where most of the officers are Shias. But we found the Shia Iraqi Army leadership and the Sunni police forces have worked well together in Anbar.

What did the enemy do? They moved to Diyala. We are going to the Diyala Province, another Sunni area, more mixed than Anbar, and we are getting the same results. Extreme violence is the first thing we get, terrorism. This spectacular attack will continue for a long time to come, but the actual situation on the ground has changed dramatically in Anbar, and it is beginning to change in Diyala. Why? We never before had combat capability in the Diyala Province. The tribal leaders in that province have joined with us, as they did in Anbar. More people are joining the police and, again, al-Qaida is moving down the road.

The goal for us as a nation is to sustain this capability until we defeat al-Qaida in Iraq. I don't believe that is going to take much longer because what we have left behind in Anbar in a few months is going to be mature enough that we will not need that

many troops. In a few months from now, we are going to have a mature police force and a well-trained Army to control areas in Anbar Province that previously were in the hands of al-Qaida. It is going to take some time.

When General Petraeus comes back in September, I think he will give us a mixed report. That will be the honest truth. There are still areas in Iraq very much in doubt. But where we go in force and where people have the choice to make, they are making the choice we hoped they would make.

Our choice in Congress is whether we change course. Do we, in July, adopt amendments that will destroy the Petraeus strategy and replace it with the old strategy? One thing my Democratic and Republican colleagues have in common is they are trying to do what is best for the country.

This is what I think is best. I think it is best not to do anything now that would give al-Qaida a second chance in life. I don't want the Senate to be the cavalry for al-Qaida. By that I mean, I don't want us to adopt an amendment that will destroy the ability of General Petraeus to go after the enemy in an aggressive fashion and continue forming these alliances by undercutting his ability to have the manpower he needs. The old strategy has failed. To go back to the old strategy is a godsend to al-Qaida and is a death blow to those who have come out of the shadows to say: I want a better way; I want a better Iraq.

We have a chance to give this general and the troops who have gone as part of this surge a chance to do something that I think is in our national security interest: Keep al-Qaida on the run and destroy it. I am convinced now more than ever that the ability to destroy al-Qaida in Iraq is within our grasp, and it is a combination of additional American military power and the will and the desire of the Iraqi people to reject al-Qaida.

Let's not be the cavalry for al-Qaida. Let's not do something politically in Washington that will put them back in the fight. We are going to be taking casualties as long as al-Qaida exists anywhere on the planet. My goal and the military's goal is to fight them over there, suppress them over there, bring out the best in the people in the Mideast, and we are seeing, slowly but surely, that the people in Iraq who have lived under al-Qaida are turning away. That is indeed good news. Are they turning to democracy and political unity? No, not yet. But the precondition, the forming of a new Iraq is to take those who wish to destroy this new democracy and isolate them and destroy them before they can destroy this idea called moderation.

The al-Qaida agenda is not limited to Iraq, but they see it as a central battlefield in the war on terror. We should see it as the central battlefield in the war on terror. Any amendment that is adopted in July that would undo the Petraeus strategy is shortsighted and, in the long run, very devastating to our national security interests.

I urge my colleagues to look closely and ask the questions that need to be asked, not for the next election but for the next generation of young Americans and people in the Mideast, and that question is: If we do not stay committed to this fight against an enemy who hates everything we stand for now, what are the consequences later? I can tell my colleagues, and I will close with this thought, that history tells us the answer to that question. Every time extremism has been appeased, good people die unnecessarily. We have good people in Iraq. The Iraqi people have good people among their population. Our men and women in uniform are the best we have to offer. This alliance between the good will defeat the evil, as it always has done, only if we have greater will than our enemy.

The votes we are about to take are about political will. I hope we will choose the path that history tells us we should take. Say no to extremism and yes to moderation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, lobbying and ethics reform, the most significant change in the history of the country, has been passed by the House and the Senate. Why is it not signed into law? Because the Republicans are stopping us from going to it.

There are all kinds of excuses they are using. The latest excuse is they want the provision dealing with earmarks in this bill—the amendment passed 98 to nothing—they want that set out separately. But that is a ploy; it is a diversion. They do not want to go to the meat of this bill. They have blocked this now for weeks. The Senator from South Carolina, who was the last to come and block this important legislation from going forward, I know thinks earmarks are important. I do too. Earmark reform is important. But it is in this bill. Earmark reform is in it. It is hard to believe that his objection isn't anything more than a smoke-screen to prevent us from making progress on the rest of the bill.

