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## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, September 15, 2008, at 12:30 p.m.

## Senate

FRIDAY, SEPTEMBER 12, 2008

The Senate met at 9:30 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of power and might, wisdom and justice, for whom all authority is rightly administered, laws are enacted, and judgment is decreed, thank You for the gift of this day, for the opportunity to be used by You to make a positive difference in our world.

Use our lawmakers for Your honor. Assist them with Your spirit of counsel and fortitude. Give them the wisdom to always seek the paths of righteousness, justice, and mercy. Protect them with Your omnipotence, and infuse them with the passion to lead this Nation with honesty and integrity. Lord, help them to walk blamelessly, so that Your integrity will guide them and Your favor will sustain them. May this historic Chamber become a place of creative exchange of insights that leads to shared convictions about what is best for America.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 12, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature.

Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

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

Mr. LEVIN. Mr. President, as previously announced, there are no roll-call votes today or Monday. Senators should expect the next vote to occur on Tuesday. However, Senator WARNER and I will be here today, we will be here Monday, and we will, of course, be here Tuesday morning to discuss amendments with Senators to try to get these amendments considered or at least in line to be considered. We are clearing amendments. We have a managers' package already that is ready to go with—I am not sure how many amendments we have already put in there—perhaps 15 or 16 amendments that have already been cleared. We can't get them passed yet because of an objection, but we would expect that objection would be removed by Tuesday. We will continue in the next few days, over the weekend, to try to agree upon many of the 200-plus amendments that have been filed so that we would be hopeful that we would have a large

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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number of amendments in a managers' package ready to go on Tuesday if we can get the objection removed.

We also hope that we could, today and Monday, debate amendments which will be requiring rollcall votes on Tuesday. Our goal is to try to complete consideration of this bill by Tuesday night. The majority leader has indicated he will be filing cloture today, which means there would be a cloture vote on Tuesday, and hopefully we would get to the point on Tuesday where the amendments which need rollcall votes could be voted on Tuesday and that we would have a large managers' package and that we would not have to go to a cloture vote on Tuesday and instead try to get to final passage without it. That is the lineup. My dear friend from Virginia and I are here to work with Senators to try to see if we can't get amendments lined up for votes and other amendments agreed upon so that they will be part of the managers' package.

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

Mr. WARNER. Mr. President, I thank the Presiding Officer. I join my colleague. We are here.

I wish to also bring to the attention of colleagues that at the close of business last night we were informed there are over 200 amendments at the desk. It is our hope that perhaps Senators who have filed those amendments could work with the managers and/or our staffs such that they could be added to, hopefully, a future package that will receive the support of the Senate by a UC. So therein is a very significant amount of work resting at the desk.

Mr. LEVIN. Mr. President, if I could add one further thought, with the help of our staffs, we have actually been making some progress in terms of some significant discussions that have not been on the Senate floor but nonetheless are taking place, so that we are making some progress on some sticking points, to try to resolve some sticking points to at least get them to a position where they can be voted upon even if they can't be agreed to. So I am optimistic, if everybody cooperates—

Mr. WARNER. Mr. President, in that vein, Senator VITTER and Senator DEMINT worked with us last night, and Senator COBURN.

Mr. LEVIN. And others, yes. The leaders are involved through their staffs and perhaps personally in these discussions. But it is our effort, our intent, our goal, and our hope that we can get this bill ready for passage, either without a cloture vote or with one, by the end of Tuesday night. That is our goal. The leadership has been very helpful in trying to help us reach that goal, and that is our intent.

I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 5296

Mr. ALLARD. Mr. President, I am rising to speak in regard to the Defense authorization bill, which is now being considered on the floor of the Senate. I am delighted that we are moving forward with this piece of legislation. It is something that gets passed every year. It is important that we get this kind of legislation passed because, with the challenges the country is facing, we need to deal with some very vital issues in the defense of this country and also take care of the families and the men and women in the armed services.

I want to mention a few things about a couple of amendments I plan on introducing at some point in time for consideration by the Senate. One of them has to do with Fort Carson, which is located in Colorado Springs, CO. It is an attractive place, if you are in the Army, to be assigned. It is one of the bases where we are looking at some expansion possibilities.

