judges through who get nominated by the President, and then let's vote up or down one way or the other. Let's consider them and let's get a minimum number. We had an agreement for three by the Memorial Day break. One was approved. There are several highly qualified judges in the system. For us to be able to get our business done, if we are going to get it done, we have to get some of these circuit court judges approved. If we don't, it is going to stall the body and we are going to stall it a lot, until we can get circuit court judges approved in some minimal number.

I know there is a lot of dispute about this. It is a need of this body. We need to do this and if we don't do it, things are going to slow down a lot. They are going to get jammed up a lot and it is going to be early and it is going to be very difficult for us to accomplish any other of our business.

I urge the leadership to come together and let's say: Here is the number we can approve by this date, and let's get that done or there are going to be a lot of things that are going to stop happening in this body until we can get those approved.

I yield the floor.

Mr. WARNER. Mr. President, it is my understanding that we are in morning business.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. And that we will go on the bill, I understand, around noon?

The PRESIDING OFFICER. The Senator is correct. It will be approximately noon.

ORDER OF PROCEDURE

Mr. WARNER. Mr. President, at this time I ask unanimous consent that the three Senators—Senators WARNER, LIEBERMAN, and BOXER—could have 1 hour between 2 and 3.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The senior Senator from Washington State is recognized.

AERIAL REFUELING TANKERS

Mrs. MURRAY. Mr. President, over the years this Congress has spent countless hours fighting for the best and the safest equipment possible for our men and women in the military. Whether it was better weapons or enough body armor, armored humvees, we have all worked tirelessly to make sure our troops around the world have what they need to do their jobs and return home safely to their families.

I come to the floor today because the Pentagon is now on the verge of purchasing the next generation aerial refueling tankers. This is going to be a decision that will cost billions of dollars and affect our service members for decades. But I have serious concerns about the administration's decision to buy these planes from Airbus, a subsidized company that has never produced refueling tankers before. I believe we must again fight to ensure that our troops and taxpayers get the right plane.

Now I am not the only one with these concerns. Because this contest was flawed from the very beginning and the rules were changed throughout, Boeing has filed its first ever protest of the bidding process with the Government Accountability Office. The GAO is now expected to make a ruling in the next few weeks and we are all awaiting their decision. But the GAO investigation has a very narrow scope. The GAO is only allowed to determine whether the letter of the law was followed in the selection process. It cannot look at anything beyond that. So even if it is obvious that the Airbus plane costs more or it has unproven technology, or it doesn't meet the intended mission, the GAO cannot take any action to ensure that the contract is justified or in the best interests of our military, or, in fact, our national security. So I have come to the floor today because I believe that because of the GAO's limited role, Congress must look carefully at whether major Defense acquisitions are in line with the concerns of the American people. We need real answers before we move forward on this contract, and we have to demand that the administration make the case for why we should buy—American taxpayers should buy—an unproven and very costly Airbus tanker.

Let me begin by outlining why I am so concerned. When you examine both of these planes carefully as I have done, it is clear that Boeing's tanker is superior. Yet even though I have asked numerous questions in committee hearings, in letters, in face-to-face meetings in my office, no one—no one—has been able to make the case for why we should buy the Airbus tanker; not the Air Force, not the Pentagon, and not even the Commander in Chief.

Compared to Boeing's tanker, Airbus's A–330 is, we all know, much larger, less efficient, and, in fact, more expensive. It is so big that that plane cannot use hundreds of our current hangars, our ramps, or our runways around the globe. It burns more fuel, and it is going to cost billions of dollars more to maintain over the lifetime of the fleet, yet the Pentagon has not explained why Airbus's plane is the better buy.

The Air Force competition found that the Boeing 767 is more survivable than the A–330. That means it is better equipped to protect our warfighters when they are in harm's way. Yet the Pentagon has not explained why in the world it wants to give the Air Force a plane that doesn't match up. Airbus has never built a refueling tanker. Its technology is unproven, and it is proposing to do some assembly at plants in Alabama that haven't even been built. They don't exist. Yet the Pentagon has not explained why this is a better investment than the plane built by Boeing—the same company, by the way, that has been supplying our tankers for nearly 70 years.

