the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3335

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 3335 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3342

At the request of Mr. ENSIGN, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 3342 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3348

At the request of Mr. BROWN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 3348 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. BUNNING, his name was added as a cosponsor of amendment No. 3348 proposed to H.R. 3043, supra.

AMENDMENT NO. 3349

At the request of Mr. BROWN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3349 proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. HARKIN, Mr. COLEMAN, Mrs. DOLE, Ms. COLLINS, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. CASEY):

S. 2191. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, for me, today is one of the most important days in my career because, with the introduction of the Lieberman-Warner bill, today will be remembered, in my view, as the turning point in the fight against global warming. Let me explain why I make that very sweeping statement.

First, this bill represents a bipartisan breakthrough on the Senate Environment and Public Works Committee. When I took the gavel of the committee 9 months ago, I said that global warming was the challenge of our generation, a challenge that I believed our committee could meet with knowledge, with bipartisanship, and in pursuit of that knowledge we have held 18 global warming hearings and 2 scientific briefings this year in the Environment Committee.

At our very first hearing in January, we invited all Senators to come to the committee and share their perspectives. More than one-third of the Senate took part in that historic event. Since then, we have heard from more than 120 witnesses, ranging from utility executives, Silicon Valley entrepreneurs, venture capitalists, religious leaders, and Nobel Prize winners. Indeed, yes, we had Al Gore, we had members of the Intergovernmental Panel on Climate Change, and we also heard from business community leaders who have formed the U.S. Climate Action Partnership. We heard from mayors, Governors, and leaders of both parties, from many different States, cities, and counties across America.

Then a wonderful thing happened: Senator JOHN WARNER, who is the ranking member on Senator LIEBERMAN's Global Warming Subcommittee, decided it was time that he play a lead role in crafting a landmark environmental law which will take its place beside the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and other great bipartisan environmental legislation.

Senator WARNER, this decision of yours is giving heart and hope to literally not only the people of the United States of America but all the people who share our planet. I know in your beautiful State of Virginia how proud they are. We had a hearing with you and with Senators MIKULSKI and CARDIN, and we heard about the impact of global warming already taking place on the Chesapeake. Your Governor was also there. So this is a great moment.

I cannot tell you how touched and moved I am that Senator WARNER has joined Senator LIEBERMAN. It is a wonderful moment in history. This, I believe.

We would never leave a child alone in a hot, locked car, and I believe the Senate Environment and Public Works Committee will not leave this issue of global warming burning for another generation to address. It is our responsibility, and we must act.

Today, with the introduction of this bill, we are taking the first immensely important legislative step to meet the challenge of global warming with hope and not with fear and with approaches that are carefully thought out and some already successfully tried out, like a cap-and-trade system that has been so successful in addressing acid rain. Also in this bill, which I am very proud of, is a section on energy efficiency, which has been so effective in lowering per capita energy use, costs, and greenhouse gas emissions in my own home State of California.

For the past 50 years, the United States of America has been the world leader in environmental protection. Laws such as the Clean Water Act, Clean Air Act, Safe Drinking Water Act, Endangered Species Act, and the Superfund Act have achieved so much for our Nation and so much for our people. They have cleaned up our rivers and lakes, improved the quality of our air, and protected our drinking water supplies. Each of those laws—if you go back and study them—became a reality because Congress started on the path that, over time, would lead to enactment of strong legislation. The same is true for what we face today in global warming. We must start on the path to pass strong legislation.

I have been working very closely with Senators WARNER and LIEBERMAN as they have assembled their bill, as have many other colleagues. I praise my friends for including so many people, including the occupant of the chair, Senator CASEY, who was quite involved in crafting the green jobs portion of the bill. I have been so impressed with the effort they have invested, seeking out the views not only of other Senators but outside groups and business leaders, environmentalists, everybody, pro and con, with whom they have met. They have put great work into this effort. I am proud of that.

In my own conversations with them, I have laid out some important principles that I believe must be reflected in legislation to address this challenge.

First, the most important thing is that any bill has to include real, mandatory cuts in global warming pollution. Any bill we pass must set the Nation on the path to achieving the emissions reductions that will avoid dangerous climate change. Under the Lieberman-Warner bill, we anticipate reaching 1990 emissions levels by 2020. This will send a strong early signal to the marketplace, which is a very important part of getting where we need to go.

The second necessary element is the flexibility to respond to new information because all of us know that daily we face new reports, new scientists telling us new things we didn't know before. So I ask my colleagues if they would include what I call a look-back provision in the bill. The bill must include provisions for continuing to review the science. We want to have our work based on science, and it has to happen at regular intervals. We have to know whether we are doing enough, too much, or if we have to do even more.

Third, we must establish a cap-and-trade program for global warming pollution like the one that worked so well

in curbing acid rain. A cap-and-trade system will put a market price on carbon, driving greater efficiency and new technology, while reducing greenhouse gas emissions.

Fourth, we must protect the pioneering State efforts that are already underway. The States have been leading the way on this issue and doing it in the most bipartisan fashion. In my own State of California, we have seen trailblazing there with a Republican Governor and a Democratic legislature. I believe my State has the gold standard bill. A total of 29 States have completed comprehensive climate action plans, and many have set mandatory reduction targets. We don't want to interfere with their work.

Fifth, it is a moral imperative to do what we can to ease the impacts of global warming—not only on the American consumer but on world populations suffering from drought, floods, and famine. The religious community has worked very closely with all of us on this moral imperative.

Finally, a bill must take into account the actions of countries that are not making progress toward a clean, sustainable energy future and must help level the playing field. Countries that want to export goods into the United States must take steps consistent with our global warming policy or be accountable for their emissions.

All of these elements I have mentioned are included in the Lieberman-Warner bill. Some of us may want to make them stronger, and some of us may want to make them weaker. But here is the important point: We have the framework. Every single issue anyone could raise about global warming has been raised and addressed in this bill, giving us a perfect place to start.

I thank all of my colleagues who have introduced bills to deal with global warming. Each bill has made an important contribution to the debate, and I know each bill has helped Senators WARNER and LIEBERMAN craft an excellent piece of legislation. We have this framework. We can build on it; it embodies all of the key concepts. The bipartisan progress on the bill is a reflection of how far we have come and brings us that much closer to the day we will have comprehensive legislation to deal with this great challenge of our generation.

It is with great pride that I yield the floor to Senator JOE LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the distinguished chair of our Environment Committee. I thank her for her very kind and informed remarks, but, more broadly, I thank her for the steadfast encouragement she has given to Senator WARNER and me and for her principled, passionate, and very effective leadership. She understands that global warming is real and wants to use the chairmanship she has now to see that we, together, fashion a solution to this very real problem. I thank her.

I hope and believe myself that she is right—that we will look back on this day, as we stand here together across party lines to introduce this legislation, as the beginning of something very significant that finally happened. I have said before, and I will say it again, at this moment, I feel as if we had been in a race between tipping points. The challenge would be that we get to the political tipping point where we could come together and do something about global warming before we reach the environmental tipping point, after which it would be harder to avoid the worst consequences of global warming.

I think today we have begun to reach that political tipping point, and there is no one who is more responsible for that than the senior Senator from Virginia, my dear friend, JOHN WARNER. His partnership with me on this and his commitment to get this done have made all the difference.

I am pleased to stand with my friend from Virginia to announce today the introduction of the America's Climate Security Act. I am proud to also say that we have five original cosponsors—Senators CARDIN, COLEMAN, COLLINS, DOLE, and HARKIN. The doors are wide open for additional cosponsors as this day and the days after go on.

This day comes after several months of work with Senator WARNER, with our staffs, with stakeholders, environmentalists, business community people, and numerous hearings before the Environment and Public Works Committee.

This legislation, S. 2191, America's Climate Security Act, is the result of all that work. It is a pleasure now to yield to the aforementioned great Senator from Virginia, JOHN WARNER.

The PRESIDING OFFICER. The senior Senator from Virginia.

Mr. WARNER. Mr. President, I first thank our distinguished chairwoman from California. From the very moment she seized the reins of the chairmanship of this committee, she indicated a strong desire to address this problem.

I thank my colleague from Connecticut. He is the chairman of the subcommittee with primary jurisdiction over this matter. I purposely chose, as the longest serving member on the Environment and Public Works Committee on the Republican side, to be ranking for the purpose of this day coming to the floor of the Senate and indicating to our colleagues that we had formulated a starting point for the Congress to assume its leadership which I believe, as a coequal branch of our Government, we have.

I am proud of the achievements we have made to date. I shall address them further, but at this time, I yield the floor to our distinguished colleague, Senator INHOFE, the ranking member of the full committee, and thank him. While we differ on the substance of these matters procedurally and we work our will in the subcommittee and eventually the full committee, I do hope we can have his cooperation.

Mr. President, at this time, I ask that the hour for this debate be extended from 10:30 a.m. to 10 minutes to 11 to accommodate Senator INHOFE, who now will give his remarks, and then Senator COLLINS and Senator ALEXANDER.

Once again, I thank my distinguished chairman and ranking member. We are off, we are out of the starting gate.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma.

Mr. INHOFE. First of all, Mr. President, I had to come down here. Quite frankly, I didn't find out until last night—actually, until this morning, really—any of the parameters of this bill. My good friend from Connecticut just said they have been working on it for months and months, and yet nobody knows what it is. So only this morning I received some information.

I see it is very similar to the McCain-Lieberman bill that passed. I remember we stood here and debated that bill for 5 days, I guess it was, a couple of years ago. I hope—and with the chairman of the Environment and Public Works Committee here—that we are going to have hearings on this legislation and spend some time, get into it because we do not get into something this big without hearing very significant issues.

I will give a couple examples. First, let me ask a question. How much time do I have, I ask my friend from Virginia?

Mr. WARNER. Mr. President, my understanding is the Senator wants 5 or 6 minutes.

Mr. INHOFE. I will go ahead. That is fine. I will initially mention a couple of points that are of concern to me.

First, this has been something my colleagues have worked on for a long period of time. I understand that is true because I have heard my friend from Virginia tell that to me and others on the committee. But we really didn't find out what it is.

I am reading something that came out of the Congressional Quarterly this morning. One sentence:

> Emissions caps would start at the 2005 level in 2012 and decrease annually, reaching the 1990 levels in 2020 and 65 percent below 1990 levels in 2050.

I assume that is an accurate description.

Mrs. BOXER. Yes.

Mr. LIEBERMAN. Mr. President, the Senator from Oklahoma is correct.

Mr. INHOFE. As I recall, the other bill we had 2 years ago was that emissions caps would start at the 2004 level by 2012, and there was no intermediate step at that time. So it went down to one-third below the baseline by 2050. That is my understanding. I think that is accurate. So there is not that much difference. If anything, it is lower because this is one-third below the baseline, and this one is 65 percent below. It would be even more of a cut by 2050.

The reason I bring up this point is because these issues don't happen in a vacuum. These are issues that are very costly. The term ''tipping point'' was used recently. I agree there is a tipping point, and I am going to be reserving more than 2 hours in the next few days on the floor, and I don't want my good friends to endure the whole 2 hours but at least give consideration to what is happening right now, and it is unbelievable.

I have never seen such a change in science as we have witnessed in the last 5 months. The entire speech I am going to give is talking about what has happened in the last 5 months. Let me give an example.

In August alone, the University of Washington claims to be ''the first to document a statistically significant globally coherent temperature response to the solar cycle.'' They came out and said it is due to natural causes. They were on the other side of this issue before.

A Belgium weather institute, August 27—all of this is in August of this year, 2 months ago—natural causes.

A peer-reviewed study published in ''Geophysical Research Letters'' finds natural causes.

Here is a significant one now because over and over, I say to my good friend from California, we have heard that 1998 was the hottest year. Now NASA has come along and said, no, it was 1934. Interestingly enough, 1934 precipitated the largest increase in $CO_2$ going into the atmosphere. After 1940, there was an 80-percent increase going into the atmosphere.

But here is the one, if my colleagues are not listening to anything else, and I have a feeling they are not, I say to my friend from California.

Mrs. BOXER. Yes, I am with you.

Mr. INHOFE. Listen to one point. I appreciate it. In the same month, August, they peer-reviewed scientific literature, all of the literature from 2004 to 2007. In this report—this is 539 papers. These were the same ones used before as an example of what is going on. This is what they are going to review. It has not been released yet. It was done in August:

Less than half of all published scientists endorse the global warming theory.

Less than half. Then it says:

Of 539 total papers of climate change, only 38—

That is 7 percent ''gave an explicit endorsement'' that man is the major cause of climate change. That is huge. That wasn't here until August of this year.

I only bring these points out to say that anyone who says the science is settled to at least give me their attention for 2 hours. I will be talking about these issues.

Here is what the American people need to know. I don't know what the cost of this would be if we were to pass the Warner-Lieberman bill. I have no way of knowing because I didn't see it until this morning. No one has made an evaluation. If we go back to the old Kyoto reductions, the Wharton Economic Survey said it would cost the average family of four in America $2,700 a year. Then when MIT came out addressing the two bills—the Boxer bill that is not yet introduced—it would cost the energy system, it would increase the cost of energy an amount equal to $4,500 for a family of four, and this bill apparently, or at least the old McCain-Lieberman bill, which this is very similar to but a little bit more aggressive in the later years, it would be $3,500 per family of four.

I remember coming down to this floor, I say to my good friend from Tennessee, back in 1993 during the largest tax increase in the last few years prior to that. It was called the Clinton-Gore tax increase. It was an increase that was equal to about $300 per family of four. Here we are talking about something that will be 10 times the largest tax increase in the last three decades.

This fact cannot be ignored if there is some question in terms of science. They will say there is not, that it is settled. I am going to be quoting facts that will shoot that down, and people should look at it. We have to realize we have a lot of families in America, and we have to consider what kind of a tax increase this will impose on them.

My hope is this—and I say this to the chairman of the Environment and Public Works Committee who will be joining me in about 3 minutes in a hearing—let's have some hearings on this legislation. Let's bring it out. Let's really spend some time because this is very significant if we are looking at something that is going to cost the average taxpayer something like 10 times the largest tax increase we have experienced in this country. I look forward to it.

Mrs. BOXER. Mr. President, I will take 1 minute. As I said to Senator LIEBERMAN, before Senator INHOFE and I go to a hearing we are having in the Environment and Public Works Committee, I thank my colleagues for participating in this conversation. Senator INHOFE is right. This is a very important moment in time. The cost of doing nothing, according to the leading economist on this topic in the world, Nicholas Stern, is five times what the cost will be to address this issue now. So let's be wise about what we do.

The second point is, I am looking forward to Senator INHOFE's 2 hours on the Senate floor. I really am. Mr. President, I say to Senator INHOFE, I am giving him a compliment.