Here are the facts: No one has any intention of taking out the earmark disclosure provisions in the bill. It is a fantasy. Second, Senate Democrats have already imposed earmark provisions through the committees. Right now, anyone with an Internet connection can go on line to the Senate Web site and find earmarks and earmark sponsors in appropriations bills that the press has reported. I repeat: Anyone who can go on the Internet can find out what the earmarks are on any bill that has been reported out of any one of our committees. Every sub-

committee that has reported a bill, an appropriations bill, has to have that in it. And we are even doing it with authorizing committees.

Right here I have the appropriations bill which is for the Department of Commerce, Justice, Science and Related Agencies for 2008. No secret. All the earmarks are herein listed in detail—the amounts, the Senator sponsoring the earmark—and they have to sign a disclosure in addition to this that they have no financial interest in the earmark. It is here. Every subcommittee in the appropriations process that has reported out a bill has the same information I have just presented to the Senate.

So it is really hard to believe the earmark complaint is genuine. Let us remember all the other provisions in this bill the Senate Republicans are blocking progress on—campaign expenses, campaign contributions. As we have read in the press, they feel it is important that we do something dealing with bundling. That is lobbyists who agree to raise money for Senators. There should be some disclosure of that. In this bill we have it—the one they won't let us go to conference on. Bans on gifts from lobbyists and corporations are in this bill. They have prevented us from going to conference on that. No more corporate jets.

One of the issues around here—and I don't think it was necessarily corrupting anyone, but it was corrupting—flying these beautiful corporate jets and paying first-class airfare, even though it cost 10 times that to fly on these airplanes. This is eliminated in our bill. But we can't eliminate it because they won't let us go with it. They have obstructed this.

The Abramoff situation, brought to the attention of the American people, this is the culture of corruption the Republicans brought to Washington, DC, when they controlled the Congress. For the first time in 121 years, someone who works in the White House has been indicted. That man has now been convicted, and his sentence has partially been commuted by the President of the United States.

In the House of Representatives, the former majority leader of the House of Representatives, a Republican, was convicted three times of ethics violations by the ethics committee. He was indicted twice in Texas. He still is under indictment. One Member of Congress is even serving time now as part of the Abramoff corruption program. Numerous staff people are either in jail or under probation or now being investigated. The American people think we should improve the situation, and we can do that with this legislation.

One of the problems the Abramoff program allowed was people flying all over the country. Let's go to Scotland and play golf, and then they flew on a corporate jet and played golf in Scotland. Under our legislation, this would not be permitted. We significantly improve disclosure of lobbying activities.

We also prevent stealth coalitions. What does that mean? It means there is a company—I will pick this out of the air—Americans for Health Care, and they run these ads. It is a stealth organization. It is a phony organization because it is paid for by, let's say the pharmaceutical industry, someone who has an interest in the health care industry. Pick any name you want. And if you look behind it, it is some large, usually multilevel corporation that is paying for this.

Our legislation would slow the revolving door by former Members of Congress. Our legislation would put an end to the pay-to-play K Street Project that was also part of the Republicans' culture of corruption.

The list goes on and on. They are stopping us from doing these things. I don't want to file cloture in order to appoint conferees, but I will if I have to. We cannot let the Senate action on something so important be held up by the minority. It is wrong. They send one person out to do it, but this is reflective upon the Republicans. They do not want us to complete this legislation, but we owe it to the American people to get this bill completed. We need to restore the faith the American people want to have in government. They want a government as good and honest as the people it represents.

I appreciate very much indeed the Washington Post's writing an editorial saying this has to be done, and they said to me in that editorial, if they continue to stop us from going to conference, I should make them filibuster so they have to come here and vote against completing ethics and lobbying reform.

Maybe the culture of corruption is something they want to maintain. Maybe they are still flying in corporate jets. Maybe they are still doing some of the things we are trying to prevent. I don't know the reasons, but it appears very evident that they do not want us—they, the Republicans—to complete this legislation, and that is too bad.

I repeat, the earmarking is a guise. Right now every committee reports out, under the Democratic leadership, the earmarks in detail. We are complying with this legislation even though it is not law now. So for someone to come here and say we are not going to allow the conference to go forward because we want earmarks to be separate and apart from this is a guise. They are diverting attention from the work of the American people and this Congress.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I will be glad to answer a question of my distinguished friend from Illinois.