One of the key points with the new personnel we are bringing is that they need more training space. So I have been working with the Colorado Springs community and the commander at Fort Carson, as well as the Army, to facilitate this so it can move forward and everybody would be comfortable with what is being done. Earlier in our discussions, when I visited with the commander, he assured me that in the process of acquiring property he would protect private property rights. That is extremely important to the people of Colorado, particularly in the rural areas. This expanded training area is in a very rural area in southern Colorado. With the assurance that they would protect private property rights, I began to say that now you need to talk to the members of the communities and elected officials and see if you cannot work out some agreement. The Army has put forth considerable efforts up to this particular point in time. I have been asked to begin to propound an amendment that would support the Army's position on protecting property rights.

Last year, as part of the fiscal year 2008 Defense Authorization Act, I included language that would require the Army to submit to Congress an outline of their justification for the expansion of the Pinon Canyon maneuver site. I was pleased with the Army's findings and am convinced there is a critical need for additional training space for the new troops that are set to arrive at Fort Carson in the near future.

Although the Army identified a need of 418,577 acres, they have decided that just over 100,000 acres will be adequate to meet their immediate needs. These 100,000 acres will still provide the necessary space for enhanced training but

will have less of an impact on the surrounding community.

In reading the Army's report, I believe they have shown their willingness to work with the community on a variety of issues: land, cultural resources, and historic preservation concerns in the area. For example, Otero County, one of the neighboring counties to Pinon Canyon, has asked that the footprint of the expansion not invade the Comanche National Grassland, and the Army's new plan leaves that area untouched. Additional community leaders suggested that the expansion site not cross Interstate 350, which the Army has also agreed to.

I also want to draw attention to the economic impact data that signals significant increases in revenue for the surrounding area. The expansion would generate more than 100 full-time civilian and contractor positions, equalling as much as \$5 million in payroll. These would be civilian jobs and would yield increased property and tax sale revenue for the area.

Now, that is important, because if you have Federal facilities in your county, the Federal Government doesn't pay taxes. They make payments in lieu of taxes. Many times, the complaints we have from local governments in Colorado say it doesn't measure up to the lost revenue if that had been a facility in the private sector. This is an important part of that, so this part of Colorado wants and needs economic development. They need ways to be able to expand their property tax base so they can support their schools and support their community infrastructure in that area and in the country. So this is a very important provision, as far as the elected officials in that area. Most importantly, the Army has again reiterated their commitment to acquire the land from willing sellers only.

In spite of the Army's continued commitment to acquire the land for expansion only from willing sellers, there is still apprehension among the landowners, and I want to help ease that concern. That is why I will be proposing later on this amendment to the Defense authorization bill. It is an amendment which will take the possibility of eminent domain completely off the table.

As I said time and again, we must remember that property rights go both ways. Landowners should have the right to keep or sell their land if they so choose. If there are willing sellers in the area of the proposed expansion, then I see a very win-win solution.

Again, property owners don't want to have the Army come in and begin to condemn their property. Many of the farmers and ranchers have property in their families that date clear back to the Mexican land grant era in Colorado. They are very established in those areas and have no desire to move and want to be a part of the community and do not want to be forced out of the area.

I have said time and again, we must be very sensitive about property rights. The Army now has issued this comprehensive plan which shows the critical need for expansion. The Army has completed everything Congress has asked of them in the previous legislation. They continue to work with community leaders and landowners to find a win-win situation.

Fort Carson is growing fast and will soon have an additional brigade combat team. The United States has a responsibility to ensure our service men and women who have so courageously chosen to serve this great country receive the best training possible. I believe this expansion will help them do so.

I hope this amendment I will be offering will ease the concerns of our ranchers in the area, and we can soon move forward with a decision from the Army and from the locally elected officials and ranchers involved in the area.

AMENDMENT NO. 5298

Mr. President, another amendment I have been working on is an amendment to bring attention to the fact that our military servicemembers are faced with an ineffective process and unnecessary hurdles when attempting to exercise their right to vote.

Military absentee voting gained attention in the 2000 Presidential election. The Government Accountability Office reported that military ballots during the 2000 election were disqualified five times as often as civilian ballots. Despite numerous attempts by the Congress, our military continued to face voting problems in the 2002, 2004, and 2006 elections.