I said, I am looking forward to hearing Senator INHOFE for 2 hours on the Senate floor, and I hope he will stay for my 2 hours when he is done. I will, in fact, do that because many of the points Senator INHOFE makes—it is cherry-picking information.

I think it is very important that we have this debate. In many ways, it is good we are chairman and ranking member—and the last time it was the opposite—because I do think certainly the Senate gets the benefit of the broad viewpoint on this subject of global warming.

I yield the time back to Senator LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the chairman of the committee, and I thank the Senator from Oklahoma. Obviously, we are going to have a spirited debate on this subject.

What I want to say is the pleasure I have in having announced the seven original cosponsors. As Senator INHOFE indicated, I had partnered with Senator MCCAIN on an earlier version of a climate change bill. We brought it before the Senate twice. It failed twice.

To me, the most remarkable and specific fact today that gives me encouragement is of the seven original cosponsors—that is, Senator WARNER and I and the five others who have just come forward without us reaching out to them—four of those seven voted against one or both of the iterations of the McCain-Lieberman bill. So this issue is moving in the right direction. It is moving in the right direction because we have answered in this bill some of the questions and concerns that Senator INHOFE expressed about the economic consequences.

First, I wish to say America's Climate Security Act is for real. It achieves necessary emissions by putting a cap on America's greenhouse gas emissions over electric power, transportation, and manufacturing sources that account for 75 percent of U.S. greenhouse gas emissions and by strengthening energy efficiency standards for appliances and buildings.

I note the presence on the floor of our colleague from Tennessee, Senator ALEXANDER. I know this was of particular interest to him. He made a significant contribution to this bill in that regard.

Now, what does this achieve? It does what we have to do. It doesn't do everything everybody wants to do. I have already heard from some who have said it doesn't go far enough. But let me set up this standard: The Intergovernmental Panel on Climate Change, the group of more than 2,000 scientists from around the world who just shared the Nobel Prize with our former colleague Al Gore, has said the goal should be to keep the concentration of greenhouse gases in the atmosphere below 500 parts per million, because that will avoid what they describe as the high risk of severe global warming impacts here in the United States, which obviously has to be our first concern, but also around the world.

I am pleased to say that if you take the Environmental Protection Agency's analysis of the McCain-Lieberman bill and apply it to this bill that Senator WARNER and I are introducing, you will find the concentration of greenhouse gases will be well below that danger level of 500 parts per million by the end of the century.

Secondly, Senator WARNER and I are as committed to promoting and sustaining American prosperity as we are to protecting America's environment and the global environment from the danger of climate change. Senator INHOFE made an interesting point. This is different from McCain-Lieberman, which had big jumps, or I should say big drops in greenhouse gas emissions. We create a steady glidepath down, and that is going to be easier for the sources of emissions to deal with.

Yes, we set a good solid goal in 2020 to make it clear that this is real, a 20-percent reduction, bringing us back down to where the 1990 levels were. So it is real, but it moves slowly. And in this cap-and-trade system, with the auctioning of credits and the opportunity to subsidize some and provide free credits to other businesses while they are in the transition, we are going to smooth the impact.

We have also created a mechanism—a carbon market efficiency board, very creative—which comes out of work Senator WARNER did with Senators GRAHAM, LANDRIEU, and LINCOLN, a kind of Federal Reserve Board for climate change cap and trade, which can step in during times of economic stress to smooth this out so the American economy will continue to grow. And, of course, the basic premise here—cap and trade—is to set the standard: Reduce greenhouse gas emissions. Make sure you are reducing them.

Others have said: Why don't we pass a carbon tax? Well, I suppose a carbon tax would reduce carbon-emitting fossil fuels, but we don't know that for sure. Look how the demand for gasoline has stayed up even as the price has gone up. So you don't want to tax people without a certainty of result. Mandatory cap and trade guarantees the result: We want to protect our environment, our lives, our health, our wildlife, and our beautiful natural places. It does it in a way that will drive innovation and entrepreneurship. The market this bill creates will do what we in this country have known that markets do best—they get the job done and drive prices down.

I say finally that this legislation includes many provisions that were drafted, suggested and, in fact, in some cases introduced by colleagues in the Senate. This is an incomplete list, but I want to be certain I mention Senators COLLINS and ALEXANDER, who are on the floor, Senator COLEMAN—and I will come back to him specifically—Senators BOXER, LAUTENBERG, SANDERS, MCCAIN, BINGAMAN, SPECTER, DOLE, HARKIN, KLOBUCHAR, CARPER, LINCOLN, CASEY, and BAUCUS.

Senator COLEMAN particularly has made a contribution to this legislation that responds to a statement Senator INHOFE made. What is the impact this is going to have on average working people in this country—middle income, low income? We are concerned about that, and Senator COLEMAN has essentially inserted a provision here that we worked on with him that will ensure that low- and middle-income Americans do not bear the brunt of paying for this program.

This bill is a synthesis of an enormous amount of work on the part of many Members of the Senate. Senator WARNER and I are deeply grateful for their contributions. Let me say it specifically: We are introducing the legislation today. Our subcommittee is going to have a hearing next week. We are going to do the markup the week after that, the week of October 29. This is an ongoing process.

Our doors, Senator WARNER's door and mine, are open. We are putting before the Senate today exactly what he said, a framework, a strong, detailed, politically credible bill that has a real chance of passing, but we are not claiming perfection here, and we welcome the opportunity to work with our colleagues on both sides of the aisle. This is not a partisan issue and it certainly is not a partisan problem to fix it before our children and grandchildren suffer from it.

Finally, before I yield back to Senator WARNER, I again want to come back to him. JOHN WARNER and I have worked together on many matters, mostly regarding America's national security, as I have served under his leadership on the Armed Services Committee. His decision to come to the leadership of this effort to stop the onward movement of climate change has made all the difference. I can't say it any better. It is the tipping point, as far as I am concerned, in this Chamber. I believe he is doing it for the same reason that has motivated him in the other work we have done in the Armed Services Committee. He feels America is threatened by this environmental problem and he wants to be part of the solution to it.

We all know our colleague is retiring, after enormous service to our country, at the end of this session. I think that together we have the opportunity, with his participation, for this to be, in a long life of great service to America both in this Chamber and in service in the military, one of the great acts of service and leadership that JOHN WARNER has done for America. I thank him from the bottom of my heart as a dear friend and a wonderful partner in this effort.

I also want to thank his extraordinarily tireless legislative assistant, Chelsea Maxwell, who has worked so well with Dave McIntosh and Joe Goffman on my staff. This is the day of a breakthrough, but it is only a beginning. We have kind of crossed the 50-yard line here, I think, my friend from Virginia, and we have some work to do before we go into the end zone, but with your help, we are going to do it.

Mr. President, I thank the Chair, and I yield the floor back to my friend from Virginia.

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

Mr. WARNER. Mr. President, this wonderful organization, the Senate, has strong friendships. That is the way we operate. It may not be apparent. We tend to be a little contentious. Partisanship has always been a part of the legislative process since its very inception, but we do have mutual respect for one another in this Chamber across the aisle.

I thank my dear colleague from Connecticut for his very heartfelt remarks, and I assure him I return in full measure the compliments he has bestowed upon me, such as I can bestow the same upon him.

Now, I am not as sure we are on the 50-yard line. I want to drop back a little bit. I think we have caught the punt and we are beginning to move down the field. This is going to be a very long and contentious, as it should be, piece of legislation. But somehow, I have a measure of confidence that the Senate, as a body, will eventually act on a bill for climate change. I am also confident that bill, in its final analysis, will have the basic goals we are outlining today.

I say to my good friend from Oklahoma, the distinguished ranking member of the full committee, yes, we just finished the bill last night, but that is often the way things go around here. I have been absent a few days, but I am hopefully back now for an extended time to get this bill underway in our committee. But we did sort of open our doors for business, as the commercial world says, in August. That brought forth a very important forthcoming from the widest possible diversity of sources in the private sector, and not only the business world but the educational world, the philanthropic world, and on it goes. They came to accept our offer to work with us to try and fashion this bill. So together with our colleagues and others, we have put this together and we are launching it today.

I want to make certain that time is given to my other colleagues, so I will give my remarks later, but I stress the work that has been done by so many of our colleagues prior to this bill being introduced today: the McCain-Lieberman bill, which my colleague from Connecticut has mentioned; the Bingaman-Specter bill. Senator LIEBERMAN and I have made a point of personally going to the offices and visiting with each of the principal cosponsors, I believe, of all of these various bills and indicating to them our desire to take a portion of their work product and weave it into this, the bill that is before the Senate as of today: The Alexander powerplant bill, and Senator ALEXANDER will soon be addressing the Senate on that; the Landrieu-Graham-Lincoln-Warner cost containment bill; the Kerry carbon capture and storage bill; the Coleman $CO_2$ pipeline bill; and the Klobuchar-Snowe registry bill.

We readily acknowledge the ground that has been broken, the important gains thus far of so many of our colleagues. But with due respect to the

administration, the basic difference between the administration's approach and our approach is we feel that voluntarism will not achieve the goals, the leadership that America must simply take on this issue to join the other nations of the world that have taken up leadership. The only way we feel to do this is by law.

Essentially, we are asking the infrastructure in America—the industrial infrastructure, the transportation infrastructure, the power infrastructure—to consider very significant investments, calling upon the investment community in America to bring forward the private sector resources and begin to make those commitments now so we can attain the goals in the future. And, quite frankly, we have recognized from the beginning there will be a burden on the American taxpayers.

There will be a burden, in fact, on almost every single American, and it will be financial in some respects. We do not anticipate exactly how much it will be, but every time you fill up your car with gasoline, some portion of that will go toward America's role to lead in global climate change. The power industry, the transportation industry, they will all have to make their respective contributions.

So I join my good friend from Connecticut in acknowledging the work that has been done by our respective staffs, the staff of our chairman and others, but this is like a great ship that has been launched today. And as we say in the Navy, you launch them and then you finish outfitting them. Now it is up to our colleagues to come forward with their ideas. We approach it with an open mind. This body will eventually shape the bill.

We will move it into subcommittee next week, do our markup, hopefully report that out successfully, move on to full committee, and in this calendar year finish a product by the Environment and Public Works Committee such that next year our respective leaders can determine when is the appropriate time for this measure to be brought to the floor.

Mr. President, I ask unanimous consent that the balance of the time be equally divided between Senators COLEMAN, COLLINS, and ALEXANDER, in that order, and that they be given the opportunity, even though they are not at this point in time sponsors, to address the body. So that I believe the hour for this debate will continue from now until the hour of 11 a.m.

I so make that unanimous consent request.

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

Mr. WARNER. We did that in consultation with our respective leaders. I ask the time equally be divided between these two Senators.

The PRESIDING OFFICER. Each Senator will have 5 minutes.

Mr. WARNER. I yield the floor to Senator COLEMAN.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I thank my friend from Connecticut and esteemed colleague from Virginia for their work on this critical issue of climate change. We spend a lot of time in this debate talking about large numbers: the number of species that could be lost, the millions of metric tons of $CO_2$, the billions of dollars at stake for our economy if mitigated incorrectly. But it is smaller numbers I am most concerned about—hundreds of dollars. That is what the annual burden could be for a household making around $15,000 a year should we attempt to transform our energy supply without holding struggling families harmless. One elderly woman waiting at a bus stop in Minneapolis-St. Paul, when it gets to be about minus 15, minus 20, sometimes minus 25, who is on a fixed income, who can't find money for her other needs if energy rates go up—this is the price paid if we do not address climate change responsibly; the young daughter who hopes her dad can keep his job mining taconite up on the Iron Range in northern Minnesota. This is the family we must protect if China decides it won't take responsibility for its emissions. It is the numbers our neighbors count that raise the most critical issues in the climate change debate, the little things that end up becoming the big things.

That is why, when I signed on to Senator LIEBERMAN's Climate Stewardship and Innovation Act several months ago, we came to the floor together and signed our names to a sense-of-the-Senate resolution that stated that any comprehensive, mandatory greenhouse gas emissions reduction program enacted by Congress must also take care of low-income Americans, who will see their energy costs rise, prevent U.S. workers from being undercut by foreign industries that produce goods in countries without comparable greenhouse gas reduction programs, and incentivize the production of clean energy technologies so that Americans can create more green jobs at home while diversifying our energy supply.

Senators LIEBERMAN and WARNER have listened to my concerns over the last few months as they have worked to craft this legislation. This bill is hard evidence that they took those concerns to heart and that they too care about the small numbers that affect our fellow Americans the most.

There are several provisions I am particularly proud of in America's Climate Security Act, including provisions to provide an estimated $275 billion for low- and middle-income families to help hold them harmless against increased energy costs, including additional funding for critical programs such as LIHEAP and the Weatherization Assistance Program—programs that the Senator from Maine, who is on the floor, championed, because we know how important they are for those, the least amongst us, who are impacted so greatly by energy costs.

This bill includes $30 billion through 2030 for job training for new clean energy jobs that provide new employment opportunities in the new green economy. It authorizes the President to require importers of greenhouse-gas-intensive manufactured products credits if their home countries have not taken comparable action. It incentivizes clean energy technology by investing an estimated $400 billion through 2030 in zero and low carbon technologies, to accelerate our transition to a clean energy future.

This bill does not just take care of the environment; it takes care of our children. It is a major step forward in addressing global climate change in a manner that brings the Senate together. This is, a tremendous bipartisan coalition. Some folks were not on this side a while ago, but understand the problem is real and the path we are taking is a responsible path.

I am proud to cosponsor this bill. I thank both Senators for their hard work and determination. They have proven they are committed to action. I am proud to stand by their side.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today as a proud cosponsor of the Lieberman-Warner America's Climate Security Act. This bill will address the most significant environmental challenge facing our country and I want to add my praise to that already heard of the two leaders, Senator LIEBERMAN and Senator WARNER. I am convinced this bill does represent a tipping point because of the coalition brought together to advance this bill.

The scientific evidence clearly demonstrates the human contribution to climate change. According to recent reports from the Intergovernmental Panel on Climate Change, increases in greenhouse gas emissions have already increased global temperatures and likely contributed to more extreme weather events such as drought and floods. These emissions will continue to change the climate, causing warming in most regions of the world, and likely causing more droughts, floods, and other societal problems.

In the United States alone, emissions of the primary greenhouse gas, carbon dioxide, have risen more than 20 percent since 1990. Climate change is one of the most daunting challenges we face, and we must develop reasonable solutions to reduce our greenhouse gas emissions.

That is why I am truly excited about this coalition. Senator LIEBERMAN deserves much praise for his longstanding leadership, for working with Members on both sides of the aisle. Senator WARNER's commitment to taking on this cause gives me much hope that for the first time we are actually going to get a bill through that is going to make a difference.