Mr. DURBIN. Mr. President, I would say to the Senate majority leader that this afternoon, as chairman of the Subcommittee on Appropriations for Financial Services, we reported out of subcommittee a bill, and that bill, page by page, specifies every earmark from

the White House, earmarks for Members of the Senate, and goes into detail as to each one and the specific name of the Senator or Senators requesting them, which I think complies with everything that has been asked for by those who were asking for earmark reform.

So I would say to the Senator from Nevada that if the Senator on the Republican side who has been objecting to our conference on this ethics bill would take some time to look at the appropriations bills, he would understand we have already accepted this reform. We already are making this change.

I would ask the Senator from Nevada, the majority leader, right now, what is stopping us from going to conference to pass these changes in ethics laws, these historic changes in ethics laws, so that once and for all we can have the kind of reform and changes that are needed here in Washington?

Mr. REID. I say to my friend, it is this. It is the Republicans who are stopping us from going to conference on this bill. They may send one person out, and it could be a rotating person, but they are stopping us from going forward. The ploy of the day is they want to take the work we have done in this bill dealing with earmarking out of the bill and set it up as a Senate rule.

This is what conferences are all about. We want to do all these things I have enumerated in this legislation. We want disclosure of bundling, bans on gifts from lobbyists and corporations, no more corporate jets, major limits on privately paid travel, significantly improved disclosure of lobbying activities, disclosure of stealth coalitions, slow the revolving door of former Members of Congress, put an end to the pay-to-play K Street Project. That is what is being held up, and it is being held up by the Republicans.

Mr. DURBIN. If the Senator will yield for a further question, today on this Defense authorization bill, while we are debating the war in Iraq and good treatment for our soldiers, the Republican leader comes to the floor and insists they cannot bring up for a vote the amendment that is pending by Senator WEBB of Virginia even though you offered a Republican amendment to be voted on at the same time. The Republican leader has said: No, we want to delay this. We want to delay this until tomorrow and then perhaps another 2 days beyond and to filibuster it during that period of time.

It would seem there is a pattern emerging, a very clear pattern where it comes to the important business. Whether it is ethics reform or changing the policy in Iraq, the Republican position is to stop the process, slow down the process, throw in every obstacle they can find.

I ask the majority leader if this pattern has been evidenced in terms of, for example, filibusters, delaying tactics on the part of the Republicans?

Mr. REID. I say to my friend, everything we have done for the past 7

months has been in spite of the roadblocks, the obstruction tactics the Republicans have put up. We have done it in spite of that. We have to this point 43 different cloture motions—43. We have never done that before, 43.

I say to my friend, on a Defense authorization bill—the bill that takes care of our troops around the world, in Iraq and Afghanistan, and the work we are doing with NATO forces, to get pay increases, get them the right equipment, the right medical care—this is being held up.

I would also, in a way of response, ask my friend, what has happened in the past dealing with Defense authorization bills? Has there ever been anything like this that you can imagine?

Mr. DURBIN. I say to the majority leader, for those who are trying to follow this debate and are not familiar with a cloture motion, what a cloture motion means is that those who are opposing a vote on an issue delay it as long as possible and then try to create a higher vote total that you need to bring this amendment to passage or defeat. So it is a delay tactic to slow down the Senate, slow down deliberation.

Today, when the Democratic majority leader offered to the Republicans that we would call up Senator WEBB's amendment to make sure our troops are rested and ready before they go into battle and allow Senator GRAHAM, a Republican Senator, to have his similar amendment up at the same time with the same vote, it was rejected. The Republicans rejected it. Then one of the Senators came to the floor and said that is the way it has always been around here. It has always been this way, this is not unusual. It takes 60 votes to agree to these amendments. Now we know what it is going to take.

We did a little research, I might say to the majority leader. We looked at the last two Defense authorization bills which were called up and considered in this Senate. Not a single amendment required a cloture vote, required this delay tactic, required the 60-vote margin, even those amendments specifically relating to the war in Iraq. What the Republican leadership is doing now has not happened in the last 2 years on this same bill. They have come up with a new slowdown, a new delay tactic, a new obstacle they have tossed in our path.

I think it is very clear. The Senator from Nevada will recall that the last time the Defense authorization bill was up, there were two very important amendments on the war on Iraq, one by Senator KERRY of Massachusetts and another by Senators LEVIN and REED. Both related to when the troops would come home. In each instance, cloture was not necessary, 60 votes were not required; the amendments were called on a simple majority vote.