In 2006, Active-Duty military voted at a rate of 42 percent lower than the general population. It reported 47 percent of servicemembers who wanted to vote never got the chance to do so. This amounts to over 110,000 of our Nation's bravest and most patriotic men and women who were denied the right to vote.

Of those who were able to cast a vote, only 20 percent of them were even counted. This is simply unacceptable. These men and women risk their lives for democracy and freedom and voting rights all over the world. As we did over 60 years ago during World War II, the voting process still depends on a single soldier in the field reading a large number of pages in a guide—I am told up to 466—and being informed on how each individual soldier is to vote under specific precinct guidelines. If a soldier is able to complete this step in the process, the mail system must still track down a moving target in order to get the ballot to a soldier who has the intention of voting. Warfighting and technology have come a long way since World War II, and in my view it is unconscionable that our voting capabilities have failed to keep up for our men and women in the military.

In recent years, there have been several voting ballot programs that would allow the soldier to request, receive,

download, and print their absentee ballots no matter where they are deployed. We now have the capability to use electronic signatures. These are effective programs and would remove most, if not all, major hurdles facing our men and women in uniform who would like to exercise their right to vote. Despite these attempted advancements, none have been universally put into place. Our military men and women remain disenfranchised at the polling place.

It is time the United States ensures their right to vote. We have deployed these men and women to all corners of the world. We have sent them to Iraq and Afghanistan to fight for our security and freedom. They help to ensure the rights of others to have a voice in their Government. As we approach November and arguably the most monumental election of our time, I call on our colleagues to ensure that our men and women in uniform are given the opportunity to have their votes heard.

I will be offering an amendment at some point to the Defense authorization bill, and the amendment will basically do two things: First, it will eliminate the notary requirement on both the Federal postcard application to request absentee ballots, as well as the notary requirement on voted ballots. This is unnecessary as civilians in most States are not required to even do this.

Second, this amendment will permit electronic submission of the Federal postcard application. The Federal postcard application is an application needed to request an absentee ballot. By allowing electronic submission of this document, it will not just allow greater accessibility in a timely manner but will also allow servicemembers to request their absentee ballots closer to the election date, hopefully granting them additional time to know where they may be stationed in November.

Additionally, this amendment expresses the sense of Congress to encourage the States to permit members of the Armed Forces to apply for, receive, and submit absentee ballots for elections for Federal office by electronic means and to encourage the Department of Defense to implement and maintain programs that permit the secure submittal by members of the Armed Forces of absentee ballots for election for Federal office by electronic means.

It is simply time for Congress to ensure our military men and women the accessibility and right to vote, particularly at a time when we have the technology to provide the reliability and integrity of the system. I call on my colleagues to support me in this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD letters from the Colorado Secretary of State, the American Legion, Vets for Freedom, and the National Vietnam & Gulf War Veterans Coalition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,  
DEPARTMENT OF STATE,  
Denver, CO, May 27, 2008.

Hon. WAYNE ALLARD,  
Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR ALLARD: Thank you for your consideration of the amendment expanding voting rights for our overseas military personnel. This proposal is the result of a military voting task force I convened last year in Colorado Springs. Members included active-duty voting assistance officers from Ft. Carson, Peterson AFB and the Air Force Academy, in addition to the El Paso County Clerk and Recorder and other elections officials.

As you know, this task force was obviously close to home for me as Secretary of State and my service in the military. During a tour in Iraq in 2005, I witnessed first-hand some of the impediments to voting for military personnel in field. Continuing to streamline the voting process for overseas military is a priority for my administration and hopefully, this amendment will help raise the bar nationally.

In working with the voting assistance officers, we felt that requiring notarized voter registration and absentee ballot applications are undue burdens on overseas military, especially those on the front lines and forward operating bases. In addition, overseas personnel should also be permitted to submit their postcard applications electronically, either through fax or e-mail.

Last September I attended a working conference hosted by the Election Assistance Commission on facilitating UOCAVA voting. There were a number of stakeholders in attendance including representatives from the Federal Voting Assistance Program and several state and local election officials. During the conference, there was significant support from the attending election officials for federal legislation that would eliminate barriers for military voters.