This bipartisan bill presents a practical, economically sound approach to

reducing America's greenhouse gas emissions by 70 percent over 2005 levels by the year 2050.

I also thank Senator COLEMAN for his contributions to this bill, for making sure that we looked at the economic impact, particularly on low-income families.

I have observed in person the dramatic effects of climate change. I have had the opportunity to be briefed by the most preeminent experts in this field.

On a trip to Antarctica and New Zealand, for example, I learned more about the groundbreaking research done by scientists from the University of Maine. One of those professors, a distinguished National Academy of Sciences member, George Denton, toured parts of sites in New Zealand with us. He showed us sites that had been buried by massive glaciers at the beginning of the 20th century but are now ice free. Fifty percent of the glaciers in New Zealand have melted since 1860—an event unprecedented in the last 5,000 years.

The melting is even more dramatic in the northern hemisphere. In the last 30 years, the Arctic has lost sea ice covering an area 10 times as large as the State of Maine. At this rate that area is going to be ice free by the year 2050.

In Barrow, AK, I witnessed the impact of the melting permafrost. I saw telephone poles that had been planted decades ago in the permafrost that are now leaning over. I talked to native people who told me they were seeing insects that they have never seen that far north; that there has been an extraordinary change in the pattern of fish spawning in the area.

These are dramatic changes. The time has come to take meaningful action to respond to climate change—not only talk about it but to pass legislation. My colleagues have worked so hard to develop this legislation that will preserve our environment for future generations while providing reasonable, achievable emission reduction goals, offsets, and incentives for the industries covered by this bill.

The America's Climate Security Act covers U.S. electric power, transportation, and manufacturing sources that together account for 75 percent of U.S. greenhouse gas emissions. It requires these sectors to reduce their emissions to 70 percent below 2005 levels by 2050. I am pleased that the bill also strengthens energy efficiency standards for appliances and buildings, and sets aside credits and funding to deploy advanced technologies for reducing emissions and helps protect low- and middle-income Americans from higher energy costs.

Let me conclude my remarks by again applauding the leadership and the hard work of my colleagues from Connecticut and Virginia. I urge all of our colleagues to consider joining us on this important legislation.

The PRESIDING OFFICER. Under the previous order, the senior Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. Mr. President, I congratulate the Senators from Connecticut and Virginia for their leadership. Their presence in front of this bill makes a huge difference in this Chamber. I congratulate Senator COLLINS, Senator COLEMAN, Senator DOLE, and the other cosponsors.

The question before the Senate is not whether to act on climate change, or when to act on climate change, but how to act on climate change. How shall we, in this Congress, begin to reduce greenhouse gas emissions with the most certainty, least complexity, and the lowest cost? The Lieberman-Warner legislation prefers an economy-wide cap-and-trade approach. I prefer a sector-by-sector approach, that is, devising the lowest cost, least complex approach tailored to each of the three largest sectors of the economy that produce the most greenhouse gases.

Since my first year in the Senate in 2003, first with Senator CARPER and then with Senator LIEBERMAN, I have introduced legislation to put a cap on carbon emissions from the first of these three large sectors, electricity powerplants. These plants produce 40 percent of the carbon dioxide and 33 percent of the greenhouse gases in the United States. I will now broaden my legislation to include two other major sectors of the economy, one, a low carbon fuel standard for the fuels used in transportation—transportation produces another one-third of America's greenhouse gases—and, third, an aggressive approach to building energy efficiency. I am grateful to the sponsors for including energy efficiency in their legislation.

Tailoring our approach to only these three sectors—powerplants, transportation, and buildings—would cover about two-thirds of all U.S. greenhouse gas emissions. I believe I heard Senator LIEBERMAN say the Lieberman-Warner bill would approach 75 percent of the greenhouse gas emissions.

As we implement laws reducing emissions from these three large sectors, we could learn more and move on to the other sectors in the future. A sector-by-sector approach minimizes guesswork. For example, the United States has 16 years experience with a cap-and-trade program designed to reduce acid rain pollution from powerplants. The program costs less than expected. Utilities have experience with how it works, and we have in place right now the mechanisms we need to measure and regulate carbon from utility smokestacks. Cap and trade, which the Lieberman-Warner bill employs, and which my legislation employs for the utility sector, is a Republican idea, advanced by the first Bush administration in the Clean Air Act Amendments of 1990. With cap and trade, the Government sets the limits and the deadlines, and the market sets the price. With a carbon tax, on the other hand, the congressional tax committees and the Internal Revenue Service set the price.

Cap and trade creates a more certain environment than a tax. Congress would have to revisit the carbon question to determine whether the tax is high enough to achieve the environmental goal, which could result in constantly changing limits and taxes. With a carbon tax there is more possibility that the cost of the tax will simply be passed along to the consumer.

A sector-by-sector approach of the kind I advocate allows us to build on steps already taken. For example, in the transportation sector, Congress has already begun to mandate renewable fuels to reduce greenhouse gasses.

This year the Senate enlarged that mandate and adopted fuel efficiency standards for cars and trucks. I believe we should add to those steps a low-carbon fuel standard; that is, requiring transportation fuels to decrease gradually the amount of carbon in the gasoline they contain, which is a logical and manageable next step.

In addition, both in the Energy bill of 2005 and the Energy bill the Senate passed earlier this year, Congress began to encourage more efficient buildings. Making those steps more aggressive holds the promise for enormous carbon savings at the least cost.

I believe a sector-by-sector approach will do the least harm. It avoids imposing new regulations directly on the manufacturing sector, who nevertheless may have higher costs for fuel and electricity, and therefore avoids adding to the pressure to ship jobs overseas.

By minimizing guesswork, my approach avoids grand plans that sound good but may turn out to invoke the high law of unintended consequences. I also believe a sector-by-sector approach is the easiest approach.

The PRESIDING OFFICER (Mr. BROWN). The Senator's time has expired.

Mr. ALEXANDER. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. ALEXANDER. Mr. President, I believe it is the easiest approach for Members of Congress to understand and explain to our constituents these very complicated issues. As the recent debate on comprehensive immigration should have taught us, this is not an insignificant concern.

The Lieberman-Warner economy-wide climate change legislation is an important contribution. I will not be a cosponsor as this point because I prefer sector by sector, but I will be a full participant in the committee and the Senate to produce a sensible piece of legislation in this Congress.

The question before the Senate is not whether to act on climate change or when to act, it is how to act. And we should act in this session.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to thank my colleagues, Senators COLEMAN, COLLINS, and ALEXANDER. Each of you made a contribution.

I thank the leadership of the Senate who made available this very important hour for our bill to be laid down. Now the work begins.

Mr. CASEY. Mr. President, I rise to speak about legislation which was introduced this morning, America's Climate Security Act. I congratulate and commend a number of our colleagues but especially Senators LIEBERMAN and WARNER for their work on this important legislation that slows, stops, and reverses global warming. I also thank Senator BOXER for her continued leadership and unwavering commitment to bringing global warming legislation to the Senate.

There are going to be people in this Chamber and other places who will find fault with this bill, I am sure. Some will say it goes too far. Some will say it doesn't go far enough. But the most important thing is that this legislation, America's Climate Security Act, is a bipartisan bill. I believe we must have a full and robust debate on global warming, and we need to do it now. That is why this bill is so important. This legislation is both thoughtful and comprehensive. It is what we need to bring global warming to the forefront in American policy.

I personally thank Senators LIEBERMAN and WARNER for their willingness to work with me on issues critically important to working families in Pennsylvania and America. I come from a State with a lot of coal and a lot of manufacturing. I believe the future of Pennsylvania and the people living there is closely linked to the future of both of these industries: manufacturing overall and coal itself. I believe we have a moral obligation to end our contribution to global warming, but I am also optimistic that we can do this in a way that protects workers and creates manufacturing jobs. Senator WARNER and Senator LIEBERMAN understand how important this is to bring our workforce with us into the new jobs created by greenhouse gas reduction and the programs that support that. Both Senators have agreed and have graciously offered to work with me to refine a placeholder provision currently in their bill that we call the climate change worker assistance program which we worked together to draft. I look forward to my continued work with them on this program and their legislation. I am proud to say I am an original cosponsor.

Finally, I thank Chelsea Maxwell from Senator WARNER's staff and David McIntosh from Senator LIEBERMAN's staff for their work with my staff, especially Kasey Gillette of my staff, who worked so hard to make this possible.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I also want to say a few words on climate change and the issue of global warming. Let me begin by quoting from an op-ed that appeared in the Burlington Free Press, my hometown newspaper, on October 7, by Bill McKibben, well known as one of the most savvy and best known environmental writers in the world. He happens to teach at Middlebury College. He said:

> It's not Democrats negotiating with Republicans or environmentalists negotiating with business interests. It's human beings negotiating with chemistry and physics, and chemistry and physics don't really do much in the way of bargaining. Science has told us what we need to do: cut carbon emissions quickly in the next few years, and keep that pressure on til we've trimmed our emissions at least 80 percent by midcentury. No loopholes for vested interests, no hard-to-quantify offset schemes, no giveaways to the utilities. Just a commitment to stop vetoing the laws of nature. That commitment has got to come soon . . .

The point that Bill McKibben and many other scientists and environmentalists have made is, we are up against very serious laws of physics. That is what we are dealing with. It is not what I say or what anybody else says. It is whether we are going to get a handle on global warming. Because if we don't, this planet is going to suffer severe and irreparable damage.

I begin my remarks by thanking Senator LIEBERMAN and Senator WARNER for their hard work in putting together America's Climate Security Act. As a member of that same subcommittee, I look forward to playing an active role in strengthening that legislation. I look forward to working with them on this issue.

I also take this opportunity to thank the 18 cosponsors of the legislation Senator BOXER and I introduced in January of this year, S. 309. Those are Senators AKAKA, BIDEN, CARDIN, CASEY, CLINTON, DODD, DURBIN, FEINGOLD, INOUYE, KENNEDY, KLOBUCHAR, LAUTENBERG, LEAHY, MENENDEZ, MIKULSKI, OBAMA, REED, and WHITEHOUSE.

This legislation, S. 309, tackles global warming as best we could based on the science. To be more specific, this bill is based on the desire to limit the global increase in temperature to no more than 2 degrees Celsius, and to meet this goal science tells us we must stabilize global $CO_2$ concentrations at no higher a level than 450 parts per million. This level only provides us, the scientists say, with a 50/50 chance of keeping the worst from happening. These odds are not great. It is a gamble. If we were cautious and conservative about these things, we would err on the side of safety and keep the pollution down lower than this level in order to protect the one and only world that we have.

I thank all of the cosponsors of the legislation that Senator BOXER and I introduced for standing with science. We should also be clear about one other thing. This is a very important point. What the scientists are now telling us is, in terms of their projections, in terms of their analyses, they have been too conservative. What they are now telling us is the problem of global warming and the rapidity of the global warming changes is more severe than they had previously anticipated. In other words, we have to be even more aggressive, not less aggressive, in addressing this major planetary crisis.

It may well be that the legislation Senator BOXER and I introduced is too conservative, but it is for sure that we should be going forward and not backward.

Let me take this opportunity to quote from some of the major environmental organizations in terms of what they are saying about the legislation introduced today by Senators LIEBERMAN and WARNER. I think it is best that I read from them rather than giving my views at this particular point.

This is what the U.S. Public Interest Research Group says:

> We applaud Senators Lieberman and Warner for their leadership on global warming. Time is running out to stop the worst effects of global warming, and this bill is an important starting point for action.

U.S. PIRG then goes on to say:

> To rise to the challenge of global warming, this new bill must be strengthened. Three changes are essential:
>
> (1) The bill must achieve faster and deeper cuts in pollution, which is what the science demands. The pollution caps in the bill aim to reduce total U.S. global warming emissions by about 11 percent by 2020 and by just over 50 percent by 2050.
>
> Additional, modest reductions may be achieved through other policies in the bill, but those reductions are difficult to quantify and are not guaranteed. According to the current science, the United States must reduce its total global warming emissions by at least 15% by 2020 and by at least 80% by 2050. In addition, periodic reviews of the bill's scientific adequacy must trigger additional pollution-reduction requirements.
>
> (2) Flexibility mechanisms in the bill must be tightened to prevent undermining the goals of the bill. The bill currently allows companies to exceed their pollution limits by paying sources not covered by the program to reduce emissions. Ensuring that a ton of pollution from such ''offsets'' equals a ton of real reductions is a major challenge. In addition, offsets delay the transition to cleaner technology that will be needed to achieve deep future cuts in emissions. Under the bill, a company could theoretically meet its entire 2020 pollution-reduction requirement through offsets. The number of offset reductions allowed under the bill must be significantly lowered.
>
> (3) Polluters must be required to pay for every ton of pollution they put into the atmosphere. The bill gives hundreds of billions of dollars to polluters for free, which will create windfall profits, such as has occurred in Europe, and take vital resources away from easing America's transition to a clean energy future. In the United Kingdom alone, windfall profits from emission trading have been estimated at nearly $2 billion. These profits come directly from the pocketbooks of consumers. Under this bill, just under half (49%) of the pollution permits would initially be given to polluters for free, and it will take 25 years (until 2036) before we stop handing polluters free money.

That is what U.S. PIRG had to say.

Let me go to another group, an even better known environmental group, and that is the Sierra Club. Let me tell you what they said today in their press statement. I quote from the Sierra Club:

> The bill is a significant political step forward for the U.S. Congress, but unfortunately the legislation as introduced still

falls short from what is demanded by the science and the public to meet the challenge of global warming. This comes even as U.S. states, cities, and counties move forward with ambitious, science-based proposals to tackle the issue. We look forward to working with Senators to seek the additional improvements necessary for the bill to sufficiently address the challenge before us.

I continue to quote from the Sierra Club:

At this crucial moment, we must continue to insist on a global warming bill that is committed to scientific integrity and economic fairness. In order to prevent the most catastrophic effects of global warming, we must cut emissions 80 percent by 2050—an achievable annual reduction of about 2 percent. In order to get the market moving and bring America's clean energy future to life, any bill must start out strong by seeking a short-term reduction on the order of 20 percent of total emissions by 2020. Disturbances to the climate have come more quickly and forcefully than even the most pessimistic among us predicted. The Lieberman-Warner bill, as introduced, leaves us in serious danger of reaching the tipping points that scientists tell us could lead to catastrophic changes to the climate.

Continuing to quote from the Sierra Club statement of today:

While the bill has moved in the right direction, it gives too many free allowances to polluters for far too long—enriching executives and shareholders instead of generating the funds needed to help us meet our emissions goals and ensure a smooth transition to the clean energy economy.