I also have very serious questions about whether we should give a foreign company a multibillion-dollar contract to build a major piece of our military defense. If this contract goes forward, we would be handing billions of dollars in critical research and development funding to a foreign company, owned by foreign governments, to learn how to build a military plane that is flown by American air crews. Let me say that again. If this contract goes forward, we will be handing billions of dollars in critical research in funding to a foreign company, owned by foreign governments, to learn how to build a military plane that is flown by our American air crews. I am talking about airplanes that are the backbone of our entire military strength.

These tankers we are talking about refuel planes and aircraft from every single branch of our military. As long as we control the technology to build these tankers, we control our skies and we control our own security. Yet the Pentagon has not explained why it would let all of this slip away.

Finally, Airbus has always had a leg up on the American aerospace industry because the European Union floods it with subsidies. In fact, our Government has a case pending currently before the WTO accusing Airbus of illegal—illegal—business practices. So I am astounded that our Defense Department has not been able to answer why in the world, when we have a case pending before the WTO accusing Airbus of illegal—illegal business practices, that we would turn around and give them a major Defense contract. It does not make sense.

I am not the only one asking questions. Increasingly, even experts in military contracting are demanding answers too. One of those experts is Dr. Loren Thompson who, according to even the Secretary of our Air Force, was given access to inside information on the decisionmaking process. Dr. Thompson now believes that the contract process had been less than transparent and he recently wrote an article saying that he believes the military has failed to make its case about why it chose the Airbus plane. He wrote that he too wants an explanation for why the military believes the A–330 is superior to the 767, when Airbus's military air tanker is bigger—much bigger—much heavier, untested, and unproven. As he put it last week:

> The service has failed to answer even the most basic questions about how the decision was made to deny the contract to Boeing. . . . The Air Force has some explaining to do.

As I said earlier, despite all of these questions, the GAO is not allowed to dig for these answers. In fact, its role

in analyzing this decision is very limited. The GAO can only look at whether the Pentagon followed the letter of the law and regulations that govern the Federal procurement process. It cannot consider the real-world concerns of Congress and the American people. That is our job. The GAO cannot address whether the military made the right decision for our servicemembers. That is our job. That is why Congress has to get involved. It is our job to demand that we get answers to those questions before we go any further with this contract. Congress—us—we, the people—have to ask whether this contract will leave our servicemembers unprotected when they fly a plane. Congress has to ask whether Airbus's plane will cost too much to all of us: to our taxpayers, in military construction, in fuel, in maintenance—serious questions that are our responsibility. Congress has to ask whether our workers and our national economy will suffer if we outsource this major aerospace contract. Finally, Congress—us—all of us—need to decide whether this contract will put our national security at risk. The GAO can't do that. That is our job.

This is a major decision. We are talking about a contract that will cost at least $35 billion and could cost the taxpayers more than $100 billion over the life of these planes in purchasing costs alone. Yet the Pentagon hasn't made a case for why they would choose to buy the Airbus plane. ''I don't know'' is not an acceptable response when you are talking about billions of taxpayer dollars and the safety of our servicemembers who fly these planes.

We deserve answers. Our taxpayers deserve answers. Our servicemembers deserve answers. I hope our colleagues will stand with me and others and demand that the Defense Department justify this decision.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

CLIMATE CHANGE

Mr. THUNE. Mr. President, as the American public observes and listens to the debate on climate change and global warming, I think there are probably three fundamental questions everybody wants answered. The first question is an obvious one, and that is: Is climate change occurring? Is global warming a fact and a reality that we need to deal with? I think you have to assume the answer to that question is yes. There are changes going on in our climate, on our planet, some of which we can explain and some of which we cannot explain.

Honestly, I will use South Dakota as a case in point. We have experienced—probably for the last decade—successive and continuous years of drought. Yet, this year, in May, we had the wettest year in western South Dakota—in Rapid City—ever since they started keeping historical records. So there are changes that occur that have to be viewed in the context of time—not just a decade period but a hundred- or thousand-year period—to determine what are the causes of the changes we are seeing in the climate. We had, in South Dakota, the coldest April this year we have had historically, going back 50 to 100 years, and blizzards into the month of May. So there are a lot of changes that are going on, some of which I think can be explained and some of which cannot be explained. We need to look at them in the broader context of what has happened over a long period of time with respect to our climate.