Like many other States, Colorado is already compliant with this proposed amendment and our military voters have certainly taken advantage of these opportunities. Our State election officials carefully monitor these applications and have built-in safeguards to ensure the integrity of the process.

Again, thank you for pursuing this necessary amendment to ensure that our overseas citizens have every opportunity to participate in their elections back home.

Sincerely,

MIKE COFFMAN,  
Secretary of State.

THE AMERICAN LEGION,  
Indianapolis, IN, May 7, 2008.

Hon. WAYNE ALLARD,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR ALLARD: The American Legion fully supports your proposed amendment to the Defense Authorization Bill that would improve and speed the process of procedures relating to overseas voting by members of our Armed Forces. As I understand it, the amendment would eliminate the notary requirement on voted ballots, and allow electronic submission of the Federal Postcard Application for absentee ballot requests.

The American Legion has been an advocate of the voting rights of members of the U.S. Armed Forces for many years. We believe that the improvements you have proposed will make it possible for increased numbers of our service members deployed around the world to participate in our election process.

Thank you for your continued support of our military forces and their families.

Sincerely,

MARTIN "MARTY" CONATSER,  
National Commander.

VETS FOR FREEDOM,  
Washington, DC, April 29, 2008.

Hon. WAYNE ALLARD,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR ALLARD, On behalf of all the members of Vets for Freedom, the largest Iraq and Afghanistan veterans organization in the United States, I am honored to stand beside you in support of your proposed amendment related to improving the military voting process.

This important piece of legislation ensures that the men and women who wear our nation's uniform are not left out of the election process while serving in harm's way. These brave and patriotic soldiers, sailors, airmen and marines who protect the very right to vote deserve nothing less. As such, Vets for Freedom strongly supports this bi-partisan effort.

As this piece of legislation makes its way through Congress, Vets for Freedom looks forward to working with you to ensure passage. Thank you for your continued support of our nation's veterans.

Warm regards,

PETE HEGSETH,  
Executive Director.

NATIONAL VIETNAM  
& GULF WAR VETERANS COALITION,  
Washington, DC, May 7, 2008.

Re Amendment to the Defense Reauthorization Bill.

Hon. WAYNE ALLARD,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR ALLARD, On behalf of the members of the National Vietnam & Gulf War Veterans Coalition, an organization comprised of more than eighty veterans organizations and veterans advocacy groups, which is committed to advocating for our troops and veterans, we support your efforts to eliminate the hurdles currently faced by deployed members of our armed services who endeavor to vote.

The above-referenced amendment will provide improvements long overdue in enabling members of our armed services to cast their ballots. Currently, there are over 848,000 members of our armed forces serving in overseas assignments. These men and women are willing to risk their lives to ensure democracy throughout the world. It is important that our military personnel be provided with the same opportunity to exercise their right to vote as enjoyed by those Americans citizens who do not serve in the armed forces. Accordingly, the National Vietnam & Gulf War Veterans Coalition fully supports this bipartisan amendment.

The National Vietnam & Gulf War Veterans Coalition as an organization dedicated to the members of our armed services greatly anticipates the passage of this legislation and encourages your efforts to improve the currently ineffective voting process available to our military.

Our brochure, reflecting the names of the Coalition's member organizations, is enclosed for your reference.

Sincerely,

JOHN J. MOLLOY,  
Chairman.

Mr. ALLARD. Mr. President, I am glad to see we are able to move forward with the Armed Services bill. I have taken some time and talked about a couple of amendments that I will offer

that I think are important. I fully intend to call them up as we proceed with the debate on this important bill, important not only to our men and women in the Armed Forces but to the process, and important to the country as a whole.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I understand Senator BILL NELSON was here earlier. I ask unanimous consent that he be recognized at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES  
SPECIALIST RONNIE D. WILLIAMS

Mr. MCCONNELL. Mr. President, we are honored to live in a country with the bravest men and women in uniform in the world. I rise to pay tribute to one of those warriors, SP Ronnie D. Williams of Morning View, KY, tragically killed on July 17, 2005, after his tank overturned while on patrol in Baghdad.

Specialist Williams was 26 years old. It was his second tour of duty in Iraq. For his bravery in uniform, he received several awards, medals, and decorations, including the National Defense Service Medal and the Army Commendation Medal.