That is some of the statement from the Sierra Club.

Let me now quote from another organization, an organization of physicians. It is called Physicians for Social Responsibility, a well-known group. They have also issued a statement today. Let me quote from the statement of the Physicians for Social Responsibility:

Physicians for Social Responsibility appreciates the efforts of Senators Joe Lieberman and John Warner to craft legislation to address global warming but calls on the Senate Environment and Public Works Committee to make necessary improvements before passing the bill.

It continues:

The reality of global warming is becoming more apparent every day, and the science is clear as to what action we need to take. In order to prevent this world-wide disaster, we must stabilize atmospheric concentrations of greenhouse gases. And, the U.S. must meet the challenge of starting now and reaching a goal of 80 percent reductions below a 2000 baseline. Unfortunately, the bill drafted by Senators Lieberman and Warner will not meet that goal.

Let me continue quoting from the Physicians for Social Responsibility, who, of course, are physicians. This is what they say, providing an interesting analogy:

Physicians for Social Responsibility's approach to this [global warming] is similar to the manner in which a physician treats a patient: what are the symptoms, what are the causes and how do we treat the disease? We would not prescribe half of the needed medication to a patient, and we cannot support a bill that does not fully address the causes of global warming. To protect human health and reverse global warming, we need to begin aggressive treatment right away.

That is Physicians for Social Responsibility.

I could sit here and quote from many other press statements or talk to my colleagues about the science, but I will not do that. This is what I want to say: If we are concerned about the future of this planet—I know every Member here is—and the lives and well-being of our kids and our grandchildren, not only in this country but all over the world, we are going to have to rise up to this issue.

It is not just a bargain here and a bargain there. Because you can have all the bargaining you want, and all the nonpartisanship you want, and yet this planet will face catastrophic damage unless we deal with the reality of the science. It is not whether we are nice guys or bad guys. This is what we are facing. We are facing science. What the scientists are telling us is their projections were too conservative. The problem is more severe than they had anticipated.

I note my friend and colleague, Bob Casey of Pennsylvania, made a very important point that others have made, which is, as we deal with the issue of global warming, let us not forget about the workers who are impacted, the consumers who are impacted. Certainly and absolutely we must do that. One of the bright aspects, the positive aspects about this whole discussion of global warming is if we get our act together—if, for example, we begin the process of breaking our dependency on the automobile and expand our rail system; if, in fact, we produce cars that get the kind of mileage we know Detroit can produce—we can grow jobs in the transportation area, not see them shrink.

If we begin to move intelligently toward energy efficiency, if we retrofit our homes and our offices and our schools, we can create huge numbers of good-paying jobs through the installation and the production of the products we need to make this Nation much more energy efficient. It is all sitting there waiting to happen. If we have the courage to move away from fossil fuel, to move to solar energy, to move to wind, to move to other forms of sustainable energy, we can create millions of good-paying jobs.

I would mention to my colleagues that right now out on the Mall—I was there last evening—there is a wonderful display of solar homes put together by the Solar Decathlon. We have universities from all over the United States of America, and from Europe as well, showing us what we can do today in making energy-efficient homes and utilizing the potential of solar energy. California is making progress. Germany is making progress. We are not moving anywhere near the degree to where we should be moving.

Think about the jobs we create when 10 million homes in America have photovoltaic units on their rooftops. Think of the energy we produce through solar plants in the South and the West and the Southwest of this country. Think about what it means when we have small wind turbines all over rural America. It is not only moving away from fossil fuels, which are destroying the planet, not only moving to clean energy, it is creating millions of good-paying jobs.

We know how to do this. We know how to do it. The technology is there today. It will only get better. Our country has to start investing in these technologies. We can create the jobs. We can reverse global warming.

I conclude by saying this: I applaud Senator LIEBERMAN and Senator WARNER. I hope we can work together. But I think we have a distance to go to make that legislation better, stronger, more consistent with the science that is out there. I look forward to working with all of my colleagues to do that.

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By Mr. FEINGOLD:

S. 2192. A bill to establish a user fee for follow-up reinspections under the Federal Food, Drug, and Cosmetic Act; to the Committee on Health, Education, Labor and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing a bill that would charge a reinspection fee for goods that fail FDA inspection for good manufacturing practices. Currently, businesses do not have to pay for the second inspection if they fail. Essentially, then, the FDA is absorbing this extra cost. This Nation faces difficult enough choices without subsidizing private companies that fail basic inspections. I am pleased to credit the administration for identifying this proposed savings of an estimated $23 million per year in its fiscal year 2008 budget. Over 5 years, this could save as much as $115 million.

We must ensure that U.S. taxpayer money is being used efficiently and effectively, and this measure would help in our ongoing efforts to streamline government programs and reduce the Federal budget deficit. FDA Commissioner Andrew von Eschenbach testified about these fees before the House Agriculture, Rural Development, and FDA Appropriations Subcommittee in 2006. He believes, and I agree, that the reinspection fee will motivate businesses to comply with long-established health and safety standards. Businesses that do not meet federal standards should bear the burden of the reinspection, rather than getting a free pass at the taxpayer's expense.

One of the main reasons I first ran for the U.S. Senate was to restore fiscal responsibility to the federal budget. I have worked throughout my Senate career to eliminate wasteful spending and to reduce the budget deficit. Unless we return to fiscally responsible budgeting, Congress will saddle our Nation's younger generations with an enormous financial burden for years to come. This bill is one small step in that direction.

I ask unanimous consent the the text of the bill be printed in the RECORD.

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

S. 2192

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ESTABLISHMENT OF USER FEE FOR FOLLOW-UP REINSPECTIONS.**

(a) IN GENERAL.—The Secretary shall assess and collect a user fee from each manufacturer of a food, drug, device, biological product, or animal drug for which a follow-up reinspection is required to ensure correction of a violation, found by the Secretary during initial inspection of the manufacturer, of a Good Manufacturing Practices requirement under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) PAYMENT OF FEE.—The user fee required by subsection (a) shall be due from a manufacturer upon the reinspection of the manufacturer as described in subsection (a).

(c) AMOUNT OF USER FEE.—The amount of the user fee required under subsection (a) shall be established by the Secretary.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms ''animal drug'', ''device'', ''drug'', and ''food'' have the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(2) the term ''biological product'' has the meaning given the term in section 351 of the Public Health Service Act (42 U.S.C. 262); and

(3) the term ''Secretary'' means the Secretary of Health and Human Services.

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By Mr. AKAKA (for himself and Mrs. CLINTON):

S. 2197. A bill to establish the Federal Labor-Management Partnership Council; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Federal Labor-Management Partnership Act of 2007 to restore the labor-management partnerships and council that were established by President Clinton in 1993. I am pleased to be joined in this effort by Representative DANNY DAVIS, D-IL, who is introducing companion legislation in the House, and Senator HILLARY CLINTON, who is cosponsoring this bill.

On October 1, 1993, President Bill Clinton signed Executive Order 12871 establishing a National Partnership Council of Federal agency representatives and labor organizations to advise the President on matters involving labor-management relations. The Executive Order was in response to longstanding labor-management conflicts and the need for greater cooperation between labor and management in Government.

In the early 1990s the Government Accountability Office and others identified labor-management partnerships as contributing to increased productivity, better customer service, and higher employee satisfaction. The Office of Personnel Management, OPM, concurred with those findings in 2001. In a the letter to President Clinton accompanying the report, then-OPM Director Janice Lachance said, ''The evidence shows a real shift toward labor-management cooperation and away from the adversarial approach so common in the past. I see a strong, consistent desire on both sides of the table to continue on the path toward collaborative labor-management relations and no interest in returning to the old ways of doing business.''

Despite the success of the program, President Bush revoked the Clinton Executive Order on February 17, 2001, less than one month after taking office. Since that time, labor-management relations have deteriorated throughout the Federal Government. The new personnel systems at the Departments of Defense and Homeland Security, which have reduced collective bargaining rights for those employees, have lowered employee morale and heightened the adversarial nature of labor-management relations in the federal government. It has become clear that participation in the decision making process through labor-management partnerships often leads to greater employee understanding and acceptance and a smoother transition to the new policy or program. As the Clinton Executive Order said, ''Only by changing the nature of federal labor-management relations so that managers, employees, and employees' elected union representatives serve as partners will it be possible to design and implement comprehensive changes necessary to reform government.''

I urge my colleagues to join with me in encouraging labor-management partnership and a cooperative solution to resolving Federal workplace issues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2197

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Federal Labor-Management Partnership Act of 2007''.

**SEC. 2. FEDERAL LABOR-MANAGEMENT PARTNERSHIP COUNCIL.**

(a) ESTABLISHMENT.—There is established a council to be known as the Federal Labor-Management Partnership Council (hereafter in this Act referred to as the ''Council''). The Council shall be composed of—

(1) the Director of the Office of Personnel Management;

(2) the Deputy Director for Management of the Office of Management and Budget;

(3) a deputy secretary (or other officer with agency-wide authority) from each of 2 agencies not otherwise represented on the Council, who shall be appointed by the President;

(4) the Chairman of the Federal Labor Relations Authority;

(5) the Director of the Federal Mediation and Conciliation Service;

(6) 2 members who shall be appointed by the President to represent the respective labor organizations representing (as exclusive representatives) the first and second largest numbers of Federal employees subject to chapter 71 of title 5, United States Code, or any other authority permitting such employees to select an exclusive representative;

(7) 4 members who shall be appointed by the President to represent labor organizations representing (as exclusive representatives) substantial numbers of Federal employees subject to chapter 71 of title 5, United States Code, or any other authority permitting such employees to select an exclusive representative—

(A) each of whom shall be selected giving due consideration to such factors as the relative numbers of Federal employees represented by the various organizations; and

(B) not more than 2 of whom may, at any time, be representatives of the same labor organization or council, federation, alliance, association, or affiliation of labor organizations;

(8) 1 member who shall be appointed by the President to represent the organization representing the largest number of senior executives; and

(9) 1 member who shall be appointed by the President to represent the organization representing the largest number of Federal managers.

(b) RESPONSIBILITIES AND FUNCTIONS.—The Council shall advise the President on matters involving labor-management relations in the executive branch. Its activities shall include—

(1) supporting the creation of local labor-management partnership councils that promote partnership efforts in the executive branch;

(2) collecting and disseminating information about and providing guidance on partnership efforts in the executive branch, including the results of those efforts;

(3) using the expertise of individuals, both inside and outside the Federal Government, to foster partnership arrangements in the executive branch; and

(4) proposing statutory changes to improve the civil service to better serve the public and carry out the mission of the various agencies.

(c) ADMINISTRATION.—

(1) CHAIRPERSON.—The President shall designate a member of the Council who is a full-time Federal employee to serve as the Chairperson. The Council shall meet at the call of the Chairperson or a majority of its members.

(2) OUTSIDE INPUT.—The Council shall seek input from agencies not represented on the Council, particularly smaller agencies. It may also from time to time, in the discretion of the Council, invite experts from the private and public sectors to submit information. The Council shall also seek input from companies, nonprofit organizations, State and local governments, Federal employees, and customers of Federal services, as needed.

(3) ASSISTANCE OF THE OFFICE OF PERSONNEL MANAGEMENT.—To the extent permitted by law and subject to the availability of appropriations, the Director of the Office of Personnel Management shall, upon request, provide such staff, facilities, support, and administrative services to the Council as the Director considers appropriate.

(4) NO COMPENSATION.—Members of the Council shall serve without compensation for their work on the Council.

(5) COOPERATION OF OTHER AGENCIES.—All agencies shall, to the extent permitted by law, provide to the Council such assistance, information, and advice as the Council may request.

(d) GENERAL REQUIREMENTS.—

(1) REPORTING TO CONGRESS.—Any reporting to or appearances before Congress that may be requested or required of the Council shall be made by the Chairperson of the Council.

(2) TERMS OF MEMBERSHIP.—A member under paragraph (3), (6), (7), (8), or (9) of subsection (a) shall be appointed for a term of 3 years, except that any individual chosen to

fill a vacancy under any of those paragraphs shall be appointed for the unexpired term of the member replaced and shall be chosen subject to the same conditions as applied with respect to the original appointment.

(3) SERVICE AFTER EXPIRATION OF TERM.—A member under paragraph (3), (6), (7), (8), or (9) of subsection (a) may serve after the expiration of such member's term until a successor has taken office, but for not more than 60 days after such term expires.

(4) NOT SPECIAL GOVERNMENT EMPLOYEES.—A member who is not otherwise a Federal employee shall not be considered a special Government employee for any purpose.

**SEC. 3. IMPLEMENTATION OF LABOR-MANAGEMENT PARTNERSHIPS THROUGHOUT THE EXECUTIVE BRANCH.**

The President shall direct the head of each agency which is subject to chapter 71 of title 5, United States Code, or any other authority permitting employees of such agency to select an exclusive representative to take the following actions:

(1) Create labor-management partnerships by forming labor-management committees or councils at appropriate levels, or adapting existing committees or councils if such groups exist.

(2) Involve employees and employee representatives as full partners with management representatives to improve the civil service to better serve the public and carry out the mission of the agency.

(3) Provide systemic training of appropriate agency employees (including line managers, first-line supervisors, and labor organization representatives) in consensual methods of dispute resolution, such as alternative dispute resolution techniques and interest-based bargaining approaches.

(4) Negotiate, at the request of the labor organization, on the subjects set forth in section 7106(b)(1) of title 5, United States Code, and instruct subordinate officials to do the same.

(5) Evaluate progress and improvements in organizational performance resulting from such labor-management partnerships.

**SEC. 4. DEFINITIONS.**

For purposes of this Act—

(1) the terms ''agency'' and ''labor organization'' have the meanings set forth in section 7103(a) of title 5, United States Code;

(2) the term ''Federal employee'' means an employee, as defined by section 7103(a)(2) of title 5, United States Code;

(3) the term ''Federal manager'' means a management official, as defined by section 7103(a)(11) of title 5, United States Code; and

(4) the term ''senior executive'' has the meaning given such term by section 3132(a)(3) of title 5, United States Code.

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By Mr. KERRY:

S. 2199. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain foreign nonqualified deferred compensation; to the Committee on Finance.

Mr. KERRY. Mr. President, today Representative EMANUEL and I are introducing the Offshore Deferred Compensation Reform Act of 2007 which would put an end to the practice of allowing unlimited amounts of income to be deferred offshore. Recently, it was brought to our attention that U.S. hedge fund managers were deferring millions of dollars of compensation offshore. Less generous deferrals have been used by corporate executives for years.

