

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

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

With that, I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I share that with my friend from Virginia.

Mr. WEBB. I thank the Senator.

BREAKING THE AGREEMENT

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

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

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

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

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

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

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

seismic exploration and inventorying of oil almost all the way up to the coast. Why do they want to do an inventory for oil unless they want to drill? This is exactly the situation that the oil industry will not give up. They want to drill, drill, drill, and that has been part of our problem for five decades as we have gone through this drill, drill, drill mentality without going to alternative energy sources. That is what has led us to the point we are today—so dependent on oil—and even to the point of now importing 60 percent of our daily consumption of oil is coming from places such as the Persian Gulf, Nigeria, and Venezuela, all very unstable parts of the world.

Back to the breaking of the agreement. It was broken with regard to what we agreed to last year, that it was over and done with. We were going to protect the military mission area. That was broken yesterday in the Appropriations Committee.

Another thing that was broken in the Appropriations Committee was the fact that in our agreement, the two Senators from Florida had clearly tried to protect a \$57 billion a year tourist industry that depends on pristine beaches. Our tourism economy depends on those beaches not having oil slicks slapping up onto those pristine white sands.

Naturally, the Senators from Florida are going to protect that interest. People say: Oh, no, the spills that occur don't come from the oil rigs out there, they come from tankers. But isn't it interesting that we have so many photographs of oil rigs and oil slicks in the Gulf of Mexico as a result of Katrina raging across the Gulf of Mexico and ultimately hitting Mississippi and Louisiana? We have pictures of oil rigs that are up-ended on the shore. We have pictures of pelicans, hundreds of pelicans that are dying, covered in oil slicks as a result of that storm causing the spills from those oil rigs. Now, we don't want that in Florida. We want to protect our beaches.

It would be one thing if the geology showed there was a lot of oil and gas in the eastern Gulf of Mexico. But for the past 50 years, in the exploratory wells that have been there, there have been dry holes. The geology shows there is not that much oil and gas. Yet the oil industry never gives up, regardless of the agreements that have been made and were broken yesterday in the Senate Appropriations Committee. So it leaves no choice—no choice to the Senators from Florida. Senator MARTINEZ and this Senator will employ every available rule to us under the Senate Rules Committee to block the progress of that Energy appropriations bill as it comes to the floor.

There were representations made yesterday to this Senator and to Senator MARTINEZ that the leadership of the appropriations subcommittee will, in fact, strip out that part of the bill when it comes to the floor. I take those Senators at their word. If that is the

case, we will not have a big fight on the floor of the Senate, and we can proceed and go about appropriating the monies that we need in an energy and water appropriations bill—much needed funding for so many projects.

Mr. President, it is with a realistic heart that I have to make this speech today. So it comes to this. I will take the word of those Senators, and I will rely on their word that we won't have to engage in all kinds of parliamentary maneuvers. But if that be necessary, it will be done.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

FIRING OF U.S. ATTORNEYS

Mr. SESSIONS. Madam President, we have had an unfortunate event occur. The Senate and House Judiciary Committees have issued subpoenas to the President for internal personal communications with the President's own personal staff and documents related thereto in a matter unrelated to a criminal investigation. A political inquiry is all this is about. Yesterday the President had to assert executive privilege and refuse to produce a very certain, limited number of documents relating to the replacement of U.S. attorneys around the country.

I served as a U.S. attorney for 12 years. I know U.S. attorneys serve to the pleasure of the President. I know U.S. attorneys on a few occasions actually try cases and get involved in cases. I did pretty often. I tried some fairly big cases. Most U.S. attorneys in larger offices preside over the office and career assistant U.S. attorneys and FBI agents and so forth and investigate cases and prosecute them. That is the way it goes.

The reality is that they can be removed at any time by the President. It is not a congressional function to determine whether or not a U.S. attorney is removed. The Congress is involved only in the confirmation of U.S. attorneys.

The President and Attorney General Gonzales did not handle the recent resignation of 8 U.S. Attorneys very well. I believe they thought they could do it and not really have much of a reason for it, yet say they thought performance was not good. Maybe they simply wanted to replace that attorney with someone else. But U.S. attorneys have friends in law enforcement. They have friends in the local community. They have Senators who recommend them and help them get confirmed. They have clout. It became a big brouhaha. There was a big dispute about it, and various accusations were made.

I was present for the hearings before the Judiciary Committee. Frankly, most of the accusations have been proven baseless. But in explaining it all, the Attorney General and some of his staff did not do a good job. They embarrassed the Department, frankly, and fed demands for more and more and more to keep this story alive, to keep this matter going. Now we are at the point where subpoenas have been issued.

The committee issued five subpoenas on June 13. Two of the subpoenas were issued to the White House for documents to be produced on or before June 28, 2007. A third subpoena was issued by the House Judiciary Committee to Harriet Miers for both documents and testimony, for a response by July 12. Harriet Miers was a lawyer for the President. She was White House Counsel. The fourth and fifth subpoenas were issued by the Senate Judiciary Committee to Sara Taylor for documents and testimony respectively and called for a response on or before June 28 and testimony for a hearing on July 11.

This is an overreach legally. It is an overreach insofar as the traditional comity that should exist between equal branches of Government. Executive privilege is not a principle that should be lightly dismissed. It is a very real, legitimate principle that our Government has. What would we have next? Would we want to be subpoenaing the law clerks for Justice Stevens and Justice Ginsburg and Justice Roberts of the Supreme Court to see what those staffers told the judges before they rendered their ruling? What about Senators and our staffs? How about that?

This has not been a stonewalling by the administration on the U.S. attorneys issue. The Department of Justice has released or made available for review approximately 8,500 pages of documents. Top officials in the Department of Justice, including the Attorney General himself, the Deputy Attorney General, Paul McNulty, the Attorney General's former chief of staff, and many other officials have testified at public hearings and submitted themselves for on-the-record interviews to answer any questions. The President offered to go even further by providing Congress with additional documents, to make available for interviews the President's former Counsel, Harriet Miers; Karl Rove, his political counselor; Deputy Counsel, Bill Kelly; former Director of Political Affairs, Sara Taylor; Scott Jennings, Special Assistant to the President. All of those would be made available to be inquired of.

That was an effort by the executive branch to satisfy the curiosity of the legislative branch and to go as far and even further, maybe, in my view, than required by law. That was a genuine, generous suggestion as to how to handle this conflict between the two branches, our desire to look in there and see everything that went on and pry open the lid and probe and fish a little bit and see what we find and a legitimate right of a President to have a