Although his Army files may list him as "Ronnie," just about anyone who knew Specialist Williams called him by his nickname, "John Boy." His mom Sharon Williams explains why.

"When he was born, 'The Waltons' was on TV," she says. "His uncle was named Ronnie [and] we called him John, so when my son was born we nicknamed him John Boy, just like on the show."

John Boy grew up in a big family and had an active childhood. He loved to hunt and would go hunting for deer and turkey. One frequent hunting companion was his uncle, Lance Anderson.

He loved fishing as well and once went fishing with his father-in-law, William O'Banion, and caught a 42-pound catfish.

"If I had a choice out of a million boys to be my son-in-law, he would have been No. 1," Williams said.

John Boy's wife Darlene also knew him when he was young and remembers the fun he used to have as a child. "John Boy grew up next door to me," Darlene says. "We rode the same bus together. . . . He and my brother were best friends. . . . They would go to the trestle in DeMossville to fish, but they wouldn't tell anybody so that they could keep it a secret. They didn't want anyone to find their fishing hole."

"Growing up we fought like cats and dogs," she said. "I grew up with a bunch of boys—never any girls. I always played with my brother's friends and he'd get mad."

John Boy enjoyed spending time with his friends and family. "When he could

come home, he'd say, 'OK, Mom—get the family together. It's time for a card game.'"

John Boy's Uncle Lance was in the Marines, perhaps inspiring John Boy to follow in that tradition. According to Darlene, he was also motivated by a love of his country. "After 9/11, he said he wanted to make a difference," she said.

John Boy graduated from Simon Kenton High School in Independence, KY, in 1998, and joined the Army in 2002. He was eventually assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment based in Fort Carson, CO.

Even while serving his country away from home, however, John Boy didn't forget the girl who had been, literally, next-door. "Growing up, John Boy always told my dad that he'd marry me," Darlene says.

While back home on leave, John Boy and Darlene spent a lot of time together and, in her words, they "hit it off pretty quick." Their devotion to each other continued even across great distances, once he had returned to his squadron.

"I went out to Fort Carson to see him every other week," Darlene says. "It was a 24-hour drive. . . . It's a haul, especially in my '89 Cavalier."

On his last trip home, John Boy celebrated his birthday with his family, and he and Darlene took a belated honeymoon to Florida.

John Boy also made time to speak to kids when he was home and tell them about his experiences in uniform. Some schoolchildren had written him letters while he was away. He wanted to thank them personally.

"When he came home, he visited River Ridge Elementary School because his nieces attended there," Sharon recalls.

Darlene remembers how eager John Boy was to see the kids when he came home. "He had blisters on his feet and back, but instead of going home and relaxing, he went to his nieces' school to talk about the Army, and he handed out candy to all the kids."

Mr. President, our thoughts are with John Boy's family after their horrible loss. We are thinking of his wife, Darlene Williams; his son, Houston David Williams; his mother, Sharon Williams; his father, Howard Williams; his sisters, Crystal Herzog and Kathy Williams; his brothers, Geoffrey Williams and Howard Williams; his grandparents, David and Kay Redmond; his uncle, Lance Anderson; his parents-in-law, William Henry O'Banion, Jr. and Corinne O'Banion; and many other beloved friends and family members. Darlene adds about her husband:

I just want everyone to know what a wonderful man he was; that he would do anything for anyone. He was so wonderful to me.

I trust those who knew and loved SPC Ronnie D. Williams will not soon forget his enormous service and sacrifice for our Nation, and this Senate stands in admiration of devotion like his that continues to keep our Nation safe and free.

Mr. President, I yield the floor.

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

Mr. NELSON of Florida. Mr. President, as soon as the copy of my amendment arrives, I will send it to the desk to file, not to offer at this point. Although it is applicable to the Defense bill, I will save it, at the request of the chairman of the Senate Armed Services Committee, for next week's consideration of the Energy bill. It is an amendment to protect the interests of the Department of Defense; to protect the largest testing and training range in the world for our Defense Department.