Recent Internal Revenue Service data shows that the richest Americans' share of national income has hit a postwar record. The wealthiest one percent of Americans earned 21.2 percent of all income in 2005. At a time when our personal savings rate has reached a 73-year low and CEOs are paid 349 times as much as the average worker and the top twenty-five hedge fund managers earned a total of $14 billion in 2006, we should not be providing a tax advantage to allow income to be deferred offshore and invested on a tax-free basis. Low-income and middle class families who are struggling are the ones who need tax incentives to save for retirement.

Taxpayers can defer paying taxes immediately on their compensation, either through ''qualified'' or ''nonqualified'' deferral arrangements. Most taxpayers make qualified deferrals such as contributions to 401(k) plans and individual retirement accounts, IRAs. Nonqualified deferred compensation arrangements are usually used by senior executives or other high-income taxpayers who want to defer amounts in the excess of the qualified plan or IRA limits.

There are no limits on the amount on nonqualified deferred compensation that can be deferred. Offshore nonqualified compensation arrangements have the potential to be more abusive than similar arrangements in the U.S.

U.S. companies that grant nonqualified deferred compensation to their employees are unable to receive a tax deduction equal to the deferred compensation until the compensation is paid to the employee. By contrast, offshore employers can locate in no-tax jurisdictions, provide deferred compensation to their U.S. employees, and suffer no economic loss, since the timing of the deduction is not relevant when the employer does not have any tax liability. Accordingly, there is a preference in the Code for U.S. taxpayers to defer compensation in certain offshore jurisdictions: it provides a significant tax benefit, without any tax disincentive/disadvantage to their offshore employer.

There is a fundamental difference between middle class Americans who can defer up to $15,500 of income into a 401(k) and $4,000 into their IRAs and higher-income taxpayers who can defer unlimited amounts offshore. The Offshore Deferred Compensation Reform Act of 2007 would eliminate the ability of U.S. taxpayers to defer nonqualified deferred compensation in offshore tax havens. Offshore nonqualified deferred compensation paid by a foreign corporation will be taxable income when there is no substantial risk of forfeiture to the compensation. A substantial risk of forfeiture exists where the receipt of compensation is conditioned upon the future performance of substantial services in order to receive that compensation. Individuals who currently take advantage of such tax planning and who wish to make deferrals would be limited to making deferrals under qualified arrangements which are subject to annual limitations.

The Offshore Deferred Compensation Reform Act of 2007 is not intended to prohibit a foreign deferred compensation arrangement if the foreign corporation entering into the arrangement is subject to tax on substantially all of its income and denied an immediate deduction for compensation that is deferred. For purposes of the legislation, a foreign corporation would be any foreign corporation unless substantially all of its income effectively connected to a trade or business in the U.S. or is subject to an income tax imposed by a foreign country that has a comprehensive tax treaty with the U.S., and a deduction is allowed for compensation under rules that are substantially similar to the way in which the U.S. provides deductions for compensation. In addition, the Secretary of the Treasury is given authority to determine whether a foreign corporation that operates in a country without a formal tax treaty with the U.S. can qualify for the exemption.

There are many different ways to structure an offshore deferral arrangement. A prototypical structure would be an executive who elects to defer his or her year-end bonus in an offshore investment fund for a period of time, typically, 5 to 10 years. The bonus and any associated earnings would not be taxable until the end of the term of the arrangement, assuming it complies with the Code Section 409A requirements. This legislation only affects compensation which is earned, vested, and deferred after 2007.

The Offshore Deferred Compensation Act of 2007 only addresses offshore nonqualified deferred compensation because these arrangements have the potential to be more abusive than onshore arrangements. This does meant that I believe that we should not continue to look at limiting all nonqualified deferred compensation. I will continue to work with the Finance Committee on this issue.

This legislation will put an end to offshore deferral arrangements being used as unlimited IRAs. I look forward to working will my colleagues to address this issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2199

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Offshore Deferred Compensation Reform Act of 2007''.

**SEC. 2. SPECIAL RULE FOR CERTAIN FOREIGN NONQUALIFIED DEFERRED COMPENSATION.**

(a) IN GENERAL.—Subpart B of part II of subchapter E of chapter 1 of the Internal Revenue Code of 1986 (relating to taxable year for which items of gross income included) is amended by inserting after section 457 the following new section:

**"SEC. 457A. CERTAIN FOREIGN NONQUALIFIED DEFERRED COMPENSATION.**

''(a) IN GENERAL.—Any compensation which is deferred under a nonqualified deferred compensation plan (within the meaning of section 409A(d)) of a nonqualified foreign corporation is includible in gross income for purposes of this chapter when there is no substantial risk of forfeiture of the rights to such amount.

''(b) NONQUALIFIED FOREIGN CORPORATION.—For purposes of this section, the term 'nonqualified foreign corporation' means any foreign corporation unless substantially all of the income of such corporation—

''(1) is effectively connected with the conduct of a trade or business in the United States, or

''(2) is subject to an income tax imposed by a foreign country, but only if—

''(A)(i) such corporation is eligible for benefits of a comprehensive income tax treaty which such country has with the United States which the Secretary determines is satisfactory for purposes of this section and which includes an exchange of information program, or

''(ii) the Secretary determines that such income tax is a comprehensive income tax satisfactory for purposes of this section, and

''(B) a deduction is allowed for compensation described in subsection (a) under rules substantially similar to the rules of this title.

''(c) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (4), (5), and (6) of section 409A(d) shall apply for purposes of this section.

''(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 of such Code is amended by inserting after the item relating to section 457 the following new item:

''Sec. 457A. Certain foreign nonqualified deferred compensation.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts deferred in taxable years beginning after December 31, 2007.

(2) EARNINGS.—The amendments made by this section shall apply to earnings on deferred compensation only to the extent that such amendments apply to such compensation.

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By Mr. CONRAD (for himself, Mr. JOHNSON, and Mr. TESTER):

S. 2200. A bill to authorize the use of Federal funds for flexible financing of Indian tribal municipal, rural, and industrial water system construction projects by certain federally recognized Indian tribes; to the Committee on Indian Affairs.

Mr. CONRAD. Mr. President, there are still parts of this country where having access to a clean, reliable water supply is not guaranteed. Believe it or not, there are still places, many of which are on Indian reservations, where individuals must haul their daily water for drinking, cooking, and cleaning.

Over the years, Congress has authorized several municipal, rural and industrial water supply projects for tribes; however, funding for those projects has lagged significantly. This, coupled with construction costs that are increasing on average about 10 percent a year, makes it difficult for tribes to assemble cost-effective bid packages to get these projects built in a reasonable time frame. As a result, many of the projects have stalled or have yet to be built.

One mechanism to address this dilemma would be to allow tribes to utilize flexible financing to construct these vital projects. Under this option, tribes could issue tax exempt bonds or enter into other loans to construct these projects now, and then utilize Federal appropriations to pay financing costs over time. This concept has been launched in the Indian Reservation Roads IRR, program, which has become a model for financing tribal infrastructure projects. The Standing Rock Sioux Tribe in my State was the leader in securing the initial agreement in the IRR program. This agreement has allowed the tribe to undertake a major road construction project and complete it in a few short years. Without this flexibility, the project would have taken upwards of 20 years and $27 million more to complete, according to the tribe's analysis.

A Department of Interior administrative ruling issued on December 22, 2005, held that debt financing is an allowable use of Federal funds under a tribe's self-determination agreement if the debt instrument is used to pay for valid water construction costs. Unfortunately, this ruling applied to only one tribe. The legislation I am introducing today would affirm the ruling for all tribes, making them eligible for reimbursement of such financing costs. This will provide tribes with the necessary flexibility to get their projects built now as opposed to having construction drag out for years, which will only increase the costs to the Federal Government and delay the delivery of safe, clean drinking water to many.

We have a trust obligation to meet the needs of Indian tribes. Ensuring a safe, reliable water supply is part of this obligation. In the 21st century, no home in this country should be without access to quality water.

I am pleased that Senators JOHNSON and TESTER are original cosponsors, and I urge my colleagues to support this important legislation.

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By Mr. COLEMAN:

S. 2201. A bill to provide for the penalty-free use of retirement funds for mortgage delinquency relief; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I rise today to introduce the Home Ownership Mortgage Emergency Act, HOME Act, my good friend Senator MARTINEZ.

This bill seeks to provide a measure of relief to those homeowners who are having troubles meeting their mortgage payments and as a result are facing the prospect of having their homes foreclosed.

As a former Mayor, I know the value and importance homeownership has on our communities. Housing is after all one of the foundational assets of our society. Policies encouraging homeownership is a good thing, not just for our communities but also for first-time homebuyers who through homeownership can be a part of the ownership society.

Over the years, we made great progress as the homeownership rate has increased from 64 percent in 1994 to 69 percent in 2006. That is why I am very troubled by the significant increase in the number of foreclosures that have occurred already and the projections of worse to come, as a record number of adjustable rate mortgages are due to reset in the months ahead, putting an increasing number of homeowners at serious risk of losing their homes. According to one estimate, $515 billion in adjustable rate mortgages are due to reset this year and $680 billion next year.

To underscore the seriousness of the situation, Mr. President, just consider these sobering figures. My State ranks 4th in the Nation in terms of the percentage of subprime mortgages in foreclosures, and currently 17 percent of subprime adjustable rate mortgages are past due. More generally, the number of foreclosures has increased 183 percent in the last year. Nationally, foreclosures have almost doubled in the last year, and more than 14.5 percent of subprime mortgages are past due.

While there is no one single solution to the housing crisis, there are a number of reasonable, measured efforts we can undertake that can help folks stay in their homes in these difficult times. To that end, I am introducing the HOME Act, which would allow low-to-middle income homeowners penalty-free access to their retirement savings and allow tax free distributions from their retirement savings so as long as the withdrawals are paid back to the retirement accounts.

More specifically, my bill would allow homeowners who are 60 days late in their mortgage payments to withdraw penalty-free up to $100,000 through 2009 to be used to refinance into an affordable mortgage or avoid foreclosure. Except for very limited cases, a 10 percent penalty is applied to early retirement distributions. As the tax code currently waives this penalty for distributions from Individual Retirement Accounts for first-time home purchases, I think it is only fair that we waive this penalty for those who want to keep their homes.

Bottom-line, this bill is about helping homeowners help themselves. While the 10 percent penalty is well-intentioned in that we want people to avoid using their retirement savings during their working years, times like these require us to recognize that sometimes such rules can be counterproductive. Both on a homeowner level and on a community level, I believe that it makes sense to enable those, who can, to keep their homes. Ultimately it is up to the homeowner to

decide whether it makes financial sense to turn to their retirement savings to keep their homes. At the very least however, for those who do decide to do so, we should not penalize them for trying to keep a roof over their heads and wanting to remain a part of the community they have called home.

I urge my colleagues to support this measure as we seek to help out homeowners in trouble.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2201

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Home Ownership Mortgage Emergency Act'' or the ''HOME Act''.

**SEC. 2. TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS FOR MORTGAGE DELINQUENCY RELIEF.**

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any qualified mortgage delinquency relief distribution.

(b) AGGREGATE DOLLAR LIMITATION.—

(1) IN GENERAL.—For purposes of this section, the aggregate amount of distributions received by an individual which may be treated as qualified mortgage delinquency relief distributions for any taxable year shall not exceed the excess (if any) of—

(A) $100,000, over

(B) the aggregate amounts treated as qualified mortgage delinquency relief distributions received by such individual for all prior taxable years.

(2) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to paragraph (1)) be a qualified mortgage delinquency relief distribution, a plan shall not be treated as violating any requirement of the Internal Revenue Code of 1986 merely because the plan treats such distribution as a qualified mortgage delinquency relief distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

(3) CONTROLLED GROUP.—For purposes of paragraph (2), the term ''controlled group'' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of such Code.

(c) AMOUNT DISTRIBUTED MAY BE REPAID.—

(1) IN GENERAL.—Any individual who receives a qualified mortgage delinquency relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of the Internal Revenue Code of 1986, as the case may be.

(2) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified mortgage delinquency relief distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified mortgage delinquency relief distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(3) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of such Code, if a contribution is made pursuant to paragraph (1) with respect to a qualified mortgage delinquency relief distribution from an individual retirement plan (as defined by section 7701(a)(37) of such Code), then, to the extent of the amount of the contribution, the qualified mortgage delinquency relief distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED MORTGAGE DELINQUENCY RELIEF DISTRIBUTION.—Except as provided in subsection (b), the term ''qualified mortgage delinquency relief distribution'' means any distribution from an eligible retirement plan made on or after the date of the enactment of this Act and before January 1, 2010, to an individual—

(A) whose acquisition indebtedness (as defined in section 163(h)(3)(B) of the Internal Revenue Code of 1986, without regard to clause (i) thereof) with respect to the principal residence of the taxpayer is in delinquency for at least 60 days, and

(B) whose adjusted gross income (as defined in section 62 of the such Code) for the taxable year of such distribution does not exceed $114,000 ($166,000 in the case of a joint return under section 6013 of such Code).

(2) ELIGIBLE RETIREMENT PLAN.—The term ''eligible retirement plan'' shall have the meaning given such term by section 402(c)(8)(B) of such Code.

(3) PRINCIPAL RESIDENCE.—The term ''principal residence'' has the same meaning as when used in section 121 of such Code.

(e) INCOME INCLUSION SPREAD OVER 3 YEAR PERIOD FOR QUALIFIED MORTGAGE DELINQUENCY RELIEF DISTRIBUTIONS.—

(1) IN GENERAL.—In the case of any qualified mortgage delinquency relief distribution, unless the taxpayer elects not to have this subsection apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(2) SPECIAL RULE.—For purposes of paragraph (1), rules similar to the rules of subparagraph (E) of section 408A(d)(3) of the Internal Revenue Code of 1986 shall apply.

(f) SPECIAL RULES.—

(1) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405 of the Internal Revenue Code of 1986, qualified mortgage delinquency relief distributions shall not be treated as eligible rollover distributions.

(2) QUALIFIED MORTGAGE DELINQUENCY RELIEF DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of such Code, a qualified mortgage delinquency relief distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A) of such Code.

(g) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2010, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date the legislative or regulatory amendment described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

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By Mr. WHITEHOUSE (for himself and Mrs. BOXER):

2204. A bill to assist wildlife populations and wildlife habitats in adapting to and surviving the effects of global warming, and for other purposes; to the Committee on Environment and Public Works.

Mr. WHITEHOUSE. Mr. President, I rise today to discuss the very real and serious issue of global climate change, and specifically our efforts to help America's fish and wildlife, public lands, and oceans adapt to and survive global warming.