The second question the American people would ask is this: If, in fact, climate change is occurring—and we assume the answer to that is yes—is human activity contributing to that? If we, again, assume the answer to this question is yes, then we have to get to the next question. I think, frankly, I would answer, if we look at the question of whether human activity is contributing to that, we cannot put our heads in the sand. Obviously, changes are occurring. We assume that the presence of humanity on this planet and some of the things we are emitting into the atmosphere are creating changes. I think we need to acknowledge that.

That leads to the next question that I think has become the focus of the debate in the Senate, and that is this question: If the answer to question No. 1 is yes, it is occurring, and 2, it is occurring at least on some level—and we don't know how to quantify that because of human activity—what are we going to do about it and at what cost? That is really the focal point of the debate in the Senate today.

In my view, there are many problems associated with the bill currently under consideration on the floor of the Senate. First off, it provides a minimal environmental benefit since it is a unilateral solution. China has exceeded us in terms of CO_2 emissions. It will not get them to stop their CO_2 emissions because the United States chooses to implement a cap-and-trade program. So you don't gain environmental benefit. In fact, it could likely have some profound and devastating impacts on our economy.

With regard to the first point about the other polluting countries around the world, this was said recently by President Clinton with regard to the Kyoto protocol. He said that 170 countries signed the treaty, and only 6 out of 170 reduced their greenhouse gases to the 1990 level, and only 6 will do so by 2012 at the deadline.

These countries signed a binding agreement, and yet they are doing really nothing to get back to the goal or targets called for in that protocol.

The Wall Street Journal recently reported that the European Union, which began to operate its cap-and-trade system in 2005, has actually seen carbon dioxide emissions rise by 1 percent per year since that time. Interestingly enough, in the United States, since that same time when Europe implemented their cap-and-trade system, carbon dioxide emissions have actually declined by about 1 percent.

I guess the bigger question here to this last question is, if this is occurring, what do we do about it and at what cost? We have to think long and hard about that in light of some of the things that are occurring in the country. We have $3.99 gasoline and $4.67 diesel. We have had devastating impacts on the economy in the United States as a result of our dependence upon foreign sources of energy. We need to lessen that dependence and look for technologies that will clean up our environment. Imposing an onerous, burdensome system from the top in which we impose a big tax burden on literally every American, because with $3.99 gasoline and all the studies done by the Energy Information Agency—11 studies have been done, all of which have concluded that they will increase gas prices substantially and electricity prices substantially. We have to take a hard look at what the impact will be on our economy.

I understand the time for morning business is going to expire. I would like to address some of those impacts as this debate on the climate change legislation gets underway. If I could wrap up morning business, I would like to continue with the debate on the climate change legislation, if that would be in order.

The PRESIDING OFFICER. The Senator from South Dakota may continue.

Mr. THUNE. Mr. President, I want to start with, regarding these economic impacts, looking generally at the economy.

In the fourth quarter of last year, the economy grew at six-tenths of 1 percent, and in the first quarter of this year it grew at nine-tenths of 1 percent. Some analysts and elected officials are looking at the record-high energy prices, the crisis in the financial services and housing markets, and the recent job losses as signs that we are already in a recession. In the last few weeks, we have seen oil traded at $130 a barrel, which has caused the price of virtually all consumer goods in this country to increase. However, after months of debating high energy prices and a sluggish economy, we are now debating a bill that would actually raise energy prices and slow economic growth. I don't blame my constituents when they wonder how Washington works and complain that Congress seems to be out of touch with their everyday reality.

Over the Memorial Day weekend, millions of families were faced with record-high gas prices. As they planned their vacations to travel to see loved ones, they were met with average gasoline prices that hovered around $4 per gallon.

I point out that as the economy has slowed down, high energy prices have gone up, and the impact it has had on