Let me show you where it is. It is in the Gulf of Mexico, off of Florida. It is all of this area outlined in yellow that is east of this longitudinal line. That area in yellow, including this area up here, 125 miles off Pensacola, is what was etched into law in 2006, 2 years ago, as a protected area from drilling for oil and gas. And why is that? Because everything east of that longitude-latitude line, all the way close to the coast of Florida, is the largest testing and training area for the United States military in the world.

Now, you may wonder why in the last round of base closures and realignment—and remember, the acronym is BRAC, Base Realignment and Closure Commission, that is what BRAC stands for—in the realignment all of the pilot training for the new F-22 stealth fighter came to Tyndall Air Force Base at Panama City. You may wonder why. Well, that F-22 does a dogfight at 1½ mach. You can imagine what the training radius, the turning radius, is for an F-22 as it is in a dogfight. It is at 1½ times the speed of sound. So it has all of that area out there in which to train.

Why also, under the realignment, the BRAC process, did all of the newly developed F-35s, called the Joint Strike Fighter, for the Navy, the Air Force, and the Marines—and it is still being developed—why did they determine that all of the pilot training for the new F-35s was going to be at Eglin Air Force Base, which is located right here, right where that military mission line hits the shore? That longitude line—Eglin Air Force Base—why right there? It has all of that training area which is protected airspace.

Why is this area off bounds here? Well, certainly when we passed the law 2 years ago, the interests of a \$65 million a year tourist industry, dependent on pristine beaches, was considered. And by the way, Florida has more beaches than any other State. As a matter of fact, Florida has more coastline than any other State save Alaska, and Alaska doesn't have a lot of beaches. But we in Florida have barrier islands on most of Florida, and those barrier islands have extraordinary white sand beaches. So certainly that was an interest to protect there. But there is another reason. Guess what is

right there. Pensacola Naval Air Station. That is where most of the Navy pilots and Marine pilots, naval aviators, that is where most of them learn to fly. So they have all this training area and they can go out on a carrier and train as Navy pilots.

Now, speaking of the U.S. Navy, you will remember about 4 or 5 years ago there was a big brouhaha over the U.S. Atlantic Fleet training down off the island which is a part of Puerto Rico—off the shore of Puerto Rico and the island of Vieques. For decades, the U.S. Navy had trained its pilots there. But the people of Puerto Rico took great umbrage at this, and they wanted it changed and they wanted it removed. They were afraid it was a health hazard, and so the United States acceded to that request. As a result, Vieques was shut down for the Atlantic fleet.

Well, where is the Atlantic fleet going to train? They have to train. Well, guess what. They came here—the largest testing and training area for the United States in the world. And in all of this protected space there are designated areas for the Navy, specifically off of Pensacola, up here, and then big areas of this part of the gulf for the Navy. The Air Force has mainly the rest of it, including some Air Force training over here.

Now, here is what happens with the Navy. We have the Key West Naval Air Station right here. It is actually not on Key West. There are headquarters there on Key West, but the actual airfield is on the island to the north of Key West called Boca Chica. So what happens is they bring these Navy squadrons that are assigned to an Atlantic Fleet naval aircraft carrier, they fly them into Boca Chica, they spend 2 or 3 weeks there—these are the F-18s and will be the F-35s in the future—and then for that period of time they come out here and they have all of this area that is restricted space in order to train.

The good news about that is that when they lift off from the runway here at Boca Chica, within 2 minutes they are over restricted space. So they do not have to fly a long way burning up a lot of fuel to get there. In 2 minutes they are ready to start their aerial training and their dogfights.

Now, there is something else that is going on here. Because up here, at Fort Walton Beach, this huge Air Force facility called Eglin Air Force Base, is the test and evaluation center for all of the U.S. military—all of the Department of Defense. And what they do is they take all of these weapons systems—not just airplanes but air-to-surface missiles, air-to-air missiles, surface-to-air missiles—and they shoot them and they train and they test. This is the Air Force test and evaluation center, but for all of the Department of Defense, and we have some weapons systems that we are shooting for hundreds of miles. From here to here is approximately 300 miles. So we have some

weapons systems that are shooting hundreds of miles, and as a result, we need all of that.