I am aware that there remain some in this country, and even in this chamber, who choose to reject the overwhelming scientific evidence that global warming is occurring today, and will worsen severely if nothing is done. For years, Congress and the Bush administration have delayed the implementation of swift and aggressive measures to reduce our greenhouse gas emissions. We can delay no longer. But as we work to mitigate the causes of global warming, we must also take urgent action to address its effects.

Climate change can have a devastating impact not only on the environment, but on the living things that depend on it. The early warning signs of climate change—taking place not just in the far reaches of the Arctic but also right in our own backyards—have shown that the world's wildlife is particularly vulnerable.

In Rhode Island's Narragansett Bay, the state's most distinctive ecological feature, the gradually-warming water

temperature has contributed to a significant ecosystem shift. This warming has already resulted in a documented increase in ocean temperatures, leading to massive fish kills, like we experienced in Greenwich Bay in the summer of 2003, and other ecological damage.

The changing environment in the Bay has had a broad and significant impact on fish and shellfish. Cold water species, such as winter flounder, that were once abundant in the Bay and had a high commercial value have been replaced by warmer water species, such as scup, that have a lower value. This has happened in just the past 20 years—a frighteningly quick timeline and apparently not what Nature intended. The shift in species has serious implications for Rhode Island's fishermen, whose work has been part of our State's economy for generations.

When I recently traveled to Greenland to witness firsthand the most severe and visible effects of climate change, one of the most striking of these was global warming's impact on Greenland's population of polar bears. The Greenland ice cap is melting at a rate never before seen in documented history. Melting sea ice and glaciers there and in other parts of the Arctic are gradually raising sea levels around the world, shrinking polar bears' habitats and bringing them into increasing contact with humans. In some cases, we were told, villagers have been forced to shoot polar bears with their cubs forced into populated areas in search of food.

Global warming represents the single greatest threat to our natural environment and wildlife, and we must act decisively if we are to avoid disaster.

America's ocean and terrestrial wildlife is a fundamental part of our national heritage, and conservation of our wildlife is a core value shared by all Americans. Climate change is directly related to the species decline we have experienced over the last two decades, both on land and in our waters. The combined impact of climate change, loss of habitat due to development pressures, and exploitation of our natural resources threatens to drive many species over the brink to permanent extinction.

Today, I am introducing legislation that will help bolster our oceans and wildlife against one of the most significant of these pressures—that of global climate change.

The Global Warming Wildlife Survival Act represents the first comprehensive approach to mitigate the impact of climate change on America's wildlife, oceans, and other natural systems. I am proud and pleased to have the distinguished chair of the Environment and Public Works Committee, Senator BOXER, join me as an original cosponsor of this bill.

The bill has three primary goals: first, it will create a coordinated national strategy, based on sound science, to guide Federal, State, and local agency actions to address global warming's threat to our oceans and wildlife. The Secretary of Interior will develop a national strategy for managing terrestrial wildlife and the habitats they depend on, and the Secretary of Commerce will develop a national strategy for our oceans, coastal, and great lakes ecosystems. Both Secretaries will consult with other affected federal agencies, States, tribes, local governments, conservation organizations, and other stakeholders to develop the strategy.

Second, the bill will support improved science capacity for Federal agencies to respond to global warming, including the establishment of a National Global Warming and Wildlife Science Center in the U.S. Geological Survey for terrestrial wildlife and a comparable Science Advisory Board within the Department of Commerce to provide scientific and technical advice to respond to the impacts of global warming on ocean and coastal ecosystems.

Finally, the bill directs that funding for implementation of the national strategy be allocated in a balanced, strategic, and efficient way to the Federal programs, States, and tribal agencies charged with carrying out the national strategy.

The impact of climate change on our oceans and wildlife is an issue too important to ignore. Human activity has caused climate change and we must be responsible for solving it. We have an obligation to our children and grandchildren to leave behind a natural environment as good, and we would hope and pray better, than the one we inherited. Preserving America's wildlife and oceans so that the next generation can enjoy an unspoiled natural environment, and our many traditions of hunting, fishing and other outdoor recreation, is a responsibility we must uphold.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2204

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Global Warming Wildlife Survival Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—NATURAL RESOURCES AND WILDLIFE PROGRAMS

Sec. 101. Definitions.

Subtitle A—National Policy and Strategy for Wildlife

Sec. 111. National policy on wildlife and global warming.
Sec. 112. National strategy.
Sec. 113. Advisory Board; National Global Warming and Wildlife Science Center.
Sec. 114. Authorization of appropriations.

Subtitle B—State and Tribal Wildlife Grants Program

Sec. 121. State and tribal wildlife grants program.

TITLE II—OCEAN PROGRAMS

Sec. 201. Short title.
Sec. 202. Findings.

Subtitle A—National Policy for Ocean, Coastal, and Great Lakes Ecosystem Health and Resiliency

Sec. 211. National policy on ocean, coastal, and great lakes ecosystem health and resiliency.
Sec. 212. National ocean, coastal, and Great Lakes resiliency strategy.
Sec. 213. Advisory Board.
Sec. 214. Implementation of national strategy.
Sec. 215. Reports.
Sec. 216. Authorization of appropriations.

Subtitle B—Planning for Climate Change in Coastal Zone

Sec. 221. Planning for climate change in coastal zone.

TITLE III—SPECIAL IMPERILED SPECIES PROGRAMS

Sec. 301. Definitions.
Sec. 302. Regional ecological symposia.
Sec. 303. National Academy of Sciences report.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ECOLOGICAL PROCESSES.—

(A) IN GENERAL.—The term ''ecological processes'' means the biological, chemical, and physical interactions between the biotic and abiotic components of an ecosystem.

(B) INCLUSIONS.—The term ''ecological processes'' includes—

(i) nutrient cycling;

(ii) pollination;

(iii) predator-prey relationships;

(iv) soil formation;

(v) gene flow;

(vi) hydrologic cycling;

(vii) decomposition; and

(viii) disturbance regimes, such as fire and flooding.

(2) HABITAT.—

(A) IN GENERAL.—The term ''habitat'' means the physical, chemical, and biological properties that are used by wildlife for growth, reproduction, and survival.

(B) INCLUSIONS.—The term ''habitat'' includes aquatic and terrestrial plant communities, food, water, cover, and space on a tract of land, in a body of water, or in an area or region.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) WILDLIFE.—The term ''wildlife'' means—

(A) any species of wild, free-ranging fauna, including fish and other aquatic species; and

(B) any fauna in a captive breeding program the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range.

## TITLE I—NATURAL RESOURCES AND WILDLIFE PROGRAMS

**SEC. 101. DEFINITIONS.**

In this title:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the Advisory Board established under section 113(a).

(2) HABITAT LINKAGE.—The term ''habitat linkage'' means an area that—

(A) connects wildlife habitat or potential wildlife habitat; and

(B) facilitates the ability of wildlife to move within a landscape in response to the effects of global warming.

(3) NATIONAL STRATEGY.—The term ''national strategy'' means the national strategy established under section 112.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

### Subtitle A—National Policy and Strategy for Wildlife

**SEC. 111. NATIONAL POLICY ON WILDLIFE AND GLOBAL WARMING.**

It is the policy of the Federal Government, in cooperation with State, tribal, and affected local governments, other concerned public and private organizations, landowners, and citizens to use all practicable means and measures—

(1) to assist wildlife populations and wildlife habitats in adapting to and surviving the effects of global warming; and

(2) to ensure the persistence and resilience of the wildlife of the United States, together with wildlife habitat, as an essential part of the culture, landscape, and natural resources of the United States.

**SEC. 112. NATIONAL STRATEGY.**

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement the national policy under section 111 by establishing a national strategy for assisting wildlife populations and wildlife habitats in adapting to the impact of global warming.

(2) ADMINISTRATION.—In establishing the national strategy, the Secretary shall—

(A) base the national strategy on the best available science, as provided by the Advisory Board;

(B) develop the national strategy in cooperation with State fish and wildlife agencies and Indian tribes;

(C) consult with—

(i) the Secretary of Agriculture;

(ii) the Secretary of Commerce;

(iii) the Administrator of the Environmental Protection Agency;

(iv) local governments;

(v) conservation organizations;

(vi) scientists; and

(vii) other interested stakeholders; and

(D) provide public notice and opportunity for comment.

(b) CONTENTS.—

(1) IN GENERAL.—The Secretary shall include in the national strategy prioritized goals and measures and a plan for implementation (including a timeframe)—

(A) to identify and monitor wildlife populations, including game species, that are likely to be adversely affected by global warming, with particular emphasis on wildlife populations with the greatest need for conservation;

(B) to identify and monitor coastal, marine, terrestrial, and fresh water habitats that are at the greatest risk of being damaged by global warming;

(C) assist species in adapting to the impact of global warming;

(D) protect, acquire, and restore wildlife habitat to build resilience to global warming;

(E) provide habitat linkages and corridors to facilitate wildlife movements in response to global warming;

(F) restore and protect ecological processes that sustain wildlife populations that are vulnerable to global warming; and

(G) incorporate consideration of climate change in, and integrate climate change adaptation strategies for wildlife and wildlife habitat into, the planning and management of Federal land administered by the Department of the Interior and land administered by the Forest Service.

(2) COORDINATION WITH OTHER PLANS.—In developing the national strategy, the Secretary shall, to the maximum extent practicable—

(A) take into consideration research and information contained in—

(i) State comprehensive wildlife conservation plans;

(ii) the North American Waterfowl Management Plan;

(iii) the National Fish Habitat Action Plan; and

(iv) other relevant plans; and

(B) coordinate and integrate, to the extent consistent with the policy established under section 111, the goals and measures identified in the national strategy with goals and measures identified in those plans.

(c) REVISIONS.—Not later than 5 years after the date of the initial establishment of the national strategy and every 10 years thereafter, the Secretary shall revise the national strategy to reflect—

(1) new information on the impact of global warming on wildlife and wildlife habitat; and

(2) advances in the development of strategies for adapting to or mitigating the impact.

(d) IMPLEMENTATION.—

(1) IMPLEMENTATION ON FEDERAL LAND SYSTEMS.—To achieve the goals of the national strategy and to implement measures for the conservation of wildlife and wildlife habitat identified in the national strategy—

(A) the Secretary of the Interior shall exercise the authority of the Secretary under this title and other laws within the jurisdiction of the Secretary pertaining to the administration of land; and

(B) the Secretary of Agriculture shall exercise the authority of the Secretary of Agriculture under this title and other laws within the jurisdiction of the Secretary pertaining to the administration of land.

(2) WILDLIFE CONSERVATION PROGRAMS.—To the maximum extent practicable, the Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall use the authorities of the respective Secretary under other laws to achieve the goals of the national strategy.

(e) LIMITATION ON EFFECT.—Nothing in this section creates new authority or expands any existing authority for the Secretary to regulate the use of private property.

**SEC. 113. ADVISORY BOARD; NATIONAL GLOBAL WARMING AND WILDLIFE SCIENCE CENTER.**

(a) ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary shall establish and appoint the members of an Advisory Board that is composed of—

(A) not less than 10, and not more than 20, members recommended by the President of the National Academy of Sciences with expertise in wildlife biology, ecology, climate change, and other relevant disciplines; and

(B) the Director of the National Global Warming and Wildlife Science Center established under subsection (b), who shall be an ex officio member of the Advisory Board.

(2) FUNCTIONS.—The Advisory Board shall—

(A) provide scientific and technical advice and recommendations to the Secretary on—

(i) the impact of global warming on wildlife and wildlife habitat;

(ii) areas of habitat of particular importance for the conservation of wildlife populations affected by global warming; and

(iii) strategies and mechanisms to assist wildlife populations and wildlife habitats in adapting to the impact of global warming on the management of Federal land and in other Federal programs for wildlife conservation;

(B) advise the National Global Warming and Wildlife Science Center established under subsection (b) and review the research programs of the Center; and

(C) advise the Secretary regarding the best science available for purposes of developing and revising the national strategy established under section 112.

(3) PUBLIC AVAILABILITY.—The advice and recommendations of the Advisory Board shall be available to the public.

(b) NATIONAL GLOBAL WARMING AND WILDLIFE SCIENCE CENTER.—

(1) IN GENERAL.—The Secretary shall establish a National Global Warming and Wildlife Science Center within the United States Geological Survey.

(2) DIRECTOR.—The Center shall be headed by a Director, appointed by the Secretary.

(3) FUNCTIONS.—The Center shall—

(A) conduct scientific research on national issues relating to the impact of global warming on wildlife and wildlife habitat and mechanisms for adaptation to, mitigation of, or prevention of the impact;

(B) consult with and advise Federal land management agencies and Federal wildlife agencies on—

(i) the impact of global warming on wildlife and wildlife habitat and mechanisms for adaptation to or mitigation of the impact; and

(ii) the incorporation of information regarding the impact and the adoption of mechanisms for adaptation or mitigation of the impact in the management and planning for Federal land and in the administration of Federal wildlife programs; and

(C) consult and, to the maximum extent practicable, collaborate with State and local agencies, institutions of higher education, and other public and private entities regarding research, monitoring, and other efforts to address the impact of global warming on wildlife and wildlife habitat.

(4) INTEGRATION WITH OTHER FEDERAL ACTIVITIES.—The Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall ensure that research and other activities carried out under this section are integrated with climate change program research and activities carried out under other Federal law.

(c) DETECTION OF CHANGES.—The Secretary, the Secretary of Agriculture, and the Secretary of Commerce shall use existing authorities to each carry out programs to detect changes in wildlife abundance, distribution, and behavior related to global warming, including—

(1) conducting species inventories on Federal land and in marine areas within the exclusive economic zone of the United States; and

(2) establishing and implementing robust, coordinated monitoring programs.

**SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

(b) IMPLEMENTATION OF NATIONAL STRATEGY.—Of the amount that is made available to carry out this subtitle for each fiscal year—

(1) 45 percent of the amount shall be made available to Federal agencies to develop and implement the national strategy established

under section 112 in the administration of Federal land systems, of which not less than—

(A) 35 percent shall be allocated to the Department of the Interior—

(i) to operate the National Global Warming and Wildlife Science Center established under section 113(b); and

(ii) to carry out the policy established under section 111, and implement the national strategy, in the administration of—

(I) the National Park System;

(II) the National Wildlife Refuge System; and

(III) public land of the Bureau of Land Management; and

(B) 10 percent shall be allocated to the Department of Agriculture to carry out the policy established under section 111, and implement the national strategy, in the administration of the National Forest System;

(2) 25 percent of the amount shall be made available to Federal agencies to carry out the policy established under section 111, and to implement the national strategy, in the administration of fish and wildlife programs (other than for the operation and maintenance of Federal land), of which—

(A) 10 percent shall be allocated to the Department of the Interior to carry out endangered species, migratory bird, and other fish and wildlife programs administered by the United States Fish and Wildlife Service, other than operations and maintenance of the National Wildlife Refuges; and

(B) 15 percent shall be allocated to the Department of the Interior to implement or fund activities that assist wildlife and wildlife habitat in adapting to the impact of global warming under applicable cooperative grant programs, including—

(i) grants from the cooperative endangered species conservation fund established under section 6(i) of the Endangered Species Act of 1973 (16 U.S.C. 1535(i));

(ii) Private Stewardship Grants;

(iii) grants from the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(iv) grants from the multinational species conservation fund established under the heading ''MULTINATIONAL SPECIES CONSERVATION FUND'' of title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246);

(v) grants from the Neotropical Migratory Bird Conservation Fund established by section 9(a) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6108(a)); and

(vi) grants under the National Fish Habitat Action Plan; and

(3) 30 percent of the amount shall be made available for grants to States and Indian tribes through the State and tribal wildlife grants program authorized under section 121—

(A) to carry out activities that assist wildlife and wildlife habitat in adapting to the impact of global warming in accordance with State comprehensive wildlife conservation plans developed and approved under the program; and

(B) to revise or supplement existing State comprehensive wildlife conservation plans as necessary to include specific strategies for assisting wildlife and wildlife habitat in adapting to the impact of global warming.

(c) AVAILABILITY TO STATES AND INDIAN TRIBES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), funding under this section may be made available to States and Indian tribes in accordance with this section.

(2) INITIAL 5-YEAR PERIOD.—During the 5-year period beginning on the date of enactment of this Act, a State shall not be eligible to receive funds under this section unless the head of the wildlife agency of the State has—

(A) approved, and provided to the Secretary, an express strategy to assist wildlife populations in adapting to the impact of global warming in the State; and

(B) incorporated the strategy as a supplement to the comprehensive wildlife conservation plan of the State.

(3) SUBSEQUENT PERIOD.—After the 5-year period described in paragraph (2), a State shall not be eligible to receive funds under this section unless the State has submitted to the Secretary, and the Secretary has approved, a revision to the comprehensive wildlife conservation plan of the State that—

(A) describes the impact of global warming on the diversity and health of the wildlife populations and habitat of the State;

(B) describes and prioritizes proposed conservation actions to assist wildlife populations in adapting to the impact;

(C) establishes programs for monitoring the impact of global warming on wildlife populations and wildlife habitat; and

(D) establishes methods for—

(i) assessing the effectiveness of conservation actions taken to assist wildlife populations in adapting to the impact; and

(ii) adapting the actions to respond appropriately to new information or changing conditions.

(d) MAINTENANCE OF EFFORT.—It is the intent of Congress that funding provided under this subtitle supplements (and not supplants) existing sources of funding for wildlife conservation.

**Subtitle B—State and Tribal Wildlife Grants Program**

**SEC. 121. STATE AND TRIBAL WILDLIFE GRANTS PROGRAM.**

(a) AUTHORIZATION OF PROGRAM.—The Secretary shall establish a State and tribal wildlife grants program under which the Secretary shall provide wildlife conservation grants to States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and Indian tribes for the planning, development, and implementation of programs for the benefit of wildlife and wildlife habitat, including species that are not hunted or fished.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), of the amount that is made available to carry out this section for each fiscal year—

(A) 10 percent shall be used to conduct a competitive grant program for Indian tribes that are not subject to any other provision of this section;

(B) of the amount remaining after the application of subparagraph (A) and after the deduction of the administrative expenses incurred by the Secretary to carry out this section—

(i) not more than ½ of 1 percent shall be allocated to provide grants to each of—

(I) the District of Columbia; and

(II) the Commonwealth of Puerto Rico; and

(ii) not more than ¼ of 1 percent shall be allocated to each of—

(I) Guam;

(II) American Samoa;

(III) the Commonwealth of the Northern Mariana Islands; and

(IV) the United States Virgin Islands; and

(C) of the amount remaining after the application of subparagraphs (A) and (B), the Secretary shall apportion among the States—

(i) ⅓ based on the ratio that the land area of each State bears to the total land area of all States; and

(ii) ⅔ based on the ratio that the population of each State bears to the total population of all States.

(2) ADJUSTMENTS.—The amount apportioned under paragraph (1)(C) for a fiscal year shall be adjusted equitably so that no State is apportioned under that subparagraph an amount that is—

(A) less than 1 percent of the amount available for apportionment under that subparagraph for the fiscal year; or

(B) more than 5 percent of the amount.

(c) COST SHARING.—

(1) PLAN DEVELOPMENT GRANTS.—The Federal share of the costs of developing or revising a comprehensive wildlife conservation plan shall not exceed 75 percent of the total costs of developing or revising the plan.

(2) PLAN IMPLEMENTATION GRANTS.—The Federal share of the costs of carrying out an activity under an approved comprehensive wildlife conservation plan carried out with a grant under this section shall not exceed 50 percent of the total costs of carrying out the activity.

(3) PROHIBITION ON USE OF FEDERAL FUNDS.—The non-Federal share of costs of an activity carried out under this section shall not be paid with amounts derived from any Federal grant program.

(d) REQUIREMENT FOR PLAN.—

(1) IN GENERAL.—No State, territory, possession, or other jurisdiction (referred to in this subsection as an ''eligible jurisdiction'') shall be eligible for a grant under this section unless the eligible jurisdiction submits to the Secretary a comprehensive wildlife conservation plan that—

(A) complies with paragraph (2); and

(B) considers the broad range of wildlife and associated habitats of the eligible jurisdiction, with appropriate priority placed on species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species.

(2) CONTENTS.—The comprehensive wildlife conservation plan of an eligible jurisdiction shall contain—

(A) information on the distribution and abundance of species of wildlife (including low and declining populations as the fish and wildlife agency of the eligible jurisdiction considers appropriate) that are indicative of the diversity and health of the wildlife of the eligible jurisdiction;

(B) information on the location and relative condition of key habitats and community types essential to the conservation of species identified under subparagraph (A);

(C) a description of—

(i) problems that may adversely affect species identified under subparagraph (A) or the habitats of the species; and

(ii) priority research and survey efforts that are needed to identify factors that may assist in the restoration and improved conservation of those species and habitats;

(D) a description of conservation actions proposed to conserve the identified species and habitats and priorities for implementing the actions;

(E) a proposed plan for monitoring species identified under subparagraph (A) and the habitats of the species, for—

(i) monitoring the effectiveness of the conservation actions proposed under subparagraph (D); and

(ii) adapting the conservation actions to respond appropriately to new information or changing conditions;

(F) a description of procedures to review the comprehensive wildlife conservation plan at intervals of not to exceed 10 years;

(G) a plan for coordinating the development, implementation, review, and revision of the comprehensive wildlife conservation plan with Federal, State, and local agencies and Indian tribes that manage significant land and water areas within the jurisdiction or administer programs that significantly affect the conservation of identified species and habitats; and

(H) provisions that provide an opportunity for broad public participation as an essential element of the development, revision, and implementation of the comprehensive wildlife conservation plan.

(e) EXISTING STRATEGIES AND ACTIVITIES.—

(1) STRATEGIES.—A State comprehensive wildlife strategy that was approved by the Secretary pursuant to a provision of law in effect on the day before the date of enactment of this Act shall remain in effect until the authority for the strategy expires or is revised in accordance with the terms of the strategy.

(2) ACTIVITIES.—Except as specified in section 114(c), funds made available under this section may be used to carry out conservation and education activities conducted or proposed to be conducted pursuant to a strategy described in paragraph (1).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

## TITLE II—OCEAN PROGRAMS

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Global Warming and Acidification Coastal and Ocean Resiliency Act''.

**SEC. 202. FINDINGS.**

Congress finds that—

(1) healthy, diverse, and productive coastal, ocean, and Great Lakes ecosystems, communities, and habitats are critical to securing the full range of natural resource benefits for the United States;

(2) healthy ecosystems are more resilient than degraded ecosystems;

(3) resilient ecosystems can better adapt to changing environmental conditions, including global warming and ocean acidification;

(4) the effects of global warming, including relative sea level rise and ocean acidification pose significant threats to healthy ocean, coastal, and Great Lakes ecosystems; and

(5) policies and programs designed to ensure the recovery, resilience, and health of coastal, ocean, and Great Lakes ecosystems and the resources of the ecosystems in the face of environmental change are an urgent national priority.

### Subtitle A—National Policy for Ocean, Coastal, and Great Lakes Ecosystem Health and Resiliency

**SEC. 211. NATIONAL POLICY ON OCEAN, COASTAL, AND GREAT LAKES ECOSYSTEM HEALTH AND RESILIENCY.**

It is the policy of the Federal Government, in cooperation with State, tribal, and affected local governments, other concerned public and private organizations, coastal and ocean resource users, and citizens to take effective measures—

(1) to ensure the recovery, resiliency, and health of ocean, coastal, and Great Lakes ecosystems;

(2) to predict, plan for, and mitigate the impact on coastal, ocean, and Great Lakes ecosystems from global warming, including relative sea level rise, and from ocean acidification;

(3) to plan for and mitigate the impact of the development of offshore alternative energy resources and appropriate carbon capture and sequestration activities; and

(4) to cooperate and collaborate to support improved and enhanced ocean and coastal management in the United States.

**SEC. 212. NATIONAL OCEAN, COASTAL, AND GREAT LAKES RESILIENCY STRATEGY.**

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Commerce (referred to in this title as the ''Secretary'') shall implement the national policy under section 211 by establishing a national strategy to protect, maintain, and restore coastal and marine ecosystems so that the ecosystems are more resilient and better able to withstand the additional stresses associated with global warming, including relative sea level rise, and with ocean acidification.

(2) MEASURES.—In establishing the national strategy, the Secretary shall provide for research and design of practical measures—

(A) to avoid, alleviate, or mitigate the impact of global warming, including relative sea level rise, and of ocean acidification on ocean, coastal, and Great Lakes ecosystems and resources in the United States; and

(B) to ensure the recovery, resiliency, and health of ocean, coastal, and Great Lakes ecosystems.

(3) ADMINISTRATION.—Before and during the development of the national strategy, the Secretary shall—

(A) base the national strategy on the best available science;

(B) consult with—

(i) the Secretary of the Interior;

(ii) the Administrator of the Environmental Protection Agency;

(iii) Regional Fishery Management Councils;

(iv) State coastal management and fish and wildlife agencies;

(v) Indian tribes;

(vi) local governments;

(vii) conservation organizations;

(viii) scientists; and

(ix) other interested stakeholders; and

(C) provide public notice and opportunity for comment.

(b) CONTENTS.—

(1) IN GENERAL.—The Secretary shall include in the national strategy prioritized goals and measures and a plan for implementation (including a timeframe)—

(A) to incorporate climate change adaptation strategies into the planning and management of ocean and coastal programs and resources administered by the Department of Commerce;

(B) to incorporate the strategies into the planning and management of ocean and coastal resources administered by Federal and non-Federal governmental entities other than the Department of Commerce;

(C) to support predictions of relative sea level rise;

(D) to protect, maintain, and restore coastal and marine ecosystems so that the ecosystems are more resilient and better able to withstand the additional stresses associated with global warming, including relative sea level rise, and with ocean acidification;

(E) to protect ocean and coastal species from the impact of global warming and ocean acidification;

(F) to incorporate adaptation strategies for relative sea level rise into coastal zone planning;

(G) to protect and restore ocean and coastal habitats to build healthy and resilient ecosystems, including the purchase of coastal and island land; and

(H) to promote the development of plans to mitigate at the community level the economic consequences of global warming, including relative sea level rise and ocean acidification.

(2) COORDINATION WITH OTHER PLANS.—In developing the national strategy, the Secretary shall, to the maximum extent practicable—

(A) take into consideration research and information contained in—

(i) Federal, regional, and State management and restoration plans;

(ii) the reports of the Pew Oceans Commission and the United States Commission on Ocean Policy; and

(iii) any other relevant reports and information; and

(B) encourage and take into account regional plans for protecting and restoring the health and resilience of ocean and coastal ecosystems, including the Great Lakes.

(c) REVISIONS.—Not later than 5 years after the date of the initial establishment of the national strategy and each 10 years thereafter, the Secretary shall revise the national strategy to reflect—

(1) new information on the impact of global warming, including relative sea level rise, and of acidification on ocean, coastal and Great Lakes ecosystems and the resources of the ecosystems; and

(2) advances in the development of strategies for adapting to or mitigating for the impact.

(d) IMPLEMENTATION.—To achieve the goals of the national strategy, each Federal agency shall (directly and in cooperation with other agencies) implement measures for the conservation of ocean, coastal, and Great Lakes ecosystems under the jurisdiction of the Federal agency that promote the national strategy established under this section.

**SEC. 213. ADVISORY BOARD.**

(a) IN GENERAL.—The Secretary shall establish and appoint the members of an Advisory Board that is composed of not less than 10, and not more than 20, members recommended by the President of the National Academy of Sciences with expertise in ocean, coastal, and Great Lakes biology, ecology, fisheries, climate change, ocean acidification, and other relevant disciplines, including economics at the community level.

(b) FUNCTION.—The Advisory Board shall—

(1) provide scientific and technical advice and recommendations to the Secretary on—

(A) the impact of global warming, including relative sea level rise, and of acidification on ocean and coastal ecosystems, resources, ecological and coastal communities, and habitats; and

(B) strategies and mechanisms to mitigate the impact of global warming, including relative sea level rise, and of acidification on ocean and coastal ecosystems;

(2) advise the Secretary on priorities for research or information collection; and

(3) advise the Secretary on priority needs for achieving systematic improvements in ocean and coastal resiliency for the purposes of section 212.

**SEC. 214. IMPLEMENTATION OF NATIONAL STRATEGY.**

(a) IN GENERAL.—Of the amount that is made available to carry out this subtitle for each fiscal year—

(1) 40 percent shall be made available for the carrying out of Federal responsibilities to develop and implement the national strategy established under section 212; and

(2) 60 percent shall be used to make grants under subsection (b).

(b) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to eligible entities to pay the Federal share (as determined by the Secretary) to carry out activities that contribute to or result in protecting, maintaining, or restoring the resilience and health of coastal, ocean, and Great Lakes ecosystems and resources, including planning and scientific research to support such purposes.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be—

(A) a Federal agency;

(B) an agency of a State or political subdivision;

(C) a regional partnership;

(D) an Indian tribe;

(E) an institution of higher education; or

(F) a nongovernmental organization.

(3) ELIGIBLE USES.—A grant provided under this subsection may only be used to carry out an activity described in paragraph (1) that is approved by the Secretary.