So I say to the Senator from Nevada, it is very clear, the strategy the Republicans in the Senate are using. They are trying to avoid facing the tough

issues America wants us to face. We were sent here to deal with cleaning up the mess in Washington, the culture of corruption. We were sent here to deal with the war in Iraq. Instead, day in and day out, week in and week out, every month for 43 different times now they have tossed an obstacle in front of us to stop the debate. The American people can see this, and today they can see it very graphically.

Mr. REID. Mr. President, I appreciate so much my friend from Illinois. I have such fond memories of our relationship. It seems now only yesterday, but it was 25 years ago that the Senator from Illinois and I came to the House of Representatives together. We were elected in the great class of 1982. At least I thought it was great, and I think, looking back, we have had some good experiences. I appreciate very much his laying out the facts.

The facts are that for Defense authorization bills, you should not have to file cloture on amendments. My counterpart, my friend from Kentucky, says this is the way we do business around here. That is not the way we have done business around here. This is the way we do business here because of the envy of the Republican minority, envious of our being in the majority, so they are making us jump through every procedural hoop, they are obstructing everything we are trying to do.

It is hurting, not the Democrats. It is hurting the American people. I say—I want it spread on the record—in spite of all of the obstacles we have had to jump through, we have been able to get things done. We have had to do it. It has been hard. We have had to fight with the White House. We have been able to get minimum wage passed, we have been able to get funding for Katrina, we have been able to get funding for homeland security, which we have never been able to do before, over the President's objections. We have been able to fund SCHIP through the first of the year, which was extremely difficult and hard to do. We have been able to do some things for farmers and ranchers. We have been able to do some good things. Disaster relief, 3 years overdue—we were able to get that done. That money is now out helping those people who desperately need it.

As I speak, all over the West, wildfires are burning. In Nevada, we have had 245 square miles burn. A 100-mile stretch of freeway in Utah has been shut down because of fires. We were able to get, over the President's objection, money for wildfires that burned last year and the year before that we have been trying to get.

In spite of all the hurdles we have had to jump through, we have been able to accomplish things for the American people. But the shame of it is we could be doing so much more but for the obstructions continually thrown up in our path by this minority.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

HONORING OUR ARMED FORCES

CORPORAL MATTHEW L. ALEXANDER

Mr. NELSON of Nebraska. Mr. President, I rise today to honor CPL Matthew L. Alexander, of Gretna, NE.

Corporal Alexander, age 21, was a recent graduate of Gretna High School. He married his high school sweetheart, Kara, on Valentine's Day this year. He is remembered by all who knew him as someone who believed deeply in what he fought for and someone who made it his life's work to care for his loved ones. Kara recalls her husband as "the most gracious man I knew. He was a loving husband, devoted son, caring brother and the best friend you could ever ask for."

Enlisting in the Army in the spring of 2004, Corporal Alexander was well decorated with awards, including the Army Achievement Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon, and Expert Infantry Badge. He was stationed to A Company, 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division, based out of Fort Lewis, WA. He passed away on May 6, 2007, in Baqubah, Iraq, due to injuries sustained from an improvised explosive device detonated near his military vehicle. This was the corporal's first deployment.

Corporal Alexander is survived by his wife Kara, his parents Melvin and Monica, and his brother Marshall, all of Gretna. I offer my sincere condolences to CPL Matthew Alexander's family and friends. Our Nation will remember Corporal Alexander as a true hero for his selflessness and his passion as he made the ultimate sacrifice for the good of our Nation.

CHIEF WARRANT OFFICER THREE CHRISTOPHER M. ALLGAIER

Mr. President, I rise today to honor CWO3 Christopher M. Allgaier, of Omaha, NE.

Chief Warrant Officer Allgaier loved to fly. His father, Bob Allgaier of Omaha, said his son's love of flying arose in early childhood, as he was "always picking up little model airplanes and aviation books when he was a kid." After graduating from Omaha Creighton Preparatory High School in 1991 with a 4.0 grade-point average, he

studied aeronautical administration. In 1995 after graduating from college, he joined the Army to fly helicopters.

On May 30, 2007, while serving in support of Operation Enduring Freedom as a helicopter pilot with the 3rd Battalion, 82nd General Support Aviation, 82nd Airborne Division, based at Fort Bragg, NC, Chief Warrant Officer Allgaier passed away when his CH-47 Chinook transport helicopter received rocket-propelled grenade and small arms fire and crashed. Four other soldiers were killed in this attack. Allgaier's deployment to Afghanistan in January was his second tour of duty in the country and came about a year after he returned from a mission flying helicopters in Iraq. He had also previously served in South Korea. He was 33 years old.