Now, when we passed this law protecting this area from any drilling 2 years ago, I had a statement in writing from the Secretary of Defense of what the policy is of the Department of Defense, which is that they do not want drilling out here in this test, training, and evaluation range. That is the operative policy as confirmed to me by the Deputy Secretary of Defense, Gordon England, in a phone call with him 2 days ago. That is the operative policy.

The Department of Defense, presently the Secretary of the Navy, is considering whether they need all of this, but Secretary England told me that there is no way they are going to have a decision made before we finish our session by the end of this month, and, therefore, we should plan on the operative policy to be that the U.S. Department of Defense does not want any drilling of oil and gas out here because it would mess up their testing, their evaluation, and their training.

So the amendment I am going to offer would apply to this Gulf of Mexico area, east of this military mission line, which is this longitude line, everything east of there to the coast. And I want to read it specifically. It is defined as the "Joint Gulf Range Complex" or the "Gulf of Mexico Range." It would also include any military or National Security Agency operations training or testing area that is used by a military or national security agency of the United States.

It says:

Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any permit for oil and gas leasing or extraction in an area described—as I have just indicated—unless and until the President certifies, based on written opinions provided by each of the Secretary of Defense, the Secretary of the Navy, and the Secretary of the Air Force, and the head of each appropriate national security agency of the United States, that in balancing the national security interests of the United States the advantages of oil or gas extraction in the area outweigh the military and national security missions being conducted in the area.

In other words, it is a fail-safe approach to say that it is going to force us in the future—whenever we are considering changing laws like this that protect this area for the military, that it shall have the force of law that the Secretary of Interior has to get a written certification from the President that the oil and gas extraction outweighs the military and national security missions being conducted in the area.

We are in a time in which our enemies want to do us harm. We are in a time in which we have to be prepared. In order to have that preparation, we not only need the personnel and the intelligence, but we need the equipment. We have to test that equipment under all kinds of conditions to make sure it works when we have to have it work. That is what this testing and evaluation and training range is for.

This Senator is not going to let the U.S. defense preparedness be a sacrificial lamb for the interests of the oil and gas companies in order to satisfy their hollow-ring rhetoric that says "drill, baby, drill." You have heard me before on this floor say that the mantra ought not be "drill, baby, drill." As Tom Friedman says, the mantra ought to be "invent, baby, invent." That is how we are going to break the stranglehold of oil that is around our neck. But until we get to that point—and I hope we are rapidly moving to that point of alternative fuels—this Senator is going to stand up and not let the defense preparedness of this country be sacrificed as a lamb on the altar of the oil and gas companies.

This Senator also wants to clearly say this to the Gang of 10 that proposes to drill up to 50 miles off the Florida coast. That would bring it up to a point about like this on this map. You can see how that would cut out the heart and the lungs of the military mission test and evaluation. The Gang of 10 that wants to vote on their proposal next week says: By the way, we are going to do that drilling all the way up to 50 miles off of the west coast of Florida, but we are not going to do that off of anybody else's coast. We will let there be drilling at the OK of the States of Virginia, the Carolinas, and Georgia, and we are not going to touch anybody else, but we are sure going to touch the west coast of Florida and this military mission line.

This Senator wants to clearly say he is not going to let Florida be the sacrificial lamb. I just hope my colleagues understand that this Senator is not going to let that happen.

We concocted, crafted, and compromised to pass this law 2 years ago to satisfy the Senator from Louisiana, the Senators from Mississippi, and the Senators from Alabama who wanted additional drilling while at the same time this Senator and my colleague, Senator MARTINEZ, brought to the table that we wanted to protect the military and we wanted to protect Florida. We crafted this compromise. Now, 2 years later, they want to blow it out of the water and they want to blow the U.S. military out of the water.

We have a few tools at our disposal called parliamentary rules of the Senate. We are simply not going to let this happen. This Senator is about as bipartisan as anybody on this floor. This Senator is about as reasonable as anybody on this floor. This Senator does believe what the Good Book says, which is "Come, let us reason together." That is how we ought to forge compromise and make law, recognizing that you have to build consensus. That is what we ought to do, and we ought to do it in a bipartisan fashion. But the Gang of 10 wants to run over the interests of this Senator and the interests of the military. Every now and then, we have the opportunity to stand up and say no.