(4) PRIORITIZATION.—In approving applications under this subsection, the Secretary shall give priority to proposals that—

(A) implement measures to enhance the health or resilience of coastal, ocean, or Great Lakes areas of national significance, including biological, historical, and cultural measures;

(B) result in systematic improvements to the resilience and health of coastal and ocean ecosystems and resources;

(C) are sufficiently cooperative and broad in geographic scope to address the problem or need; and

(D) demonstrate cost-effectiveness based on ecosystems services provided per dollar of Federal expenditure, including consideration of the potential for a funding match.

(5) GUIDANCE.—The Secretary shall issue guidance regarding a process for—

(A) the approval or disapproval of applications for grants under this subsection, including opportunities for public comment; and

(B) the establishment of annual and multiyear national funding priorities.

(6) EVALUATION.—

(A) IN GENERAL.—The Secretary shall establish a system to provide for an annual external evaluation of each grant that measures the progress of implementation of the grant against the goals and objectives of the grant project.

(B) PUBLIC AVAILABILITY.—The Secretary shall make the results of the evaluations publicly available.

**SEC. 215. REPORTS.**

(a) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall report to Congress, not later than 2 years after the date of enactment of this Act, on the current and projected impact of global warming, including relative sea level rise, of ocean acidification, and on effective mitigation strategies for the ocean, coastal, and Great Lakes ecosystems and resources of the United States.

(b) REPORT TO CONGRESS.—The Secretary shall make available to Congress a copy of the strategy and implementation plan established under this subtitle (including any updates to the strategy and plan).

**SEC. 216. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

**Subtitle B—Planning for Climate Change in Coastal Zone**

**SEC. 221. PLANNING FOR CLIMATE CHANGE IN COASTAL ZONE.**

(a) IN GENERAL.—The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

**"SEC. 320. CLIMATE CHANGE RESILIENCY PLANNING.**

''(a) DEFINITIONS.—In this section, the terms 'ecological processes', 'habitat', and 'wildlife' have the meanings given those terms in section 2 of the Global Warming Wildlife Survival Act.

''(b) PROGRAM.—The Secretary shall establish, consistent with the national policies established under section 303, a coastal climate change resiliency planning and response program to—

''(1) provide assistance to coastal states to develop and implement coastal climate change resiliency plans pursuant to approved management programs approved under section 306, to prepare for and reduce, in an environmentally sensitive manner, the negative consequences to the coastal zone that may result from global warming and ocean acidification; and

''(2) provide financial and technical assistance and training to enable coastal states to implement plans developed pursuant to this section through enforceable policies of the coastal states.

''(c) GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the coastal states, shall issue guidelines for the implementation of the grant program established under subsection (d).

''(d) CLIMATE CHANGE RESILIENCY PLANNING GRANTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary may make a grant to any coastal state for the purpose of developing and implementing climate change resiliency plans pursuant to guidelines issued by the Secretary under subsection (c).

''(2) PLAN CONTENT.—

''(A) IN GENERAL.—A plan developed with a grant under this section shall include adaptation strategies for fish and wildlife, fish and wildlife habitat, and associated ecological process as are necessary to assist fish and wildlife, fish and wildlife habitat, and associated ecological processes to adapt to, become resilient to, and mitigate the impact of, global warming and ocean acidification.

''(B) INCLUSIONS.—The plans shall specifically include—

''(i) adaptive management strategies for land and water use to respond or adapt to changing environmental conditions, including strategies to protect biodiversity and establish habitat buffer zones, migration corridors, and climate refugia; and

''(ii) requirements—

''(I) to initiate and maintain long-term monitoring of environmental change to assess coastal zone resiliency; and

''(II) if necessary, to adjust adaptive management strategies and new planning guidelines to attain the policies under section 303.

''(3) ALLOCATION.—Grants under this section shall be—

''(A) available only to coastal states with management programs approved by the Secretary under section 306; and

''(B) allocated among the coastal states in a manner consistent with regulations promulgated pursuant to section 306(c).

''(4) PRIORITY.—In the awarding grants under this subsection, the Secretary may give priority to any coastal state that has received grant funding to develop program changes pursuant to paragraphs (1), (2), (3), (5), (6), (7), and (8) of section 309(a).

''(5) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to a coastal state (consistent with section 310) to ensure the timely development of plans supported by grants awarded under this subsection.

''(6) FEDERAL APPROVAL.—In order to be eligible for a grant under subsection (e), a coastal state shall have the plan of the coastal state developed under this section approved by the Secretary.

''(e) COASTAL RESILIENCY PROJECT GRANTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary may make grants to any coastal state that has a climate change resiliency plan approved under subsection (d)(6) for implementation of the plan.

''(2) PROGRAM REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 90 days after the date of approval of the first plan approved under subsection (d)(6), the Secretary shall publish in the Federal Register requirements regarding applications, allocations, eligible activities, and all terms and conditions for grants awarded under this subsection.

''(B) MERIT-BASED AWARDS.—No less than 30 percent of the funds made available for any fiscal year for grants under this subsection shall be awarded through a merit-based competitive process.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 318(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding by adding at the end the following:

''(3) for grants under subsections (d) and (e) of section 320, such sums as are necessary for each fiscal year.''.

**TITLE III—SPECIAL IMPERILED SPECIES PROGRAMS**

**SEC. 301. DEFINITIONS.**

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

(2) ECOSYSTEM.—The term ''ecosystem'' means any complex of a plant, animal, fungal, and microorganism community and the associated nonliving environment of the community that interacts as an ecological unit, including the species and the viability of species within the community.

(3) IMPERILED SPECIES.—The term ''imperiled species'' means—

(A) a species listed as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) a species proposed for listing under that Act;

(C) a candidate species under that Act.;

(D) a species listed as an endangered species under any State law; and

(E) a species, the population of which is declining at a significant rate.

**SEC. 302. REGIONAL ECOLOGICAL SYMPOSIA.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director, in coordination with the Director of the United States Fish and Wildlife Service and the Director of the National Marine Fisheries Service, shall convene multiple regional scientific symposia to examine the ecological impact of global warming on each imperiled species in each ecosystem of the United States.

(b) COMPOSITION.—A symposium convened in a region shall include—

(1) scientific representatives from Federal agencies with species- or ecosystem-related activities in the region;

(2) if appropriate, scientists or technical experts representing State, local, and tribal governments; and

(3) scientific experts from institutions of higher education and scientific societies, and any other independent scientists with sufficient qualifications and credentials, particularly with respect to site-specific ecological conditions and the status of species and ecological communities of concern in the region.

(c) DUTIES.—A symposium convened in a region shall—

(1) identify and assess fish, wildlife, and plant species, the habitats of the species, and the natural processes, ecosystems, and landscapes that support the habitats, that are most imperiled by global warming; and

(2) focus on imperiled species that are located on public land, declining migratory

birds species, and other species that are protected by treaty or international agreement.

**SEC. 303. NATIONAL ACADEMY OF SCIENCES REPORT.**

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall enter into an arrangement with the National Academy of Sciences under which the Academy shall convene a panel—

(1) to examine and analyze the reports, data, documents, and other information created by the multiple regional scientific symposia convened in accordance with section 302(a); and

(2) to prepare a report that takes into consideration each report, data, document, and other item of information described in paragraph (1).

(b) CONTENTS OF REPORT.—The report required under subsection (a)(2) shall include—

(1) an identification and assessment of—

(A) the impact of global warming on each imperiled species and ecosystem in the United States (including the territories of the United States); and

(B) different ecological scenarios that may result from different intensities, rates, and other critical manifestations of global warming;

(2) recommendations for specific roles to be played by Federal, State, local, and tribal agencies and private parties in assisting imperiled species in adapting to, and surviving the impacts of, climate change, including a recommended list of prioritized remediation actions by those agencies and parties; and

(3) other relevant ecological information.

(c) PUBLIC AVAILABILITY.—The recommendations and report required under this section shall be made available to the public as soon as practicable after the recommendations and report are complete.

(d) USE OF REPORT BY CERTAIN HEADS OF FEDERAL AGENCIES.—The Secretary of Agriculture, the Secretary of Commerce, and the Secretary of the Interior, in carrying out each national policy described in sections 111 and 211, shall take into account the recommendations and report required under this section.

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By Mr. DURBIN (for himself, Mr. HAGEL, and Mr. LUGAR):

S. 2205. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; read the first time.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2205

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2007'' or the ''DREAM Act of 2007''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(3) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

**SEC. 3. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 4, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the date of enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), paragraph (3), subparagraph (B), (C), (E), (F), or (G) of paragraph (6), or subsection (C) of paragraph (10) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except that if the alien is inadmissible solely under subparagraph (C) or (F) of paragraph (6) of such section, the alien had not yet reached the age of 16 years at the time the violation was committed; and

(ii) is not deportable under subparagraph (E) or (G) of paragraph (1), paragraph (2), subparagraph (B), (C), or (D) of paragraph (3), paragraph (4), or paragraph (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), except that if the alien is deportable solely under subparagraph (C) or (D) of paragraph (3) of such section, the alien had not yet reached the age of 16 years at the time the violation was committed;

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was had not yet reached the age of 30 years on the date of enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6) of the Immigration and Nationality Act and the ground of deportability under paragraphs (1), (3), and (6) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify such an extension shall be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

**SEC. 4. CONDITIONAL PERMANENT RESIDENT STATUS.**

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 5, an alien whose status has been adjusted under section 3 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(3) LIMITATION ON REMOVAL.—The Secretary may not remove an alien who has a pending application for conditional permanent resident status under this section.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 3(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 3(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in subparagraph (D) of such paragraph; and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary may extend the period of conditional resident status for the purpose of completing the requirements described in subparagraph (D) of paragraph (1).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

**SEC. 5. TREATMENT OF CERTAIN APPLICANTS.**

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (F) of section 3(a)(1) and subparagraph (D) of section 4(d)(1), the Secretary may adjust the status of the alien to that of a conditional resident in accordance with section 3. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 4(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 4(d)(1) during the entire period of conditional residence.

**SEC. 6. EXCLUSIVE JURISDICTION.**

(a) SECRETARY.—Except as provided in subsection (b), the Secretary shall have exclusive jurisdiction to determine eligibility for relief under this Act.

(b) ATTORNEY GENERAL.—Notwithstanding subsection (a), if an alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary under this Act until proceedings are terminated. If a final order of deportation, exclusion, or removal is entered for the alien the Secretary shall resume all powers and duties under this Act with respect to the alien.

**SEC. 7. STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.**

(a) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), (E), and (F) of section 3(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(b) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (a) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(c) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (a) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (a)(1).

**SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.**

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

**SEC. 9. CONFIDENTIALITY OF INFORMATION.**

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

**SEC. 10. HIGHER EDUCATION ASSISTANCE.**

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV, subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV, subject to the requirements of such part.

(3) Services under such title IV, subject to the requirements for such services.

**SEC. 11. GAO REPORT.**

Not later than 7 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 3(a);

(2) the number of aliens who applied for adjustment of status under section 3(a);

(3) the number of aliens who were granted adjustment of status under section 3(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 4.

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By Mr. SCHUMER (for himself, Mr. SPECTER, Mr. COCHRAN, and Mr. HARKIN:

S.J. Res. 21. A joint resolution proposing amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

Mr. HARKIN. Mr. President, today I am proud to join Senators SCHUMER, SPECTER and COCHRAN in introducing a constitutional amendment to overturn the 1976 Supreme Court decision in the case of Buckley v. Valeo and restore Congress's power to regulate campaign finances.

This constitutional amendment is a necessary first step in restoring confidence in our system of government. The Court's decision in Buckley, which equated money with speech, was fundamentally flawed. Unfortunately, since that decision, our democracy has been perverted. Costs of elections have spiraled out of control, office seekers are required to spend more time than ever raising money, and special interests correspondingly have greater access than ever before. As a result, the integrity of our democracy continues to wane.

Make no mistake, I am extremely reluctant to amend the Constitution. Amending the Constitution rightly is an extraordinary step that has seldom been done in our history. But, when it has been truly needed, we have done so. Reluctantly, I have reached the conclusion that it is needed now. Without this amendment, our nation is simply too limited in its ability to deal with corruption and to restore confidence in our electoral system. The integrity of our democratic system not only deems it appropriate for us to approve a constitutional amendment, it requires it.

Until we have the ability to truly create a system of campaign finance, we will continue to have an escalation of spending on campaigns, and an escalation of continued distrust by the American people in their political system. This amendment is a necessary first step and I encourage my colleagues to support this vital measure.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be placed in the RECORD, as follows:

S. J. RES. 21

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE—

''SECTION 1. Congress shall have power to regulate the raising and spending of money, including through setting limits, for campaigns for nomination for election to, or for election to, Federal office.

''SECTION 2. A State shall have power to regulate the raising and spending of money, including through setting limits, for—

''(1) State or local ballot initiatives, referenda, plebiscites, or other similar ballot measures; and

''(2) campaigns for nomination for election to, or for election to, State or local office.

''SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.''.

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## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 351—DESIGNATING THE WEEK BEGINNING OCTOBER 21, 2007, AS ''NATIONAL CHARACTER COUNTS WEEK''

Mr. DOMENICI (for himself, Mr. DODD, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. STEVENS, Mr. ROCKEFELLER, Mr. COCHRAN, Mr. DURBIN, Ms. MURKOWSKI, Mr. BIDEN, Mr. ENZI, Mr. PRYOR, and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 351

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the week beginning October 21, 2007, as ''National Character Counts Week''; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

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### SENATE RESOLUTION 352—EXPRESSING THE SENSE OF THE SENATE REGARDING THE 20TH ANNIVERSARY OF UNITED STATES-MONGOLIA RELATIONS

Ms. MURKOWSKI (for herself, Mr. LUGAR, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 352

Whereas the United States established diplomatic relations with the Government of Mongolia in January 1987 and established its first embassy in Ulaanbaatar in June 1988;

Whereas the United States and Mongolia are both fully democratic states committed to the rule of law;

Whereas, in 1991, the United States established normal trade relations with Mongolia and began a Peace Corps program that now boasts approximately 100 volunteers;

Whereas the United States has a continued commitment to Mongolia's economic and political development and has contributed over $150,000,000 in aid for that purpose since 1991;

Whereas the United States has supported Mongolia's participation in the International Monetary Fund, the World Bank, and the Asian Development Bank;

Whereas the United States and Mongolia strengthened their trade relationship through the signing of a Trade and Investment Framework Agreement in 2004 to boost bilateral commercial ties and resolve trade disputes;

Whereas Mongolia continues to work with the United States to combat global terrorism and, since April 2003, has contributed engineers, troops, and medical personnel to Operation Iraqi Freedom and has participated in training National Army artillery units in Afghanistan;

Whereas Mongolia has demonstrated an expanding desire to join the United States in