In addition to his father, Chief Warrant Officer Allgaier is survived by his wife Jennie and three daughters, Natalie, Gina, and Joanna, of Spring Lake, NC, and his sister Sharon, of Omaha.

I would like to offer my sincere condolences to the family and friends of CWO3 Christopher Allgaier. His noble service to the United States of America and his leadership are to be respected and appreciated by all. And while the loss of this remarkable Airman is felt by all Nebraskans, his courage to follow his dreams will remain as an inspiration for his survivors.

SPECIALIST WILLIAM LEE BAILEY, III

Mr. President, I rise today to honor Army National Guard SPC William Lee Bailey, III, of Bellevue, NE.

A valued member of his community, Specialist Bailey served as a soldier, a medical dispatcher, and a volunteer firefighter. As a firefighter, he worked as a medical helicopter dispatcher in the metropolitan area. As a soldier, he served with the Nebraska National Guard's 755th Chemical Company based in O'Neill, NE.

As part of this chemical company within the Army National Guard, Specialist Bailey was involved in entering areas which may have been chemically infected and performing detection and evacuation in those areas. He was part of a group providing security convoys for Iraq; and his unit had been trained to perform security missions, according to MG Roger Lempke, commander of the Nebraska National Guard.

Specialist Bailey is remembered as a kind and caring member of his community and as someone who was eager for duty. He was a rugged outdoorsman who loved hunting, motorcycles, and firefighting, but loved his wife "Dee" the most. His friend and colleague from the fire department, Paul Prewitt, remarked, "He loved his family and worked hard for them. He had a lot of integrity and was a real stand-up guy. He would go out of his way for his friends. He will be missed."

Specialist Bailey passed away in Taji, Iraq, on May 25, 2007, due to injuries he sustained from an improvised explosive device. He had been serving in Operation Iraqi Freedom since No-

vember 2006 and was due for leave in June 2007. He was laid to rest with cherished firefighter funeral traditions, complementing his full military honors. There were more than 700 people in attendance at his funeral, including over 100 soldiers. His funeral procession included 35 fire trucks, ambulances, and utility trucks representing at least 11 area departments.

Specialist Bailey's wife Deanna accepted on his behalf his Purple Heart, his Bronze Star, and his Army National Guard meritorious service medal, in addition to other awards. His "bunker" gear—the fireproof clothing firefighters use as protection—was strapped to the rear of a firetruck in the procession. His coat, pants, and boots faced forward—his helmet, backward.

Specialist Bailey is survived by his wife Deanna; their five children, Cody, Maquala, Katlynn, Billy, and Logan; and his parents Terry and Margaret Denike, all of Bellevue. I offer my most sincere condolences to the family and friends of SPC William Bailey. He will be remembered as a compassionate member of his community, who had a real passion for serving his country. His bravery will inspire future generations of Americans to live a life of service.

SPECIALIST DAVID BEHRLE

Mr. President, I rise today to honor Army SPC David Behrle of Tipton, IA.

Specialist Behrle attended Tipton High School where he was elected senior class president and commencement speaker for the class of 2005. He was an active participant in athletics and had made a point to visit his school while he was on recent leave.

Teachers and coaches of Specialist Behrle describe him as a soft-spoken person who came prepared, asked questions, and worked hard in both athletics and academics. His friends acknowledge his determination in succeeding in the Army, that it was something he felt he needed to do.

While serving his country in Operation Iraqi Freedom, Specialist Behrle passed away on May 19, 2007, due to injuries he sustained when an improvised explosive device detonated near his vehicle in Baghdad, Iraq. He was assigned to the 1st Battalion, 5th Cavalry Regiment, 2nd Brigade Combat Team, 1st Cavalry Division, based at Fort Hood, TX.

Specialist Behrle is survived by his parents, Dixie Pelzer of Tipton, IA, and John Behrle, of Columbus, NE. He is the posthumous recipient of the Bronze Star, the Purple Heart, the Good Conduct Medal, and the Combat Infantryman's Badge. Tipton High School retired his school football jersey, which carried the number 65.

I join all Americans today in grieving the loss of a great soldier. SPC David Behrle's bravery and selflessness will undoubtedly inspire future generations of Americans. The family and friends of Specialist Behrle are in our thoughts and prayers.