I want everybody to be clear where this Senator is. Let me tell you, the

Speaker of the House of Representatives came out yesterday with a proposal that this Senator would certainly consider, and I think favorably. What the Speaker of the House has said is honor the 2006 law, and on the rest of the Outer Continental Shelf, all over the United States beyond 100 miles, drill; between 50 and 100 miles, if the State concurs, drill. Those being Federal lands, those revenues would inure to the benefit of the U.S. Treasury, not to the States. This Senator will certainly consider that, but not when they say the interests of Florida and the interests of the Defense Department are the ones that are going to have to completely give, since we worked this and etched it into law for the first time 2 years ago. I want everybody to understand what the position of this Senator is.

What I would like to do is to send this amendment to the desk to file. I will not offer it because, as I said, the chairman of our Armed Services Committee has enough on his plate—I am one of his subcommittee chairmen—in order to get this Defense authorization bill passed. But this issue will certainly be ripe next week when we take up the energy provisions.

I yield the floor.

The ACTING PRESIDENT pro tempore. The amendment will be printed.

The senior Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, also, before he leaves the floor, I intend to talk about the ethical quagmire at the Minerals Management Service. I commend Senator NELSON, who really, just as he said, always does try to be bipartisan. We work together as part of a large health care group. Senator NELSON was one of the first to spot these flagrant examples of abuse at the Minerals Management Service. I know he is going to be part of our effort to finally drain the swamp at the Minerals Management Service next week. I thank my friend from Florida for his efforts in that regard.

#### MINERALS MANAGEMENT SERVICE

Mr. WYDEN. Mr. President, 2 days ago I came to the floor of the Senate to describe specifically the horror story of misconduct and mismanagement at the Minerals Management Service. Today, this morning, in coffee shops across the country, in addition to talking about the pain at getting clobbered by these gasoline prices at the pump, a lot of Americans are wondering how can it possibly be that in these Federal energy development programs, the tax money of the American people is being used to prop up sweetheart contracting, flagrant conflict of interest violations, drug abuse, apparently all

kinds of sexual escapades, and lots more.

I have been trying to clean up these royalty programs for more than 5 years. I stood right in this spot 2 years ago and spent almost 5 hours trying to force a vote here in the Senate to clean up these royalty programs.

Some of these royalty problems, of course, began when the price of oil was \$19 a barrel. The day that I spoke at length to try to force a vote, the price of oil was \$70 a barrel. Of course, for quite some time the price of oil has been \$110, \$120, \$130—of course 8, 10, 12 times what it was when this program began.

The Bush administration has repeatedly indicated that they would take care of these problems. We have had Secretary Kempthorne, for example, in the Energy Committee even 19 months ago essentially saying they would get on top of the program.

I came to the floor today because I would like to describe how it looks as though once again the Department of Interior is especially interested in trying to keep the Congress from stepping in and taking bold action to try to drain the swamp. For example, the statement the Secretary of Interior made—I brought it to the floor—came out yesterday. It states, for example:

The conduct of a few has cast a shadow on an entire agency.

That is not what the inspector general said about this program. The inspector general didn't talk, as Secretary Kempthorne did, about the conduct of a few. What the inspector general said—I will just read it:

We discovered that, between 2002 and 2006, nearly one-third of the entire royalty-in-kind staff socialized with and received a wide array of gifts and gratuities from oil and gas companies with whom the royalty-in-kind program was conducting official business.

Let's unpack that for a minute. Secretary Kempthorne has said repeatedly that we are only talking about the conduct of a few people and offered up once again, just in the last 24 hours, an argument clearly designed to keep the Congress from stepping in next week and finally draining the swamp at the Royalty-in-Kind Program. The inspector general found that there were gifts and gratuities on at least 135 occasions from major oil and gas companies. The inspector general called it a textbook example of improperly receiving gifts from prohibited sources. And then the inspector general said:

When confronted by our investigators, none of the employees involved displayed remorse.

They found a culture at this program of ethical disregard—substance abuse, promiscuity. They go on and on to talk about an entire program. They certainly do not talk about how these problems took place in the past. They talk about how this is an ongoing problem that certainly is not going to be taken care of, in my view, as Secretary Kempthorne has suggested in the past, with one of his kind of ethics training